

# APPENDIX D

## DRAFT DEVELOPMENT REGULATIONS

### TITLE 17 – LAND DIVISION AND DEVELOPMENT

## KITSAP COUNTY

December 2024

Please note the following:

- Changes are shown in underline/~~strikeout~~ text.
- Only those sections that include any amendments are shown in this appendix. If a chapter or section is not shown in the text, it is to remain in code as it exists today.
- Only changes to specific lines of the use table are shown in Chapter 17.410. For example, if it shows ACUP to ~~-~~, that means it will go from “administrative conditional use permit” to “prohibited”.
- New definitions that are listed as “17.110.xxx” will need a section number assigned.
- Chapter 17.495 Tree Canopy is new.



## Chapter 17.105 INTERPRETATIONS AND EXCEPTIONS

Sections:

[17.105.010 Director authority to issue administrative decisions.](#)

[17.105.080 Pending long or short subdivisions.](#)

[17.105.090 Temporary permits.](#)

[17.105.100 Number of dwellings per lot.](#)

[17.105.110 Obnoxious things.](#)

[17.105.120 Existing lot aggregation for tax purposes.](#)

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### **17.105.110 Obnoxious things.**

In all zones, except as provided for elsewhere in this title, no use shall produce noise, smoke, dirt, dust, odor, vibration, heat, glare, toxic gas or radiation which is materially deleterious to surrounding people, properties or uses. Lighting is to be [shielded and](#) directed [downward and](#) away from adjoining properties [in accordance with KCC 17.420.030.C](#). Not more than one foot candle of illumination may leave the property boundaries.

[...]

## Chapter 17.110 DEFINITIONS

### 17.110.112 Boarding house.

“Boarding house” means a building arranged or used for non-transient lodging for compensation with any number of guest rooms and not occupied as a single-family unit. The owner of the property ~~is~~ typically does not reside on site in ~~a~~ the boarding house.

### 17.110.196 Cottage housing **development**.

“Cottage housing **development**” means multiple detached dwelling units sharing common areas, such as common kitchen and sanitation facilities, common area/courtyard and/or parking area. a tract of land under single ownership or unified control developed with four or more detached living structures sharing any of the following: common kitchen and sanitation facilities, common area/courtyard and/or parking area.

### **17.110.xxx Critical Root Zone.**

“Critical Root Zone” means the area encircling the trunk of a tree equal to one-foot radius for every one inch of tree diameter, measured at standard height from four and one-half feet above ground level, or as otherwise determined by a qualified tree professional, but in no event shall a critical root zone be less than a six-foot radius. Example: a tree with a twenty-inch diameter at standard height would have a critical root zone with a twenty-foot radius and a forty-foot diameter.

### 17.110.200 Day-care center.

“Day-care center” means a facility other than a private residence in which any number of children are regularly cared for during some portion of a twenty-four-hour period.

### 17.110.205 Day-care center, home-based.

“Day-care center, home-based” means a private residence in which not more than ~~six~~ twelve children are cared for during some portion of a twenty-four-hour period by the owner or renter of the property.

### **17.110.xxx Drip Line.**

“Drip Line” means an imaginary line on the ground created by the vertical projections of the foliage at its circumference.

### **17.110.318 Group living.**

“Group living” means the residential occupancy of a structure that does not meet the definition of family living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following:

- A. Assisted living facility.
- B. Boarding house, rooming house, or lodging house.
- C. Congregate care facility.
- D. Dormitory.
- E. Hospice.
- F. Monastery or convent.
- G. Independent living facility.
- H. Shelter, nontransitory accommodation.
- I. Skilled nursing care facility, memory care, convalescent or rest home.
- J. Transitional Housing (as defined by RCW84.36.043(3)(c)).
- K. Permanent Supportive Housing (as defined by RCW36.70A.030(31)).

### **17.110.xxx Grove.**

“Grove” means a group of three or more healthy trees with overlapping or touching crowns and a minimum of 8-inch DBH for each tree.

### **~~17.110.340 High capacity transit station~~ Frequent transit service area.**

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

- A. One quarter-mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day; or
- B. 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](#)).

**17.110.368 Infill development.**

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

**17.110.504 Multiple-family.**

“Multiple-family” means a building or portion thereof containing three or more dwelling units constructed with units above other units, and designed for occupancy by three or more families.

**17.110.682 Single-family attached dwelling unit.**

“Single-family attached dwelling unit” means a building containing two or more dwelling units, each designed for occupancy by not more than one family. Units are developed horizontally with no units above one another. No unit is located over another. Each unit is separated from adjacent units by one or more common vertical walls. Each unit includes an adjacent dwelling-specific yard area within its ownership.

**17.110.663 Restaurant, without drive-through service.**

“Restaurant, without drive-through service” means an establishment where food and/or beverages are served to customers for compensation and consumed primarily on-site with take-out service incidental.

**17.110.683 Single-family detached dwelling unit.**

“Single-family detached dwelling unit” or “detached single-family dwelling unit” means a single dwelling unit designed for occupancy by not more than one family that is physically separated from any other dwelling unit. This excludes recreational vehicles and mobile homes.

**17.110.726 Transitory accommodations.**

“Transitory accommodations” means shelters, as defined in Chapter [17.505](#), that are not permanently attached to the ground, may easily be erected and dismantled or moved, and are intended for temporary occupancy. Transitory accommodations also includes emergency shelter (RCW36.70A.030(15)), emergency housing (RCW36.70A.030(14)), and all other facilities specifically identified in Chapter [17.505](#), Transitory Accommodations.

## Chapter 17.120 ESTABLISHMENT OF ZONES AND MAPS

Sections:

- [17.120.010 Classification of zones.](#)
- [17.120.020 Original zoning maps.](#)
- [17.120.030 Revised maps.](#)
- [17.120.040 Interpretations of zone boundaries.](#)

### 17.120.010 Classification of zones.

For the purposes of this title, the county is divided into zones classified as follows:

Comprehensive Plan Land Use Designation	Zone Classification	Map Symbol
Rural Residential	Rural Residential	<a href="#">RR</a>
Rural Protection	Rural Protection	<a href="#">RP</a>
Rural Wooded	Rural Wooded	<a href="#">RW</a>
Forest Resource Lands	Forest Resource Lands	<a href="#">FRL</a>
Mineral Resource Overlay	Mineral Resource Overlay	<a href="#">MRO</a>
Urban Low-Density Residential	Urban Restricted	<a href="#">UR</a>
	Greenbelt	<a href="#">GB</a>
	Urban Low Residential	<a href="#">UL</a>
	Urban Cluster Residential	<a href="#">UCR</a>
Urban Medium-Density Residential	Urban Medium Residential	<a href="#">UM</a>
Urban High-Density Residential	Urban High Residential	<a href="#">UH</a>
Urban High Intensity Commercial	Commercial	<a href="#">C</a>
	Regional Center	<a href="#">RC</a>
	Low Intensity Commercial	<a href="#">LIC</a>
Urban Low Intensity Commercial	Urban Village Center	<a href="#">UVC</a>
	Neighborhood Commercial	<a href="#">NC</a>
Rural Commercial	Rural Commercial	<a href="#">RCO</a>
Urban Industrial	<b>Business Park</b>	<b><a href="#">BP</a></b>
	Business Center	<a href="#">BC</a>

Comprehensive Plan Land Use Designation	Zone Classification	Map Symbol
	Industrial	<a href="#">IND</a>
Rural Industrial	Rural Industrial	<a href="#">RI</a>
Public Facilities	Parks	<a href="#">P</a>
	NA (all other zone classifications are allowed within the Public Facilities land use designation)	
Limited Area of More Intensive Rural Development (LAMIRD) Type I	Keyport Village Commercial	<a href="#">KVC</a>
	Keyport Village Low Residential	<a href="#">KVLR</a>
	Keyport Village Residential	<a href="#">KVR</a>
	Manchester Village Commercial	<a href="#">MVC</a>
	Manchester Village Low Residential	<a href="#">MVLR</a>
	Manchester Village Residential	<a href="#">MVR</a>
	Port Gamble Rural Historic Town Commercial	<a href="#">RHTC</a>
	Port Gamble Rural Historic Town Residential	<a href="#">RHTR</a>
	Port Gamble Rural Historic Waterfront	<a href="#">RHTW</a>
	Suquamish Village Commercial	<a href="#">SVC</a>
	Suquamish Village Low Residential	<a href="#">SVLR</a>
Suquamish Village Residential	<a href="#">SVR</a>	
Limited Area of More Intensive Rural Development (LAMIRD) Type III	Rural Employment Center	<a href="#">REC</a>
	Twelve Trees Employment Center	<a href="#">TTEC</a>

[...]

[...]

**17.120.040 Interpretations of zone boundaries.**

The zone boundary lines are indicated on the zoning maps. Where uncertainty exists as to the boundaries of any zone shown on the zoning maps, the following rules shall apply:

- A. Wherever the zone boundary is indicated as being along or approximately along a street, alley, property line, or the centerline of a block, said line shall be construed as the boundary of the zone, unless otherwise indicated on the map.

B. Where the location of a zone boundary line is not determined by the above rule, and is not indicated by a written dimension, the boundaries shall be located by the use of the scale appearing on the maps.

C. Where a lot contains more than one zone, or is a "split-zone", then land use, dimensional and development standards, including parking, shall apply according to the zoning at the location of the proposed use. Setbacks shall be determined from the common boundary to the split zone.

CD. Wherever any street, alley, or other public way is vacated in the manner authorized by law, the zone adjoining each side of such street, alley, or public way shall be automatically extended to the center of the former right-of-way and all of the area included in the vacation shall then be subject to all regulations of the extended zones.

DE. Where the application of the above rule does not clarify the zone boundary location, the director shall interpret the maps, and by written decision, determine the location of the zone boundary and shall advise the planning commission and board of county commissioners of the decision. Said written decision shall be filed with the county auditor.



## Chapter 17.410 ALLOWED USES

Sections:

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

[...]

[...]

[...]

### **17.410.040 Zoning use tables.**

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

- A. Section [17.410.042](#), Rural, Resource, and Urban Residential Zones Use Table.
  - 1. Rural residential (RR).
  - 2. Rural protection (RP).
  - 3. Rural wooded (RW).
  - 4. Forest resource lands (FRL).
  - 5. Mineral resource overlay (MRO).
  - 6. Urban restricted (UR).
  - 7. Greenbelt (GB).

8. Urban low residential (UL).
9. Urban cluster residential (UCR).
10. Urban medium residential (UM).
11. Urban high residential (UH).

B. Section [17.410.044](#), Commercial, Industrial, and Parks Zones Use Table.

1. Urban village center (UVC).
2. Neighborhood commercial (NC).
3. Commercial (C).
4. Regional center (RC).
5. Low intensity commercial (LIC).
6. Rural commercial (RCO).

~~7. Business park (CP).~~

~~87.~~ Business center (BC).

~~98.~~ Industrial (IND).

~~109.~~ Rural industrial (RI).

~~110.~~ Parks (P).

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

1. Keyport village commercial (KVC).
2. Keyport village low residential (KVLR).
3. Keyport village residential (KVR).
4. Manchester village commercial (MVC).
5. Manchester village low residential (MVLR).

6. Manchester village residential (MVR).
7. Port Gamble rural historic town commercial (RHTC).
8. Port Gamble rural historic town residential (RHTR).
9. Port Gamble rural historic town waterfront (RHTW).
10. Suquamish village commercial (SVC).
11. Suquamish village low residential (SVLR).
12. Suquamish village residential (SVR).
13. Rural employment center (REC).
14. Twelve Trees employment center (TTEC).

[...]

**17.410.044 Commercial, industrial, parks, and public facility zones use table.**

Line 116 Multiple-family: ~~ACUP~~ to P in Urban Village Center zone

Line 546 Storage, indoor: ~~ACUP~~ to   in RC zone.

~~Strike BP zone~~

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

Line 102 Accessory dwelling unit, detached: ~~ACUP~~ to P in MVLR, MVR, SVLR, and SVR zones

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[...]

## Chapter 17.415 ALLOWED USE STANDARDS

[...]

### 17.415.010 Accessory dwelling unit (ADU) located in an urban growth area.

To encourage the provision of affordable housing, an accessory dwelling unit (ADU) located in an urban growth area (UGA) shall meet the following criteria:

- A. Number. The number of ADUs, attached or detached, shall not exceed two per lot.
- B. Location. An ADU shall be located to not preclude future subdivision of the lot to meet minimum density for the zone.
- C. Access. Access to the lot shall use the same entrance as the primary residence unless Kitsap County Code allows for multiple access points to the lot for a single-family dwelling.
- D. Water. The ADU shall comply with regulations that govern water provisions.
- E. Sewage. The ADU shall provide an urban level of sanitary sewer service.
- F. Design Standards. Unless otherwise noted in this section, an ADU shall meet the design standards of the underlying zone and design districts.
- G. Size. Dimensions are determined by interior measurements. An ADU shall not exceed one thousand square feet. ~~or sixty percent of the habitable area of the primary dwelling, whichever is smaller.~~ The director may allow equal square footage for the primary dwelling and the ADU if the ADU is located completely on a single floor of the existing residence.
- H. Parking. The site shall comply with Chapter [17.490](#), Off-street parking and loading.
  - 1. A single ADU on a lot is not required to provide the additional off-street parking space specified in Chapter [17.490](#), Off-Street Parking and Loading, if one of the following criteria is met:
    - a. The primary dwelling unit meets all parking requirements;
    - b. On-street parking is available; or
    - c. The ADU is within ~~a quarter mile~~ one-half (½) mile of a major transit stop as defined in RCW 36.70A.696(8).

2. The second ADU shall provide one off-street parking space in addition to that which is required for the primary dwelling unit.

I. Additional Standards. An ADU shall provide urban services and comply with the provisions of Kitsap County Code, including, but not limited to, setbacks, height, and lot coverage.

J. ~~Existing, u~~npermitted ADUs ~~shall acquire~~ require a permit through the provisions of this chapter and Chapter 17.410, Allowed Uses.

K. ADUs constructed entirely within existing structures are not required to meet current setbacks or lot coverage if the footprint of the structure is not expanded.

L. ADUs, detached are not required to meet the setback requirements off of a public alley.

[...]

#### **17.415.135 Cottage Housing Standards**

~~Reserved.~~

A. Maximum lot coverage: 50%

B. Minimum separation required between detached structures: 10 feet

C. Maximum structure height: 24 feet

D. Maximum square footage per unit: 1,200 square feet.

[...]

