

NEW SECTION. Section 189. A new section is added to Chapter 17.700 “Appendices” as follows:

Appendix F – Allowed uses and additional regulations for parcels located within the boundary of the Port Gamble Redevelopment Plan approved pursuant to Section 17.360C.030.

Kitsap County Code Section 17.700 ‘Appendix F’, only applies to parcels located inside the boundaries of the Port Gamble Redevelopment Plan area. This Appendix intends to maintain consistency with Ordinance 586-2020 adopted by the Board of County Commissioners on April 27, 2020 that applies to Port Gamble Rural Historic Town and adjacent rural areas regarding revised definitions, allowed uses, allowed use footnotes, and development standards. Development shall comply with all other chapters in Kitsap County Code Title 17 ‘Zoning’ that are not referenced in this appendix.

Please follow the steps below to use this appendix:

1. Confirm that the parcel is located within the Port Gamble Master Plan area as shown on [map of Port Gamble Master Plan area] and the zoning designation.
2. Refer to Appendix F to determine which uses are allowed on the parcel and how the uses are defined. Chapters included in Appendix F shall replace the chapters in Title 17 ‘Zoning’.
3. All other chapters of Kitsap County Code or an approved development agreement not included in Appendix F shall still apply.

Chapters:

F.17.110	Definitions
F.17.410	Allowed Uses
F.17.470	Multifamily Development – Design Criteria
F.17.520	Marijuana Regulations

**Chapter F.17.110
DEFINITIONS**

Sections:

F.17.110.005	Generally.
F.17.110.010	Abutting.
F.17.110.015	Access.
F.17.110.020	Accessory dwelling unit.
F.17.110.025	Accessory living quarters.
F.17.110.030	Accessory use or structure.
F.17.110.035	Adjacent.
F.17.110.040	Adjoining.
F.17.110.045	Adult family home.
F.17.110.050	Reserved.
F.17.110.055	Alley.
F.17.110.057	(Repealed)
F.17.110.060	Animal.
F.17.110.065	Animal, small.

1/19/2022

Zoning Use Tables Ordinance

1	F.17.110.070	Animal hospital.
2	F.17.110.073	Antenna.
3	F.17.110.075	Amusement center.
4	F.17.110.085	Aquaculture practices.
5	F.17.110.087	Assembly and packaging operations.
6	F.17.110.090	Automobile repair.
7	F.17.110.095	Automobile service station.
8	F.17.110.100	Awning.
9	F.17.110.103	Base station.
10	F.17.110.105	Bed and breakfast house.
11	F.17.110.107	Bioretention facilities.
12	F.17.110.110	Board.
13	F.17.110.112	Boarding house.
14	F.17.110.120	Boat yard.
15	F.17.110.125	Breezeway.
16	F.17.110.126	Brew pubs.
17	F.17.110.130	Buffer.
18	F.17.110.132	Buffer, landscaping.
19	F.17.110.133	Buffer, screening.
20	F.17.110.135	Building.
21	F.17.110.137	Building coverage.
22	F.17.110.140	Building height.
23	F.17.110.145	Building line.
24	F.17.110.150	Caretaker's dwelling.
25	F.17.110.155	Carport.
26	F.17.110.156	Carrier.
27	F.17.110.157	Child care center.
28	F.17.110.160	Clinic.
29	F.17.110.165	Club.
30	F.17.110.168	Collocation.
31	F.17.110.169	Community sewage disposal systems.
32	F.17.110.170	Commission or planning commission.
33	F.17.110.171	Comprehensive plan.
34	F.17.110.175	Conditional use.
35	F.17.110.177	Conference center.
36	F.17.110.180	Congregate care facility.
37	F.17.110.185	Contiguous.
38	F.17.110.190	Convalescent, nursing or rest home.
39	F.17.110.195	Contractor's storage yard.
40	F.17.110.196	Cottage housing development.
41	F.17.110.197	County engineer.
42	F.17.110.199	Custom art and craft stores.
43	F.17.110.200	Day-care center.
44	F.17.110.205	Day-care center, family.
45	F.17.110.210	Density.
46	F.17.110.212	Density, maximum.

1	F.17.110.213	Density, minimum.
2	F.17.110.215	Department.
3	F.17.110.220	Development.
4	F.17.110.222	Development rights.
5	F.17.110.223	(Repealed)
6	F.17.110.225	Director.
7	F.17.110.227	Distributed antenna systems.
8	F.17.110.228	Drinking establishments.
9	F.17.110.240	Dwelling, single-family attached.
10	F.17.110.242	Dwelling, single-family detached.
11	F.17.110.245	Dwelling, duplex.
12	F.17.110.250	Dwelling, multiple-family.
13	F.17.110.255	Dwelling unit.
14	F.17.110.257	Emergency service communications.
15	F.17.110.260	Employees.
16	F.17.110.265	Exotic animal.
17	F.17.110.270	Family.
18	F.17.110.272	Fitness center.
19	F.17.110.275	Fence, sight-obscuring.
20	F.17.110.280	Forestry.
21	F.17.110.285	Foster home.
22	F.17.110.290	Frontage.
23	F.17.110.295	Garage, private.
24	F.17.110.301	General merchandise stores.
25	F.17.110.302	General office and management services.
26	F.17.110.303	Golf course.
27	F.17.110.305	Grade.
28	F.17.110.310	Green storm water infrastructure.
29	F.17.110.311	Green storm water solutions.
30	F.17.110.315	Gross floor area.
31	F.17.110.317	Guest house.
32	F.17.110.319	Habitable area.
33	F.17.110.320	Habitable floor.
34	F.17.110.321	Hardscaping.
35	F.17.110.322	Hard surface.
36	F.17.110.325	Hearing examiner.
37	F.17.110.330	Heavy equipment.
38	F.17.110.335	High-risk secured facility.
39	F.17.110.340	High capacity transit station areas.
40	F.17.110.345	Home business.
41	F.17.110.350	Home day-care.
42	F.17.110.355	Home owners' association.
43	F.17.110.360	Hospital.
44	F.17.110.365	Hotel/motel.
45	F.17.110.366	Immediate vicinity.
46	F.17.110.367	Impervious surface.

1	F.17.110.368	Infill development.
2	F.17.110.369	Junk motor vehicle.
3	F.17.110.370	Junk yard.
4	F.17.110.375	Kennel.
5	F.17.110.380	Kennel, hobby.
6	F.17.110.390	Landscaping.
7	F.17.110.392	Large on-site sewage system (LOSS).
8	F.17.110.393	Lattice support structure.
9	F.17.110.395	Livestock.
10	F.17.110.396	Loading space.
11	F.17.110.400	Lot.
12	F.17.110.405	Lot area.
13	F.17.110.410	Lot, corner.
14	F.17.110.412	Lot, interior.
15	F.17.110.415	Lot coverage.
16	F.17.110.420	Lot depth.
17	F.17.110.430	Lot line.
18	F.17.110.435	Lot line, front.
19	F.17.110.440	Lot line, rear.
20	F.17.110.445	Lot line, side.
21	F.17.110.450	Lot of record.
22	F.17.110.455	Lot, through.
23	F.17.110.460	Lot width.
24	F.17.110.461	Low impact development.
25	F.17.110.462	Low impact development best management practices.
26	F.17.110.463	(Repealed)
27	F.17.110.465	Maintain.
28	F.17.110.470	Manufactured home.
29	F.17.110.473	Manufacturing and fabrication.
30	F.17.110.475	Marina.
31	F.17.110.477	Master plan.
32	F.17.110.480	(Repealed)
33	F.17.110.483	(Repealed)
34	F.17.110.484	Minimum functional height.
35	F.17.110.485	Mixed use development.
36	F.17.110.490	Mobile home.
37	F.17.110.493	Mobile home park.
38	F.17.110.494	Modification.
39	F.17.110.503	Monopole.
40	F.17.110.504	Movie/performance theater.
41	F.17.110.505	Native growth protection easement.
42	F.17.110.506	Native vegetation.
43	F.17.110.507	Net developable area.
44	F.17.110.508	Nonconforming lot.
45	F.17.110.510	Nonconforming use, nonconforming structure or nonconforming use of structure.
46	F.17.110.512	Nonmotorized recreational rentals.

1	F.17.110.515	Nuisance.
2	F.17.110.520	Nursery, retail.
3	F.17.110.525	Nursery, wholesale.
4	F.17.110.530	Nursing or rest home.
5	F.17.110.535	Open space.
6	F.17.110.540	Ordinary high water mark.
7	F.17.110.545	Owner.
8	F.17.110.547	(Repealed)
9	F.17.110.548	Parcel.
10	F.17.110.550	Park.
11	F.17.110.555	Parking area, public.
12	F.17.110.560	Parking space.
13	F.17.110.565	Parking space, barrier free.
14	F.17.110.567	Parking space, compact.
15	F.17.110.568	Pedestrian-oriented facade.
16	F.17.110.569	Pedestrian-oriented space/plaza.
17	F.17.110.570	Pedestrian-friendly street.
18	F.17.110.571	Pedestrian walkways.
19	F.17.110.572	Performance based development (PBD).
20	F.17.110.575	Perimeter setback.
21	F.17.110.576	Permeable pavement.
22	F.17.110.577	Permitted use.
23	F.17.110.580	Person.
24	F.17.110.585	Pet.
25	F.17.110.590	Pet, nontraditional.
26	F.17.110.591	Pharmacies.
27	F.17.110.595	Pier.
28	F.17.110.600	Places of worship.
29	F.17.110.610	Planning commission.
30	F.17.110.615	Porch.
31	F.17.110.620	Portable sign.
32	F.17.110.625	Premises.
33	F.17.110.630	Private airport or heliport.
34	F.17.110.635	Prohibited use.
35	F.17.110.637	Project permit or project permit application.
36	F.17.110.640	Public facilities.
37	F.17.110.641	Public sewer system.
38	F.17.110.643	Race track, major.
39	F.17.110.644	Race track, minor.
40	F.17.110.645	Receiving areas and parcels.
41	F.17.110.646	Recreational amenity, active.
42	F.17.110.647	Recreational facility.
43	F.17.110.650	Recreational vehicle.
44	F.17.110.655	Recreational vehicle camping park.
45	F.17.110.656	Related equipment.
46	F.17.110.660	Residential care facility.

1	F.17.110.662	Restaurant.
2	F.17.110.663	Restaurant, high-turnover.
3	F.17.110.665	Rezone.
4	F.17.110.666	Rural character.
5	F.17.110.667	Rural cluster.
6	F.17.110.668	Rural wooded incentive program development.
7	F.17.110.669	Sending areas and parcels.
8	F.17.110.671	Setback.
9	F.17.110.673	Shipping container.
10	F.17.110.675	Sign.
11	F.17.110.680	Sign permit.
12	F.17.110.683	Site.
13	F.17.110.685	Site plan.
14	F.17.110.686	Site-specific amendment.
15	F.17.110.687	Stealth technology.
16	F.17.110.688	Storage, hazardous materials.
17	F.17.110.689	Storage, self-service.
18	F.17.110.690	Storage, vehicles and equipment.
19	F.17.110.691	Storage, indoor.
20	F.17.110.692	Storage, outdoor.
21	F.17.110.693	Storage container.
22	F.17.110.695	Street.
23	F.17.110.697	Streetscape.
24	F.17.110.700	Structural alteration.
25	F.17.110.705	Structure.
26	F.17.110.706	Subarea plan.
27	F.17.110.707	(Repealed)
28	F.17.110.708	Substantially change.
29	F.17.110.710	Temporary sign.
30	F.17.110.715	Temporary structure.
31	F.17.110.720	Temporary use.
32	F.17.110.721	Tower.
33	F.17.110.724	Tower, guy-wired.
34	F.17.110.725	Tract.
35	F.17.110.728	Urban level of sanitary sewer service.
36	F.17.110.730	Use.
37	F.17.110.738	Vacation rental.
38	F.17.110.739	Vegetation-based low impact development best management practices.
39	F.17.110.740	Veterinary clinic.
40	F.17.110.745	Water-dependent use.
41	F.17.110.750	Water-enjoyment use.
42	F.17.110.755	Water-oriented use.
43	F.17.110.760	Water-related use.
44	F.17.110.763	Wildlife shelter.
45	F.17.110.764	Wireless.
46	F.17.110.765	(Repealed)

- 1 F.17.110.770 Wireless communication facility.
- 2 F.17.110.775 Wireless communication support structure.
- 3 F.17.110.780 (Repealed)
- 4 F.17.110.783 Wrecking yard.
- 5 F.17.110.785 Yard.
- 6 F.17.110.790 Yard, front.
- 7 F.17.110.795 Yard, rear.
- 8 F.17.110.800 Yard, side.
- 9 F.17.110.805 Zone.

10 **F.17.110.005 Generally.**

11 For the purpose of this title, certain terms, phrases, words and their derivatives shall be construed
12 as specified in this section and elsewhere in this title where specific definitions are provided.
13 Terms, phrases and words used in the singular include the plural and the plural the singular.
14 Terms, phrases and words used in the masculine gender include the feminine and the feminine
15 the masculine. The word “shall” is mandatory. The word “may” is discretionary. Where terms,
16 phrases and words are not defined, they shall have their ordinary accepted meanings within the
17 context with which they are used. The most current version of the English Webster’s Dictionary
18 shall be considered as providing ordinary accepted meanings.

19 **F.17.110.010 Abutting.**

20 “Abutting” means adjoining with a common boundary line; except that where two or more lots
21 adjoin only at a corner or corners, they shall not be considered as abutting unless the common
22 property line between the two parcels measures ten feet or greater in a single direction. Where
23 two or more lots are separated by a street or other public right-of-way, they shall be considered
24 “abutting” if their boundary lines would be considered abutting if not for the separation provided
25 by the street or right-of-way.

26 **F.17.110.015 Access.**

27 “Access” means the place, means, or way by which pedestrians and vehicles shall have safe,
28 adequate, and usable ingress and egress to a property or use, as required by this title.

29 **F.17.110.020 Accessory dwelling unit.**

30 “Accessory dwelling unit” means separate living quarters detached from the primary residence.
31 No mobile home or recreational vehicle shall be considered an accessory dwelling unit. This
32 definition excludes guest houses.

33 **F.17.110.025 Accessory living quarters.**

34 “Accessory living quarters” means separate living quarters contained within the primary
35 residence.

36 **F.17.110.030 Accessory use or structure.**

37 “Accessory use or structure” means an activity or structure that is commonly associated with but
38 subordinate to any principal use or structure.

39 **F.17.110.035 Adjacent.**

40 “Adjacent” means the same as “abutting.”

F.17.110.040 Adjoining.

“Adjoining” means the same as “abutting.”

F.17.110.045 Adult family home.

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

F.17.110.050 Reserved.

F.17.110.055 Alley.

“Alley” means a private or public right-of-way having a typical width of at least ten feet, but generally no more than twenty feet, which affords only secondary means of access to abutting properties. Alleys are not intended for general traffic circulation.

F.17.110.057 (Repealed)*

* **Editor’s note:** Former Section F.17.110.057, “Alternative technology,” was repealed by Ordinance 570 (2019). Subsection 7(5) (App. E) (part) of Ordinance 534 (2016) was formerly codified in this section.

F.17.110.060 Animal.

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

F.17.110.065 Animal, small.

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

F.17.110.070 Animal hospital.

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

F.17.110.073 Antenna.

“Antenna” means an apparatus designed for the purpose of emitting radio frequency (RF) radiation, to be operated or operating from a fixed location pursuant to commission authorization, for the transmission of writing, signs, signals, data, images, pictures, and sounds of all kinds, including the transmitting device and any on-site equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with that antenna and added to a tower, structure, or building as part of the original installation of the antenna. For most services, an antenna will be mounted on or in, and is distinct from, a supporting structure such as a tower, structure or building. However, in the case of AM broadcast stations, the entire tower or group of towers constitutes the antenna for that station. For purposes of this section, the term “antenna” does not include unintentional radiators, mobile stations, or devices authorized under CFR Title 15.

F.17.110.075 Amusement center.

“Amusement center” means a commercially operated facility having one or more forms of entertainment such as a bowling alley, indoor golf driving range, merry-go-round, roller coaster, batting cages, electronic and/or video games, or miniature golf course.

