

Chapter 20.39

USE PROVISIONS

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Use Classifications and Table.

20.39.010 Use Classification

(1) Classification of Uses

- (a) Organization of Use Tables. The use table in section 20.39.040 is organized into principal uses and accessory uses.
- (b) Principal Uses.
 - i. In order to regulate a variety of similar uses, use categories have been established for principal uses. Use categories provide a systematic basis for assigning uses to appropriate categories with other, similar uses. Use categories classify principal uses and activities based on common functional, product, or physical characteristics.
 - ii. Where a use category contains a list of included uses, the list is to be considered example uses, and not all-inclusive. The Director has the responsibility for categorizing all uses.
 - iii. The allowed use tables in POMC 20.39 Article II establishes permitted uses by district. No building or lot may be used except for a purpose permitted in the district in which it is located.
 - iv. Use definitions and standards for permitted principal uses are specified beginning in POMC 20.39.100.
 - v. More than one principal use may be established on a property or in a structure.
- (c) Accessory Uses.

- i. An accessory use is any use that is subordinate in both purpose and size, incidental to and customarily associated with a permitted principal use located on the same lot.
 - ii. The allowed use tables in POMC 20.39.040 establishes permitted accessory uses by district.
- (d) Temporary Uses.
 - i. A temporary use is a use that is in place for a limited period of time only. All uses shall be treated as permanent principal or accessory uses except where temporary uses are specifically authorized in code such as in the Temporary Uses (POMC 20.58), Street Use Permit (POMC 12.24), Special Event Permit (POMC 5.94), or Fireworks Stand Permit (POMC 5.60) chapters.
- (e) Principal Uses Not Listed.
 - i. A principal use not specifically listed is prohibited unless the director determines the use to be part of the use category as described in this chapter.
 - ii. The Director is responsible for categorizing all principal uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Director may consider the proposed use as part of that category. When determining whether a proposed use is similar to a listed use, the Director must consider the criteria in POMC 20.39.010 (1) (f). Determinations whether a proposed principal use is a similar use may be made using the process found in POMC 20.10. The Director shall determine whether a code interpretation for a proposed principal use shall require a code interpretation pursuant to POMC 20.10.
 - iii. Where a principal use not listed is found by the Director not to be similar to any other use category, the use is only permitted following a code amendment (see POMC 20.06).
- (f) Criteria for determining whether a proposed use is a similar use:
 - i. The actual or projected characteristics of the proposed use;
 - ii. The relative amount of site area or floor area and equipment devoted to the proposed use;
 - iii. Relative amounts of sales;
 - iv. Relative number of employees;
 - v. Hours of operation;
 - vi. Building and site arrangement;
 - vii. Types of vehicles used and their parking requirements;
 - viii. The number of vehicle trips generated;
 - ix. How the proposed use is advertised;
 - x. The likely impact on surrounding properties; and
 - xi. Whether the activity is likely to be found independent of the other activities on the site;
- (g) Accessory Uses Not Listed.
 - i. An accessory use not listed is prohibited unless the Director determines that the accessory use meets the criteria listed in POMC 20.39.010 (1) (h).
 - ii. Determinations whether a proposed accessory use is a similar use may be made using the process found in POMC 20.39.010(1)(f). The Director shall determine whether a code interpretation for a proposed accessory use shall require a code interpretation pursuant to POMC 20.10.
 - iii. Where a principal use not listed is found by the Director not to be similar to any other use category, the use is only permitted following a code amendment (see POMC 20.06).
- (h) Criteria for determining whether a proposed accessory use may be permitted. The Accessory use may be permitted when the Director determines the proposed accessory use:
 - i. Is clearly incidental to and customarily found in connection with an allowed principal use;
 - ii. Is subordinate to an serving an allowed principal use;
 - iii. Is subordinate in area, extent, and purpose to the principal use served;

- iv. Contributes to the comfort, convenience or needs of the occupants, business or industry in the principal use served; and
- v. Is located on the same lot as the principal use served.

(2) Use Table Key.

(a) Permitted Use (P). Indicates a use is permitted in the respective district. The use is also subject to all other requirements of this code.

(b) Conditional Use (C). Indicates that the use may be permitted in the respective district only after issuance of a Conditional Use Permit in accordance with POMC 20.50. Conditional uses are subject to all other applicable requirements of the code, including applicable use standards, except whether the use standards are specifically modified are part of the approval process.

