

Chapter 17.100
GENERAL PROVISIONS

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

Applicants for permits and approvals are subject to the provisions of this title and other ordinances and laws, which include, but are not limited to the following:

A. The Kitsap County Building Code, Chapter 14.04 of this code, adopted pursuant to the authority of RCW 19.27, 43.22, and portions of RCW 36.70A, 84.56, and 70.77. The Kitsap County Building Code regulates construction, alteration, demolition, abatement of hazards, use and occupancies of building and structures; and essential elements of buildings or systems serving buildings such as plumbing, heating and air conditioning, fire alarm, and suppression; and site development such as grading of a site; and location of a building on the site;

B. Chapters 16.04 through 16.44 of this code and Chapter 58.17 RCW, which concern subdivisions;

C. Chapter 16.48 of this code, which concerns short-plats;

D. Chapter 6.16 of this code, which concerns mobile home parks;

E. Chapter 43.21C RCW, the State Environmental Policy Act;

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F. Chapter 90.58 RCW, the Shoreline Management Act, and the Kitsap County Shoreline Management Master Program, Title 22 of this code;

G. Bremerton-Kitsap County health district ordinances and regulations regarding sewage disposal and other health matters;

H. Chapter 10.28 of this code, which concerns noise;

I. Chapter 17.450 of this title, which concerns view blockage requirements;

J. Title 19 of this code, the Kitsap County Critical Areas Ordinance;

K. Chapter 47.42 RCW, the Highway Advertising Control Act – Scenic Vistas Act;

L. RCW 18.27.100, Contractor's License;

M. RCW 36.70A and RCW 36.70B, the Growth Management Act;

N. Chapter 20.08 of this code and RCW 70.94.521 – 551, Commute Trip Reduction;

O. Kitsap County Code, as amended;

P. Chapter 16.56 of this code, regarding binding site plans;

Q. Chapters 9.16 and 9.48 of this code, concerning the regulation of solid waste;

R. Sections 10.24.080 – 10.24.100 of this code, regarding no-shooting areas;

S. Title 12 of this code, regarding standards relating to storm water management as adopted;

T. Ordinance No. 215-1998, the Comprehensive Plan;

U. Chapter 20.04 of this code, the Transportation Facilities Concurrency Ordinance; and

V. Title 21 of this code, the Land Use and Development Procedures Ordinance.

(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. 216-1998 § 4 (part), 1998)

17.100.040 Permitted uses.

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

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

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

2. The proposed use shall meet the stated purpose and general intent of the zone in which the use is proposed to be located;

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

4. The proposed use shall share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the land use zone in which it is to be located.

(Ord. 216-1998 § 4 (part), 1998)

17.100.050 Conflict with other regulations.

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

(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 the Zoning Ordinance and the Kitsap County Procedures Ordinance (Title 21 of this code), the Procedures Ordinance shall apply.

(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. 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. 216-1998 § 4 (part) (§ 17.100.080), 1998)

Chapter 17.110

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17.110.005 Generally.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.010 Abutting.

For the purposes of this title and the establishment of special development standards "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.

(Ord. 216-1998 § 4 (part), 1998)

17.110.015 Access or accessway.

"Access" or "accessway" 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. 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 an accessory dwelling unit. Such dwelling shall be subject to the requirements and conditions provided in Section 17.430.020(N).

(Ord. 216-1998 § 4 (part), 1998)

17.110.025 Accessory living quarters.

“Accessory living quarters” means separate living quarters contained within the primary residence. Accessory living quarters are subject to the requirements and conditions provided in Section 17.430.020(O).

(Ord. 216-1998 § 4 (part), 1998)

17.110.030 Accessory use or structure.

“Accessory use or structure” means one which is subordinate to the principal use of a building on the lot.

(Ord. 216-1998 § 4 (part), 1998)

17.110.035 Adjacent.

“Adjacent” means near, close; for example, an industrial zone across a street or highway from a commercial zone shall be considered as “adjacent.”

(Ord. 216-1998 § 4 (part), 1998)

17.110.040 Adjoin.

“Adjoin” means the same as “abutting.”

(Ord. 216-1998 § 4 (part), 1998)

17.110.045 Adult family home.

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

(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. 216-1998 § 4 (part), 1998)

17.110.055 Alley.

“Alley” means a public right-of-way not over thirty feet wide which generally affords a secondary means of access to abutting lots. Alleys are not intended for general public use.

(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. 281 (2002) § 1, 2002)

17.110.060 Animal.

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

(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. 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. 216-1998 § 4 (part), 1998)

17.110.075 Apartment.

“Apartment” means a dwelling unit in a multiple-family building.

(Ord. 216-1998 § 4 (part), 1998)

17.110.080 Apartment house.

“Apartment house” means the same as “Dwelling, Multiple-family.”

(Ord. 216-1998 § 4 (part), 1998)

17.110.085 Aquaculture practices.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.090 Automobile repair.

“Automobile repair” means upholstering of; replacement of parts for; motor service; rebuilding or reconditioning of engines; and partial painting or paint shop for motor vehicles, recreational vehicles or trailers.

(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 at retail only; including convenience stores where this activity takes place, and where repair service is secondary.

(Ord. 216-1998 § 4 (part), 1998)

17.110.100 Automobile wrecking or wrecking yard.

“Automobile wrecking or 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. 216-1998 § 4 (part), 1998)

17.110.103 Barrier buffer.

“Barrier buffer” means a landscape buffer intended to provide screening between different uses 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.

(Ord. 216-1998 § 4 (part), 1998)

17.110.105 Bed and breakfast house.

“Bed and breakfast house” means an owner-occupied dwelling which is used to provide overnight guest lodging for compensation in not more than four guest rooms (5-10 bedrooms will be reviewed as a conditional use) and which usually provides a morning meal as part of the room rate structure. Meal service at other times of the day will be reviewed as a conditional use.

(Ord. 281 (2002) § 2, 2002: Ord. 216-1998 § 4 (part), 1998)

17.110.110 Board.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.115 Boarding house.

“Boarding house” means a building other than a facility provided for under another definition or section of this title, or a hotel, where for compensation, meals, or lodging and meals are provided for four or more persons.

(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. 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. 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. 311 (2003) [Attachment 7 (part)], 2003)

17.110.130 Buffer, buffering.

“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. 216-1998 § 4 (part), 1998)

17.110.135 Building.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy.

(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. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

A. The elevation of the highest adjoining sidewalk or ground surface within a 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.

B. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in subsection (A) of this section is more than ten feet above lowest grade.

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

(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. 216-1998 § 4 (part), 1998)

17.110.150 Bulk plant.

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

(Ord. 216-1998 § 4 (part), 1998)

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. 216-1998 § 4 (part), 1998)

17.110.160 Clinic.

“Clinic” means a building or portion of a building containing offices for providing chiropractic, medical, dental, or psychiatric services not involving overnight housing of patients.

(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 but excluding groups organized primarily for business purposes.

(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. 216-1998 § 4 (part), 1998)

17.110.170 Commission or planning commission.

“Commission” or “planning commission” means the Kitsap County planning commission.

(Ord. 216-1998 § 4 (part), 1998)

17.110.175 Conditional use.

“Conditional use” means an activity specified by this title as a principal or an accessory use, permitted when authorized by the hearing examiner and subject to certain conditions.

(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. 216-1998 § 4 (part), 1998)

17.110.180 Congregate care facility.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.185 Contiguous.

“Contiguous” means the same as “abutting.”

(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 and on which seven or more 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. 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. 216-1998 § 4 (part), 1998)

17.110.196 Cottage housing development.

Four or more small, detached dwelling units sharing a commonly owned courtyard/common area and parking area.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

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

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

17.110.200 Day-care center.

“Day-care center” means a dwelling and premise in and on which more than twelve individuals or a building in and on which any number of individuals are cared for during some portion of a twenty-four-hour period. In no case shall these individuals reside in and on the premises.

(Ord. 216-1998 § 4 (part), 1998)

17.110.205 Day-care center, family.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.210 Density.

“Density” means a ratio comparing the number of dwelling units with land area. In all zones where a maximum allowable density is identified, the maximum allowable density is calculated based on gross acreage of the parcel. In all zones where a minimum density is required, the minimum density is calculated based on net developable acreage. Net developable acreage is determined by subtracting critical areas, required buffers, roadways, stormwater facilities and other portions of the site which are undevelopable, from the gross acreage.

(Ord. 281 (2002) § 3, 2002: Ord. 216-1998 § 4 (part), 1998)

17.110.215 Department.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.220 Development.

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

(Ord. 216-1998 § 4 (part), 1998)

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. 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. 216-1998 § 4 (part), 1998)

17.110.226 Drinking establishments.

“Drinking establishments” shall mean 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 wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of such beverages comprises less than twenty percent of the gross receipts (e.g., a lounge operated as part of a restaurant is considered to be accessory to a restaurant).

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

17.110.230 Drive-in restaurants.

“Drive-in restaurants” means those restaurants with facilities allowing take-out foods and beverages without leaving a vehicle. They generally also have the characteristics of high turnover restaurants. This definition includes those facilities with drive through windows where food and beverage may be obtained from a vehicle.

(Ord. 216-1998 § 4 (part), 1998)

17.110.240 Dwelling, single-family.

“Dwelling, single-family” or “single-family dwelling” means a building designed or used for residence purposes by not more than one family, and containing one dwelling unit only. A recreational vehicle is not considered a dwelling unit.

A. “Attached” means sharing common walls.

B. “Detached” means physically separated.

(Ord. 281 (2002) § 4, 2002; Ord. 216-1998 § 4 (part), 1998)

17.110.245 Dwelling, two-family or duplex.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.250 Dwelling, multiple-family.

“Dwelling, multiple-family” or “multi-family dwelling” means a building or portion thereof designed or used as a residence by three or more families, and containing three or more dwelling units.

(Ord. 216-1998 § 4 (part), 1998)

17.110.255 Dwelling unit.

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

(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. 216-1998 § 4 (part), 1998)

17.110.260 Employees.

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

(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. 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. 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. 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. 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. 216-1998 § 4 (part), 1998)

17.110.290 Frontage.

“Frontage” means that portion of a parcel of property which abuts a dedicated public street as defined in Section 17.110.690.

(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. 216-1998 § 4 (part), 1998)

17.110.300 Garage, public.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.301 General merchandise stores.

“General merchandise stores” shall mean 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. 311 (2003) [Attachment 7 (part)], 2003)

17.110.302 General office and management services.

“General office and management services” shall mean the offices of real estate agencies, mortgage brokers, advertising agencies, credit agencies, mailing services and postal substations, employment agencies, insurance agencies, management and consulting firms, accountants, attorneys, security brokers, financial advisors, architects, engineers, surveyors, tax preparation services, computer software development, and other similar business services. This may also include the administrative offices for businesses whose primary activity may be construction, manufacturing, utility services, or some other non-office use conducted elsewhere.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

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. 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; provided, gross floor area shall include decks, or porches when covered by a roof or portion of the floor above.

(Ord. 216-1998 § 4 (part), 1998)

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. 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. 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. 216-1998 § 4 (part), 1998)

17.110.335 Heavy equipment storage area.

“Heavy equipment storage area” means a place where two or more items of heavy equipment are stored.

(Ord. 216-1998 § 4 (part), 1998)

17.110.340 High turnover restaurants.

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

- (a) Food containers and utensils are disposable;
- (b) Restaurants are self-service;
- (c) Take-out foods and beverages are advertised as the principal business; or
- (d) Drive-in facilities are available.

(Ord. 216-1998 § 4 (part), 1998)

17.110.345 Home business.

“Home business” means a use conducted within a dwelling in a residential zone, which use is clearly secondary to the use of the parcel for residential purposes, or for which is provided in Section 17.430.020(G).

(Ord. 216-1998 § 4 (part), 1998)

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. 216-1998 § 4 (part), 1998)

17.110.360 Hospital.

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

(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.

(Ord. 216-1998 § 4 (part), 1998)

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. 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. 216-1998 § 4 (part), 1998)

17.110.375 Kennel.

“Kennel” means a place where five or more adult dogs are kept, for compensation, but excluding veterinary clinics and hospitals, pet shops and zoos.

(Ord. 216-1998 § 4 (part), 1998)

17.110.380 Kennel, hobby.

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

(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. 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. 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 150 lbs. or less).

(Ord. 216-1998 § 4 (part), 1998)

17.110.400 Lot.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.405 Lot area.

“Lot area” means the computed area contained within the lot lines; said area to be exclusive of public or private street or alley 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, except, lots in rural designations may compute to the centerline of public or private street or alley rights-of-way. Further, rural lots shall be considered 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. 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 130° within the lot lines.

(Ord. 216-1998 § 4 (part), 1998)

17.110.415 Lot coverage.

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

(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. 216-1998 § 4 (part), 1998)

17.110.425 Lot, interior.

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

(Ord. 216-1998 § 4 (part), 1998)

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. 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. 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 that boundary which adjoins the ordinary high water line on waterfront property.

(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. 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. 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. 216-1998 § 4 (part), 1998)

17.110.460 Lot width.

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

(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. 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. 216-1998 § 4 (part), 1998)

17.110.470 Manufactured home.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.475 Marina.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.477 Master plan.

“Master Plan” means a comprehensive plan to guide the long-term physical development of a particular area, a plan which has been prepared and approved pursuant to Chapter 17.415 of this title.

(Ord. 311 (2003) [Attachment 5 [§ 1]], 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 580 square inches in the aggregate.

(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. 216-1998 § 4 (part), 1998)

17.110.485 Mini-storage warehouse.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.490 Mobile home.

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

(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. 216-1998 § 4 (part), 1998)

17.110.495 Mobile/portable source.

“Mobile/portable source” means transmitters in vehicles or those which are capable of being moved from one point to another and operated from a given location for temporary use for a period of not more than one year.

(Ord. 216-1998 § 4 (part), 1998)

17.110.500 Modular home.

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

(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. 216-1998 § 4 (part), 1998)

17.110.504 Neighborhood commercial center.

“Neighborhood commercial center” shall mean a commercial center that occurs on a smaller site and is intended to provide for the local shopping needs of the immediate neighborhood in which it is located. New centers should be based upon demonstrated need and shall be compatible with a residential setting.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

17.110.505 Nonconforming lot.

“Nonconforming lot” means a lot which was lawfully created but which does not conform to the lot requirements of the zone in which was located as established by this title or other ordinances or amendments thereto.

(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. 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. 216-1998 § 4 (part), 1998)

17.110.520 Nursery.

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

(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. 216-1998 § 4 (part), 1998)

17.110.530 Nursing or rest home.

See Section 17.110.190, Convalescent, nursing or rest home.

(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 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; and

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.

(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. 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. 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. 216-1998 § 4 (part), 1998)

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. 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. 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. 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. 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. 216-1998 § 4 (part), 1998)

17.110.575 Perimeter setback.

“Perimeter setback” means in a performance based development (PBD), the horizontal distance between a building line and the exterior boundary of the PBD.
(Ord. 216-1998 § 4 (part), 1998)

17.110.580 Person.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.585 Pet.

“Pet” means any animal less than 150 pounds in weight, other than exotic animals, kept for companionship, recreation or other non-agricultural purposes.

(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. 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. 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. 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. 216-1998 § 4 (part), 1998)

17.110.605 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 a project may include clustering of structures and preservation of open space with a number of flexible and customized design features specific to the natural features of the property and the uses sought to be implemented. Specific lot area and setback requirements may be reduced or deleted in order to allow flexibility and innovation in building design or placement and to allow maximization of open space, sensitive areas and other components of the project.

(Ord. 216-1998 § 4 (part), 1998)

17.110.610 Planning commission.

“Planning commission” means the Kitsap County planning commission.

(Ord. 216-1998 § 4 (part), 1998)

17.110.615 Planning director.

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

(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. 216-1998 § 4 (part), 1998)

17.110.625 Premises.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.630 Principal uses permitted outright.

“Principal uses permitted outright” means those uses allowed as a matter of right within certain land use zones without requiring a public hearing, zoning permit, conditional use permit, or variance; provided, that such use is in accordance with the requirements of the particular zone and general conditions stated elsewhere in this title, and other applicable provisions of the county code.

(Ord. 216-1998 § 4 (part), 1998)

17.110.635 Prohibited use.

“Prohibited use” means any use which is not specifically enumerated or interpreted as allowable in that zone.

(Ord. 216-1998 § 4 (part), 1998)

17.110.640 Public facilities.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.645 Recreational open space.

“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. 216-1998 § 4 (part), 1998)

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. 216-1998 § 4 (part), 1998)

17.110.655 Recreational vehicle park.

“Recreational vehicle park” means a tract of land developed as a unit with individual sites to accommodate, on a transient basis, two or more recreational vehicles.

(Ord. 216-1998 § 4 (part), 1998)

17.110.660 Residential care facility.

“Residential care facility” means a facility that cares for at least five, but not more than fifteen functionally disabled persons, that is not licensed pursuant to RCW 70.128.

(Ord. 216-1998 § 4 (part), 1998)

17.110.665 Rooming house.

“Rooming house” means a building wherein furnished rooms without cooking facilities are rented for compensation to three or more non-transient persons, not included in the family unit of the owner or tenant of the premises.

(Ord. 216-1998 § 4 (part), 1998)

17.110.670 Setback.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.673 Separation buffer.

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

(Ord. 216-1998 § 4 (part), 1998)

17.110.674 Sheltered transit stop.

“Sheltered transit stop” shall mean a shelter for the protection from the elements for the waiting customers of a public transportation system.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

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 20 feet in elevation measured from grade, or taller than 20 feet in height measured from mean grade are considered signs for the purposes of this ordinance.

(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. 216-1998 § 4 (part), 1998)

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. 216-1998 § 4 (part), 1998)

17.110.687 Stealth technology.

See Section 17.110.057, Alternative technology.

(Ord. 281 (2002) § 6, 2002)

17.110.690 Street.

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

(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. 216-1998 § 4 (part), 1998)

17.110.705 Structure.

“Structure” means that which is built or constructed.

(Ord. 216-1998 § 4 (part), 1998)

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. 216-1998 § 4 (part), 1998)

17.110.710 Temporary sign.

“Temporary sign” means a sign 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. 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. 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. 216-1998 § 4 (part), 1998)

17.110.725 Townhouse.

“Townhouse” means a dwelling containing two or more dwelling units which share one or more common walls with other dwelling units, and with each dwelling unit individually occupying an individually owned parcel of land with no side yards between adjacent units.

(Ord. 216-1998 § 4 (part), 1998)

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. 216-1998 § 4 (part), 1998)

17.110.735 Use separation buffer.

See Section 17.110.673, Separation buffer

(Ord. 216-1998 § 4 (part), 1998)

17.110.740 Veterinary clinic.

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

(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. 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. 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. 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. 216-1998 § 4 (part), 1998)

17.110.765 Wireless communication antenna array.

“Wireless communication antenna array” includes 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 the omni-directional antenna (whip), a directional antenna (panel) and/or a parabolic antenna (dish).

(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. 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. 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. 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. 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. 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. 216-1998 § 4 (part), 1998)

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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. 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. 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 designated as follows:

Zones	Map Symbol	Density
Forest Resource Lands	FRL	1 dwelling unit / 40 acres
Rural Wooded	RW	1 dwelling unit / 20 acres
Rural Protection	RP	1 dwelling unit / 10 acres
Rural Residential	RR	1 dwelling unit / 5 acres
Urban Reserve	URS	1 dwelling unit / 10 acres
Urban Restricted	UR	1-5 dwelling unit(s) / acre
Urban Low Residential	UL	5-9 dwelling units / acre
Urban Cluster Residential	UCR	5-9 dwelling units / acre
Urban Medium Residential	UM	10-19 dwelling units / acre
Urban High Residential	UH	20-24 dwelling units / acre
Urban Village Center	UVC	Up to 18 dwelling units / net acre
Urban Town Center	UTC	not applicable
Highway/Tourist Commercial	HTC	not applicable
Urban Commercial	UC	not applicable
Neighborhood	NC	not applicable

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Zones	Map Symbol	Density
Commercial		
Regional Commercial	RC	not applicable
Business Park	BP	not applicable
Industrial	IND	not applicable
Business Center	BC	not applicable
Airport	A	not applicable
Mineral Resource	MR	not applicable

(Ord. 311 (2003) [Attachment 7 (part)], 2003: Ord. 216-1998 § 4 (part), 1998)

* Editor’s Note: Ordinance 216-1998 implemented new zoning classifications. The office of the director of community development should be consulted for clarification of former zoning designations compared with the new designations.

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. 230-1999 § 2 (part), 1999)

17.300.020 Uses permitted.

See Rural Use Table 17.320.020.
(Ord. 230-1999 § 2 (part), 1999)

17.300.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be 40 acres for newly created lots.
- B. Lot Width and Depth. Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than 2 times the corresponding lot depth or width.
- C. Front Yard. Minimum front yard setback shall be fifty (50) feet.
- D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be twenty (20) feet, and accessory buildings shall be twenty (20) feet.
- E. Setback from Forestry Use. For a single-family residence and accessory buildings, a perimeter setback of not less than one hundred (100) feet, when adjacent to land designated as forest resource land and utilized for timber production.
(Ord. 230-1999 § 2 (part), 1999)

17.300.040 Height regulations.

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five feet in height, except for those buildings directly associated with timber production and harvest.

(Ord. 230-1999 § 2 (part), 1999)

17.300.050 Signs.

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

(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. 230-1999 § 2 (part), 1999)

17.300.070 Special provisions.

Within four hundred feet of designated, undeveloped forest resource lands (FRL), the following language shall be attached to both plats and building permits:

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. 230-1999 § 2 (part), 1999)

17.300.080 Other provisions.

For other provisions, *see* Chapters 17.430 and 17.455.

(Ord. 230-1999 § 2 (part), 1999)

Chapter 17.301

INTERIM RURAL FOREST (IRF)*

* 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.

Sections:

- 17.301.010 Purpose.
- 17.301.020 Uses permitted.
- 17.301.030 Lot requirements.
- 17.301.040 Height regulations.
- 17.301.050 Signs.
- 17.301.060 Off-street parking.
- 17.301.070 Special provisions.
- 17.301.080 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 which can be considered detrimental to the maintenance of timber production. Residents of interim rural forest (IRF) residential tracts shall recognize that they can be subject to normal and accepted farming and forestry practices on adjacent parcels.

(Ord. 216-1998 § 4 (part), 1998)

17.301.020 Uses permitted.

See Rural Use Table 17.320.020.

(Ord. 216-1998 § 4 (part), 1998)

17.301.030 Lot requirements.

A. Lot Area. Minimum lot area shall be twenty acres for newly created lots.

B. Lot Width and Depth. Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than 2 times the corresponding lot depth or width.

C. Front Yard. Minimum front yard setback shall be fifty feet.

D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be twenty feet, and accessory buildings shall be five feet and fifty feet for accessory structures used for agricultural purposes.

E. Setback from Forestry Use. For a single-family residence, a perimeter setback of not less than one hundred feet, when adjacent to land used for forestry.

(Ord. 216-1998 § 4 (part), 1998)

17.301.040 Height regulations.

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

(Ord. 216-1998 § 4 (part), 1998)

17.301.050 Signs.

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

(Ord. 216-1998 § 4 (part), 1998)

17.301.060 Off-street parking.

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

(Ord. 216-1998 § 4 (part), 1998)

17.301.070 Special provisions.

Within three hundred feet of designated, undeveloped interim rural forest (IRF) lands, the following language shall be attached to both plats and building permits:

The subject property is within or near land in which resource activities are permitted and encouraged, including a variety of activities which may not be compatible with residential use for certain periods of limited duration. In addition to other activities, these may include noise, dust, smoke, visual impacts and odors resulting from harvesting, planting, 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. 216-1998 § 4 (part), 1998)

17.301.080 Other provisions.

For other provisions, *see* Chapters 17.430 and 17.455.

(Ord. 216-1998 § 4 (part), 1998)

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 is intended to protect and maintain the rural residential character and environment of Kitsap County and to provide for acreage home sites. This zone is applied to areas without many public services at housing densities consistent with the physical characteristics of the area included in this zone.

(Ord. 216-1998 § 4 (part), 1998)

17.305.020 Uses permitted.

See Rural Use Table 17.320.020.

(Ord. 216-1998 § 4 (part), 1998)

17.305.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be 10 acres for newly created lots.
- B. Lot Width and Depth. Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than 2 times the corresponding lot depth or width.
- C. Front Yard. Minimum front yard setback shall be fifty feet (15.2m).
- D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be twenty feet and accessory buildings shall be five feet, and fifty feet (12.5m) for accessory structures used for agricultural purposes.

(Ord. 216-1998 § 4 (part), 1998)

17.305.040 Height regulations.

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

(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.
- 17.310.060 Off-street parking.
- 17.310.070 Other provisions.

17.310.010 Purpose.

This zone is intended to recognize rural areas which have been committed or developed for rural residential uses on smaller lots. These areas are provided with limited public services.
(Ord. 216-1998 § 4 (part), 1998)

17.310.020 Uses permitted.

See Rural Use Table 17.320.020.
(Ord. 216-1998 § 4 (part), 1998)

17.310.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be five acres for newly created lots.
- B. Lot Width and Depth. Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than 2 times the corresponding lot depth or width.
- C. Front Yard. Minimum front yard setback shall be fifty feet (15.2m).
- D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be twenty feet and accessory buildings shall be five feet, and fifty feet (15.2m) for accessory structures used for agricultural purposes.
(Ord. 216-1998 § 4 (part), 1998)

17.310.040 Height regulations.

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five feet in height except for silos and other uninhabited agricultural buildings.
(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.
- 17.315.080 Other required conditions.
- 17.315.090 Administrative procedures for “pre-planning.”

17.315.010 Purpose.

The intent of the urban reserve (URS) (outside of urban growth areas) zone is to identify those areas adjacent to urban growth areas (UGA’s), which may transition inside a UGA if public facilities are provided and a demonstrated need for additional future urban land exists. Residential densities will be limited to one dwelling per ten acres with a “pre-planning” requirement which would allow for the orderly transition to a higher density in the future. This zone may also apply to properties which are being considered for non-residential use.
(Ord. 216-1998 § 4 (part), 1998)

17.315.020 Uses permitted.

See Rural Use Table 17.320.020.
(Ord. 216-1998 § 4 (part), 1998)

17.315.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be ten acres for newly created lots.
- B. Lot Width and Depth. Lot depth and width shall be shown in a ratio 2:1 where no lot depth or width is greater than 2 times the corresponding lot depth or width.
- C. Front Yard. Minimum front yard setback shall be twenty feet.
- D. Side and Rear Yard. Minimum side and rear yard setback on each side of the residential dwelling shall be five feet and accessory buildings shall be five feet, and fifty feet for accessory structures used for agricultural purposes.
(Ord. 216-1998 § 4 (part), 1998)

17.315.040 Height regulations.

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

(Ord. 216-1998 § 4 (part), 1998)

17.315.050 Signs.

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

(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. 216-1998 § 4 (part), 1998)

17.315.070 Other provisions.

For other provisions, *see* Chapters 17.430 and 17.455.

(Ord. 216-1998 § 4 (part), 1998)

17.315.080 Other required conditions.

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

(Ord. 216-1998 § 4 (part), 1998)

17.315.090 Administrative procedures for “pre-planning.”

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

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

The following notation shall appear on the final plat map which is recorded with the Kitsap County auditor or with the issuance of any building permit on the subject property:

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

The following “notations” shall appear on the approved pre-plan on file with the Kitsap County department of community development:

1. This pre-plan is approved in conceptual form only. Approval of this plan in no way guarantees or implies approval of a subdivision of this property at a later date. Any future subdivision of land is subject to all applicable laws, ordinances, rules and regulations in effect at the time of application.

