

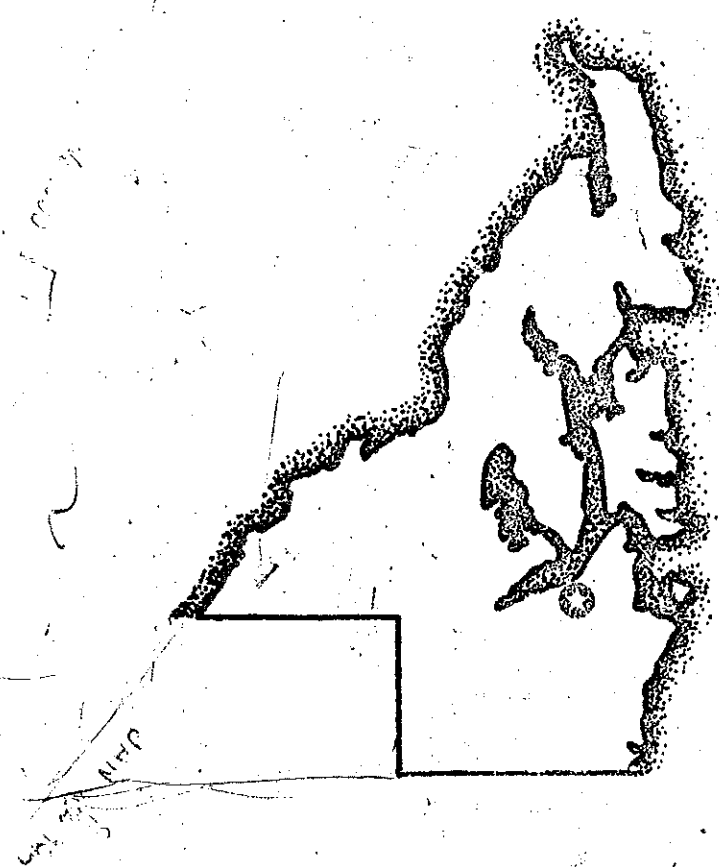
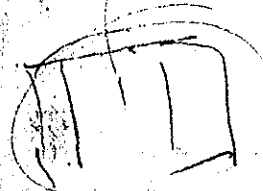
*Joyce Shain*

# ZONING ORDINANCE

FOR

KITSAP COUNTY WASHINGTON

JUNE, 1969



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# KITSAP COUNTY

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Revised 5/28/69

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## AMENDMENTS

February 18, 1952 (Z-1)

March 9, 1953

June 30, 1953

August 17, 1953

December 13, 1954

April 18, 1955

July 18, 1955

October 17, 1955

July 2, 1956

October 8, 1956

March 4, 1957

September 16, 1957

November 4, 1957

March 30, 1959

October 19, 1959

December 7, 1959

February 15, 1960

June 12, 1961 (Z-2)

May 6, 1963

July 6, 1964 (Z-3)

October 18, 1965 (Z-4)

August 14, 1967 (Z-5) .

May 28, 1969 (Z-6)

ORDINANCE NO. 43-1969

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS FOR KITSAP COUNTY, WASHINGTON, AMENDING RESOLUTIONS NOS. Z-2, Z-3, Z-4 AND Z-5, KITSAP COUNTY, WASHINGTON, WHICH IS A GENERAL ORDINANCE ESTABLISHING LAND USE REGULATIONS AND ZONES WITHIN THE UNINCORPORATED TERRITORY OF KITSAP COUNTY, STATE OF WASHINGTON, AND REGULATING THE USE OF PROPERTY PUBLICLY AND PRIVATELY OWNED THEREIN, AND ADOPTING MAPS DIVIDING KITSAP COUNTY INTO ZONES, WHICH SHALL BE AN INTEGRAL PART OF THIS ORDINANCE, AND PROVIDING FOR AMENDMENTS AND ADDITIONS THERETO, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED by the Board of County Commissioners of Kitsap County, State of Washington, that said Resolution Z-6, dated May 28, 1969, is hereby incorporated herein as if it were fully set forth.

SECTION 1.00 GENERAL PURPOSE AND ADOPTION OF OFFICIAL LAND USE REGULATIONS:

For the public health, safety, morals and general welfare, and in order to assist

- 1.1 to secure for the citizens of Kitsap County the social and economic advantages resulting from an orderly planned use of land resources within the county;
- 1.2 to regulate and restrict the location and the use of buildings, structures and land for residence, trade, industrial and other purposes; the height, number of stories, size, construction and design of buildings and other structures; the size of yards, courts and other open spaces and the lot or tract; the density of population; the setback of buildings along highways, parks or public water frontages; and the subdivision and development of land;
- 1.3 to provide definite official land use regulations for property publicly and privately owned within Kitsap County; and
- 1.4 to regulate the future growth and development of said County in accordance with the Kitsap County Comprehensive Plan, duly certified on July 24, 1967, there is hereby adopted and established official land use regulations for Kitsap County pursuant to the authority of R.C.W. 36.70.
- 1.5 The following is an excerpt from the minutes of a special meeting of the Kitsap County Planning Commission held July 10, 1967 at 9:30 A.M. in the Council

Chambers, Port Orchard City Hall:

A public hearing was held on the component parts of the Kitsap County Comprehensive Plan as prescribed by R.C.W. 36.70 (Chapter 201, Laws of 1959), which are a land use element, a transportation element and an accompanying text. More particularly, the re-adoption of the existing comprehensive plan and any and all amendments thereto. Specifically, that Kitsap County Comprehensive Plan which was certified on the 20th day of March, 1961.

A motion was made that the Comprehensive Plan as presented by the Planning Department be adopted in its entirety. More specifically, a land use map, a transportation element map, Exhibit Map A (the Greater Bremerton area, with the exception of the City of Bremerton), Exhibit Map B (with the exception of the City of Port Orchard), Exhibit Map C, and the accompanying text. The motion was seconded and carried.

- 1.6 The following is an excerpt from the minutes of the regular meeting of the Board of County Commissioners of Kitsap County, held July 24, 1967 at 11:30 A.M. in the County Administration Building, Port Orchard, Washington:

A public hearing was held on the Comprehensive Plan which was adopted by the Kitsap County Planning Commission on July 10, 1967.

There being no objections, there was a motion by Commissioner Lloyd that the Comprehensive Plan as adopted by the Kitsap County Planning Commission on July 10, 1967, more specifically, a land use map, a transportation element map, Exhibit Map A (the Greater Bremerton area, with the exception of the City of Bremerton), Exhibit Map B (with the exception of the City of Port Orchard), Exhibit Map C and the accompanying text, be approved and certified. The motion was seconded by Commissioner Rogers and passed unanimously.

- 1.7 The following is an excerpt from the minutes of the regular meeting of the Kitsap County Planning Commission held July 25, 1967 in the County Administration Building, Port Orchard, Washington:

Public Hearing. To consider the adoption of the Kitsap County Zoning Resolution and its accompanying maps as prescribed by R.C.W. 36.70 (Chapter 201, Laws of 1959). More particularly, the re-adoption of the existing resolution and any and all amendments thereto. Specifically, that Kitsap County Zoning



Resolution Z-4, which was adopted on the 18th of October, 1965.

The motion was made that the Kitsap County Zoning Resolution and its accompanying maps as prescribed by R.C.W. 36.70 be adopted in its entirety. The motion was seconded and carried.

- 1.8 The following is an excerpt from the minutes of the regular meeting of the Board of County Commissioners of Kitsap County, held August 14, 1967 at 10:00 A.M. in the County Administration Building, Port Orchard, Washington:

Public Hearing was held to consider the adoption of the Kitsap County Zoning Resolution and its accompanying maps as prescribed by R.C.W. 36.70 (Chapter 201, Laws of 1959). More particularly, the re-adoption of the existing resolution and any and all amendments thereto; specifically, Kitsap County Zoning Resolution Z-4, which was adopted on the 18th of October, 1965, also certain amendments and additions.

Commissioner Lloyd moved the adoption of Kitsap County Zoning Resolution and its accompanying maps as prescribed by R.C.W. 36.70 (Chapter 201, Laws of 1959); more particularly, the re-adoption of the existing resolution and any and all amendments thereto; specifically, Kitsap County Zoning Resolution Z-4, which was adopted on the 18th of October, 1965. The motion was seconded by Commissioner Rogers and carried.