## Chapter 17.420 DENSITY, DIMENSIONS, AND DESIGN

Sections:

[17.420.010 Standards established.](#)

[17.420.020 Measurement methods.](#)

[17.420.030 ~~Site D~~design standards.](#)

[17.420.035 ~~Additional~~Mixed use and multifamily development standard modifications.](#)

[17.420.037 Single-family subdivision/development standards.](#)

[17.420.040 Interpretation of tables.](#)

[17.420.050 Tables.](#)

[17.420.052 Rural, resource, and urban residential zones density and dimensions table.](#)

[17.420.054 Commercial, industrial, and parks zones density and dimensions table.](#)

[17.420.056 Limited areas of more intensive rural development \(LAMIRD\) density and dimensions table.](#)

[17.420.058 Silverdale ~~regional center and~~ design district density and dimension table.](#)

[17.420.060 Footnotes for tables.](#)

### 17.420.010 Standards established.

The following sections and tables contain density, dimension standards, and other limitations for the various zones. Additional development requirements not found in these sections and tables may also apply.

### 17.420.020 Measurement methods.

A. Density. Except as provided in Section [17.420.060\(A\)\(18\)](#), density shall be calculated as follows:

In all zones where a maximum or base density is identified, maximum or base density is calculated on gross acreage of the site. In all zones where a minimum density is required, minimum density is calculated on net developable acreage. If a calculation results in a partial dwelling unit, the partial dwelling unit shall be rounded to the nearest whole number. Less than one-half shall be rounded down. Greater than or equal to one-half shall be rounded up.

B. Setbacks. Setbacks shall be measured perpendicularly from a property line to the nearest vertical wall or other element of a building or structure, not including driveways, patios, pools, sidewalks, landscaping elements or other similar improvements built at or below grade.

C. Height. Except as provided for in Section [17.420.060\(A\)\(14\)](#), height shall be measured from a reference datum to the highest point of the coping of a flat roof, to the deck line of a mansard

roof, or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above lowest grade.
2. An elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in subsection (C)(1) of this section is more than ten feet above lowest grade.
3. The height of a stepped or terraced building is the maximum height of any segment of the building.

D. Lot Area. Lot area for lots in urban areas shall be calculated by adding the area contained within the lot lines, exclusive of public or private streets or rights-of-way, tidelands, lakes, streams, and lands covered regularly or continuously by water (ordinary high water mark), except as otherwise provided in code, as well as the panhandle of a flag lot if the panhandle is less than thirty feet in width. Lots in rural areas may compute to the centerline of public or private streets or rights-of-way. 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.

E. Lot Width and Depth. Lot width shall be measured as the average horizontal distance between the side lot lines. Lot depth shall be measured as the horizontal distance between the midpoint of the front and opposite (usually the rear) lot line. In the case of a corner lot, lot depth shall be the length of its longest front lot line.

F. Lot Coverage and Impervious Surface. Lot coverage shall be calculated by dividing the area of land covered by buildings into the total lot area. Impervious surface coverage shall be calculated by dividing the area of land covered by buildings, structures, and all other impervious surfaces (such as sidewalks, driveways, and patios) into the total lot area.

#### **17.420.030 Site Design standards.**

A. In addition to other standards and requirements imposed by this title, all uses except single-family detached dwellings, duplexes and uses located in the [RW](#), [FRL](#), or [MRO](#) zones 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. Landscaping, Building Height, Buffering and Screening.

1. The development must comply with Chapter [17.500](#) regarding landscaping standards.

2. The director may require increased landscaping, screening and setbacks to minimize conflicts and improve compatibility with adjacent uses.
3. The director may reduce landscaping, screening, and setback requirements:
  - a. Where the nature of established development on adjacent parcels partially or fully provides the screening and buffering which otherwise would be required;
  - b. Where the density of the proposed development is less than that permitted by the zone; or
  - c. Where topographical or other site conditions provide natural screening and buffering.
4. A reduction in landscaping/screening requirements may be approved by the director in conjunction with a joint landscape screening proposal submitted by adjacent landowners for their combined boundaries or for an integrated project located within two or more zones.

C. Exterior Lighting. ~~In all zones, artificial outdoor lighting shall be arranged so that light is directed away from adjoining properties and so that no more than one foot candle of illumination leaves the property boundaries.~~

1. In all zones, artificial outdoor lighting shall be arranged so that light is directed downward and away from adjoining properties and shielded from above to prevent light pollution of the night sky and so that no more than one foot candle of illumination leaves the property boundaries.

2. Pole lights may be no taller than 35 feet in height, and no taller than 12 feet in pedestrian areas. For pedestrian and multi-use pathways, bollard lighting is encouraged.

3. Where lighting is required for large areas, illumination shall be provided by multiple, low-intensity light sources.

4. Lighting directed toward wetlands and fish and wildlife habitat conservation areas and their associated buffers shall be avoided.

D. Screening of Equipment, Storage, and Refuse Areas.

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



2. Locate service areas, outdoor storage areas and other intrusive site features away from neighboring properties to reduce conflicts with adjacent uses. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction;

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

E. Access and Circulation.

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

2. Developments shall be limited to one vehicle ingress/egress per three hundred linear feet along a public arterial. Small parcels that provide less than two hundred fifty feet of road frontage shall be limited to one parking lot entrance lane and one exit lane. Access points may be required at greater intervals as directed by the director of public works as demonstrated through a traffic analysis. Developments shall attempt to share access with adjoining parcels to minimize access points and potential conflicts from vehicles entering and exiting onto traveled roadways, unless deemed not feasible due to natural constraints such as critical areas or topographical relief, or existing development that precludes the ability to share access. Developments shall attempt to minimize vehicular movement conflicts with public roadways by use of connected frontage lanes.

F. Off-Street Parking. The development must comply with the off-street parking requirements prescribed by Chapter [17.490](#).

G. Solid Waste. The development must comply with the guidelines set forth in the Kitsap County Comprehensive Solid Waste Plan.

**17.420.035 ~~Additional~~ Mixed use and multifamily development standard modifications.**

~~A.—Total gross floor area devoted to residential uses in any mixed use development project shall not exceed eighty percent of the proposed gross floor area.~~

~~B.—Total gross floor area dedicated to commercial uses in any mixed use development shall not exceed fifty percent of the proposed gross floor area.~~

~~A.—If the mixed use development is phased, the development's commercial uses shall be constructed concurrently with or subsequent to the residential uses.~~

~~A.B.~~ Development standards for mixed use or multifamily development may be modified or waived, as set forth in Chapter 17.430 and Title 21, provided the applicant can demonstrate that the modification or waiver request will result in a project that:

1. Fosters a development pattern focused on the public street;

2. Provides for community spaces such as plazas, atriums or pocket parks;

~~3. If applicable, is consistent with the Multifamily Development Design Criteria in Section 17.470.~~

~~34. If applicable,~~ provides for a compatible mix of multifamily housing and commercial businesses and services;

~~5. Includes a mix of multifamily unit types and sizes (bedrooms or square feet);~~

~~4.—Better meets the intent of the Comprehensive Plan;~~

~~56.~~ Provides for improved compatibility with surrounding conforming uses and zones;  
~~and~~

~~67. For Mixed Use Developments, the The~~ commercial and residential components are constructed concurrently; and

~~8. Demonstrates a more efficient use of urban land.~~

~~E.B.~~ The following development standards may be modified or waived consistent with the criteria outlined in subsection ~~D.A~~ of this section:

1. Screening requirements in this title, provided the modification or waiver complies with the provisions of Section 17.420.030(B);

2. Landscaping requirements in this title, provided the modification or waiver complies with the provisions of Section 17.420.030(B);

3. Parking layout, access and dimensional standards in Chapter 17.490, provided the modification or waiver results in a design that provides safe and efficient pedestrian and vehicular circulation;

4. Minimum parking requirements in Chapter 17.490, provided the applicant demonstrates with a traffic and parking impact analysis that any adverse parking impacts

resulting from the granting of the modification or waiver request are adequately mitigated; and

~~5. Lot coverage limitations in Chapter 17.420; provided, that this shall not apply in the Gorst UGA, which instead is subject to Section 17.400.080;~~

~~6. Setback requirements in this chapter;~~

~~5. Residential open space requirements in this title; and~~

~~85. Height limitations and density restrictions in this chapter, provided the modification or waiver is consistent with the recommendations of the fire marshal/fire district. and results in a decrease in building coverage, an increase in public amenities, and/or a more creative or efficient use of land. The maximum height approved shall not exceed the heights listed in Sections 17.420.058 for development within the Silverdale Regional Center or 17.420.060(A)(17) when outside the Center. In the Gorst UGA, maximum height may only be earned through the incentives in Section 17.400.080.~~

F. The criteria and provisions of this section supersede other variance, modification or waiver criteria and provisions contained in this title.

#### **17.420.037 Single-family subdivision/Residential development standards.**

In addition to the provisions set forth elsewhere in this code, all single-family developments~~subdivisions~~, condominiums or residential developments of ten or more lots/units within urban growth areas must meet the following development standards:

##### A. Sidewalk Requirements.

1. Sidewalks shall be required on both sides of all public or private streets meeting the criteria for classification as a principal or minor arterial, collector, local subcollector or local minor roads as described by the Kitsap County road standards. Sidewalk design shall be developed consistent with the requirements of the Kitsap County road standards.
2. Sidewalks shall be required on a minimum of one side of all public or private streets meeting the criteria for classification as local road, cul-de-sac or very low volume local road as designated by the Kitsap County road standards or of similar traffic volume. Sidewalk design shall be developed consistent with the requirements of the Kitsap County road standards. The director may require sidewalks on both sides based upon site-specific conditions.
3. Rolled-curb sidewalks are prohibited, except where the sidewalk is separated from the street by a bioswale, other water quality treatment facility or landscaping berm.

B. Public Street and Street Connectivity Requirements. Dedicating or deeding property for right-of-way or a portion thereof to the county for public streets within, or along the boundaries of all single-family ~~subdivisions or~~ developments, shall be required as a condition of application approval where the county demonstrates all of the following:

1. Facts support that such dedication is reasonably necessary as a result of the impact created by the proposed development;
2. Such dedication will result in mitigation of the impact in the reasonably foreseeable future;
3. Connectivity to existing public right-of-way is feasible; and
4. One or more of the following circumstances are met:
  - a. A county transportation plan indicates the necessity of a new or additional right-of-way or portion thereof for street purposes;
  - b. The dedication is necessary to provide additions of right-of-way to existing county right-of-way to meet county road standards;
  - c. The dedication is necessary to extend or to complete the existing or future neighborhood street pattern;
  - d. The dedication is necessary to comply with county road standards and Kitsap County transportation plans;
  - e. The dedication is necessary to provide a public transportation system that supports future development of abutting property consistent with the Kitsap County Comprehensive Plan or Kitsap County zoning code.

C. Utility Connectivity Requirements. Dedication of easements for future public utility extensions to abutting or contiguous properties shall be required as a condition of application approval in cases where the county demonstrates the following:

1. Vacant or underutilized land abuts the proposed ~~subdivision or~~ development;
2. The location is reasonable based upon the design needs for future utility infrastructure;
3. The dedication may further the extension of utility infrastructure with the urban growth area; and
4. The dedication furthers the goals and policies of the Comprehensive Plan.

D. Landscaping Requirements.

1. A landscaped area will be provided at all entrances to the ~~subdivision or~~ development consistent with the landscaping standards of Chapter 17.500.
2. Street trees consistent with Chapter 17.500 shall be provided along all streets with the road classification of principal or minor arterial, collector, or local subcollector as determined by the Kitsap County road standards or of similar traffic volume. Street trees shall be located in the road right-of-way or the front yards of individual lots or units. Where adequate ROW is available, street trees shall be located between the roadway and the sidewalk. Street trees located on individual lots may be installed before final plat approval or before the certificate of occupancy for individual building permits.

E. Off-Street Parking.

1. Projects shall provide off-street parking consistent with the requirements of Chapter 17.490.
2. All fractional parking spaces shall be rounded up to the nearest whole number.
3. If the development includes set-aside parking areas, each area shall not include more than ten spaces each and shall be in locations throughout the development.

**17.420.040 Interpretation of tables.**

Development standards are listed down the left side of the tables and the zones are listed at the top. The table cells contain the minimum (min) and, in some cases, maximum (max) dimensional requirements of the zone. The small numbers (subscript) in a cell indicate additional requirements or detailed information. Those additional requirements can be found in the table footnotes in Section 17.420.060. A cell marked with "NA" indicates there are no specific requirements.

**17.420.050 Tables.**

There are four separate tables addressing the density, dimensions, and design standards as applied to the following general land use categories and zones:

A. Section 17.420.052, Rural, Resource, and Urban Residential Zones Density and Dimensions Table.

1. Rural residential (RR).
2. Rural protection (RP).
3. Rural wooded (RW).

4. Forest resource lands (FRL).
5. Mineral resource overlay (MRO).
6. Urban restricted (UR).
7. Greenbelt (GB).
8. Urban low residential (UL).
9. Urban cluster residential (UCR).
10. Urban medium residential (UM).
11. Urban high residential (UH).

B. Section [17.420.054](#), Commercial, Industrial, and Parks Zones Density and Dimensions Table.

1. Urban village center (UVC).
2. Neighborhood commercial (NC).
3. Commercial (C).
4. Regional center (RC).
5. Low intensity commercial (LIC).
6. Rural commercial (RCO).
- ~~7. Business park (BP).~~
- ~~8~~7. Business center (BC).
- ~~9~~8. Industrial (IND).
- ~~10~~9. Rural industrial (RI).
- ~~11~~10. Parks (P).

C. Section [17.420.056](#), Limited Areas of More Intensive Rural Development (LAMIRD) Zones Density and Dimensions Table.