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9	Commercial stables ³	C
10	Bed and breakfast house ²	X
11	Kennels ²	C
12	Public facilities	C
13	Nurseries	C
14	Rock crusher used for the purpose of construction and maintenance of a timber management road system	X
15	Aquaculture	C
16	Publicly owned recreational facilities	SPR
17	Private recreational facilities	C
18	Performance based developments ⁴	SPR
19	Places of worship ³	C
20	Cemeteries and/or mausoleums, crematories and mortuaries within cemeteries ³	C
21	Public or private schools ³	C
22	Golf courses	C
23	Veterinary clinics ³	C
	USES	SATZ
24	Day-care centers ³	X
25	Contractor's storage yard	X
26	Community buildings, social halls, lodges, clubs and meeting places	X
27	Home business ³	X
28	Overnight accommodations, meeting facilities, and recreational vehicle(RV) facilities associated with a public park or private recreational facilities	C

NOTES TO SUB-AREA TRANSITION ZONE USE TABLE 17.317.020

- 1 A portion of the Port Blakely sub-area will be zoned for commercial uses. Residential development shall be sited such that future commercial development, including infrastructure and utilities, is not precluded.
- 2 As defined in Chapter 17.110.
- 3 Subject to the provisions of Chapter 17.430.
- 4 Subject to the provisions of Chapter 17.425.

(Ord. 249 (2000) § 2(4)(part), 2000)

17.317.030 Development.

Any application for development within the SATZ must meet all the requirements specified in the existing URS Zone (*see* Chapter 17.315 of this code), and additional requirements of any agreed-to interlocal agreement and/or development agreement as such may apply. Permitted uses are as specified in Section 17.317.020, not as specified in Kitsap County Zoning Ordinance Section 17.315.020.

(Ord. 249 (2000) § 2(4)(part), 2000)

Chapter 17.318
POULSBO URBAN
TRANSITION AREA

Sections:

17.318.010 Purpose.

17.318.020 City Zoning Ordinance adopted – Exceptions.

17.318.010 Purpose.

The purpose of this chapter is to recognize the adoption of the Poulsbo Subarea 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. 273 (2002) § 2 (part), 2002)

17.318.020 City Zoning Ordinance adopted – Exceptions.

A. Subject to the changes and exceptions listed in this section, the Zoning Ordinance adopted by the City of Poulsbo on December 28, 1994, (Title 16), (Attachment 7 to the ordinance codified in this chapter), is adopted and incorporated herein by reference for the sole purpose of regulating development within the Poulsbo Urban Transition Area, as depicted on the county’s Comprehensive Plan Land Use Map:

1. “Comprehensive plan” means the Kitsap County Comprehensive Plan;
2. “Director” means the director of the Kitsap County department of community development;
3. “City” or the “City of Poulsbo” means Kitsap County or Poulsbo Urban Transition Area, as the context may require;
4. “City council” means county;
5. For matters covered by the following sections and chapters of the City of Poulsbo’s Zoning Ordinance, the equivalent county regulations, if any, shall apply instead:
 - a. Chapter 18.04 – Comprehensive Plan;
 - b. Chapter 18.08 – General Provisions;
 - c. Section 18.14.020 – Dedication Presumption and Requirement;
 - d. Chapter 18.53 – Commute Trip Reduction;
 - e. Chapter 18.61 – Administration of Zoning Ordinance;
 - f. Chapter 18.62 – Application Fees;
 - g. Chapter 18.70 – Binding Site Plans;
 - h. Chapter 18.72 – Comprehensive Plan Amendments;
 - i. Chapter 18.75 – Conditional Use Permits;
 - j. Chapter 18.86 – Home Occupation Permits;
 - k. Chapter 18.78 – Housing Authority;
 - l. Chapter 18.80 – Site Plan Review;
 - m. Chapter 18.81 – Technical Staff Review;
 - n. Chapter 18.82 – Temporary Use Permits;
 - o. Chapter 18.84 – Variances;
 - p. Chapter 18.85 – Zoning Ordinance and Amendments;
 - q. Chapter 18.90 – Enforcement;

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5	Duplexes on double the minimum lot area required for the zone	X	P	P	P	P
6	Aggregate extraction sites ⁴	P	P	X	X	X
7	Accessory dwelling unit ¹	X	C	C	C	C
7A	Accessory living quarters ¹	X	P	P	P	P
8	Accessory uses or structures ⁸	P	P	P	P	P
9	Commercial stables ¹	X	C	C	C	C
10	Bed and breakfast houses	X	C	SPR ²	SPR ²	SPR ²
11	Kennels ¹	X	C	C	C	C
12	Public facilities ⁷	C	C	C	C	C
13	Nurseries	X	C	C	C	C
14	Rock crusher used for the purpose of construction and maintenance of a timber management road system	C	C	X	X	X
15	Aquaculture	X	C	C	C	C
16	Publicly owned recreational facilities	X	C	SPR	SPR	SPR
17	Private recreational facilities	X	X	C	C	C
18	Performance based development ⁵	X	SPR	SPR	SPR	SPR
19	Places of worship ¹	X	C	C	C	C
20	Cemeteries and/or mausoleums, crematories and mortuaries with crematories ¹	X	X	C	C	C
21	Public or private schools ¹	X	C	C	C	C
22	Golf courses	X	X	C	C	C
23	Veterinary clinics ¹	X	X	C	C	C
24	Day-care centers ¹	X	X	C	C	C
25	Contractor storage yard ¹	X	X	C	C	X
26	Community building, social halls, lodges, clubs and meeting places ¹	X	X	C	C	X
27	Home businesses ^{1,6}	C	SPR	SPR	SPR	SPR
28	Overnight accommodations, meeting facilities, and recreational vehicle (RV) facilities associated with a public park or private recreational facilities.	X	C	C	C	C

NOTES TO RURAL USE TABLE 17.320.020

- 1 Subject to the provisions of Chapter 17.430.
- 2 As defined in Chapter 17.110.
- 3 Minimum setbacks shall be 20 feet from any abutting right-of-way or property line; provided, however, advertising for sale of products shall be limited to two on premise signs each not exceeding six square feet.
- 4 No greater than two acres for the purposes of construction and maintenance of a timber management road system, provided the total parcel is at least twenty acres.
- 5 Subject to the provisions of Chapter 17.425.
- 6 Home business located in the forest resource lands (FRL) must be associated with timber production and/or harvest.
- 7 Public facilities are allowed in forest resource lands (FRL) that do not inhibit forest practices.
- 8 Storage of junk motor vehicles is subject to the provisions of subsection X of Section 17.430.020.

Chapter 17.321

AREAS OF MORE INTENSIVE RURAL DEVELOPMENT*

* 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.
- 17.321A.025 Nonconforming lots.
- 17.321A.030 Lot requirements.
- 17.321A.035 Lot subdivisions.
- 17.321A.040 Height regulations.
- 17.321A.045 Exceptions to yard requirements.
- 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 accordance with Washington State's Growth Management Act (GMA), the county may designate limited areas of more intensive rural development as part of the mandatory rural element portion of its Comprehensive Plan. In Kitsap County's Comprehensive Plan dated May 7, 1998, it was determined that the GMA would provide Kitsap County an opportunity to help reconcile the historical land use patterns which have developed throughout the years. Suquamish was identified as a demonstration project to help develop and test criteria for designating rural villages and for defining a process that will be used to consider future designations. As a result of this action, the following regulations were established in accordance with the Suquamish Rural Village Subarea Plan.

In the event of a conflict between the requirements of these regulations for the Suquamish Rural Village and any other statute, rule, ordinance or regulation, the more restrictive requirement shall govern.

(Ord. 232 (1999) § 1(N) (part), 1999)

17.321A.020 Uses.

The following Suquamish Rural Village Table 17.321A.020 lists examples of allowable uses within each zone identified within the Village. The appropriate review, as listed, is mandatory. Commercial uses are intended to serve the village and should be sized to recognize this concept. Facilities of a regional nature will not be allowed in the SVC zone.

SUQUAMISH RURAL VILLAGE TABLE 17.321A.020

"P" — Permitted uses

"C" — Conditional uses, Chapter 17.420

"SPR" — Site plan review, Chapter 17.410

"X" — Uses specifically prohibited

USES	Suquamish Village Residential (SVR)	Suquamish Village Low Residential (SVLR)	Suquamish Village Commercial (SVC)
Single Family Dwellings	P	P	C
Mobile homes ³	X	X	X
Manufactured/Modular homes ²	P	P	X
Accessory Dwelling Unit ¹	SPR	SPR	C
Accessory use or structures	P	P	X
Bed and breakfast house	C	C	C
Place of worship ¹	C	C	SPR
Public or private schools ¹	C	C	SPR
Veterinary clinics ¹	C	C	SPR
Day-care centers ¹	C	C	SPR
Community buildings, social halls, clubs, meeting places	C	C	SPR
Public Facility	C	C	P
Public or private recreational facilities	C	C	SPR
Nurseries	C	C	SPR
Duplexes ¹	C	C	X
Home business ¹	SPR	SPR	X
Stores – less than 10,000 square feet gross floor area	X	X	SPR
Stores – greater than 10,000 square feet gross floor area	X	X	X
Delicatessens / Restaurants	X	X	SPR
Drinking places, alcoholic beverages with or without entertainment	X	X	C
Service stations / fuel sales	X	X	SPR
Service stations / fuel sales (abutting a SVR or SVLR zone)	X	X	C
Lumber yards and building / construction materials	X	X	SPR
Libraries	C	C	SPR
Business / professional	X	X	SPR
Police / Fire stations	X	X	SPR
Post office	X	X	SPR
Utility substation and related facilities	X	X	SPR

1. Subject to the provisions of Chapter 17.430.

2. As defined in Chapter 17.110.

3. Mobile homes as defined in Chapter 17.110 shall not be allowed, except in approved mobile home parks.
(Ord. 232 (1999) § 1(N) (part), 1999)

17.321A.025 Nonconforming lots.

A. As of April 19, 1999, if a single lot of record, which was legally created, 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 permitted within the zone subject to all other requirements of this chapter.

B. As of April 19, 1999, if there are contiguous lots of record held in common ownership, each of the lots was legally created, 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 dimension.

(Ord. 232 (1999) § 1(N) (part), 1999)

17.321A.030 Lot requirements.

A. Suquamish Village Low Residential. “Suquamish Village low residential” (SVLR) shall be applied to those areas identified south of the Suquamish Cutoff Road, including South Angeline Avenue, and those areas north of Geneva Street, between Park Boulevard and Augusta Avenue. Any development shall be subject to the lot requirements below:

1. Lot Requirements.
 - Minimum Lot Size: 4,500 sq. ft.
 - Minimum Lot Width: 50 ft.
 - Minimum Lot Depth: 90 ft.
2. Setbacks.
 - Front: 20 ft.
 - Side: 5 ft.
 - Rear: 5 ft.

B. Suquamish Village Residential. “Suquamish Village residential” (SVR) shall be applied to the central area of the village. Any development shall be subject to the lot requirements below:

1. Lot Requirements.
 - Minimum Lot Size: 3600 sq. ft.
 - Minimum Lot Width: 40 ft.
 - Minimum Lot Depth: 75 ft.
2. Setbacks.
 - Front: 20 ft.
 - Side: 5 ft.
 - Rear: 5 ft.

C. Suquamish Village Commercial. “Suquamish Village commercial” (SVC) recognizes that the established rural villages often contain historic commercial areas. These areas have evolved over the years to include a variety of services which support the community and traveling public. In addition, this designation recognizes existing commercial services located in the village which are intended to provide for the daily shopping needs of village residents. Any development shall be subject to the following requirements:

1. Lot Requirements.
 - Minimum Lot Size: N/A
 - Minimum Lot Width: N/A
 - Minimum Lot Depth: N/A
2. Setbacks.

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- Minimum Front Yard: 10 ft.
- Side yard abutting residential zone: 20 ft.
- Side yard not abutting residential zone: 10 ft.
- Rear yard abutting residential zone: 20 ft.
- Rear yard abutting residential zone: 10 ft.

(Ord. 232 (1999) § 1(N) (part), 1999)

17.321A.035 Lot subdivisions.

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:

1. Lot Requirements.
 - Minimum Lot Size: 21,780 square feet
 - Minimum Lot Width: 100 feet
 - Minimum Lot Depth: 100 feet
2. Setbacks.
 - Front: 20 feet
 - Side: 5 feet
 - Rear: 5 feet

(Ord. 232 (1999) § 1(N) (part), 1999)

17.321A.040 Height regulations.

In the SVR and SVLR zone, no building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty feet in height and may not exceed two habitable floors.

In the SVC zone, no building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five feet in height.

(Ord. 232 (1999) § 1(N) (part), 1999)

17.321A.045 Exceptions to yard requirements.

No architectural feature may project into required setbacks (as defined in Section 17.110.670) except eaves, which may not in any case extend more than twenty-four inches into any required yard area. A variance is required for encroachment of a habitable area into a required setback.

(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, 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. Impervious surface percentage for any new structure (including any accessory structures such as sidewalks, driveways, patios, and outbuildings) shall not exceed a total of forty percent of the lot area.

5. Existing structures (including accessory structures) may be expanded so long as impervious surface percentage for the existing structure, together with all other impervious surface on the lot, does not exceed a total of forty percent of the lot area.

6. Building Replacements. Impervious surface percentage for any replacement structure (including any accessory structure) shall not create in excess of a total of forty percent impervious surface for lot area or total existing, whichever is greater.

7. Building Remodels. Existing structures (including accessory structures) may be expanded so long as the impervious surface percentage for the structures, together with all other impervious surface, does not exceed a total of forty percent of the lot area or the total existing impervious surface, whichever is greater (*See* Chapter 17.460 for nonconforming structures).

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 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 – 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;

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

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

(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* ("limited area") 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. 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 (GMA Index #19125). 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. 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 (TDO’s), 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 (GMA Index #19125) 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 TDO's 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.

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

F. 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.

G. The TDO's 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. 236 (1999) § 2 (part), 1999)

17.321B.030 Procedures.

Table 17.321B.040 sets forth examples of uses that may be allowed through a site plan review process (SPR), conditionally allowed (C), allowed through a performance based development process (PBD), permitted outright (P), or prohibited (X).

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 SPR, C, or PBD proposal for review by the architectural and site design committee or consultant as provided by the Comprehensive Plan.

B. Uses not shown in Table 17.321B.040 shall be reviewed by the department according to the provisions of Section 17.100.040. The department shall determine whether the use is allowed and what type of review process is required.

C. 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 5,000 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 TDO's 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. 236 (1999) § 2 (part), 1999)

17.321B.040 Uses.

Table 17.321B.040 provides a listing of uses specifically allowed or conditionally allowed in the rural historic town of Port Gamble. The type of land use decision-making process required for each type of use is indicated. Certain prohibited uses are also listed.

A. All uses must comply with the TDO's of Section 17.321B.020 and the specific development standards of this chapter.

B. All uses and development in the waterfront zone (RHTW) within two hundred feet of the shoreline is subject to the provisions and restrictions of the Kitsap County Shoreline Management Master Program in addition to the requirements of this chapter.

C. Residential development in the residential zone (RHTR) is subject to the maximum density provisions of Section 17.321B.050 (two and one-half dwelling units per acre) and to the minimum and maximum lot size requirements of Section 17.321B.055. If small lots are developed and residential acreage is "left over" after allowing for streets, alleys, and any other public dedication, any such excess lot area shall be permanently preserved as community open space. See Section 17.321B.055.

RURAL HISTORIC TOWN TABLE 17.321B.040

USES	Rural Historic Town Residential (RHTR)	Rural Historic Town Commercial (RHTC)	Rural Historic Town Waterfront (RHTW) ¹
[Explanatory notes follow at the end of this table]			
Residential			
Single Family Dwellings	P ²	P	X
Duplex	P ²	P	X
Townhomes: 2-, 3-, or 4-plex	SPR ²	SPR	X
Mixed use: Residential above first floor commercial/industrial	X	SPR	PBD
Accessory Dwelling Unit ³	C	C	X
Caretaker's Dwelling	X	P	P
Mobile Homes	X	X	X
Residential (cont'd.)			
Manufactured/Modular Homes	SPR	SPR	X
Accessory Use or Structure (residential)	P	P	X
Congregate Care Facility	C	SPR	X
Commercial Lodging			
B & B House	SPR	SPR	SPR
Hotel/Motel/Inn	X	SPR	SPR
RV Camping Parks	X	X	X
Retail			
Retail – General ⁵ , less than 5,000 sq. ft.	X	SPR	SPR
Retail – General ⁵ , 5000 – 10,000 sq. ft.	X	PBD	PBD
Retail – General ⁵ , greater than 10,000 sq. ft.	X	X	X
Restaurants, with or without alcoholic beverages	X	SPR	SPR
Restaurants, w/ drive up service windows	X	X	X
Pet shop – retail and grooming	X	SPR	X
Gas stations and auto service	X	SPR	X
Boats, marine supplies	X	SPR	SPR
Lumber and bulky building materials	X	X	SPR
Nurseries, garden and farm supplies	X	SPR	SPR
Services			
General office ⁶ – greater than 10,000 sq. ft.	X	X	X
General office ⁶ – 5,000 - 10,000 sq. ft.	X	PBD	PBD
General office ⁶ – less than 5000 sq. ft.	X	SPR	SPR
Customer service uses: Banks, real estate less than 5000 sq. ft.	X	SPR	SPR
Customer service uses: Banks, real estate greater than 5000 sq. ft.	X	X	X

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USES	Rural Historic Town Residential (RHTR)	Rural Historic Town Commercial (RHTC)	Rural Historic Town Waterfront (RHTW) ¹
[Explanatory notes follow at the end of this table]			
Health care services	X	SPR	SPR
Personal services – barber, laundry	X	SPR	SPR
Day care center ⁷	C	SPR	SPR
Places of worship	C	C	C
Public or private schools	C	SPR	SPR
Community buildings, social halls, clubs, and meeting places	C	SPR	SPR
Recreation facility, public or private, including parks	C	SPR	SPR
Marinas	X	X	PBD
Public offices and facilities	X	PBD	PBD
Veterinary clinic	X	SPR	X
Miscellaneous			
Home business ⁸	P	P	X
Museum, aquarium, historic or cultural exhibits	C	SPR	SPR
Brewery, bakery, food preparation	X	SPR	SPR
Performing arts theaters, galleries and artist studios	X	SPR	SPR
Shared or joint use parking lots	X	SPR	SPR
Industrial Uses			
Boat building and repair	X	SPR	SPR
Forest products manufacturing or shipping – on waterfront	X	X	PBD
Natural resource industrial uses	X	X	PBD
Mfg. or assembly – Bulk products	X	X	PBD
Mfg. or assembly – Light industrial ⁹	X	PBD	PBD
Marine related storage	X	X	SPR
Principal use warehousing or mini-storage, generally	X	X	X

NOTES TO RURAL HISTORIC TOWN TABLE 17.321B.040

1. All use and development in the RHTW zone within 200 feet of the shoreline is subject to the provisions and restrictions of the county’s Shoreline Management Master Program in addition to the requirements of this chapter.
2. Residential development in the RHTR zone is subject to the density and lot size restrictions of Sections 17.321B.050 and 17.321B.055. Excess residential lot area shall be permanently preserved as community open space.
3. Subject to the provisions of Section 17.430.020(N).
4. All use and development in the RHTW zone within 200 feet of the shoreline is subject to the provisions and restrictions of the county’s Shoreline Management Master Program in addition to the requirements of this chapter.
5. “Retail-general” means retail sales of food, convenience items, dry goods, variety items, department store goods, hardware, paint, apparel, accessories, drugs, liquor, antiques, books, sporting goods, jewelry, flowers, photo equipment, videos (including rentals), computers, office supplies, furniture, and similar consumer goods.

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6. “General office” means non-customer service space for lawyers, software development, consultants, accountants, and similar uses not having high volumes of daily customer visits.
7. As defined in Section 17.110.200.
8. Subject to the provisions of Section 17.430.020(G).
9. Includes laboratory research, development, testing and manufacturing as well as hand and craft work.

(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.

A. RHTR Zone: Residential development no greater than 2.5 units per acre. Total acreage in the zone is approximately 69.76 acres. The cemetery is estimated at approximately 1.33 acres. The maximum number of dwelling units allowed in the zone, therefore, will be calculated based on the acreage determined for the zone following a survey establishing the exact area, less acreage dedicated to county or state right-of-way. Residential lot size minimums and maximums apply as set forth in Section 17.321B.055.

B. RHTC Zone: Residential and mixed-use development no greater than 2.5 residential units per acre. Total acreage in the zone is approximately 17.06 acres. The maximum number of dwelling units shall be calculated based on the acreage determined for the zone following a survey establishing the exact area, less acreage dedicated to county or state right-of-way. Commercial development is not subject to a density, intensity, or floor area ratio limit, but structure size for certain uses is limited as noted in Table 17.321B.040. The minimum and maximum residential lot sizes do not apply in the RHTC zone.

C. RHTW Zone: Residential mixed-use development no greater than 2.5 residential units per acre is allowed. Waterfront development is not subject to an intensity or floor area ratio limit, but structure size for certain uses is limited as noted in Table 17.321B.040. Total acreage for the zone is approximately 32.01 acres, with developable acreage limited by shoreline setbacks and the bluff area.

(Ord. 236 (1999) § 2 (part), 1999)

17.321B.055 Lot size.

A. In the RHTR zone, the following regulations apply to any development proposing densities in excess of one dwelling unit per five acres.

1. Minimum lot size: 3,500 square feet;
2. Maximum lot size: 7,500 square feet;
3. 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.

B. For developments proposing densities in the RHTR zone no greater than one dwelling unit per five acres, the minimum and maximum lot sizes noted above shall not apply, except that existing dwelling units shall be allocated lot area between 3,500 and 7,500 square feet. New proposals may then proceed using the five-acre lot requirements of Section 17.310.030 for the rural residential (RR) zone. All other provisions of this chapter will continue in effect.

(Ord. 236 (1999) § 2 (part), 1999)

17.321B.060 Height.

- A. RHTR Zone: 30 feet;
- B. RHTC Zone: 35 feet, except that hotels may be developed with four aboveground floors and up to a height not exceeding fifty feet with approval of the fire marshal and relevant fire district.
- C. RHTW Zone: 30 feet in the two-hundred-foot shoreline environment; 35 feet in upland area.

(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 handicapped 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.

A. RHTR Zone:

1. Front setbacks shall be twenty feet, but may be reduced to ten feet for residential uses through the SPR or PBD process.

2. Side and rear setbacks shall be five feet for residential uses. Uses allowed through the conditional use process shall provide minimum side setbacks of ten feet and minimum rear setbacks of twenty feet. Duplex and townhome structures shall provide side setbacks only from the two exterior side walls.

B. RHTC and RHTW Zones:

1. Development may abut the sidewalk in front.

2. Side and rear setbacks shall meet Uniform Building Code requirements.

(Ord. 236 (1999) § 2 (part), 1999)

17.321B.075 Lot coverage.

A. RHTR Zone: fifty percent or 2,000 square feet, whichever is greater.

B. RHTC and RHTW Zones: fifty percent.

(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 proposed 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 Non-Conforming lots.

17.321C.040 Height regulations.

17.321C.050 Lot requirements.

17.321C.060 Off-Street parking requirements.

17.321C.070 Clustering residential development.

17.321C.080 Impervious surface limits.

17.321C.090 Access prohibition.

17.321C.100 Sewer connections.

17.321C.110 Sewer connections.

17.321C.010 Purpose.

The May 7, 1998 Comprehensive Plan stated that the county could use AMIRD’s 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 developed, setting specialized goals and policies for the Manchester Village. This subchapter establishes development regulations to implement these goals and policies. 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. 267 (2002) § 3 (part), 2002)

17.321C.020 Uses.

Table 17.321C.020 lists examples of allowed uses within each identified zone within the Manchester Village. The prescribed review is mandatory for establishment of the use.

MANCHESTER VILLAGE USE TABLE 321.C.020

“P” — Permitted uses
 “C” — Conditional uses

“SPR” — Site plan review
 “X” — Uses specifically prohibited

USES	Manchester Village Residential (MVR)	Manchester Village Low Residential (MVLRL)	Manchester Village Commercial (MVC)
[Explanatory notes follow at the end of this table]			
A. Residential			
1. New single-family dwellings	P	P	p ^{1, 2}
2. Performance Based Developments ³	SPR	SPR	SPR
3. Existing homes without any increase in density	P	P	P
4. Mixed use development with a higher density but no residential allowed on the ground floor ⁴	X	X	SPR
5. Duplexes on double the minimum lot area required for the zone	P	P	X
6. Accessory uses and structures	P	P	SPR
7. Accessory Dwelling Unit ⁵	C	C	X
7A. Accessory Living Quarters ⁵	P	P	X
B. Rural			
1. Forestry, including accessory buildings related to such uses and activities	P	P	X
2. Agricultural uses ⁶ , including accessory buildings related to such uses and activities	P	P	X
3. Temporary Stands not exceeding 200 square feet in size and used exclusively for the sale of agricultural products grown on site ⁷	P	P	X
4. Nurseries	C	C	SPR
5. Commercial Stables ⁵	C	C	X

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6. Kennels ⁵	C	C	X
7. Aquaculture	C	C	X
C. Commercial – Retail sales			
1. Stores – Specialty or boutique less than 10,000 square feet of gross floor area	X	X	SPR
2. Delicatessens/Restaurants	X	X	SPR
3. Drinking establishments, alcoholic beverages with or without entertainment	X	X	C
4. Espresso stands	X	X	SPR
5. Auto parts and accessories	X	X	SPR
6. Marine Supplies	X	X	SPR
7. Farm and garden supplies	X	X	SPR
8. Laundry services	X	X	C
D. Commercial – Services			
1. General office and management services between 5,000 and 10,000 square feet of gross floor area	X	X	C
2. General office and management services less than 5,000 square feet.	X	X	SPR
3. Duplicating, addressing, blueprinting, photocopying, mailing or stenographic services	X	X	SPR
4. Office equipment service and repair	X	X	SPR
5. Off-street parking facilities	X	X	SPR
6. Financial and banking institutions	X	X	SPR
7. Mortuaries and crematoriums	X	X	C
8. Cemeteries ⁵	C	C	X
9. Real estate brokers, agents and services	X	X	SPR
10. Motels/Hotels	X	X	C
11. Bed and Breakfast house	SPR ⁵	SPR ⁵	SPR ⁵
12. Animal Hospital/ Veterinary Clinic	X	X	SPR
13. Clinic, outpatient	X	X	SPR
14. Amusement centers, indoor and outdoor	X	X	C
15. Carnival or Circus (temporary)	X	X	C
16. Health and racquet clubs	X	X	SPR
17. Theaters, indoor	X	X	C
18. Nursery, Day-care Centers ⁵	C	C	C
19. Libraries	C	C	SPR
20. Private Schools	C	C	SPR

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21. Private recreational facilities	C	C	C
22. Golf courses	C	C	X
23. Marinas	X	X	SPR
24. Business, professional, civic, social and fraternal organization meeting places	X	X	SPR
25 Places of Worship ⁵	C	C	SPR
26 Contractor storage yard ⁵	C	C	X
27.Home Businesses ⁵	SPR	SPR	X
E. Public Services and Facilities			
1. Police and Fire Stations	C	C	C
2. Post Offices	C	C	SPR
3. Publicly-owned recreational facilities	C	C	C
4. Utility substation and related facilities	C	C	C
5. Public parks, parkways, trails or related facilities	C	C	SPR
6. Public School	C	C	C

NOTES TO MANCHESTER VILLAGE USE TABLE 17.321C.020

1. Within the MVC zone, a new single-family dwelling may be constructed only when replacing an existing single-family dwelling.
2. All replacement single-family dwellings and accessory structures within the MVC zone must meet the height regulations (Section 17.321C.040), lot requirements (Section 17.321C.050) and impervious surface limits (Section 17.321C.080) of the MVR zone.
3. Subject to the provisions of Chapter 17.425 of this code.
4. Low, medium and high density residential allowed with mixed-use development.
5. Subject to the provisions of Chapter 17.430 of this code.
6. As defined in Chapter 17.110 of this code.
7. Minimum setbacks shall be twenty feet from any abutting rights-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.