SECTION 2.00 DEFINITIONS:

- 2.1 This Ordinance, embodying and making effective the Land Use Regulations of Kitsap County, State of Washington, shall be known as the "Zoning Ordinance" and for the purpose of this Ordinance, certain words and terms are defined as follows:
- Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular; the word "building" includes the word "structure" and the word "shall" is mandatory and not directory.
- 2.2 Accessory Building: A subordinate building, the use of which is incidental to use of the main building on the same lot.
- 2.3 Apartment House: A building or portion of a building arranged or designed to be occupied by three or more families living independently of each other.
- 2.4 Area, Site: The total horizontal area within the property lines excluding external streets.
- 2.5 Auto Court: This term includes tourist court, motor hotel, cabin court, motor inn and similar names. An auto court is a building or buildings, detached or in connected units or designed as a single structure, the units of which are used as individual sleeping or dwelling units having their own private toilet facilities, and may or may not have their own kitchen facilities, and are designed primarily for the accommodation of transient automobile travelers. Accommodations for trailers are not included.
- 2.6 Board: Means the Board of County Commissioners of Kitsap County.
- 2.7 Boat House: A building or structure to store boats.
- 2.8 Building: A building is a structure as herein defined: When separated by division walls without openings, each portion so separated shall be considered a separate building.
- 2.9 Business: The word "Business" means the occupation or employment of buying, selling, bartering and exchanging goods, services, wares and merchandise or other personal properties or real property, or any interests therein for profit or livelihood, and also the ownership or management of office buildings, offices and recreational or amusement enterprises.

- 2.10 Building Height: The vertical distance measured from the average elevation of the proposed finished grade around the building to the highest point of a flat roof and to the ridge of a pitched roof.
- 2.11 Building Line: The line of that face or corner or part of a building nearest the property line.
- 2.12 Building Site: See Area, Site.
- 2.13 Clinic: A building designed and used for the medical and surgical diagnosis and treatment of patients under the care of doctors and nurses.
- 2.14 Commission: Means the Planning Commission of Kitsap County.
- 2.15 Club: An incorporated or unincorporated association of persons organized for a social, educational, literary or charitable purpose. Property occupied by a club shall be deemed semi-private in character and shall be subject to the regulations governing public buildings and places.
- 2.16 Dock: An artificial basin for moorage of boats, including a basin formed by dredging into the bank of a lake or stream or formed between the extension of two piers or the area between a bank or quay and pier. Docking facilities may include wharves, moorage or docks or any place or structure connected with the shore or upon shorelands provided for the securing of a boat or vessel.
- 2.17 Dwelling, Multiple-Family: A building designed to house three or more families living independently of each other.
- 2.18 Essential Use: That use for the preservation or promotion of which the use zone was created, and to which all other permitted uses are subordinate.
- 2.19 Family Dwelling: Any building designed for and occupied by any person or family establishing or tending to establish a legal residence or acquiring a legal settlement for any purpose upon the premises so occupied.
- 2.20 Farm: An area of land devoted to the production of field or truck crops, livestock, or livestock products, which constitutes the major use of such property.
- 2.21 Floor Area: The sum of the gross horizontal areas of the floors of a building or buildings, measured from the exterior faces of exterior walls and from the center line of division walls.

- 2.22 Home Occupation: An occupation or profession which is customarily incident to or carried on in a dwelling place and not one in which the use of the premises as a dwelling place is largely incidental to the occupation carried on, and which occupation is carried on by a member of the family residing within the dwelling place.
- 2.23 Junk Yard: A lot, land or structure, or part thereof, used for the collecting, storage and sale of waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage, salvaging or sale of parts of machinery or vehicles not in running condition.
- 2.24 Kennel: More than three dogs and one litter of unweaned pups constitute a kennel.
- 2.25 Lot: A lot in the meaning of this Ordinance is a single tract of land, no matter how legally described, whether by metes and bounds and/or lot or lots and block designation as a recorded plat, which at the time of applying for a building permit is designated by its owner or developer as the tract to be used, developed or built upon as a unit of land under single ownership or control and assigned to the particular use for which the building permit is being secured.
- 2.26 Lot, Corner: A lot at the junction of and fronting on two or more intersecting streets.
- 2.27 Lot, Depth: The mean dimensions of the lot from the front street line to the rear line.
- 2.28 Lot, Interior: A lot fronting on one street.
- 2.29 Lot, Through: A lot fronting on two streets that do not intersect on the parcel's lot lines.
- 2.30 Lot, Width: The dimension of the lot line at the street, or in an irregular shaped lot, the dimension across the lot at the midpoint of the two side lot lines, or in a corner lot the narrow dimensions of the lot at the street.
- 2.31 Mean Depth: The mean depth of a lot is the depth of such lot measured on a line approximately perpendicular to the fronting street and midway between the side lines of such lot.

- 2.31.1 Mobile Home: A factory fabricated dwelling unit originally designed so that it may be licensed as a vehicle by the State of Washington and designed to be transported on highways.
- 2.31.2 Mobile Home Park: A tract of land developed and operated as a unit with individual sites, roads, utilities, recreational areas and facilities to accommodate two or more mobile homes on an extended rental basis.
- 2.32 Moorage: A place to tie up or anchor a boat or vessel.
- 2.33 Motor Hotel: A specialized hotel designed/operated to provide hotel services and accommodation to the motoring public.
- 2.34 Non-Conforming Building: A building or structure which does not conform in its construction, area, yard requirements or height to the regulations of the zone in which it is located.
- 2.35 Non-Conforming Land Use: The use of land which does not conform to the regulations of the zone in which the use exists.
- 2.36 Normal High Water Line: That point to which the water extends at the highest stage of lake level or shore line during the year, without regard to the shoreline as created by bulkheads or other artificial structures.
- 2.37 Permitted Use: Any use authorized or permitted alone or in conjunction with another use in a specified zone and subject to the limitations of the regulations of such use zone.
- 2.38 Primary Use (or principal use): The use for which a lot, structure or building, or the major portion thereof, is designed or actually employed.
- 2.39 Public and Private Parks, Playgrounds, Camp Grounds and Golf Courses: Areas of land with or without buildings, designed for recreational uses.
- 2.40 Recreational Camps and Resorts: Areas of land improved with buildings or tents and sanitary facilities, used for occupancy during a part of the year only.
- 2.41 Secondary Use: (Incidental or accessory) A minor or second use for which a lot, structure or building is designed or employed in conjunction with but subordinate to its primary use.

- 2.42 Setback: Yard requirements. The distance that buildings or uses must be removed from their lot lines.
- 2.43 Street: A public thoroughfare which affords the principal means of access to abutting properties.
- 2.44 Tract: A piece of land usually several acres in size.
- 2.45 Trailer: A vehicle designed for short term living.
- 2.46 Trailer Park: A tract of land developed with individual sites, roads, and utilities to accommodate travel trailers, campers, motor homes, and similar vehicles on a short term rental basis.
- 2.47 Yard: An unoccupied space open to the sky, on the same lot with a building or structure.

**SECTION 3.00 ZONES**

**3.1 Introduction:** In accordance with the provisions and objectives of Chapter 201, Laws of Washington 1959, all unincorporated territory in Kitsap County, Washington shall be classified according to the following:

- 3.2 Residential Zone . . . . . R-7.5
- 3.3 Residential Zone . . . . . R-9.6
- 3.4 Residential Zone . . . . . R-12.5
- 3.5 Residential Zone . . . . . R-15
- 3.6 Residential Zone . . . . . R-20
- 3.7 Residential Zone . . . . . R-1A
- 3.8 Residential Zone . . . . . R-2
- 3.9 Residential Zone . . . . . R-3
- 3.10 Undeveloped Land Zone . . . . . U-L
- 3.11 Agricultural Land Zone . . . . . A
- 3.12 Forestry Zone . . . . . F
- 3.13 Business Zone - General . . . . . B-G
- 3.14 Business Zone - Highway . . . . . B-H
- 3.15 Business Zone - Neighborhood . . . . . B-N
- 3.16 Business Zone - Marina . . . . . B-M
- 3.17 Manufacturing Zone - Heavy . . . . . M-H
- 3.18 Manufacturing Zone - Light . . . . . M-L
- 3.19 Residential Zone . . . . . R-7.5 M.H.
- 3.20 Residential Zone . . . . . R-3a
- 3.21 Residential Zone . . . . . R-3b

3.1.1 The boundaries for the zones listed herein are indicated on the Kitsap County Zoning Maps and include zone amendments made since June 12, 1961, all of which are made a part of this Ordinance.