1 **F.17.110.085 Aquaculture practices.**

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

5 **F.17.110.087 Assembly and packaging operations.**

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

10 **F.17.110.090 Automobile repair.**

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

14 **F.17.110.095 Automobile service station.**

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

18 **F.17.110.100 Awning.**

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

25 **F.17.110.103 Base station.**

26 “Base station” means the equipment and nontower supporting structure at a fixed location that
27 enables FCC-licensed or authorized wireless communications between user equipment and a
28 communications network.

29 **F.17.110.105 Bed and breakfast house.**

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

33 **F.17.110.107 Bioretention facilities.**

34 “Bioretention facilities” means engineered facilities that treat storm water by passing it through a
35 specified soil profile, and either retain or detain the treated storm water for flow attenuation.
36 Refer to the Stormwater Management Manual for Western Washington (Ecology Manual),
37 Chapter 7 of Volume V for bioretention BMP types and design specifications.

38 **F.17.110.110 Board.**

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

F.17.110.112 Boarding house.

“Boarding house” means a building arranged or used for lodging for compensation, with or without meals, with any number of guest rooms and not occupied as a single-family unit.

F.17.110.120 Boat yard.

“Boat yard” means a place where boats are constructed, dismantled, stored, serviced, or repaired, including maintenance work thereon and may include such facilities as a marine railway, dry dock or tidal grid.

F.17.110.125 Breezeway.

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

F.17.110.126 Brew pubs.

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

F.17.110.130 Buffer.

“Buffer” or “buffering” means space, either landscaped or in a natural state, intended and dedicated by easement or condition of approval to separate uses that may or may not conflict with each other and to reduce visual, noise, odors and other impacts.

F.17.110.132 Buffer, landscaping.

“Buffer, landscaping” means a buffer treatment within or along the perimeter of a development that varies in numbers and types of vegetation and/or fencing depending on land uses. Landscaping such as trees, shrubs, ground covers, fencing, or vegetation planted as part of low impact development (LID) best management practices (BMPs) are to be provided as prescribed by Chapter F.17.500.

F.17.110.133 Buffer, screening.

“Buffer, screening” means a buffer of evergreen vegetation, vegetation planted as part of LID BMPs, or sight-obscuring fencing intended to provide functional screening between different uses, land use intensities and/or zones. Screening is to be installed or maintained as prescribed by Chapter F.17.500.

F.17.110.135 Building.

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

F.17.110.137 Building coverage.

“Building coverage” means the area of land that is covered by a building or structure that provides a hard surface. Building coverage also includes uncovered horizontal structures, such as decks, stairways, and entry bridges.

F.17.110.140 Building height.

“Building height” is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof.

F.17.110.145 Building line.

“Building line” means the perimeter of that portion of a building or structure nearest a property line but excluding eaves, open space, terraces, cornices and other ornamental features projecting from the walls of the building or structure.

F.17.110.150 Caretaker’s dwelling.

“Caretaker’s dwelling” means a single-family residence accessory to a commercial or industrial use intended for the purposes of providing supervision, maintenance or security of the property.

F.17.110.155 Carport.

“Carport” means a roof designed to cover, but not enclose, automobile parking spaces and should be open on two or more sides.

F.17.110.156 Carrier.

“Carrier” means a telecommunications company that offers telecommunication services (as defined in 47 U.S.C. §153(53)) to users of wireless devices through radio frequency signals. Synonymous terms are “mobile service provider,” “wireless service provider,” “wireless carrier” or “mobile carrier.”

F.17.110.157 Child care center.

“Child care center” means the same as “day-care center.”

F.17.110.160 Clinic.

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

F.17.110.165 Club.

“Club” means a place where an association of persons organized for some common purpose meet. This definition excludes places of worship and groups organized primarily for business purposes.

F.17.110.168 Collocation.

“Collocation” means the use or addition of one or more wireless communications facilities on any existing structure, whether or not already used as a wireless communication facility.

F.17.110.169 Community sewage disposal systems.

“Community sewage disposal system” means any system of piping, treatment devices and/or other facilities which:

- A. Conveys, stores, treats and/or provides subsurface soil treatment and disposal on site or on adjacent or nearby property under the control of the users; and
- B. The system is not connected to a public sewer system; and
- C. Is designed to serve more than one single-family dwelling or one multifamily dwelling but the design capacity does not exceed three thousand five hundred gallons of sewage volume per day.

1 **F.17.110.170 Commission or planning commission.**

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

3 **F.17.110.171 Comprehensive plan.**

4 “Comprehensive plan” means the principles, objectives, and policies to guide growth and
5 development, as required under Chapter 36.70A RCW. The Kitsap County Comprehensive Plan
6 coordinates and provides policy direction for county programs and services, and establishes
7 urban/rural boundaries.

8 **F.17.110.175 Conditional use.**

9 “Conditional use” means an activity specified by this title as a principal or an accessory use that
10 may be approved or denied based upon consistency with specific criteria (Chapters 17.540 and/or
11 17.550). Approval of a conditional use is subject to certain conditions. Conditional uses reviewed
12 by the planning department are administrative (ACUP); those reviewed by the hearing examiner
13 (C) require a public hearing.

14 **F.17.110.177 Conference center.**

15 “Conference center” means a building or group of buildings with overnight accommodations and
16 meeting space, primarily intended for conferences, meetings, and retreats. Conference centers
17 may include facilities such as dining and banquet rooms, recreation rooms and other amenities.

18 **F.17.110.180 Congregate care facility.**

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

22 **F.17.110.185 Contiguous.**

23 “Contiguous” means the same as “abutting.”

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

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

28 **F.17.110.195 Contractor’s storage yard.**

29 “Contractor’s storage yard” means a place where heavy equipment, vehicles, construction
30 equipment or any material commonly used in the erection of any structure, is stored or
31 accumulated. Sites that involve current construction of projects with active permits involving the
32 materials on site shall not be considered a contractor’s storage yard.

33 **F.17.110.196 Cottage housing development.**

34 “Cottage housing development” means a tract of land under single ownership or unified control
35 developed with four or more detached living structures sharing any of the following: common
36 kitchen and sanitation facilities, common area/courtyard and/or parking area.

37 **F.17.110.197 County engineer.**

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

1 **F.17.110.199 Custom art and craft stores.**

2 “Custom art and craft stores” shall mean a business in which finished, personal or household
3 items are produced and/or sold. Examples include, but are not limited to: pottery and candle
4 making; leather work; jewelry making; creation of sculpture or other artwork.

5 **F.17.110.200 Day-care center.**

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

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

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

13 **F.17.110.210 Density.**

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

15 **F.17.110.212 Density, maximum.**

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

20 **F.17.110.213 Density, minimum.**

21 “Density, minimum,” unless otherwise specified by Section 17.420.060, means the fewest
22 number of dwelling units that shall be developed on a property(s) within a specific zone based
23 upon the net developable acreage of the property(s).

24 **F.17.110.215 Department.**

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

26 **F.17.110.220 Development.**

27 “Development” means any manmade change to improved or unimproved real estate, including
28 but not limited to buildings or other structures, mining, dredging, filling, grading, paving,
29 excavation, or drilling operations and other land-disturbing activities.

30 **F.17.110.222 Development rights.**

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

35 **F.17.110.223 (Repealed)***

36 * Former Section 7.110.223, “Directional panel antenna,” was repealed by Ordinance 570
37 (2019). Subsection 7(5) (App. E) (part) of Ordinance 534 (2016) was formerly codified in this
38 section.

F.17.110.225 Director.

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

F.17.110.227 Distributed antenna systems.

“Distributed antenna systems” means network of spatially separated antenna sites connected to a common source that provides wireless service within a geographic area or structure.

F.17.110.228 Drinking establishments.

“Drinking establishments” means a business primarily engaged in the retail sale of alcoholic beverages for consumption on the premises, including night clubs, bars, and taverns. It shall not mean premises primarily engaged in the retail sale of food for consumption on the premises, where the sale of alcoholic beverages is clearly accessory and incidental (e.g., comprises less than twenty percent of the gross receipts). This definition excludes brew pubs.

F.17.110.240 Dwelling, single-family attached.

“Dwelling, single-family attached” or “attached single-family dwelling” means a single dwelling unit designed for occupancy by not more than one family and separated from adjacent units by one or more common vertical walls where each dwelling includes adjacent dwelling-specific yard area within its ownership.

F.17.110.242 Dwelling, single-family detached.

“Dwelling, single-family detached” or “detached single-family dwelling” means a single dwelling unit designed for occupancy by not more than one family that is physically separated from any other dwelling unit.

F.17.110.245 Dwelling, duplex.

“Dwelling, duplex,” means a building containing two dwelling units and designed for occupancy by not more than two families. A duplex may not be considered a primary residence for the purposes of constructing an accessory dwelling unit or accessory living quarters.

F.17.110.250 Dwelling, multiple-family.

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

F.17.110.255 Dwelling unit.

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

F.17.110.257 Emergency service communications.

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

F.17.110.260 Employees.

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

F.17.110.265 Exotic animal.

“Exotic animal” means:

- 1 A. Any species of animal whose venom is commonly known to be capable of inflicting serious
2 physical harm or death to human beings, livestock, dogs or cats.
- 3 B. Nonhuman primates including prosimians.
- 4 C. All members of the Ursidae family (e.g., bears).
- 5 D. Nondomesticated members of the Felidae family (e.g., cats).
- 6 E. Nondomesticated members of the Canidae family (e.g., dogs) and their hybrids, including
7 wolves, coyotes and foxes.
- 8 F. All members of the crocodilian order (e.g., alligators, crocodiles, caiman and gavials).
- 9 G. All members of the Melinae, Mellivorinae and Taxideinae subfamilies (e.g., badgers).

10 **F.17.110.270 Family.**

11 “Family” means two or more persons customarily living together as a single housekeeping unit
12 and using common cooking facilities, as distinguished from a group occupying a hotel, club,
13 boarding or lodging house, or other group of unrelated individuals.

14 **F.17.110.272 Fitness center.**

15 “Fitness center” means a place of business with equipment and facilities for exercising and
16 improving physical fitness. Examples include health clubs, boxing gyms and micro-gyms.

17 **F.17.110.275 Fence, sight-obscuring.**

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

20 **F.17.110.280 Forestry.**

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

23 **F.17.110.285 Foster home.**

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

26 **F.17.110.290 Frontage.**

27 “Frontage” means the actual length of the front property line abutting a street or alley (if no
28 street frontage), or length of the property line of a flag lot that most closely parallels the street in
29 which it receives access.

30 **F.17.110.295 Garage, private.**

31 “Garage, private” means an accessory building or part of a main building intended primarily for
32 the storage of motor vehicles owned or used by occupants of the main building.

33 **F.17.110.301 General merchandise stores.**

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

F.17.110.302 General office and management services.

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

F.17.110.303 Golf course.

“Golf course” means an area designed and used for playing golf, including all accessory uses incidental to the operation of the facility, including driving ranges.

F.17.110.305 Grade.

“Grade” means the average point of elevation of the finished surface of the ground within five feet of a building or structure.

F.17.110.310 Green storm water infrastructure.

“Green storm water infrastructure” (GSI) means and is also known as low impact development (LID). Refer to the definition for “low impact development,” which is the preferred term used by the county.

F.17.110.311 Green storm water solutions.

“Green storm water solutions” (GSS) means and is also known as low impact development (LID). Refer to the definition for “low impact development,” which is the preferred term used by the county.

F.17.110.315 Gross floor area.

“Gross floor area” means the sum of horizontal areas of floors of a building when measured from the exterior faces of exterior walls or, if appropriate, from the center line of dividing walls. Gross floor area generally excludes vent shafts, covered walkways, porches, and similar areas. However, gross floor area shall include decks, or porches when covered by a roof or portion of the floor above.

F.17.110.317 Guest house.

“Guest house” means living quarters in an accessory building for the use of the occupant, persons employed on the premises, or for temporary use by guests of the occupant. Such quarters have no kitchen facilities and are not otherwise used as a separate dwelling unit.

F.17.110.319 Habitable area.

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

F.17.110.320 Habitable floor.

“Habitable floor” means any floor usable for living purposes including working, sleeping, eating, cooking, or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a “habitable floor.”

F.17.110.321 Hardscaping.

“Hardscaping” means the placement of nonplant elements such as fountains, patios, decks, street furniture, and ornamental concrete or stonework areas.

F.17.110.322 Hard surface.

“Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof.

F.17.110.325 Hearing examiner.

“Hearing examiner” means a person appointed to hear or review certain land use applications and appeals pursuant to Title 21, Land Use and Development Procedures.

F.17.110.330 Heavy equipment.

“Heavy equipment” means, but shall not be limited to, self-powered, self-propelled or towed mechanical devices, equipment and vehicles of the nature customarily used for commercial purposes such as tandem axle trucks, graders, backhoes, tractor trailers, cranes and lifts but excluding automobiles, recreational vehicles, boats and their trailers and equipment used for agricultural purposes.

F.17.110.335 High-risk secured facility.

“High-risk secured facility” means a facility that provides court-ordered housing, supervision and twenty-four-hour security, and coordinates treatment services for persons who are found by the court to be a “sexually violent predator” or pose a likelihood of serious harm to others as defined in RCW 71.05.020 and are civilly committed to a less restrictive alternative as defined in state law. Such facilities accommodate two or more persons placed by the court plus treatment and support staff. A high-risk secured facility does not include:

A. Secure community transition facilities proposed under the authority of, and consistent with, the provisions of Chapter 71.09 RCW; or

B. Nursing homes, assisted living facilities, or adult family homes that become licensed as enhanced services facilities as defined in RCW 70.97.060(4).

F.17.110.340 High capacity transit station area.

“High capacity transit station areas” include only those portions of urban growth areas within:

A. One-half mile of the following public ferry terminals:

1. Kingston – Washington State Ferry and Kitsap Transit Fast Ferry (see boundary in Chapter 17.700, Appendix E1).

F.17.110.345 Home business.

“Home business” means a commercial or industrial use (excluding retail) conducted within a dwelling, which use is clearly secondary to the use of the dwelling for residential purposes.

F.17.110.350 Home day-care.

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

1 **F.17.110.355 Home owners' association.**

2 "Home owners' association" means a nonprofit organization as defined by the state of
3 Washington operating under recorded land agreements established through which the following
4 take place:

5 A. Each person owning or purchasing a lot in a planned unit or other described land area is
6 automatically a member by such ownership or purchase;

7 B. Each lot may be automatically subject to a charge for a proportionate share of the expenses
8 for the organization's activities, including but not limited to maintaining a common property,
9 such as streets, walkways, recreational facilities, or grounds policing; and

10 C. Construction and maintenance responsibilities for any undivided property are identified and
11 assigned.

12 **F.17.110.360 Hospital.**

13 "Hospital" means any institution, place, building, or agency which maintains and operates
14 organized facilities for the diagnosis, care, and treatment of human illness, including
15 convalescence and also including care during and after pregnancy; or which maintains and
16 operates organized facilities for any such purpose, and to which persons may be admitted for
17 overnight stay or for a longer period. This definition excludes clinics.

18 **F.17.110.365 Hotel/motel.**

19 "Hotel/motel" means a building in which lodging is provided and offered to the public for
20 compensation and which is open to transient guests. This definition excludes bed and breakfast
21 houses.

22 **F.17.110.366 Immediate vicinity.**

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

25 **F.17.110.367 Impervious surface.**

26 "Impervious surface" means a nonvegetated surface area that either prevents or retards the entry
27 of water into the soil mantle as under natural conditions prior to development or causes water to
28 run off the surface in greater quantities or at an increased rate of flow from the flow present
29 under natural conditions prior to development. Common impervious surfaces include, but are not
30 limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or
31 asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces that
32 similarly impede the natural infiltration of storm water. Open, uncovered retention/detention
33 facilities shall not be considered as impervious surfaces for the purposes of determining whether
34 the thresholds for application of minimum requirements are exceeded. Open, uncovered
35 retention/detention facilities shall be considered impervious surfaces for purposes of runoff
36 modeling.