(Ord. 267 (2002) § 3 (part), 2002)

17.321C.030 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 8,712 square feet in size or does not meet the dimensional requirements of its zone, the lot may be occupied by any use permitted within the zone subject to all other requirements of this chapter.

B. Nonconforming Lots in Common Ownership. If there are contiguous lots of record held in common ownership, each lot legally created before adoption of the Manchester Community Plan, and one or more of the lots is less than 8,712 square feet in size or does not meet the dimensional requirements of its zone, the lots shall be combined to meet the minimum lot requirements. 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 of this chapter.

(Ord. 267 (2002) § 3 (part), 2002)

17.321.C.040 Height regulations.

The height regulations within the Manchester Village differ depending upon their location and zoning. The following table outlines the height regulations for different areas.

MANCHESTER VILLAGE HEIGHT REGULATIONS TABLE 17.321C.040

Area	Structure Height
MVR and MVLR located inside the View Protection Overlay Zone ¹	28 feet ²
MVR and MVLR located outside the View Protection Overlay Zone ¹	35 ft.
MVC	35 ft. ³

1. Generally, the View Protection Overlay Zone within the Manchester Village boundary extends from Puget Sound to and including those properties which abut the west side of Alaska Ave.
2. Height measured from the midslope of the property’s buildable area to the structure’s highest point.
3. Replacement single-family dwelling and accessory structures within the MVC zone must meet the 28 ft. height regulation for the MVR and MVLR zones.

Properties within the View Protection Overlay Zone may build as high as 35 feet under the following circumstances:

1. 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
2. The owners of all adjacent properties approve the building height prior to building permit issuance; or
3. It can be explicitly shown that the structure will not cause the blockage of existing views from any of the adjacent properties.

(Ord. 267 (2002) § 3 (part), 2002)

17.321C.050 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. 267 (2002) § 3 (part), 2002)

17.321C.060 Lot requirements.

Zoning designations within the Manchester Village include Manchester Village Residential (MVR), Manchester Village Low Residential (MVLR), and Manchester Village Commercial (MVC). These designations are subject to the following lot requirements:

MANCHESTER VILLAGE LOT REQUIREMENTS TABLE 17.321C.060

Zone	Density DU/Acre	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Front Yard	Side Yard	Opposite Side Yard	Rear Yard
MVR	4	10,890 sq. ft.	60	60	20	5	5	5
MVLR	2	21,780 sq. ft. With clustering: 10,890 sq. ft.	60	60	20	5	5	5
MVC	X ¹	NA	NA	NA	NA	NA	NA	NA

1. Low, medium and high density residential allowed only with mixed-use development.

(Ord. 267 (2002) § 3 (part), 2002)

17.321C.070 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 code, except as follows:

A. Retail stores generating little automobile traffic, such as appliance, furniture, hardware or repair stores – one (1) parking space per 450 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 (1) parking space per 225 square feet of gross floor area;

C. Drive-in and fast food restaurants – one (1) parking space per 125 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 4,000 square feet of gross floor area – one (1) parking space per 300 square feet of gross floor area;

2. If 4,000 or more square feet of gross floor area – sixteen (16) parking spaces, plus one (1) parking space per each additional 150 square feet of gross floor area over 4,000 square feet;

E. Medical and dental office or clinic – one (1) parking space per 300 square feet of gross floor area;

F. Bank, professional office (except medical or dental) – one (1) parking space per 500 square feet of gross floor area.

(Ord. 267 (2002) § 3 (part), 2002)

17.321C.080 Clustering residential development.

Clustering residential development is encouraged in all development. When clustering development, if a property owner designates 40% of the gross acreage as naturally vegetated open space, he or she may create one additional lot for every five lots clustered. The additional lot may not reduce the naturally vegetated open space to an amount less than 40% of the gross acreage of the development.

(Ord. 267 (2002) § 3 (part), 2002)

17.321C.090 Impervious surface limits.

Impervious surface includes driveways, sidewalks, structures and decks. The quantity of impervious surface allowed on individual residential properties within Manchester Village are limited as follows:

**MANCHESTER VILLAGE
IMPERVIOUS SURFACE LIMITS
TABLE 17.321C.090**

Lot size	Impervious Surface Limit¹
0 to .50 acres	50%
.51 or above	40%

1. All properties within the Manchester Village must also meet the requirements of the Stormwater Management Ordinance, Chapters 12.04 through 12.32 of this code.

The use of pervious materials and other new technologies may be used in the construction of these areas and structures to reduce the impervious surface calculation.

(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 17.325

URBAN RESTRICTED ZONE (UR)

Sections:

- 17.325.010 Purpose.
- 17.325.020 Permitted uses.
- 17.325.030 Conditional uses.
- 17.325.040 Uses permitted after site plan review as set forth in Chapter 17.410.
- 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 (UR) zone is applied to those areas within urban growth boundaries which have identified parcels constrained by critical areas of 50% or greater. Development would be limited to a density range of one to five 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. 216-1998 § 4 (part), 1998)

17.325.020 Permitted uses.

The following uses are permitted:

A. Single-family detached dwellings, provided, mobile homes as defined in Chapter 17.110 shall not be allowed, except in approved mobile home parks;

B. Publicly owned recreational facilities, services, parks, and playgrounds;

C. Agriculture uses, including accessory buildings related to such uses and activities as defined in Chapter 17.110, and subject to the provisions of Chapter 17.430;

D. Forestry, including accessory buildings related to such uses and activities as defined in Chapter 17.110;

E. Accessory uses and structures normal to a residential environment, subject to the provisions subsection (X) of Section 17.430.020;

F. Duplexes on double the minimum lot area required for the zone; and

G. Accessory dwelling unit and accessory living quarters, subject to the provisions of Chapter 17.430.

(Ord. 292 (2002) § 3, 2002: Ord. 216-1998 § 4 (part), 1998)

17.325.030 Conditional uses.

The following are the conditional uses in the UR zone in accordance with the provisions of Chapter 17.420:

A. Cemeteries and/or mausoleums, crematories, columbaria, and mortuaries, provided that no mortuary or crematorium is within one hundred feet of a boundary street, or where no street borders the cemetery, within two hundred feet of a lot in a residential zone, subject to the provisions of Chapter 17.430;

B. Places of worship, subject to the provisions of Chapter 17.430;

C. Public or private schools, subject to the provisions of Chapter 17.430;

D. Private recreational facilities, such as marinas, country clubs and golf courses, but not including such intensive commercial recreation uses as a golf driving range (unless within a golf course), race track, amusement park, or gun club;

E. Day-care centers, subject to the provisions of Chapter 17.430;

F. Public facilities and electric power and natural gas utility facilities, including fire stations, libraries, museums, substations, ferry terminals, commuter park-and-ride lots, and post offices; but not including storage or repair yards, warehouses, or similar uses;

G. Single-family attached, including townhouses;

H. Mobile home parks, subject to the density limitations of the zone; and

I. Multi-family projects subject to the density limits of the zone.

(Ord. 216-1998 § 4 (part), 1998)

17.325.040 Uses permitted after site plan review as set forth in Chapter 17.410.

A Home business, subject to the provisions of Chapter 17.430;

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- B. Performance based developments, subject to the provisions of Chapter 17.425;
- C. Temporary offices and model homes, subject to the provisions of Chapter 17.455; and
- D. Bed and breakfast house as defined in Chapter 17.110.

(Ord. 216-1998 § 4 (part), 1998)

17.325.050 Height regulations.

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

(Ord. 216-1998 § 4 (part), 1998)

17.325.060 Lot requirements.

The minimum lot requirements shall be as shown in Urban Restricted Zone Lot Requirements Table 17.325.060.

URBAN RESTRICTED ZONE LOT REQUIREMENTS TABLE 17.325.060

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

(Ord. 216-1998 § 4 (part), 1998)

17.325.070 Lot coverage.

Maximum lot coverage by impervious surface shall not exceed fifty percent.

(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.

For other provisions, *see* Chapters 17.430 and 17.455.

(Ord. 216-1998 § 4 (part), 1998)

Chapter 17.330

URBAN LOW RESIDENTIAL ZONE (UL)

Sections:

- 17.330.010 Purpose.
- 17.330.020 Permitted uses.
- 17.330.030 Conditional uses.
- 17.330.040 Uses permitted after site plan review as set forth in Chapter 17.410.
- 17.330.050 Height regulations.

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- 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 protect urban low density residential areas and establish urban densities where a full range of community services and facilities are present or will be present at the time of development in accordance with the urban growth areas as depicted on the Comprehensive Plan. This zone is also intended to create energy-efficient residential areas which are capable of allowing the provision of community services in a more economical manner; and provide for additional related uses such as schools, parks, and utility uses necessary to serve immediate residential areas.

(Ord. 216-1998 § 4 (part), 1998)

17.330.020 Permitted uses.

The following uses are permitted:

- A. Single-family detached dwellings, provided, mobile homes as defined in Chapter 17.110 shall not be allowed, except in approved mobile home parks;
- B. Publicly owned recreational facilities, services, parks, and playgrounds;
- C. Agricultural uses, including accessory buildings related to such uses and activities as defined in Chapter 17.110, and subject to the provisions of Chapter 17.430;
- D. Forestry, including accessory buildings related to such uses and activities as defined in Chapter 17.110;
- E. Accessory uses and structures normal to a residential environment, subject to the provisions of subsection (X) of Section 17.430.020;
- F. Duplexes on double the minimum lot area required for the zone;
- G. Accessory dwelling unit and accessory living quarters, subject to the provisions of Chapter 17.430; and
- H. Residential care facility located within an existing structure.

(Ord. 292 (2002) § 4, 2002: Ord. 216-1998 § 4 (part), 1998)

17.330.030 Conditional uses.

The following are the conditional uses in the urban low residential (UL) zone in accordance with the provisions of Chapter 17.420:

- A. Cemeteries and/or mausoleums, crematories, columbaria, and mortuaries, provided that no mortuary or crematorium is within one hundred feet of a boundary street, or where no street borders the cemetery, within two hundred feet of a lot in a residential zone, subject to the provisions of Chapter 17.430;
- B. Places of worship, subject to the provisions of Chapter 17.430;
- C. Public or private schools, subject to the provisions of Chapter 17.430;
- D. Private recreational facilities such as: marinas, country clubs and golf courses (including conference centers when associated with the aforementioned uses), but not including such intensive commercial recreation uses as a golf driving range (unless within a golf course), race track, amusement park, or gun club;
- E. Day-care centers, subject to the provisions of Chapter 17.430;

F. Public facilities and electric power and natural gas utility facilities, including fire stations, libraries, museums, substations, ferry terminals, commuter park-and-ride lots, and post offices; but not including storage or repair yards, warehouses, or similar uses;

G. Single-family attached, including townhouses;

H. Mobile home parks, subject to the density limitations of the zone;

I. Multi-family projects, subject to the density limitations of the zone; and

J. Community buildings, social halls, lodges, clubs, meeting places.

(Ord. 216-1998 § 4 (part), 1998)

17.330.040 Uses permitted after site plan review as set forth in Chapter 17.410.

A. Home business, subject to the provisions of Chapter 17.430;

B. Performance based developments, subject to the provisions of Chapter 17.425;

C. Temporary offices and model homes, subject to the provisions of Chapter 17.455;

D. Bed and breakfast house as defined in Chapter 17.110; and

E. Residential care facility not located within an existing structure.

(Ord. 216-1998 § 4 (part), 1998)

17.330.050 Height regulations.

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

Areas governed by Sub-Area Plans. Within areas subject to specific sub-area plans, a greater height may be allowed upon review/approval by the director upon recommendation from the fire marshall/fire district, provided that the net result is an overall increase in areas or other public amenities, or the design results in a more creative or efficient use of land.

(Ord. 311 (2003) [Attachment 7 (part)], 2003; Ord. 216-1998 § 4 (part), 1998)

17.330.060 Lot requirements.

A. The minimum lot requirements shall be as shown in Urban Low Residential Zone Lot Requirements Table 17.330.060(A).

B. Development within this zone is subject to a minimum density requirement of 5 units per acre. Residential development that does not meet this density must submit a pre-plan for future property division that demonstrates that future re-division to achieve the minimum density is feasible, and meet the requirements outlined in Section 17.315.090.

C. Density Limit for the South Kitsap UGA/ULID #6 Sub-Area. Pursuant to the approved South Kitsap UGA/ULID #6 Sub-Area Plan, the maximum number of residential units permitted in the sub-area is 4,172, until such time as a further population allocation is made to the sub-area. All residential development within the sub-area located in the UL zone 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.

URBAN LOW RESIDENTIAL ZONE LOT REQUIREMENTS TABLE 17.330.060(A)

Classification	Density (Du/Acre)	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Front Yard	Side Yard	Opposite Side Yard	Rear Yard
UL	5 – 9	None	40 feet	60 feet	20 feet	5 feet	5 feet	5 feet

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(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 South Kitsap UGA/ULID #6 Sub-Area. Consistent with Chapter 17.428 of this code, 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.

(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 generally – Density limit for the South Kitsap UGA/ULID #6 Sub-Area.

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 (UCR) zone is intended to encourage flexible land uses, recognizing that exact locations of uses must be based on the location of critical areas, transportation corridors, community needs and market conditions. The intent is to give flexibility to locate urban residential development in areas suitable for such uses by promoting a variety of housing choices, and to encourage affordable housing through innovative design. It allows a combination

of single family, townhouse, duplex, and multiple-family housing, and zero lot line development, in order 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, including areas which will help maintain the vitality of salmonid habitat. 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. 311 (2003) [Attachment 7 (part)], 2003)

17.335.020 Uses.

The following Urban Cluster Residential Zone Use Table is a list of examples for allowable uses in the zone. The appropriate review, as listed, is mandatory.

URBAN CLUSTER RESIDENTIAL ZONE USE TABLE 17.335.020

“P” — Permitted uses
 “C” — Conditional uses, Chapter 17.420
 “SPR” — Site plan review, Chapter 17.410
 “X” — Uses specifically prohibited

USES	UCR
A. Residential	
1. Single-family dwellings	P
2. Duplex	P
3. Townhouses (3 or more)	SPR
4. Multi-family housing	SPR
5. Mobile home parks subject to density limits of zone	P
6. Residential performance based development ⁶	P
7. Accessory dwelling unit ¹	P
8. Accessory living quarters ²	P
9. Accessory uses and structures normal to a residential environment	P
10. Home businesses ⁵	P
B. Retail Sales, General Merchandise and services	
1. Stores less than 5,000 s.f. in gross floor area ⁸	C
C. Retail Sales - Restaurants, Drinking Places	
1. Delicatessens/Restaurants ⁸	C
2. Drive-in restaurants	X
3. High turnover restaurants	X
4. Brew pubs (where the manufacturing component is subordinate and accessory to a primary retail use) ⁸	C
5. Brew pubs (where the retail component is subordinate and accessory to a primary manufacturing use)	X
6. Drinking establishments	X
D. Retail Sales, Miscellaneous Stores	

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1. Laundromats and laundry services ⁸	C
2. Pharmacies ⁸	C
E. Services, Businesses	
1. Temporary offices and model homes ⁷	SPR
F. Services, Lodging Places	
1. Bed and breakfast house (up to 4 guest rooms)	P
2. Bed and breakfast house (5-10 guest rooms)	C
G. Services, Medical and Health	
1. Congregate care facility within an existing structure	P
2. Congregate care facility	C
3. Residential care facility within an existing structure	P
4. Residential care facility not within an existing structure	SPR
H. Services, Amusement	
1. Private recreational center or facilities such as country clubs and golf courses, but not including such intensive commercial recreation uses as a golf driving range (unless within a golf course), race track, amusement park or gun club	SPR
2. Accessory use or structure (recreational)	P
I. Services, Membership Organizations	
1. Places of worship	C
2. Private community centers, halls, clubs, lodges, meeting places	SPR
J. Services, Educational	
1. Day-care center, family	P
2. Day-care center ³	C
3. Public or private schools ⁴	C
K. Public Services and Facilities	
1. Public facilities and electric power and natural gas utility facilities, including fire stations, libraries, museums, substations, ferry terminals, commuter part-and-ride lots, and post offices; but not including storage or repair yards, warehouses, or similar uses	SPR
2. Publicly owned recreational facilities, services, parks and playgrounds	P
L. Other	
1. Cemeteries and/or mausoleums, crematories, columbaria and mortuaries within cemeteries	C
2. Agricultural uses, including any accessory buildings related to such uses and activities as defined in Chapter 17.110	X
3. Forestry, including any accessory buildings related to such uses and activities as defined in Chapter 17.110	X

Explanatory Notes – Table 17.335.020.

- | | |
|-------------------------------|--|
| 1. Subject to Chapter 17.425 | 2. Subject to Chapter 17.430. |
| 3. Subject to Chapter 17.430. | 4. Subject to Chapter 17.430. |
| 5. Subject to Chapter 17.455. | 6. Subject to Chapter 17.430. |
| 7. Subject to Chapter 17.455. | 8. These uses are allowed only within a commercial |

center limited in size and scale (e.g., an intersection or “corner” development).

9. Subject to Chapter 17.430.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

17.335.030 Densities generally – Density limit for the South Kitsap UGA/ULID #6 Sub-Area.

A. Densities.

1. Minimum: 5 units/gross acre; and
2. Maximum: 9 units/gross acre.

B. Density Limit for the South Kitsap UGA/ULID #6 Sub-Area. Pursuant to the approved South Kitsap UGA/ULID #6 Sub-Area Plan, the maximum number of residential units permitted in the sub-area is 4,172, until such time as a further population allocation is made to the sub-area. All residential development within the sub-area located in the UCR zone 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.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

17.335.040 Lot requirements.

A. Minimum Lot Sizes. None.

B. Yard Requirements – Single-Family, Duplex and Townhouse Units.

1. Front yard – 10 feet.
2. Side and rear yard – 5 feet. Zero-lot line developments may be approved with zero setbacks.
3. No setbacks are required between interior walls of duplex and townhouse units.

C. Yard Requirements – Multi-Family Units.

1. Front yard – 10 feet if the opposite side of the street front is a residential use, no setback if the opposite side of the street is developed with a nonresidential use.
2. Side and rear yard – 5 feet.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

17.335.050 Height regulations.

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

(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.
(Ord. 311 (2003) [Attachment 7 (part)], 2003)

Chapter 17.340

URBAN MEDIUM RESIDENTIAL ZONE (UM)

Sections:

- 17.340.010 Purpose.
- 17.340.020 Permitted uses.
- 17.340.030 Conditional uses.
- 17.340.040 Uses permitted after site plan review as set forth in Chapter 17.410.
- 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, and to create energy-efficient residential areas by allowing common wall construction, as well as to facilitate residential development which utilizes energy-efficient design.

(Ord. 250-2000 § 3 (part), 2000; Ord. 216-1998 § 4 (part), 1998)

17.340.020 Permitted uses.¹

The following uses are permitted:

- A. Single-family attached and detached, provided, mobile homes as defined in Chapter 17.110, shall not be allowed, except in approved mobile home parks;
- B. Multi-family, provided, they meet the density requirements;
- C. Publicly owned recreational facilities, services, parks, and playgrounds;
- D. Agricultural uses, including any accessory buildings related to such uses and activities as defined in Chapter 17.110, and subject to the provisions of Chapter 17.430;
- E. Forestry, including any accessory buildings related to such uses and activities as defined in Chapter 17.110;

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F. Accessory uses and structures normal to a residential environment, subject to the provisions of subsection (X) of Section 17.430.020;

G. Accessory dwelling unit and accessory living quarters, subject to the provisions of Chapter 17.430; and

H. Residential care facility located in an existing structure.

(Ord. 292 (2002) § 5, 2002: Ord. 250-2000 § 3 (part), 2000: Ord. 216-1998 § 4 (part), 1998)

17.340.030 Conditional uses.¹

The following are the conditional uses in the urban medium residential (UM) zone in accordance with the provisions of Chapter 17.420:

A. Cemeteries and/or mausoleums, crematories, columbaria, and mortuaries within cemeteries, provided that no mortuary or crematorium is within one hundred feet of a boundary street, or where no street borders the cemetery, within two hundred (200) feet of a lot in a residential zone, subject to the provisions of Chapter 17.430;

B. Places of worship;

C. Public or private schools, subject to the provisions of Chapter 17.430;

D. Private recreational facilities, such as country clubs and golf courses, but not including such intensive commercial recreation uses as a golf driving range (unless within a golf course), race track, amusement park, or gun club;

E. Day-care centers, subject to the provisions of Chapter 17.430;

F. Public facilities and electric power and natural gas utility facilities, including fire stations, libraries, museums, substations, ferry terminals, commuter park-and-ride lots, and post offices; but not including storage or repair yards, warehouses, or similar uses;

G. Mobile home parks, subject to the density limitations of the zone; and

H. Congregate care facility.

(Ord. 250-2000 § 3 (part), 2000: Ord. 216-1998 § 4 (part), 1998)

17.340.040 Uses permitted after site plan review as set forth in Chapter 17.410.¹

A. Home business, subject to the provisions of Chapter 17.430;

B. Performance based development, subject to the provisions of Chapter 17.425;

C. Temporary offices and model homes, subject to the provisions of Chapter 17.455;

D. Bed and breakfast house as defined in Chapter 17.110; and

E. Residential care facility not located in an existing structure.

(Ord. 250-2000 § 3 (part), 2000: Ord. 216-1998 § 4 (part), 1998)

17.340.050 Height regulations.¹

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

Areas governed by Sub-Area Plans. Within areas subject to specific sub-area plans, a greater height may be allowed upon review/approval by the director upon recommendation from the fire marshall/fire district, provided that the net result is an overall increase in areas or other public amenities, or the design results in a more creative or efficient use of land.

(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.¹

A. Minimum Lot Requirements: None.

B. Density Limit for the South Kitsap UGA/ULID #6 Sub-Area. Pursuant to the approved South Kitsap UGA/ULID #6 Sub-Area Plan, the maximum number of residential units permitted in the sub-area is 4,172, until such time as a further population allocation is made to the sub-area. All residential development within the sub-area located in the UM zone 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.

(Ord. 311 (2003) [Attachment 7 (part)], 2003: Ord. 250-2000 § 3 (part), 2000: Ord. 216-1998 § 4 (part), 1998)

17.340.070 Signs.¹

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.¹

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. 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 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. 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 compliment and support the residential use within the zone and be consistent with, and in conjunction with, residential development. It is intended that office developments within these zones will be of a higher standard in recognition of their residential setting. The following factors will be considered in the application of one of these zones to a particular site: proximity to major streets and the available capacity of these streets, availability of public water and sewer, vehicular and pedestrian traffic circulation in the area, proximity to commercial services and proximity to public open space and recreation opportunities. Development within these zones will be reviewed to ensure compatibility with adjacent uses including such considerations as privacy, noise, lighting and design.
(Ord. 216-1998 § 4 (part), 1998)

17.350.020 Uses.**URBAN HIGH RESIDENTIAL USE TABLE 17.350.020**

“P” — Permitted uses
 “C” — Conditional uses, Chapter 17.420
 “SPR” — Site plan review, Chapter 17.410
 “X” — Uses specifically prohibited

USES	UH
A. Residential	
1. Existing residential	P
2. Accessory uses and structures normal to a residential environment ⁴	P
3. Single-family dwellings – attached	SPR
4. Single-family dwellings – detached	SPR
5. Multi-family subject to density limitations of the zone	P
6. Residential performance based development ³	SPR
7. Boarding or rooming house ²	SPR
8. Structures exceeding 35 feet in height	C
9. Home business ¹	SPR
B. Retail Sales – Restaurants, Drinking Places	
1. Restaurants within residential or office complex	SPR
2. Espresso stands within a residential or office complex	P
C. Services, Business	
1. Mini-storage warehouses	C
2. Temporary sales offices	SPR
D. Services, Medical and Health	
1. Hospital	C
2. Veterinary clinics ¹	C
3. Medical and dental clinics	SPR
4. Convalescent, nursing or rest home	SPR
5. Congregate care facility	C
6. Residential care facility within an existing structure	P

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USES	UH
7. Residential care facility not located within an existing structure	SPR
E. Services, Professional Offices	
1. Professional and business offices	SPR
F. Services, Amusement	
1. Private recreational facility	SPR
G. Services, Membership Organizations	
1. Places of worship	SPR
2. Clubs, lodges and charitable institutions	SPR
H. Services, Educational	
1. Public and private schools ¹	SPR
2. Day-care centers ¹	SPR
I. Public Services and Facilities	
1. Parks and recreational facilities	SPR
2. Governmental structures including police and fire stations	SPR
3. Utility substation and related facilities	SPR
J. Other	
1. Forestry	P
2. Agricultural uses ² , including accessory buildings related to such uses and activities ¹	P
3. Cemeteries and mausoleums	C

1. Subject to the provisions of Chapter 17.430.
2. As defined in Chapter 17.110.
3. Subject to the provisions of Chapter 17.425.
4. Storage of junk motor vehicles is subject to the provisions of subsection (X) of Section 17.430.020.

(Ord. 292 (2002) § 6, 2002; Ord. 216-1998 § 4 (part), 1998)

17.350.030 Height regulations.

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty five feet in height without concurrence from the appropriate fire district and fire marshal. The maximum building height may be increased upon approval of the fire district, fire marshal, and/or director, any such increases shall be based on criteria which must first be approved by the board of county commissioners.

(Ord. 216-1998 § 4 (part), 1998)

17.350.040 Lot requirements.

- A. Lot Area. None.
- B. Lot Width. Minimum lot width shall be sixty feet.
- C. Lot Depth. Minimum lot depth shall be sixty feet.
- D. Front Yard. Minimum front yard setback shall be twenty feet.
- E. Side Yard. Minimum side yard on each side of the residential dwelling shall be five feet.
- F. Rear Yard. Minimum rear yard shall be ten feet.

(Ord. 216-1998 § 4 (part), 1998)

17.350.050 Densities.

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

Development within this zone is subject to a minimum density requirement of nineteen units per acre. Residential development which does not meet this density requirement must submit a pre-plan for future property division and meet the requirements outlined in Section 17.315.090. (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.

For other provisions, *see* Chapters 17.430 and 17.455. (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 site plan review under Chapter 17.410 of this title, or conditional use review under Chapter 17.420 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. 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:

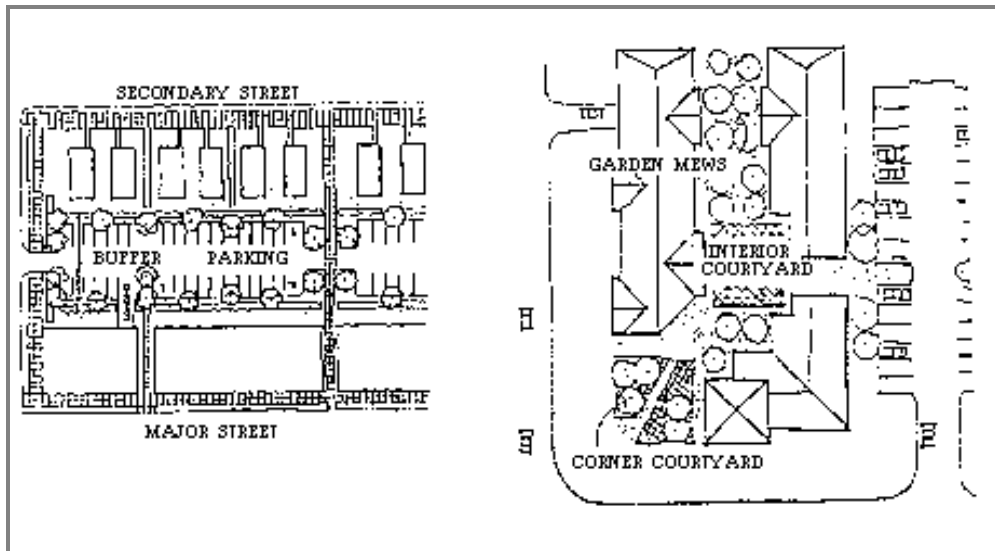
1. Use a modified street grid system where most buildings in a project front on a street. Where no public streets exist, create a modified grid street system within the project.

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.