**3.2 Residential Zone R-7.5:**

3.2.1 The land use classification for an area suitable for residential use which is or will become single family living area. Uses are limited to residential uses. Animals and livestock are limited to household pets as a means of protecting the public health, safety and welfare.

3.2.2 Uses Permitted: One single family dwelling with the usual accessory buildings commonly appurtenant to residential use including non-commercial hothouses or greenhouses, tool houses and private garages. Planned Unit Developments pursuant to Section 4.5 and Unclassified Public Uses pursuant to Section 4.4.

*Handwritten initials*

3.2.3 Home Occupations: An application for a permit for a Home Occupation shall be presented to the Board of Adjustment, and if upon investigation, the Board of Adjustment finds the intended use is a permitted use and complies with the requirements of Section 4.2, such application shall be granted.

3.2.4 Building Lot Standards:

Minimum lot size	7,500 sq.ft.
Minimum lot width	70 ft.
Minimum width at street line	30 ft.
Minimum mean depth	80 ft.
Minimum setback from the centerline of the street for any structure	55 ft.
Side Yard	15 ft. total (Minimum of 5 feet on one side)
Rear Yard	15 ft. total except on a corner lot which may be reduced to 5 ft.

3.2.5 Maximum Land Coverage by Buildings:

Interior Lot	35%
Corner Lot	40%
Building Height	30 ft.

3.2.6 Parking Requirements: Parking requirements are subject to the off-street parking regulations of Section 4.00.

3.3 Residential Zone R-9.6:

3.3.1 { Same as Section 3.2, except the minimum lot size in the zone shall be 9,600 sq.ft.

3.4 Residential Zone R-12.5:

3.4.1 Same as Section 3.2, except:

Minimum lot size	12,500 sq.ft.
Minimum lot width	80 ft.
Minimum width at the street line	30 ft.
Minimum mean depth	80 ft.



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3.5 Residential Zone R-15:

3.5.1 Same as Section 3.2, except:

Minimum lot size	15,000 sq. ft.
Minimum lot width	90 ft.
Minimum lot width at the street line	30 ft.
Minimum mean depth	80 ft.

3.6 Residential Zone R-20:

3.6.1 Same as Section 3.2, except:

Minimum lot size	20,000 sq. ft.
Minimum lot width	100 ft.
Minimum lot width at the street line	30 ft.
Minimum mean depth	80 ft.

3.7 Residential Zone R-1A:

3.7.1 Same as Section 3.2, except:

Uses Permitted: Agriculture, the raising of crops and domestic animals, except mink, fox, goats and swine on the land and conforming with State and County laws shall be allowed. In lieu of a single family dwelling, a mobile home provided it is entered as real property on the tax rolls pursuant to R.C.W. 82.50.180.

Minimum lot size	43,560 sq. ft. (1 acre)
Minimum lot width	150 ft.
Minimum lot width at the street line	30 ft.
Minimum mean depth	150 ft.

3.8 Residential Zone R-2:

3.8.1 Two Family (Duplex) Same as Section 3.2, except that two-family dwellings shall be allowed.

3.9 Residential Zone R-3:

3.9.1 Multiple Family: Same as Section 3.2, except in addition to the minimum lot size of 7,500 sq. ft., there shall be provided, in addition to the land area covered by the dwellings a minimum of 1,000 square feet of land for each additional unit.

3.10 Undeveloped Land Zone U-L:

- 3.10.1 Same as Sections 3.11 and 3.12 except the minimum lot size shall be five (5) acres.
- 3.10.2 Land within the area of this zone shall be reclassified in the future following a study of the physical and economic character of this land and the surrounding area, and a Public Hearing.
- 3.10.3 The petitioner must present a preliminary plat showing not less than five (5) acres and must comply with the platting regulations. Zoning to be approved upon approval of the preliminary plat free of charge.

3.11 Agricultural Zone A:

3.11.1 Uses Permitted:

- (a) Any residential or suburban single family use is permitted provided that the lot or parcel of land, any portion of which is devoted to such uses, shall be not less than thirty-five thousand (35,000) square feet. Planned Unit Development pursuant to Section 4.5, Unclassified Public Use pursuant to Section 4.4 and in lieu of a single family dwelling, a mobile home provided it is entered as real property on the tax rolls pursuant to R.C.W. 82.50.180.
- (b) Agriculture, truck gardening, horticulture, canneries and general farming conducted in conformity with State Laws, County Ordinances, and the regulations of the State and County Health Departments.
- (c) Dairying, stock, poultry and animal raising (including swine and goats), rabbits, provided that no feeding pens, milking sheds and other buildings or structures designed or used for confinement of animals, be located closer than three hundred (300) feet to any dwelling except such as may be located upon the lot or tract.
- (d) One stand for the sale of products grown upon the premises is permitted as an outright accessory use and not more than two (2) signs greater in dimension than two by three (2 x 3) feet.

**3.11.2 Building Lot Standards:**

Minimum area ten (10) acres  
Minimum lot width at the front building line or at the street line 330 feet  
Minimum lot depth 80 feet

**3.11.3 Building Site Area Requirements-Single Family Dwellings**

Minimum lot size 35,000 sq.ft.  
Minimum lot width 135 ft.  
Interior lot coverage 35%  
Corner lot coverage 40%  
Building height 30 ft.  
Minimum setback from centerline of the street for any structure 55 ft.  
Side yard 15 ft. total (minimum of 5 ft. on one side)  
Rear yard 15 ft. except corner lot, which may be 5 feet

**3.12 Forestry Zone F:**

**3.12.1 Uses Permitted:**

*- also see "A" in the Agr. Zone*

- (a) Forestry industries.
- (b) Harvesting of any wild crop, such as marsh hay, ferns, moss and berries.
- (c) Hydro-electric dams, power plants, water flowage areas, transmission lines and stations together with accessory buildings.
- (d) Mines, quarries.
- (e) Production of forest products.
- (f) Camp grounds.
- (g) Trappers cabins.
- (h) Riding academies.

**3.12.2 Building Lot Standards:**

Minimum lot size 35,000 sq.ft.  
Minimum lot width at the front building line or at the street line 135 ft.  
Minimum mean depth 80 ft.

**3.12.3 Building Site Area Requirements-Single Family Dwellings**

Same as Section 3.11.3.

**3.13 Business Zone - General B-G:**

- 3.13.1 Essential Uses: Retail stores and personal service shops. Studios. Shops for custom work or the making of custom articles, not involving noise, odor, or chemical waste.
- 3.13.2 Office and hotel buildings, newspaper offices and printing works, retail building material housed in a building. Retail upholstery shops, provided the use creates no fire hazard greater than is normal to the uses permitted in this zone. Laundry, cleaning and pressing agencies, restaurants, taverns, cocktail bars, caberets.
- 3.13.3 Automobile service stations, including maintenance and repair service; new car automobile sales and display room buildings and the repair and servicing accessory to the business. Used car sales, accessory to the primary new car agency when housed in a building or on an open lot.
- 3.13.4 Enclosed food stores. Buildings for the rental of frozen food lockers.
- 3.13.5 In addition to the above uses, any use permitted in the R-3, B-M, B-H and B-N Zone shall also be permitted. Residential uses shall conform to lot, density, building height and yard standards of the R-3 zone.
- 3.13.6 Building Setback Requirements:  
Front yard. Buildings on corner lot shall observe the minimum setback on both streets.
- 3.13.7 Parking Requirements: Parking requirements are subject to the off-street parking requirements of Section 4.00.

**3.14 Business Zone - Highway B-H:**

- 3.14.1 Uses Permitted: Only those businesses serving highway traffic will be permitted, such as: Gas stations, restaurants, hotels, auto courts, drive-ins, a designed shopping center, etc.
- 3.14.2 Other Uses: Any additional vehicular type business deemed reasonable by the Planning Commission, provided a plan for such a development is submitted to the Planning

Commission and it complies with the regulations of Section 4.00.