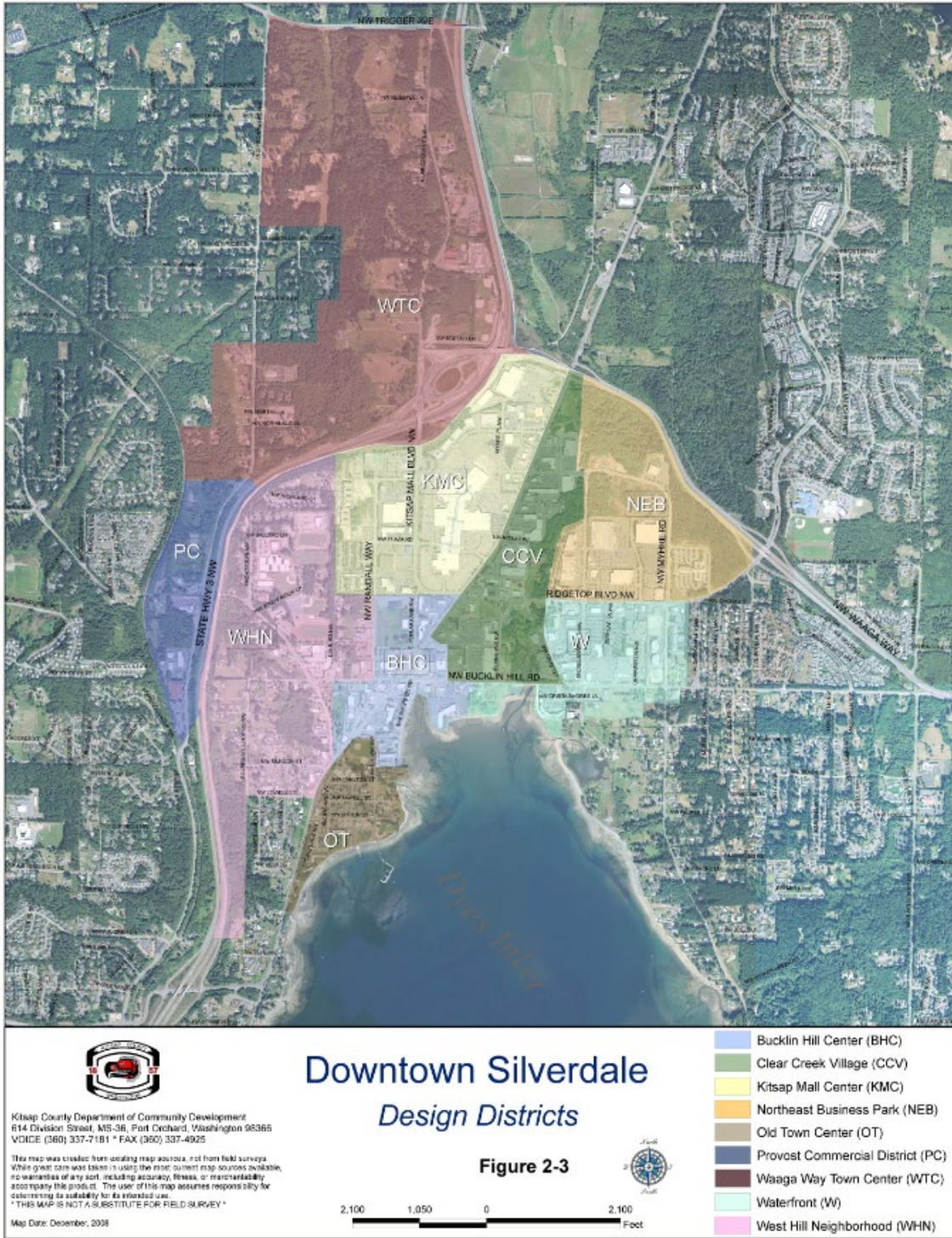
1. Keyport village commercial (KVC).
2. Keyport village low residential (KVLR).
3. Keyport village residential (KVR).
4. Manchester village commercial (MVC).
5. Manchester village low residential (MVLR).
6. Manchester village residential (MVR).
7. Port Gamble rural historic town commercial (RHTC).
8. Port Gamble rural historic town residential (RHTR).
9. Port Gamble rural historic town waterfront (RHTW).
10. Suquamish village commercial (SVC).
11. Suquamish village low residential (SVLR).
12. Suquamish village residential (SVR).
13. Rural employment center (REC).
14. Twelve Trees employment center (TTEC).

D. Section [17.420.058](#), Silverdale Regional Center and Design District Density and Dimension Table.

1. Old Town.
2. Bucklin Hill center.
3. Clear Creek Village.
4. Kitsap Mall center.
5. West Hill.
6. Northeast business.
7. Waterfront.







**17.420.052 Rural, resource, and urban residential zones density and dimensions table.**

Standard	Rural			Resource		Urban Low Density Residential				Urban Medium/High Density Residential	
	RR	RP	RW	FRL	MRO	UR (33)(53)	GB (33)	UL (5)(33)	UCR (5)	UM (5)	UH (33)(55)
Min. density (du/acre)	NA	NA	NA	NA	NA	1 (3)(18)	1 (3)(18)	5 (3)	5 (3)	10	19
Max. density (du/acre)	1 du/5 acres	1 du/10 acres	1 du/20 acres	1 du/40 acres	0 (19)	5, up to 10 in Gorst (18)(53)	4 (18)	9 / 14 (59)	9	<del>18</del> 30	<del>30</del> 60
Min. lot size (63)	5 acres	10 acres	20 acres	40 acres	20 acres (30)	5,800 s.f. / 1,200 for attached housing	5,800 s.f. / 1,200 for attached housing	2,400 s.f. / 1,200 for attached housing	2,400 s.f. / 1,200 for attached housing	NA for multifamily; 2,400 s.f. for single-family	NA
Max. lot size	NA	NA	NA	NA	NA	NA	NA	9,000 s.f. (25)	9,000 s.f. (25)	NA	NA
Min. lot width (feet) (63)	140	140	140	140	60 (31)	60 / 20 for attached housing	60 / 20 for attached housing	40 / 20 for attached housing	40 / 20 for attached housing	NA for multifamily; 40 for single-family	<del>60</del> NA
Min. lot depth (feet) (63)	140	140	140	140	NA	60	60	60	60	NA for multifamily; 60 for single-family	<del>60</del> NA
Max. height (feet) (37)(40)(50)	35 (2)	35 (2)	35 (2)	35 (1)	NA	35	35	35	35	45 (17)	55 (17)

Standard	Rural			Resource		Urban Low Density Residential				Urban Medium/High Density Residential	
	<u>RR</u>	<u>RP</u>	<u>RW</u>	<u>FRL</u>	<u>MRO</u>	<u>UR</u> (33)(53)	<u>GB</u> (33)	<u>UL</u> (5)(33)	<u>UCR</u> (5)	<u>UM</u> (5)	<u>UH</u> (33)(55)
Max. impervious surface coverage	NA	NA	NA	NA	NA	50%, up to 55% in Gorst (53)	40%	NA	NA	85%	85%
Max. lot coverage	NA	NA	NA	NA	NA	50%, up to 55% in Gorst (53)	40%	NA	NA	85%	<del>85%</del> -NA
<b>Setbacks (34)(35)(48)</b>											
Min. front (feet) (41)(42)(43)	50 (29)	50 (29)	50 (29)	50 (29)	NA	20, 15 in Gorst (29)(54)	<del>20 (29)</del> <u>20 for garage or carport; 10 for habitable area (29)</u>	20 for garage or carport; 10 for habitable area (29)	<del>10 for single-family, duplex and townhouse; 10 for multifamily when abutting a single-family, duplex or townhouse on the same side of the street, otherwise NA (29)</del> <u>20 for garage or carport; 10 for habitable area (29)</u>	10 for multifamily; for single-family: 20 for garage or carport, 10 for habitable area (29)	<del>20 (29)</del> <u>10 for multifamily; for single-family: 20 for garage or carport, 10 for habitable area (29)</u>
Max. front (feet)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA

Standard	Rural			Resource		Urban Low Density Residential				Urban Medium/High Density Residential	
	<u>RR</u>	<u>RP</u>	<u>RW</u>	<u>FRL</u>	<u>MRO</u>	<u>UR</u> (33)(53)	<u>GB</u> (33)	<u>UL</u> (5)(33)	<u>UCR</u> (5)	<u>UM</u> (5)	<u>UH</u> (33)(55)
Min. side (feet) (42)(43)	20 feet; 5 feet for accessory structures (29)	20 feet; 5 feet for accessory structures (29)	20 (29)	20 (29)	NA	<del>5 (29)</del> <del>0 feet for attached housing, 5 feet for detached housing, 20 for a garage or carport if that side opens onto a street or alley (29)</del>	<del>5 (29)</del> <del>0 feet for attached housing, 5 feet for detached housing, 20 for a garage or carport if that side opens onto a street or alley (29)</del>	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (29) 0 feet for attached housing, 5 feet for detached housing, 20 for a garage or carport if that side opens onto a street or alley (29)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (28)(29) 0 feet for attached housing, 5 feet for detached housing, 20 for a garage or carport if that side opens onto a street or alley (29)	5 If on an alley, 10 feet for a garage or carport opening directly onto the alley or 5 feet in all other instances (29) 0 feet for attached housing, 5 feet for detached housing, 20 for a garage or carport if that side opens onto a street or alley (29)	<del>5 (29)</del> <del>0 feet for attached housing, 5 feet for detached housing, 20 for a garage or carport if that side opens onto a street or alley (29)</del>

Standard	Rural			Resource		Urban Low Density Residential				Urban Medium/High Density Residential	
	<u>RR</u>	<u>RP</u>	<u>RW</u>	<u>FRL</u>	<u>MRO</u>	<u>UR</u> (33)(53)	<u>GB</u> (33)	<u>UL</u> (5)(33)	<u>UCR</u> (5)	<u>UM</u> (5)	<u>UH</u> (33)(55)
Min. rear (feet) (42)(43)	20 feet; 5 feet for accessory structures (29)	20 feet; 5 feet for accessory structures (29)	20 (29)	20 (29)	NA	10, 15 in Gorst (29)(54)	10, 20 for a garage or carport if that side opens onto a street or alley (29)	10 If on an alley, 20 feet for a garage or carport opening directly onto a street or the alley (29)	510 If on an alley, 20 feet for a garage or carport opening directly onto a street or the alley (28)(29)	10 If on an alley, 20 feet for a garage or carport opening directly onto a street or the alley (29)	10 20 for a garage or carport if that side opens onto a street or alley (29)

**17.420.054 Commercial, industrial, and parks zones density and dimensions table.**

Standard	Commercial						Industrial				Public Facilities	
	<u>UVC</u> (5)	<u>NC</u> (5)(33)	<u>C</u> (5)(33)	<u>RC</u> (33)	<u>LIC</u>	<u>RCO</u> (12)	<u>BC</u>	<u>BP</u>	<u>IND</u> (5)(36)	<u>RI</u>	<u>P</u>	--
Min. density (du/acre) (57)	10	10	<del>10</del> 19	See Section <a href="#">17.420.058</a>	10	NA	NA	NA	NA	NA	NA	

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Standard	Commercial						Industrial				Public Facilities	
	<u>UVC</u> (5)	<u>NC</u> (5)(33)	<u>C</u> (5)(33)	<u>RC</u> (33)	<u>LIC</u>	<u>RCO</u> (12)	<u>BC</u>	<u>BP</u>	<u>IND</u> (5)(36)	<u>RI</u>	<u>P</u>	--
Max. density (du/acre)	NA	30	<del>30 60/</del> No Max (60)		20; up to 30 in Gorst (53)	0 (19)	0 (19)	0 (19)	0 (19)	0 (19)	0 (19)	
Min. lot size	NA	NA	NA		NA	NA	NA	7 acres (49)	NA	NA	NA	
Max. lot size	NA	NA	NA		NA	NA	NA	NA	NA	NA	NA	
Min. lot width (feet)	NA	NA	NA		NA	NA	NA	NA	NA	NA	NA	
Min. lot depth (feet)	NA	NA	NA		NA	NA	NA	NA	NA	200	NA	
Max. height (feet) (37)(40)(50)	45	35 (17)	<del>35 45/55</del> (17)(61)		25; up to 45 in Gorst (53)	35	35 (17)	<del>35 (17)</del>	35 (17)	35	35 (17)	
Max. impervious surface coverage	85%	85%	85%		35%; up to 50% in Gorst (53)	85%	NA	50%	NA	85%	NA	

Standard	Commercial						Industrial				Public Facilities		
	<u>UVC</u> (5)	<u>NC</u> (5)(33)	<u>C</u> (5)(33)	<u>RC</u> (33)	<u>LIC</u>	<u>RCO</u> (12)	<u>BC</u>	<u>BP</u>	<u>IND</u> (5)(36)	<u>RI</u>	<u>P</u>	--	
Max. lot coverage	Total gross floor area devoted to nonresidential use in any one structure shall not exceed 25,000 square feet.	NA	NA		35%	NA	60% building coverage or as determined by master plan process	<del>NA</del>	60% lot coverage	NA	NA		
<b>Setbacks (34)(35)(48)</b>													
Min. front (feet) (29)(41)(42)(43)(46)	NA	20	20	See Section <a href="#">17.420.058</a>	NA	20 (26)	20 (23)(26)	<del>20 (23)(26)</del>	20 (27)	20 (26)	20; 0 in Gorst (54)		
Max. front (feet) (41)(42)(43)	NA	NA	NA		10 (52)	NA	NA	NA	<del>NA</del>	NA	NA	NA	
Min. side (feet) (29)(42)(43)	NA	10 (21)	10 (21)		NA	20, 50 when abutting residential zone (26)	20 (23)(26)	<del>20 (23)(26)</del>	NA (27)	20, 50 when abutting residential zone (26)	10		
Min. rear (feet) (29)(42)(43)	NA	10 (21)	10 (21)		15	20, 50 when abutting residential zone (26)	20 (23)(26)	<del>20 (23)(26)</del>	NA (27)	20, 50 when abutting residential zone (26)	10; 0 in Gorst (54)		

**17.420.056 Limited areas of more intensive rural development (LAMIRD) density and dimensions table.**

Standard	TYPE I LAMIRDS												TYPE III LAMIRDS	
	Keyport Rural Village			Manchester Village			Port Gamble Rural Historic Town			Suquamish Village			REC	TTEC
	KVC	KVLR	KVR	MVC (47)	MVLR	MVR	RHTC	RHTR	RHTW	SVC	SVLR	SVR		
Min. density (du/acre)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Max. density (du/acre)	5	2 (45)	5	5 (15)	2 (15)	4 (15)	2.5 (7) (58)	2.5 (7) (58)	2.5 (7) (58)	0 (19)	2	2	0 (19)	0 (19)
Min. lot size	NA	12,500 s.f.	4,000 s.f.	NA	21,780 s.f. (12)	10,890 s.f. (12)	NA	3,500 s.f. (7)	NA	NA (11)	4,500 s.f. (4)(11)	4,000 s.f. (4)(11)	NA	NA
Max. lot size	NA	NA	NA	NA	NA	NA	NA	7,500 s.f. (7)	NA	NA (11)	NA (11)	NA (11)	NA	NA
Min. lot. width (feet)	30	80	40	NA	60 (12)	60 (12)	NA	NA	NA	NA (11)	50 (4)(11)	40 (4)(11)	NA	NA
Min. lot. depth (feet)	NA	80	80	NA	60 (12)	60 (12)	NA	NA	NA	NA (11)	90 (4)(11)	75 (4)(11)	NA	NA
Max. height (feet) (37)(40)	35	35	35	28 (13)	35 (14)	35 (14)	35 (8)	30	35 (22)	35	30, Max of 2 habitable floors	30, Max of 2 habitable floors	35	35



