



# KITSAP COUNTY CODE TITLE 17 'ZONING' ALLOWED USE TABLE UPDATE

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PLANNING COMMISSION

WORK STUDY SESSION

AUGUST 18, 2020

# Background

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## Purpose

Update allowed uses, the level of permit review, and development standards to remove barriers to investment in Urban Growth Areas, Limited Areas of More Intensive Rural Development (LAMIRD), and Rural Commercial and Industrial zones consistent with Kitsap County's Comprehensive Plan.

## Planning Commission Work Study Sessions

- March 3, 2020 – Review preliminary feedback from outreach & strategy to review proposed changes
- April 21, 2020 – Review summary of changes based on preliminary feedback
- June 2, 2020 – Review proposed Use Table Resource Guide
- June 16, 2020 – Review proposed Definitions Resource Guide
- August 18, 2020 – Review proposed Allowed Use Provisions Resource Guide



# Work Study Session

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# What Will We Review?

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## **Allowed Use Standards Resource Guide - Attachment 1**

- Cross-walk between existing code and new development standards to summarize proposed changes.

## **Footnote Relocation Guide - Attachment 2**

- Summary of existing footnotes and special provisions and where they will be relocated based on proposed changes.

# Overview of Proposed Allowed Use Standards

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## Proposed Changes

- Remove existing footnotes, where appropriate
- Relocate existing footnotes and special provisions
  - Zone Chapter → Attachment 1, Page 1 to 11
  - (NEW) Chapter 17.415 → Attachment 1, Page 12 to 56
- Add development standards for new uses



# Proposed Allowed Use Standards

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## **Remove footnotes, where appropriate**

- 32 footnotes removed
- Special provisions for guest houses removed

## **Examples**

Footnote 19 – references Silverdale Design District Boundaries; same information is found in a different section of our code.

Footnote 37 – requires commercial uses to have a residential component; proposed changes allow small scale commercial uses without a residential component in residential zones when located at an intersection.

Footnote 41 – to comply with state law related to adult family homes



LEGEND

RR	Abbreviated zoning designations
100	Existing Allowed Use Number
Red Text	Indicates where existing footnote or special provision will be relocated
	Remove Footnote



FN ID	17.410.050 FOOTNOTES	Applies to categorical USE(s) <small>(in all tables unless noted otherwise)</small>	Applied to ZONE(s)	Applies to USE in ZONE
14	In those zones that prohibit residential uses, family day-care centers are only allowed in existing residential structures. Day-care centers shall have a minimum site size of ten thousand square feet and shall provide and thereafter maintain outdoor play areas with a minimum area of seventy-five square feet per child of total capacity. A sight-obscuring fence of at least four feet in height shall be provided, separating the play area from abutting lots. Adequate off-street parking and loading space shall be provided. <b>Moved to 17.415.--- Day-care center and 17.415. --- Day-care center, home based .</b>	230 Day-care center. 232 Day-care center, family.		
15	<del>Reserved.</del>			
16	The erection, construction, alteration, or maintenance of overhead or underground utilities by a public utility, municipality, governmental agency, or other approved party shall be permitted in any zone; provided, that any permanent above-ground structures not located within a right-of-way or easement shall be subject to the review of the director. Utility transmission and distribution lines and poles may exceed the height limits otherwise provided for in this title. Water towers which exceed thirty-five feet in height, solid waste collection, transfer and/or handling sites in any zone shall be subject to a conditional use permit. These provisions do not apply to wireless communication facilities, which are specifically addressed in Chapter 17.530. <b>Moved to 17.415. --- Public facilities and electric power and natural gas utility facilities, and substations.</b>	410 Public facilities and electric power and natural gas utility facilities, substations, ferry terminals, and commuter park-and-ride lots		
17	<del>Reserved.</del>			
18	One piece of heavy equipment may be stored in any single-family zone; provided, that it is either enclosed within a permitted structure, or screened to the satisfaction of the director. <b>Moved to 17.415.--- Accessory use or structure; 17.415.--- Storage, indoor ; and 17.415.--- Storage, outdoor.</b>			104 (Residential) accessory use or structure. <small>(only applied to 17.410.042 and 17.410.046 use tables)</small> RR, RP, RW, FRL, MRO, UR, GB, UL, UCR, UM, UH, KVC, KVL, KVR, MVC, MVLR, MVR, RHTC, RHTR, RHTW, SVC, SVLR, SVR, REC, TTEC 542 Storage, vehicles and equipment. RR, RP, KVL, MVLR, MVR, SVLR, SVR
19	<del>All development within the Silverdale Design District boundaries must be consistent with the Silverdale Design Standards.</del> <b>Remove footnote. The same standard is found in 17.420.060(A)(33)</b>		UR, UL, UH, C, RC, NC	
20	Site plans for public schools shall include an area identified and set aside for the future placement of a minimum of four portable classroom units. The area set aside may not be counted towards meeting required landscaping or parking requirements. <b>Moved to respective uses in 17.415.</b>	408 Private or public schools		