(c) Use Not Permitted (--). Indicates that a use is not permitted in the respective district.

20.39.020 Establishment of uses.

The use of a property is defined by the activity for which the building or lot is intended, designed, occupied, or maintained. All applicable requirements of this title, or other applicable state or federal requirements, shall govern a use located within the Port Orchard incorporated area.

20.39.030 Use table key.

(1) Permitted Use (P)

Indicates a use is permitted in the respective zoning district. The use is also subject to all other applicable requirements of this code.

(2) Conditional Use (C)

Indicates a use may be permitted in the respective zoning district only after a conditional use permit has been issued per Chapter 20.50. Conditional uses are subject to all other applicable requirements of this Title, including any applicable use standards, except where the use standards are expressly modified in the conditional use permit.

(3) Use Not Permitted (--)

Indicates that a use is not permitted in the respective zoning district.

20.39.040 Use table.

(Gray shading separates categories into Residential, Commercial & Industrial, & Civic/Parks)

Use Category Specific Use	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition/ Standards
Residential Uses																						
All household living, as listed below:																						
Single-family detached (including new manufactured homes)	P	P	P	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600-615
Designated Manufactured Home, Manufactured or Mobile Home (except for new designated manufactured homes)	--	-	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.600-615
New Designated Manufactured Home	P	P	P	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	
Two-family	--	P	P	--	--	P	--	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600-615
Single-family attached (2 units)	--	P	P	--	--	P	--	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600-615
Single-family attached (3 or 4 units)	--	P	P	P	P	P	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	20.39.600-615
Single-family attached (5 or 6 units)	--	--	P	P	P	P	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	20.39.600-615
Multi-family (3 or 4 units)	--	--	P	P	P	--	--	P	P	P	P	P	P	P	--	P	--	--	--	--	--	20.39.600-615
Multi-family (5 or more units)	--	--	P	P	P	--	--	P	P	P	P	P	P		--	P	--	--	--	--	--	20.39.600-615
Manufactured or Mobile Home Park	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.600-615
Boarding House	--	--	--	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	
Congregate Living Facilities	--	--	C	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	
Lodging House	--	--	C	C	C	--	--	--	C	--	--	P	C	--	--	--	--	--	--	--	--	
Group home (up to 8 residents), except as follows:	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.600-615
Adult Family Home	P	P	P	--	--	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	
All group living (9 or more residents)	--	--	--	C	C	--	--	P	C	P	C	--	P	P	--	--	--	--	--	--	--	20.39.610
All social service	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P		--	--	--	20.39.615
Public Uses																						
All civic uses, as listed below:																						

Use Category Specific Use	R1	R2	R3	R4	R5	R6	GB	RMU	NMU	CMU	DMU	GMU	BPMU	CC	CH	IF	LI	HI	CI	PR	PF	Definition/ Standards
Community college, university, trade or technical school (8,000 square feet or less).	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	20.39.405
Community college, university, trade or technical school (more than 8,000 square feet).	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	C	--	C	20.39.405
Club or lodge	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	--	--	--	P	--	--	20.39.405
Public use	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.405
Museum, library	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--	--	--	P	20.39.405
Place of worship	C	C	C	C	C	--	--	--	--	P	--	P	P	P	--	--	--	--	P	--	--	20.39.405
School (K-12)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	20.39.405
Jail or Detention Center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	--	C	20.39.405
Transit park and ride lot	--	-	C	C	C	-	--	C	C	P	C	C	C	P	P	P	P	P	P	--	P	
Transfer station	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	20.39.XXX
Transit bus base	-	-	-	-	-	-	-	-	-	-	-	-	-	-	--	--	P	P	-	-	P	20.39.XXX
All open space and park uses, as listed below:																						
Cemetery	C	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	20.39.410
Golf course	C	C	C	--	--	C	--	--	--	--	--	--	--	C	--	--	--	--	--	P	P	20.39.410
Park, recreation field	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	20.39.410
Animal shelter or adoption center	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	C	--	C	20.39.XXX
All utilities, as listed below:																						
Minor utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.415
Major utilities	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	P	20.39.415
Wireless telecommunication facilities, as listed below																						
Amateur radio operator tower	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.270
Small cell wireless telecommunication facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.39.270

