

ORDINANCE NO. 346-2005

BE IT ORDAINED:

Section 1. Kitsap County Code Section 17.300.030 adopted by Ordinance 230 (1999) is amended as follows:

17.300.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be forty acres for newly created lots.
- B. Lot Width and Depth. The minimum lot width and depth for all lots within this zone shall be 140 feet each.
- 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 twenty.
- E. Setback from Forestry Use. For a single-family residence and accessory buildings, a perimeter setback of not less than one hundred feet, when adjacent to land designated as forest resource land and utilized for timber production.

Section 2. Kitsap County Code Section 17.301.030 adopted by Ordinance 216 (1998) is amended as follows:

17.301.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be twenty acres for newly created lots.
- B. Lot Width and Depth. The minimum lot width and depth for all lots within this zone shall be 140 feet each.
- 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.

Section 3. Kitsap County Code Section 17.305.030 adopted by Ordinance 216 (1998) is amended as follows:

17.305.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be ten acres for newly created lots.
- B. Lot Width and Depth. The minimum lot width and depth for all lots within this zone shall be 140 feet each.
- 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.

Section 4. Kitsap County Code Section 17.310.030 adopted by Ordinance 216 (1998) is amended as follows:

17.310.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be five acres for newly created lots.
- B. Lot Width and Depth. The minimum lot width and depth for all lots within this zone shall be 140 feet each.
- 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.

Section 5. Kitsap County Code Section 17.315.030 adopted by Ordinance 216 (1998) is amended as follows:

17.315.030 Lot requirements.

- A. Lot Area. Minimum lot area shall be ten acres for newly created lots.
- B. Lot Width and Depth. The minimum lot width and depth for all lots within this zone shall be 140 feet each.
- 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.

Section 6. Kitsap County Code Section 17.330.060 last amended by Ordinance 311 (2003) is amended as follows:

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 per Acre)	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Front Yard	Side Yard	Opposite Side Yard	Rear Yard
UL	5-9	None	60 feet ¹	60 feet	20 feet	5 feet	5 feet	5 feet

¹ The minimum lot width for Urban Low zones within the ULID #6 Sub-Area shall be 40 feet

Section 7. Kitsap County Code Section 17.450.040 last amended by Resolution 291 (2002) is renumbered and amended as follows:

17.450.040 Appeal procedure

Determinations of shoreline structure setback line are classified as Type I decisions under Title 21 of this Code, the Land Use and Development Procedures Ordinance. (See Section 21.04.060, "Type I – Ministerial Decision").

Section 8. Kitsap County Code Section 17.450.050 is renumbered and amended as follows by Resolution 240 (1984) is amended as follows:

17.450.050 Conditional waiver procedure.

A. An applicant aggrieved by the strict application of this chapter may seek a conditional waiver from the Director. Such a waiver shall be a Type II administrative decision. A conditional waiver may be granted after the applicant demonstrates the following:

1. The hardship which serves as the basis for granting the conditional waiver is specifically related to the property of the applicant and does not apply generally to other property in the vicinity;
2. The hardship which results from the application of the requirements of this chapter is not a result of the applicant's own actions;
3. The conditional waiver, if granted, will be in harmony with the general purpose and intent of the Shoreline Management Act and the Kitsap County Shoreline Management Master Program in preserving the views of the adjacent shoreline residences;
4. In balancing the interest of the applicant with adjacent neighbors, if more harm will be done by granting the conditional waiver than would be done by denying it, the conditional waiver shall be denied.

B. The applicant seeking a conditional waiver of the strict application of this chapter may file an application with the Department accompanied by an application fee per the Kitsap County Development Permit Fee Schedule (Section 21.06.100).

Section 9. Kitsap County Code Section 17.450.060 adopted by Resolution 240 (1984) is deleted.

Section 10. Kitsap County Code Section 17.320.020 adopted by Ordinance 216 (1998) is amended as follows:

17.320.020 Uses.

The following Rural Use Table 17.320.020 is a list of examples for allowable uses in the forest resource lands (FRL), interim rural forest (IRF), rural protection (RP), rural residential (RR), and urban reserve (URS) zones. The appropriate review, as listed, is mandatory.