# Proposed Allowed Use Standards

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## **Relocate existing footnotes and special provisions to each zone chapter**

- Existing development standards that apply to most uses in a zone were relocated to the special provisions section of each zone chapter.

## **Examples**

Footnote 42 – limits outdoor activities in the Rural Industrial zone when abutting or across the street from residential zones.

Footnote 57 – requires more permit review when certain land undergoes development and it is next to a less intensive use and residential zone.



## 25 Chapter 17.270 NEIGHBORHOOD COMMERCIAL (NC)

### 26 17.270.030 Special provisions.

27 ~~Reserved.~~

28 Unless the permit application is a Type III quasi-judicial action, when a component of  
29 development located ~~within a commercial or industrial~~ in the NC zone involves the conversion  
30 of previously undeveloped land, land developed with a residential use, or land developed with a  
31 less intensive use which abuts a residential zone, it shall be treated as a Type II administrative  
32 decision.<sup>6</sup>

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<sup>3</sup> 17.410.050 A.57 'Footnote 57'

<sup>4</sup> 17.410.050 A.57 'Footnote 57'

<sup>5</sup> 17.410.050 A.57 'Footnote 57'

<sup>6</sup> 17.410.050 A.57 'Footnote 57'

Draft Date: 8/14/2020

Kitsap County Department of Community Development

# Proposed Allowed Use Standards

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## **Relocate existing footnotes and special provisions to new chapter**

- Add 'General requirements' section – existing code provisions that apply to all permit applications.
- Add section for each use – existing and proposed provisions that apply to each use identified in the allowed use table.



**17.415.005 Purpose.**

This chapter establishes special provisions for allowed uses identified in Sections 17.410.042 through 17.410.048. In addition to other standards and requirements imposed by this title and other requirements in the Kitsap County Code, all uses shall comply with the provisions stated herein. Should a conflict arise between the requirements of this Chapter and other requirements of the Kitsap County Code, the most restrictive shall apply.

**17.415.--- General requirements.**

A. In all zones, all permit applications and approvals shall comply with:

1. Chapter 17.100 'General Provisions'.
2. Chapter 17.420 'Density, Dimensions, and Design'.
3. Chapter 17.430 'Land Use Review'.
4. Chapter 17.490 'Off-Street Parking and Loading'.
5. Chapter 17.500 'Landscaping'.
6. Chapter 17.510 'Sign Code'.
7. Chapter 10.28 'Noise'.

4.8. Pets and Exotic Animals. Pets, nontraditional pets and exotic animals are subject to the following conditions:

- a. Pets which are kept inside of a primary structure as household pets in aquariums, terrariums, cages or similar containers shall not be limited in number by this section. Other pets, excluding cats, which are kept indoors shall be limited to five;
- b. Pets which are kept outside of the primary structure shall be limited to three per household on lots less than twenty thousand square feet in area, only one of which may be a nontraditional pet; five per household on lots of twenty thousand to thirty-five thousand square feet, only two of which may be nontraditional pets; with an additional two pets per acre of site area over thirty-five thousand square feet up to a limit of twenty; and
- c. 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 nontraditional pets or exotic animals shall be located closer than fifty feet from any residence on adjacent property.