37 **F.17.110.368 Infill development.**

38 "Infill development" means the construction of housing or other uses on vacant or underutilized
39 properties bordered on a minimum of two sides by existing development which is consistent with
40 the current density and zoning of the area.

1 **F.17.110.369 Junk motor vehicle.**

2 “Junk motor vehicle” means a motor vehicle meeting at least three of the following
3 requirements:

4 (a) Is three years old or older;

5 (b) Is extensively damaged, such damage including, but not limited to, any of the following: a
6 buildup of debris that obstructs use, broken window or windshield; missing wheels, tires,
7 tail/headlights, or bumpers; missing or nonfunctional motor or transmission; or body damage;

8 (c) Is apparently inoperable; or

9 (d) Has an approximate fair market value equal only to the approximate value of the scrap in it.

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

15 **F.17.110.370 Junk yard.**

16 “Junk yard” means a place where waste or scrap materials are stored, bought, sold, accumulated,
17 exchanged, baled, packaged, disassembled or handled including, but not limited to, scrap metals,
18 paper, rags, tires, and bottles, and such worn out or discarded material, excluding approved
19 recycling centers.

20 **F.17.110.375 Kennel.**

21 “Kennel” means any place or entity where five or more cats or dogs are boarded for the primary
22 purpose of compensation, or where pets are housed for resale, such as pet shops, but not
23 including a veterinary hospital where boarding is incidental to treatment.

24 **F.17.110.380 Kennel, hobby.**

25 “Hobby kennel” means any indoor or outdoor facility where cats and/or dogs are routinely
26 housed or maintained by or for any person or entity that is not an animal welfare organization
27 and that desires to breed or maintain five or more spayed or neutered adult cats and/or five or
28 more spayed or neutered adult dogs at the same location or residence, for primarily
29 noncommercial purposes.

30 **F.17.110.390 Landscaping.**

31 “Landscaping” means the placement, preservation, or replacement of trees, grass, shrubs, plants,
32 flowers, and other vegetative materials in accordance with an approved landscaping plan meeting
33 adopted landscaping plan, design, and installation standards. Artificial plants, shrubs, bushes,
34 flowers, and materials in movable containers shall not be considered “landscaping” for purposes
35 of this title. Vegetation planted as part of LID BMPs shall be considered “landscaping” for
36 purposes of this title where all landscape requirements in Title 17 are met.

37 **F.17.110.392 Large on-site sewage system (LOSS).**

38 “Large on-site sewage system (LOSS)” means an on-site sewage system (OSS) that consists of
39 an integrated system of components, located on or nearby the property it serves, that conveys,

stores, treats, and provides subsurface soil treatment and disposal of domestic sewage with design flows of at least three thousand five hundred gallons of sewage volume per day up to and including one hundred thousand gallons of sewage volume per day.

F.17.110.393 Lattice support structure.

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

F.17.110.395 Livestock.

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

F.17.110.396 Loading space.

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

F.17.110.400 Lot.

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

F.17.110.405 Lot area.

“Lot area” means the horizontal area within the boundary lines of a lot excluding public and private streets, tidelands, shorelands and the panhandle of a flag lot if the panhandle is less than thirty feet in width. Areas consisting of only these exceptions are not considered lots. Further, rural lots shall be considered five acres if the lot is one-one-hundred-twenty-eighth of a section, ten acres if the lot is one-sixty-fourth of a section, and twenty acres if the lot is one-thirty-second of a section.

F.17.110.410 Lot, corner.

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

F.17.110.412 Lot, interior.

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

F.17.110.415 Lot coverage.

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

F.17.110.420 Lot depth.

“Lot depth” means the horizontal distance between the midpoint of the front and opposite, usually, the rear lot line. In the case of a corner lot, the depth shall be the length of its longest front lot line.

F.17.110.430 Lot line.

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

1 **F.17.110.435 Lot line, front.**

2 “Lot line, front” or “front lot line” means that boundary of a lot which is along a street or
3 approved private road or easement, or, for a flag lot, approximately parallel to a street or
4 approved private road or easement; and thus generally where access is from.

5 **F.17.110.440 Lot line, rear.**

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

8 **F.17.110.445 Lot line, side.**

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

10 **F.17.110.450 Lot of record.**

11 “Lot of record” means a lot which was created in accordance with the laws and regulations in
12 effect at the time it was created and is shown on the records of the county assessor or county
13 auditor.

14 **F.17.110.455 Lot, through.**

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

17 **F.17.110.460 Lot width.**

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

19 **F.17.110.461 Low impact development.**

20 “Low impact development” (LID) means a storm water and land use management strategy that
21 strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage,
22 evaporation and transpiration by emphasizing conservation, use of on-site natural features, site
23 planning, and distributed storm water management practices that are integrated into a project
24 design. LID is also known as green storm water infrastructure or green storm water solutions.
25 LID is the preferred term used by the county.

26 **F.17.110.462 Low impact development best management practices.**

27 “Low impact development best management practices” (LID BMPs) means distributed storm
28 water management practices, integrated into a project design, that emphasize pre-disturbance
29 hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs
30 include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout
31 controls, dispersion, soil quality and depth, minimum excavation foundations, vegetated roofs,
32 and water reuse.

33 **F.17.110.463 (Repealed)***

34 * Former Section 17.110.463, “Macro antenna array,” was repealed by Ordinance 570 (2019).
35 Subsection 23 of Ordinance 540 (2016) and § 7(5) (App. E) (part) of Ordinance 534 (2016) were
36 formerly codified in this section.

37 **F.17.110.465 Maintain.**

38 “Maintain” means to cause or allow to continue in existence. When the context indicates, the
39 word means to preserve and care for a structure, improve or condition an area to such an extent

1 that it remains attractive, safe, presentable, and carry out the purpose for which it was installed,
2 constructed, or required.

3 **F.17.110.470 Manufactured home.**

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

7 **F.17.110.473 Manufacturing and fabrication.**

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

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

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

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

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

33 **F.17.110.475 Marina.**

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

36 **F.17.110.477 Master plan.**

37 “Master plan” means a large-scale development plan to guide the long-term physical
38 development of a particular area. Such a plan shall be prepared and approved pursuant to Chapter
39 17.440.

1 **F.17.110.480 (Repealed)***

2 * Former Section 17.110.480, “Micro antenna array,” was repealed by Ordinance 570 (2019).
3 Subsection 7(5) (App. E) (part) of Ordinance 534 (2016) was formerly codified in this section.

4 **F.17.110.483 (Repealed)***

5 * Former Section 17.110.483, “Mini antenna array,” was repealed by Ordinance 570 (2019).
6 Subsection 7(5) (App. E) (part) of Ordinance 534 (2016) was formerly codified in this section.

7 **F.17.110.484 Minimum functional height.**

8 “Minimum functional height” means the shortest height at which a proposed wireless
9 communications facility can perform its intended function, including communications and
10 collocation. Minimum functional height is measured vertically from the ground level to the
11 highest point on the structure, including antennas and subsequent alterations.

12 **F.17.110.485 Mixed use development.**

13 “Mixed use development” means the development of a site or building with a combination of
14 residential and nonresidential uses in a single or physically integrated group of buildings.

15 **F.17.110.490 Mobile home.**

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

19 **F.17.110.493 Mobile home park.**

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

22 **F.17.110.494 Modification.**

23 “Modification” means any change made to an existing wireless communications facility
24 (facility). A modification constitutes a substantial change if (1) the change to the facility meets
25 the definition of “substantial change” herein provided; (2) the change would defeat the existing
26 concealment elements of the facility; or (3) the change does not comply with pre-existing
27 conditions associated with the prior approval of construction or modification of the facility.

28 **F.17.110.503 Monopole.**

29 “Monopole” means a wireless communications facility that consists of a single pole structure
30 designed and erected on the ground or on top of a structure to support communications antennas
31 and connecting appurtenances.

32 **F.17.110.504 Movie/performance theater.**

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

35 **F.17.110.505 Native growth protection easement.**

36 “Native growth protection easement” means a protected corridor vegetated with native trees,
37 shrubs and groundcover that connects critical areas or permanently preserved natural areas
38 within or adjacent to and across the project site.

F.17.110.506 Native vegetation.

“Native vegetation” means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. The Native Plant Listing for Kitsap County may be obtained from the department of community development.

F.17.110.507 Net developable area.

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

F.17.110.508 Nonconforming lot.

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

F.17.110.510 Nonconforming use, nonconforming structure or nonconforming use of structure.

“Nonconforming use, nonconforming structure or nonconforming use of structure” means, respectively, a use of land, a structure or use of a structure which was lawfully established or built and which has been lawfully continued but which does not conform to the regulations established by this title or amendments thereto.

F.17.110.512 Nonmotorized recreational rentals.

“Nonmotorized recreational rentals” means any form of transportation that provides personal or goods mobility by methods other than a motor.

F.17.110.515 Nuisance.

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

F.17.110.520 Nursery, retail.

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

F.17.110.525 Nursery, wholesale.

“Nursery, wholesale” or “wholesale nursery” means an establishment where trees, shrubs or other plants are propagated on the property and/or continuously grown to a larger size for a period no less than one complete growing season and that is not open to the public on a regular basis. Temporary outdoor stands for the periodic and occasional sale of plants which are grown on the premises shall not disqualify an establishment for definition as a wholesale nursery. No bark, mulch, fertilizer or other similar landscape supply may be sold.

F.17.110.530 Nursing or rest home.

See Section 17.110.190, Convalescent, nursing or rest home.

1 **F.17.110.535 Open space.**

2 “Open space” shall mean land used for outdoor active or passive recreational purposes or for
3 critical area or resource land protection, including structures incidental to these open space uses,
4 including associated critical area buffers, but excluding land occupied by dwellings or hard
5 surfaces not related to the open space uses and yards required by this title for such dwellings or
6 hard surfaces. Open space may be used for native vegetation, drought-tolerant vegetation, and
7 vegetated LID facilities. “Open space” is further divided into the following categories:

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

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

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

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

21 E. “Recreational open space” means an area that shall be improved and maintained for its
22 intended use. Exterior as well as interior areas can constitute recreational open space. Examples
23 of usable recreational space include swimming pools, community buildings, interior gyms, picnic
24 areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.

25 **F.17.110.540 Ordinary high water mark.**

26 “Ordinary high water mark” means that mark that will be found by examining the bed and banks
27 and ascertaining where the presence and action of waters are so common and usual, and so long
28 continued in all ordinary years, as to mark upon the soil a character distinct from that of the
29 abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may
30 naturally change thereafter, or as it may change thereafter in accordance with permits issued by a
31 local government or the department; provided, that in any area where the ordinary high water
32 mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of
33 mean higher high and the ordinary high water mark adjoining fresh water shall be the line of
34 mean high water.

35 **F.17.110.545 Owner.**

36 “Owner” means the owner of record of real property or person purchasing a piece of property
37 under contract. For the purposes of this title, in terms of violations and binding agreements
38 between the county and the owner, “owner” shall also mean a leaseholder, tenant, or other person
39 in possession or control of the premises or property at the time of agreement, violations of
40 agreement, or the provisions of this title. For the purpose of processing an application for a land
41 use approval or permit under this title, where such application or permit must be filed by an

owner, the term “owner” also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval.

F.17.110.547 (Repealed)*

* Former Section 17.110.547, “Parabolic antenna,” was repealed by Ordinance 570 (2019). Subsection 7(5) (App. E) (part) of Ordinance 534 (2016) was formerly codified in this section.

F.17.110.548 Parcel.

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

F.17.110.550 Park.

“Park” means public or private areas of land, with or without buildings, intended for outdoor active or passive recreational uses including, but not limited to, arboretums, horticultural gardens and nature preserves.

F.17.110.555 Parking area, public.

“Parking area, public” or “public parking area” means an open area other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free of charge, or as an accommodation for clients or customers.

F.17.110.560 Parking space.

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

F.17.110.565 Parking space, barrier free.

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

F.17.110.567 Parking space, compact.

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

F.17.110.568 Pedestrian-oriented facade.

“Pedestrian-oriented facade” means the ground floor frontage of a building design, which offers an interesting appearance to attract pedestrian interest in the locality and encourages pedestrian access.

F.17.110.569 Pedestrian-oriented space/plaza.

“Pedestrian-oriented space/plaza” means the area between a building and a public street or pedestrian path that promotes visual and pedestrian access onto the site and that provides amenities and landscaping to enhance the public’s use of the space for passive activities, such as resting, reading, picnicking, and window shopping. The area should be visible from the public right-of-way and accessible to pedestrians, including those with handicaps.

1 **F.17.110.570 Pedestrian-friendly street.**

2 “Pedestrian-friendly street” means any street designed for safe use by both pedestrians and
3 vehicles. A pedestrian-friendly street includes sidewalks or walkways, landscaping, lighting, and
4 other street amenities benefiting pedestrians.

5 **F.17.110.571 Pedestrian walkways.**

6 “Pedestrian walkways” means formal standardized public walkways and informal paths worked
7 into a site’s landscape design that provide a means for pedestrians to travel through the
8 community along street sidewalks or other public routes.

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

10 “Performance based development” (or “PBD”) means a property development characterized by
11 comprehensive planning of the total project, though it may contain a variety of individual lots
12 and/or uses. Typically, such a project may include clustering of structures and preservation of
13 open space with a number of flexible and customized design features specific to the natural
14 features of the property and the uses sought to be implemented. Specific lot area, dimension and
15 setback requirements may be reduced or deleted in order to allow flexibility and innovation in
16 building design or placement, to facilitate allowed densities and to increase open space, critical
17 areas protection and similar components of the project.

18 **F.17.110.575 Perimeter setback.**

19 “Perimeter setback” means in a performance based development (PBD), the horizontal distance
20 between a building line and the exterior boundary of the PBD.

21 **F.17.110.576 Permeable pavement.**

22 “Permeable pavement” means pervious concrete, porous asphalt, permeable pavers or other
23 forms of pervious or porous paving material intended to allow passage of water through the
24 pavement section. It is a hard surface, as defined herein, and often includes an aggregate base
25 that provides structural support and acts as a storm water reservoir.

26 **F.17.110.577 Permitted use.**

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

31 **F.17.110.580 Person.**

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

35 **F.17.110.585 Pet.**

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

38 **F.17.110.590 Pet, nontraditional.**

39 “Pet, nontraditional” or “nontraditional pet” means any pet other than a dog, cat, fish or
40 nonraptor bird.

F.17.110.591 Pharmacies.

“Pharmacies” shall mean businesses primarily engaged in the sale of prescription and over-the-counter drugs, vitamins, first-aid supplies, and other health-related products. Pharmacies that also sell a wide variety of other types of merchandise, such as beauty products, camera equipment, small consumer electronics, gift wares, housewares, and/or cleaning supplies are considered “general merchandise stores.”

F.17.110.595 Pier.

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

F.17.110.600 Places of worship.

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

F.17.110.610 Planning commission.

“Planning commission” means the Kitsap County planning commission.

F.17.110.615 Porch.

“Porch” means a covered attached structure providing a single entrance to a building, which may be either open or enclosed up to one third.

F.17.110.620 Portable sign.

“Portable sign” means a sign which has no permanent attachment to a building or the ground which include, but is not limited to, A-frame, pole attachment, banners and reader board signs.

F.17.110.625 Premises.

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

F.17.110.630 Private airport or heliport.

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

F.17.110.635 Prohibited use.

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

F.17.110.637 Project permit or project permit application.

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

F.17.110.640 Public facilities.

“Public facilities” means streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, waste handling

1 facilities designated as public facilities in the comprehensive solid waste management plan,
2 parks and recreational facilities, schools, public works storage facilities and road sheds, and
3 utilities such as power, phone and cable television.

4 **F.17.110.641 Public sewer system.**

5 “Public sewer system” means a sewerage system which is:

6 A. Owned, operated and maintained by a city, town, county, or other municipal corporation
7 such as a water, sewer, or water-sewer district; public utility district; port district; or federal,
8 state, local agency or department thereof, or a person regulated by the utilities and transportation
9 commission; and

10 B. Consisting of a collection system and necessary trunks, pumping facilities and a means of
11 final treatment and disposal of sewage located on public property, dedicated easements, or within
12 rights-of-way; and

13 C. Approved by or under permit from the Department of Ecology, the Department of Health or
14 the local health officer; and

15 D. Located within a UGA or LAMIRD, or otherwise approved pursuant to RCW
16 36.70A.110(4).

17 **F.17.110.643 Race track, major.**

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

23 **F.17.110.644 Race track, minor.**

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

27 **F.17.110.645 Receiving areas and parcels.**

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

32 **F.17.110.646 Recreational amenity, active.**

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

F.17.110.647 Recreational facility.