Rural Use Table 17.320.020

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

USES	FRL	IRF	RP	RR	URS
1. Forestry, including accessory building related to such uses and activities	P	P	P	P	P
2. Agricultural uses ² , including accessory buildings related to such uses and activities ¹	X	P	P	P	P
3. Single-family dwellings	C	P	P	P	P
4. Temporary stands not exceeding 200 square feet in size and exclusively for the sale of agricultural products grown on site ³	P	P	P	P	P
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 and 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
29. Stump grinding	C	C	C ⁹	C ⁹	X
30. Soil-combining and/or composting	X	C	C ⁹	C ⁹	X

- 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.
- 9 Subject to the provisions of 17.430.020Y

Section 12. Kitsap County Code Section 17.430.020 last amended by Ordinance 292 (2002) is amended as follows:

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. The station shall not directly abut a residential zone; and
4. All lighting shall be of such illumination, direction, and color as not to create a nuisance on adjoining property or a traffic hazard.

B. Animal Feed Yards, Animal Sales Yards, Kennels, and Commercial Stables. In interim rural forest (IRF), rural protection (RP), or rural residential (RR) zones, animal feed yards, animal sales yards, kennels, commercial stables, shall be located not less than two hundred feet from any property line; shall provide automobile and truck ingress and egress; and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. Applicants shall show that odor, dust, noise, and drainage shall not constitute a nuisance, hazard, or health problem to adjoining property or uses.

C. Animal hospital and veterinary clinics. An animal hospital or veterinary clinic shall not be located within fifty feet of a lot line in any interim rural forest (IRF), rural protection (RP), or rural residential (RR) zones and the applicant shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. Animal hospitals or veterinary clinics may be located in the urban high residential (UH) zone, provided a major part of the site fronts on an

arterial street, and preferably, is at an arterial intersection; and provided the director finds that the proposed use will not interfere with reasonable use of residences by reason of too close proximity to such residential uses, or by reason of a proposed exterior too different from other structures and character of the neighborhood. All such veterinary clinics or animal hospitals must be so constructed and operated that all activities are conducted inside an enclosed building, and no treatment or animal-holding may be done outside the building.

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

E. Circuses, Carnivals, Animal Displays, Amusement Rides. A circus, carnival, animal display, or amusement rides may be allowed through administrative review, in all industrial zones and any commercial zones except neighborhood commercial (NC) and all industrial zones, for a term not to exceed ninety 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 feet from a side or rear lot line. There shall be no external evidence of any incidental commercial activities taking place within the building. All such uses shall be located on a county arterial or on a road determined to be adequate by the county engineer, and be able to provide access without causing traffic congestion on local residential streets; and any such use shall not be materially detrimental to adjacent (existing or potential) residential development use due to excessive traffic generation, noise, or other circumstances.

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

1. Business uses shall be incidental and secondary to the dominant residential use;
2. The residential character of the building shall be maintained and the business shall be conducted in such a manner as not to give an outside appearance of a business;
3. The business shall be conducted entirely within the residence;
4. The residence shall be occupied by the owner of the business;
5. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes;
6. No clients or customers shall visit or meet for an appointment at the residence;
7. No employees or independent contractors are allowed in the residence except for family members who reside in the residential dwelling;
8. No activities that create noise, increase risk of fire, or in any way threaten the safety and tranquillity of neighboring residents are permitted;
9. No more than two pick-ups and/or deliveries per day are allowed, not including normal U.S. mail;
10. The business shall not occupy more than twenty-five percent of the gross floor area of the residence; and
11. No signs to advertise the business/occupation shall be allowed on the premises (except attached to mail box not to exceed one square foot).

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

1. Business uses shall be incidental and secondary to the dominant residential use;
2. The residential character of the building shall be maintained and the business shall be conducted in such a manner as not to give an outside appearance of a business;

3. The residence shall be occupied by the owner of the business;
4. The business shall occupy no more than thirty percent of the gross floor area of the residence;
5. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes;
6. No more than two employees (or independent contractors) are allowed;
7. Non-illuminated signs not exceeding four square feet are permitted, subject to a sign permit approved by the director;
8. No outside storage shall be allowed; and
9. In order to assure compatibility with the dominant residential purpose, the director may require:
 - (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 employees (or independent contractors) are allowed;
6. Non-illuminated signs not exceeding four square feet are permitted, subject to a sign permit approved by the director; and
7. In order to ensure compatibility with the dominant residential purpose, the director may require:
 - (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 title except by a conditional use permit. Public use airports and heliports are allowed only within the airport (A) zone established by this title. Heliports for the purpose of medical emergency facilities are permitted in all zones subject to a conditional use permit.