Wireless telecommunication tower (excludes small cell facilities)	C	C	C	C	C	C	--	C	C	C	C	C	C	C	C	C	C	C	C	--	C	20.39.270
Commercial Uses																						
All day care, as listed below:																						
Family day care (6 children or fewer)	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	--	20.39.505
Group day care (mini day care) (7 to 12)	C	C	C	--	--	C	C	C	P	P	--	P	P	P	--	--	--	--	--	--	--	20.39.505
Day care center (13 or more)	--	--	--	--	--	--	--	C	C	C	--	P	C	P	P	--	--	--	--	--	--	20.39.505
All indoor recreation, except as listed below:	--	--	--	--	--	--	--	--	C	P	C	P	--	P	P	--	--	--	--	C	--	
Shooting range	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	C	20.39.510
Special event facility	--	--	--	--	--	--	--	--	--	C	C	C	C	C	C	C	C	--	C	C	C	20.39.510
Commercial Entertainment, except as follows:	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	--	--	--	--	--	
Adult Entertainment	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	20.39.515
All outdoor recreation, except as listed below:	--	--	--	--	--	--	--	--	C	C	C	P	--	P	P	--	--	--	--	C	C	
Campground, travel trailer park, RV park (does not include mobile home park)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	20.39.530
Horse stable, riding academy, equestrian center	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	20.39.530
Shooting range	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	20.39.530
Marina (upland areas)	--	--	--	--	--	--	--	--	--	--	C	C	--	C	C	C	C	C	C	C	C	20.39.575
All overnight lodging, as listed below:																						
Level 1: Vacation rentals or similar short-term house/room rentals	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	--	--	20.39.535
Level 2: Bed and breakfast (up to 7 rooms)	C	C	C	--	--	C	C	--	P	--	--	--	P	--	--	--	--	--	--	--	--	20.39.535
Level 3: Motel	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	20.39.535
Level 4: Hotel										P	P	P	--	P	P							20.39.535
All medical, except as listed below:	--	--	--	--	--	--	--	--		C	C	P	P	P	P	P	--	--	--	--	P	

Hospital	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	--	C	20.39.520
All office, except as listed below:	--	--	--	--	--	--	--	C	C	P	P	P	P	P	P	P	P	--	--	--	--	--	
Bail bonds	--	--	--	--	--	--	--	--	--	C	C	C	C	P	P	--	--	--	--	--	--	--	20.39.525
Surface parking: commercial parking, commuter lease parking or park and ride, remote parking	--	--	--	--	--	--	--	--	--	C	C	P	P	P	P	P	P	P	--	P	--	C	20.39.540
Commercial parking garage – standalone	--	--	--	--	--	--	--	--	--	C	C	C	C	P	P	P	--	--	--	--	--	C	20.39.540
Electric vehicle charging stations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	20.12
All personal service, except as listed below:	--	--	--	--	--	--	--	C	C	P	C	P	P	P	P	C	--	--	--	--	--	--	
Funeral home	--	--	--	--	--	--	--	--	--	P	--	P	P	P	P	--	--	--	--	--	--	--	20.39.545
Crematorium	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--	--	20.39.545
Indoor animal care	--	--	--	--	--	--	--	--	C	P	--	P	--	P	P	P	--	--	--	--	--	--	20.39.550
Outdoor animal care	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	--	--	--	--	--	20.39.555
Business services	--	--	--	--	--	--	--	C	P	P	P	P	P	P	P	P	P	--	--	C	--	--	20.39.570
Conference center	-	-	-	-	-	-	-	-	-	-	C	C	C	C	C	-	-	-	C	-	C		20.39.310
All restaurants except as listed below:	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	--	--	--	--	
Food truck	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	P	--	--	--	20.39.562
All retail sales, as listed below:																							
Retail establishment (up to 5,000 gross floor area)	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	P	--	--	--	20.39.565
Retail establishment (5,001 - 15,000 gross floor area)	--	--	--	--	--	--	--	--	--	P	P	P	--	P	P	P	--	--	--	--	--	--	20.39.565
Retail establishment (15,001 - 50,000 gross floor area)	--	--	--	--	--	--	--	--	--	--	--	P	--	P	P	P	--	--	--	--	--	--	20.39.565
Retail establishment over (50,000 gross floor area)	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	--	--	--	--	--	--	20.39.565
Fireworks sales in accordance with POMC 5.60.	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	--	--	
Recreational marijuana sales	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	P	--	--	--	--	--	20.64