	TYPE I LAMIRDS												TYPE III LAMIRDS	
Standard	Keyport Rural Village			Manchester Village			Port Gamble Rural Historic Town			Suquamish Village			REC	TTEC
	KVC	KVLR	KVR	MVC (47)	MVLR	MVR	RHTC	RHTR	RHTW	SVC	SVLR	SVR		
Max. impervious surface coverage	NA	50% for residential properties less than or equal to 0.50 acres; 40% for residential properties greater than or equal to 0.51 acres	50% for residential properties less than or equal to 0.50 acres; 40% for residential properties greater than or equal to 0.51 acres	50% for residential properties less than or equal to 0.50 acres; 40% for residential properties greater than or equal to 0.51 acres (16)	50% for residential properties less than or equal to 0.50 acres; 40% for residential properties greater than or equal to 0.51 acres (16)	50% for residential properties less than or equal to 0.50 acres; 40% for residential properties greater than or equal to 0.51 acres (16)	NA	NA	NA	40% (6)	40% (6)	40% (6)	85%	85%
Max. lot coverage	NA	NA	NA	NA	NA	NA	50%	50% or 2,000 s.f., whichever is greater	50%	NA	NA	NA	NA	NA
<b>Setbacks (34)(35)(48)</b>														
Min. front (feet) (41)(42) (43)	NA	10 for habitable area, 20 for garage or carport	10 for habitable area, 5 for porch, 20 for garage or carport (46)	NA	20	20	NA	20 (9)	NA	10 (11)	20 (11)	20 (11)	20	20

Standard	TYPE I LAMIRDS												TYPE III LAMIRDS	
	Keyport Rural Village			Manchester Village			Port Gamble Rural Historic Town			Suquamish Village			REC	TTEC
	KVC	KVLR	KVR	MVC (47)	MVLR	MVR	RHTC	RHTR	RHTW	SVC	SVLR	SVR		
Max. front (feet)	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA
Min. side (feet) (42)(43)	NA	5	5	NA	5	5	Per Title 14	5 (10)	Per Title 14	NA (11) (21)	5 (11)	5 (11)	10 (21)	10 (21)
Min. rear (feet) (42)(43)	NA	5	5	NA	5	5	Per Title 14	5 (10)	Per Title 14	10 (11) (21)	5 (11)	5 (11)	10 (21)	10 (21)

**17.420.058 Silverdale ~~regional center and~~ design district density and dimension table.**

Standard	Old Town	Bucklin Hill Center	Clear Creek Village	Kitsap Mall Center	West Hill	Northeast Business	Waterfront	Provost Commercial	Waaga Way
Min. density (du/acre) (57)	10	10	10	10	UH: 19 RC: 10	10	10	Refer to zoning	Refer to zoning
Max. density (du/acre)	Max:30/60	<del>30/60-NA</del>	<del>30/60-NA</del>	<del>30/60-NA</del>	UH: 30/60 RC: 30/60 NA	<del>30/60-NA</del>	<del>30/60-NA</del>	Refer to zoning	Refer to zoning
Min. height (feet) (62)	NA	35 ft fronting Silverdale Way (62)	35 ft fronting Silverdale Way (62)	35 ft fronting Silverdale Way (62)	35 ft fronting Silverdale Way (62)	35 ft (62)	NA	Refer to zoning	Refer to zoning

Standard	Old Town	Bucklin Hill Center	Clear Creek Village	Kitsap Mall Center	West Hill	Northeast Business	Waterfront	<u>Provost Commercial</u>	<u>Waaga Way</u>
Max. height (feet) (33)(37)(40) (56)	<del>35 ft</del> / <del>45 ft</del>	<del>55</del> Base: <u>65 ft</u> / <u>Max: 85 ft</u>	<del>55</del> Base: <u>65 ft</u> / <u>Max: 85 ft</u>	<del>55</del> Base: <u>65 ft</u> / <u>Max: 85 ft</u>	<u>UH: Base: 55 ft</u> / <u>Max: 85 ft</u> <u>RC: 55</u> <u>Base: 65 ft</u> / <u>Max: 85 ft</u>	<u>Base: 65 ft</u> / <u>Max: 125 ft</u>	<del>55</del> Base: <u>65 ft</u> / <u>Max: 85 ft</u>	<u>Refer to zoning</u>	<u>Refer to zoning</u>
<del>Max. impervious surface coverage</del>	<del>85%</del>	<del>85%</del>	<del>85%</del>	<del>85%</del>	<u>UH: 85%</u> <u>RC: NA</u>	<del>85%</del>	<del>85%</del>	<u>Refer to zoning</u>	<u>Refer to zoning</u>
Max. lot coverage	NA	NA	NA	NA	NA	NA	NA	<u>Refer to zoning</u>	<u>Refer to zoning</u>
<b>Setbacks (34)(35)(48)</b>									
Min. front (feet)	20 ft	20 ft	20 ft	20 ft	<u>UH: 20 ft</u> <u>RC: 20 ft</u>	20 ft	20 ft	<u>Refer to zoning</u>	<u>Refer to zoning</u>
Max. front (feet) (29)(41)(42) (43)(45)	NA	NA	NA	NA	NA	NA	NA	<u>Refer to zoning</u>	<u>Refer to zoning</u>
Side (feet) (29)(42)(43) (45)	10 ft	10 ft	10 ft	10 ft	<u>UH: 5 ft</u> <u>RC: 10 ft</u>	10 ft	10 ft	<u>Refer to zoning</u>	<u>Refer to zoning</u>
Rear (feet) (29)(42)(43)	10 ft	10 ft	10 ft	10 ft	<u>UH: 5 ft</u> <u>RC: 10 ft</u>	10 ft	10 ft	<u>Refer to zoning</u>	<u>Refer to zoning</u>

## 17.420.060 Footnotes for tables.

- A. Where noted on the preceding tables, the following additional provisions apply:
1. Except for those buildings directly associated with timber production and harvest.
  2. Except for silos and other uninhabited agricultural buildings.
  3. Exception to Minimum Density. Properties within the UL and UCR zones may be divided in accordance with Title 16 regardless of the resulting minimum density or lot size provided:
    - a. Each lot contains an existing primary structure;
    - b. Each lot meets all setbacks and other dimensional standards of the zone;
    - c. The division does not create any undeveloped lot; and
    - d. The division does not prevent the ability of the property to be further divided or redeveloped in the future.
- ~~Properties within the urban restricted (UR) zone and greenbelt (GB) may subdivide at densities below the minimum required for the zone under the following circumstances:~~
- ~~a.—The reduced density provides a greater protection for critical areas or environmentally sensitive areas; and~~
  - ~~b.—The intent of the short subdivision or subdivision is to keep the property in the ownership of the immediate family members.~~
4. If a single lot of record, legally created as of April 19, 1999, is smaller in total square footage than that required under this chapter, or if the dimensions of the lot are less than required, said lot may be occupied by any reasonable use allowed within the zone subject to all other requirements of this chapter. If there are contiguous lots of record held in common ownership, each of the lots legally created as of April 19, 1999, and one or more of the lots is smaller in total square footage than required by this chapter, or the dimensions of one or more of them are less than required, said lots shall be combined to meet the minimum lot requirements for size and dimensions.
  5. The Design Standards for the Community of Kingston sets forth policies and regulations for properties within the downtown area of Kingston. All development within this area must be consistent with these standards in Chapter [17.700](#), [Appendix C1](#).

6. Building replacements and remodels shall not create in excess of a total of forty percent hard surface for lot area or more than the total existing hard surface area, whichever is greater.
7. Excess area from acreage used to support proposed densities but not devoted to residential lots and public improvements such as streets and alleys shall be permanently dedicated and reserved for community open space, park land, and similar uses. For developments proposing densities no greater than one dwelling unit per five acres, the minimum and maximum lot sizes shall not apply, except that existing dwelling units shall be allocated lot area between three thousand five hundred and seven thousand five hundred square feet. New proposals may then proceed using the five-acre lot requirements for the rural residential (RR) zone.
8. Hotels may be developed with four above-ground floors and up to a height not exceeding fifty feet with approval of the fire marshal and relevant fire district.
9. May be reduced to ten feet for residential uses through the administrative conditional use or PBD process.
10. Uses allowed through the conditional use process shall provide minimum side setbacks of ten feet and minimum rear setbacks of twenty feet.
11. Any newly created lot within the Suquamish rural village shall be subject to Chapter [16.48](#), Short Subdivisions, and must meet the lot requirements below:
  - a. Lot Requirements.
    - i. Minimum lot size: twenty-one thousand seven hundred eighty square feet.
    - ii. Minimum lot width: one hundred feet.
    - iii. Minimum lot depth: one hundred feet.
  - b. Setbacks.
    - i. Front: twenty feet.
    - ii. Side: five feet.
    - iii. Rear: five feet.
12. Nonconforming Lots.

a. Nonconforming Lots in Single Ownership. If a single lot of record, legally created before the adoption of the Manchester Community Plan, is less than eight thousand seven hundred twelve square feet in size or does not meet the dimensional requirements of its zone, the lot may be occupied by any use allowed within the zone subject to all other requirements of this chapter.

b. Nonconforming Lots in Common Ownership. Contiguous lots of record held in common ownership, each lot legally created before adoption of the Manchester Community Plan, must be combined to meet the minimum lot requirements of its zone if one or more of the lots are less than eight thousand seven hundred twelve square feet in size or do not meet the dimensional requirements of its zone and, at the time of adoption of the Manchester Community Plan (March 18, 2002), either (i) a residential structure encumbered more than one of the contiguous lots or (ii) two or more of the contiguous lots were vacant. If one or more of the lots is sold or otherwise removed from common ownership after the adoption of the Manchester Community Plan, it will not be considered to meet the minimum lot requirements for nonconforming lots in single ownership. Property with two contiguous lots legally created before adoption of the Manchester Community Plan with a residential structure entirely on one lot may develop the second lot consistent with applicable zoning.

13. Residential structures within the [MVC](#) zone may not exceed twenty-eight feet.

14. Within the [Manchester](#) view protection overlay, the maximum height for buildings and new vegetation shall be twenty-eight feet. Height shall be measured from the average elevation of the property's buildable area to the structure's highest point. Kitsap County will not enforce vegetation height standards. Buildable area is considered all portions of the property except wetlands and/or geologically hazardous areas. Properties within the view protection overlay zone may build or have new vegetation as high as thirty-five feet under the following circumstances:

a. There is no existing view of downtown Seattle, the Cascade Mountains, Mt. Rainier or the Puget Sound from the subject property or any adjacent property; or

b. The owners of all adjacent properties approve the building height prior to building permit issuance; or

c. It can be explicitly shown that the structure will not cause the blockage of existing views from any of the adjacent properties.

15. Clustering residential development is encouraged in all development. When clustering development, if a property owner designates forty percent of the gross acreage as naturally vegetated open space, he or she may create one additional lot for every five

lots clustered. The additional lot may not reduce the naturally vegetated open space to an amount less than forty percent of the gross acreage of the development.

16. All properties within the Manchester village must also meet the requirements of the stormwater management ordinance, Chapters [12.04](#) through [12.32](#).

17. A greater height may be allowed ~~for mixed use and multifamily development pursuant to criteria set forth as set forth in Section 17.420.035 below~~ and in accordance with the procedures in Title [21](#). ~~Such approval must be consistent with the recommendations of the fire marshal/fire district and consider compatible with surrounding uses and zones. Such approval shall result in a decrease in building coverage, an increase in public amenities, and/or a more creative or efficient use of land.~~ The maximum building height approved by the director shall not exceed:

- a. In the [NC](#) and [P](#) zones: ~~Max:~~ forty-five feet.
- b. In the [UH](#) and [C](#) zones: ~~Max:~~ sixty-five feet.
- c. In the [UM](#), ~~BP~~, [BC](#), and [IND](#) zones: ~~Max:~~ fifty-five feet.
- d. Height ~~and density~~ requirements for urban high and regional center reflected in Section [17.420.058](#), Silverdale ~~regional center and~~ design district density and dimension table.

18. The minimum and maximum densities within the range are based upon the net acreage of the property(ies) after the removal of critical areas. In determining a development proposal's actual density within the range, the features of the subject parcel including on-site or adjacent wetlands, streams or steep slopes shall be considered first.

19. These zones are not intended to accommodate population growth and therefore do not have allowed density. However, limited new residential uses may occur in these zones which support the intent of these zones to provide employment and services. Therefore, up to one dwelling unit may be allowed per existing parcel for the limited residential uses allowed in Chapter [17.410](#).

20. The Design Standards for the Community of Keyport sets forth policies and regulations for properties within the downtown area of Keyport. All development within this area must be consistent with these standards in Chapter [17.700](#), [Appendix C2](#).

21. Twenty feet when abutting a residential zone.

22. Maximum height shall be thirty~~-five~~ feet when located within the two-hundred-foot shoreline area.

23. The minimum site setback shall be seventy-five feet for any yard abutting a residential zone, unless, based upon a site-specific determination, berming and landscaping approved by the director is provided that will effectively screen and buffer the business park activities from the residential zone that it abuts; in which case, the minimum site setback may be reduced to less than seventy-five feet but no less than twenty-five feet. In all other cases, minimum site setbacks shall be twenty feet.
24. Reserved.
25. For new building permit applications for residential dwelling units on vacant lots over eighteen thousand square feet located in urban low residential (ULR) and urban cluster residential (UCR) zones, the maximum lot size shall not exceed nine thousand square feet. This restriction shall not apply if:
- a. The net developable area of the existing parcel is less than eighteen thousand square feet; or
  - b. The project application will meet minimum density requirements as established by this chapter.
26. No service road, spur track, or hard stand shall be permitted within required yard areas that abut a residential zone.
27. As approved by the director, wherever an industrial zone abuts a residential zone, a fifty-foot screening buffer area shall be provided. This screening buffer is intended to reduce impacts to abutting residential uses such as noise, light, odors, dust and structure bulk. No structures, open storage, or parking shall be allowed within this area. The director shall only approve screening buffers that improve the compatibility between the proposed use and the residential zone. The director may reduce this buffer to a minimum of twenty-five-foot width only when based upon a site-specific determination that topography, berming or other screening features will effectively screen industrial activities from the residential zone. Conversely, based upon a similar site-specific determination, the director may increase the buffer width from fifty feet to ensure adequate buffering and compatibility between uses.
28. Unless part of an approved zero-lot-line development.
29. One-hundred-foot setback required for single-family buildings abutting [FRL](#) or [RW](#) zones.
30. No minimum lot size if property is used only for extraction.
31. Three hundred thirty feet if activity includes any uses in Section [17.170.020](#).