3.14.2 Planned Unit Developments pursuant to Section 4.5 and Unclassified Public Uses pursuant to Section 4.4. Residential uses used only by the business owner or for caretaking purposes and existing residential uses shall be permitted.

3.14.3 Building Site Standards:

Minimum lot size	15,000 sq.ft.
Minimum lot width	100 ft.
Minimum mean depth	150 ft.
Minimum setback from property line	50 ft.
Side yard setback	10 ft.
Rear yard setback	10 ft.
Maximum building coverage	40% (except when abutting a more restrictive zone).

3.15 Business Zone - Neighborhood B-N:

3.15.1 A local neighborhood shopping center. The initial nucleus of such a neighborhood development shall include a minimum of four of the following primary permitted uses, designed as a group.

3.15.2 Primary Permitted Uses: Retail stores and personal service shops, professional and business offices, studios, and other like enterprises and the accessory uses incidental thereto, gasoline service stations, except that no open space in this zone may be used for storage, display or sale of used vehicles or equipment. Planned Unit Developments pursuant to Section 4.5 and Unclassified Public Uses pursuant to Section 4.4:

3.15.3 Secondary Permitted Uses: Automobile parking areas shall be subject to Section 4.00. Residential uses for use by the business owner or for caretaking purposes and existing dwellings.

3.15.4 Special Permitted Uses: Public transportation shelter stations located on public rights-of-way, provided that the location and structure is safe and will serve the need for a shelter

station in the area. A permit for the shelter must be obtained from the County Engineer.

3.15.5 Zone Regulations: The perimeter of a B-N Zone shall be landscaped to a depth of 12 feet from the property line and maintained as a sight screen in the following manner:

- (a) Street frontage: Street frontages, except driveways and pedestrian walks within the property, shall be landscaped with evergreen shrubs or a combination of lawn, evergreen shrubs or deciduous shrubs and trees and perennial or annual flowers, to create and maintain a maximum residential character. Such shrubs shall not be permitted to grow beyond a height of 37 inches above the crown of the adjacent street nor shall the foliage of trees located therein be permitted to obstruct the view between the B-N Zone and the street within the area, with 36 inches and 96 inches above the street level. No tree or sign screening shrub shall be located or permitted to grow so as to obstruct the view of a walk or driveway crossing. Any area in which the banks or groups of shrubs, perennial or annual flowers, do not occupy 40% of such area, shall be planted to lawn.
- (b) Side lines of property: The portions of the perimeter not landscaped, as provided in paragraph (a) above, shall be sight screened from adjoining residence zones by a solid planting of evergreen trees and evergreen shrubs. The initial minimum height of trees forming a part of such sight screen shall be 12 feet and they shall not be allowed to reach a height in excess of the height of the buildings located within such B-N Zone. Such trees shall be spaced on the perimeter of the site with a maximum distance of 25 feet, center to center. The shrubs used in the perimeter screen shall be so located that there will be a minimum of two shrubs in depth in said screen. The planting bed in which the screening shrubs and trees are located shall be no less than 12 feet in depth. The minimum initial height of shrubs which are a part of the side line screens shall be 3 feet and the maximum height thereof, at maturity, shall be limited to 6 feet.

- (c) Sight area at intersections: Whenever such perimeter screen is required on property bounded on two sides by intersecting streets, the sizes and location of shrubs falling within the sight areas shall be controlled by the County Engineer.
- (d) Maintenance: Shrubs and trees in the landscaping and screening shall be maintained in a healthy growing condition. Dead or dying trees and/or shrubs shall be replaced immediately and the planting area shall be maintained reasonably free of weeds and trash, in the standard maintained within the adjacent neighborhood.
- (e) Plot Plan: The plot plan of the proposed landscaping and screening shall be submitted to the Planning Department before permits for buildings are granted within such B-N Zone.

3.15.6 Ingress and Egress: The ingress and egress to a B-N Zone from an arterial street shall be so designed that automobile cross traffic on the arterial street occurs at only one point. Direct cross-traffic through a secondary ingress or egress shall not be permitted on the arterial street. Traffic circulation and secondary ingress and egress from the arterial or adjoining streets must be approved by the County Engineer.

3.15.7 Minimum Setback Requirements:

- Front yard: 50 ft. from the property line. Buildings on corner lots shall observe the minimum setback on both streets.
- Side yard: 30 ft. on each side.
- Rear yard: 30 ft.

3.16 Business Zone - Marine B-M:

3.16.1 B-M is the same as B-N, except that marine type businesses shall be allowed.

### 3.17

#### Manufacturing Zone - Heavy M-H:

- 3.17.1 Uses Permitted: The manufacturing of durable goods and the processing of foodstuffs for wholesale distribution and including:
- (a) Railroad loading, spurs, switchyards, and repair shops.
  - (b) Breweries, distilleries, and the production of sauerkraut, vinegar, yeasts and similar foodstuffs.
  - (c) Concrete mix plants and plaster, brick, tile, or terra cotta manufacturing.
  - (d) Chemicals, fertilizer, and by-products of coal, wood and petroleum manufacturing.
  - (e) Dry kilns, sawmills, planing mills, plywood mills and wallboard manufacturing.
  - (f) Drydocking, riveting processes, ship and boat building, where vessels more than one-hundred and twenty (120) feet in length are produced.
  - (g) Power generating plants and accessory facilities and extractive industries.
  - (h) Dumping of industrial wastes, only after approval by the County Health Department.
  - (i) Stockyards, slaughterhouses, animal and fish reduction, and tanning and processing of hides.
  - (j) Concrete mix plants with crushing.
  - (k) Commercial and private warehouses, truck terminal facilities and storage yards.
  - (l) The following retail sales and services: Articles manufactured, assembled, or processed on the premises and/or directly related to the primary land use.
  - (m) Eating places.
  - (n) All types of machine shops.
  - (o) Planned Unit Developments pursuant to Section 4.5 and Unclassified Public Uses pursuant to Section 4.4.



3.17.2 Other Uses: Residential use, only by owner or for caretaker purposes.

3.17.3 Building Height Limit: No building or the enlargement of any building or structure shall hereafter be erected or maintained to exceed three (3) stories.

3.17.4 Building Lot Standards:

Minimum lot size 40,000 sq. ft.

Minimum setback  
from centerline  
of the highway for  
any structure 80 ft.

3.17.5 Prior to the issuance of any permit involved in the above uses, a plot plan in full detail shall be subject to the conditions established by the Board of Adjustment.

3.18 Manufacturing Zone - Light M-L:

3.18.1 Uses Permitted: Assembly, manufacturing, or processing plants, except those listed in Section 3.17 regulations, uses permitted, and which will not generate obnoxious noise, fumes, dust, heavy smoke, odor, objectionable waste and undue traffic congestion.

3.18.2 Commercial and private warehouses, truck terminal facilities and storage yards, if adequately screened from abutting properties and the public right-of-way.

(a) Sale of articles manufactured, assembled or processed on the premises and/or directly related to the primary land use.

(b) Building supplies and landscaping materials.

(c) Domestic fuels, provided that the area is adequately screened from adjacent uses and the public right-of-way.

(d) Automobile, boat and implement sales, repairs, and service; parking lots, service stations, and boat moorings.

(e) Eating establishments and taverns.

(f) Laundry, cleaning and dyeing establishments.

(g) Planned Unit Development pursuant to Section 4.5 and Unclassified Public Uses pursuant to Section 4.4.

- 3.18.3 Other Uses: Residential; only if by owner or for caretaking purposes.
- 3.18.4 Other Requirements: Signs shall be permitted within the building or height lines allowed for the building. Vehicle loading and unloading must take place within building or setback lines.

3.18.5 Building Lot Standards:

Minimum lot size                      10,000 sq.ft.  
Minimum setback from the  
centerline of the  
street for any structure              80 ft.

Side yards will not be required unless property abuts on an R or an A zone, in which case a minimum of five (5) feet shall be required on the abutting side.

The rear yard shall be not less than ten (10) feet except where property abuts on a more restrictive zone, in which case it shall have the same rear yard as the particular zone.