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

F.17.110.650 Recreational vehicle.

“Recreational vehicle” means a vehicle such as a motor home, travel trailer, truck and/or camper combination or camp trailer which is designed for temporary human habitation for recreational or emergency purposes and which may be moved on public highways without any special permit for long, wide or heavy loads.

F.17.110.655 Recreational vehicle camping park.

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

F.17.110.656 Related equipment.

“Related equipment” means any piece of equipment related to, incidental to, or necessary for the operation of a nontower wireless communication facility (facility) or tower-based facility. By way of illustration, not limitation, related equipment includes generators.

F.17.110.660 Residential care facility.

“Residential care facility” means a facility that provides daily care, adult day health and/or primary residences for functionally disabled person(s) who are in need of personal care, room and board, and medical care. Such a facility serves at least five, but not more than twenty-five people.

F.17.110.662 Restaurant.

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

F.17.110.663 Restaurant, high-turnover.

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

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

F.17.110.665 Rezone.

“Rezone” means a change in the zoning classification on the Kitsap County zoning map that affects one parcel or a small group of contiguous parcels, a section, or sections of Kitsap County consistent with Chapter 17.450.

1 **F.17.110.666 Rural character.**

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

- 4 A. Open space, the natural landscape, and vegetation predominate over the built environment;
- 5 B. Traditional rural lifestyles, rural-based economies, and opportunities to both live and work
6 in rural areas;
- 7 C. Visual landscapes that are traditionally found in rural areas and communities;
- 8 D. Compatible with the use of the land by wildlife and for fish and wildlife habitat;
- 9 E. Reduces the inappropriate conversion of undeveloped land into low-density development;
- 10 F. Protects natural surface water flows and ground water and surface water recharge and
11 discharge areas; and
- 12 G. Meets the requirements of RCW 36.70A.030(15).

13 **F.17.110.667 Rural cluster.**

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

19 **F.17.110.668 Rural wooded incentive program development.**

20 “Rural wooded incentive program development” means a development within the area
21 designated “rural wooded” on the Kitsap County Comprehensive Plan land use map that has
22 utilized the clustering provisions of this title and for which final approval has been granted by the
23 board of county commissioners.

24 **F.17.110.669 Sending areas and parcels.**

25 “Sending areas and parcels” means undeveloped or partially developed lot(s) or parcel(s) located
26 within a sending area, designated on the Kitsap County zoning map or by further action of the
27 board of county commissioners, that are appropriate to transfer development rights.

28 **F.17.110.671 Setback.**

29 “Setback” means the horizontal distance from a property line to the nearest vertical wall or other
30 element of a building or structure.

31 **F.17.110.673 Shipping container.**

32 “Shipping container” means any repository greater than twenty-five feet in length traditionally
33 commonly used for the interstate or international transport of goods.

34 **F.17.110.675 Sign.**

35 “Sign” means a collection of letters, numbers or symbols which calls attention to a business,
36 product, activity, person or service. Balloons or balloon type devices in excess of five cubic feet,

or flown more than twenty feet in elevation measured from grade, or taller than twenty feet in height measured from mean grade are considered signs for the purposes of this title.

F.17.110.680 Sign permit.

“Sign permit” means a permit which authorizes the placement or alteration of a sign on a particular parcel of property or building.

F.17.110.683 Site.

“Site” means the spatial location of an actual or planned development. A site may contain multiple lots or parcels, excluding public right-of-way.

F.17.110.685 Site plan.

“Site plan” means a plan prepared to scale, showing accurately and with complete dimensions, all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land; including the specific requirements listed in the preapplication meeting summary and/or application.

F.17.110.686 Site-specific amendment.

“Site-specific amendment” means an amendment to the Comprehensive Plan and/or zoning map that affects one or a small group of contiguous parcels. A site-specific amendment most frequently affects only the land use designation and/or zoning classification and not the text of the Comprehensive Plan or a development regulation.

F.17.110.687 Stealth technology.

“Stealth technology” means the camouflaging methods applied to wireless communication facilities (facilities) to render them more visually appealing and to blend the proposed facility into the existing structure or visual backdrop in such a manner to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure and facilities constructed to resemble trees, shrubs, light poles, flag poles, chimneys, church crosses, clock towers, gas station signs, statues, or rocks as appropriate to the surrounding environment.

F.17.110.688 Storage, hazardous materials.

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

F.17.110.689 Storage, self-service.

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

F.17.110.690 Storage, vehicles and equipment.

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

F.17.110.691 Storage, indoor.

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

F.17.110.692 Storage, outdoor.

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

F.17.110.693 Storage container.

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

F.17.110.695 Street.

“Street” means all roads, streets, highways, roadways, freeways, easements, and public rights-of-way used for or designed for vehicular access or use including private roads serving or intended to serve five or more lots. Streets may also include provisions for public utilities, pedestrian walkways, cut and fill slopes, vegetation, and storm drainage facilities.

F.17.110.697 Streetscape.

“Streetscape” means the visual and functional supporting elements of a roadway design that provide aesthetic interest and comfort to the pedestrian. Street amenities serve to define the public space of a sidewalk as well as the adjacent roadway corridor. Pedestrian amenities include pedestrian-oriented plazas, furniture, lighting, and art.

F.17.110.700 Structural alteration.

“Structural alteration” means any change or a repair of the supporting members of a building or structure and may be subject to the provisions of Chapter 17.570.

F.17.110.705 Structure.

“Structure” means that which is built or constructed.

F.17.110.706 Subarea plan.

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

F.17.110.707 (Repealed)*

* Former Section 17.110.707, “Support structure,” was repealed by Ordinance 570 (2019). Subsection 7(5) (App. E) (part) of Ordinance 534 (2016) was formerly codified in this section.

F.17.110.708 Substantially change.

“Substantially change” or “substantial change” means a modification to an existing wireless communications facility (facility) that changes the physical dimensions of the tower or base station in any of the following ways:

A. Height.

1. For tower-based facilities outside the public right-of-way (ROW), the modification increases the height of the tower by more than ten percent, or by the height of one additional

1 antenna array with separation from the nearest existing antenna, not to exceed twenty feet,
2 whichever is greater.

3 2. For tower-based facilities within the ROW and any base station, the modification
4 increases the height of the facility by more than ten percent or ten feet, whichever is greater.

5 3. Changes in height shall be measured from the original support structure in cases where
6 deployments are or will be separated horizontally, such as on rooftops. In all other
7 circumstances, changes in height shall be measured from the original height of the facility
8 plus any modification approved prior to the passage of the federal Spectrum Act (February
9 22, 2012).

10 B. Width.

11 1. For tower-based facilities outside the ROW, the modification adds an appurtenance to
12 the body of the tower that protrudes from the edge of the tower by more than twenty feet, or
13 more than the width of the tower structure at the level of the appurtenance, whichever is
14 greater.

15 2. For tower-based facilities within the ROW and any base station, the appurtenance
16 protrudes from the edge of the structure by more than six feet.

17 C. Equipment Cabinets.

18 1. For any facility or base station outside the ROW, the modification involves installation
19 of more than the standard number of new equipment cabinets for the technology involved,
20 not to exceed four cabinets.

21 2. For any facility or base station within the ROW, the modification involves installation of
22 any new equipment cabinets on the ground if there are no preexisting ground cabinets
23 associated with the structure, or involves the installation of ground cabinets that are more
24 than ten percent larger in height or overall volume than any other ground cabinets associated
25 with the structure.

26 D. Excavation.

27 1. For any facility or base station, the modification entails any excavation or deployment
28 outside the current site. As used herein, for tower-based facilities outside the ROW, "site"
29 shall mean the boundaries of the leased area including utility easements; for all other
30 facilities, "site" shall mean that area adjacent to the structure and within which related
31 equipment already exists.

32 E. Stealth Technology.

33 1. For any facility or base station, the modification would defeat any concealment element.

34 F. Prior Conditions of Approval.

35 1. Except as set forth above, the modification does not comply with conditions of approval
36 for the initial construction or any prior modification.

1 **F.17.110.710 Temporary sign.**

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

5 **F.17.110.715 Temporary structure.**

6 “Temporary structure” means a structure which does not have or is not required by the Uniform
7 Building Code to have a permanent attachment to the ground. Temporary structures are subject
8 to building permits.

9 **F.17.110.720 Temporary use.**

10 “Temporary use” means a use which may occur on a lot on a seasonal basis or for a prescribed
11 period of time which usually would not exceed one year’s duration.

12 **F.17.110.721 Tower.**

13 “Tower” means any structure built for the sole or primary purpose of supporting one or more
14 antennas and related equipment, including but not limited to self-supporting lattice towers, guy
15 towers and monopoles. This does not include small wireless facilities as defined in Section
16 17.110.770(A).

17 **F.17.110.724 Tower, guy-wired.**

18 “Tower, guy-wired” means a tower supported by a tensioned cable designed to add stability to a
19 free-standing structure.

20 **F.17.110.725 Tract.**

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

24 **F.17.110.728 Urban level of sanitary sewer service.**

25 “Urban level of sanitary sewer service” means those forms of wastewater service provision
26 within urban growth areas that serve urban levels of development, including, but not limited to,
27 connections to public sewer systems, membrane biofiltration reactor systems, large on-site septic
28 systems (LOSS), community sewage disposal systems, and existing properly functioning on-site
29 septic systems.

30 **F.17.110.730 Use.**

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

33 **F.17.110.738 Vacation rental.**

34 “Vacation rental” means a dwelling unit used by any person or group of persons, other than the
35 owner, which is occupied through payment to the owner for a period of less than thirty calendar
36 days, counting portions of days as full days.

37 **F.17.110.739 Vegetation-based low impact development best management practices.**

38 “Vegetation-based low impact development best management practices” (LID BMPs) means
39 distributed storm water management practices, integrated into a project design, that emphasize
40 pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and

transpiration. Vegetation-based LID BMPs are a subset of LID BMPs and include, but are not limited to, bioretention, rain gardens, and vegetated roofs.

F.17.110.740 Veterinary clinic.

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

F.17.110.745 Water-dependent use.

“Water-dependent use” means a use or portion of a use which requires direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of its operations.

Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking marinas, aquaculture and float plane facilities.

F.17.110.750 Water-enjoyment use.

“Water-enjoyment use” means a recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general character of the use and which through the location, design, and operation assure the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the public and the shoreline space of the project must be devoted to provisions that accommodate public shoreline enjoyment. Examples may include parks, piers, museums, restaurants, education/scientific reserves, resorts and mixed use projects.

F.17.110.755 Water-oriented use.

“Water-oriented use” means any combination of water-dependent, water-related and/or water-enjoyment uses and serves as an all encompassing definition for priority uses under the Shoreline Management Act (SMA).

F.17.110.760 Water-related use.

“Water-related use” means a use or a portion of a use which is not intrinsically dependent on a waterfront location but whose operation cannot occur economically without a waterfront location. Examples may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker and log storage.

F.17.110.763 Wildlife shelter.

“Wildlife shelter” means a place where nondomesticated animals are given medical or surgical treatment and are cared for during the time of such treatment and until they are ready for release back into the wild. A wildlife shelter generally includes a combination of structures and outdoor enclosures.

F.17.110.764 Wireless.

“Wireless” means transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, broadband personal communication service, microwave, satellite, or radio signals.

1 **F.17.110.765 (Repealed)***

2 * Former Section 17.110.765, “Wireless communication antenna array,” was repealed by
3 Ordinance 570 (2019). Subsection 7(5) (App. E) (part) of Ordinance 534 (2016) was formerly
4 codified in this section.

5 **F.17.110.770 Wireless communication facility.**

6 “Wireless communication facility” means the antennas, nodes, control boxes, towers, poles,
7 conduits, ducts, pedestals, electronics and other related equipment used for the purpose of
8 transmitting, receiving, distributing, providing, or accommodating wireless communications
9 services.

10 A. A “small wireless facility” means a facility that meets each of the following conditions:

11 1. The facility:

12 a. Is mounted on a structure fifty feet or less in height, with the height including any
13 antennas; or

14 b. Is mounted on a structure no more than ten percent taller than other adjacent
15 structures; or

16 c. Does not extend an existing structure on which it is to be located to a height of more
17 than fifty feet or by more than ten percent, whichever is greater;

18 2. Each antenna associated with the facility, excluding associated antenna equipment, is no
19 more than three cubic feet in volume; and

20 3. All other wireless equipment associated with the structure, including the wireless
21 equipment associated with the antenna and any pre-existing associated equipment on the
22 structure, is no more than twenty-eight cubic feet in volume; and

23 4. The facility is not required to be registered with the FCC under 47 CFR Part 17; and

24 5. The facility does not result in human exposure to radio frequency radiation in excess of
25 the applicable FCC safety standards in 47 CFR 1.1307(b).

26 B. A “nontower wireless facility” means a facility that is not a small wireless facility and does
27 not involve, as part of the initial installation or construction, a wireless support structure. The
28 term includes antennas, data collection units, and related equipment, but shall not include any
29 wireless support structure. Except as allowed for small wireless facilities, the need to construct a
30 wireless support structure will transform the nontower facility into a tower-based facility.

31 C. A “tower-based wireless facility” means a facility installed or constructed with a tower as
32 defined in Section 17.110.721. Unless a DAS hub facility meets the definition of a small wireless
33 facility, the DAS hub shall be considered a tower-based facility.

34 **F.17.110.775 Wireless communication support structure.**

35 “Wireless communication support structure” means a freestanding structure, such as a tower-
36 based wireless communication facility, or any other support structure that could (or does) support
37 the placement or installation of a facility.

F.17.110.780 (Repealed)

* Former Section 17.110.780, “Whip antenna,” was repealed by Ordinance 570 (2019).
Subsection 7(5) (App. E) (part) of Ordinance 534 (2016) was formerly codified in this section.

F.17.110.783 Wrecking yard.

“Wrecking yard” means a place where damaged, inoperable or obsolete machinery such as cars, trucks and trailers, or parts thereof, are stored, bought, sold, accumulated, exchanged, disassembled or handled.

F.17.110.785 Yard.

“Yard” means any area on the same lot with a building or a structure, which area is unoccupied and unobstructed by any structure from the ground upward to the sky.

F.17.110.790 Yard, front.

“Yard, front” or “front yard” means an area extending the full width of the lot between a building and the front (or roadway) lot line, except as specified elsewhere in this title.

F.17.110.795 Yard, rear.

“Yard, rear” or “rear yard” means an open space area extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.

F.17.110.800 Yard, side.

“Yard, side” or “side yard” means an area extending from the front yard to the rear yard between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.

F.17.110.805 Zone.

“Zone” means a section or sections of Kitsap County within which the standards governing the use of land, buildings, and premises are uniform, which is provided for in Chapter 17.120.

Chapter F.17.410

ALLOWED USES

Sections:

- F.17.410.010 Categories of uses established.
- F.17.410.020 Establishment of zoning use tables.
- F.17.410.030 Interpretation of tables.
- F.17.410.040 Zoning use tables.
- F.17.410.042 Rural, resource, and urban residential zones use table.
- F.17.410.044 Commercial, industrial, parks, and public facility zones use table.
- F.17.410.046 Limited areas of more intensive rural development (LAMIRD) zones use table.
- F.17.410.050 Footnotes for zoning use tables.
- F.17.410.060 Provisions applying to special uses.

F.17.410.010 Categories of uses established.

This chapter establishes permitted, conditional, and prohibited uses, by zone, for all properties within Kitsap County. All uses in a given zone are one of four types:

A. Permitted Use. Land uses allowed outright within a zone and subject to provisions within Kitsap County Code.

B. Administrative Conditional Use. Land uses which may be permitted within a zoning designation following review by the director to establish conditions mitigating impacts of the use and to ensure compatibility with other uses in the designation.