32. Existing lots developed with existing single-family residences are permitted to be maintained, renovated and structurally altered. Additions to existing residential structures in order to provide commercial uses are also permitted regardless of density.
33. Except for the height and density requirements reflected in Section [17.420.058](#), Silverdale ~~regional center and~~ design district density and dimension table, all development within the Silverdale design district boundaries must be consistent with the Silverdale Design Standards found in Chapter [17.700](#), [Appendix C3](#).
34. Development abutting a street for which a standard has been established by the Kitsap County arterial plan shall provide a special setback from the centerline of said street or a distance adequate to accommodate one-half of the right-of-way standard established by the arterial plans for the street. The building setback required by the underlying zone shall be in addition to the special setback and shall be measured from the edge of the special setback line. The special setback area shall be treated as additional required yard area and reserved for future street widening purposes.
35. For setback standards applicable to agricultural structures, see Section [17.455.080](#).
36. For standards applicable to master planned industrial developments and approved industrial parks, see Sections [17.320.030](#) and [17.330.030](#).
37. Adjacent to airports, the director may impose height restrictions and/or other land use controls as deemed essential to prevent the establishment of air space obstructions in air approaches to protect the public health, safety and welfare consistent with Federal Aviation Regulations (FAR) Part 77.
38. Reserved.
39. Reserved.
40. Height limitations set forth elsewhere in this title shall not apply to the following: barns, silos, or other farm buildings and structures, provided they are not less than fifty feet from every lot line; chimneys, spires on places of worship, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, solar energy systems, monuments, fire house towers, masts, aerials, elevator shafts, ~~stairs or stair shafts~~ and other similar projections; and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater. The proponent seeking exception to the height limitation shall certify that the object being considered under this provision will not shade an existing solar energy system which, by the determination of the director, contributes substantially to the space- or water-heating requirements of a building.
41. The following exceptions apply to front yard requirements for dwellings:

- a. If there are dwellings on both abutting lots with front yards less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings.
  - b. If there is a dwelling on one abutting lot with a front yard less than the required depth for the zone, the front yard need not exceed a depth of halfway between the depth of the front yard on the abutting lot and the required front yard depth.
  - c. If a modification to the front yard requirement is necessary in order to site dwellings in a manner that maximizes solar access, the director may modify the requirement.
  - d. On lots with multiple front yards, the front yard setback(s) in which the lot does not receive access may be modified by the director. Based upon topography, critical areas or other site constraints, the director may reduce these front yard setbacks to a minimum of twenty feet for properties requiring fifty feet and ten feet for properties requiring twenty feet. The director may not modify front yard setbacks from county arterials or collectors. Such reductions shall not have an adverse impact to surrounding properties.
42. The following exceptions apply to historic lots:
- a. Building setback lines that do not meet the requirements of this title but were legally established prior to the adoption of this title shall be considered the building line for alterations, remodels, and accessory structures on the lot or parcel; providing, that no structure or portion of such addition may further project beyond the established building line.
  - b. Any single-family residential lot of record as defined in Chapter [17.110](#) that has a smaller width or lot depth than that required by this title, or is less than one acre, may use that residential zoning classification that most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.
43. Any structure otherwise permitted under this section may be placed on a lot or parcel within a required yard area if the director finds that such a location is necessary because existing sewer systems or roadways make compliance with the yard area requirements of this title impossible without substantial changes to the site.
44. Reserved.
45. Density in the [KVLR](#) zone may be increased to three units per acre through a performance-based development (PBD) process pursuant to the regulations cited in Section [17.360A.030\(B\)](#).

46. A front porch and associated steps shall meet a minimum five-foot setback from the front property line and the following requirements:

- a. Porches shall be at least forty percent open on each of two sides.
- b. Porches shall be a minimum of four feet by six feet.

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

48. Shoreline properties are subject to Title [22](#) and may have additional buffers and setbacks requirements not listed in the density and dimension tables. Properties constrained by critical areas are subject to Title [19](#) and may have additional buffers and setbacks requirements not listed in the density and dimension tables. Cornices, canopies, eaves, belt courses, sills, bay windows, fireplaces or other similar cantilevered features may extend up to twenty-four inches into any required yard area. In no case shall a habitable area be considered for encroachment into a required yard through any land use process. Additionally, fire escapes, open/uncovered porches, balconies, landing places or outside stairways may extend up to twenty-four inches into any required side or rear yards. Open/uncovered porches, balconies, landing places, or outside stairways shall not extend more than six feet into any required front yard and shall be a minimum of five feet from the front property line.

49. Minimum project size applies to the initial land use application for the property such as master plan, PBD or other mechanism. Subsequent subdivision through platting or binding site plan consistent with scope and conditions of the land use approval is not required to meet this minimum size.

50. New or remodeled structures within the Illahee View Protection Overlay may not exceed twenty-eight feet. Kitsap County will not enforce vegetation height standards.

51. Reserved.

52. No motor vehicle parking allowed within the front yard setback. See also Section [17.400.060](#) regarding conditions under which maximum setbacks may increase, as well as parking location standards.

53. Within the Gorst urban growth area, density, impervious surface coverage and height may be increased to the maximum listed in the density and dimensions table through compliance with the incentive program described in Section [17.400.080](#)(B).

54. Standard listed applicable to Gorst UGA only.

55. Parcels located within the Silverdale Regional Growth Center shall refer to the design standards identified in Section [17.420.058](#), Silverdale regional center and design district density and dimension table.

~~56. Height and density may be increased through Chapter [17.450](#), Performance Based Development, or qualifies as mixed use development and meets modification or waiver request criteria as identified in Section [17.420.035](#), Additional mixed use development standards, by meeting one of the following criteria:~~

~~a. The project is a Performance Based Development per Chapter [17.450](#); or~~

~~b. The project qualifies as mixed use development or multifamily development and meets modification or waiver request criteria as identified in Section [17.420.035](#), Mixed use and multifamily development standard modifications.~~

57. Mixed use projects are not required to meet the minimum density requirements.

58. As part of a town master plan developed under Section [17.360C.030](#), maximum density shall apply to the entirety of the RHT rather than a specific RHT zone. The density of any specific development shall maintain the historic character of the RHT and shall not cause the total number of dwelling units within the RHT to exceed two hundred ninety-five. However, no units shall be transferred into the [RHTW](#) zone from other zones in the RHT.

~~59. Maximum density shall be fourteen (14) dwelling units an acre if the development includes at least 85% of units as single-family attached, cottage housing and/or multiple-family dwellings only.~~

~~60. For development within the Commercial zone within the Kingston UGA, no limitation on maximum density is established.~~

~~61. Maximum heights in the Commercial Zone for projects not applying the requirements of KCC [17.420.035](#) are as shown below:~~

~~a. Kingston, Silverdale, and Central Kitsap UGAs = fifty-five (55) feet~~

~~b. West Bremerton, East Bremerton, Gorst and Port Orchard/South Kitsap UGA = forty-five (45) feet~~

~~62. Minimum height requirement does not apply to institutional, civic, or park uses. If multiple buildings are provided on site, only one building must meet minimum height requirement.~~

~~63. The minimum lot area or lot dimensions may be modified beyond these standards through approval of a Performance Based Development pursuant to KCC [17.450](#). Lots~~

proposed below the minimum lot size or lot dimensions must demonstrate all lots are buildable and that the following are met:

a. All lots demonstrate compliance with other provisions of code including but not limited to parking, setbacks, and stormwater.

b. Where sanitary sewer service is to be onsite, the lots demonstrate adequate space in accordance with applicable health district standards

c. If approved through a subdivision, platting documents shall include language that ensures maximum density is not exceeded.

d. New lots shall not create the need for a variance to develop, pursuant to KCC 17.560.

## Chapter 17.450 PERFORMANCE BASED DEVELOPMENT

Sections:

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[17.450.020 Modifications.](#)

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[17.450.090 Decision findings.](#)

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[17.450.110 Public hearing and notice.](#)

[17.450.120 Effect.](#)

[17.450.130 Revision of performance based development.](#)

[17.450.140 Revocation of permit.](#)

[17.450.150 Land use permit binder required.](#)

### 17.450.010 Purpose.

~~A. A performance based development (PBD) allows flexibility in design and creative site planning, while providing for the orderly development of the county. A performance based development (PBD) is to also allow a wider range of development types and layouts to accomplish the following purposes: for the use of lot clustering in order to preserve open space, encourage the creation of suitable buffers between differing types of development, facilitate the residential densities allowed by the zone, provide for increased efficiency in the layout of the streets, utilities and other public improvements and to encourage the use of low-impact development techniques and other creative designs for the development of land.~~

- ~~A. Protect critical areas and preserve natural site features such as trees, topography, and geologic features;~~
- ~~B. Promote greater integration of active recreational space and uses;~~
- ~~C. Promote the opportunity for housing that is affordable to a broad range of income and age groups;~~
- ~~D. Provide for increased efficiency in the layout of the streets, utilities and other public improvements;~~
- ~~E. Implement the policies of the Kitsap County Comprehensive Plan;~~
- ~~F. Encourage creative approaches to the use of land and related physical development; and~~

- G. Encourage the use of low-impact development techniques and other creative designs to create a more desirable environment than would be possible through strict application of the remainder of this title.

#### **17.450.020 Modifications.**

Standard regulations that may be modified through the use of a PBD include:

- A. Lot size. Lot size alteration through PBD may include but is not limited to zero lot lines. Zero lot line PBD lots with attached housing of two or more units have no minimum lot size, but must be a minimum of 16 feet wide and may have zero-foot internal side setbacks along common walls. Separation between buildings must be the minimum required to meet fire code requirements.
- B. Lot width and depth.
- C. Structure height (only within designated urban growth areas).
- D. Setbacks (front, side and rear yards), as outlined in Section 17.450.050. For urban zones, plans to reduce setbacks shall include usable private open space. When direct physical access to common open space is not feasible, a minimum of 10 percent of the individual lot area shall be usable open space with minimum dimensions of 15 feet. Covered but unenclosed patio spaces may be used to meet the dimensional requirements. Lots adjacent to and with direct physical access to common open space with minimum dimensions of 30 feet are exempt from the minimum 15-foot dimensional requirement for usable private open space.
- E. Parking requirement modifications as outlined in Section 17.450.070.
- F. Use modifications for residential zones, as provided in Section 17.450.070.
- G. Street modifications for residential developments, as provided in Section 17.450.070.

Minimum and maximum densities and allowed uses authorized by the zone shall not be subject to modification through the use of a PBD.

(Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

#### **17.450.0230 Authority.**

The hearing examiner shall have the authority to recommend approval, approval with conditions, disapproval, or revoke performance based developments, subject to the provisions of this section. Changes in use of site area, or alteration of structures or uses classified as residential and commercial performance based developments, and existing prior to the effective date of this title, shall conform to all regulations pertaining to performance based

developments. ~~An application for PBD shall be accompanied by an application for subdivision, when applicable.~~

(Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

#### **17.450.040 Applicability**

A. Inside unincorporated Urban Growth Areas, Urban Transition Areas, and rural LAMIRDs, the provisions of this chapter can be used for any properties.

B. Outside the Urban Growth Areas, Urban Transition Areas, and rural LAMIRDs, the provisions of this chapter can be used for properties over twenty (20) acres in size.

#### **17.450.050 Consolidated Permit – Subdivisions**

Where an applicant seeks to modify standard regulations of land segregation under Title 16 consistent with this chapter, review of PBD standards shall occur as part of the underlying Title 16 permit application. A PBD supplemental application shall be filed with the Title 16 application.

#### **17.450.0360 Uses permitted.**

Uses permitted in a PBD are those allowed in the underlying zone. The hearing examiner shall hold a public hearing and render a decision as set forth in Title [21](#).

(Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

#### **17.450.0470 Standards and requirements – Residential.**

A. Access, Parking and Circulation.

1. General. The PBD shall have adequate pedestrian and vehicle access and parking commensurate with the location, size, density and intensity of the proposed development. Vehicle access shall not be unduly detrimental to adjacent areas and shall take into consideration the anticipated traffic which the development may generate.

2. Streets. Provide adequate road access, connected road network, safe pedestrian access, and emergency vehicle access. The provisions below apply to unincorporated Urban Growth Areas, Urban Transition Areas, and rural LAMIRDs.

- a. For zero lot line PBD subdivisions, a private access tract with, at a minimum, 20-foot driving and fire lane and 5-foot pedestrian facility on at least one side, provided adequate guest parking is provided (0.5 spaces/lot available within 500 feet of all lots).



- b. Lots that access off alleyways, pedestrian courtyards, or common open space are not required to front on a private or public road. Alley access lots (see Figure 1 below) may be integrated in a subdivision to allow greater opportunities for integrating open space corridors (on opposite side of lots from the alley) provided adequate guest parking is accommodated in the surrounding street network (0.5 spaces/lot available within 500 feet of all lots).



*Figure 1. An example of a subdivision integrating alley access lots, which allows for the integration of open space corridors in place of some streets. Note that that the shallow garage driveways allow extra space for delivery trucks and on-street parking on the perpendicular streets helps to accommodate guest parking for these alley access lots.*

3. Parking. The number of vehicular parking spaces shall be provided in accordance with Section [17.490.030](#), with additional incentives as follows: Vehicular parking may be provided either on street or off street within the PBD, provided the total number of available spaces is at least equal to the parking requirements specified in the parking and loading requirements.

a. Vehicular parking may be provided either on street or off street within the PBD, provided the total number of available spaces is at least equal to the parking requirements specified in the parking and loading requirements.

b. PBDs with a commercial component may share up to 25 percent of required parking between residential and commercial uses.

c. Up to 50 percent of off-street parking spaces may be compact stalls in accordance with section [17.490.040](#).

d. Shared driveways are allowed.

4. Pedestrian Circulation. ~~Adequate pedestrian circulation facilities shall be provided. A sidewalk or pathway system shall be provided through each neighborhood. The sidewalk or pathway system may disconnect from the road, provided the sidewalk/pathway continues in a logical route throughout the residential development to access each home. The pathway shall connect to schools, parks, and adjacent development when applicable.~~ These facilities shall be durable, serviceable, safe, convenient to the buildings and separated by curb or other means from the vehicle traffic facilities.