- 3.18.6 Prior to the issuance of any permit involved in the above uses, a plot plan in full detail shall be subject to the conditions established by the Board of Adjustment.

3.19 Residential Zone R-7.5 M.H.

- 3.19.1 Same as Section 3.2, except:

Uses Permitted: Agriculture, the raising of crops and domestic animals, except mink, fox, goats and swine on parcels of land of thirty-five thousand (35,000) square feet or more in size, provided that no feeding pens, milking sheds or other buildings or structures designed or used for confinement of animals shall be located closer than three hundred (300) feet or any pasture to be located closer than twenty-five (25) feet to any dwelling except such as may be located on the parcel. In lieu of a single family dwelling, a mobile home, provided it is entered as real property on the tax rolls pursuant to R.C.W. 82.50.180. A two-family dwelling on a lot with a minimum size of fifteen thousand (15,000) square feet.

3.20 Residential Zone R-3a

3.20.1 Multiple Family Medium Density: Same as Section 3.2, except in addition to the minimum lot size of 7,500 square feet, there shall be provided in addition to the land area covered by the dwellings a minimum of 2,000 square feet of land for each additional dwelling unit.

3.21 Residential Zone R-3b

3.21.1 Multiple Family Low Density: Same as Section 3.2, except in addition to the minimum lot size of 7,500 square feet, there shall be provided in addition to the land area covered by the dwellings a minimum of 3,500 square feet of land for each additional dwelling unit.

4.00

Rules, Regulations and Standards:

- 4.1 Any lot of any size can be used for a building site, subject to the regulations governing the use zone in which it is located, if it was officially recorded in the County offices as a separately owned, single lot prior to the adoption of this Ordinance, provided there was 40 feet of frontage on a public road or street, or access to a public street or road by a 20-foot private lane.
- 4.2 Home Occupations: Home occupations are defined in Section 3.2.3 and subject to the following conditions: (1) that the occupation or profession shall be carried on wholly within the principal building or within a building or other structure accessory thereto; (2) that no more than one person outside the family shall be employed in the home occupation; (3) that there shall be no exterior display, no exterior sign, no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building and that no offensive noise, vibration, smoke, dust, odors, heat or glare shall be produced as a result thereof. In particular, a home occupation shall include, but is not limited to, the following: Art studio, dressmaking, professional offices of a dentist, lawyer, physician, engineer, architect, accountant, musical instruction limited to a single pupil at a time. Specifically, a home occupation shall not include the following: Barber shops, beauty parlors, commercial stables or kennels, real estate offices, insurance offices or restaurants. The establishment of a home occupation shall require an initial permit, granted by the Board of Adjustment, revocable by the Board of Adjustment upon its finding that there have been violations of the above regulations.
- v
- 4.3. Off-Street Parking: Off-street facilities shall be located as hereinafter specified; where a distance is specified, such distance shall be the walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve.
- (a) For one, two, and multiple-family dwellings: On the same lot with the buildings they are required to serve.
- (b) For uses other than those specified above: Not more than 600 feet from the building they are required to serve.

4.3.1 Units of Measurement:

- (a) In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty inches of width of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this Ordinance.
- (b) When a unit of measurement determining the number of required parking spaces results in the requirement as a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (c) For purposes of determining off-street parking and loading space as related to floor space on multi-level structures and buildings, the following formula shall be used to compute gross floor area for parking determinations:

Main floor	100%
Basement and 2nd floor	50%
Additional stories	25%

4.3.2 Expansion and Enlargements: Whenever any building is enlarged in height or in ground coverage, off-street parking shall be provided for said expansion or enlargement in accordance with the requirements of the schedule; provided, however, that no parking space need be provided in the case of enlargement or expansion where the number of parking spaces required for such expansion or enlargement, since the effective date of this Ordinance is less than 10% of the parking spaces specified in the schedule for the building. Nothing in this provision shall be construed to require off-street parking for the portion of such building existing at the time of passage of this Ordinance.

4.3.3 Mixed Occupancies: In case of mixed uses, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately. Off-street parking facilities for any other use, except as hereinafter specified, for joint use.

- 4.3.4 Uses Not Specified: In the case of a use not specifically mentioned in parts below, the requirements for off-street parking facilities shall be determined by the Planning Commission. Such determination shall be based upon the requirements for the most comparable use listed.
- 4.3.5 Joint Use: The Planning Commission may authorize the joint use of parking facilities for the following uses or activities under conditions specified:
- (a) Up to 50% of the parking facilities required by this chapter for a theater, bowling alley, dance hall, bar or restaurant, may be supplied by the off-street parking facilities provided by certain types of buildings or uses herein referred to as "daytime" uses in part (d) below.
  - (b) Up to 50% of the off-street parking facilities required by this part for any buildings or uses specified in part (d) below, "daytime" uses, may be supplied by the parking facilities provided by uses herein referred to as "nighttime" uses in part (e) below.
  - (c) Up to 100% of the parking facilities required by this section for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses herein referred to as "daytime" uses in part (d) below.
  - (d) For the purpose of this part, the following uses are considered as primary daytime uses: Banks, offices, retail, personal service shops, household equipment or furniture stores, clothing or shoe repair shops, manufacturing or wholesale buildings and similar uses.
  - (e) For the purpose of this section, the following uses are considered as primary nighttime or Sunday uses: Auditoriums incidental to a public or parochial school, churches, bowling alleys, dance halls, theaters, bars or restaurants.

4.3.6 Conditions Required for Joint Use:

- (a) The building or use for which application is being made to utilize the off-street parking facilities provided by another building or use, shall be located within 800 feet of such parking facilities.
- (b) The applicant shall show that there is no substantial conflict in the principal operating hours of the two buildings or uses for which joint use of off-street parking facilities is proposed.
- (c) A properly drawn legal instrument, recorded with the County Auditor, executed by the parties concerned for joint uses of off-street parking facilities, approved as to form and manner of execution by the County Prosecuting Attorney, shall be filed with the Planning Department, granting the users the right to off-street parking facilities to the individual users or his assignee approved by the other party. However, the right to occupancy of the premises for which the off-street parking facilities are maintained, shall only be commensurate with the period of time in which said parking facilities are available.

4.3.7

Plans: The plan of the proposed parking area shall be submitted to the Building Department at the time of application for the building to which the parking area is required. Said plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances required.

4.3.8 Table of Minimum Standards: In addition to one parking space for each original permanent employee, the following:

- (a) Residential structures: One (1) for each dwelling unit.
- (b) Rooming houses, lodging homes, similar uses: One (1) for each sleeping unit.
- (c) Auto courts, motels: One (1) for each sleeping unit.

- (d) Hotels: One for each two (2) bedrooms.
- (e) Hospitals and institutions: One (1) for each four (4) beds.
- (f) Theaters: One (1) for each four (4) seats, except, one (1) for each eight (8) seats in excess of 800 seats.
- (g) Churches; auditoriums and similar enclosed places of assembly: One (1) for each six (6) seats and/or one (1) for each fifty (50) square feet of floor area for assembly not containing fixed seats.
- (h) Stadiums, sports arenas, and similar open assemblies: One (1) for each eight (8) seats and/or one (1) for each 100 square feet of assembly space without fixed seats.
- (i) Libraries, secondary and extended secondary classrooms: One (1) for each 250 square feet of gross floor area.
- (j) Dance halls: One (1) for each twenty (20) square feet of gross floor area.
- (k) Bowling alleys: Six (6) for each alley.
- (l) Medical and dental clinics: One (1) for each 150 square feet of gross floor area.
- (m) Offices not providing customer services on premises: One (1) for each four (4) employees, or one (1) for each 200 square feet of gross floor space.
- (n) Mortuaries, funeral homes: One (1) for each 75 square feet of floor area used for assembly.
- (o) Warehouse, storage and wholesale business: One (1) for each two (2) employees.
- (p) Food and beverage places with sale and consumption on the premises: If less than 4,000 square feet of floor area: One (1) for each 200 square feet of gross floor area. If over 4,000 square feet of floor area: Twenty (20) plus one (1) for each 100 square feet of gross floor area in excess of 4,000 square feet.