C. Hearing Examiner Conditional Use. Land uses with special characteristics that may not generally be appropriate within a zoning designation, but may be permitted subject to review by the hearing examiner to establish conditions to protect public health, safety and welfare.

D. Prohibited Use. Land uses specifically enumerated as prohibited within a zone.

F.17.410.020 Establishment of zoning use tables.

The tables in Sections F.17.410.042 through F.17.410.046 establish allowed uses in the various zoning designations and whether the use is allowed as “Permitted,” “Administrative Conditional Use,” or “Hearing Examiner Conditional Use.” Uses with approval processes that will be determined at a future date are identified as “Reserved.” The zone is located at the top of the table and the specific use is located on the far left of the vertical column of these tables.

F.17.410.030 Interpretation of tables.

A. Legend. The following letters have the following meanings when they appear in the box at the intersection of the column and the row:

P	Permitted Use
ACUP	Administrative Conditional Use Permit
C	Hearing Examiner Conditional Use Permit
PBD	Performance Based Development
--	Prohibited Use
R	Reserved

B. Additional Use-Related Conditions. The small numbers (subscript) in a cell indicate additional requirements or detailed information for uses in specific zones. Those additional requirements can be found in the table footnotes in Section F.17.410.050. All applicable requirements shall govern a use whether specifically identified in this chapter or not.

C. Unclassified Uses. Except as provided in Section F.17.100.040, Allowed uses, if a use is not listed in the use column, the use is prohibited in that designation.

F.17.410.040 Zoning use tables.

There are three separate tables addressing the following general land use categories and zones:

A. Section F.17.410.042, Rural, Resource, and Urban Residential Zones Use Table.

1. Rural residential (RR).

3. Rural wooded (RW).

C. Section F.17.410.046, Limited Areas of More Intensive Rural Development (LAMIRD) Zones Use Table.

7. Port Gamble rural historic town commercial (RHTC).

8. Port Gamble rural historic town residential (RHTR).

9. Port Gamble rural historic town waterfront (RHTW).

F.17.410.042 Rural, resource, and urban residential zones use table.

Comprehensive Plan Land Use Designation		Rural Residential	Rural Wooded
Zoning Classification		RR (101)	RW (101)
Categorical Use			
RESIDENTIAL USES			
100	Accessory dwelling units (1)	C	C
102	Accessory living quarters (1)	P	P
104	Accessory use or structure (1)(18)(51)	P	P
106	Adult family home	ACUP P (41)	ACUP P (41)
108	Bed and breakfast house or vacation rental	ACUP C (34)	ACUP C (34)
109	Boarding house (102)	--	--
110	Caretaker’s dwelling	--	--
112	Convalescent home or congregate care facility (97)	--	--
114	Cottage housing developments	--	--
116	Dwelling, duplex	P (3)	P (3)
118	Dwelling, existing	P	P

F.17.410.042 Rural, resource, and urban residential zones use table.

Comprehensive Plan Land Use Designation		Rural Residential	Rural Wooded
Zoning Classification		RR (101)	RW (101)
Categorical Use			
120	Dwelling, multifamily	--	--
122	Dwelling, single-family attached	C	--
124	Dwelling, single-family detached (includes manufactured homes)	P (43)	P (43)
126	Guest house (1)	P	P
128	Home business (1)(53)	ACUP	ACUP
130	Hotel/motel (1)(52)	--	--
132	Mobile homes	P (43)	P
134	Residential care facility	--	--
COMMERCIAL/BUSINESS USES			
200	Accessory use or structure (1)(51)	P	P
202	Adult entertainment (1)	--	--
204	Ambulance service	--	--
206	Auction house	--	--
208	Auto parts and accessory stores	--	--
210	Automobile rentals	--	--
212	Automobile repair and car washes	--	--
214	Automobile service station (6)	--	--
216	Automobile, recreational vehicle or boat sales	--	--
218	Nonmotorized recreation rentals (95)	--	--
220	Boat/marine supply stores	--	--
222	Brew pubs	C (103)(106)	C (103)(106)
224	Clinic, medical	--	--
226	Conference center	C (12)(104)	C (12)(104)
228	Custom art and craft stores	--	--
230	Day-care center (14)	C	--
232	Day-care center, family (14)	P	--

F.17.410.042 Rural, resource, and urban residential zones use table.

Comprehensive Plan Land Use Designation		Rural Residential	Rural Wooded
Zoning Classification		RR (101)	RW (101)
Categorical Use			
234	Drinking establishments	--	--
236	Engineering and construction offices	--	--
238	Espresso stands (58)	--	--
240	Equipment rentals	--	--
242	Farm and garden equipment and sales	--	--
244	Financial, banking, mortgage and title institutions	--	--
245	Fitness center	--	--
246	General office and management services – less than 4,000 s.f.	--	--
248	General office and management services – 4,000 to 9,999 s.f.	--	--
250	General office and management services – 10,000 s.f. or greater	--	--
252	General retail merchandise stores – less than 4,000 s.f.	--	--
254	General retail merchandise stores – 4,000 to 9,999 s.f.	--	--
256	General retail merchandise stores – 10,000 to 15,000 s.f.	--	--
258	General retail merchandise stores – 15,001 to 24,999 s.f.	--	--
260	General retail merchandise stores – 25,000 s.f. or greater	--	--
262	Kennels or pet day-cares (1)	C (12)	C (12)
264	Kennels, hobby	P	P
266	Laundromats and laundry services	--	--
268	Lumber and bulky building material sales	--	--
270	Mobile home sales	--	--
272	Nursery, retail	C	--
274	Nursery, wholesale	P	P
276	Off-street private parking facilities	--	--
278	Personal services – skin care, massage, manicures, hairdresser/barber	--	--
280	Pet shop – retail and grooming	--	--
282	Research laboratory	--	--
284	Restaurants	C (12)	C (12)

F.17.410.042 Rural, resource, and urban residential zones use table.

Comprehensive Plan Land Use Designation		Rural Residential	Rural Wooded
Zoning Classification		RR (101)	RW (101)
Categorical Use			
		(103)(106)	(103)(106)
286	Restaurants, high-turnover	--	--
288	Recreational vehicle rental	--	--
290	Temporary offices and model homes (27)	ACUP	--
292	Tourism facilities, including outfitter and guide facilities	C (12) (104)	C (12) (104)
294	Tourism facilities, including seaplane and tour boat terminals	--	--
296	Transportation terminals	--	--
298	Veterinary clinics/animal hospitals/wildlife shelters	C (8) PBD (8)(12) (103)	-- PBD (8)(12) (103)
RECREATIONAL/CULTURAL USES			
300	Accessory use or structure (1)(51)	P	P
302	Amusement centers	--	--
304	Carnival or circus	--	--
306	Club, civic or social (12)	C (12)	--
308	Golf courses	C (12)	--
310	Marinas	--	--
312	Movie/performance theaters, indoor	--	--
314	Movie/performance theaters, outdoor	--	--
316	Museum, galleries, aquarium, historic or cultural exhibits	--	--
318	Parks and open space	P	P
320	Race track, major	--	--
322	Race track, minor	--	C (12)
324	Recreational facilities, private	C (12)	C
326	Recreational facilities, public	ACUP	C
328	Recreational vehicle camping parks	C (12)(46) (104)	C (12)(46) (104)

F.17.410.042 Rural, resource, and urban residential zones use table.

Comprehensive Plan Land Use Designation		Rural Residential	Rural Wooded
Zoning Classification		RR (101)	RW (101)
Categorical Use			
330	Zoo	--	--
INSTITUTIONAL USES			
400	Accessory use or structure (1)(51)	P	P
402	Government/public structures	ACUP	--
404	Hospital	--	--
406	Places of worship (12)	C (12)	--
408	Private or public schools (20)	C	--
410	Public facilities and electric power and natural gas utility facilities, substations, ferry terminals, and commuter park-and-ride lots (16)	C	C
INDUSTRIAL USES			
500	Accessory use or structure (1)(51)	P	P
502	Air pilot training schools	--	--
504	Assembly and packaging operations	--	--
506	Boat yard	--	--
508	Cemeteries, mortuaries, and crematoriums (10)	C	C
510	Cold storage facilities	--	--
512	Contractor’s storage yard (21)	C (12)	--
514	Food production, brewery or distillery	-- C (12) (104)	-- C (12) (104)
516	Fuel distributors	--	--
518	Helicopter pads (13)	--	--
520	Manufacturing and fabrication, light	-- C (12) (104)(105)	-- C (12) (104)(105)
522	Manufacturing and fabrication, medium	--	--
524	Manufacturing and fabrication, heavy	--	--
526	Manufacturing and fabrication, hazardous	--	--

F.17.410.042 Rural, resource, and urban residential zones use table.

Comprehensive Plan Land Use Designation		Rural Residential	Rural Wooded
Zoning Classification		RR (101)	RW (101)
Categorical Use			
528	Recycling centers	--	--
530	Rock crushing	--	C
532	Slaughterhouse or animal processing	--	--
534	Storage, hazardous materials	--	--
536	Storage, indoor	--	--
538	Storage, outdoor	--	--
540	Storage, self-service	--	--
542	Storage, vehicle and equipment (1)	-- (18)	--
544	Top soil production, stump grinding	C (22)	--
546	Transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities	--	--
548	Uses necessary for airport operation such as runways, hangars, fuel storage facilities, control towers, etc. (13)	--	--
550	Warehousing and distribution	--	--
552	Wrecking yards and junk yards (1)	--	--
RESOURCE LAND USES			
600	Accessory use or structure (1)(51)	P	P
602	Aggregate extractions sites	C	C
606	Aquaculture practices	C	C
608	Forestry	P	P
610	Shellfish/fish hatcheries and processing facilities	--	--

1
2

F.17.410.046 Limited areas of more intensive rural development (LAMIRD) zones use table.

Comprehensive Plan Land Use Designation		TYPE I LAMIRDS		
Zoning Classification		Rural Historic LAMIRD		
Categorical Use		RHTC (25) (101)	RHTR (25) (101)	RHTW (25) (101)
RESIDENTIAL USES				
100	Accessory dwelling units (1)	C	C	--
102	Accessory living quarters (1)	C	P	P (108)
104	Accessory use or structure (1)(18)(51)	P	P	P (108)
106	Adult family home	ACUP P (41)	ACUP P (41)	ACUP P (41)
108	Bed and breakfast house or vacation rental	ACUP C (34)	ACUP C (34)	ACUP C (34)
109	Boarding house (102)	ACUP (98)	ACUP (98)	--
110	Caretaker's dwelling	P	--	P (108)
112	Convalescent home or congregate care facility (97)	ACUP	ACUP	--
114	Cottage housing developments	--	ACUP	ACUP
116	Dwelling, duplex	P	P	--
118	Dwelling, existing	P	P	P
120	Dwelling, multifamily	ACUP	ACUP	--
122	Dwelling, single-family attached	P	P	P (108)
124	Dwelling, single-family detached (includes manufactured homes)	P (43)	P (43)	P (108)
126	Guest house (1)	P	P	P (108)
128	Home business (1)(53)	P	P	P
130	Hotel/motel	ACUP	--	ACUP
132	Mobile homes	--	--	--

F.17.410.046 Limited areas of more intensive rural development (LAMIRD) zones use table.

Comprehensive Plan Land Use Designation		TYPE I LAMIRDS		
Zoning Classification		Rural Historic LAMIRD		
Categorical Use		RHTC (25) (101)	RHTR (25) (101)	RHTW (25) (101)
134	Residential care facility	--	--	--
COMMERCIAL/BUSINESS USES				
200	Accessory use or structure (1)(51)	P	P	P
202	Adult entertainment (1)	--	--	--
204	Ambulance service	--	--	--
206	Auction house	--	--	--
208	Auto parts and accessory stores	P (108)	--	--
210	Automobile rentals	--	--	--
212	Automobile repair and car washes	ACUP	--	--
214	Automobile service station (6)	ACUP	--	--
216	Automobile, recreational vehicle or boat sales	--	--	--
218	Nonmotorized recreation rental (95)	P	--	P
220	Boat/marine supply stores	P (108)	--	P (108)
222	Brew pubs	ACUP	--	ACUP
224	Clinic, medical	ACUP	--	ACUP
226	Conference center	ACUP	--	ACUP
228	Custom art and craft stores	P (108)	--	P (108)
230	Day-care center (14)	ACUP	C	--
232	Day-care center, family (14)	ACUP	C	--
234	Drinking establishments	C	--	C
236	Engineering and construction offices	--	--	--
238	Espresso stands (58)	P (108)	--	P (108)
240	Equipment rentals	--	--	--
242	Farm and garden equipment and sales	--	--	--
244	Financial, banking, mortgage and title institutions	P (108)	--	--
245	Fitness center	P (108)	--	ACUP

F.17.410.046 Limited areas of more intensive rural development (LAMIRD) zones use table.

Comprehensive Plan Land Use Designation		TYPE I LAMIRDS		
Zoning Classification		Rural Historic LAMIRD		
Categorical Use		RHTC (25) (101)	RHTR (25) (101)	RHTW (25) (101)
246	General office and management services – less than 4,000 s.f.	P (108)	--	P (108)
248	General office and management services – 4,000 to 9,999 s.f.	P (38) (103) (108)	--	P (38) (103) (108)
250	General office and management services – 10,000 s.f. or greater	--	--	--
252	General retail merchandise stores – less than 4,000 s.f.	P (108)	--	P (108)
254	General retail merchandise stores – 4,000 to 9,999 s.f.	P (103) (108)	--	--
256	General retail merchandise stores – 10,000 to 15,000 s.f.	--	--	--
258	General retail merchandise stores – 15,001 to 24,999 s.f.	--	--	--
260	General retail merchandise stores – 25,000 s.f. or greater	--	--	--
262	Kennels or pet day-cares (1)	--	--	--
264	Kennels, hobby	--	P	--
266	Laundromats and laundry services	P (108)	--	--
268	Lumber and bulky building material sales	--	--	--
270	Mobile home sales	--	--	--
272	Nursery, retail	P (108)	--	--
274	Nursery, wholesale	ACUP	--	--
276	Off-street private parking facilities	ACUP	--	ACUP
278	Personal services – skin care, massage, manicures, hairdresser/barber	P (108)	--	P (108)
280	Pet shop – retail and grooming	P (108)	--	--
282	Research laboratory	ACUP	--	ACUP
284	Restaurants	P (108)	--	P (108)
286	Restaurants, high-turnover	P (108)	--	ACUP (107)

F.17.410.046 Limited areas of more intensive rural development (LAMIRD) zones use table.

Comprehensive Plan Land Use Designation		TYPE I LAMIRDS		
Zoning Classification		Rural Historic LAMIRD		
Categorical Use		RHTC (25) (101)	RHTR (25) (101)	RHTW (25) (101)
288	Recreational vehicle rental	--	--	--
290	Temporary offices and model homes (27)	P (108)	P (108)	P (108)
292	Tourism facilities, including outfitter and guide facilities	P (108)	--	ACUP
294	Tourism facilities, including seaplane and tour boat terminals	--	--	C
296	Transportation terminals	--	--	C
298	Veterinary clinics/animal hospitals/wildlife shelters	ACUP	PBD (103)	--
RECREATIONAL/CULTURAL USES				
300	Accessory use or structure (1)(51)	P	P	P
302	Amusement centers	P (11) (108)	--	--
304	Carnival or circus	P (11) (108)	--	--
306	Club, civic or social (12)	ACUP	C	ACUP
308	Golf courses	--	--	--
310	Marinas	--	--	PBD
312	Movie/performance theaters, indoor	P (108)	--	--
314	Movie/performance theaters, outdoor	ACUP	--	--
316	Museum, galleries, aquarium, historic or cultural exhibits	P (108)	C	P (108)
318	Parks and open space	P	P	P
320	Race track, major	--	--	--
322	Race track, minor	--	--	--
324	Recreational facilities, private	ACUP	C	ACUP
326	Recreational facilities, public	ACUP	C	ACUP
328	Recreational vehicle camping parks	--	--	--
330	Zoo	--	--	--

F.17.410.046 Limited areas of more intensive rural development (LAMIRD) zones use table.