B. Setbacks. PBD lots, have flexibility in setbacks is provided as follows:

1. Front or side setback if abutting a pedestrian easement: 5 feet

2. Rear setback: Reduced up to 25% with a minimum of 10 feet; 0 feet for garages if an alley is provided.

3. Alleyway: 5 feet, 10 for garage

4. Facing common open space: 5 feet

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

1. The location, shape, size, and character of the common open space is suitable for the ~~performance based development~~PBD, however in no case shall the common open space be less than fifteen percent of the gross acreage of the subject property(s). No area shall be calculated as common open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the residents of the PBD;

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

3. Common open space may be improved for its intended use as allowed under Kitsap County Code. Common open space containing critical areas may be enhanced consistent with the requirements of Title 19, Critical Areas Ordinance. Vegetation-based LID BMPs are permitted within common open space areas. The buildings, structures, and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space; and

4. Common open space shall not include any of the following:

a. Lots, dwellings, and associated private yards, outdoor storage areas, and building setback areas;

b. Public or private street right-of-way including sidewalks and planter strips;

c. Parking lots, driveways, and other areas of motorized vehicle access; or

d. Open drainage facilities such as detention and retention ponds, wetponds, and other drainage facilities that require fencing pursuant to the Drainage Manual or engineering design standards.

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

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

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

c. A private nonprofit conservation trust or similar entity with a demonstrated capability to carry out the necessary duties and approved by the county. Said entity shall have the authority and responsibility for the maintenance and protection of the common open space and all improvements located in the open space.

5. In rural zones, common open space shall be no less than fifty percent of the total site area. All open space, other than those areas needed for utilities or other infrastructure, shall be retained in native vegetation unless the PBD specifically provides for an alternative use. PBDs in rural zones shall be exempt from the requirements for contiguous developed recreation space as contained in subsection (C)(1) of this section, but shall be subject to the active recreational area requirements of subsection (C)(2) of this section.

CD. Recreational Open Space. All residential PBDs within urban zones shall ~~provide a~~ integrate developed active recreational area (a type of open space) that meets the following requirements:

~~1. Minimum Area. The recreational area must meet the requirements of KCC 16.24.040.I multiplied by a factor of 1.5. This area may be included and count towards common open space requirement of KCC 16.24.050.B. Recreational open space excludes perimeter screening buffers, critical areas and critical area buffers.~~

~~2. Minimum Dimensions. No recreational area shall be calculated as recreational open space if less than five hundred square feet in size, except if the area provides a functional or aesthetic benefit to the residents of the PBD.~~

~~3. Ownership and Maintenance. The recreational area shall be owned in common and/or available for use by all residents of the PBD and include provisions made by the covenants for perpetual maintenance.~~

~~1.—A contiguous area that is a minimum of five percent of the gross acreage of the subject property(s) (excluding perimeter screening buffers, critical areas and critical area buffers). No area shall be calculated as recreational open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the residents of the PBD. Said area shall meet the following additional requirements:~~

~~a.—Developed as an open grass field or a natural area (not inside perimeter buffers, critical areas or their buffers);~~

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

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

~~4.2. A developed active recreation amenity(s) consistent with the number of units/lots contained within the PBD. Amenities Recreational areas shall be provided as follows:~~

~~a. Developments of zero to nineteen lots/units are not required to have such an amenityrecreational area;~~

~~b. For developments with greater than nineteen lots or units, one amenityrecreational area shall be provided for every twenty lots/units within the development. Required amenities shall be sized to accommodate three hundred ninety square feet per lot/unit;~~

~~c. AmenitiesRecreational areas shall be centrally located within the development in clearly visible areas on property suitable for such development. AmenitiesRecreational areas may be located in other areas of the development if directly linked with a regional trail system or other public park facility;~~

~~d. Based upon topographical or site design characteristics of the subject property(s), amenitiesrecreational areas may be combined (while continuing to meet~~

the overall square footage requirements established above) if the combination provides for increased benefit to all residents of the PBD;

e. ~~Amenities~~Recreational areas may be located within, and be calculated towards, the recreational open space area if contiguous;

f. An athletic field with a minimum size of one hundred twenty yards long and sixty yards wide or swimming pool shall count as two ~~amenities~~recreational areas;

g. An equestrian development or similar theme community may be provided in lieu of other ~~amenities~~recreational areas;

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

~~ih. The active r~~Recreational areas~~amenity(s)~~ shall be located on five percent grade or less, except if a greater grade is necessary for the activities common to the amenity, e.g., skate park, trails; ~~and~~

~~j. Written provisions or agreement for perpetual maintenance by the homeowners' association or a public agency willing to assume ownership and maintenance.~~

~~k. Recreational areas may feature, but are not limited to, the following:~~

- ~~1) Golf course;~~
- ~~2) Swimming pool;~~
- ~~3) Basketball, tennis, pickleball, or similar courts or half-courts;~~
- ~~4) Skateboard facilities;~~
- ~~5) Baseball, football, soccer, or similar athletic fields;~~
- ~~6) Disc golf;~~
- ~~7) Horseshoes, bocce, or similar lawn games;~~
- ~~8) Volleyball or similar net sports;~~
- ~~9) Tot lot with playground equipment (soft surface);~~
- ~~10) Exercise Fitness Trails; or~~
- ~~11) Other similar amenities.~~

~~3. In rural zones, common open space shall be no less than fifty percent of the total site area. All open space, other than those areas needed for utilities or other infrastructure, shall be retained in native vegetation unless the PBD specifically provides for an alternative use. PBDs in rural zones shall be exempt from the requirements for contiguous developed recreation space as contained in subsection (C)(1) of this section, but shall be subject to the active recreational area requirements of subsection (C)(2) of this section.~~

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

E. Alternative designs. In order to promote creativity and innovation, these standards and criteria may be modified or substituted with other design concepts if so approved by the Hearing Examiner in accordance with Section 17.450.090.

(Ord. 540 (2016) § 39, 2016; Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

### **17.450.0485 Standards and requirements – Commercial, industrial and institutional.**

#### **A. Access, Parking and Circulation.**

1. General. The PBD shall have adequate pedestrian and vehicle access and parking commensurate with the location, size, density and intensity of the proposed development. Vehicle access shall not be unduly detrimental to adjacent areas and shall take into consideration the anticipated traffic which the development may generate;
2. Streets. Provide adequate road access, connected road network, safe pedestrian access, and emergency vehicle access;
3. Parking. The number of vehicular parking spaces shall be provided in accordance with Section [17.490.030](#). Vehicular parking may be provided either on street or off street within the PBD, provided the total number of available spaces is at least equal to the parking requirements specified in the parking and loading requirements; and
4. Pedestrian Circulation. Adequate pedestrian circulation facilities shall be provided. These facilities shall be durable, serviceable, safe, and convenient to the buildings and separated by curb or other means from the vehicle traffic facilities.

#### **B. Common Open Space.**

1. Common open space shall be for public use and may include active or passive recreational uses such as trails or pathways, tot lots, plazas, patios or other amenities;
2. Common open space shall be located in a manner suitable for the uses proposed;
3. Each project shall contain a minimum of fifteen percent common open space based upon the gross acreage of the site; and
4. No area shall be calculated as common open space if less than five hundred square feet in size, except if the area provides a reasonable functional or aesthetic benefit to the

users of the PBD. Vegetation-based LID BMPs within common open space areas shall not be deducted from the area calculation of a common open space area. Covered or internal open space areas may be used.

C. Site Design.

1. The project design shall provide a more efficient use of land within the urban areas;
2. Amenities intended for public use shall be coordinated with regional trail, park or other facility plans;
3. Design shall provide innovations to decrease building footprint and other site disturbances; and
4. Design shall include architectural features and other aesthetics to address site impacts.

D. Structure Height.

1. The project shall include the use of topography and other site characteristics to minimize the impacts of a proposed increase in height; and
2. The increase in height shall minimize site disturbance necessary to accommodate the proposed use.

(Ord. 540 (2016) § 40, 2016; Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

**17.450.0590 Decision findings.**

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

- A. The design of the PBD meets the requirements of this section, other sections of the county code and the goals and policies of the Comprehensive Plan and the site is adequate in size and character to accommodate the proposed development;
- B. The design of the PBD is compatible with neighboring conforming land uses. An assessment of compatibility shall include, but not be limited to, the consideration of association with adjacent land uses and the proposed project's effects on existing views, traffic, blockage of sunlight, and noise production;
- C. If the development is phased, each phase of the proposed development shall meet the requirements of this chapter;

- D. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
- E. The proposed and/or existing public facilities and utilities are adequate to serve the project; and
- F. The establishment, maintenance, and/or conduct of the use for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the health, safety or welfare of persons residing or working in a neighborhood of such use and will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to property or improvements in said neighborhood, or contrary to orderly development.
- G. Innovations and/or public benefits shall be commensurate with the code modifications proposed.

(Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

**17.450.10060 Application.**

A. In addition to all requirements of Chapter [17.430](#), an application for PBD shall contain the information identified by the submittal requirements checklist established by the department as set forth in Section [21.04.160](#) in addition to the following:

1. Reserved;
2. ~~Three copies of the l~~andscaping plan, drawn to scale, showing the location of landscaped areas;
3. A written statement by the landowner or his agent setting forth the reasons why the performance based development would be in the public interest;
4. Environmental checklist and, if required, environmental impact statement; and
5. Other information as required in the preapplication meeting checklist and PBD application.

B. The following information shall be submitted to the department for review of the final development plan to ensure compliance with conditions of preliminary approval. The director shall transmit his findings to the board of county commissioners who shall act on the final development plan.

1. ~~Fourteen copies of the s~~Site plan, drawn to scale with dimensions, showing all required elements including but not limited to: the proposed layout of structures, off-



street parking and loading areas, landscape areas, pedestrian walkways, driveways, ornamental lighting, screening, fences and walls;

2. If applicable, a schedule showing the proposed time and sequence within which the applications for final approval of all sections of the performance based development are intended to be filed.

C. Following the approval of the preliminary development plan, the applicant shall file with the department a final development plan containing the information required in subsection (B) of this section in a time frame consistent with Title [21](#).

If the director finds evidence of a significant deviation from the preliminary development plan, the director shall advise the applicant to submit an application for amendment of the preliminary development plan. An amendment shall be considered in the same manner as an original application.

D. In granting any final performance based development, the board may require adequate guarantees of compliance with the final development plan. Such guarantee may be a performance bond or other form of security in an amount sufficient to ensure compliance, and may provide that such security be reduced as stages of construction are completed. Alternatively, or in addition to the security, conditions may be imposed requiring other adequate assurances that the structures and improvements will be completed, subject to the review and approval as to form by the prosecuting attorney; or that the county may, in the event of the applicant's failure to comply, take steps necessary to ensure compliance, including performing the construction or maintenance itself, and levy a lien for all costs thereof against the property.

(Ord. 550 (2018) § 25, 2018: Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

#### **17.450.110070 Public hearing and notice.**

PBDs shall be considered by the hearing examiner. Public notice shall be given as provided for in Title [21](#).

(Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

#### **17.450.100120 Effect.**

No building or other permit shall be issued until after the end of the period allowed to appeal the hearing examiner's decision. An appeal shall automatically stay the issuance of a building or other permit until such appeal has been heard and a decision rendered by the board of county commissioners.

(Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

**17.450.110130 Revision of performance based development.**

A. Revision of a performance based development or of conditions of permit approval is permitted as follows:

1. Minor revisions may be permitted by the department and shall be properly recorded in the official case file. No revision in points of vehicular access to the property shall be approved without prior written concurrence of the director of the department of public works. Minor revisions shall be processed as a Type I application; and
2. Major revisions, including any requested change in permit conditions, shall be processed as a Type III application if the performance based development is in conjunction with a subdivision. All other major revisions shall be processed as a Type II application.

B. Minor and major revisions are defined as follows:

1. A “minor” revision means any proposed change which does not involve substantial alteration of the character of the plan or previous approval; and
2. A “major” revision means any expansion of the lot area covered by the permit or approval, or any proposed change that includes any one of the following:
  - a. Substantial relocation of buildings, parking or streets;
  - b. A reduction in any perimeter setback;
  - c. An increase in the residential density;
  - d. An increase in the gross floor area of a multifamily, commercial, industrial or commercial component of a project greater than ten percent;
  - e. Any relocation of the common open space which makes it less accessible or reduces the area greater than five percent;
  - f. Any change in the landscape buffers resulting in a reduction in width or density of planting between the development and adjoining properties;
  - g. Any substantial change in the points of access;
  - h. Any increase in structure height; or
  - i. An alteration in dwelling unit separation, e.g., attached or detached dwelling units.

3. Any increase in vehicle trip generation shall be reviewed to determine whether the revision is major or minor. The traffic analysis shall be filed by the applicant at the same time as the request for revision. The traffic analysis will follow traffic impact analysis guidelines as set forth in Chapter [20.04](#).

(Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

**17.450.120140 Revocation of permit.**

Any revocation proceeding shall be conducted in accordance with Chapter [17.600](#).

(Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

**17.450.130150 Land use permit binder required.**

The recipient of a PBD permit shall file a land use permit binder on a form provided by the department with the county auditor prior to initiation of any further site work; issuance of any development/construction permits by the county; or occupancy/use of the subject property or the building thereon for the use/activity authorized, whichever comes first. The binder shall serve both as an acknowledgment of and agreement to abide by the terms and conditions of the permit and as a notice to prospective purchasers of the existence of the permit.

(Ord. 534 (2016) § 7(5) (App. E) (part), 2016)

## Chapter 17.490 OFF-STREET PARKING AND LOADING

Sections:

- [17.490.010 Off-street parking requirements.](#)
- [17.490.020 General provisions.](#)
- [17.490.030 Number of spaces required.](#)
- [17.490.040 Off-street parking lot design.](#)
- [17.490.050 Off-street loading.](#)
- [17.490.060 Handicapped parking.](#)
- [17.490.070 Bicycle parking standards.](#)
- [17.490.080 Electric vehicle charging standards.](#)

[...]

### **17.490.020 General provisions.**

- A. Parking analyses shall be provided for all proposed uses as outlined on relevant permit application checklists.
- B. More Than One Use on One or More Parcels. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately. If the director finds that a portion of the floor area not less than a contiguous one hundred square feet in a retail store will be used exclusively for storage of merchandise which is not being displayed for sale, he may deduct such space in computing parking requirements, but the owners shall not thereafter use the space for any other purpose without furnishing additional off-street parking as required by Section [17.490.030](#).
- C. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures, or parcels of land may be satisfied by the same parking or loading space used jointly, if approved by the director, to the extent that it can be shown by the owners or operators of the uses, structures, or parcels that their operations and parking needs do not overlap in point of time. For joint use facilities (i.e., shared-use parking and shared access facilities), a parking agreement shall be required consistent with subsection (I) of this section.
- D. Location of Parking Facilities.
1. Within high capacity transit station areas, required parking spaces shall be located on the same parcel or on another parcel no farther than eight hundred feet from the building or use they are intended to serve, measured in a straight line from the main entrance of the building. Public parking intended for the use of a public ferry terminal

may be located on another parcel no farther than one thousand feet, measured in a straight line from the ferry terminal.