- (q) Furniture, appliance, hardware, clothing, shoe, personal service stores: One (1) for each 200 square feet of gross floor area.
- (r) Motor vehicle, machinery, plumbing, heating, ventilating, building supplies, stores and services: One (1) for each 600 feet of gross floor area, exclusive of displays, or one for each two (2) employees.
- (s) Other retail stores less than 5,000 square feet of floor area: One (1) per each 100 square feet of floor area or at a rate of one (1) inside to one (1) outside.
- (t) Retail, between 5,000 and 20,000 square feet floor area: Seventeen (17) plus one (1) to four (4) ratio or one to 77 square feet in excess of 5,000 or at a ratio of one (1) inside to two (2) outside.
- (u) Manufacturing uses, research, testing, processing, assembly, all industries: One (1) for each two (2) employees on the maximum working shift, and not less than one (1) for each 800 square feet of gross floor area.
- (v) Transportation terminal: By Planning Commission determination, based upon needs.

#### 4.4 Unclassified Public Uses

4.4.1 All of the following, and all matters directly related thereto are declared to be uses possessing characteristics of such unique and special form as to make impractical their being included automatically in any class of use as set forth in the various classifications herein defined, and the authority for the location and operation thereof shall be subject to review and the issuance of a use permit. An Unclassified Public Use Permit shall be issued for all new Unclassified Public Uses and for the expansion of existing Unclassified Public Use sites providing the location of such use is not unreasonably incompatible with the type of uses permitted in surrounding areas.

4.4.1

Prior to the issuance of a Building, Occupancy and Land Use Permit for an Unclassified Public Use, a plot plan in full detail shall be reviewed by the Board of Adjustment and a ~~Conditional Use~~ Permit issued to ensure that the operation of the proposed activity will not adversely affect adjacent properties.

4.4.1.1 Wrecking yards or junk yards

.2 Airports and landing fields and heliports

.3 Cemeteries

.4 Columbariums, crematoriums, mausoleums

.5 Correctional institutions

.6 Dragstrips, race courses, and motorcycle hills

.7 Dumps, public or private and commercial incinerators

.8 Commercial establishments or enterprises involving large assemblages of people or automobiles, as follows:

(a) Amusement parks

(b) Boxing and wrestling arenas

(c) Fairgrounds

(d) Ball parks

(e) Golf driving ranges

(f) Open air theaters

(g) Enclosed theaters

(h) Race tracks and rodeos

(i) Recreational centers, privately operated

(j) Stadiums

(k) Dance halls

(l) Saddle clubs

(m) Community clubs

(n) Bowling alleys

(o) Ice or roller skating rinks

.9 Fire stations

(a) Any building from which fire fighting equipment emerges onto a street shall be set back a minimum of 50 feet from the front property line.

~~.10~~ Water tanks, towers, reservoirs and dams

.11 Hospitals and rest homes

- .12 Hydro-electric generating plants
- .13 Institutions for training
- .14 Jail farms or honor farms, publicly owned and used for the rehabilitation of prisoners
- .15 Gravel pits and rock quarries to a depth of over three (3) feet and natural resources and deposits, the development of, together with necessary buildings, apparatus of appurtenances incident thereto. In conjunction with such operations, the Planning Commission may authorize additional allied uses such as concrete batching plants, rock crushers and asphalt mixing plants
- .16 Booster stations or conversion plants with the necessary buildings, apparatus or appurtenances incident thereto or public utilities or utilities operated by mutual agencies.
- .17 Public utility power generating plants
- .18 Radio or television transmitters and towers
- .19 Recreational areas, commercial, including yacht clubs, beach clubs, tennis clubs, golf clubs and similar activities
- .20 Sewage treatment plants
- .21 Universities and colleges, schools (public and private), including dormitories, fraternity and sorority houses when on campus
- .22 Mobile home parks, in keeping with the residential density of the zone in which it is located, and trailer parks. To determine the number of mobile homes permitted, divide the tract area by the minimum lot size permitted in the zone. Mobile home subdivisions of 5 or more lots
- .23 Churches
- .24 Libraries
- .25 Clinics, hospitals of not more than 10-bed capacity

- .26 Veterinary clinics designed for treatment and care of pet animals, such as dogs and cats
- .27 Open air sales areas for trees, plants and home gardening equipment. The use area of the site shall conform to setback required for adjacent buildings on street frontage.
- .28 Art galleries, museums, clubs or fraternal societies, memorial buildings
- .29 Municipal buildings, police stations, public parks
- .30 Automobile parking lots or buildings
- .31 Dumping of garbage, offal, raw sewage
- .32 Boat liveries
- .33 Labor camps (transient)
- .34 Temporary or seasonal uses not listed in Section 4.6
- .35 Kennels, except as permitted in the Agricultural and Forestry Zones.
- .36 Railroad right-of-way
- .37 Other unclassifiable uses as determined by the Planning Department.

4.4.2 The requirements for yards, lot size and shape, building height, land coverage, off-street parking and open spaces applicable to the particular zone in which an unclassified public use is proposed to be located shall prevail, unless additional requirements and conditions are imposed in the Conditional Use Permit or a deviation therefrom is approved through variance procedures.

#### 4.5 Planned Unit Development

4.5.1 The provisions of this section are established to:

4.5.1.1 To produce a development which would be as good or better than that resulting from the traditional lot by lot development, by applying to large areas, whether consisting of consolidated lots or unsubdivided property, the same principles and purposes

inherent in the required provisions applying to individual lots or minimum area parcels;

- 4.5.1.2 Permit a flexibility that will encourage a creative approach to land development which will foster efficient, aesthetic and desirable use of open area;
- 4.5.1.3 Permit a latitude in land and building design, building placement, use of open spaces, circulation facilities, off-street parking areas, and to best utilize the potentials of sites characterized by special features of topography, geography, shape or size;
- 4.5.1.4 Produce an integrated or balanced development of mutually supporting uses that might otherwise be inharmonious, incongruous or prohibited.

4.5.2 Procedure for initiation and approval:

- 4.5.2.1 Planned Unit Development projects may be initiated by the owner of all the property involved, if under one ownership, or joint application by all owners having title to all the property in the area proposed for a Planned Unit Development.
- 4.5.2.2 A preliminary development plan shall be submitted to the Planning Agency for recommendation to the Board for approval. The preliminary plan shall show the general intent and apportionment of land for buildings, stipulated use, and circulation pattern. Before recommending approval, it shall be determined that such plans are in consonance with the development policies indicated in the Comprehensive Plan, the purposes of this Ordinance and the intent of this Section. Approval of the preliminary development plan shall be binding upon intent and use as specified above, but shall not be construed to render inflexible the ultimate design, specific uses, or final plan of the project.
- 4.5.2.3 The petitioner shall within one year of the date of the preliminary approval submit a final development plan of the proposed development for approval by the Board; provided, that upon application of the

petitioner, the Planning Commission may grant an extension for a maximum of twelve additional months. If the final development plan is not filed within one year or within the extended time period, if any, the Planned Unit Development shall become void.

4.5.2.4 Approval of the final development plan by the Board shall be binding upon the development and variation from the plan shall be subject to approval by the Board upon recommendation of the Planning Agency.

4.5.2.5 Upon the abandonment of a particular project authorized under this section or upon expiration of three years from the final approval of a Planned Unit Development which has not by then been completed or commenced with an extension of time for completion granted, the authorization shall expire and the land and structures thereon may be used only for a lawful purpose permissible within the zone in which the Planned Unit Development is located.

4.5.3 The form of application may be prescribed by the Planning Agency which may provide blanks and require the use of same as prerequisite for consideration. The contents of applications shall include, but need not be limited to:

1. An accurate map drawn to scale of not less than 100 feet to the inch, showing the boundaries of the site, names and dimensions of all streets bounding or touching the site; the proposed location and horizontal and vertical dimensions of all buildings and structures proposed to be located on the site; any proposed public dedications within the site; location, dimensions and design of off-street parking facilities showing points of ingress to, and egress from the site; the location, direction and bearing of any major physiographic features such as railroads, drainage canals and shorelines and existing topographic contours at intervals of not more than five feet together with proposed grading, drainage and landscaping;
2. An explanatory text containing a written statement of the general purposes of the project and and explanation of all features pertaining to uses and other pertinent matters not readily identifiable in map form. The adoption of the text specifying the particular non-residential uses permitted to locate on the site, if any,

shall constitute a limitation to those specific uses.