Comprehensive Plan Land Use Designation		TYPE I LAMIRDS		
Zoning Classification		Rural Historic LAMIRD		
Categorical Use		RHTC (25) (101)	RHTR (25) (101)	RHTW (25) (101)
INSTITUTIONAL USES				
400	Accessory use or structure (1)(51)	P	P	P
402	Government/public structures	ACUP	ACUP	ACUP
404	Hospital	--	--	--
406	Places of worship (12)	ACUP	ACUP	ACUP
408	Private or public schools (20)	ACUP	ACUP	ACUP
410	Public facilities and electric power and natural gas utility facilities, substations, ferry terminals, and commuter park-and-ride lots (16)	C	C	C
INDUSTRIAL USES				
500	Accessory use or structure (1)(51)	P	P	P
502	Air pilot training schools	--	--	--
504	Assembly and packaging operations	--	--	--
506	Boat yard	--	--	--
508	Cemeteries, mortuaries, and crematoriums (10)	--	--	--
510	Cold storage facilities	--	--	--
512	Contractor's storage yard (21)	--	--	--
514	Food production, brewery or distillery	ACUP	--	ACUP
516	Fuel distributors	--	--	--
518	Helicopter pads (13)	--	--	--
520	Manufacturing and fabrication, light	ACUP	--	ACUP
522	Manufacturing and fabrication, medium	--	--	--
524	Manufacturing and fabrication, heavy	--	--	--
526	Manufacturing and fabrication, hazardous	--	--	--
528	Recycling centers	--	--	--
530	Rock crushing	--	--	--

F.17.410.046 Limited areas of more intensive rural development (LAMIRD) zones use table.

Comprehensive Plan Land Use Designation		TYPE I LAMIRDS		
Zoning Classification		Rural Historic LAMIRD		
Categorical Use		RHTC (25) (101)	RHTR (25) (101)	RHTW (25) (101)
532	Slaughterhouse or animal processing	--	--	--
534	Storage, hazardous materials	--	--	--
536	Storage, indoor	--	--	--
538	Storage, outdoor	--	--	--
540	Storage, self-service	--	--	--
542	Storage, vehicle and equipment (1)	--	--	--
544	Top soil production, stump grinding	--	--	--
546	Transshipment facilities, including docks, wharves, marine rails, cranes, and barge facilities	--	--	C
548	Uses necessary for airport operation such as runways, hangars, fuel storage facilities, control towers, etc. (13)	--	--	--
550	Warehousing and distribution	--	--	--
552	Wrecking yards and junk yards (1)	--	--	--
RESOURCE LAND USES				
600	Accessory use or structure (1)(51)	P	P	P
602	Aggregate extractions sites	--	--	--
606	Aquaculture practices	--	--	C
608	Forestry	P	P	P
610	Shellfish/fish hatcheries and processing facilities	--	--	C

F.17.410.050 Footnotes for zoning use tables.

A. Where noted on the preceding use tables, the following additional restrictions apply:

1. Where applicable subject to Section F.17.410.060, Provisions applying to special uses.
3. When located within urban growth areas (except UR), duplexes shall require five thousand square feet of minimum lot area. Duplexes located in the UR zone or outside of urban growth areas shall require double the minimum lot area required for the zone.
6. Where permitted, automobile service stations shall comply with the following provisions:

- a. Sale of merchandise shall be conducted within a building, except for items used for the maintenance and servicing of automotive vehicles;
- b. No automotive repairs other than incidental minor repairs or battery or tire changing shall be allowed;
- c. The station shall not directly abut a residential zone; and
- d. All lighting shall be of such illumination, direction, and color as not to create a nuisance on adjoining property or a traffic hazard.

8. A veterinary clinic, animal hospital or wildlife shelter shall not be located within fifty feet of a lot line in the rural protection (RP) or rural residential (RR) zones except within the boundary of a town master plan approved pursuant to Section 17.360C.030. In addition, the applicant may be required to provide additional measures to prevent or mitigate offensive noise, odor, light and other impacts.

10. A cemetery, crematorium, mausoleum, or columbarium shall have its principal access on a county roadway with ingress and egress so designed as to minimize traffic congestion, and shall provide required off-street parking spaces. No mortuary or crematorium in conjunction with a cemetery is permitted within two hundred feet of a lot in a residential zone.

11. A circus, carnival, animal display, or amusement ride may be allowed through a Type I administrative review in all industrial zones and any commercial zones, except neighborhood commercial (NC), Keyport village commercial (KVC), or Manchester village commercial (MVC) for a term not to exceed ninety days, with a written approval of the director. The director may condition such approval as appropriate to the site. The director's decision may be appealed to the hearing examiner.

12. All buildings and activities shall be set back a minimum of fifty feet in FRL, MRO, RW, RP, RR, RCO, RI or parks zones and thirty-five feet in all other zones from a side or rear lot line. All such uses shall access directly to a county right-of-way determined to be adequate by the county engineer except when included within the boundary of a town master plan approved pursuant to Section 17.360C.030 and be able to provide access without causing traffic congestion on local residential streets. Any such use shall not be materially detrimental to any adjacent (existing or future) residential development due to excessive traffic generation, noise, light or other circumstances. The director may increase setback, buffer and landscaping standards or impose other conditions to address potential impacts.

13. Heliports for the purpose of medical emergency facilities may be permitted in certain zones subject to a conditional use permit. All private landing strips, runways, and heliports shall be so designed and oriented that the incidences of aircraft passing directly over dwellings during their landing or taking off patterns are 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.

1 14. In those zones that prohibit residential uses, family day-care centers are only allowed
2 in existing residential structures. Day-care centers shall have a minimum site size of ten
3 thousand square feet and shall provide and thereafter maintain outdoor play areas with a
4 minimum area of seventy-five square feet per child of total capacity. A sight-obscuring fence
5 of at least four feet in height shall be provided, separating the play area from abutting lots.
6 Adequate off-street parking and loading space shall be provided.

7 16. The erection, construction, alteration, or maintenance of overhead or underground
8 utilities by a public utility, municipality, governmental agency, or other approved party shall
9 be permitted in any zone; provided, that any permanent above-ground structures not located
10 within a right-of-way or easement shall be subject to the review of the director. Utility
11 transmission and distribution lines and poles may exceed the height limits otherwise
12 provided for in this title. Water towers which exceed thirty-five feet in height, solid waste
13 collection, transfer and/or handling sites in any zone shall be subject to a conditional use
14 permit. These provisions do not apply to wireless communication facilities, which are
15 specifically addressed in Chapter 17.530.

16 18. One piece of heavy equipment may be stored in any single-family zone; provided, that
17 it is either enclosed within a permitted structure, or screened to the satisfaction of the
18 director.

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

22 21. Outdoor contractors' storage yards accessory to a primary residence shall be limited to
23 not more than ten heavy equipment vehicles or heavy construction equipment. The use shall
24 be contained outside of required setbacks within a contained yard or storage building. The
25 storage yard and/or building shall be screened from adjacent properties with a screening
26 buffer a minimum of twenty-five feet in width and capable of providing functional screening
27 of the use. Minimum lot size shall be one hundred thousand square feet.

28 22. Stump grinding, soil-combining and composting in rural protection and rural
29 residential zones must meet the following requirements:

- 30 a. The subject property(ies) must be one hundred thousand square feet or greater in
31 size;
- 32 b. The use must take direct access from a county-maintained right-of-way;
- 33 c. A fifty-foot natural vegetation buffer must be maintained around the perimeter of
34 the property(ies) to provide adequate screening of the use from neighboring properties;
- 35 d. The subject property(ies) must be adjacent to an industrial zone or a complementary
36 public facility such as a sewage treatment plant or solid waste facility;
- 37 e. The proposed use must mitigate noise, odor, dust and light impacts from the project;
38 and

- 1 f. The use must meet all other requirements of this title.
- 2 25. All uses must comply with the town development objectives of Section 17.360C.020.
- 3 27. Subject to the temporary permit provisions of Chapter 17.105.
- 4 34. Bed and breakfast houses or vacation rentals with one to four rooms require an
5 administrative conditional use permit; bed and breakfast houses with five or more rooms
6 require a hearing examiner conditional use permit. Bed and breakfast houses serving meals
7 to patrons other than overnight guests require a hearing examiner conditional use permit.
- 8 38. Customer service oriented uses over five thousand square feet are prohibited.
- 9 41. Adult family homes serving one to six residents (excluding proprietors) are permitted
10 uses. Adult family homes serving more than six applicable residents (excluding proprietors)
11 require an administrative conditional use permit (ACUP).
- 12 43. Where a family member is in need of special, frequent and routine care and assistance
13 by reason of advanced age or ill health, a manufactured home or mobile home may be placed
14 upon the same lot as a single-family dwelling for occupancy by the individual requiring or
15 providing such special care subject to the following limitations:
- 16 a. Not more than two individuals shall be the recipients of special care;
- 17 b. No rent, fee, payment or charge in lieu thereof may be made for use of the single-
18 family dwelling or manufactured/mobile home as between the recipients or providers of
19 special care;
- 20 c. The manufactured/mobile home must meet the setback requirements of the zone in
21 which it is situated;
- 22 d. A permit must be obtained from the director authorizing such special care
23 manufactured/mobile home. Such permit shall remain in effect for one year and may,
24 upon application, be extended for one-year periods, provided there has been compliance
25 with the requirements of this section;
- 26 e. The manufactured/mobile home must be removed when the need for special care
27 ceases; and
- 28 f. Placement of the manufactured/mobile home is subject to applicable health district
29 standards for water service and sewage disposal.
- 30 46. Allowed only as an accessory use to a park or recreational facility greater than twenty
31 acres in size except when included within the boundaries of a town master plan approved
32 pursuant to Section 17.360C.030. If included within a town master plan boundary, the use
33 shall not include more than sixty spaces per five acres. All use of recreational vehicles must
34 be transient in nature.

1 50. The Manchester Design Standards sets forth policies and regulations for properties
2 within the Manchester village commercial (MVC) zone. All developments within the MVC
3 zone must be consistent with the standards found in Chapter 17.700, Appendix C4.

4 51. Storage of shipping containers is prohibited unless allowed as part of a land use permit
5 and/or approval. Placement of storage containers allowed only with an approved temporary
6 permit subject to the provisions of Section 17.105.090(I).

7 52. Aggregate production and processing only. Allowed only if directly connected to an
8 approved surface mining permit approved by the Washington State Department of Natural
9 Resources (DNR).

10 53. Commercial or industrial uses otherwise prohibited in the zone may be allowed as a
11 component of a home business subject to the requirements of Section F17.410.060(B).

12 58. In addition to the other standards set forth in the Kitsap County Code, espresso stands
13 are subject to the following conditions:

14 a. Drive aisles/stacking lanes shall be designed to accommodate a minimum of three
15 vehicles per service window/door (i.e., eight and one-half feet in width and sixty feet in
16 length) with direct access to the service window. The drive aisles/stacking lanes shall be
17 designed to prevent any vehicles from interfering with public or private roadways,
18 pedestrian circulation, traffic circulation, parking areas or other required development
19 amenities.

20 b. Subject to provisions set forth in Chapter 17.490, drive aisles and parking areas
21 must also be paved in urban growth areas and include, at minimum, hard compacted
22 surfaces in rural areas. Such surfaces must be addressed with required drainage facilities.
23 A joint parking agreement shall be required if parking cannot be accommodated on site.

24 c. All structures must be permanently secured to the ground.

25 d. Restroom facilities must be available for employees. Portable or temporary restroom
26 facilities shall not be used to meet this requirement.

27 95. Allowed on all port district owned property.

28 97. Cottage housing is an allowed use in conjunction with congregate care facilities and
29 shall be reviewed under the congregate care facility permit review process.

30 98. Number of individual boarding rooms may not exceed the maximum density for the
31 zone or six boarding rooms, whichever is greater.

32 101. Transitory accommodations allowed only pursuant to Chapter 17.505.

33 102. Boarding houses must have health district approval prior to occupancy.

34 103. Allowed only within the boundary of a town master plan approved pursuant to
35 Section 17.360C.030.

104. Allowed only within the boundary of a town master plan approved pursuant to Section 17.360C.030 on parcels of five acres or larger with all uses set back one hundred feet from all parcels not included within the boundary.

105. Allowed only within the boundary of a town master plan approved pursuant to Section 17.360C.030, and where uses are limited to the manufacture of agricultural products.

106. Allowed only within the boundary of a town master plan approved pursuant to Section 17.360C.030, and where such uses are secondary to a primary agricultural or recreational use of the property and shall not exceed fifty total seats and/or five thousand square feet of gross floor area.

107. Drive-in and drive-through service is prohibited.

108. Notification to the Port Gamble/S'Klallam and Suquamish Tribes is required by the applicant prior to determination of complete application. Written proof of notification is required.

F.17.410.060 Provisions applying to special uses.

A. In addition to other standards and requirements imposed by this title, all uses included in this section shall comply with the provisions stated herein. Should a conflict arise between the requirements of this section and other requirements of this title, the most restrictive shall apply.

B. Uses with Additional Restrictions. Businesses associated with a mineral resource overlay (MRO) designation shall not be subject to these restrictions.

1. Home Business. Home businesses may be allowed for commercial or industrial uses within residential zones subject to the following conditions:

a. Incidental home businesses, as defined below, shall be permitted in all residential zones and have no permit required.

i. Business uses shall be incidental and secondary to the dominant residential use;

ii. 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;

iii. The business shall be conducted entirely within the residence;

iv. The residence shall be occupied by the owner of the business;

v. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes;

vi. No clients or customers shall visit or meet for an appointment at the residence;

vii. No employees or independent contractors are allowed to work in the residence other than family members who reside in the residential dwelling;

viii. No activities that create noise, increase risk of fire, or in any way threaten the safety and tranquility of neighboring residents are permitted;

ix. No more than two pick-ups and/or deliveries per day are allowed, not including normal U.S. mail;

x. The business shall not occupy more than twenty-five percent of the gross floor area of the residence; and

xi. No signs to advertise the business/occupation shall be allowed on the premises (except attached to mailbox not to exceed one square foot).

b. Minor home businesses, 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.

i. Business uses shall be incidental and secondary to the dominant residential use;

ii. 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;

iii. The residence shall be occupied by the owner of the business;

iv. The business shall occupy no more than thirty percent of the gross floor area of the residence;

v. The business shall not infringe upon the right of the neighboring residents to enjoy the peaceful occupancy of their homes;

vi. No more than two employees, including proprietors (or independent contractors), are allowed;

vii. Nonilluminated signs not exceeding four square feet are permitted, subject to a sign permit approved by the director;

viii. No outside storage shall be allowed; and

ix. 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.

c. Moderate home businesses, as defined below, shall be permitted in RW, RP, and RR zones subject to approval by the director. Said approval is not transferable to any individual, future property owner or location.

1 i. Business uses shall be incidental and secondary to the dominant residential use;

2 ii. The residential character of the building shall be maintained and the business
3 shall be conducted in such a manner as to moderate any outside appearance of a
4 business;

5 iii. The residence shall be occupied by the owner of the business;

6 iv. The business shall not infringe upon the right of the neighboring residents to
7 enjoy the peaceful occupancy of their homes;

8 v. No more than five employees (or independent contractors) are allowed;

9 vi. Nonilluminated signs not exceeding four square feet are permitted, subject to a
10 sign permit approved by the director; and

11 vii. In order to ensure compatibility with the dominant residential purpose, the
12 director may require:

13 (a) Patronage by appointment.

14 (b) Additional off-street parking.

15 (c) Screening of outside storage.

16 (d) A conditional use permit (required for engine or vehicle repair or
17 servicing).

18 (e) Other reasonable conditions.

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

21 a. Pets which are kept inside of a primary structure as household pets in aquariums,
22 terrariums, cages or similar containers shall not be limited in number by this section.
23 Other pets, excluding cats, which are kept indoors shall be limited to five;

24 b. Pets which are kept outside of the primary structure shall be limited to three per
25 household on lots less than twenty thousand square feet in area, only one of which may
26 be a nontraditional pet; five per household on lots of twenty thousand to thirty-five
27 thousand square feet, only two of which may be nontraditional pets; with an additional
28 two pets per acre of site area over thirty-five thousand square feet up to a limit of
29 twenty; and

30 c. No feeding area or structure used to house, confine or feed pets shall be located
31 closer than the minimum yard setbacks for the zone in which they are located. No
32 feeding area or structure used to house, confine or feed nontraditional pets or exotic
33 animals shall be located closer than fifty feet from any residence on adjacent property.