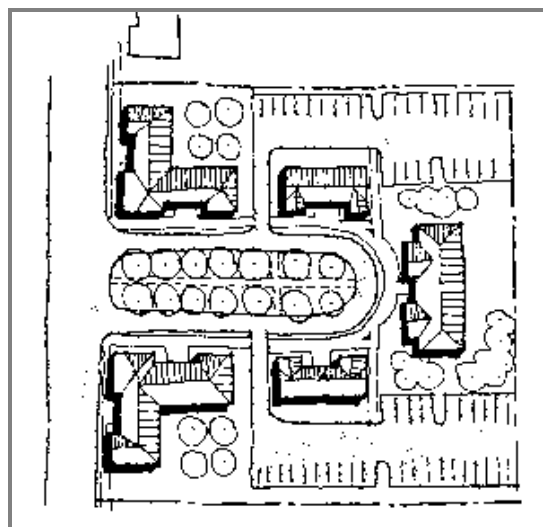
3. Provide each building with direct pedestrian access from the main street fronting the building and from the back where the parking is located.

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.



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 façade 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.

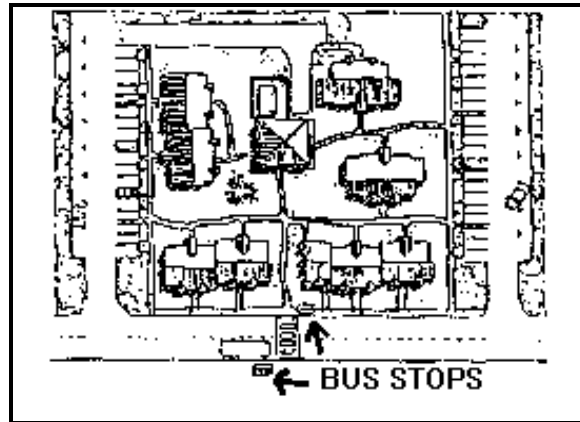
a. Site lighting (pedestrian-scale and low level) should be provided throughout the project.

b. Security lighting should be provided in parking areas and play areas.

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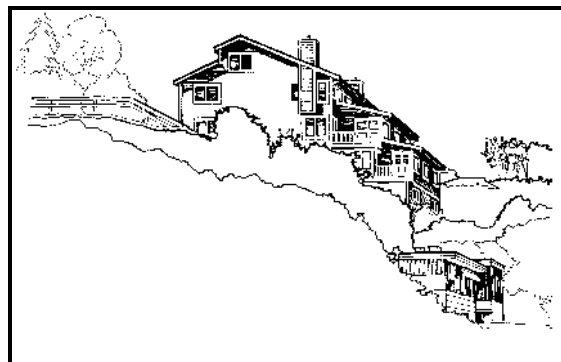
- c. Lighting should not shine into the dwelling units in the development.
- d. Lighting should be directed away from neighboring development.
- 3. Mailboxes. If common mailboxes are used, they should be located near the project entry or near the recreational facilities. The architectural character should 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 stormwater 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.

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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 species, and require low amounts of chemicals and fertilizers.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

Chapter 17.353

URBAN CENTER ZONES

Sections:

- 17.353.010 Purposes.

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- 17.353.020 Uses.
- 17.353.030 Densities generally – Density limit for the South Kitsap UGA/ULID #6 Sub-Area.
- 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.

17.353.010 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.

The uses set forth in the Urban Center Zones Use Table 17.353.020 are examples of the uses allowable in the Urban Village Center and Urban Town Center zones. The appropriate review authority is mandatory.

URBAN CENTER ZONES USE TABLE 17.353.020

"P" — Permitted uses
 "C" — Conditional uses, Chapter 17.420
 "R" — Reserved
 "SPR" — Site plan review, Chapter 17.410
 "X" — Uses specifically prohibited

USES	UVC	UTC
A. Residential		
1. Dwellings, single-family ¹	P	R
2. Dwellings, two-family or duplex ¹	SPR	R
3. Cottage housing developments	SPR	R
4. Townhouses (3 or more) ¹	SPR	R
5. Dwellings, multi-family (up to 18 d.u. per net acre) ¹	SPR	R
6. Dwellings, multi-family (more than 18 d.u. per net acre) ¹	X	R
7. Residences above commercial uses in multi-story structures ¹	SPR	R
8. Home businesses	P	R
B. Retail Sales – General Merchandise		
1. General merchandise stores in excess of 25,000 square feet gross floor area	X	R
2. General merchandise stores between 5,000 and 25,000 square feet gross floor area	C	R
3. General merchandise stores less than 5,000 square feet gross floor area	SPR	R
C. Retail Sales – Restaurants, Drinking Places		
1. Delicatessens/Restaurants	SPR	R
2. Drive-in restaurants	X	R
3. High turnover restaurants (excluding those with drive-through service)	SPR	R
4. Brew pubs (where the manufacturing component is subordinate and accessory to a primary retail use)	SPR	R
5. Brew pubs (where the retail component is subordinate and accessory to a primary manufacturing use)	X	R
6. Drinking establishments (bars, cocktail lounges, night clubs and taverns)	SPR	R
D. Retail Sales – Automotive Related Sales and Services		
1. Motor vehicle/RV dealers – new and used	X	R
2. Auto parts and accessory stores	X	R
3. Service stations/fuel sales	X	R
4. Boat dealers, marine supplies and repair	X	R
5. Farm equipment and implement dealer	X	R
6. Auto, truck, trailer and equipment rental or repair	X	R
7. Car washes	X	R
E. Retail Sales – Miscellaneous Stores		
1. Mobile home sales – new and used	X	R
2. Farm and garden supplies, including nurseries	SPR	R
3. Fuel distributors/bulk storage	X	R

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4.	Laundromats and laundry services	SPR	R
5.	Lumber yards and building/construction materials	X	R
6.	Pharmacies	SPR	R
7.	Custom art and craft stores	SPR	R
F. Retail Sales – Products (Custom Fabricated, Processed, Assembled, Installed, Repaired, or Printed on the Premises within an Entirely Enclosed Building)			
1.	Cabinet, electrical, plumbing, sheet metal, heating and air conditioning and welding shops	X	R
G. Services – Business			
1.	General office and management services	SPR	R
2.	Duplicating, addressing, blueprinting, photocopying, mailing, and stenographic services	SPR	R
3.	Mortuaries	C	R
4.	Office equipment service and repair shop	C	R
5.	Off-street parking facilities	SPR	R
6.	Mini-storage warehouses	X	R
7.	Auction house	SPR	R
8.	Vehicle towing and storage	X	R
9.	Financial and banking institutions	SPR	R
10.	Real estate brokers, agents and services	SPR	R
H. Services – Lodging Places			
1.	Bed and breakfast house within an existing structure (up to 4 guest rooms)	P	R
2.	Bed and breakfast house (up to 10 guest rooms)	SPR	R
3.	Hotel/motel	SPR	R
4.	Recreational vehicle camping parks	X	R
5.	Rooming houses	X	R
I. Services – Medical and Health			
1.	Hospitals/health care campus	C	R
2.	Medical and dental laboratories	SPR	R
3.	Sanitaria, convalescent, and rest homes	SPR	R
4.	Animal hospitals	C	R
5.	Ambulance services	C	R
6.	Congregate care facilities	SPR	R
7.	Clinic, outpatient	SPR	R
8.	Residential care facilities	SPR	R
J. Services – Amusement			
1.	Amusement centers, indoor	SPR	R
2.	Amusement centers, outdoor	C	R
3.	Carnivals (temporary) and circuses (temporary)	SPR	R
4.	Health and racquet clubs	SPR	R

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5. Theaters, indoor	SPR	R
6. Theaters, outdoor (drive-in)	X	R
7. Sports facilities, including stadium and arena facilities and skating rinks	X	R
K. Services – Educational, Recreational		
1. Day-care centers	SPR	R
2. Day-care centers, family	SPR	R
2. Libraries	SPR	R
3. Private schools	SPR	R
4. Privately owned recreational facilities, pedestrian and bicycle trails and facilities	SPR	R
L. Services – Membership Organizations		
1. Business, professional, civic, social and fraternal	SPR	R
2. Religious places of worship	SPR	R
3. Private community centers, halls, clubs, lodges, meeting places	SPR	R
M. Public Services and Facilities		
1. Police and fire stations	P	R
2. Post offices	P	R
3. Utility substations and related facilities	P	R
4. Museums, galleries, historic and cultural exhibits and similar uses	SPR	R
5. Publicly owned recreational facilities, services, parks, playgrounds, parkways, pedestrian and bicycle trails and facilities	SPR	R
6. Sheltered transit stops	P	R
N. Other		
1. Forestry	X	R
2. Agriculture	X	R

1. See Sections 17.353.030(A) and 17.353.050, below.

Note: Other similar uses which the director finds to fit the purpose or intent of the zoning designation, in compliance with Section 17.100.040 (Permitted Uses).

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

17.353.030 Densities generally – Density limit for the South Kitsap UGA/ULID #6 Sub-Area.

A. Densities Generally.

1. UVC Zone: Development is subject to a minimum density requirement of 10 dwelling units per net acre, and a maximum density of 18 dwelling units per net acre.

2. UTC Zone: Reserved.

B. Density Limit for the South Kitsap UGA/ULID #6 Sub-Area. Pursuant to the approved South Kitsap UGA/ULID #6 Sub-Area Plan, the maximum number of residential units permitted within the entire sub-area is 4,172, until such time as a further population allocation is made to the sub-area. All residential development within the VC zone 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.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

17.353.040 Lot requirements.

- A. Lot Size Requirements.
 - 1. UVC Zone: No requirement.
 - 2. UTC Zone: Reserved.
- B. Yard Requirements.
 - 1. UVC Zone Yard Requirements:
 - a. Front yard – no requirement.
 - b. Rear yard – no requirement.
 - c. Side yard – no requirement.
 - 2. UTC Zone Yard Requirements: [Reserved.]

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

17.353.050 Commercial and residential floor area limitations.

- A. Commercial Floor Area Limitations.
 - 1. UVC Zone Commercial Space Limitations. The total gross floor area devoted to commercial use in any one structure within the UVC zone shall not exceed 25,000 square feet.
 - 2. UTC Zone Commercial Space Limitations. [Reserved.]
- B. Residential Floor Area Limitations. The total gross floor area devoted to residential use in any project development proposal shall not exceed two-thirds of the total proposed gross floor area; provided, that 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.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

17.353.060 Height regulations.

- A. UVC Zone. No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed forty-five feet in height.
- B. UTC Zone. [Reserved.]

(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 efficiency of the process

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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)

Chapter 17.354

URBAN CENTER ZONES – DESIGN CRITERIA

Sections:

17.354.010 How to use the design criteria.

ARTICLE 1 – SITE DESIGN AND ORIENTATION: APPLICABLE TO ALL DEVELOPMENT IN THE VC AND TC ZONES

- 17.354.020 Site design – Streets, trails and open space.
- 17.354.030 Site design – Location and use of centers and common open spaces.
- 17.354.040 Site design – Gateways and focal points.
- 17.354.050 Site design – Pedestrian/sidewalk orientation.
- 17.354.060 Site design – 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.
- 17.354.080 Building design – Creation of human scale.
- 17.354.090 Building design – Building wall finishes for stand alone and corner site buildings.
- 17.354.095 Building design – Commercial use with ancillary drive-through component.
- 17.354.100 Landscape design for mixed-use areas.
- 17.354.110 Landscape design – Screening.
- 17.354.120 Landscape design – Existing trees.
- 17.354.130 Signs – Attached to the building.
- 17.354.140 Signs – Freestanding.

ARTICLE 3 – MULTI-FAMILY PROJECTS IN THE VC AND TC ZONES (INCLUDING TOWNHOUSES OF 5 UNITS OR MORE)

- 17.354.150 Site design – Orientation.
- 17.354.160 Site design – Parking location and design.
- 17.354.170 Site design – Mailboxes, site lighting, and transit stops.
- 17.354.180 Site design – Screening.
- 17.354.190 Building design – Neighborhood scale.
- 17.354.200 Building design – Privacy.
- 17.354.210 Building design – Facade, footprint, and roof articulation.
- 17.354.220 Building design – Entries.
- 17.354.225 Building design – Windows.

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17.354.230 Building design – Materials and colors.

17.354.240 Signs.

**ARTICLE 4 – OTHER RESIDENTIAL DEVELOPMENT IN THE VC AND TC ZONES:
DUPLEX AND MANUFACTURED HOUSING, COTTAGE HOUSING AND SINGLE
FAMILY HOUSING**

17.354.250 Duplex, triplex, etc. – Applicability.

17.354.260 Building design – Roof form and architectural detail.

17.354.270 Building design – Entries.

17.354.280 Building design – Garage design.

17.354.290 Building design – Materials and colors.

ARTICLE 5 – ACCESSORY DWELLING UNITS (ADU) IN THE VC AND TC ZONES

17.354.300 Site and building design – Privacy.

17.354.310 Building design – Entry features.

17.354.320 Building design – Materials and colors.

ARTICLE 6 – COTTAGE HOUSING IN THE VC AND TC ZONES

17.354.330 Site design – Cottage housing.

ARTICLE 7 – DEFINITIONS

17.354.340 [Reserved]

**ARTICLE 1 – SITE DESIGN AND ORIENTATION: APPLICABLE TO ALL
DEVELOPMENT IN THE VC AND TC 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 site plan review under Section 410 of this ordinance, or conditional use review under Section 420 of this ordinance. These design criteria are intended to supplement the development standards of the VC and TC zones. Where the provisions of this Section 354 conflict with the provisions of the VC and TC zones in Section 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 VC or TC – these requirements and/or guidelines are applicable to that particular zone found in Section 353.

(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 (2) interconnections with the existing public street system rated as an arterial or collector (VC, TC).
2. The modified grid street pattern should define blocks that are two hundred fifty (250) to three hundred fifty (350) feet long (VC, TC).
3. When a block face is longer than three hundred fifty (350) feet, an alley should be provided with through access to another street or alley (VC, TC).
4. Street layout that includes access from alleys to development is preferred (VC, TC).
5. Blocks should be designed to have a maximum length of six hundred (600) 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 (VC, TC).

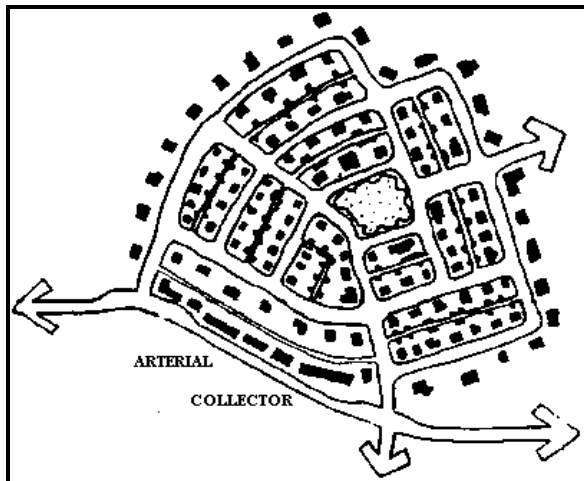


Diagram of a modified grid street pattern built around a Village or Town Center. Note the connections to the surrounding street system. Each Village or Town Center must have at least two (2) peripheral attachments.

6. A majority of the streets should be curved or terminated so that no street vista is longer than one thousand two hundred (1,200) feet (VC, TC).
 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 (VC, TC).
 8. Provide street linkages, including pedestrian and bike facilities to adjacent developments and neighborhoods where possible (VC, TC).
 9. Encourage pedestrian accessibility from adjacent residential neighborhoods by the use of through-block connections or other accessibility methods (VC, TC).
 10. Where there are wildlife habitat areas on a Village or Town Center site, connect them to adjacent habitat areas to facilitate wildlife movement (VC, TC).
- (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 (VC, TC).

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 (TC, VC).

2. All commercial development in villages and centers should be within approximately six hundred (600) feet of an existing or planned transit stop (TC, VC).

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 (TC, VC).

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 play-fields and pedestrian-scale lamp posts (VC, TC).

5. Internal open spaces should be landscaped with trees and shrubs that do not visually obstruct scenic vistas (VC, TC).

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 (VC, TC).

(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 (VC, TC).

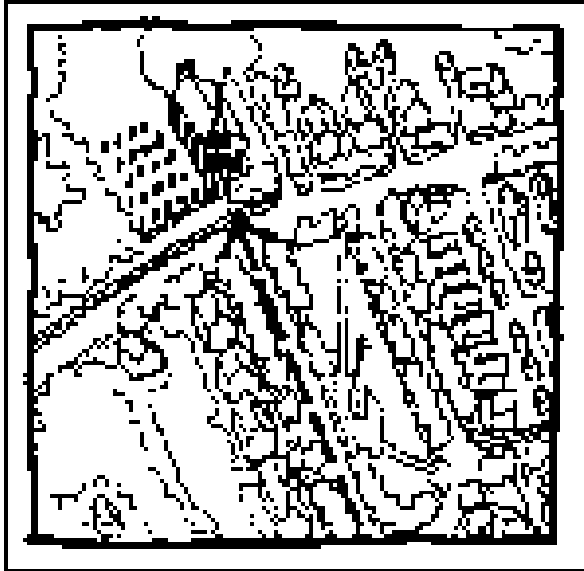
B. Guideline.

1. Prominent, monumental buildings or structures should mark gateways, focal points, or points of visual termination. This can be accomplished by using:

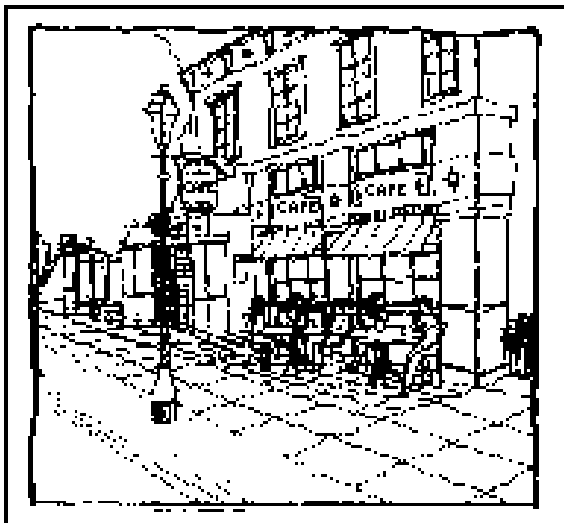
a. Distinct massing (such as the use of recessed entries, contrasting materials and architectural features that identify a bottom, middle and top of a building);

b. Additional height or the appearance of enhanced height (such as with the use of roof pitches and shapes, or cornice detail); and/or

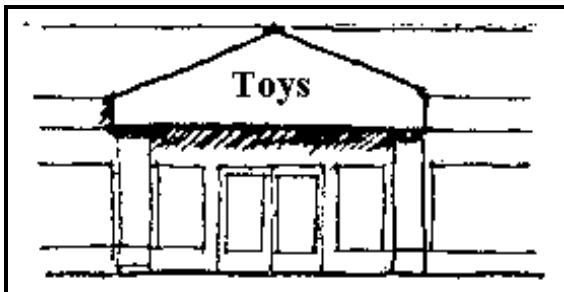
Distinct architectural embellishments or ornamentation that break up and create variety on flat facades.



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. 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 (VC, TC).

b. Buildings fronting on a center park, green or plaza should be at least two (2) stories high (VC, TC).

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 (VC, TC).

d. Locate service and delivery away from the main streets where possible, using alleys or side streets where possible (VC, TC).

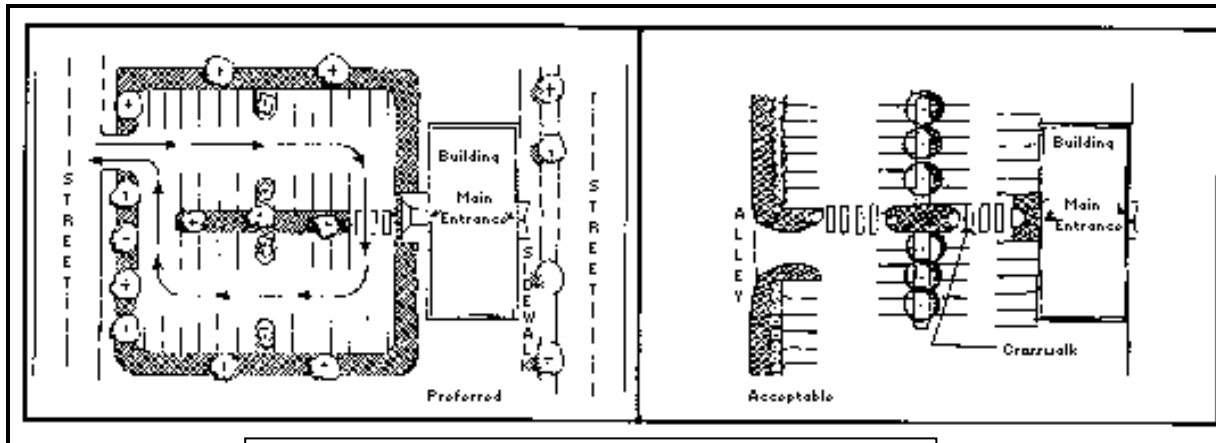
e. Site design should accommodate transit on transit routes:

i. bordering the site, and

ii. within a core area that may have transit service (VC, TC).

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 (VC, TC).



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 (6) feet in width should be provided connecting the street, the sidewalk and the building entrance. Such crossings should be clearly marked (VC, TC).

c. Define walkways with vertical plants (such as trees or shrubs) and lighting (VC, TC).

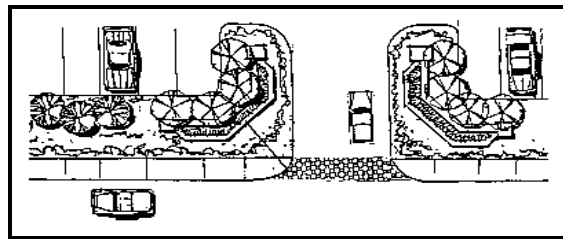
d. Street lights, utility poles, benches, trees, trash receptacles and similar streetscape fixtures should, to the greatest extent practical, be situated so that sidewalks in the rights-of-way have a passable width of at least five (5) feet (VC, TC).

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 the street and alley network, but additional connections may be provided (VC, TC).

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 (VC, TC).

4. Possible amenities include:

- a. Walls and planters that can be used for seating (VC, TC);
 - b. Seating in a variety of locations such as places that are sunny, sheltered from the rain and wind, or shaded in the summer (VC, TC);
 - c. Fountains or sculpture incorporated into small under-utilized areas (VC, TC);
 - d. Seating that allows users to observe the activities of the street or enjoy a scenic view (VC, TC);
 - e. Plazas and courtyards with fountains, sculpture, mobiles, flower boxes, kiosks, banners, etc. (VC, TC);
 - f. Street vendor stations where allowed (VC, TC); and Bike racks (VC, TC).
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 (VC, TC).



Pavers can be used to clearly identify pedestrian areas.

- b. Identify street crossings through changes in color, materials, or patterns (VC, TC).
 - 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 (VC, TC).
 - 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 (VC, TC).
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 (VC, TC).
 - 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 (VC, TC).
 - c. Minimize the apparent width of parking lots that are located adjacent to the street through landscaping and screening (VC, TC).

d. Limit parking lots to thirty (30) 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 (VC, TC).

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 (VC, TC).

f. Where parking structures or covered parking faces the street, at least sixty percent (60%) of the parking structure facing the street between two (2) and eight (8) feet above the sidewalk should incorporate at least one of the following treatments where pedestrian-oriented businesses are located along the façade of the structure (VC, TC):

- 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 (6) 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 (VC, TC):

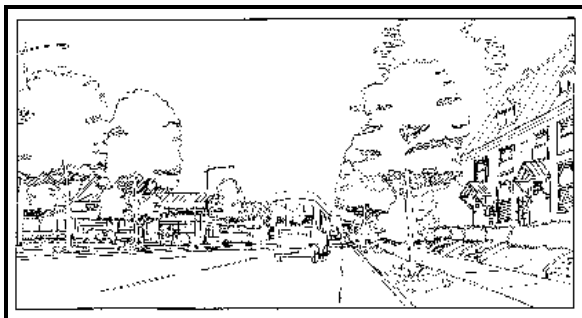
a. Use lighting to accent key architectural elements or to emphasize landscape features (VC, TC);

b. Provide well-lighted pedestrian sidewalks and alleys in accordance with adopted County standards (VC, TC);

c. Locate lighting so as not to have a negative impact on adjacent properties such as shining off site into adjacent buildings (VC, TC); and

d. Decorative street lights should be placed at regular intervals throughout the development (VC, TC).

8. Physical Context. Conform floor elevations to sidewalk grades where possible, except for residential units where first floors may be elevated two to four (2-4) feet above grade to provide privacy (VC, TC).



Entries to residential units with small setbacks are raised two to four (2-4) 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 353.050, Lot Requirements) (VC, TC).

b. Consolidate required parking for several businesses within one (1) parking lot, wherever possible (VC, TC).

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 (VC, TC). 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:

- Maximize the presence and prominence of the building on village corners and at gateways; and
- 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 (VC, TC).

(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 (VC, TC).

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 (VC, TC):

a. Provide art (mosaic, mural decorative masonry pattern, sculpture, relief, etc.) over a substantial portion of the blank wall surface (VC, TC);

b. Employ small setbacks, indentations, stepped fence heights, or other means of breaking up the wall or fence surface and height (VC, TC);

c. Employ different texture, colors, or materials (including landscape materials) to break up the wall's surface (VC, TC);

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 (VC, TC); and

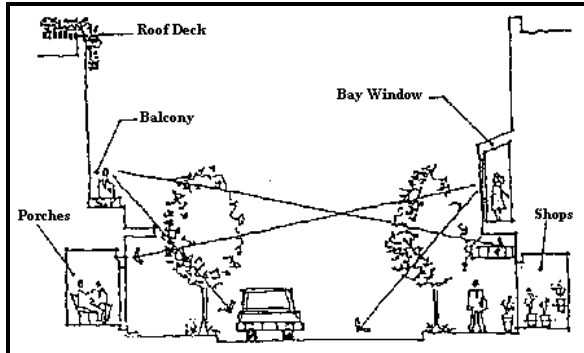
e. If fencing is required, repeat the use of facade building materials on fence columns and/or stringers (VC, TC).

(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 (VC, TC). 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 (VC, TC). 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 (VC, TC). Buildings occupying corners shall be designed as more dramatic structures to emphasize their prominent locations (VC, TC).

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 (VC, TC);
 - b. Accent or trim colors are encouraged (VC, TC).
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 (VC, TC);
 - b. A clearly defined pedestrian entry facing the street (VC, TC);
 - c. Window systems grouped together to form larger areas of glass separated by moldings or jambs (VC, TC); and
 - d. Awnings, canopies, marquees, building overhangs, or similar form of pedestrian weather protection at least four and one half (4½) feet wide along at least eighty percent (80%) of the frontage of buildings that abut a pedestrian street (VC, TC).



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 (VC, TC);
 - ii. Curved or articulated surfaces (VC, TC);
 - iii. Recessed entries (VC, TC);
 - iv. Roof lines, pitches and shapes (VC, TC);
 - v. Cornices (VC, TC);
 - vi. Building ornamentation (VC, TC);
 - vii. Overhangs and soffits (VC, TC);
 - viii. Dormers, balconies and porches that clearly define street-facing entries to residential properties (VC, TC);
 - ix. Building fenestration and detailing (store front or multi-paned windows for residential units) (VC, TC); and
 - x. Awnings and marquees (VC, TC).
 - b. Buildings on corner lots may be designed with additional height and architectural embellishments such as corner towers to emphasize their location (VC, TC).