I. Nursery Schools, Kindergartens and Day-Care Centers. Nursery schools, kindergartens, and day-care centers shall have a minimum site size of ten thousand square feet and shall provide and thereafter maintain outdoor play areas with a minimum area of one hundred square feet per child of total capacity. A site-obscuring fence of at least four feet, but not more than feet in height shall be provided, separating the play area from abutting lots. Adequate off-street parking and loading space shall be provided.

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

1. On parcels of land less than five acres, the number of animals per 20,000 square feet of area shall not exceed one large livestock or three small livestock, five ratites, or six small animals or twelve poultry provided that when no dwelling unit or occupied structure exists within 300 feet of the lot on which the animals are maintained the above specifications may be exceeded by two;

2. On parcels of land platted into lots one acre or less in size or five acres or less located within two hundred feet of a lake or year round stream, the number of animals shall not exceed one large livestock or three small livestock, five ratites, or six small animals, or twelve poultry per 40,000 square feet of area, provided that when no dwelling unit or occupied structure exists within three hundred feet of the lot on which the animals are maintained the above specifications may be exceeded by a factor of two; and

3. No feeding area or structure or building used to house, confine or feed livestock, small animals, ratites, or poultry shall be located closer than one hundred feet to any residence on adjacent property located within an interim rural forest (IRF), rural protection (RP), rural residential (RR) zones, or within two hundred feet of any residence on adjacent property within any other zone; provided, a pasture (greater than 20,000 square feet) shall not be considered a feed area.

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 title. Other pets, excluding cats, which are kept indoors shall be limited to five;

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

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

4. No feeding area or structure used to house, confine or feed pets shall be located closer than the minimum yard setbacks for the zone in which they are located. No feeding area or structure used to house, confine or feed non-traditional pets or exotic animals shall be located closer than fifty 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 feet 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, and poles may exceed the height limits otherwise provided for in this title. Water towers, which exceed thirty-five feet in height, solid waste collection, transfer and/or handling sites, in any zone shall be subject to a conditional use permit.

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 fifty percent of the square footage of the habitable area of primary residence or 900 square feet, whichever is smaller;
6. The ADU shall be located within 150 feet of the primary residence or shall be the conversion of an existing detached structure (i.e., garage);
7. The ADU shall be designed to maintain the appearance of the primary residence;
8. All setback requirements for the zone in which the ADU is located shall apply;
9. The ADU shall meet the applicable health district standards for water and sewage disposal;
10. No mobile homes or recreational vehicles shall be allowed as an ADU;
11. An ADU shall use the same side street entrance as the primary residence and shall provide additional off-street parking; and
12. An ADU is not permitted on the same lot where an accessory living quarters exists.

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

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

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 feet above the ordinary high water line;
3. The building height of any boathouse shall not be greater than fourteen feet above the ordinary high water line;
4. Covered structures must abut or be upland of the ordinary high water line; and
5. No covered structure shall have a width greater than twenty-five feet or twenty-five percent 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 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 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 heavy equipment vehicles, or heavy construction equipment. The use shall be contained outside of required setbacks within a contained yard or storage building. The storage yard and/or building shall be screened from adjacent properties with a rural character screening buffer or a twenty five foot minimum width native buffer that provides functional screening. Minimum lot size shall be 100,000 square feet.

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 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:
 - (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.

Y. Stump grinding, soil-combining and composting in Rural Protection and Rural Residential zones.

Stump grinding, soil-combining and composting in Rural Protection and Rural Residential zones must meet the following requirements:

1. The subject property(s) must be 100,000 square feet or greater in size;
2. The use must take direct access from a County-maintained right-of way;
3. A 50-foot natural vegetation buffer must be maintained around the perimeter of the property(s) to provide adequate screening of the use from neighboring properties;
4. The subject property(s) must be adjacent to an Industrial zone;
5. The proposed use must mitigate noise, odor, dust and light impacts from the project; and The use must meet all other requirements of this Title.