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

4 a. An ADU shall be allowed as a permitted use in those areas contained within an
5 urban growth boundary;

6 b. An ADU shall be subject to a conditional use permit in those areas outside an urban
7 growth boundary;

8 c. Only one ADU shall be allowed per lot;

9 d. Owner of the property must reside in either the primary residence or the ADU;

10 e. The ADU shall not exceed fifty percent of the square footage of the habitable area of
11 primary residence or nine hundred square feet, whichever is smaller. Dimensions are
12 determined by exterior measurements;

13 f. The ADU shall be located within one hundred fifty feet of the primary residence or
14 shall be the conversion of an existing detached structure (e.g., garage);

15 g. The ADU shall be designed to maintain the appearance of the primary residence;

16 h. All setback requirements for the zone in which the ADU is located shall apply;

17 i. The ADU shall meet the applicable health district standards for water and sewage
18 disposal;

19 j. No mobile homes or recreational vehicles shall be allowed as an ADU;

20 k. An ADU shall use the same side-street entrance as the primary residence and shall
21 provide additional off-street parking; and

22 l. An ADU is not permitted on the same lot where an accessory living quarters exists.

23 m. Existing, Unpermitted Accessory Dwelling Units.

24 i. Applicability. The provisions of this subsection shall only apply to property and
25 property owners who can establish all of the following criteria:

26 (a) The parcel is within the unincorporated area of Kitsap County;

27 (b) An accessory dwelling unit (ADU), as defined in Section F.17.110.020, or
28 similar dwelling previously defined as an accessory living quarters (ALQ) or an
29 accessory rental unit (ARU) is located on the parcel;

30 (c) The accessory dwelling has not received any prior review and/or approval
31 by Kitsap County;

32 (d) The property owner did not construct or cause to have the accessory
33 dwelling constructed;

1 (e) The property owner did not own the property when the accessory dwelling
2 was constructed;

3 (f) The property owner exercised due diligence when purchasing the property
4 with the existing accessory dwelling to discover whether or not the accessory
5 dwelling was approved when purchasing the property. Due diligence is
6 presumed to have occurred if the property owner can document the following
7 conditions:

8 (i) That county tax records or parcel records contain no inquiry or other notice
9 that the ADU was unpermitted; and

10 (ii) That the current owner requested and obtained a title report with no
11 exceptions, restrictions, enforcement actions, permitting or similar issues
12 pertinent to the ADU; and

13 (iii) That the prior owner's property and improvement disclosures at the time
14 of sale did not indicate any permitting, compliance or similar issues pertinent to
15 the ADU; and

16 (iv) That any third party involved in the sale or inspection of the ADU did not
17 disclose any permitting, compliance or other issues pertinent to the ADU;

18 (g) The parcel has a history of property tax assessment and a history of
19 continuous tax payments on the principal and the accessory dwelling;

20 (h) Acceptable documentation for subsections (B)(3)(m)(i)(a) through (g) of
21 this section may include but is not limited to current or previous county
22 assessment records, real estate disclosure forms, listing agreements, records of
23 sale, title reports and aerial photography establishing compliance with the
24 required conditions.

25 ii. Application. Persons who meet the criteria of subsection (B)(3)(m)(i) of this
26 section desiring to gain approval of their accessory dwelling shall make application to
27 the director of the department of community development on forms provided by the
28 department, with fees to be paid at the time of application as provided in subsection
29 (B)(3)(m)(v) of this section. Such application shall be a Type II permit under Chapter
30 21.04.

31 iii. Approval. The director, or his designee, is authorized to approve submitted
32 applications that satisfy all of the following:

33 (a) All the requirements of this section;

34 (b) All the applicable zoning, health, fire safety and building construction
35 requirements:

36 (i) The applicable requirements shall be those in effect when the accessory
37 dwelling was constructed. The burden of proof of when the accessory dwelling

1 was constructed shall be upon the applicant and may consist of dated aerial
2 photography, tax assessments, surveys or similar documents.

3 (ii) If the applicant cannot prove a date of construction, the applicable
4 requirements shall be those currently in effect on the date of application.

5 (iii) If the applicant can only show a date range for construction, the
6 applicable requirements shall be the latest requirements of the range;

7 (c) Proof of adequate potable water;

8 (d) Proof of adequate sewage disposal systems for both the principal and the
9 accessory dwelling. Proof shall be shown by Kitsap County health district
10 approval; and

11 (e) Verification by Kitsap County inspection staff that the accessory dwelling
12 is habitable.

13 Applications approved subject to these provisions shall be considered legal
14 nonconforming uses.

15 iv. Variances.

16 (a) When reviewing the application, the director is authorized to grant an
17 administrative variance to the requirements of subsection (B)(3)(m)(iii)(b) of
18 this section only when unusual circumstances relating to the property cause
19 undue hardship in the application of subsection (B)(3)(m)(iii)(b) of this section.
20 The granting of an administrative variance shall be in the public interest. An
21 administrative variance shall be granted at the director's sole discretion only
22 when the applicant has proven all of the following:

23 (i) There are practical difficulties in applying the regulations of subsection
24 (B)(3)(m)(iii)(b) of this section;

25 (ii) The applicant did not create or participate in creating the practical
26 difficulties;

27 (iii) A variance meets the intent and purpose of this section;

28 (iv) The variance will not be materially detrimental to the public welfare or
29 injurious to property in the vicinity or zone in which the property is located; and

30 (v) The variance is the minimum necessary to grant relief to the applicant.

31 (b) The director is authorized to require mitigation in connection with the
32 administrative variance to minimize the effect of the variance on surrounding
33 properties.

34 (c) In reviewing a request for an administrative variance, the director shall
35 notify and solicit comments from surrounding property owners of the
36 application and the intended variance and mitigation. The director shall consider

1 such comments when determining whether or not to approve the variance. The
2 director is further authorized to require mediation to resolve issues arising from
3 the notification process and the costs of such mediation shall be paid by the
4 applicant.

5 (d) Variance requests submitted as part of this subsection shall be considered
6 as part of the original application and not subject to additional procedural or fee
7 requirements.

8 v. Fees. Applicants shall pay a fee established by resolution at the time of
9 application. Additionally, applicants shall pay notification costs, reinspection fees,
10 additional review and other applicable fees in accordance with Chapter 21.10.
11 Applicants may initiate a staff consultation in considering or preparing an application
12 under these provisions. The staff consultation fee established in Chapter 21.10 shall
13 not, however, be credited towards any subsequent application submitted under these
14 provisions.

15 vi. Land Use Binder. Following approval of the accessory dwelling and any
16 administrative variance, the applicant shall record a land use permit binder with the
17 county auditor using forms provided by the Kitsap County department of community
18 development.

19 vii. Expiration. Qualifying property owners shall have one year from the time that
20 the noncompliant ADU is discovered to submit an application for approval of the
21 ADU.

22 4. Accessory Living Quarters. In order to encourage the provision of affordable housing,
23 accessory living quarters may be located in residential zones, subject to the following
24 criteria:

25 a. Accessory living quarters shall be located within an owner-occupied primary
26 residence;

27 b. Accessory living quarters are limited in size to no greater than fifty percent of the
28 habitable area of the primary residence;

29 c. The accessory living quarters are subject to applicable health district standards for
30 water and sewage disposal;

31 d. Only one accessory living quarters shall be allowed per lot;

32 e. Accessory living quarters are to provide additional off-street parking with no
33 additional street-side entrance; and

34 f. Accessory living quarters are not allowed where an accessory dwelling unit exists.

35 g. Existing Unpermitted Accessory Living Quarters. Existing unpermitted accessory
36 living quarters may be approved under the provisions of subsection (B)(3)(m) of this
37 section.

1 5. Adult Entertainment.

2 a. The following uses are designated as adult entertainment uses:

- 3 i. Adult bookstore;
- 4 ii. Adult mini-motion picture theater;
- 5 iii. Adult motion picture theater;
- 6 iv. Adult novelty store; and
- 7 v. Cabaret.

8 b. Restrictions on Adult Entertainment Uses. In addition to complying with the other

9 sections of this title, adult entertainment uses shall not be permitted:

10 i. Within one thousand feet of any other existing adult entertainment use; and/or

11 ii. Within five hundred feet of any noncommercial zone, or any of the following

12 residentially related uses:

13 (a) Churches, monasteries, chapels, synagogues, convents, rectories, or

14 church-operated camps;

15 (b) Schools, up to and including the twelfth grade, and their adjunct play

16 areas;

17 (c) Public playgrounds, public swimming pools, public parks and public

18 libraries;

19 (d) Licensed day-care centers for more than twelve children;

20 (e) Existing residential use within a commercial zone.

21 iii. For the purposes of this section, spacing distances shall be measured as follows:

22 (a) From all property lines of any adult entertainment use;

23 (b) From the outward boundary line of all residential zoning districts;

24 (c) From all property lines of any residentially related use.

25 c. Signage for Adult Entertainment Uses.

- 26 i. In addition to special provisions relating to signage in this title, it shall be
- 27 unlawful for the owner or operator of any adult entertainment use establishment or
- 28 any other person to erect, construct, or maintain any sign for the adult entertainment
- 29 use establishment other than one primary sign and one secondary sign, as provided
- 30 herein.

1 ii. Primary signs shall have no more than two display surfaces. Each such display
2 surface shall:

- 3 (a) Be a flat plane, rectangular in shape;
- 4 (b) Not exceed seventy-five square feet in area; and
- 5 (c) Not exceed ten feet in height or ten feet in length.

6 iii. Primary and secondary signs shall contain no photographs, silhouettes, drawings
7 or pictorial representations of any manner, and may contain only:

- 8 (a) The name of the regulated establishment; and/or
- 9 (b) One or more of the following phrases:
 - 10 (i) “Adult bookstore,”
 - 11 (ii) “Adult movie theater,”
 - 12 (iii) “Adult cabaret,”
 - 13 (iv) “Adult novelties,”
 - 14 (v) “Adult entertainment.”

15 iv. Primary signs for adult movie theaters may contain the additional phrase,
16 “Movie Titles Posted on Premises.”

17 (a) Each letter forming a word on a primary or secondary sign shall be of a
18 solid color, and each such letter shall be the same print-type, size and color. The
19 background behind such lettering on the display surface of a primary sign shall
20 be of a uniform and solid color.

21 (b) Secondary signs shall have only one display surface. Such display surface
22 shall:

- 23 (i) Be a flat plane, rectangular in shape;
- 24 (ii) Not exceed twenty square feet in area;
- 25 (iii) Not exceed five feet in height and four feet in width; and
- 26 (iv) Be affixed or attached to any wall or door of the establishment.

27 6. Storage of Junk Motor Vehicles.

28 a. Storage of junk motor vehicles on any property outside of a legally constructed
29 building (minimum of three sides and a roof) is prohibited, except where the storage of
30 up to six junk motor vehicles meets one of the following two conditions:

- i. 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
- ii. Any junk motor vehicle(s) stored outdoors must be stored more than two hundred fifty feet away from all property lines.
- b. Environmental Mitigation Agreement. The owner of any such junk motor vehicle(s) must successfully enter into an environmental mitigation agreement with the department of community development (the “department”) regarding the property where such vehicle(s) will be located or stored.
- i. An environmental mitigation agreement between a property owner and the department is required before the outdoor storage of up to six screened junk motor vehicles will be approved. A property owner may enter into such agreement with the department for a one-time fee of \$10.00 per vehicle, the proceeds of which shall be used to assist with clean-up costs associated with the administration of Chapter 9.56.
- ii. 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.
- (c) 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 reinspection to assure compliance with the approved agreement. If a property is found to be in compliance with the terms of the agreement for two consecutive inspections, the department may waive the annual inspection requirement. A property owner found to be in violation of the agreement may be issued a civil infraction pursuant to this section and could later be deemed a nuisance in accordance with Chapter 9.56.

7. Model Homes. Notwithstanding any other provision of this code, model homes may be constructed within a subdivision prior to final plat approval by the board. The purpose of the

1 model homes shall be to demonstrate a variety of housing designs together with associated
2 on-site improvements, e.g., landscaping, improved driveway, patios. Model homes shall be
3 subject to the following requirements:

- 4 a. The subdivision shall have received preliminary plat approval;
- 5 b. One model home may be occupied as a temporary real estate office;
- 6 c. A model home may not be occupied as a dwelling unit or sold until the approved
7 final plat is recorded;
- 8 d. The number of model home permits that may be issued for any approved
9 preliminary plat or division thereof shall not exceed six;
- 10 e. If the lots to be used for model home purposes are in a block of two or more
11 contiguous lots, temporary uses may be incorporated onto one or more lots, including
12 temporary offices, parking, parks and playgrounds, subject to the approval of the
13 director, and subject to obtaining a temporary use permit, which shall authorize the
14 temporary uses for a period of one year. The director may extend the temporary use
15 permit for up to two additional periods of six months each;
- 16 f. Lots used for model homes must be clear of restrictions or easements that may be
17 subject to line changes before recording;
- 18 g. Stormwater management facilities must be in place and/or approved for recording.
19 Temporary erosion control must be completed prior to occupancy of a model home;
- 20 h. Roads must be constructed to final alignment and grade such that the building
21 inspector can determine if connecting driveways meet county standards prior to
22 occupancy of a model home;
- 23 i. Permanent or temporary fire flow for the final plat must be approved by the fire
24 marshal, constructed and operational prior to occupancy of a model home; and
- 25 j. Final plat restoration bonds must be posted prior to occupancy of a model home.

26 8. Guest Houses. Guest houses may be located in those zones specified in Sections
27 F.17.410.042 through F.17.410.046 subject to the following conditions:

- 28 a. Guest houses shall not exceed nine hundred square feet. Dimensions are determined
29 by exterior measurements;
- 30 b. Guest houses shall not include any kitchen plumbing, appliances or provisions for
31 cooking;
- 32 c. Guest houses shall not include more than one bathroom (may be full bathroom);
- 33 d. Guest houses shall not include more than two habitable rooms and a bathroom;
- 34 e. Guest houses shall not be rented separately from the primary residence;

- f. Only one guest house is allowed per parcel;
- g. No guest house is allowed on a parcel with an existing accessory dwelling unit or accessory living quarters;
- h. Newly constructed guest houses must meet the required setbacks for a single-family dwelling consistent with their zone. Legally established, existing structures built before May 7, 1998, may be remodeled into guest houses at their existing setback;
- i. Guest houses must be within one hundred fifty feet of the primary residence;
- j. Guest houses must use the same street entrance as the primary structure;
- k. Guest houses must meet all applicable health district standards for water provision and sewage disposal; and
- l. The property owner must record a notice to title outlining these conditions. This notice must be approved by the department and may not be extinguished without the county's written permission.

9. High-Risk Secured Facility. A high-risk secured facility shall comply with the following conditions:

- a. The county shall hold a neighborhood meeting prior to a public hearing for a proposed high-risk secured facility. The project applicant shall cover all meeting costs.
- b. The county shall mail community notification to the school district and all landowners within a half-mile radius of a proposed high-risk secured facility at least two weeks prior to the required neighborhood meeting. The project applicant shall cover all community notification costs.
- c. A high-risk secured facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of a risk potential activity or facility in existence at the time a facility is established.
 - i. "Within the line of sight" means that it is possible to reasonably visually distinguish and recognize individuals.
 - ii. "Risk potential activities and facilities" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: public and private schools, school bus stops, licensed day-care and licensed preschool facilities, domestic violence shelters, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and other specific uses identified during a neighborhood hearing. For the purpose of this section, "school bus stops" does not include bus stops established primarily for public transit.
- d. A high-risk secured facility shall not be located in a community protection zone as defined in RCW 9.94A.030(6).

i. Distance shall be measured from all property lines of a high-risk secured facility from all property lines of the facilities and grounds of a public or private school.

e. A high-risk secured facility shall meet the applicable health district standards for water and sewage disposal to account for staff and residents.

f. Principal access to the site shall be from a county-maintained right-of-way.

g. A high-risk secured facility shall be equipped with an automatic fire sprinkler system, installed in accordance with applicable building and fire codes.

h. A high-risk secured facility shall be equipped with a mechanism that is interlocked with the fire protection system to automatically release any facility security locks and allow safe egress from the structure in the event of fire or other emergency.

i. A high-risk secured facility shall be equipped with a backup power system and an automatic transfer switch sufficient to energize and maintain the function of safety, security, and surveillance systems in the event of a power outage.