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 (VC, TC).
- b. In mixed-use buildings, the difference between ground floor commercial uses and entrances for upper level commercial or apartment uses may be reflected by differences in facade

treatment. Differentiation can be achieved through distinct but compatible exterior materials, signs, awnings and exterior lighting (VC, TC).

c. One or more of the following wall treatments are required for building faces fronting on a sidewalk that exceed thirty (30) feet in length, and should cover or comprise at least sixty percent (60%) of the building face between two (2) and eight (8) feet in elevation above the sidewalk.

i. Clear or lightly tinted windows that are transparent when viewed from the sidewalk; (VC, TC);

ii. Ornamental and structural architectural details: mosaic, decorative masonry or tile, surface texture, relief art work, sculpture or murals (VC, TC);

iii. Climbing plants, vines, trees or other vegetation (VC, TC); 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 (VC, TC).

(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 (VC, TC).

B. Guideline.

1. Use rooflines to maintain a consistent and apparent scale, and reinforce or create architectural character on a street (VC, TC).

2. Use architectural features such as cornices or other details that lower the apparent height (VC, TC).

3. Use *modulation* (stepping back and stepping forward) and *articulation* on building facades to reduce the bulk of buildings (VC, TC). 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 (VC, TC).

(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 (VC, TC).

B. Guideline: Continue exterior materials, architectural detailing, and color scheme around all sides of the building visible to the general public (VC, TC).

(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 (VC, TC).

B. Guideline.

1. Design the drive-through window so that it is clearly subordinate to the main building (VC, TC);
2. Where the drive-through is a separate structure, use architectural details that conform to those used on the main building (VC, TC);
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 (VC, TC).

(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 (VC, TC).

B. Guideline.

1. Employ any of the following planting techniques for landscape design:
 - a. Small planting areas with flowering shrubs (VC, TC);
 - b. Trimmed hedges, window boxes, hanging flower baskets (VC, TC);
 - c. Use of shrubs or vines trained to grow upright on wires or trellises (espaliers) next to blank walls with narrow planting areas (VC, TC);
 - d. Isolated trees installed in pavement cutouts (VC, TC);
 - e. Street trees should be massed at critical points such as at focal points along a curve in a roadway (VC, TC);
 - f. Low maintenance, low chemical dependent drought-tolerant plant materials should be used (VC, TC);
 - g. Repeat similar tree and shrub types to coordinate old and new phases of development and provide visual continuity (VC, TC);
 - h. Limit varieties of plant types, use shrubs in multiples of similar types, and avoid a hazardous mixture of textures, colors and plant types (VC, TC);
 - i. Include a well-landscaped surface stormwater treatment area in the landscape design where surface stormwater treatment is provided (VC, TC);
 - j. Retain natural greenbelt vegetation that contributes to greenbelt preservation (VC, TC);
 - k. The owners will provide regular maintenance to ensure that plants are kept healthy and dead or dying plant materials are replaced (VC, TC);
 - l. Landscape open areas created by building modulation (VC, TC);
 - m. Incorporate upper story planter boxes or roof plants into facades that can be seen by pedestrians (VC, TC); and
 - n. Emphasize entries with special planting in conjunction with decorative paving and/or lighting (VC, TC).

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

17.354.110 Landscape design – Screening.

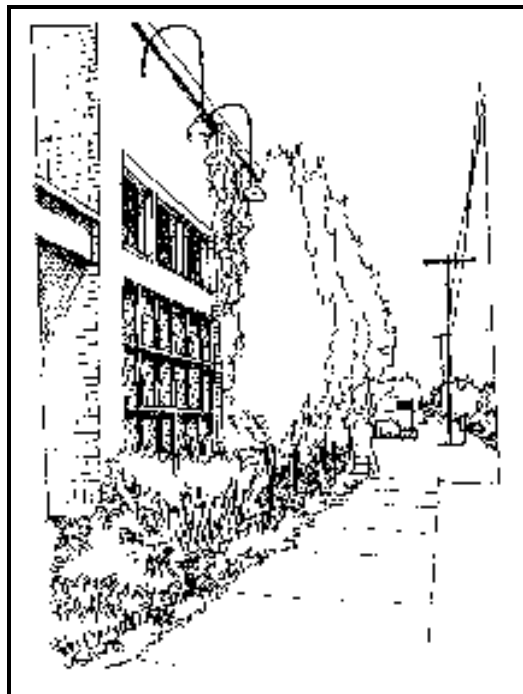
A. Requirement. Use landscaping to help define, break up and screen parking areas. Landscaping shall provide a separation between incompatible land uses or activities (such as a parking lot next to the bedrooms of a residential structure). Landscaping shall also provide a physical or visual barrier for service areas, mechanical equipment, loading docks or similar areas (VC, TC).

B. Guideline.

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1. Canopy trees (able to spread and shade) should be added to parking areas – there should be no more than six (6) parking spaces in a row without a landscape peninsula within the parking area having a two (2) inch caliper tree, shrubs, and ground covers (VC, TC).
2. Wheel stops, curbs, or walkways should be used to protect landscaping from being run over by vehicles in the parking lot (VC, TC).
3. Consider screening with the use of hedges, densely planted shrubs, evergreen trees, or combinations of these (VC, TC).
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 (VC, TC).
5. If fencing is required, repeat the use of facade building materials on fence columns and/or stringers (VC, TC).
6. Berms, walls and fences are encouraged in combination with trees, shrubs and vines to screen parking lots (VC, TC).
7. Raised planter boxes of concrete, stone, wood, brick or other compatible materials can provide useful separation and screening (VC, TC).
8. Locate appropriate landscape materials near building walls or service areas where screening is needed. Large planters may be used as alternative solutions (VC, TC).
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 (VC, TC).
10. Unrelieved blank walls with narrow planting areas can be softened with espaliered shrubs or vines (VC, TC).



Vines, hardy shrubs and columnar trees used to landscape a narrow planting bed.

(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 (VC, TC).

B. Guideline.

1. Retain healthy mature trees where possible (VC, TC);
 2. Design the site to preserve unique specimens (VC, TC);
 3. Minimize site alteration, soil disturbance, and compaction within the drip line of existing trees (VC, TC);
 4. Provide a tree well or other form of protection where the surrounding grade must be raised (VC, TC);
 5. Fence around drip line during construction (VC, TC); and
 6. Incorporate the tree plan into the landscape plan (VC, TC).
- (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 (VC, TC). Signs shall conform to the requirements set forth in Section 445 of this Zoning Ordinance.

B. Guideline.

1. Use sign panel shapes that accentuate the building's architectural forms (VC, TC);
 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 (VC, TC);
 3. Keep signs subordinate to the building design (VC, TC);
 4. Coordinate colors with the colors of the building (VC, TC);
 5. When several businesses share the same building, use directory signs where possible and use similar sizes and types of signs (VC, TC); and
 6. Addresses must be clearly visible from the street edge (VC, TC).
- (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 (VC, TC). Signs shall conform to the requirements set forth in Section 445 of this Zoning Ordinance.

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 (4) feet above grade (VC, TC);
 - b. For visual clarity, the lettering style and colors should be limited to two (2) lettering styles and three colors (VC, TC); and
 - c. Incorporate signs in planters or as screening walls (VC, TC).

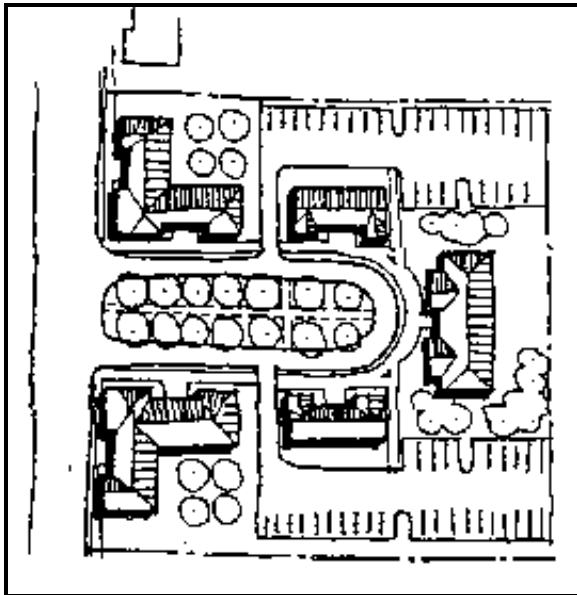
**ARTICLE 3 – MULTI-FAMILY PROJECTS IN THE VC AND TC ZONES
(INCLUDING TOWNHOUSES OF 5 UNITS OR MORE)**

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 (VC, TC).

B. Guideline:

1. Use a modified street grid system with buildings fronting on a street (VC, TC).
 - 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 (VC, TC);
 - b. Each building should have direct pedestrian access from the street fronting the building and from the back where the parking is located (VC, TC).
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 (VC, TC).



(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 (VC, TC).

B. Guideline:

1. Locate surface parking at rear or side of lot (VC, TC);

2. Break large parking lots into small ones, and share with adjacent property owners where possible (VC, TC);
 3. Minimize the number and width of driveways and curb cuts (VC, TC)
 4. Share driveways with adjacent property owners (VC, TC);
 5. Locate parking in areas that are less visible from the street (VC, TC);
 6. Locate driveways so they are visually less dominant (VC, TC);
 7. Berm and landscape parking lots when they are visible from the street (VC, TC);
 8. Screen parking lots abutting single-family residences with landscaping and/or fencing (VC, TC); and
 9. Limit parking lots on street frontages to thirty percent (30%) of the street frontage (VC, TC).
- (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 (VC, TC).

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 (VC, TC).

2. Site Lighting.

a. Site lighting (pedestrian-scale, low-level lighting) should be provided throughout, and located at the walkways (VC, TC);

b. Security lighting should be provided in the parking areas, play areas and bus stops (VC, TC);

c. Lighting should not shine into the dwelling units on the site (VC, TC); and

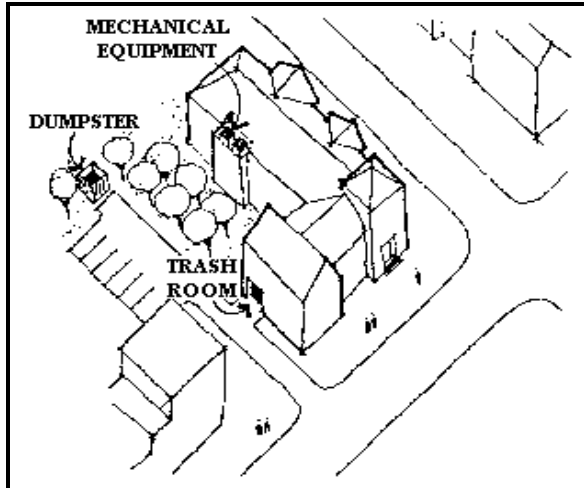
d. Lighting should be directed away from neighboring development (VC, TC).

(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 (VC, TC).

B. Guideline. Support areas should be located adjacent to parking areas and should be fully screened with a minimum six (6) foot high fence. The screening material should match the main buildings, and the perimeters planted with shrubs and ornamental trees (VC, TC).



Service elements located away from the street edge and not generally visible from the sidewalk.

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

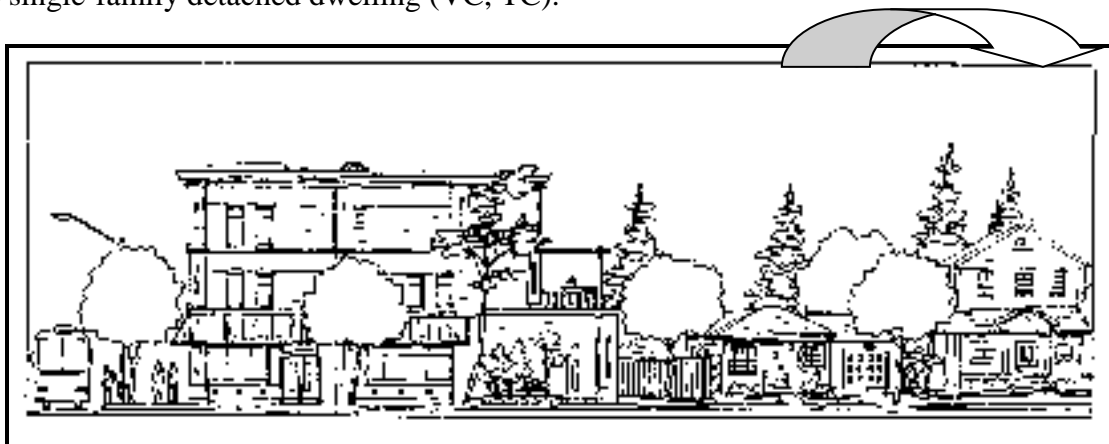
17.354.190 Multi-family – Building design – Neighborhood scale.

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 (VC, TC). [See illustration below.]

B. Guideline.

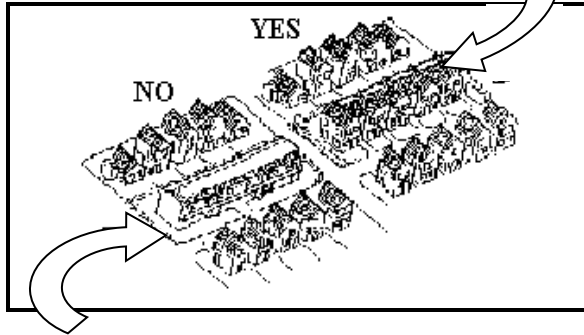
1. Use house-size building elements when locating a multi-family project adjacent to a single-family neighborhood by employing any of the following techniques:

- a. Place one (1) and two (2) story units adjacent to existing one story houses, and two (2) and three (3) story units adjacent to existing two (2) story houses (VC, TC);
- 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 (VC, TC);
- c. Design the exterior of multi-family buildings to appear as a single building, such as a large single-family detached dwelling (VC, TC).



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. 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 (VC, TC).

B. Guideline.

1. Locate windows so that residents from one unit cannot look directly into another unit (VC, TC);

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 adequate landscaping can be planted to provide privacy (VC, TC).

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

17.354.210 Multi-family – Building design – Façade, 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 (VC, TC).

B. Guideline.

1. Buildings should be divided and given human scale by using articulation and/or modulation at least every thirty (30) feet. Ways to do this include the following:

a. Façade modulation – stepping back or extending forward a portion of the façade at least six (6) feet (measured perpendicular to the front façade), for each interval (VC, TC);

b. Articulating each interval with architectural elements like porches, balconies, bay windows and/or covered entries (VC, TC);

c. Articulating the roofline by stepping the roof and by emphasizing dormers, chimneys, gables (VC, TC); and

d. Providing a ground or wall mounted light fixture, a trellis, a tree, or other site feature within each interval (VC, TC).

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 (VC, TC);

b. Using architectural details that are well proportioned to achieve human scale such as:

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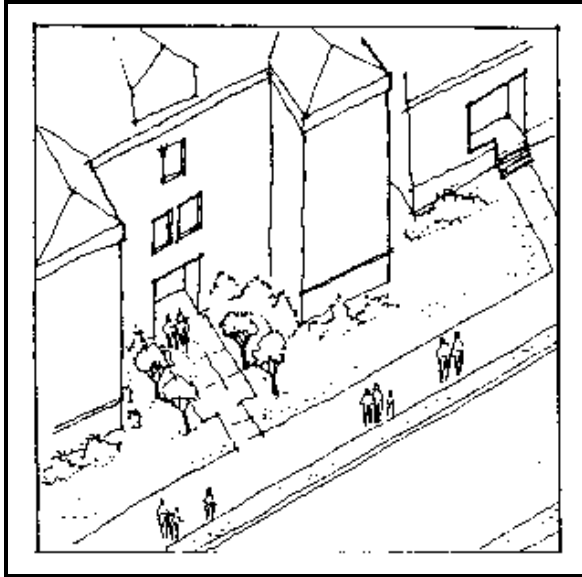
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- i. entry details like covered porches and recesses;
 - ii. occupiable spaces like bay windows and balconies;
 - iii. window details like vertically proportioned window openings that are recessed into the face of the building and broken up with smaller panes of glass;
 - iv. roof details like brackets, chimneys, roof overhangs of at least 16" (measured horizontally), or roof cornice elements at least 12" 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 (VC, TC).
3. Where parking structures or covered parking faces the street, at least sixty percent (60%) of the parking facade facing the street between two (2) and eight (8) feet above the sidewalk should incorporate at least one of the following treatments where pedestrian-oriented businesses are located along the façade of the structure (VC, TC):
- 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 (6) feet from the primary façade plane in order to minimize their prominence (VC, TC).
(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 (VC, TC).

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 (VC, TC). Dark, hidden corridors or stairways and long entry balconies are discouraged (VC, TC). 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 (VC, TC).



Clear entries to the sidewalk encourage pedestrian circulation.

(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 (VC, TC). 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 (VC, TC).
(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 (VC, TC). Signs shall conform to Section 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 (VC, TC).
- 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 (VC, TC).
(Ord. 311 (2003) [Attachment 7 (part)], 2003)

**ARTICLE 4 – OTHER RESIDENTIAL DEVELOPMENT IN THE VC AND TC 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 VC and TC zones.
(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 (VC, TC).

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 (VC, TC).
 - 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 (16) inches (measured horizontally);
 - v. windows that create relief in the facade by being detailed to appear to recede into the building face (VC, TC).
- (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 (VC, TC).

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 (VC, TC).
- 2. Entries should include, at a minimum, eave overhangs extending at least 16 inches (measured horizontally) and covered porches (VC, TC).
- 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 (VC, TC).

(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 (VC, TC).

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 (VC, TC).
- 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 (VC, TC).
- 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 (VC, TC).

(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 (VC, TC).

B. Guideline.

- 1. Preferred materials that could be used in a Village or Town Center include (VC, TC):

- 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 (VC, TC).
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 (VC, TC).
- (Ord. 311 (2003) [Attachment 7 (part)], 2003)

ARTICLE 5 – ACCESSORY DWELLING UNITS (ADU) IN THE VC AND TC 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 (VC, TC).
- 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 (VC, TC).
- (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 (VC, TC).
- B. Guideline.
1. Entries should be plainly visible from the fronting street sidewalk (VC, TC);
 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 (VC, TC);
 3. Where an ADU is added within an existing primary residence, entry may be off an existing foyer (VC, TC);
 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 (VC, TC)
 5. Walkways, entry porches, or stairways that are dark or hidden are to be avoided (VC, TC);
 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 (VC, TC).
- (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 (VC, TC).

B. Guideline.

1. Use a roof form and roof pitch, and window and door form and arrangement that looks like the primary residence (VC, TC);

2. Use the same exterior materials (roof, siding, and trim) and a color that matches the primary residence (VC, TC);

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 (VC, TC).

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

ARTICLE 6 – COTTAGE HOUSING IN THE VC AND TC 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 (VC, TC).

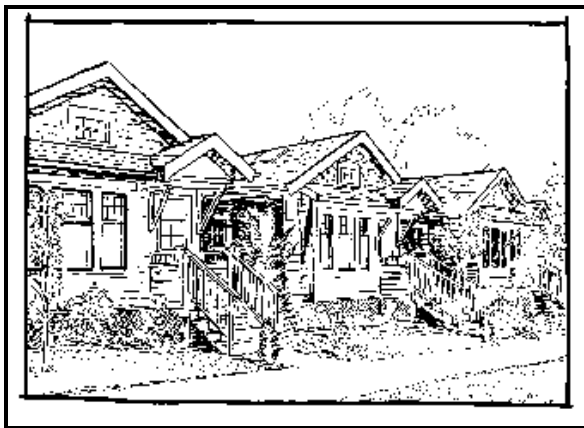
B. Guideline.

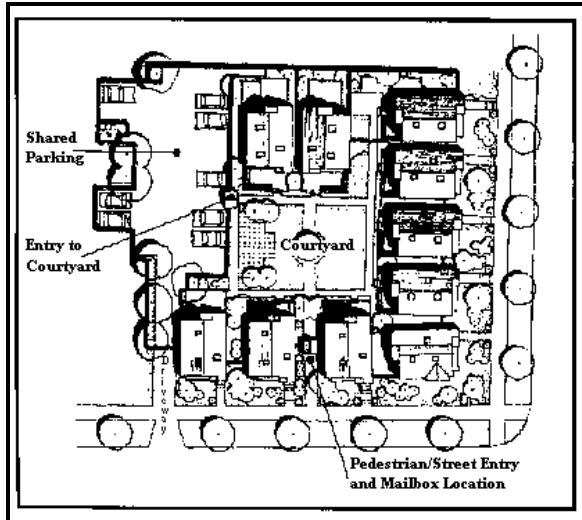
1. Entryways should be oriented to the public street, with secondary entries oriented to the shared courtyard (VC, TC);

2. Parking should be shared and accessed off an alley or secondary street wherever possible (VC, TC)

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 (VC, TC)

4. Provide pedestrian connections from the interior courtyard to the shared parking area and to the street and sidewalk (VC, TC).





Cottage Housing

(Ord. 311 (2003) [Attachment 7 (part)], 2003)

ARTICLE 7 – DEFINITIONS

17.335.340 [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).² These commercial centers occur on smaller sites and are intended to provide for the quick stop shopping needs for the immediate neighborhood in which they are located. New centers should be based upon demonstrated need and shall be compatible with a residential setting.

B. Highway/Tourist Commercial (HTC).^{1, 2} This zone is intended to recognize the existing commercial development patterns of some areas of the county. These commercial areas are intended to serve the traveling public and provide for those commercial establishments which require large sites and a high degree of visibility. This zone also serves the needs of Kitsap Coun-

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ty’s growing tourist industry. Uses are focused on visitor services and accommodations for both destination and en route travelers. Certain historic settlements, highway locations, and tourism “gateways” are most appropriately suited for the HTC zone.

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

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

(Ord. 250-2000 § 4 (part), 2000: Ord. 247-2000 § 2 (Att. 2 (part)), 2000: Ord. 216-1998 § 4 (part), 1998)

17.355.020 Uses.^{1, 2}

The uses set out in Commercial Use Table 17.355.020 are examples of uses allowable in the various zones. The appropriate review authority is mandatory.

COMMERCIAL USE TABLE 17.355.020

“P” — Permitted uses “SPR” — Site plan review, Chapter 17.410
 “C” — Conditional uses, Chapter 17.420 “X” — Uses specifically prohibited

USES	NC ²	HTC ^{1, 2}	UC	RC
A. Residential				
1. Medium and high density (Not on ground floor)	SPR	SPR	SPR	SPR
2. Performance based developments, subject to Chapter 17.425	SPR	SPR	SPR	SPR
3. Existing residences without any increase in density ³	P	P	P	P
B. Retail Sales – General Merchandise and services				
1. Stores in excess of 25,000 square feet gross floor area	X	SPR	SPR	SPR
2. Stores – 5,000 to 25,000 square feet gross floor area	C	SPR	SPR	SPR
3. Stores – less than 5,000 square feet gross floor area	SPR	SPR	SPR	SPR
C. Retail Sales – Restaurants, Drinking Places				
1. Delicatessens / Restaurants – fast food including drive up service windows	SPR	SPR	SPR	SPR
2. Drinking places, alcoholic beverages with or without entertainment	C	C	C	C
3. Espresso stands	SPR	SPR	SPR	SPR
D. Retail Sales – Automotive Related Sales & Services				
1. Motor vehicle / RV dealers – new and used	X	SPR	SPR	SPR
2. Auto parts and accessory stores	X	SPR	SPR	SPR
3. Service stations / fuel sales	X	SPR	SPR	SPR
4. Boat dealers, marine supplies, and repair	X	SPR	SPR	SPR

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

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USES	NC ²	HTC ^{1, 2}	UC	RC
7. Clinic, outpatient	SPR	SPR	SPR	SPR
J. Services – Amusement				
1. Amusement centers – indoor	C	SPR	SPR	SPR
2. Amusement centers – outdoor	C	SPR	SPR	SPR
3. Carnival (temporary) and circus (temporary)	C	SPR	SPR	SPR
4. Health and racquet clubs	SPR	SPR	SPR	SPR
5. Theaters, indoor	SPR	SPR	SPR	SPR
6. Theaters, outdoor (drive-in)	X	C	C	C
7. Sports facilities, including stadium and arena facilities	C	SPR	SPR	SPR
K. Services – Educational, Recreational				
1. Nursery, day-care centers	SPR	SPR	SPR	SPR
2. Libraries	SPR	SPR	SPR	SPR
3. Private schools	SPR	SPR	SPR	SPR
4. Public parks, parkways, public/private recreational facilities, trails and related facilities	SPR	SPR	SPR	SPR
5. Marinas	SPR	SPR	SPR	SPR
L. Services – Membership Organizations				
1. Business, professional, civic, social and fraternal	SPR	SPR	SPR	SPR
2. Religious, places of worship	SPR	SPR	SPR	SPR
M. Public Services and Facilities				
1. Police and fire stations	SPR	SPR	SPR	SPR
2. Educational institutions	SPR	SPR	SPR	SPR
3. Post offices	SPR	SPR	SPR	SPR
4. Utility substation and related facilities	SPR	SPR	SPR	SPR
5. Zoos, museums, galleries, historic and cultural exhibits and similar uses	SPR	SPR	SPR	SPR
6. Transportation terminals	C	SPR	SPR	SPR
N. Other				
1. Forestry	P	P	P	P
2. Agriculture	P	P	P	P

(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.^{1, 2}

No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five feet in height, except a greater height may be allowed upon review and approval by

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the director with concurrence from the appropriate fire district and fire marshal. The maximum building height may be increased upon approval of the fire district, fire marshal, and/or director, any such increases shall be based on criteria which must first be approved by the board of county commissioners.

(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.^{1, 2}

For lot requirements, *see* Commercial Zone Lot Requirements Table 17.355.040.

COMMERCIAL ZONE LOT REQUIREMENTS TABLE 17.355.040

ZONE	NC²	HTC^{1, 2}	UC	RC
A. Minimum front yard setback in feet	20	20	20	20
B. Minimum side yard setback abutting a residential zone	20	20	20	20
C. Minimum side yard setback not abutting a residential zone	10	10	10	10
D. Minimum rear yard setback abutting a residential zone	20	20	20	20
E. Minimum rear yard setback not abutting a residential zone	10	10	10	10

(Ord. 247-2000 § 2 (Att. 2 (part)), 2000: Ord. 216-1998 § 4 (part), 1998)

17.355.050 Signs.^{1, 2}

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.^{1, 2}

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.^{1, 2}

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 South Kitsap UGA/ULID #6 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.

For a list of examples of allowable uses in the BP zone, *see* Business Center, Business Park and Industrial Use Table 17.370.020.

(Ord. 216-1998 § 4 (part), 1998)

17.360.030 Height regulation.

No structure shall exceed thirty-five feet in height unless the director finds that appropriate setbacks and/or screening of the site can maintain the character of the surrounding area. In instances where the maximum building height may be increased upon approval of the fire district, fire marshal, and/or director, any such increases shall be based on criteria which must first be approved by the board of county commissioners.

(Ord. 216-1998 § 4 (part), 1998)

17.360.040 Site requirements.

A. Site Area. The minimum site area shall be seven acres.

B. Site Setback. The minimum site setback shall be seventy-five feet for any yard abutting a residential zone, unless berming and landscaping approved by the director is provided which will effectively screen and buffer the business park activities from the residential zone which it abuts; in which case, the minimum site setback may be reduced to less than seventy-five feet but no less than twenty-five feet. In all other cases, minimum site setbacks shall be twenty feet.

C. Site Coverage. The maximum site coverage by impervious surfaces shall be fifty percent of the total site area.

D. Service Roads, Spur Tracks, and Hard Stands. No service road, spur track, or hard stand shall be permitted within required yard areas that abut residential zones.

E. Yards are required where side or rear lot lines abut railroad right-of-way or spur tracks.

F. Fences, walls and hedges will be allowed inside of a boundary planting screen where it is necessary to protect property of the industry or business concerned; or to protect the public from a dangerous condition. Fences may not be constructed in a required yard adjacent to a public right-of-way.

(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 150 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:

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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 South Kitsap UGA/ULID #6 Sub-Area.

Consistent with Chapter 17.428, prior to any new development within an area zoned BP in the South Kitsap UGA/ULID #6 Sub-Area, a master plan shall be prepared for the entirety of the BP zone located within the South Kitsap UGA/ULID #6 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.
- 17.365.025 Master plan required.
- 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. In order to allow higher intensity uses while protecting environmental resources, master planning by watershed sub-basin is required unless specifically exempted.