Section 12. Kitsap County Code Section 17.455.040 adopted by Ordinance 234 (1999) is amended as follows:

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 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 inches into any required side or rear yards, and shall not extend more than six feet into any required front yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen inches in height, and not approaching closer than twenty four 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 feet.

5. On lots with multiple front yards, the front yard setback(s) in which the lot does not receive access may be modified by the Director. Based upon topography, critical areas or other site constraints, the Director may reduce these front yard setbacks to a minimum of twenty (20) feet for properties requiring fifty (50) feet and five (5) feet for properties requiring twenty (20) feet. The Director may not modify front yard setbacks from County arterials or collectors. Such reductions shall not have an adverse impact to surrounding properties.

C. Historic Lots.

1. Building setback lines which do not meet the requirements of this title, but which were legally established prior to the adoption of this title, shall be considered the building line for alterations, remodels, and accessory structures on the lot or parcel, providing that no structure or portion of such addition may further project beyond the established building line.

2. Any single-family residential lot of record as defined in Chapter 17.110, which has a smaller width or lot depth than that required by this title, or is less than one acre, may use that residential zoning classification 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 title impossible without substantial changes to the site.

Section 13. Kitsap County Code Section 17.340.060 last amended by Ordinance 311 (2003) is amended as follows:

17.340.060 Lot requirements – Density Limitations¹

A. Minimum lot requirements:

URBAN MEDIUM RESIDENTIAL ZONE LOT REQUIREMENTS TABLE 17.340.060²

Classification	Density ² (DU per Acre)	Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Front Yard	Side Yard	Opposite Side Yard	Rear Yard
UM Multi-Family	Min 10 Max 18	None	None	None	None	None	None	None
UM Single-Family	Min 10 Max 18	None	60 feet	60 feet	20 feet	5 feet	5 feet	5 feet

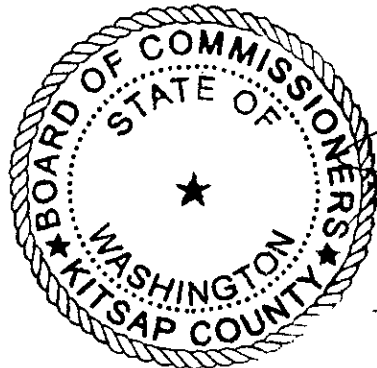
¹ The *Design Standards for the Community of Kingston* sets forth policies and regulations for the development within the downtown area of Kingston. All development within this area must be consistent with these standards.

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.

Section 14. Effective Date. This ordinance shall take effect October 3, 2005.

Section 15. Severability. If any provision of this ordinance, or its application to any person, entity, or circumstance is for any reason held invalid, the remainder of the ordinance, or the application of the provision to other persons, entities or circumstances is not affected.

DATED this 14th day of Sept, 2005.



BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

Chris Endresen

CHRIS ENDRESEN, Chair

ATTEST:

Jan Angel

JAN ANGEL, Commissioner

Opal Robertson

Opal Robertson
Clerk of the Board

Patty Lent

PATTY LENT, Commissioner

Approved as to form only:

Deputy Prosecuting Attorney

CODE AMENDMENT SUMMARY
Planning Commission Recommendations

Code Amendment	Ordinance Section(s)	Planning Commission Recommendation	Notes
Removal of 2:1 Lot Dimension Ratio in Rural Zones	2, 3, 4, 5 & 6	Approval	
Urban Low Lot Width	7	Denial	Planning Commission felt 40-foot lot widths helped maximize densities in the urban areas. A 60-foot lot width would discourage such density.
View Blockage Process for Conditional Waivers	8, 9 & 10	Denial	The Planning Commission felt that the conditional waivers were so controversial and so important to shoreline property owners that the decisions should be made by the Board. Also, they did not feel the Board's limited hearing schedule creating permit delays was a good argument for amending the process.
Soil-Combining/Stump Grinding in Rural Zones	11 & 12	Approval	
Flexibility Setbacks on Properties with Multiple Front Yards	13	Approval	
Lot Requirements in the Urban Medium Zone	14	Approval w/ Revision	The Planning Commission recommended approval but felt the lot width for single-family homes to be consistent with the Urban Low zone. As discussed above, they believed this width should be left at 40 feet.

346-2005