5.9. 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:

- a. Any junk motor vehicle(s) stored outdoors must be completely screened by a sight-obscuring fence or natural vegetation to the satisfaction of the director (a covering such as a tarp over the vehicle(s) will not constitute an acceptable visual barrier). For the purposes of this section, "screened" means not visible from any portion or elevation of any neighboring or adjacent public or private property, easement or right-of-way; or

28 **17.415.--- Golf courses.**

29 A. Use prohibited in the Waaga Way Town Center area (see the Silverdale Design Standards  
30 located in Section 17.700 Appendix C3).<sup>114</sup>

31 B. Use prohibited in the Gorst urban growth area.<sup>115</sup>

32 C. In the Rural Residential (RR) and Rural Protection (RP) zones all buildings and activities shall  
33 be set back a minimum of fifty feet ~~in FRL, MRO, RW, RP, RR, RCO, RI or parks zones and~~  
34 ~~thirty five feet in all other zones~~ from a side or rear lot line. All such uses shall access  
35 directly to a county right-of-way determined to be adequate by the county engineer except  
36 when included within the boundary of a town master plan approved pursuant to Section

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<sup>110</sup> 17.410.050 A.33 'Footnote 33'.

<sup>111</sup> 17.410.050 A.54 'Footnote 54'.

<sup>112</sup> 17.410.050 A.54 'Footnote 54'.

<sup>113</sup> 17.410.050 A.71 'Footnote 71'

<sup>114</sup> 17.410.050 A.61 'Footnote 61'

<sup>115</sup> 17.410.050 A.80 'Footnote 80'.

# Proposed Allowed Use Standards

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## **Add development standards for new uses**

- Based on comparison of surrounding jurisdictions or experience with similar uses.
- Where no standards are proposed, the public process, public comments, and/or permit review overtime can inform proposed development standards for new uses.

## **Examples**

- Event Facilities
- Campgrounds
- Temporary Uses (garage sales, Farmer's markets, firework sales, etc.)



**17.415.--- Event facility.**

In rural zones, an event facility shall comply with the following standards:

A. Number of event participants. An event participant includes, but is not limited to, participants, attendees, guests, officials, on-site staff, vendors and other service providers involved in the set-up, operation, and take-down of an event. The event facility shall limit the number of event participants to:

- 1. 200 persons per outdoor event. The Director or hearing examiner may increase or decrease the number of persons to reduce the potential impact to neighbors. Considerations shall include site size, access and parking, hours of operation, proximity to neighbors, noise, or other site specific circumstances.
- 2. Maximum building occupancy for indoor only events. Maximum building occupancy is established through a building occupancy permit with the Department of Community Development.

B. Number of events. The event facility shall:

- 1. Not exceed one event per day.
- 2. Leave one weekend of each month free of events. The applicant must submit the preferred weekend (e.g., first, second, third, fourth, or last) as part of the permit application.

C. Hours of operation. The event facility shall limit all event activities to occur between the hours of operation specified below. All noise, music, amplified sound, and sound-related equipment shall be turned off or stop at the end time specified. All participants shall be off the property no later than 1 hour after the last time specified. The director or hearing examiner may increase or decrease the hours of operation allowed per outdoor event based on site size or conditions implemented to reduce the potential impact to neighbors.

Event facility hours of operation:

- Monday through Thursday: 7:30 am to 9:00 pm
- Friday and Saturday: 8:00 am to 10:00 pm
- Sunday: 8:00 am to 8:00 pm

D. Access, parking, and traffic. The event facility shall:

- 1. access directly from a Kitsap County maintained right-of-way.
- 2. provide and implement a parking plan for the site. This plan must:
  - a. detail the types of events to occur and recommend minimum and maximum parking areas for the facility.
  - b. require striping of unmarked parking areas prior to each scheduled event. Temporary striping is acceptable.
  - c. clearly prohibit parking on any public rights-of-way.
- 3. provide and implement a traffic management plan. This plan must include:

<sup>89</sup> 17.410.050 A.108 'Footnote 108'.

# Discussion

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# Next Steps

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## **Schedule Public Hearing**

The Department is considering the Planning Commission's regular meeting on September 15, 2020

## **Release Department Recommendation**

- Staff report, SEPA, draft Ordinance, and revised Resource Guides
- Start of public comment period