(Ord. 311 (2003) [Attachment 5 [§ 4 (part)]], 2003)

17.365.020 Uses.

The following uses are prohibited within the Business Center Zone.

- A. Residential uses, except by caretaker of property in conjunction with a permitted use;
- B. Adult entertainment;
- C. Animal-related facilities such as stockyards, slaughterhouses and rendering, tanning and butchering facilities;
- D. Uses generating obnoxious impacts as defined under Section 17.455.110 of this code;
- E. Processing, milling or grinding of lumber, stumps, paper, pulp, etc.;
- F. Gravel, asphalt, and concrete mixing; rock crushing and top soil production facilities or operations;
- G. Sales and storage of autos, recreational vehicles, heavy equipment, boats and trailers unless associated with a primary use of on-site manufacturing of same, subject to the provisions of subsection (A)(5) of Section 17.370.020 of this code;
- H. Shipping container storage, open storage yards and lay down yards not associated with the primary use;
- I. Water and energy intensive businesses;
- J. Regional retailers and large supermarkets;
- K. Automotive salvage yards;
- L. Self-storage facilities;
- M. Assembly, processing or manufacturing facilities performing on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the state siting criteria (RCW 10.105); and
- N. Bulk storage of hazardous materials not used in an on-site manufacturing process resulting in a regulated product.

For a list of examples of allowable uses in the BC Zone *see* Business Center, Business Park and Industrial Use Table at Section 17.370.020 of this code.

(Ord. 311 (2003) [Attachment 5 [§ 4 (part)]], 2003)

17.365.025 Master plan required.

Except as specifically exempted below, all development within this zone must be consistent with a master plan developed under Chapter 17.415 of this code.

- A. South Kitsap Industrial Area. Development in the ‘Business Center’ zone with a master plan optional overlay as depicted in the South Kitsap Industrial Area Plan will have the option of developing a master plan pursuant to Chapter 17.415 of this code. For developments not electing to develop a master plan, all uses shown as “Permitted” in Table 17.370.020 will require a “Site Plan

Review”. 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 [§ 4 (part)]], 2003)

17.365.030 Height regulation.

No structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five feet in height, *except* a greater height may be allowed upon review/approval by the director with concurrence from the fire marshal/fire district, if the net result is an overall increase in areas used for open space, recreational areas, or other public amenities, or the design results in a more creative or efficient use of land.

(Ord. 311 (2003) [Attachment 5 [§ 4 (part)]], 2003)

17.365.040 Site requirements.

A. Site Area. There shall be no minimum site area within this zone.

B. Yard Abutting a Residential Zone. The minimum site setback shall be seventy-five feet for any yard abutting a residential zone, unless berming and landscaping approved by the director is provided which will effectively screen and buffer the business park activities from the residential zone which it abuts; in which case, the minimum site setback may be reduced to less than seventy-five feet but no less than twenty-five feet. In all other cases, minimum site setbacks shall be twenty feet. No structures, open storage, or parking shall be allowed in the setback area. The plan for landscaping may only be approved if the landscaping is designed to preserve the quality of the residential zone.

C. Site Coverage. Site coverage will be determined through the master plan process in accordance with sub-area and master plan policies.

D. Service Roads, Spur Tracks, and Hard Stands. No service road, spur track, or hard stand shall be permitted within required yard areas that abut residential zones.

E. Yards are required where side or rear lot lines abut railroad right-of-way or spur tracks.

F. Fences, walls and hedges will be allowed inside of a boundary planting screen where it is necessary to protect property of the industry or business concerned; or to protect the public from a dangerous condition. Fences may not be located in or adjacent to a required yard adjacent to a public right-of-way.

(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.

Development within this zone shall be subject to review and approval by the director of a site landscape and design plan based on conformance to design standards associated with this zone and/or design standards associated with a particular sub-area. In addition to the requirements of Chapter 17.385 of this code, the following requirements shall apply:

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

B. All business, service repair, processing, storage, or merchandise display on property abutting or across the street from a lot in any residential zone, shall be conducted wholly within an enclosed building unless screened from the residential zone by a site-obscuring fence or wall.

(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 plan 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 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. 216-1998 § 4 (part), 1998)

17.370.020 Uses.

The following Business Center, Business Park and Industrial Use Table 17.370.020 is a list of examples of allowable uses in the business park (BP) and industrial (IND) zones.

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

BUSINESS CENTER, BUSINESS PARK AND INDUSTRIAL USE TABLE 17.370.020

“P” — Permitted uses
 “C” — Conditional uses, Chapter 17.420
 “SPR” — Site plan review, Chapter 17.410
 “X” — Uses specifically prohibited

USES		BP	BC ¹	IND ²
A. Services, Retail and Amusements				
1.	Laundry for carpets, overalls, rugs, and rug cleaning, using non-explosive and non-flammable cleaning fluids	SPR	P	SPR
2.	Parcel delivery service	SPR	P	SPR
3.	Animal hospital, kennels and animal boarding places	SPR	P	SPR
4.	Ambulance service	SPR	P	SPR
5.	All types of automobile, motorcycle, truck, and equipment service, repair, and rental	SPR	P	SPR
6.	Boat building, and repair	SPR	P	SPR
7.	Fuel oil distributors	X	X	SPR
8.	Service commercial uses such as banks, restaurants, cafes,			

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USES	BP	BC ¹	IND ²
drinking places, automobile service stations, and other business services located to serve adjacent industrial areas	C	P	SPR
9. Retail or combination retail/wholesale lumber and building materials yard	X	P ³	SPR
10. Manufactured home and trailer storage or rental	X	X	SPR
11. Amusement park	X	X	C
12. Circus, carnival or other type of transient and outdoor amusement enterprises	X	X	SPR
13. Race track; auto or motorcycle	C	X	C
14. Museums, aquariums, historic, or cultural exhibits	SPR	P	SPR
15. Tourism facilities including outfitters, guides, and seaplane and tour-boat terminals	SPR	P	SPR
B. Manufacturing			
1. Assembly and fabrication of sheet metal products	SPR	P	SPR
2. Assembly, manufacture, compounding, packaging or treatment of articles or merchandise (Non-Hazardous)	SPR	P	SPR
3. Assembly, manufacture, compounding, packaging or treatment of articles or merchandise (Hazardous)	X	X	C
4. Ship building, dry dock, ship repair, dismantling	X	P	SPR
4a. Aircraft manufacturing, assembly, repair, dismantling	X	P	SPR
5. Manufacture of paper and by-products of paper	X	X	SPR
6a. Manufacture of roofing paper or shingles, asphalt in facilities less than 10,000 square feet	SPR	P	SPR
6b. Manufacture of roofing paper or shingles, asphalt in facilities 10,000 square feet or greater	C	P	C
7. Manufacture of mobile and manufactured homes	X	P	SPR
8a. Forest products manufacturing or shipping facilities which are not located on the waterfront such as assembly of previously milled wood into furniture, cabinetry or decorative items.	X	P	SPR
8b. Forest products manufacturing or shipping facilities which are located on the waterfront such as assembly of previously milled wood into furniture, cabinetry or decorative items.	X	X	C
C. Processing and Storage			
1. Spinning or knitting of fibrous materials	SPR	P	SPR
2. Non-marine related wholesale business, and warehouses not including mini-storage facilities	SPR	P	SPR
3. Non-marine related cold storage plants, including storage and office	SPR	X	SPR
4. Processing uses such as bottling plants, creameries, laboratories, blue printing, and photocopying, tire retreading, recapping, and rebuilding	SPR	P	SPR
5. Storage or sale yard for building materials, contractors' equipment, house mover, delivery vehicles, transit storage, trucking terminal, and used equipment in operable condition	X	X	SPR
6. Brewery, distillery, or winery	SPR	P	SPR
7. Junkyards or wrecking yards	X	X	C

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USES		BP	BC¹	IND²
8.	Grain elevator and flour milling	X	P	SPR
9.	Sawmills, lumber mills, Planing mills, and molding plants	X	P	SPR
10.	Junk, rags, paper, or metal salvage, storage or processing	X	X	C
11.	Rolling, drawing, or alloying ferrous and nonferrous metals	X	X	SPR
12.	Rubber, treatment or reclaiming plant	X	X	SPR
13.	Slaughterhouse or animal processing	X	X	C
14.	Major petroleum storage and/or refining	X	X	C
15.	Recycling centers (excluding junkyards)	SPR	X	SPR
16.	Incinerator or reduction of garbage, offal, dead animals or refuse	X	X	C
17.	Marine-related storage of equipment, supplies, materials, boats, nets, and vehicles	X	X	SPR
18.	Cold storage facilities for marine or agricultural products	SPR	X	SPR
19.	Processing, grinding or mixing of organic material for topsoil or soil amendments	X	X	SPR
D. Aggregate Products				
1.	Manufacture of concrete products and associated uses	X	X	C
2.	Manufacture of concrete products entirely within an enclosed building	SPR	P	SPR
3.	Surface mining and quarries, subject to the provisions of the Mineral Resource Zone	X	X	C
E. Other				
1.	Business and Professional services	P	P	SPR
2.	Welding shop	C	P	SPR
3.	Existing residential use without any increase in density	P	P	P
4.	Residential dwelling for caretaker on the property in conjunction with a permitted use	P	P	P
5.	Administrative, educational, and other related activities and facilities in conjunction with a permitted use	SPR	P	SPR
6.	Research Laboratory	SPR	P	SPR
7.	Aquaculture	X	P	C
8.	Cabinet, electrical, plumbing, sheet metal/welding, electroplating and similar fabrication shops	SPR	P	SPR
9.	Marine manufacturing repairs and services	SPR	P	SPR
10.	Shellfish/fish hatcheries and processing facilities	X	X	C
11.	Marinas	X	X	C
12.	Forestry	P	P	P
13.	Agriculture	P	P	P
14.	Industrial Park	SPR	X	SPR
F. Public Services and Facilities				
1.	Police and fire substations	SPR	P	SPR
2.	Educational institutions	SPR	P	SPR
3.	Publicly-owned land/water transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities	C	P	C
4.	Recreational Facilities Public/Private	C	P	C

1 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, these uses require a "Site Plan Review."

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- 2 For properties with an approved master plan pursuant to Chapter 17.415, all uses requiring a “Site Plan Review” or “Conditional Use Permit” will be considered “Permitted” uses.
- 3 Retail must be associated with a primary permitted use.

(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 plan required.

Development of property 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 Table 17.370.020 (Footnote No. 2). 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 [§ 6 (part)]], 2003)

17.370.025 Existing plan recognition – Bremerton National Airport and Olympic View Industrial Park.

The Port of Bremerton’s 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; or
- C. Six months from the date of adoption of the South Kitsap Industrial Area Plan.

(Ord. 311 (2003) [Attachment 5 [§ 6 (part)]], 2003)

17.370.030 Height regulation.

No structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five feet in height, *except* a greater height may be allowed upon review/approval by the director with concurrence from the fire marshal/fire district, if the net result is a more efficient or creative use of land for aviation or an overall increase in areas used for open space, recreational areas, or other public amenities.

(Ord. 311 (2003) [Attachment 5 [§ 7]], 2003; Ord. 216-1998 § 4 (part), 1998)

17.370.040 Lot requirements.

- A. Minimum area of new zone – None.
- B. Maximum area of new zone – None.
- C. Minimum lot area – None.
- D. Minimum lot width – None.
- E. Minimum lot depth – None.
- F. Minimum front yard setback – twenty feet.
- G. Minimum side yard setback – None.
- H. Rear yard setback – None.
- I. Yard abutting a residential zone – Wherever an industrial zone abuts a residential zone, a fifty foot landscaped setback area shall be provided with plantings, as approved by the director. No structures, open storage, or parking shall be allowed. The plan for landscaping may only be

approved if the landscaping is designed to preserve the quality of the residential zone. The minimum lot setback shall be fifty feet for any yard abutting a residential zone unless berming and landscaping or other screening approved by the director is provided, which will effectively screen and buffer the industrial activities, from the residential zone which it abuts; in which case, the minimum setback may be twenty-five feet. These setbacks are the minimum setbacks required and may be increased by the director to ensure adequate buffering and compatibility between uses.

(Ord. 216-1998 § 4 (part), 1998)

17.370.050 Lot coverage.

Maximum lot coverage by buildings and structures shall not exceed sixty percent.

(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 twenty-five 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. 216-1998 § 4 (part), 1998)

17.370.080 Site landscaping and design plan.

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

(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 all industrial zones, by conditional use or by site plan review when located in an industrial park are subject to the following provisions:

1. Lot Requirements.

a. Lot area – None.

b. Lot width – None.

c. Lot depth – Minimum lot depth shall be two hundred 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.

1. Front Yard – Minimum front yard setback shall be forty feet.

2. Side Yard – Minimum side yard setback shall be twenty-five feet.

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3. Rear Yard – Minimum rear yard setback shall be twenty feet.
- e. Lot coverage – Maximum lot coverage by buildings shall be fifty percent of the total lot area.
- f. No service roads, spur tracks, hard stands, or outside storage areas shall be permitted within required yard areas adjacent to residential zones.
- g. No yards are required at points where side or rear yards abut a railroad right-of-way or spur track.
- h. Fences, walls and hedges will be allowed inside of a boundary planting screen where it is necessary to protect property of the industry concerned, or to protect the public from a dangerous condition with no fence being constructed in a required yard adjacent to public right-of-way.
2. Signs shall be permitted according to the provisions of 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. 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 (or other method) for a period not to exceed six months in an amount to be determined by the director.
 - b. Required rear and side yard setback areas abutting a residential zone shall provide and maintain a dense evergreen buffer which attains a mature height of at least eleven 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. In an approved or recognized master planned industrial development or in an approved industrial park as described in Section 17.370.090(A), any use identified in Table 17.370.020 re-

quiring site plan review shall be considered a permitted use subject to the development requirements of the master plan or industrial park approval. Further permitted uses under this section shall be required to obtain all necessary development permits including, but not limited to, a building permit and a site development activity permit and shall be subject to SEPA review as required.

C. All business, service repair, processing, storage, or merchandise display on property abutting or across the street from a lot in any residential zone, shall be conducted wholly within an enclosed building unless screened from the residential zone by a site-obscuring fence or wall.

D. Other provisions: *see* Chapter 17.430.
(Ord. 216-1998 § 4 (part), 1998)

Chapter 17.375

AIRPORT ZONE (A)

Sections:

- 17.375.010 Purpose.
- 17.375.020 Permitted uses.
- 17.375.030 (Reserved)
- 17.375.040 Uses permitted after site plan review as set forth in Chapter 17.410.
- 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.
- 17.375.090 Special provisions.
- 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 Permitted uses.

The following uses are permitted:

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

(Ord. 216-1998 § 4 (part), 1998)

17.375.030 (Reserved)

17.375.040 Uses permitted after site plan review as set forth in Chapter 17.410.

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

(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 of thi code until the earliest of the following events:

- A. The Port of Bremerton chooses to submit a master plan 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; or
- C. Six months from the date of adoption of the South Kitsap Industrial Area Plan.

(Ord. 311 (2003) [Attachment 5 [§ 9 (part)]], 2003)

17.375.050 Height regulation.

No structure shall be hereafter erected, enlarged, or structurally altered to exceed thirty-five feet in height with the exception of aircraft hangar buildings. A greater height may be allowed upon review/approval by the director with concurrence from the fire marshal/fire district, if the net result is a more efficient or creative use of land for industry or an overall increase in areas used for open space, recreational areas, or other public amenities

(Ord. 311 (2003) [Attachment 5 [§ 8]], 2003; Ord. 216-1998 § 4 (part), 1998)

17.375.060 Lot requirements.

- A. Lot Area. None.
- B. Lot Width. None.
- C. Lot Depth. None.
- D. Front Yard. Minimum front yard setback shall be twenty feet.
- E. Side Yard. Minimum side yard setback shall be fifty feet when abutting a residential zone.
- F. Rear Yard. Minimum rear yard setback shall be fifty feet when abutting a residential zone.
- G. Lot Coverage. No requirement.

(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)

17.375.090 Special provisions.

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.
(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 17.380

MINERAL RESOURCE (MR)

Sections:

- 17.380.010 Purpose.
- 17.380.020 Uses.
- 17.380.030 Special standards or requirements.
- 17.380.040 Investigation and report.
- 17.380.050 Information on plans and in specifications.
- 17.380.060 Land restoration.
- 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. No use provided for shall be established until the director issues a certificate of compliance with the standards contained herein.
(Ord. 216-1998 § 4 (part), 1998)

17.380.020 Uses.

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

- A. Permitted.
 - 1. All uses allowed in the underlying zone.

2. Extractions from deposits of rock, stone, gravel, sand, earth and minerals.
- B. Conditional use permit.
 1. Asphalt mixing.
 2. Rock crushing.
 3. Concrete mixing.
 4. Top soil production.

(Ord. 216-1998 § 4 (part), 1998)

17.380.030 Special standards or requirements.

A. Site Area. When the activity includes both extraction, along with any one of the uses listed in Section 17.380.020(B), the site area shall be a minimum of twenty acres. Activities which are limited to extractions only, shall not have a minimum site size.

B. Lot Width. There shall be a minimum lot width of three hundred thirty feet, unless the activity does not include any one of the uses listed in Section 17.380.020(B); in which case, there shall be a minimum lot width of sixty feet.

C. Fencing. The periphery of all sites within the gross site area being actively mined or reclaimed shall be fenced.

D. Berms. Berms of sufficient height, width, and mass to screen the site from adjacent land uses shall be provided to protect health, property and welfare. Suitable planting shall be determined by the director.

E. Setbacks. The tops and toes of cut and fill slopes shall be set back from property boundaries according to the State Department of Natural Resources standards for safety of adjacent properties, and to prevent water runoff or erosion of slopes and to provide adequate reclamation slopes per Section 17.380.030(H).

F. Maximum Permissible Noise Levels. Maximum permissible noise levels shall be according to the provisions of the Kitsap County Noise Ordinance.

G. Hours of Operation. Hours of operation unless otherwise authorized by the director, shall be between 7:00 a.m. and 6:00 p.m.

H. Slope. When reclaimed, no slope of cut and fill surfaces shall be steeper than is safe for the intended use, and shall not exceed one and one-half horizontal to one vertical for unconsolidated material such as: gravel, and one-fourth horizontal to one vertical for consolidated material, unless otherwise approved by the director.

I. Erosion Control. All disturbed areas, including faces of cuts and fill slopes, shall be prepared and maintained to control erosion. This control may consist of plantings sufficient to stabilize the slope (as approved by the director).

J. Drainage. Provisions shall be made to:

1. Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a hill.

2. Drain any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the department of public works' director.

3. Prevent sediment from leaving the site in a manner which violates RCW 90.48.080 and/or WAC 173-201A-100.

K. Bench/terrace. Benches shall be back-sloped, and shall be established at not more than forty-foot vertical intervals, to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of five percent.

L. Access Roads Maintenance. Access roads to mining and quarrying sites shall be maintained and located to the satisfaction of the director of public works, to minimize problems of dust, mud, and traffic circulation.

M. Overburden. Overburden shall only be removed to accommodate aggregate removal operations and related activities of this section.

(Ord. 216-1998 § 4 (part), 1998)

17.380.040 Investigation and report.

The director shall make an investigation of the application and shall prepare a report thereon. The report shall be transmitted to the applicant, representative(s) and hearing examiner at least seven calendar days prior to the public hearing. The report shall also be made available for public review, at the department of community development, at least seven calendar days prior to the public hearing.

(Ord. 216-1998 § 4 (part), 1998)

17.380.050 Information on plans and in specifications.

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

A. General vicinity maps of the proposed site.

B. Property limits and accurate contours, at an appropriate interval, of existing ground and details of terrain and area drainage.

C. Dimensions, elevations, or finished contours to be achieved by the grading, proposed drainage channels and related construction.

D. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds and other protective devices to be constructed with or as part of the proposed work together with the maps showing the drainage area and the estimated runoff of the area served by any drains.

E. Location of any buildings or structures on the property where the work is to be performed, and the location of any buildings or structures on land of adjacent property owners which are within fifty feet of the property.

F. Landscape and rehabilitation plan as required by Section 17.380.060.

(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 non-putrescible solids.

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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 Section 17.380.060.

H. The overlay is removed and the parcel converts back to the underlying zone.
(Ord. 216-1998 § 4 (part), 1998)

17.380.070 Special provisions.

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

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

(Ord. 216-1998 § 4 (part), 1998)

Chapter 17.385

LANDSCAPING STANDARDS

Sections:

- 17.385.010 Purpose.
- 17.385.020 Landscape plans.
- 17.385.025 Landscaping requirements.
- 17.385.030 Installation and maintenance.
- 17.385.040 Drought-tolerant landscaping.
- 17.385.050 Landscape-buffer types.
- 17.385.060 Building facade plantings.
- 17.385.070 Slope plantings.
- 17.385.080 Community themes.

17.385.010 Purpose.

Landscaping shall be provided and maintained as set forth in this section for all uses subject to the requirements for a site plan review, performance based development, or conditional use. Single-family plats shall be exempt, except that landscaping required as a condition of plat approval, shall be installed to specifications contained herein.

(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)

17.385.030 Installation and maintenance.

A. Plant materials shall be nursery stock or the equivalent quality and installed to industry standards or better.

B. Landscape plant materials shall be staked to current industry standards or better. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic.

C. Minimum sizes at installation:

1. 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. 18 to 24 inches height for large and medium shrubs (over six feet at maturity);

5. 12 to 18 inches minimum height for small shrubs (three to six 6 feet at maturity); and

6. Drought-tolerant landscape areas shall be subject to the size requirements in Section 17.17.385.040.

D. Maximum spacing:

1. Street trees and other deciduous trees shall be spaced appropriate to their pattern, generally 25 to 30 feet on center for large trees.

2. Coniferous trees shall be spaced fifteen feet apart, unless they are within a barrier 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. 1-gallon pots, 24 inches on center;

2. 4-inch pots, 18 inches on center;

3. 2¼-inch pots, 12 inches on center; and

4. Grass and sod areas to be 100 percent.

F. Vegetation removal in native growth protection easements are limited to the following cases:

1. Hand removal of Naturalized Species. No machinery is to be used, except for hand-held implements which do not disturb the native vegetation or soil;

2. Falling of Trees Which May Present a Danger to Life or Property. Removal of said trees is to be done only with written approval from the county. To solicit said approval, a letter and photograph or detailed plot plan of the area, with all trees to be removed marked on the photo or plan, shall be submitted to the department of community development; and

3. Other activities expressly allowed as a condition of approval.

G. Slopes in landscape areas shall not exceed 3:1 unless specifically approved by the director. Erosion control netting or alternative procedure may be required for slopes exceeding 3:1.

H. Automatic irrigation systems shall be required for all landscape areas except for those designed and approved as drought-tolerant plantings. In unique circumstances alternative methods of irrigation may be approved if specifically proposed as part of the landscape plan.

I. All planting beds shall receive topsoil or soil amendments as needed to maintain the plants in a thriving condition.

J. All planting beds shall receive a minimum of 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 installation is bonded (or other method), for a period not to exceed six months, in an amount equal to 150% of the cost of material and labor.

N. Wetland mitigation plantings are not considered to be a part of the landscaping requirements.

(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. 1½-inch caliper deciduous trees;
2. 4-foot minimum height multi-stem trees;
3. 4-foot minimum height coniferous trees;
4. 12 inches minimum height for medium and large shrubs; and
5. 1 gallon pot size for small shrubs.

C. Ground cover is required as in Section 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 Landscape-buffer types.

The director may require different buffer types depending on the proposed use of the site and adjacent zones and/or uses. These types shall include:

A. Roadside Planting – Landscape buffer treatment along existing or planned roads. The planting area shall encompass the required front setback area and consist of:

1. Evergreen and/or deciduous trees;
2. Evergreen shrubs planted to screen parking areas, in an amount and configuration to screen parked cars;
3. Ground covers as required; and
4. Bioswales and other drainage features are allowed, only when in a configuration that preserves the integrity of the roadside planting.

B. Use Separation Buffer – Landscape buffer treatment along perimeters of the site which shall vary in numbers and types of vegetation and structures depending on uses. Trees, shrubs, ground covers and/or fencing are to be provided as required.

C. Barrier Buffer – A landscape buffer intended to provide screening between different uses and shall consist of:

1. Two offset rows of evergreen trees planted ten feet on center and ground cover; or
2. A six-foot screening fence and a single row of evergreen trees planted ten feet on center, and ground cover.

D. Rural Character Buffer – For rural areas or commercial zones abutting a rural zone, a natural buffer of twenty-five to fifty feet shall be provided. The director may modify this requirement for wind throw safety purposes. In the event that the buffer will only contain high-branching trees which allow visibility through the buffer, a row of evergreen trees planted ten feet on center may be required along one edge of the buffer.

E. Drainage Pond Buffer – A landscape buffer which screens storm drainage facilities from adjacent properties and/or streets, and consist of:

1. A row of large shrubs and ground cover;
2. A row of evergreen trees planted ten feet on center and ground cover; or
3. A natural vegetation buffer sufficient to provide screening.

(Ord. 216-1998 § 4 (part), 1998)

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:

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

(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 Process.

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 the Zoning Ordinance. Land use review will ensure applications are handled in a predictable, efficient and consistent manner.

(Ord. 216-1998 § 4 (part), 1998)

17.400.020 Process.

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

All uses or developments which meet the requirements of Title 21 of this code are subject to a pre-application review. However, all applicants are encouraged to contact the department of community development for information and guidance prior to application.

(Ord. 216-1998 § 4 (part), 1998)

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 17.410

SITE PLAN REVIEW

Sections:

- 17.410.010 Purpose.
- 17.410.020 Review authority.
- 17.410.030 Review required.
- 17.410.040 Site plan review.
- 17.410.050 Public notice.
- 17.410.060 Appeal procedure.
- 17.410.070 Permits stayed.
- 17.410.080 Site plan review exemption.
- 17.410.110 Reapplication.

17.410.010 Purpose.

The purpose of site plan review is to ensure design compatibility between new developments, existing uses and future developments. Site plan review is required in order to promote developments that are harmonious with their surroundings and maintain a high quality of life for area residents; to ensure that new developments are planned and designed to protect privacy, to determine appropriate lighting and noise mitigation measures and to ensure adequate and safe access. Site plan review is required for conditional use permits, and developments in all business park, commercial, industrial, airport, and mineral resource zones.

(Ord. 216-1998 § 4 (part), 1998)

17.410.020 Review authority.

A. A property owner may make application for a site plan review to the director in a manner prescribed by this section. Upon receipt of a complete application, the director shall have fourteen calendar days to notify the applicant whether the application shall be reviewed administratively or by the hearing examiner at a scheduled public hearing. A public hearing will be required when a component of development located within a commercial zone involves the conversion of previously undeveloped land which abuts a residential zone. Any application for a conditional use permit shall always be subject to review by the hearing examiner at the scheduled public hearing. Further, the director may refer any proposal under this section to the hearing examiner for review and decision.

B. Building Height, Buffering and Screening Modification.

1. The director may require increased landscaping, screening and setbacks to minimize conflicts with adjacent uses.

2. The director may reduce landscaping, screening, and setback requirements:

(a) Where the nature of established development on adjacent parcels partially or fully provides the screening and buffering which otherwise would be required hereunder;

(b) Where the density of the proposed development is less than that permitted by the zone; or

(c) Where topographical conditions provide natural screening and buffering.

3. A reduction in landscaping/screening requirements may be approved by the director in conjunction with a joint landscape screening proposal submitted by adjacent landowners for their combined boundaries or for an integrated project located within two 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. All applicants for site plan review shall attend a pre-application meeting as provided for by Chapter 17.405 prior to submitting the formal site plan review application. The director may grant a waiver from this requirement to those applicants who will accept responsibility for the information and requirements that would have been provided to them at the pre-application meeting.

