

**17.382.070 Commercial and Mixed Use Density and Dimensions Table.**

	Urban Low Commercial Intensity/Mixed-Use		Urban High Commercial Intensity/Mixed Use			
Standard	NC (5) (33)	UVC (5)	UTC	HTC (5) (25) (33)	RC (33)	MU (33)
Minimum density (du/acre)	10 (44)	10 (19)	Reserved	10 (44)	10 (44)	10 (32)
Base/Maximum density (du/acre)	30	<del>18</del> 20 (19)	Reserved	30	30	30
Maximum height (feet) (40)	35 (17)	45	Reserved	35 (17)	35 (17)	35 (17)
Maximum impervious surface coverage	85%	<del>85%</del> 100%	85%	85%	85%	85%
Maximum lot coverage	NA	Total gross floor area devoted to nonresidential use in any one structure shall not exceed 25,000 square feet. Total gross floor area devoted to residential use in any project shall not exceed 2/3 of the total proposed gross floor area. (24)	Total gross floor area devoted to residential use in any project shall not exceed 2/3 of the total proposed gross floor area. (24)	NA	NA	NA
<b>Setbacks, Generally (34) (38)</b>						
Minimum front (feet) (29) (41) (42) (43) (48)	20	None	Reserved	20	20	10
Maximum front (feet) (42) (43) (48)	NA	NA	NA	NA	NA	20
Side (feet) (29) (42) (43) (48)	10 (21)	None	Reserved	10 (21)	10 (21)	10 (21)
Rear (feet) (29) (48)	10 (21)	None	Reserved	10 (21)	10 (21)	10 (21)

### **17.382.110 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. Properties within the urban restricted (UR) zone and Illahee Greenbelt Zone (IGZ) 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. A copy of the Design Standards for the Community of Kingston may be referred to on the Kitsap County web page or at the department of community development front counter.

6. Building replacements and remodels shall not create in excess of a total of forty percent impervious surface for lot area or more than the total existing impervious 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 of Section 17.310.030 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 of this code, Short Subdivisions, and must meet the lot requirements below:

a. Lot Requirements.

(1) Minimum lot size: twenty-one thousand seven hundred eighty square feet.

(2) Minimum lot width: one hundred feet.

(3) Minimum lot depth: one hundred feet.

b. Setbacks.

- (1) Front: twenty feet.
- (2) Side: five feet.
- (3) 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 and 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.

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dred 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 does 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 view protection overlay, the maximum height 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. 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 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 Storm Water Management Ordinance, Chapters 12.04 through 12.32 of this code. The use of pervious materials and other new technologies may be used in the construction of these areas and structures to reduce the impervious surface calculation.

17. A greater height may be allowed as set forth below and in accordance with the procedures in Title 21 of this code. Such approval must be consistent with the recommendations of the fire marshal/fire district and 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 UM, NC, and P zones: forty-five feet.
  - b. In the UH, HTC, and RC zones: sixty-five feet.
  - c. In the BP, BC, and IND zones: fifty feet.
  - d. In the mixed use zone:
    - i. Within Silverdale, the maximum height shall be 45 feet;
    - ii. Along the Highway 303 corridor, the maximum height shall be sixty-five feet;
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- iii. Along Perry and National Avenues, the maximum height shall be forty-five feet.

18. Density based on net acreage of the property(s) after the removal of critical areas.

19. The maximum number of residential units permitted in the South Kitsap UGA/ULID #6 Sub-Area Plan is four thousand one hundred seventy-two until such time as a further population allocation is made to the sub-area. All residential development within the sub-area is subject to this density limitation. To ensure that the density limit for the sub-area is not exceeded, the director shall use the county's land information system (LIS) to monitor the number of dwelling units remaining and available for development within the sub-area.

20. The minimum lot width within the ULID #6 Sub-Area shall be forty feet.

21. Twenty feet when abutting a residential zone.

22. Maximum height shall be thirty 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. An individual structure intended for future mixed commercial and residential uses may initially be used exclusively for residential use if designed and constructed for eventual conversion to mixed commercial and residential use once the Urban Village Center or Urban Town Center matures.

25. The Bethel Road Corridor Development Plan sets forth policies and regulations for development within the Highway Tourist Commercial Zone located along the Bethel Corridor in South Kitsap from SE Ives Mill Road to the Port Orchard City limits. Development within the Bethel Road Corridor Highway Tourist Commercial Zone shall be conducted in a manner consistent with the policies and regulations of the Land Use Element of the Bethel Road Corridor Development Plan.

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 17.380.020.

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.

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33. All development within the Silverdale Design District boundaries must be consistent with the Silverdale Design Standards.

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. Maximum density, smaller lot sizes and reduced setbacks may be allowed based upon the designation of a portion of the development acreage as “permanent open space” through the Rural Wooded Incentive Program per Section 17.301.080.

36. For standards applicable to master planned industrial developments and approved industrial parks, see Section 17.370.090.

37. When an airport zone abuts a residential zone, there shall be a minimum of five hundred feet from the end of any runway and the residential zone. 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. Cornices, canopies, eaves, belt courses, sills or other similar architectural features, or fireplaces may extend up to twenty-four inches into any required yard area. For setbacks along shorelines, see Chapter 17.450.

39. Unless otherwise stated in this title, if a lot of record which was legally created as of May 10, 1999, is smaller in total square footage than that required within the zone, or if the dimensions of the lot are less than that required within the zone, said lot may be occupied by any use allowed within that zone subject to all other requirements of the zone. Unless specifically stated within this title, where two or more contiguous lots which are nonconforming to the lot size or dimensions of the zone and are held in common ownership, said lots shall be considered separate legal nonconforming lots and each may be occupied by any use permitted

within the zone subject to all other requirements of the zone. If a lot of record was lawfully occupied by two or more single-family residences (excluding accessory dwellings) as of May 10, 1999, the owner of such a lot may apply for a short plat approval in order to permit the segregated sale of such residences, even though some or all of the resulting new lots will have lot areas or dimensions less than required for the zone in which they are located. All other provisions of the Short Subdivision Ordinance (Chapter 16.48 of this code) shall apply to the application.

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, 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:

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 17.382.110

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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 half-way 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 five 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. Outside of the Silverdale Sub-Area, densities required only with mixed use development.

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 17.321D.080(B).

46. Front porch must meet following requirements to qualify for five-foot front setback:

- a. Porch shall be forty percent open on each of two sides; no enclosed porches.
- b. Minimum porch dimensions shall be four feet by six feet, or twenty-four square feet.
- c. Porches shall not be less than four feet in width.

47. The 2007 Manchester Community Plan, Appendix A – Manchester Design Standards sets forth policies and regulations for properties within the Manchester Village commercial district (MVC). All developments within the MVC district must be consistent with these standards.

48. Cornices, canopies, eaves, belt courses, sills, bay windows, fireplaces or other similar cantilevered features may extend up to twentyfour 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, and shall not extend more than six feet into any required front yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen inches in height, and not closer than twenty-four inches to any lot line.

49. Minimum project size applies to the initial

land use application for the property such as  
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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 Zone may not  
exceed twenty-eight feet.

(Ord. 420 (2008) § 8 (part), 2008; Ord. 419  
(2008) § 12, 2008; Ord. 415 (2008) § 160,  
2008; Ord. 407 (2008) § 9, 2008; Ord. 405  
(2007) § 5 (part), 2007; Ord. 402 (2007) § 2  
(part), 2007; Ord. 381 (2007) § 4, 2007; Ord.  
367 (2006) § 106 (part), 2006)

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