Chapter F.17.470

MULTIFAMILY DEVELOPMENT – DESIGN CRITERIA

Sections:

F.17.470.010 Purposes and intent.

F.17.470.020 Applicability – How to use the design criteria.

F.17.470.030 Multifamily site design – Orientation (UCR, UM and UH zones).

F.17.470.040 Fences and walls.

F.17.470.050 Recreation centers, mailboxes, site lighting, bus stops.

F.17.470.060 Grading and tree/vegetation retention.

F.17.470.070 Open space.

F.17.470.080 Landscape design.

F.17.470.090 Multifamily – Site design – Parking location and design.

F.17.470.100 Multifamily – Site design – Screening.

F.17.470.110 Multifamily – Signs.

F.17.470.010 Purposes and intent.

The general purposes of these design criteria are as follows:

A. To encourage better design and site planning.

B. To ensure that new multifamily development is sensitive to the character of the surrounding neighborhoods.

C. To enhance the built environment for pedestrians in higher-density areas.

D. To provide for development of neighborhoods with attractive, well-connected streets, sidewalks, and trails that enable convenient, direct access to neighborhood centers, parks, and transit stops.

- 1 E. To ensure adequate light, air, and readily accessible open space for multifamily
2 development in order to maintain public health, safety and welfare.
- 3 F. To ensure the compatibility of dissimilar adjoining land uses.
- 4 G. To maintain or improve the character, appearance, and livability of established
5 neighborhoods by protecting them from incompatible uses, excessive noise, illumination, loss of
6 privacy, and similar significant impacts.
- 7 H. To encourage creativity and flexibility in the design of multifamily developments in a
8 manner that maximizes unique site attributes and is compatible with the character and intensity
9 of adjoining land uses.

10 **F.17.470.020 Applicability – How to use the design criteria.**

11 A. Applicability. The “requirements sections” in the following design criteria apply to each
12 multifamily project requiring conditional use review under Chapter 17.540 or 17.550.

13 B. How to Use the Design Criteria. The “requirements sections” state the design criteria that
14 each project shall meet. These design criteria are intended to supplement the development
15 standards of the UCR, UM and UH zones. Where the provisions of this chapter conflict with the
16 provisions of Chapters 17.210 (UCR), 17.220 (UM), and 17.230 (UH), the provisions of the
17 zoning district shall apply. The “guidelines” which follow each requirement statement are
18 suggested ways to achieve the design intent. Each guideline is meant to indicate the preferred
19 conditions, but other equal or better design solutions will be considered acceptable by the
20 director or hearing examiner, so long as these solutions meet the intent of these sections. They
21 are to be applied with an attitude of flexibility, recognizing that each development site and
22 project will have particular characteristics that may suggest that some guidelines be emphasized
23 and others de-emphasized. However, while alternative solutions can be proposed, none of the
24 criteria in the requirement statements can be disregarded.

25 **F.17.470.030 Multifamily site design – Orientation (UCR, UM and UH zones).**

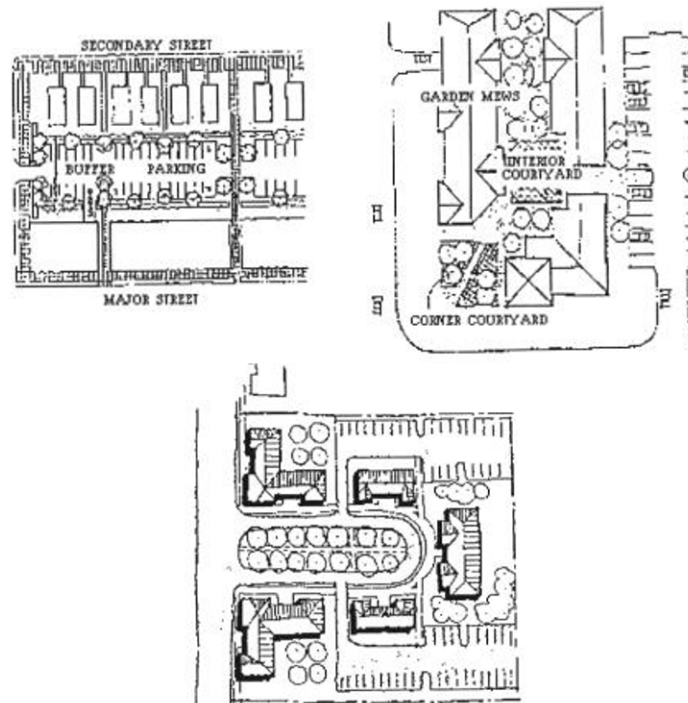
26 A. Requirement. Design multifamily projects to be oriented to public streets or common open
27 spaces and to provide pedestrian and vehicular connections to existing neighborhoods.

28 B. Guidelines. Possible ways to achieve neighborhood connections include:

- 29 1. Use a modified street grid system where most buildings in a project front on a street.
30 Where no public streets exist, create a modified grid street system within the project.
- 31 2. Locate parking areas behind or under building and access such parking from alley-type
32 driveways. If driveway access from streets is necessary, minimum width driveway providing
33 adequate firefighting access should be used.
- 34 3. Provide each building with direct pedestrian access from the main street fronting the
35 building and from the back where the parking is located.
- 36 4. Another alternative may be to orient the buildings into U-shaped courtyards where the
37 front door/main entry into the building is from a front courtyard. Access to the courtyard
38 from the rear parking area should be through a well-lighted breezeway or stairway. This

alternative will work where projects abut an arterial or major collector street where the quality of living could be enhanced with building facing into the courtyard. The buildings would still be located between the street and parking lot.

5. The following illustrations depict site-planning techniques that orient multifamily projects to streets, adding value and identity to the complex, by siting parking behind the buildings:



Examples of preferred site planning that orients multifamily projects to streets, adding value and identity to the complex, by siting parking behind the buildings.

F.17.470.040 Fences and walls.

A. Requirement. Design the site to minimize the need for fences and walls that inhibit or discourage pedestrian use of sidewalks or paths, isolate neighborhoods, or separate neighborhoods from main roads.

B. Guidelines.

1. Place pedestrian breaks and/or crossing at frequent intervals where a fence, wall or landscaped area separates a sidewalk from a building or one development from another.

2. Employ small setbacks, indentations, stepped fence heights, or other means of breaking up the wall or fence surface and height.

1



2

3

Alternative to solid or blank-looking fence.

4

3. Employ different textures, color or materials (including landscape materials) to break up the wall's surface and add visual interest.

5

6

4. If fencing is required, repeat the use of building facade materials on fence columns and/or stringers.

7

8

F.17.470.050 Recreation centers, mailboxes, site lighting, bus stops.

9

A. Requirement. Provide adequate lighting, screening and pedestrian access to supporting facilities such as recreation centers, mailboxes, play yards, bus stops and dumpsters. If otherwise required as a condition of project approval, locate passenger shelters in well-lit areas with access to the multifamily walkway network. Provide for shielding and directing of light to minimize impacts upon residents and abutting property owners.

10

11

12

13

14

B. Guidelines.

15

1. Recreation Centers.

16

a. Recreation centers should have adequate parking and bike racks for the guests of tenants.

17

18

b. The center should be directly connected by a series of walkways to all the multifamily buildings in the complex. These walkways should be barrier free, landscaped, and lighted with fixtures not to exceed fifteen feet in height. The walkways should provide visual contrast where they cross driveways or streets.

19

20

21

22

2. Site Lighting.

23

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

24

25

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

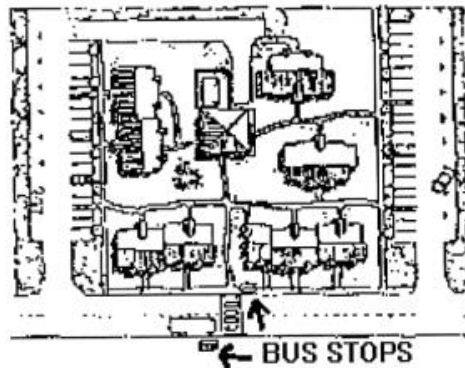
26

c. Lighting should not shine into the dwelling units in the development.

d. Lighting should be directed away from neighboring development.

3. Mailboxes. If common mailboxes are used, they should be located near the project entry or near the recreational facilities. The architectural character should be similar in form, materials, and colors to the surrounding buildings. Mailboxes should be well lighted and pedestrian accessible.

4. Bus Stops. The multifamily walkway network shall provide convenient pedestrian access to the nearest transit stop.



F.17.470.060 Grading and tree/vegetation retention.

A. Requirement. To the extent reasonable and practicable, multifamily projects shall be designed to minimize impacts to existing topography and vegetation.

B. Guidelines.

1. Incorporate the natural grades in the overall design of the project.
2. Incorporate existing groups of trees/vegetation to be protected and retained on the site.
3. Minimize disturbance of open space to better facilitate storm water infiltration.
4. Stepping the building down a hillside to match the topography can reduce the impact of the building on smaller, nearby buildings.

1



2

3 **F.17.470.070 Open space.**

4 A. Requirement. Open space shall be provided in or adjacent to multifamily development for
5 all the residents of the development.

6 B. Guidelines.

7 1. Where possible, combine the open space of contiguous properties to provide for larger
8 viable open space areas.

9 2. Site permanent outdoor recreation equipment away from storm drainage facilities.

10 3. Use walkways to connect the open spaces to the multifamily buildings, parking areas,
11 and adjacent neighborhoods.

12 4. Incorporate a variety of activities for all age groups in the active recreational open space.

13 5. Consider drainage/retention areas that enhance the environment and open space usage.

14



15

16 **F.17.470.080 Landscape design.**

17 A. Requirement. In addition to the requirements in Chapter 17.500, landscaping and supporting
18 elements (such as trellises, planters, site furniture or similar features) shall be appropriately
19 incorporated into the project design.

20 B. Guidelines.

21 1. Minimize tree removal and incorporate larger caliper trees to obtain the immediate
22 impact of more mature trees when the project is completed.

2. Provide frameworks such as trellises or arbors for plants to grow on.
3. Incorporate planter guards or low planter walls as part of the architecture.
4. Landscape the open areas created by building modulation.
5. Incorporate upper story planter boxes or roof plants.
6. Retain natural greenbelt vegetation that contributes to greenbelt preservation.
7. On streets with uniform planting of street trees and/or distinctive species, plant street trees that match the street tree spacing and/or species.
8. Use plants that require low amounts of water, including native drought-resistant species, and require low amounts of chemicals and fertilizers.
9. Incorporate vegetation-based LID BMPs.

F.17.470.090 Multifamily – Site design – Parking location and design.

A. Requirement. Minimize the impact of driveways and parking lots on pedestrians and neighboring properties by designing and locating parking lots, carports, and garages in a way that creates few interruptions on the street, sidewalk or building facade (UVC).

B. Guideline.

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

F.17.470.100 Multifamily – Site design – Screening.

A. Requirement. Provide adequate screening for support facility needs associated with multifamily developments (UVC).

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

2

5

6

8

- 9

6

7

8

- 9

25

26

1 production, processing, sales, and possession of marijuana could still be subject to prosecution
2 under federal law. Local zoning and other regulations are not a defense against a violation of
3 federal law.

4 B. This chapter is necessary to protect the public health, safety and welfare of Kitsap County
5 citizens. Nothing in this chapter shall be construed as an authorization to circumvent or violate
6 state or federal law, as permission to any person or entity to violate federal law, or to supersede
7 any legislation prohibiting the uses subject to this chapter.

8 C. This chapter shall apply to those marijuana producers, processors and retailers that are
9 licensed by the Washington State Liquor and Cannabis Board under Chapter 314-55 WAC.

10 **F.17.520.020 Definitions.**

11 For purposes of this chapter, the following definitions shall apply. Where these definitions
12 conflict with RCW 69.50.101, as now or hereafter amended, those in state law shall govern.

13 A. “Marijuana” means all parts of the plant Cannabis, whether growing or not, with a THC
14 concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted
15 from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or
16 preparation of the plant, its seeds or resin. The term does not include the mature stalks of the
17 plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other
18 compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the
19 resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable
20 of germination.

21 B. “Marijuana processor” means a person licensed by the State Liquor and Cannabis Board to
22 process marijuana into useable marijuana, and marijuana-infused products, package and label
23 marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail
24 outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at
25 wholesale to marijuana retailers.

26 C. “Marijuana producer” means a person licensed by the State Liquor and Cannabis Board to
27 produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

28 D. “Marijuana-infused products” means products that contain marijuana or marijuana extracts
29 and are intended for human use. The term “marijuana-infused products” does not include useable
30 marijuana.

31 E. “Marijuana retailer” means a person licensed by the State Liquor and Cannabis Board to sell
32 marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

33 F. “Useable marijuana” means dried marijuana flowers; it does not include marijuana-infused
34 products.

35 **F.17.520.030 Location.**

36 A. Marijuana Producers. Subject to the requirements of this chapter, marijuana producers may
37 be located as follows. Further, such facilities and uses may only be located at designated sites
38 licensed by the state of Washington and fully conforming to state law and this chapter.

1 1. Tier 1, 2, and 3 marijuana producers may be located in the urban industrial (IND), rural
2 employment center (REC), and 12 Trees employment center (TTEC) zones.

3 2. Tier 1 and 2 marijuana producers may be located in the business park (BP) zone.

4 3. Tier 2 and 3 marijuana producers may be located in the business center (BC) zone.

5 4. Tier 1 and 2 marijuana producers may be located in the rural industrial (RI) zone.

6 B. Marijuana Processors. Subject to the requirements of this chapter, marijuana processors may
7 be located in the business center (BC), business park (BP), urban industrial (IND), rural
8 employment center (REC), and 12 Trees employment center (TTEC) zones. Further, such
9 facilities and uses may only be located at designated sites licensed by the state of Washington
10 and fully conforming to state law and this chapter.

11 C. Marijuana Retailers. Subject to the requirements of this chapter, marijuana retailers, both
12 with and without endorsements, may be located as follows. Further, such facilities and uses may
13 only be located at designated sites licensed by the state of Washington and fully conforming to
14 state law and this chapter.

15 1. Marijuana retailers may be located in the commercial (C), regional center (RC), low
16 intensity commercial (LIC), neighborhood commercial (NC) and rural employment center
17 (REC) zones.

18 D. Marijuana Producers, Processors and Retailers. All marijuana producers, processors and
19 retailers must be a minimum of one thousand feet away, as measured by the shortest straight line
20 between property boundaries, from any elementary or secondary school, playground, recreation
21 center or facility, child care center, public park, public transit center, library or game arcade as
22 defined in WAC 314-55-010.

23 **F.17.520.040 Permits.**

24 A. Kitsap County makes no representations as to the legality of the use subject to this chapter.
25 All applicable permits (e.g., administrative conditional use permits, building permits or tenant
26 improvement permits) shall be required.

27 B. Only state-licensed marijuana producers, processors and retailers may locate within
28 unincorporated Kitsap County. Upon request, all producers, processors and retailers must supply
29 a copy of the state-issued license.

30 C. No permit shall be approved unless the applicant demonstrates full compliance with Chapter
31 69.50 RCW and Chapter 314-55 WAC.

32 **F.17.520.050 Public nuisance.**

33 Any violation of this chapter is declared to be a public nuisance per se, and, in addition to any
34 other remedy provided by law or equity, may be abated by the county under the applicable
35 provisions of this code or state law.

36 **F.17.520.060 Nonconforming uses.**

37 No use that constitutes or purports to be a marijuana producer, processor or retailer as those
38 terms are defined in this chapter that was engaged in that activity prior to the enactment of this

- 1 chapter shall be deemed to have been a legally established use under Kitsap County Code and
- 2 that use shall not be entitled to claim legal nonconforming status.