3. Each application should contain descriptive material:
  - (a) Giving the restrictive covenants intended to apply;
  - (b) Giving the intended completion schedule of all divisions;
  - (c) Giving the intended method of operation and maintenance of the open space areas.
4. The Planning Agency may request such other pertinent information as may be required prior to granting final site approval.

- 4.5.4 The permitted location of Planned Unit Development projects shall depend on their principal function.
  - 4.5.4.1 Residential Planned Unit Development projects may locate only in R and B-G zones.
  - 4.5.4.2 Planned Unit Developments for other than residential uses may locate only in zones first permitting the heaviest use locating in the development.
- 4.5.5 Minimum site area for Planned Unit Development shall be five acres.
- 4.5.6 In a Planned Unit Development only the following uses are permitted:
  - 4.5.6.1 In a residential Planned Unit Development:
    - (a) Residential units, either detached or in multiple family dwellings
    - (b) Accessory incidental retail and other non-residential retail specifically and selectively authorized as to exact type, size and location to be integrated into projects by design and for no less than 100 families to reside therein. Building permits for such uses shall not be issued until one-half of the total project is completed.
    - (c) Recreational facilities

(d) Schools, libraries, community halls and other required public facilities

(e) Mobile home subdivisions

(f) Mobile home parks

4.5.6.2 In Planned Unit Developments in other than R zones, uses shall be limited to those permitted by the zone in which the development is located.

4.5.7 In considering a proposed Planned Unit Development project, the approval thereof may involve modifications in the regulations, requirements and standards of the subdivision regulations and of the zone in which the project is located so as to appropriately apply such regulations, requirements and standards to the larger site. In modifying such regulations, requirements and standards as they may apply to a Planned Unit Development project, the following limitations shall apply:

4.5.7.1 Yards: The requirement for front yards for the zone in which the Planned Unit Development is located shall apply to all exterior boundary lines of the site.

4.5.7.2 Open Space - Residential

(a) A minimum of 10% of the total area of the Planned Unit Development shall be dedicated or reserved as common open space land.

(b) Not more than one-third of the required open space shall have a finished grade exceeding 20%, consist of bodies of water, consist of tidelands or be otherwise unusable for active recreational purposes, unless otherwise permitted by the Planning Commission.

(c) The required area devoted to usable open space shall not have more than one-half thereof left in a natural state.

(d) Land indicated in the development plan as compensating open space shall be identified on the map and shall be permanently maintained as such either by private covenants attached to and made a part of the plan, or if suitable



and mutually agreeable, by public dedication. In event that the compensating open space is to be provided and maintained through private covenants, the County shall require, prior to the approval of any final plat or the issuance of any building permit within the development, the establishment of a home owners' association, and either:

- (1) Specific performance of the open space portion of the executed plan, including such open space improvements as are incorporated into the plan; or
- (2) The posting of a bond sufficient to assure specific performance.

4.5.7.3 Height of Buildings: For buildings and structures exceeding 30 feet in height there shall be maintained a distance from side and rear boundaries equal to the required yard plus one foot for each one foot such building exceeds a height of 30 feet.

4.5.7.4 Number of dwelling units permitted shall not exceed the quotient derived by dividing net area by the minimum lot size permitted in the zone in which the Planned Unit Development is located. The net area is determined by subtracting the amount of land set aside for permitted non-residential uses other than the required open spaces from the total site area.

4.5.7.5 Permitted site coverage may not exceed the percentage of coverage permitted in the zone in which the project is located.

#### 4.6 Temporary Uses

4.6.1 One temporary real estate sales office may be located in any new subdivision in any zone provided the activities of such office shall pertain only to the selling of property within the subdivision upon which the office is located.

4.6.2 After a building permit has been issued and a residence is in the process of being constructed, a mobile home or trailer as defined herein may be located upon a site for the temporary use by the

owner of such property as a residence provided such mobile home or trailer remains mobile and provided further a permit is obtained to ensure compliance with this Ordinance as to yards and to Health Department requirements. Such permit will remain in effect for a period of one (1) year. In cases where substantial progress is shown on the construction of the residence and additional time is needed to complete the work, a permit may be renewed for one (1) additional six (6) months period. Upon expiration of the permit the use of the trailer as a residence shall be discontinued.

- 4.7 Public Utilities: The minimum lot area and frontage provision of this Ordinance shall not apply to public utility and facility sites. The area and frontage need only be such as will accommodate the facilities in compliance with all other requirements.
- 4.8 Exception to Height: Projections such as chimneys, spires, domes, elevator shaft housings, towers, tanks, aerials, flag poles and other similar objects such as farm buildings not to be used for human occupancy are not subject to the building height restrictions of this Ordinance except as regulated in airport approach areas or where they may obstruct the view of nearby properties.
- 4.9 Location of Accessory Buildings: Any accessory structure not used for living purposes and separate from the main building may be located in the required rear yard provided it is no closer than five (5) feet to a property line.
- 4.10 Projections into Required Yards: Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may extend into required yards, however, they may extend no closer than three (3) feet to a side lot line.
- 4.11 Setback from Centerline of Half Street: The setback from a half street or street less than the required minimum width shall be measured from its future centerline as determined by the County Engineer.
- 4.12 Setback from Centerline of Street, Exception: The required setback for a structure need not exceed the average setback of the structures within one hundred (100) feet on both sides of the proposed structure. The required setback shall be used to determine the average setback where no structure exists within one hundred (100) feet on one of the sides.

**SECTION 5.00 Penalties, Variance, Etc.**

**5.1 Previous Use and Occupancy Permits:**

Where, prior to the adoption of this Ordinance, special authority was granted for the establishment or conducting of a particular use on a particular site and for a specified period time or as set forth in an action then titled Use and Occupancy, such previous permits are by this section declared to be continued as a Conditional Use Permit without specified time limit, provided that if the particular use is such as is not otherwise permitted in the use zone in which it is located, such established use and improvements incident thereto shall be considered under the terms of this Ordinance as a non-conforming use.

**5.2 Variances:** In all cases where a variance is deemed necessary in connection with the granting of a building permit by the County Assessor, he shall forward said variance to the Board of Adjustment which shall require an application to be made therefor in a form prepared by them with the payment of a fifteen dollar (\$15.00) fee, they shall cause an inspection to be made of the premises involved, and the posting of a notice of the date and place of a public hearing by them. After such hearing, the Board of Adjustment may authorize a variance from the provisions of the Zoning code, only in such cases as will not be contrary to the public interest and only where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the requirements of the Kitsap County Zoning Code would cause undue and unnecessary hardship.

**5.3 Conditional Use Permits:** The Board of Adjustment may grant Conditional Use Permits pursuant to R.C.W. 36.70.810. The purpose of a Conditional Use Permit shall be to assure by means of imposing special conditions and requirements on development that the compatibility of uses shall be maintained considering other existing and potential uses within the general area of the proposed use. The conditions imposed shall be those which will reasonably assure that nuisance or hazards of life or property will not develop.

**5.4 Notice and Hearing on Application for Conditional Use Permits:** The application may be filed with the Planning Department by the property owner of record. It shall set forth fully the grounds

for the facts deemed necessary to justify the granting of the Conditional Use Permit. The Planning Department shall forward said application to the Board of Adjustment. Thereafter, the Board of Adjustment shall give notice as set forth in their rules and regulations, of the intention to consider at a public hearing the application for a Conditional Use Permit.

5.5 Non-Conforming Uses: The lawful use of land existing June 12, 1961, although such use does not conform to the provisions hereof, may be continued, but if such non-conforming use is discontinued any future use of said land shall be in conformity with the provisions of the Ordinance.

5.5.1 If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. If a non-conforming use is changed to a more restricted use, no further change is permitted unless to a still more restricted use.

5.5.2 No existing building designed, arranged or intended for or devoted to a use not permitted under the regulations of this Ordinance for the zone in which such building or premises is located, shall be enlarged, extended, reconstructed or structurally altered unless such use is changed to a use permitted under the regulations specified by this Ordinance for such zone in which said building is located.