(Ord. 216-1998 § 4 (part), 1998)

17.410.030 Review required.

No person shall commence any use or erect any structure without first obtaining the approval of a site plan by the director, as set forth in Section 17.410.040 below, and no use shall be established, no structure erected or enlarged, and no other grading, improvement or construction undertaken except as shown on an approved site plan which is in compliance with the requirements set out in Section 17.410.040.

(Ord. 216-1998 § 4 (part), 1998)

17.410.040 Site plan review.

Request for site plan review shall be submitted and processed in the manner prescribed by the director in the following review categories:

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

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

1. A vicinity map showing the location of the property and surrounding properties. A copy of the assessor's quarter section map may be used to identify the site;
2. Dimensions and orientation of the parcel;
3. Location of existing and proposed buildings and structures showing the intended use of each, and, if appropriate, the number of dwelling units;
4. Drawings and dimensions of proposed buildings and structures;
5. Location of walls and fences, indication of their height and construction materials;
6. Existing and proposed topography at contour intervals of no more than five 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;

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

In the event the project is reviewed administratively as provided for in Section 17.410.020(A), the director shall preliminarily approve, preliminarily approve with conditions, disapprove, request revisions to the proposal, request additional information deemed by the director to be necessary for further review or return the plans to the applicant as provided for in Title 21 of this code.

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

In those instances where the application is referred to the hearing examiner for review as provided for in Section 17.410.020(A), the application shall be reviewed as provided for in Title 21 of this code.

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

B. Standards.

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

2. All roof-mounted air conditioning or heating equipment, vents, ducts, or other equipment shall not be visible from any abutting lot, or any public street or right-of-way as feasible. This shall be accomplished through the use of parapet roof extensions, or screened in a manner which is architecturally integrated with the main structures;

3. Locate service areas, outdoor storage areas and other intrusive site features away from neighboring properties to reduce conflicts with adjacent uses. There shall be no visible storage of motor vehicles (except display or auto sales to a limited degree; compatible with neighboring properties), trailers, airplanes, boats, recreational vehicles or their composite parts, tents, equipment or building materials in any portion of a lot. No storage shall occur on any vacant parcel. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction;

4. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted public works standards and be of sufficient size to accommodate the trash generated. All receptacles shall be screened on three sides with fencing and or landscaping as determined appropriate by the director;

5. Pedestrian access shall be accommodated on-site from the public right-of-way, and throughout the site to minimize potential conflicts between pedestrian and vehicular circulation. Pedestrian paths must correspond with state and local codes for barrier-free access. Projects should also integrate walkways into the site plan leading to transit stops within 1,200 feet of the site; together with incorporating transit stops within the site plan design as appropriate;

6. Developments shall be limited to one ingress/egress per 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 as measured horizontally along the street face. Access points may be required at greater intervals as directed by the director of public works as demonstrated through a traffic analysis. Developments shall attempt to share access with adjoining parcels to minimize access points and potential conflicts from vehicles entering and exiting onto traveled roadways, unless deemed not feasible due to natural constraints such as critical areas or topographical relief, or existing development that precludes the ability to share access. Developments shall attempt to minimize vehicular movement conflicts with public roadways by use of connected frontage lanes;

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

8. Off-street parking and loading shall be provided according to the provisions of Chapter 17.435; and

9. Landscaping shall be provided according to the provisions of Chapter 17.385.

C. Minor Site Plan Review. Building or structure alterations, remodels, and installation of minor accessory structures which do not involve a change in use of the property which may conflict with the provisions of this title, may be reviewed through a “minor review” process, to minimize processing time and expedite final approval. Requests for “minor site plan review” shall be approved or denied by the director within ten calendar days of receipt of a completed application.

D. A site plan review may be approved only if all of the following findings are made:

1. The proposed development/use is one permitted within the subject zoning designations and complies with all of the applicable provisions of this title and all other applicable regulations, including prescribed development/performance standards and all applicable development standards and design guidelines;

2. The proposed development would be harmonious and compatible with existing and future developments within the land use designation and general area;

3. The subject site is physically suitable for the type, density and intensity of the use being proposed;

4. Appropriate provisions have been made for the public health, safety and general welfare for open spaces, drainage ways, streets or roads, alleys and other public right-of-ways, transit stops, potable water supply, sanitary waste, parks and recreation, playgrounds, schools and all other relevant facts, including: sidewalks or other planning features that ensure safe walking conditions for students who walk to and from school; and

5. The location, size, design and operating characteristics of the proposed development/use would not be detrimental to the public interest, health, safety, or welfare of the county.

E. Within one year following the approval of the preliminary development plan, the applicant shall file with the director a final development plan containing the information required. When deemed reasonable and appropriate, time limit extensions may be determined by the director after discussion with the property owner, and all agencies of concern in regards to the ability to comply with the original conditions of approval. The director may extend the period in annual increments. If the director finds that the final development plan is consistent with the preliminary plan as approved, and that all conditions of the preliminary development approval have been satisfied or can be satisfied with bonding, the director shall approve the final development plan. The director may approve the final development plan in phases as approved by the various agencies of concern. The phasing plan shall include:

1. Timetables indicating the anticipated time between initial site clearing, grading and development and the completion of construction improvements of each phase, including site stabilization and coordination of necessary minimum improvements of each specific phase;

2. The extent of improvements with each anticipated phase of development;

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3. Assurance of necessary supporting improvements and any necessary mitigation through bonding; and

4. Each phase of development shall be subject to the ordinances in effect at the time which each phase is reviewed for final approval.

The applicant shall apply for final development plan approval within one year of preliminary development plan approval or the director may initiate revocation proceedings on the preliminary approval as outlined in Chapter 17.525.

(Ord. 216-1998 § 4 (part), 1998)

17.410.050 Public notice.

Public notice for all site plan review applications, shall be given as set forth in Title 21 of this code.

(Ord. 216-1998 § 4 (part), 1998)

17.410.060 Appeal procedure.

The director or hearing examiner's decision on a site plan review application may be appealed as set forth in Title 21 of this code.

(Ord. 216-1998 § 4 (part), 1998)

17.410.070 Permits stayed.

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

(Ord. 216-1998 § 4 (part), 1998)

17.410.080 Site plan review exemption.

The director may issue an exemption from the site plan review process upon written request, if it is determined that a request for a building permit does not involve a change in use or structure size.

(Ord. 216-1998 § 4 (part), 1998)

17.410.110 Reapplication.

In a case where an application is denied through the normal review process, or denied on an objection to either the hearing examiner or board of county commissioners, unless specifically stated to be without prejudice, it shall not be eligible for resubmittal for a period of one year from the date of said denial unless in the opinion of the director, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.

(Ord. 216-1998 § 4 (part), 1998)

Chapter 17.415

MASTER PLANNING

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Title 17

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17.415.010 Purpose.

The master plan is intended to provide means for planning and assessing sites for activities such as those that require processing, fabrication, storage, research and development, business support services, and wholesale trade. Generally, these activities require reasonable accessibility to major transportation corridors including highways, rail, airports or shipping. Development of master plans will occur based on a master planning process intended to assure availability of adequate capital facilities and infrastructure to support such uses and to assure adequate protection of environmental resources located in or near properties required to master plan or that choose to master plan.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

17.415.020 Concurrent permit processing.

When master planning is required in a zone wherein some uses require a conditional use permit or site plan review, the master plan process provided by this chapter may be used in lieu of those processes. In areas where master planning is not specifically required under county plans or regulations, this master planning process may be used, at the option of the applicant, in lieu of a required site plan review process or conditional use permit process.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

17.415.030 Master plan required.

Prior to the issuance of any development permits, development of property(s) with a master plan required overlay must be consistent with a master plan approved pursuant to this chapter.

Properties with no overlay or a master plan Optional overlay are not required to develop a master plan, but may in order to qualify for expedited review of individual development permits. 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 [§ 3 (part)]], 2003)

17.415.035 Development exempt from master plan requirements.

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 (a) does not result in new impervious surface in excess of 5,000 square feet on a site, (b) does not generate more than 10 new peak hour traffic trips on public roads serving the site, and (c) does not increase the demand on a public or private water supply by more than 5000 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. 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 Third party review.

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

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

17.415.060 Sub-area conceptual development plan update

As master plans in zones requiring or allowing master plans are approved, the department of community development will update a “working copy” of a sub-areas’ conceptual development

plan, if such a plan is available. As this “figure” evolves from a “conceptual development plan” toward a “master development plan” based on approved master plans, it may be used as an inventory, planning, and economic development tool for the sub-area. Final approved master plans, including infrastructure and other master plan elements, must be submitted in a data format compatible with ongoing update requirements.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

17.415.070 Master plan elements – 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. Storm water controls, including both quantity and water quality;
- B. Sanitary sewer service;
- C. Public water service;
- D. Public street and transportation facilities;
- E. Open space facilities;
- F. Economic development component;
- 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 zoned Business Center or Industrial in the vicinity of the development site.

(Ord. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

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 up-stream 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 existing 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 improvements 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 director 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 ex-

tensions 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 ser-

vice 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 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 50% 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. 311 (2003) [Attachment 5 [§ 3 (part)]], 2003)

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)

17.415.550 Parties to master plan.

Landowners representing a majority of property-owners in the sub-basin/master plan area shall be party to the application for master plan scoping and the application for master plan approval for that sub-basin/master plan area. The master plan will include the properties of non-participants in the master plan development process.

17.415.600 Master plan review process.

A proposed master plan shall be processed as a Type II development application under Section 21.04.070 of this code. The master plan will require a pre-application meeting as described at Section 21.04.040 of this code. The purpose and goal of this process is to allow the director and the applicant to tailor the extent of the submittals under this ordinance to the actual and unique circumstances and scope of the proposed development seeking master plan approval. After the applicant has received the pre-application summary letter, the following process will apply.

A. An application for master plan scoping 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 21.04.070 of this code for a Type II application. Approval of a master plan shall be subject to the appeal procedures set forth for such Type II 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.

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, whom desire subdivision, may subdivide under Title 16 concurrently with a master plan approval process.

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

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

CONDITIONAL USE PERMITS

Sections:

17.420.010 Purpose.

17.420.020 Hearing examiner authority.

17.420.030 Application.

17.420.040 Investigation and report.

17.420.050 Public hearings.

17.420.060 Action by hearing examiner.

17.420.080 Effect.

17.420.110 Reapplication.

17.420.010 Purpose.

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

(Ord. 216-1998 § 4 (part), 1998)

17.420.020 Hearing examiner authority.

The hearing examiner shall have the authority to approve, approve with conditions, disapprove, or revoke or modify conditional use permits, subject to the provisions of this section. Changes in use of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of this title shall conform to all regulations pertaining to conditional uses. In permitting a conditional use the hearing examiner may impose, in addition to regulations and standards expressly specified in this title, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the county as a whole. These conditions may include requirements increasing the required lot size or yard dimensions, increasing street widths, controlling the location and number of vehicular access points to the property, increasing or decreasing the number of off-street parking or loading spaces required, limiting the number of signs, limiting the coverage or height of buildings or structures because of obstructions to view and reduction of light and air to adjacent property, limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area, and requirements under which any future enlargement or alteration of the use shall be reviewed by the county and new conditions imposed. Application for conditional use permits shall follow the requirements as outlined in Chapter 17.410.

(Ord. 216-1998 § 4 (part), 1998)

17.420.030 Application.

A property owner may make application for a conditional use permit which shall be made to the director in a manner prescribed by the county. Such application shall be accompanied by a site plan and other requirements as provided by Chapter 17.410, and following the pre-application meeting as provided by Chapter 17.405.

(Ord. 216-1998 § 4 (part), 1998)

17.420.040 Investigation and report.

The director shall make an investigation of the application and shall prepare a report thereon. The report shall be transmitted to the applicant, representative(s), persons of record, hearing examiner and also be made available for public review, at the department of community development in a manner prescribed by Title 21 of this code.

(Ord. 216-1998 § 4 (part), 1998)

17.420.050 Public hearings.

Conditional use permit 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)

17.420.060 Action by hearing examiner.

The hearing examiner shall render a decision on the conditional use permit. The decision is final unless appealed. In order to grant any conditional use, the hearing examiner must find that the establishment, maintenance, or operation of the use applied for will not, under the circumstances of the particular case, be significantly detrimental to the health, safety, or general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the county and meet all of the findings as outlined in Section 17.410.040(D).

(Ord. 216-1998 § 4 (part), 1998)

17.420.080 Effect.

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

(Ord. 216-1998 § 4 (part), 1998)

17.420.110 Reapplication.

In a case where an application is denied by the hearing examiner, or denied by the board of county commissioners on appeal from the hearing examiner, unless specifically stated to be without prejudice, it shall not be eligible for resubmittal for the period of one year from the date of said denial, unless, in the opinion of the hearing examiner, new evidence is submitted or conditions have changed to an extent that further consideration is warranted. The hearing examiner's opinion may be appealed as set forth in Chapter 17.520.

(Ord. 216-1998 § 4 (part), 1998)

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.
- 17.425.050 Findings.
- 17.425.060 Application.
- 17.425.070 Public hearing and notice.
- 17.425.100 Effect.

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 incompatible types of development, provide for increased efficiency in the layout of the streets, utilities and other public improvements and to encourage the use of creative techniques for the development of land. The performance based development is to allow for mixed uses, subject to the density limits of the zone in which the performance based development is located.

(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.
(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.

A. **Building Height.** With review and approval of the hearing examiner, the height of a proposed building may be allowed a greater height than otherwise permitted in the amount of ten feet of height for each additional fifteen feet of setback from any property line to a maximum of sixty-five feet in building height. The hearing examiner shall require concurrence from the appropriate fire district and fire marshal.

B. **Common Open Space.** No open area may be accepted as common open space within a performance based development, unless it meets the following requirements:

1. The location, shape, size, and character of the common open space is suitable for the performance based development, however in no case shall the common open space be less than fifteen percent of the total site;

2. The common open space is suitable for use as an amenity or recreational purpose, provided the use authorized is appropriate to the scale and character of the planned density, expected population, topography, and the number and type of dwellings provided;

3. Common open space may be improved for its intended use. Common open space containing critical areas or other natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space; and

4. Land shown in the final development plan as common open space, and its landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:

a. An association of owners formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state of Washington and shall adopt articles of incorporation of association and bylaws. The association shall adopt, in a form acceptable to the prosecuting attorney, covenants and restrictions on the open space providing for the continuing care of the area. No common open space may be altered or put to a change in use in a way inconsistent with the final development plan unless the final development plan is first amended. No change of use or alteration shall be considered as a waiver of any covenants limiting the use of the common open space, and all rights to enhance these covenants against any use permitted are expressly reserved;

b. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it; or

c. A private non-profit conservation trust or similar entity with a demonstrated capability to carry out the necessary duties and approved by the county. Said entity shall have the authority

and responsibility for the maintenance and protection of the common open space and all improvements located in the open space.

C. Recreational open space. All residential PBD's within urban zones shall provide a developed recreational area that meets the following requirements:

1. A contiguous area that is five percent of the lot area (excluding perimeter buffers, critical areas and critical area buffers). Said area shall be:

a. Developed as an open grass field (manicured to a condition that allows mowing by mechanical means) or a natural area (not inside perimeter buffers, critical areas or their buffers) that contains a pathway and benches;

b. Owned in common and/or available for use by all residents of the PBD; and

c. A provision made by the covenants for perpetual maintenance.

2. A developed active recreation facility or facilities commensurate with the number of units/lots contained within the PBD. A "facility" shall be: a paved "sport court"; children's play area; exercise fitness trail; community garden area with water service; or similar amenity. Facilities shall be provided as follows:

a. 0 to 12 lots/units are not required to have a facility except for the contiguous area required above;

b. 13 to 49 lots/units shall provide one facility;

c. 50 to 79 lots/units shall provide two facilities, and there shall be an additional facility required for each additional 30 lots/units;

d. Facilities may be located within the contiguous recreational area;

e. An athletic field with a minimum size of 120 yards long and 60 yards wide or swimming pool shall count as two facilities;

f. An equestrian development or similar "theme community" may be provided in lieu of other facilities;

g. Owned in common and available for use by all residents of the PBD; and

h. Written provisions or agreement for perpetual maintenance by the 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 per cent of the total site area. All open space, other than those areas needed for utilities or other infrastructure, shall be retained as native growth areas unless the PBD specifically provides for an alternative use. PBD's in rural zones shall be exempt from the requirements for contiguous developed recreation space as contained in Section 17.425.040(C)(1), but shall be subject to the requirement to provide recreational facilities commensurate with the size of the development.

4. In order to promote creativity and innovation, these standards and criteria may be modified or substituted with other design concepts if so approved by the board of county commissioners.

(Ord. 216-1998 § 4 (part), 1998)

17.425.050 Findings.

In recommending approval of the preliminary development plans for a performance based development, conditionally or otherwise, the hearing examiner shall first make a finding that all of the following conditions exist:

A. The site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features are adequate, as required by this title;

B. The design of the PBD is compatible with neighboring land uses;

C. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;

D. The proposed and/or existing public facilities and utilities are adequate to serve the project; and

E. The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety or welfare of persons residing or working in a neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood, or contrary to orderly development.

(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 8½" x 11" 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 Section 17.425.060(B) 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 pre-

liminary 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.

PBD's 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 completed.

(Ord. 216-1998 § 4 (part), 1998)

Chapter 17.428

**MASTER PLANNING REQUIREMENTS FOR THE SOUTH KITSAP UGA/ULID #6
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 find-

ing 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 (i.e., permitted outright (“P”); permitted subject to site plan review (“SPR”); and conditionally permitted (“C”)). In

developments encompassing more than one zone, the uses permitted shall be allowed in the same proportion as the area in each zone.

(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 extensions 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:

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- 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 Section 17.385 (Landscaping 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 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.

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 applicable, 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 appropriate, 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 facilities, 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.

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.

The design standards for site plan review set forth in Section 17.410.040(B), and all applicable design 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. 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 duration 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.

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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

PROVISIONS APPLYING TO SPECIAL USES

Sections:

17.430.010 Purpose.

17.430.020 Uses.

17.430.010 Purpose.

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.

(Ord. 216-1998 § 4 (part), 1998)

17.430.020 Uses.

A. Automobile service stations. Where permitted, automobile service stations shall comply with the following provisions:

1. Sale of merchandise shall be conducted within a building except for items used for the maintenance and servicing of automotive vehicles;

2. No automotive repairs other than incidental minor repairs, battery, or tire changing shall be allowed;

3. Shall not directly abut a residential zone.

4. All lighting shall be of such illumination, direction, and color as not to create a nuisance in adjoining property or a traffic hazard.

B. Animal feed yards. Animal sales yards. Kennels, and Commercial stables. In an Interim Rural Forest (IRF), Rural Protection (RP), or Rural Residential (RR) Zone, animal feed yards, animal sales yards, kennels, commercial stables, shall be located not less than two hundred (200) feet (60.6m) from any property line; shall provide automobile and truck ingress and egress; and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. Applicants shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard, or health problem to adjoining property or uses.

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

D. Cemeteries, crematorium, mausoleum and columbarium. A cemetery, crematorium, mausoleum, or columbarium shall have its principal access on a County arterial with ingress and egress so designed as to minimize traffic congestion, and shall provide required off-street parking space.

E. Circuses, carnivals, animal displays, amusement rides. A circus, carnival, animal display, or amusement rides may be allowed through administrative review, in any Commercial Zones except NC and all Industrial Zones, for a term not to exceed ninety (90) days, with a written approval of the Director. The Director may condition such approval as appropriate to the site. The Director's decision may be appealed to the Hearing Examiner.

F. Community buildings, social halls, lodges, fraternal organizations, clubs, places of Worship, and charitable institutions. In Rural Protection (RP), Rural Residential (RR), or Urban Restricted (UR) Zones all buildings shall be setback a minimum of thirty (30) feet (9.1 m) from a side or rear lot line. There shall be no external evidence of any incidental commercial activities taking place within the building. All such uses shall be located on a County arterial or on a road determined to be adequate by the County Engineer, and be able to provide access without causing traffic congestion on local residential streets; and any such use shall not be materially detrimental to adjacent (existing or potential) residential development use due to excessive traffic generation, noise, or other circumstances.

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

1. Business uses shall be incidental and secondary to the dominant residential use.
2. The residential character of the building shall be maintained and the business shall be conducted in such a manner as not to give an outside appearance of a business.
3. The business shall be conducted entirely within the residence.
4. The residence shall be occupied by the owner of the business.
5. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes.

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6. No clients or customers shall visit or meet for an appointment at the residence.
7. No employees or independent contractors are allowed in the residence except for family members who reside in the residential dwelling.
8. No activities that create noise, increase risk of fire, or in any way threaten the safety and tranquility of neighboring residents are permitted.
9. No more than two pick-ups and/or deliveries per day are allowed, not including normal U.S. mail.
10. The business shall not occupy more than 25% of the gross floor area of the residence.
11. No signs to advertise the business/occupation shall be allowed on the premises (except attached to mail box not to exceed one (1) square foot (.3m).

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

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

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

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

- (d) a conditional use permit (engine or vehicle repair or servicing).
- (e) other reasonable conditions.

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

I. Nursery schools, kindergartens and day-care centers. Nursery schools, kindergartens, and day-care centers shall have a minimum site size of ten thousand (10,000) square feet (900m²) and shall provide and thereafter maintain outdoor play areas with a minimum area of one hundred (100) square feet (9m²) per child of total capacity. A site-obscuring fence of at least four (4) feet (1.2m), but not more than (6) feet (1.8m) in height shall be provided, separating the play area from abutting lots. Adequate off-street parking and loading space shall be provided.

J. Agricultural uses including the raising of livestock (large and small; small being 150 lbs. (67.5 KG) or less), small animals and poultry are subject to the following conditions:

1. On parcels of land less than five (5) acres (2HA), the number of animals per 20,000 square feet (1,800 m²) of area shall not exceed one (1) large livestock or three (3) small livestock, five (5) ratitas, or six (6) small animals or twelve (12) poultry provided that when no dwelling unit or occupied structure exists within 300 feet (91 m) of the lot on which the animals are maintained the above specifications may be exceeded by two (2).

2. On parcels of land platted into lots one (1) acre (.4HA) or less in size or five (5) acres (2HA) or less located within 200 feet (60.6m) of a lake or year round stream, the number of animals shall not exceed one (1) large livestock or three (3) small livestock five, (5) ratitas, or six (6) small animals, or twelve (12) poultry per 40,000 square feet (3, 150 m²) of area, provided that when no dwelling unit or occupied structure exists within 300 feet (91 m) of the lot on which the animals are maintained the above specifications may be exceeded by a factor of two (2).

3. No feeding area or structure or building used to house, confine or feed livestock, small animals, ratitas (3), or poultry shall be located closer than 100 feet (30.3m) to any residence on adjacent property located within an Interim Rural Forest (IRF), Rural Protection (RP), Rural Residential (RR), or within 200 feet (60.6m) of any residence on adjacent property within any other Zone; provided, a pasture (greater than 20,000 square feet (1,800m²) shall not be considered a feed area.

K. Pets, non-traditional pets and exotic animals are subject to the following conditions:

1. Pets which are kept inside of a primary structure as household pets in aquariums, terrariums, cages or similar containers shall not be limited in number by this Ordinance. Other pets, excluding cats, which are kept indoors shall be limited to five (5).

2. Pets which are kept outside of the primary structure shall be limited to three (3) per household on lots less than 20,000 square feet in area, only one of which may be a non-traditional pet, five (5) per household on lots of 20,000 to 35,000 square feet, only two (2) of which may be non-traditional pets, with an additional two (2) pets per acre of site area over 35,000 square feet up to a limit of 20.

3. The keeping or possession of exotic animals is subject to State and Federal laws and other than in a primary structure as described in subsection 3, shall require approval of the Director. Possession of any dangerous animal or potentially dangerous animal is prohibited in all zones except as provided in Section 7.14.010(9) of the Kitsap County Code.

4. No feeding area or structure used to house, confine or feed pets shall be located closer than the minimum yard setbacks for the zone in which they are located. No feeding area or structure used to house, confine or feed non-traditional pets or exotic animals shall be located closer than fifty (50) feet from any residence on adjacent property.

L. Private Stables and Paddocks. In any Interim Rural Forest (IRF), Rural Protection (RP), or Rural Residential (RR) Zone, all stables and paddocks shall be located not closer than fifty (50) feet (15.2m) to any property line. Odor, dust, noise, flies, or drainage shall not be permitted to create or become a nuisance to surrounding property.

M. Utility Transmission/Distribution Systems. The erection, construction, alteration, or maintenance by a public utility or municipality, other governmental agencies, or approved privately owned public utilities of underground, overhead electrical, gas, steam, or water transmission or distribution systems, collection, communication, supply or disposal system, including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings, shall be permitted in any zone, provided that any permanent above-ground structures not located within a right-of-way or easement, shall be subject to the review of the Director.

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

Wireless communication facilities are specifically addressed in Chapter 17.470.

N. Accessory Dwelling Unit (ADU). In order to encourage the provision of affordable and independent housing for a variety of households, an accessory dwelling unit may be located in residential zones, subject to the following criteria:

1. An ADU shall be allowed as a permitted use in those areas contained within an Urban Growth Boundary.
2. An ADU shall be subject to a conditional use permit in those areas outside an Urban Growth Boundary.
3. Only one ADU shall be allowed per lot.
4. Owner of the property must reside in either the primary residence or the ADU.
5. The ADU shall not exceed 50% of the square footage of the habitable area of primary residence or 900 square feet, whichever is smaller.
6. The ADU shall be located within 150 feet of the primary residence or shall be the conversion of an existing detached structure, i.e., garage.
7. The ADU shall be designed to maintain the appearance of the primary residence.
8. All setback requirements for the zone in which the ADU is located shall apply.
9. The ADU shall meet the applicable Health District standards for water and sewage disposal.
10. No mobile homes or recreational vehicles shall be allowed as an ADU.
11. An ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking.
12. An ADU is not permitted on the same lot where an Accessory Living Quarters exists.

O. Accessory Living Quarters. In order to encourage the provisions of affordable housing, accessory living quarters may be located in residential zones, subject to the following criteria:

1. Accessory living quarters shall be located within an owner occupied primary residence.
2. Accessory living quarters are limited in size to no greater than fifty percent (50%) of the habitable area of the primary residence.
3. The accessory living quarters are subject to applicable Health District standards for water and sewage disposal.
4. Only one accessory living quarters shall be allowed per lot.
5. Accessory living quarters are to provide additional off-street parking with no additional street side entrance.
6. Accessory living quarters are not allowed where an accessory dwelling unit exists.

P. Waterfront Properties.

1. Rear yard setback exceptions; where a rear lot abuts the ordinary high water line; the minimum setback shall be determined by the Critical Areas Ordinance and the view blockage requirements.*

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

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

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

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

T. Hobby Kennel. In the interim rural forest (IRF), rural protection (RP) and rural residential (RR) zones a hobby kennel is allowed. See Chapter 17.110.

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

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

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W. Adult Entertainment.

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

- (a) Adult book store;
- (b) Adult mini-motion picture theater;
- (c) Adult motion picture theater;
- (d) Adult novelty store; and
- (e) Cabaret.

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

- (a) Within one thousand feet of any other existing adult entertainment use; and/or
- (b) Within five hundred feet of any non-commercial zone, or any of the following residentially related uses:

(i) Churches, monasteries, chapels, synagogues, convents, rectories, or church operated camps;

- (ii) Schools, up to and including the twelfth grade, and their adjunct play areas;
- (iii) Public playgrounds, public swimming pools, public parks and public libraries;
- (iv) Licensed day care centers for more than twelve children;
- (v) Existing residential use within a commercial zone.

(c) For the purposes of this section, spacing distances shall be measured as follows:

- (i) From all property lines of any adult entertainment use;
- (ii) From the outward boundary line of all residential zoning districts;
- (iii) From all property lines of any residentially related use in (b)(1) through (3) above.

3. Signage for Adult Entertainment Uses.

(a) In addition to other provisions relating to signage in the zoning ordinance, it shall be unlawful for the owner or operator of any adult entertainment use establishment or any other person to erect, construct, or maintain any sign for the adult entertainment use establishment other than one primary sign and one secondary sign, as provided herein.