2. In all other areas, off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or on another parcel not farther than three hundred feet from the building or use they are intended to serve, measured in a straight line from the main entrance of the building.

3. Off-site parking shall be connected to the building or use it is intended to serve by streets improved with sidewalks or by walkways.

4. For off-site parking, a parking agreement shall be required consistent with subsection (I) of this section.

E. Use of Parking Facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for the storage of vehicles or materials, or for the parking of trucks used in conducting the business or use.

F. Parking in Required Front, Side, Rear Yards or Setbacks. Unless otherwise provided, required parking and loading spaces shall not be located in a required yard or setback, except for development of single-family dwellings or duplexes. Automobile sales may be allowed in no more than twenty-five percent of the front yard setback, as shown on an approved site plan.

G. Off-Site Employee Parking. Off-site employee parking may be used to reduce the number of on-site parking spaces.

H. Development of and Maintenance Standards for Off-Street Parking Areas. In addition to requirements of Chapters [17.490](#) and [17.500](#) and the Kitsap Stormwater Design Manual, every parcel of land hereafter used as a public or private parking area, including commercial parking lots, shall be developed as follows:

1. An off-street parking area for more than five vehicles shall be effectively screened by a sight-obscuring fence, hedge, or planting, on each side that adjoins property situated in any residential zone, or the premises of any school or like institution;

2. Lighting shall be directed away from adjoining properties. Not more than one foot candle of illumination shall leave the property boundaries;

3. Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley;

4. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all-weather use, and so drained as to avoid flow of water across sidewalks. Permeable pavements are encouraged where feasible.
5. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents;
6. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, to provide maximum safety of traffic ingress and egress, and to provide maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street, other than an alley;
7. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining said lines through points twenty feet from their intersection;
8. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line, pedestrian walkway, or a street; and
9. When the parking standards require ten or more parking spaces, up to thirty percent of these may be compact car spaces, as identified in Section [17.490.040](#). Compact spaces shall be clearly labeled on the parking space.

I. Parking Agreement.

1. For off-site parking, shared-use parking, or shared access to parking, a covenant, easement or other contract approved by the director for shared parking and/or access between the cooperating property owners shall be enacted and recorded by the county with the county auditor as a deed restriction on all associated properties (i.e., the property with the use and the property providing the required parking) that cannot be modified or revoked without the approval of the director. The parking agreement shall:
  - a. Provide that the land comprising the required parking facilities shall not be encroached upon, used, sold, leased, or conveyed for any purpose except in conjunction with the building or use which the required parking serves;

- b. For commercial uses, provide for directional signage to off-site public or visitor parking;
- c. Assign maintenance provisions for the parking facilities and landscaping;
- d. If shared use is allowed, indicate prime hours of operation for shared uses;
- e. If shared use is allowed, designate potential times of overflow, and a parking plan which will be implemented in the event of overflow.

2. If any of the above requirements are violated, the affected property owners must provide the full amount of required off-street parking for each use, in accordance with conditions of approval, unless a satisfactory alternative remedy is approved by the director.

**17.490.030 Number of spaces required.**

Off-street parking spaces shall be provided as follows:

Land Use	Parking Spaces Required in All Zones (Except as Modified to the Right)	High Capacity Transit Station Frequent Transit Service Area Modifications
<b>Residential</b>		
Single-Family (attached or detached)	<p>During subdivision, 2 per unit <u>on site</u>+ 0.5 per unit on street or set aside.; for historical lots or lots with no standing requirement, <del>3</del> 2 per unit.</p> <p>1 additional space for accessory dwelling units or accessory living quarters</p> <p><del>Garages are not calculated towards any parking requirement.</del>  <u>1 garage space may count toward this requirement for multiple car garages</u></p>	<p>2 per unit <u>on site</u>, 1 additional space per guest house, accessory dwelling unit or accessory living quarter.</p> <p><del>Garages are calculated towards parking requirement.</del>  <u>1 garage space may count toward this requirement for multiple car garages</u></p>

Land Use	Parking Spaces Required in All Zones (Except as Modified to the Right)	<b>High-Capacity Transit Station Frequent Transit Service Area Modifications</b>
Multifamily (Condos/Townhouses/Apartments) and Cottage Housing	<p>1.5 per unit + 0.5 per unit on street or set aside</p> <p><u>Units with 1 or fewer bedrooms: 1 space per unit + 0.5 spaces per unit set aside*.</u></p> <p><u>Units with 2 or more bedrooms: 1.5 spaces per unit+ 0.5 spaces per unit set aside.</u></p>	<p><u>Units with 1 or fewer bedrooms: 1 space per unit + 0.5 spaces per unit set aside.</u></p> <p><u>Units with 2 or more bedrooms: 1.5 spaces per unit + 0.5 spaces per unit set aside.</u></p> <p><u>Studio apartments: 0.75 spaces per unit.</u></p> <p><u>Units with 1 or fewer bedrooms: 1 space per unit</u></p> <p><u>Units with 2 or more bedrooms: 1.5 spaces per unit + 0.5 spaces per unit set aside.</u></p> <p><u>Housing units that are affordable to very low-income or extremely low-income individuals: 0.75 spaces per unit.</u></p>



Land Use	Parking Spaces Required in All Zones (Except as Modified to the Right)	<b>High-Capacity Transit Station Frequent Transit Service Area Modifications</b>
<u>Senior Housing—Housing units specifically for seniors or people with disabilities</u>	0.5 per unit <u>+ 0.5 spaces per unit set aside ; 1 per on-duty employee</u>	<u>0.5 spaces per unit set aside.</u>
<b>Institutional/Educational/Other</b>		
Bed and Breakfast	1 per sleeping unit	
Motels and Hotels	1 per bedroom; and spaces to meet the combined requirements of the uses being conducted such as hotels, restaurants, auditoriums, etc.	
Club/Lodges	Spaces to meet the combined requirements of the uses being conducted such as hotels, restaurants, auditoriums, etc.	
Hospitals and Institutions	1 per bed; 1 per 2 employees; 1 per 2 guests	
Places of Worship	1 per 4 seats or 8 feet of bench length in the main auditorium	
Library and Gallery	1 per 250 gross square feet	
Preschool-Kindergarten	1 per employee; 1 per 6 children	
Elementary/Middle or Junior High School	1 per employee; 2 per classroom	
High School	1 per employee and teacher; 1 per 10 students	

Land Use	Parking Spaces Required in All Zones (Except as Modified to the Right)	<b>High-Capacity Transit Station Frequent Transit Service Area Modifications</b>
Colleges, Technical School	1 per 3 seats in classroom; 1 per employee and teacher	
Stadium, Arena, Theater	1 per 4 seats or 8 feet of bench length in the main auditorium	
Bowling Alley	6 per alley	
Dance Hall, Skating Rink	1 per 200 gross square feet	
Self Storage	1 per 3,000 gross square feet	
<b>Commercial/Retail/Office</b>		
Restaurants/Bars/Taverns	<p><del>If under 5,000 square feet of gross floor area – 1 per 200 square feet of gross floor area; If 5,000 or more square feet of gross floor area – 20 plus 1 per each additional 200 square feet of gross floor area</del></p> <p><u>1 per 400 square feet of gross floor area</u></p>	1 per 400 square feet of gross floor area
Retail stores generating relatively little automobile traffic (e.g., appliance, furniture, hardware and repair stores)	<p><del>1 per 400 square feet of gross floor area</del></p> <p><u>1 per 800 square feet of gross floor area</u></p>	1 per 800 square feet of gross floor area
Retail and personal service establishments generating heavy automobile traffic (e.g., department, drug, and auto parts stores, fitness centers, supermarkets, ice cream parlors, bakeries and beauty and barber shops)	<p><del>1 per 200 square feet of gross floor area</del></p> <p><u>1 per 400 square feet of gross floor area</u></p>	1 per 400 square feet of gross floor area

Land Use	Parking Spaces Required in All Zones (Except as Modified to the Right)	<b>High-Capacity Transit Station Frequent Transit Service Area Modifications</b>
Espresso Stands, Drive-In, and Fast Food Restaurants	1 per 80 square feet of gross floor area	
Professional Office	<del>1 per 300 square feet of gross floor area</del> <u>1 per 400 square feet of gross floor area</u>	<del>1 per 400 square feet of gross floor area</del>
Shops and stores for sales, service or repair of automobile, machinery and plumbing, heating, electrical and building supplies	1 per 600 square feet of gross floor area	
Mortuaries, Funeral Homes, Crematories	1 per 75 square feet of assembly area	
Medical and Dental Office or Clinic	<del>1 per 200 square feet of gross floor area</del> <u>1 per 300 square feet of gross floor area</u>	<del>1 per 300 square feet of gross floor area</del>
Bank, Financial Institutions	1 per 400 square feet of gross floor area	
<b>Industrial</b>		
Marinas and Moorage Facilities	1 per 4 moorage slips	
Warehouse, Storage, and Wholesale Facilities	1 per 2 employees; 1 per company vehicle parked on site at night (if applicable); 1 per 300 square feet of office space	1 per 2 employees; 1 per company vehicle parked on site at night (if applicable); 1 per 400 square feet of office space
Manufacturing, Research, Testing, Processing and Assembly Facilities	1 per 1,000 square feet	
Winery/Brewery	1 per 800 square feet of gross floor area	

A. Deviation from Required Spaces.

1. The director may authorize a reduction up to twenty-five percent to the amount of required parking if a project proponent demonstrates that, due to the unusual nature of the proposed use, it is reasonable that the parking required by this section exceeds any likely need, or that trip demand reduction programs or public transit availability serves to further reduce parking demand.
2. An increase over ten percent or a reduction greater than twenty-five percent from the required parking ratio shall be processed pursuant to Chapter [17.560](#), except in high capacity transit station areas a reduction greater than twenty-five percent may be granted by the director if the reduction is supported by a parking and traffic impact analysis and the development:
  - a. Provides a car share program, shuttle program, or regional transit pass/subsidy program to all residents that is adequate to offset the parking reduction;
  - b. Implements recorded lease/deed restrictions that limit the combined total number of vehicles owned by tenants to the number of parking spaces available for tenants;
  - c. Participates in a public parking management program or a parking improvement district with adequate capacity to offset the parking reduction;
  - d. Implements an alternative transportation management plan with measures adequate to offset the parking reduction that has been approved by the director and recorded on the title of the affected properties; or
  - e. Substantially replaces on-site surface parking with parking underground and/or in a structured parking facility (e.g., an under building or multi-level parking garage) located on site and/or, if otherwise allowed, off site.
3. The maximum amount of reduction in required parking spaces based on incentives used in Sections [17.490.070](#) and [17.490.080](#) may be no more than twenty-five percent. Any further reductions would be handled as outlined in subsection (A)(2) of this section.

B. Other Uses.

1. Other uses not specifically listed above shall furnish parking as required by the director. The director shall use the above list as a guide for determining requirements for said other uses.
2. Storage of junk motor vehicles is subject to the provisions of Section [17.105.090\(I\)](#).

**17.490.040 Off-street parking lot design.**

A. Permeable Pavement and Parking Dimensions. Use of permeable pavement shall be evaluated and used unless determined by the county to be infeasible in accordance with the Kitsap Stormwater Design Manual. Design and construction shall be done in accordance with the Kitsap Stormwater Design Manual. Each parking space and parking lot aisle shall comply with the minimum dimension requirements in Table 17.490.040 and further displayed in Figure 17.490.040.

**Table 17.490.040 Parking Lot Space and Aisle Dimensions**

Parking Stall Type	Minimum Stall Dimensions		Minimum Width for Drive Aisle with Parking(C)	
	Width (A)	Length (B)	One-Way	Two-Way
Standard parallel	8 feet*	23 feet	12 feet	20 feet
Standard 45-degree	9 feet	20 feet	15 feet	20 feet
Standard 60-degree	9 feet	20 feet	18 feet	20 feet
Standard 90-degree	9 feet	20 feet	20 feet	24 feet
Compact - parallel	8 feet	16 feet	12 feet	20 feet
Compact - all degrees and angled	8 feet	16 feet	20 feet	24 feet

\* For parallel stalls on street, eight-foot width may include up to one foot of gutter width.

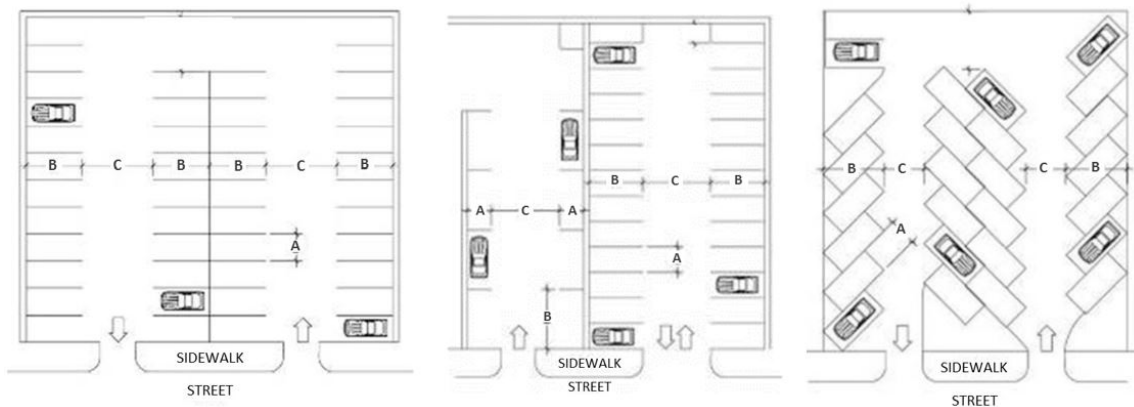


Figure 17.490.040 Parking Space and Drive Aisle Dimensions

B. Other Requirements. All surface parking lots, excluding underground or above ground parking garages, with more than fourteen stalls shall conform to Table 17.490.040.B. Landscaping shall be provided in the required front, side and rear setback area for surface

parking lots and parking garages. One street tree shall be provided at the ends of each row of parking spaces, and a minimum of one street tree shall be provided for each fifteen spaces. Parking lots with one hundred or more spaces shall provide a landscape strip of street trees every other row between double-loaded rows. This design is encouraged for parking lots with more than three double-loaded rows and lots with less than one hundred spaces. Shrubs and ground cover shall be required in all landscape areas. Up to fifty percent of shrubs may be deciduous. Plant size, spacing, and installation standards shall comply with Chapter [17.500](#).