5.5.3 If at any time the buildings and structures in existence on a lot on June 12, 1961, which do not conform to the regulations for the zone in which they are located, shall be destroyed by fire, explosion, Act of God, act of public enemy, to the extent of more than 75% of the market value thereof by the Assessor for the fiscal year during which such destruction occurs, then, and without further action by the Board of Adjustment, the said buildings and structures and the land on which they were located or maintained shall from and after date of such destruction be subject to all the regulations

specified by this Ordinance for the zone in which said building and land are located.

- 5.5.4 Any building remaining vacant for a continuous period of more than one (1) year shall not again be re-occupied except by a conforming use.
- 5.5.5 The non-conforming use of a fractional part of a building or lot shall not be extended to occupy a greater part of the building or lot than that occupied on June 12, 1961, except that a non-conforming use may be extended to that portion of a building which was designed or arranged for such non-conforming use as of June 12, 1961.
- 5.5.6 In every case in which, under the provisions of any Resolution of Kitsap County, or any statute in effect at the time this Ordinance takes effect, a license or permit is required for the maintenance of any structure or the establishing, maintaining and/or conducting of any business use, and any structure or business use exists as a non-conforming use under the provisions of this Ordinance, then no such license or permit shall be authorized, issued, renewed, reissued or extended for said business use unless and until a Conditional Use Permit shall first have been secured from the Board of Adjustment for the continued maintenance of said structure for use.

5.6 Fee: A filing fee of \$15.00 shall accompany all Conditional Use Permits provided, however, the fee shall not apply to any governmental agency or municipal corporation or when such permit is issued in conjunction with Unclassified Public Use approval.

5.7 Interpretation, Purpose and Conflict: In their interpretation and application, the provisions of this Ordinance shall be held to the minimum requirements adopted for the promotion of the public safety, health, morals and general welfare of the County. It is not intended by the Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or land or upon height of buildings or requires larger space than is

imposed or required by other resolutions, rules or regulations or by easements, covenants or agreements, the provisions of this Ordinance shall govern. It is to be noted, however, that where private restrictions are greater than those imposed by this Ordinance, they are not superseded by the provisions of this Ordinance.

5.8 Filing of Plot Plans:

5.8.1 The Planning Commission shall in its rules prescribe the form and scope of all petitions, applications and appeals provided for in this Ordinance and of accompanying data to be furnished, so as to assure the fullest practicable presentation of facts for proper consideration of the matter involved in each case and for a permanent record. The observance of the provisions of these rules shall not be construed as granting a permit for any purpose, but are for the purpose of avoiding errors in construction or interpretation of this Zoning Ordinance.

5.8.2 The intent of the above provision is to protect property values of the investment of public funds spent in the construction of highways and other public utilities or the general welfare inherent in an orderly and decent development and growth of the state of Washington by ensuring the location of buildings in good taste, proper proportion and in harmony with their surroundings and to secure the best and most appropriate use of land.

5.9 Amendments, Planned Unit Developments, Unclassified Public Uses - Procedures:

5.9.1 The Planning Commission shall, as rapidly as is in its judgment feasible, proceed with the more precise classification of the unincorporated territory of Kitsap County in accordance with the provisions of the statutes of the state of Washington relating to such matters, and shall hold such public hearings as are prescribed in the manner directed by such statutes.

5.9.2 Whenever the property owner of record of any land or building desires a reclassification of his property or Planned Unit

Development or Unclassified Public Use approval, he shall present to the Planning Department a petition duly signed and acknowledged by him, requesting an amendment or approval prescribed for such property. Said petition shall be referred to the Planning Commission for a hearing on such amendments or approvals and such other matters as may be related to said petition.

- 5.9.3 The said Planning Commission shall cause to be made an investigation of the matters involved in such petition and if in the opinion of said Planning Commission, after due investigation and consideration of facts stated in such petition in question and other property in the vicinity thereof, said Planning Commission believes that such changes of zone or Planned Unit Development or Unclassified Public Use approval is necessary for the preservation and enjoyment of any substantial property right of the petitioner and not materially detrimental to the public welfare nor the property of other persons located in the vicinity thereof, said Planning Commission shall transmit to the Board a report that such petition be granted. If said petition is disapproved by the Planning Commission, no reconsideration of the same petition shall be taken within a period of 6 months from the date of such action. This provision shall not be construed to prevent an appeal as herein provided.

- 5.9.4 Any person or persons feeling aggrieved with any action on a petition by the Planning Commission may within ten (10) days of the Planning Commission's action file with the Clerk of the Board of County Commissioners, a written notice of appeal of such decision, setting forth the reasons for such appeal. Any disapproving action by the Planning Commission shall be considered final unless such appeal is made.

- 5.9.5 If upon receiving such report or notice of appeal, said Board deems it necessary or expedient to do so, it may set the matter for hearing upon such notice to interested parties as it may deem proper.

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5.9.6 Whenever any reclassification of property, any amendment, supplement, changes in regulation, Planned Unit Development, or Unclassified Public Uses is initiated by the Board or Planning Commission, which initiative proceedings are hereby reserved to said Board or Planning Commission and authorized to be made and taken by either of them, the hearings provided herein shall be held in the manner provided for in this section and R.C.W. 36.70.

5.9.7 The fee for reclassification of property or Planned Unit Development or Unclassified Public Use approval shall be \$25.00 for each petition, payable upon the filing thereof. In cases where it is deemed desirable by the Planning Commission, in connection with the filing of a plat, or in conformance with the Comprehensive Plan officially adopted by the Commission, reclassification will require no fee.

5.9.8 A time limit of 15 months shall be placed upon all rezones and Unclassified Public Use approvals at which time, if no action has been taken, it shall be rezoned back to its original land classification or such approval withdrawn. If the land owner shows within a period of 15 months that he has in good faith commenced endeavors and is continuing these endeavors to develop the property in accordance with the rezone or Unclassified Public Use approval, no action will be taken to enforce the condition. There will be no prohibition against the sale of property during this 15-month period, and the purchaser will be entitled to this rezoning or approval subject to the time limitation as originally stated. The reversion back to the original zoning or the Unclassified Public Use approval withdrawal will not be automatic and a hearing will be provided the land owner on this matter. If the zone classification is found to be the most appropriate for the property or the land owner provides satisfactory evidence that he will endeavor to develop the property in accordance with the rezone or approval, the reversion back to the original zone need not take place.



**5.10 Penalty Clause and Enforcement:**

- 5.10.1 Inasmuch as this Ordinance is for the benefit of the life, health, welfare, safety and convenience of the inhabitants of Kitsap County, and is passed under the power given to the County Commissioners by the State Constitution, it is hereby made a misdemeanor to violate any of the provisions of this Ordinance or any amendments thereto and such violations shall be punishable as provided by the Statutes of the state of Washington for commission of a misdemeanor.
- 5.10.2 It shall be the duty of the County Assessor (Building Department) to enforce the provisions of this Ordinance pertaining to the erection, construction, reconstruction, moving, conversion or alteration of buildings or the occupancy of land or of any building or structure or any addition thereto.
- 5.10.3 It shall be the duty of the County Assessor to enforce the provisions of this Ordinance pertaining to the use of land or buildings, for which any such license is required by any other Resolution of Kitsap County.
- 5.10.4 It shall be the duty of the Sheriff and all officers charged with the enforcement of law, to enforce this Ordinance and all provisions of same.
- 5.10.5 Any building or structure hereafter set up, erected, built, moved or maintained or any use of property hereafter contrary to the provisions of this Ordinance, shall be and the same is hereby declared to be unlawful and a public nuisance and compliance with the Zoning Ordinance of Kitsap County may be enforced by mandatory injunction brought by the owner or owners of land lying within the particular zones affected by the regulations of the Zoning Ordinance or the Prosecuting Attorney may

immediately commence action or actions, proceeding or proceedings for abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction, to grant such relief as will abate or remove buildings, structures, or uses and restrain and enjoin any person from setting up, erecting, building, moving or maintaining any such building or structure, or using any property contrary to the provisions of this Ordinance.

5.11 Repealing: All resolutions of Kitsap County inconsistent herewith to the extent of such inconsistency, and no further, are hereby repealed.

PASSED this 16th day of June, 1969.

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Chairman of the Board

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

ATTEST:

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Clerk of the Board of  
County Commissioners