(b) Primary signs shall have no more than two display surfaces. Each such display surface shall:

- (i) Be a flat plane, rectangular in shape;
- (ii) Not exceed seventy-five square feet in area; and
- (iii) Not exceed ten feet in height or ten feet in length.

(c) Primary signs shall contain no photographs, silhouettes, drawings or pictorial representations of any manner, and may contain only:

- (i) The name of the regulated establishment; and/or
- (ii) One or more of the following phrases;
 - (A) "Adult bookstore,"
 - (B) "Adult movie theater,"
 - (C) "Adult cabaret,"
 - (D) "Adult novelties,"
 - (E) "Adult entertainment."
- (iii) Primary signs for adult movie theaters may contain the additional phrase, "Movie Titles Posted on Premises."

(d) Each letter forming a word on a primary sign shall be of a solid color, and each such letter shall be the same print-type, size and color. The background behind such lettering on the display surface of a primary sign shall be of a uniform and solid color.

(e) Secondary signs shall have only one display surface. Such display surface shall:

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- (i) Be a flat plane, rectangular in shape;
 - (ii) Not exceed twenty square feet in area;
 - (iii) Not exceed five feet in height and four feet in width; and
 - (iv) Be affixed or attached to any wall or door of the establishment.
- (f) The provisions of subsections (c) and (d) shall also apply to secondary signs.

X. 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 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 and 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 from which shall be used to assist with clean up costs associated with the administration of Kitsap County Code 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:

(a) 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

(b) 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.

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 Kitsap County Code Title 17, and could later be deemed a nuisance in accordance with Kitsap County Code Chapter 9.56. (Ord. 292 (2002) § 9, 2002: Ord. 216-1998 § 4 (part), 1998)

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.

17.435.010 Off-street parking requirements.

The following requirements shall be used as guidelines and may be increased or decreased by the department depending on the specific need or use, while taking into consideration trip demand reduction programs and the availability of public transit. Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zones. Such off-street parking spaces shall be provided at the time:

A. A building is hereafter erected or enlarged;

B. The use of a building existing on the effective date of this 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. 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 Front Yard. Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard, except in the case of a single- or two-family dwelling, but such space may be located within a required side or rear yard.

F. Development and Maintenance Standards for Off-Street Parking Areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:

1. An off-street parking area for more than five 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. 216-1998 § 4 (part), 1998)

17.435.030 Number of spaces required.

Off-street parking spaces shall be provided as follows:

A. Residential.

1. Single-family, Multi-family – Two per dwelling; one additional space shall be provided for accessory units;

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2. Multi-family dwelling containing four or more units – One and one-half per dwelling unit;
 3. Elderly, low income and public housing – One per one dwelling unit; and
 4. Rooming or boarding house – One per sleeping unit.
- B. Commercial Residential.
1. Motels – One per bedroom plus one per on duty employee;
 2. Hotels – One per bedroom. Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurants, auditoriums, etc.; and
 3. Clubs/Lodges – Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurants, auditoriums, etc.
- C. Institutions.
1. Hospitals and institutions – One per bed, and one per two employees and one per two guests.
- D. Places of Public Assembly.
1. Places of worship – One per four seats or eight feet of bench length in the main auditorium;
 2. Library, art gallery – One per 250 square feet of gross floor area;
 3. Preschool nursery, kindergarten, day care – One per three children;
 4. Elementary, junior high school – One per on duty employee and two per classroom;
 5. High school – One per on duty employee and teacher and one per ten students;
 6. College, commercial school for adults – One per three seats in classrooms; and
 7. Other auditorium, meeting rooms – One per four seats or eight feet of bench space or, if there is no fixed seating, one per fifty square feet of assembly area.
- E. Commercial Amusements.
1. Stadium, arena, theater – One per four seats or eight feet of bench length in the main auditorium;
 2. Bowling alley – Six per alley; and
 3. Dance hall, skating rink – One per twenty square feet of gross floor area.
- F. Commercial.
1. Retail stores generating relatively little automobile traffic such as appliance, furniture, hardware and repair stores – One per 300 square feet of gross floor area;
 2. Retail and personal service establishments generating heavy automobile traffic such as department, drug, and auto parts stores, supermarkets, ice cream parlors, bakeries and beauty and barber shops – One per 150 square feet of gross floor area;
 3. Drive in and fast food restaurants – One per seventy-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 spaces;
 4. Restaurants, drinking places –
 - (a) If under 4,000 square feet of gross floor area – One per 200 square feet of gross floor area;
 - (b) If 4,000 or more square feet of gross floor area – Twenty plus one per each additional 100 square feet of gross floor area over 4,000 square feet;
 5. Shops and stores for sales, service or repair of automobile, machinery and plumbing, heating, electrical and building supplies – One per 600 square feet of gross floor area;
 6. Mortuaries, funeral homes – One per seventy-five square feet of assembly area;
 7. Medical and dental office or clinic – One per 200 square feet of gross floor area;

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8. Bank, professional office (except medical/dental) – One per 400 square feet of gross floor area; and

9. Marinas and moorage facilities – One per four moorage slips.

G. Industrial Warehouse.

1. Warehouse, storage, and wholesale facilities – One per two anticipated employees on duty simultaneously, one per each anticipated company vehicle parked on the site at night on a regular basis and one per 300 square feet of office space; and

2. Manufacturing, research, testing, processing and assembly facilities – One per 500 square feet.

H. Relaxation of Required Spaces.

1. The director may authorize a variance to the amount of required off-street parking if a project proponent demonstrates that, due to the unusual nature of the proposed use, it is reasonable that the off-street parking required by Section 17.435.030 exceeds any likely need.

I. Other Uses.

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

2. Storage of junk motor vehicles is subject to the provisions of subsection (X) of Section 17.430.020

(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 4,000 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:

1. For uses having more than 4,000 but less than 10,000 square feet of gross floor area – One space;

2. For uses having more than 10,000 but less than 50,000 square feet of gross floor area – Two spaces;

3. For uses having more than 50,000 square feet but less than 100,000 square feet of gross floor area – Three spaces; and

4. For uses having over 100,000 square feet of gross floor area – Three spaces plus one additional space for each additional 100,000 square feet of gross floor area or fraction thereof in excess of 50,000 square feet.

Chapter 17.440
SPECIAL SETBACK LINES

Sections:

- 17.440.010 Purpose.
- 17.440.020 Designation of streets.
- 17.440.030 Compliance.
- 17.440.040 Variance procedure.

17.440.010 Purpose.

Because of heavy or arterial traffic volume and congestion, existing or probable intensive or commercial development of abutting properties, substandard paving widths, the probability of inadequate sight distances, and other like conditions affecting traffic safety and light, air, and vision along streets, the board of county commissioners finds that public health, safety and welfare require that building setback lines, as hereinafter specified, be and are hereby, established on all properties abutting the streets and sections of streets referred to in Section 17.440.020. Where applicable, requirements set forth in this provision shall be in addition to the yard requirements specified for the zones. Unless otherwise specified, the distances set forth shall be measured from the centerline and at right angle to the centerline of the right-of-way.

(Ord. 216-1998 § 4 (part), 1998)

17.440.020 Designation of streets.

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

(Ord. 216-1998 § 4 (part), 1998)

17.440.030 Compliance.

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

(Ord. 216-1998 § 4 (part), 1998)

17.440.040 Variance procedure.

For variance procedures, *see* Chapter 17.500.

(Ord. 216-1998 § 4 (part), 1998)

Chapter 17.445
SIGNS

Sections:

- 17.445.010 Permit required.
- 17.445.020 Permit application.
- 17.445.030 Waiver of application requirements.

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- 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.
- 17.445.100 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 above, 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 free-standing 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;

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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 200 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 14 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 14 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,

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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 24 inches by 30 inches;

2. Signs shall be placed on and directly in front of premises being advertised;

3. Signs are placed only during hours the business is open;

4. Signs shall not be placed within the road right-of-way; and

5. Signs limited to one per road frontage;

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)

17.445.100 Landscaping.

Freestanding signs shall be landscaped.

(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 re-named 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 Conditional waiver procedure.

A. An applicant aggrieved by the strict application of this chapter may seek a conditional waiver from the board of county commissioners. 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 for a conditional waiver with the board of county commissioners by filing the application with the clerk of the board of county commissioners with a copy to the shoreline administrator on forms provided by the shoreline administrator accompanied by an application fee per the Kitsap County Kitsap County Development Permit Fee Schedule (Title 21.06.100). In addition the applicant shall notify adjacent property owners of the application for a conditional waiver by personal service' or by registered mail.

(Ord. 291 (2002) § 13, 2002: Res. 240-1984 § 4(a), 1984)

17.450.050 Appeal procedure.

Appeal of a decision of the Shoreline Administrator in the application or enforcement of this ordinance shall be heard and determined by the Board of County Commissioners. The applicant or other party aggrieved by the decision of the Shoreline Administrator may file such an appeal with the Board of County Commissioners by filing a written notice of appeal with the Clerk of the Board of County Commissioners with a copy to the Shoreline Administrator accompanied by

an application fee of ninety four dollars (\$94.00). The written decision of appeal shall be filed within thirty (30) days of the decision of the Shoreline Administrator.

The written notice of appeal shall include the following:

1. The name and address of the appellant;
2. The description of the permit applied for;
3. A statement that the notice of appeal has been provided to adjacent property owners or the applicant for the permit (if applicable) by personal service or registered mail;
4. A statement describing the alleged error of the Shoreline Administrator in issuing the decision.

(Res. 240-1984 § 4(b), 1984)

17.450.060 Hearing Before the Board of County Commissioners

Upon receipt of an application for a conditional waiver or an appeal, the Shoreline Administrator shall promptly transmit its records to the Clerk of the Board. Upon receipt of the record of the Shoreline Administrator, the Clerk of the Board shall set the appeal for consideration at a public hearing. Notice of the time, date, place and purpose of the hearing shall be delivered or mailed to the appellant, the applicant if other than the appellant, and the abutting property owners of the appellant not less than ten (10) working days prior to the public hearing.

At the public hearing the appellant and the respondents shall be allowed ten (10) minutes per side to make an oral presentation or submit evidence supporting their position. The appellant and the respondents may present written memoranda relating to the appeal.

The board of county commissioners shall decide the appeal. The board of county commissioners official minutes shall serve as its written findings and conclusions.

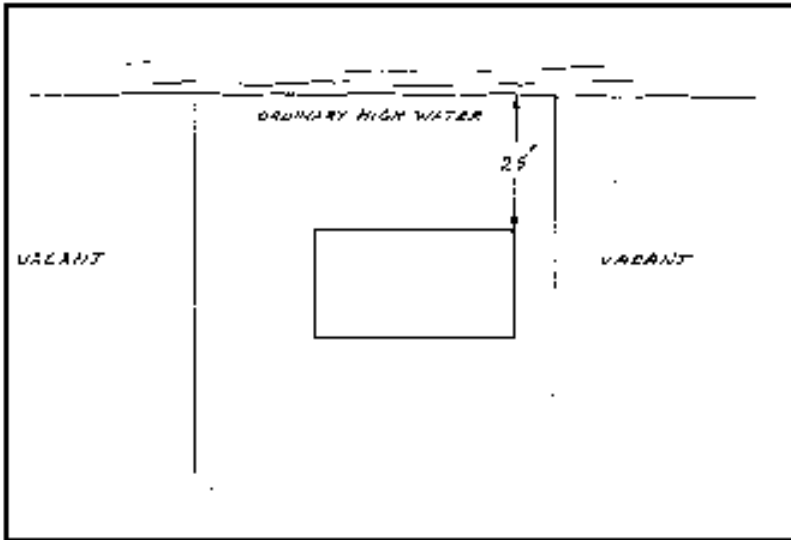
The board of county commissioners decision is final unless review is sought in the Superior Court and service is made on the board of county commissioners within thirty (30) days of the board's written decision. A person seeking review to the Superior Court shall be responsible for and bear the cost of transcription of the verbatim record and for preparation and copying of other documents. The County shall cooperate with the party seeking review in meeting these responsibilities. The County has the authority to take measures to secure the integrity of its records and files.

The clerk of the board of county commissioners shall be responsible for the preparation of the verbatim record and copying of other documents. The applicant shall deposit two hundred fifty dollars (\$250.00) with the clerk of the board of county commissioners in the form of cash or money order as a retainer for the preparation of the record. Upon payment of costs incurred by the clerk of the board in preparing this record, the record shall be filed with the clerk of Superior Court. Any remaining balance of the deposit shall be remitted. In the event the party seeking review dismisses the appeal during the interim in which the record is being prepared, the clerk of the board shall retain any portion of the deposit for cost incurred, the balance of which shall be remitted to the party seeking review.

(Res. 240-1984 § 4(c), 1984)

VIEW BLOCKAGE REQUIREMENTS – ILLUSTRATIONS

ILLUSTRATION A



*25 foot setback to comply
with Zoning Code*

ILLUSTRATION B

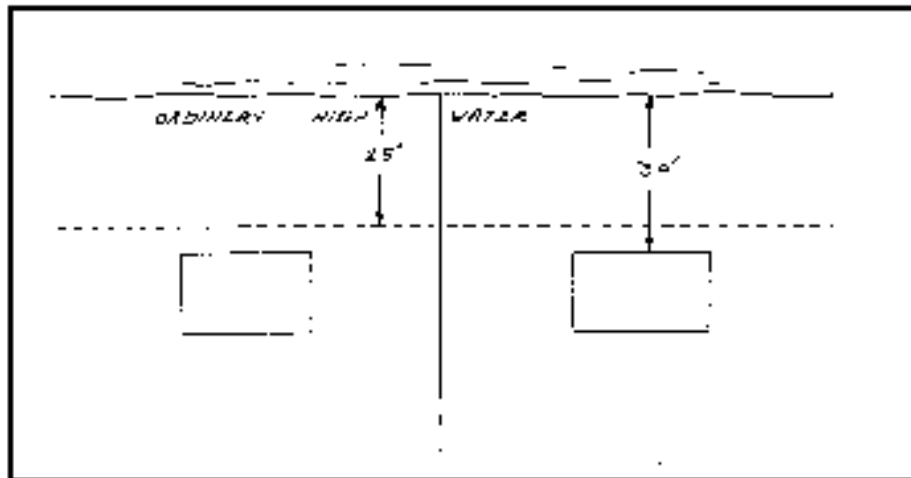


ILLUSTRATION C

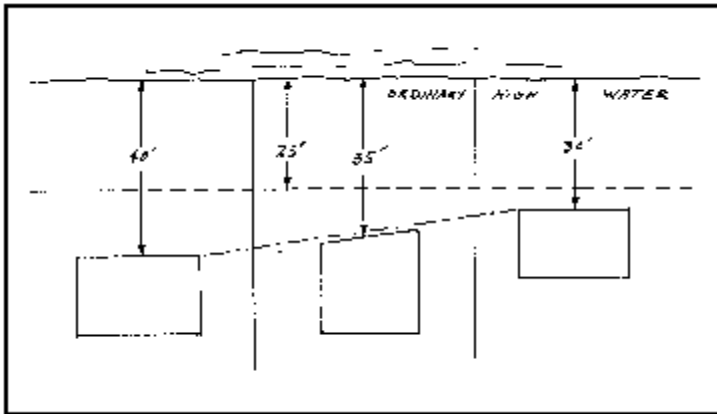


ILLUSTRATION D

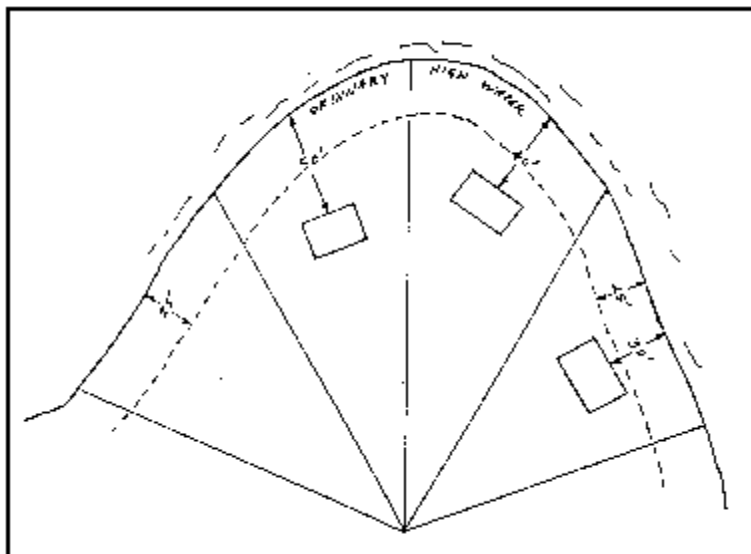
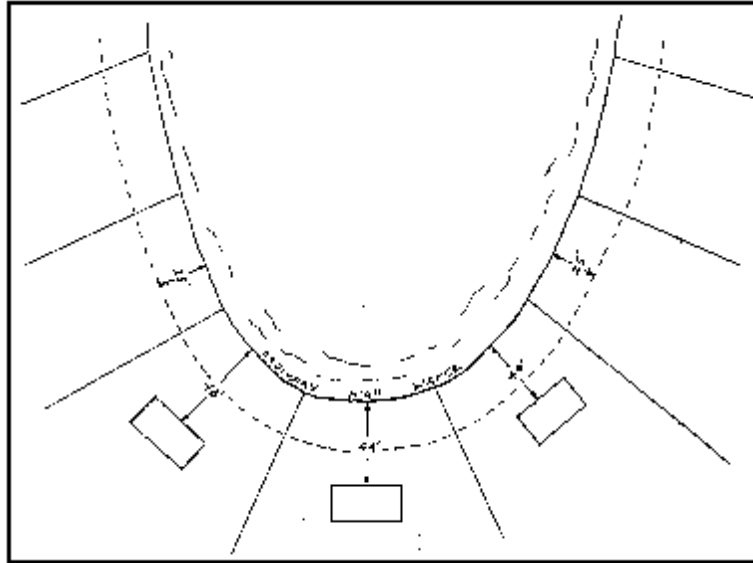


ILLUSTRATION E



Chapter 17.455

INTERPRETATIONS AND EXCEPTIONS

Sections:

- 17.455.010 Director authority.
- 17.455.020 Exceptions to lot sizes.
- 17.455.030 Exceptions to height limitations.
- 17.455.040 Exceptions to yard requirements.
- 17.455.050 Authorization for similar uses.
- 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.

It shall be the responsibility of the director to interpret and apply the provisions of this title. Any interpretations shall be subject to appeal to the hearing examiner as set forth in Chapter 17.520. At the request of the applicant, in writing, the director may authorize a variation of up to ten percent of any numerical standard, except overall density, when unusual circumstances cause undue hardship in the strict application of this title; provided, a variance shall be approved 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 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 the property is located; and

D. The variance is the minimum necessary to grant relief to the applicant.

An approved variance shall become void in two 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.

(Ord. 256 (2001) § 2, 2001: Ord. 234 (1999) § 2 (part), 1999: Ord. 216-1998 § 4 (part), 1998)

17.455.020 Exceptions to lot sizes.

If, as of May 10, 1999, a lot of record, which was legally created, 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 permitted 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, as of May 10, 1999, a lot of record was lawfully occupied by two or more single-family residences (excluding accessory dwellings), 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.

(Ord. 234 (1999) § 2 (part), 1999)

17.455.030 Exceptions to height limitations.

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.

(Ord. 234 (1999) § 2 (part), 1999; Ord. 216-1998 § 4 (part), 1998)

17.455.040 Exceptions to yard requirements.

A. Projections into Required Yards. Certain architectural features may project into required yards or courts as follows:

1. Cornices, canopies, eaves, belt courses, sills or other similar architectural features, or fireplaces; but these may not in any case extend more than twenty four (24) inches into any required yard area. In no case shall a habitable area be considered for encroachment into a required yard without a variance.

2. Fire escapes, open-uncovered porches, balconies, landing places, or outside stairways may not in any case extend more than twenty four (24) inches into any required side or rear yards, and shall not extend more than six (6) feet into any required front yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen (18) inches in height, and not approaching closer than twenty four (24) inches to any lot line.

B. Exceptions to Front Yard Requirements.

1. If there are dwellings on both abutting lots with front yards less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings.

2. If there is a dwelling on one abutting lot with a front yard less than the required depth for the zone, the front yard need not exceed a depth of half-way between the depth of the front yard on the abutting lot and the required front yard depth.

3. If a modification to the front-yard requirement is necessary in order to site dwellings in a manner which maximizes solar access, the Director may modify the requirement.

4. An interior lot front yard setback shall be the same as the side yard setback, but no less than twenty (20) feet.

C. Historic Lots.

1. Building setback lines which do not meet the requirements of this Ordinance, but which were legally established prior to the adoption of this Ordinance, shall be considered the building

line for alterations, remodels, and accessory structures on the lot or parcel, providing that no structure or portion of such addition may further project beyond the established building line.

2. Any single-family residential lot of record as defined in Section 110, which has a smaller width or lot depth than that required by this Ordinance, or is less than one acre, may use that residential zoning classification which most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.

D. Accommodating Sewers and Roadways. Any structure otherwise permitted under this Section may be placed on a lot or parcel within a required yard area, if the Director finds that such a location is necessary because existing sewer systems or roadways make compliance with the yard-area requirements of this Ordinance impossible without substantial changes to the site. (Ord. 234 (1999) § 2 (part), 1999: Ord. 216-1998 § 4 (part), 1998)

17.455.050 Authorization for similar uses.

Other similar uses which the director finds to fit the purpose or intent of a zoning designation must be in compliance with Section 17.100.040.

(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 into greater conformity with the uses permitted within the zone in which it is located.

The hearing examiner shall review and approve these certain uses through the conditional permit review procedures as set forth in 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. 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 year on an existing lot or parcel where compliance with site plan review and landscaping requirements are impractical.

G. Temporary uses and structures not specified in any zone classification subject to applicable provisions of the Kitsap County Code, provided that such uses and structures may not be approved by the director for a period greater than thirty 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 interim rural forest (IRF), rural protection (RP), or rural residential (RR) zones;

2. The RV must be occupied by the property owner or immediate family member;

3. The RV must be provided with approved utilities including septic or sewer (health district approval), water, and electrical power;

4. The RV must be located on the property so as to meet the setbacks as provided by this code;

5. The director may impose additional conditions as appropriate to ensure that the RV use is compatible with the surrounding properties;

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6. The minimum RV size shall be two hundred square feet or greater; and

7. A building permit will be required each time the RV is placed on a parcel. If the RV is placed on the same parcel each year the application fee will be half of the initial fee. If the RV is placed on a different parcel, the entire fee will be assessed.

(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. 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. 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 nonconforming 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 preexisting 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 nonconforming use so long as no structural alterations are needed to the structure in which the use is located; provided, any such change of use shall be to a use of equal or greater conformity to those permitted in the zone.

C. No Expansion of Nonconforming Use. A nonconforming use shall not be enlarged or expanded; provided, the structure containing the nonconforming use may be structurally altered to adapt to new technologies or equipment.

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 17.465

SPECIAL CARE MANUFACTURED HOMES

Sections:

17.465.010 Special care manufactured homes authorized.

17.465.010 Special care manufactured homes authorized.

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

A. Not more than two individuals shall be the recipients of special care;

B. No rent, fee, payment or charge in lieu thereof may be made for use of the single-family dwelling or manufactured/mobile home as between the recipients or providers of special care;

C. The manufactured/mobile home must meet the setback requirements of the zone in which it is situated;

D. A permit must be obtained from the director authorizing such special care manufactured/mobile home. Such permit shall remain in effect for one year and may, upon application, be extended for one year periods provided there has been compliance with the requirements of this section;

E. The manufactured/mobile home must be removed when the need for special care ceases; and

F. Placement of the manufactured/mobile home is subject to applicable health district standards for water service and sewage disposal.
(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 Comprehensive Plan and the Zoning Ordinance, this wireless communication facilities section is intended to:

- A. Provide for a wide range of locations and options for wireless communication providers while minimizing the visual impacts to surrounding properties associated with wireless communication facilities;
 - B. Encourage creative approaches in locating wireless communication facilities which will be compatible with the surroundings;
 - 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. 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 35 feet in height and not implementing alternative technology must be reviewed in a manner consistent with Section IX of the Kitsap County Comprehensive Plan, Land Use Appendix, 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 Kitsap County department of community development (DCD) will develop and maintain a geographic information system (GIS) database that will identify the preferred network. This database will depict all existing and proposed wireless communication support structure locations. Locations will be mapped with the adopted Comprehensive Plan land use maps with all publicly owned lands identified. This database will be provided to all wireless communication facility applicants and to the public.

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. 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 subsections (B) and (C) of Section 17.470.050.

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 a minor site plan review, and are subject to the provisions of subsections (C) and (D) of Section 17.470.050.

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 50% to accommodate antennas. Ground support facilities, when existing utility poles are utilized, shall be subject to review as a minor site plan review and subject to the requirements of subsection (B) of Section 17.470.050.

C. Construction of equipment shelters, cabinets, and other ancillary equipment not located on or in an existing structure shall be subject to a minor site plan review and the site development standards of Section 17.470.050.

(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 viewscapes such as mountain views, views of water bodies, and/or open expansive views such as valleys. Visual impacts and mitigation shall be determined through the State Environmental Policy Act (SEPA) process until such time as specific criteria are adopted by the department.

2. A visual impact analysis will be required when it appears a support structure imposes more than a moderate visual impact on viewscapes. The impact analysis will be accomplished within the proposed site through: (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 use separation buffer. The buffer requirement shall be contained in a recorded easement. Vegetation shall not be removed without approval by the department of community development. Fencing shall be a non-obtrusive material such as a dark coated chain link to blend in with the surroundings.

2. In residential zones, or non-residential zones where the support structure site is within three hundred feet of an existing residential zone, the ground level view of support structures shall be mitigated by the retention of existing trees with sufficient height that will provide a functional screen of a substantial portion of the structure height. A barrier buffer used to mitigate visual impacts upon adjacent residential properties may be required as determined by site specific conditions. Additional plantings and fencing may be used to reduce the width necessary for buffering. A mono-pole support structure is preferred unless it can be demonstrated that a lattice tower can be adequately screened.

3. In non-residential zones, performance based developments (PBD's) (commercial and industrial), or interim rural forest zones, screening of support structures shall be accomplished through a use separation buffer. A mono-pole structure is preferred and is exempt from buffer requirements in PBD's (commercial and industrial) and interim rural forest zones.

C. Color and Lighting.

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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 700 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 _____ 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 own-

er within six months from the time of discontinuance. An extension to this period may be granted by the director.

(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 subsection (B) of Section 17.470.030.

(Ord. 281 (2002) § 16, 2002: Ord. 216-1998 § 4 (part), 1998)

17.470.070 Notification to Kitsap County Central Communications (CENCOM).

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

WIRELESS COMMUNICATION FACILITIES REVIEW PROCESS TABLE 17.470.100

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

1. Minor site plan review for ground support structures only. Antennas are a permitted use.

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 one year after approval if no substantial construction has taken place.

(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.

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 planning commission or hearing examiner (for change in zone boundaries), or by petition as hereinafter set forth. Any such proposed amendment to the provisions of this 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.

(Ord. 216-1998 § 4 (part), 1998)

17.510.020 Application.

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

(Ord. 216-1998 § 4 (part), 1998)

17.510.030 Public hearings.

Before taking final action on a proposed amendment, the planning commission (or hearing examiner in the case of a rezone or zone boundary changes) shall hold a public hearing thereon. After receipt of the report on the amendment from the planning commission or hearing examiner, the board of county commissioners shall hold a public hearing on the amendment. Public hearings by the planning commission, hearing examiner and board of county commissioners shall be held in accordance with the provisions of Title 21 of this code.

(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 the Kitsap County Land Use and Development Procedures Ordinance.

(Ord. 281 (2002) § 18, 2002)

Chapter 17.525

REVOCATION 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 performance based development permit, conditional use permit, site plan review, 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. 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

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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.