**Table 17.490.040.B Required Landscape Area per Parking Space**

Total Number of Parking Spaces	Minimum Required Landscape Area
15 to 50	15 square feet per parking space
51 to 99	25 square feet per parking space
100 or more	35 square feet per parking space

C. Screening Buffer. A screening perimeter buffer shall be provided in compliance with Chapter [17.500](#).

D. Pedestrian Walkways. Pedestrian walkways shall be provided from the parking lot to building entrances. Parking lots with a landscape strip between double-loaded rows shall provide pedestrian walkways next to the landscape strip leading to building entrances.

E. Refer to Appendix A, Parking Lot Design, for graphical representation of design elements for this chapter.

[...]

[...]

[...]

## **\*NEW\* Chapter 17.495 Tree Canopy**

### **Sections:**

#### **17.495.010 Purpose**

#### **17.495.020 Applicability**

#### **17.495.030 Tree Density Requirements by Land Use Zone**

#### **17.495.040 Retained Tree Specifications**

#### **17.495.050 Replacement Tree Specifications**

#### **17.495.060 Tree Canopy Protection Plan**

#### **17.495.070 Tree Protection During Construction**

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#### **17.495.010 Purpose.**

This Section shall establish tree canopy standards for properties undergoing development to promote the incorporation of trees into future development in the urban growth areas of unincorporated Kitsap County. A healthy tree canopy contributes to physical and mental health, safety, aesthetics, and overall welfare of the public. Trees may also mitigate the effects of urban development including the loss to native wildlife biodiversity, increased temperatures, airborne particulates, carbon dioxide, noise, and stormwater runoff caused by increases in impervious surfaces and vehicular traffic. The retention of existing trees is encouraged by these regulations.

#### **17.495.020 Applicability**

- A. Tree canopy requirements shall apply to subdivision of land or single-family and multi-family development creating four (4) or more developable lots or units or on a property of 1/2 acre or more within unincorporated urban growth areas.
- B. Tree canopy shall be determined based on the required tree density of a property expressed as tree units per acre.
- C. Trees or vegetation required by other regulations (e.g. landscaping, critical area buffers) may count towards these standards.
- D. Retention of trees greater than 18 inches at Diameter Breast Height (DBH) is encouraged.
- E. Tree retention is preferred to tree replacement.

**17.495.030 Tree Density Requirements by Land Use Zone**

A. A minimum tree density, expressed as a *tree unit credit per acre*, shall be maintained on the gross acreage of the lot as specified in Table 17.495.030-1. Only healthy, trees can count toward the required minimum tree density per Table 17.495.030-2. If the number of trees required includes a fraction of a tree, any amount equal to or greater than one-half (1/2) shall be rounded up. Tree density may be achieved through use of the replacement or retention standards of this Chapter, or a combination of replacement and retention.

**Table 17.495.030-1  
Minimum Tree Unit Credits by Land Use Zone**

<b>Comprehensive Plan Land Use Designation</b>	<b>Land Use Zone</b>	<b>Tree Unit Credits per Gross Acre<sup>1,2</sup></b>
Urban Low Residential	Urban Restricted	20
	Urban Low Residential	
	Urban Cluster Residential	
	Greenbelt	
Urban Medium Residential	Urban Medium Residential	10
Urban High Residential	Urban High Residential	10
Urban Low Intensity Commercial	Urban Village Center	15
	Neighborhood Commercial	
Urban High Intensity Commercial	Commercial	10
	Regional Center	
	Low Intensity Commercial	

**1** Example: to calculate the minimum tree unit credits for a 7,500 square foot lot in the ULR zone:  $7,500/43,560 \times 20 = 3.44$ , rounded down to 3.

**2** Trees growing on a property line shall count towards the tree credits listed.

- B. The following process shall be used for calculating the required minimum tree unit credits. The required tree credits shall be multiplied by the gross acreage of the lot:
- C. Tree density requirements for a lot can be met by trees located within shoreline jurisdiction, critical areas, and their associated buffers. Tree management and protection within critical areas and their buffers are regulated by Kitsap County Title 19 *Critical Areas*



*Ordinance* and trees within shoreline jurisdiction are regulated by the Shoreline Master Program.

- D. Lots under development subject to the tree density requirements of Table 17.495.030-1 shall meet the required minimum tree density through the planting of replacement trees and/or by retaining existing on-site trees.
- E. Diameter at breast-height (DBH) means the diameter of a tree trunk measured at 4.5 feet above average grade. DBH is used in determining the diameter of existing trees. For trees located on a slope, the diameter is measured from the average of the highest and lowest ground points or, on very steep slopes where this is not possible, the lowest practical point on the uphill side. Where a tree splits into several trunks close to ground level, the DBH for the tree is the square root of the sum of the DBH for each individual stem squared (example with 3 stems:  $DBH = \text{square root} [(stem1)^2 + (stem2)^2 + (stem3)^2]$ ).
- FF. Existing on-site tree unit credits shall be calculated according to Table 17.495.030-2.

**Table 17.495.030-2  
Credit Values for Existing and Replacement Trees**

<b>Tree Category (DBH<sup>1</sup> or Size)</b>	<b>Tree Unit Credit (per tree)</b>
Existing healthy trees between 1" and up to 8" DBH	1
Existing Larger than 8" and up to 12" DBH	1.5
Existing Larger than 12" and up to 18" DBH	2
Existing Larger than 18" and up to 24" DBH	3
Existing Larger than 24" and up to 36" DBH	4.5
Existing Larger than 36" DBH	5.5
Existing Groves of three (3) or more trees, each with DBH Larger than 8" DBH	6.5
Replacement 2-inch caliper deciduous or broadleaf tree	1
Replacement 6-foot-tall evergreen, conifer tree	1

**1** Diameter at breast height (DBH), is used in determining the diameter of existing trees. For example: On a 7,500 square foot lot in ULR zone (3 credits needed) with one 24" DBH tree, one 12" DBH tree, and two 6" DBH trees, the minimum tree unit

*credits are met by retaining the 24" DBH tree only, or retaining the 12" DBH tree and one of the 6" DBH trees, or remove all trees on site and plant 6 new deciduous or 3 new conifers to meet the minimum tree density units for the lot.*

#### **17.495.040 Retained Tree Specifications**

Existing, healthy trees to be retained on site shall meet the following minimum standards, as verified by a certified arborist, to be credited toward the tree unit density requirements of this Section:

- A. Post-development life expectancy of greater than 10 years; and
- B. Sound and solid trunk with no extensive decay or hollow and no trunk damage that would cause mortality; and
- C. No major insect or pathological problem; and
- D. Individual trees and groves-of trees proposed for retention shall be wind-firm in their post development state; and
- E. Trees greater than 8 inches DBH located within a critical area or shoreline and associated buffers may be credited toward the tree unit density requirements; and
- F. No species included on a State or County invasive, nuisance, or species of concern list may be retained for credits and native varieties are preferred.

#### **17.495.050 Replacement Tree Specifications**

- A. Any trees planted to meet the landscaping requirements of KCC Chapter 17.500 Landscaping shall count towards the required minimum tree unit credits provided they meet the planting specifications outlined in KCC 17.500.030 *Installation and maintenance*.
- B. Trees planted in public rights-of-way or areas to be dedicated as public-right-of-way classified as arterials or collectors by the Kitsap County Road Standards shall not count toward a development's existing or replacement tree unit credits. Trees that are retained or replaced within local and minor collector rights-of-way are counted toward tree unit credits.
- C. Each replacement tree proposed for planting must meet the following minimum standards to be credited toward satisfying the tree density requirements of this Section.
  - 1. Minimum Size. The required minimum size of a replacement tree shall be six feet tall for native or other conifer species and two-inch caliper for deciduous or broad-leaf evergreen trees. Additional credits may be awarded for larger sized trees, as determined by the Director;

2. Health and Condition. Trees shall be free from injury, pests, diseases, and nutritional disorders and must be fully branched and have a healthy root system.
3. Species Selection and Form.
  - a. Replacement trees proposed to be planted within open space, greenbelts, native buffer areas, and landscape areas, such as internal street trees, must be compatible with the intended growing location and conditions, allowing them to thrive with little or no irrigation, fertilizer or pesticide and provide appropriate habitat. Conditions should include light, soil, pH, moisture and hardiness;
  - b. Individual species of non-native replacement trees planted shall not exceed 35 percent of the total number of all replacement trees unless approved by the Director due to site-specific conditions. Non-native replacement trees shall not be listed on the approved State Noxious Weed list or County Noxious Weeds of Concern list; and
  - c. Trees planted to form a clipped or sheared hedge, such as but not limited to Arborvitae or Cherry Laurel, shall not be counted toward tree unit credits.
4. Tree Location
  - a. Replacement trees shall be planted within the proposed development;
  - b. When tree credits are required by this chapter a minimum of 25 percent of the required trees shall be located in protected tracts, such as roadway, tree conservation, recreation, stormwater tracts, and critical area tracts;
  - c. Trees may be planted on a solitary basis or within clusters to form stands or groves.
5. Installation and Maintenance. Replacement trees shall follow maintenance and installation standards outlined in Ch 17.500 Landscaping.

#### **17.495.060 Tree Canopy Protection Plan**

- A. At the time of application, information regarding a property's required tree density, tree protection measures, existing tree unit credits, and required replacement planting shall be shown on the site plan to support the design and location of the proposed development. Tree density and credit calculations as well as required replacement trees may be shown on a required Landscape Plan per KCC 17.500.020. Tree replacement plans shall be prepared, submitted, and approved prior to the approval of site development permits.
- B. The plans shall be drawn to the same scale as the site plan, show approximate locations of trees to be retained or planted, shall meet the applicable standards of this Chapter, and shall include:

1. Trees with a DBH between 1-inch, but under 8 inches shall be inventoried and located if the trees are intended to be used to meet tree unit density requirements;
  2. Where a sampling method is proposed for heavily treed project sites, standards shall follow accepted industry methods as determined by a Professional Forester or licensed Landscape Architect. Trees on the site counted towards the requirements shall be identified and labeled on the plan with species name and diameter at breast height (DBH);
- C. Protection fencing and other tree and soil protection measures shall be shown on the Plan when any potential impacts, including clearing and grading is proposed within the critical root zone of retained trees.
- D. The plan shall include a permanent protection mechanism. This legal protective mechanism may include protection of trees within an open space, recreational or buffer tract; or a recorded covenant indicating the location and credit for each tree. Should a protected tree need to be removed in the future, replacement with like credits will be required.

**17.495.070 Tree Protection During Construction.**

Prior to land clearing or grading associated with a development project, retained trees, vegetated areas, and soils to be preserved, shall be protected during construction. Protection measures shall include the following:

- A. Trees to be retained shall have readily visible temporary protection fencing at their critical root zones.
1. Temporary fencing must be adequate to protect the critical root zones of trees designated for retention, vegetation, and native soil. At a minimum, fencing shall be installed at the drip line of the retained tree or 6-feet from the trunk, whichever is greater.
  2. Where circumstances warrant, the Director may require more substantial tree protection, as necessary, to protect intrusion of construction into the critical root zones.
- B. No person shall conduct any activity within the tree protection fencing of a retained tree.
1. Machinery and storage of construction materials shall be kept outside of the critical root zones of trees designated for retention.
  2. The code administrator may require fencing beyond the critical root zones if, in the code administrator's determination, such additional protection is needed to protect the tree from damage.
  3. Trees designated for retention shall not be damaged by scoring, grading, compaction of soil, dumping concrete washout or other chemicals, attaching objects to trees, altering drainage, or other activities that may cause damage of roots, trunks, or surrounding vegetation.

4. The Director may allow certain activities to be approved by and under the supervision of a qualified tree professional at the expense of the applicant.
- C. When feasible, applicant shall shore basements and other extensive excavations to avoid impacts within critical root zones and cantilever structures over critical root zones.

## Chapter 17.505

### TRANSITORY ACCOMMODATIONS

Sections:

[17.505.010 Purpose.](#)

[17.505.020 Definitions.](#)

[17.505.030 Transitory accommodations – Review and approval process.](#)

[17.505.040 Transitory accommodations – Types, application requirements and conditions.](#)

[17.505.045 Number of transitory accommodations per property.](#)

[17.505.050 Failure to apply.](#)

[...]

#### 17.505.020 Definitions.

All definitions of Chapters [17.110](#) and [21.02](#) shall apply except as otherwise defined herein.

- A. “Case management” means a process that includes a needs assessment of a homeless individual, provides knowledge of resources available to the homeless individual, assists the homeless individual in creating a housing plan to help the individual out of homelessness, and has oversight of a professional case manager. Volunteers who have completed a case management training course through a qualified human services agency may be used to assist with case management.
- B. “Director” means the director of the Kitsap County department of community development or a duly authorized designee.
- C. “Department” means the department of community development.
- D. “Developed property” means land that has an existing building with utilities, including sewer or septic, water and electricity, provided to the site.
- E. “Host agency” means a religious organization, a 501(c)(3) or a public entity that owns or controls the property on which a transitory accommodation is proposed to be located and that joins a sponsoring agency in an application for a transitory accommodation approval for providing basic services and support to transitory accommodation residents. A host agency may be the same entity as the sponsoring agency.
- F. “Religious organization” or “501(c)(3)” has the same meaning as defined in RCW [36.01.290](#).
- G. “Shelter **Structure**” means a place giving temporary protection that is not on a permanent foundation and is used for the shelter of homeless or other vulnerable populations consistent with the allowance of this chapter. Allowable shelters are membrane shelters or structures made of wood, composites, metal or other suitable materials as follows:

1. A membrane shelter is any tent or other fabric enclosure that is not constructed on site, but is manufactured and approved according to manufacturer's specifications.

2. A wood, composite, metal or other suitable material structure must be manufactured according to manufacturer's or other specifications approved by the director and intended for temporary housing or is constructed on site and meets minimum public health and safety building code requirements as established by the building official.

H. "Sponsoring agency" means an organization that joins in an application with a host agency for a transitory accommodation approval and assumes responsibility for providing basic services and support to transitory accommodation residents. A sponsoring agency may be the same entity as a host agency.

I. "Transitory accommodation" means shelters that are not permanently attached to the ground, may easily be erected and dismantled or moved, and are intended for temporary occupancy. Transitory accommodation also includes all other facilities specifically identified in this chapter.

J. "Undeveloped property" means raw land or land not developed with a building or utilities. Nothing herein prohibits raw land from being developed under standard development regulations within Kitsap County Code.

(Ord. 554 (2018) § 8, 2018; Ord. 541 (2017) § 11 (part), 2017)

**[...]**