Convenience store with fuel pumps	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	--	--	20.39.565
Convenience store without fuel pumps	--	--	--	--	--	--	--	--	C	C	C	--	--	P	P	P	--	--	--	--	20.39.565
Fuel station, including fuel pumps and fuel sales, without convenience store	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	P	--	--	--	--	
Automobile service station.	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	P	-	-	-	-	20.39.XXX
All vehicle and tool/construction equipment sales and rental, as listed below:																					
Light vehicle and light tool or construction equipment sales and rental	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	20.39.565
Heavy vehicle and heavy tool or construction equipment sales and rental	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.565
All vehicle service and repair, as listed below:																					
Car wash	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	20.39.625
Vehicle service and repair, minor	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.640
Vehicle service and repair, major	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.645
Vehicle service and repair, commercial vehicle	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.650
Industrial Uses																					
All heavy industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	20.39.605
All light manufacturing, except as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	
Commercial laundry, dry cleaning or carpet cleaning facility	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	--	--	20.39.610
Brewery, Distillery under 5,000 square feet	--	--	--	--	--	--	--	--	--	P	P	--	--	P	--	--	--	--	--	--	
Brewery, Distillery 5,001-15,000 square feet	--	--	--	--	--	--	--	--	--	C	C	--	C	P	P	--	--	--	--	--	
Brewery, Distillery over 15,000 square feet	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	--	
Craft shop	--	--	--	--	--	--	--	P	P	P	P	P	--	P	P	P	P	P	--	--	20.39.610

Food and beverage processing, boutique (area used for processing less than 3,000 SF)	--	--	--	--	--	--	--	P	P	P	P	P	--	P	P	P	P	P	--	--	20.39.610
Food and beverage processing, industrial	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.610
Recreational marijuana production	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	20.64
All research and development	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	--	--	20.39.615
Resource extraction – mining, dredging, raw mineral processing, except:	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	--	20.39.620
Timber harvesting in the absence of concurrent development	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	
Sand and Gravel Mining	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	C	--	--	--	
Stockpiling of sand, gravel or other aggregate materials	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	--	--	P	20.39.620
Sheet metal, welding, machine shop, tool and equipment manufacturing, vehicle painting facility	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	P	--	--	P	20.39.610
All warehouse, storage and distribution, as listed below:	--	--	--	--	--	--	--	--	--	--	--	--	C	C	C	C	C	--	--	--	
Enclosed storage	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	20.39.655
Self-service storage, mini-warehouse	--	--	--	--	--	--	--	--	C	--	--	--	C	C	C	--	--	--	--	--	20.39.655
Storage yard	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	P	P	--	--	P	20.39.XXX
All waste-related service, including wastewater treatment facilities, decant facilities and recycling centers	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--	P	20.39.660
Recreational marijuana processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	--	20.64
Agricultural Uses																					
All agriculture, as listed below:																					
Agricultural processing, excluding marijuana processing	--	--	--	--	--	--	--	--	--	--	--	--	--	--	C	P	P	--	--	--	20.39.705
Community garden	P	P	P	P	P	P	--	P	P	P	--	--	--	--	--	--	--	--	P	P	20.39.705

Nursery	--	--	--	--	--	--	P	--	--	--	--	--	--	P	P	P	P	--	--	--	20.39.705
Winery	--	--	--	--	--	--	C	--	--	C	C	C	--	P	P	P	P	--	--	--	20.39.705
Accessory uses not otherwise listed below, as determined by the [Administrator]:																					
Accessory dwelling units, as listed below:																					
Accessory apartment (attached dwelling)	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	20.68, 20.39.805
Backyard cottage dwelling	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	20.39.805
Drive-thru facility	--	--	--	--	--	--	--	--	--	C	--	--	--	P	P	P	P	--	--	--	20.39.870
Home occupation	P	P	P	P	P	P	P	P	P	--	--	--	P	--	--	--	--	--	--	--	20.39.830
Home business	P	P	P	--	--	P	P	--	--	--	--	--	P	--	--	--	--	--	--	--	20.39.835
Livestock keeping	P	P	P	--	--	--	P	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.845
Outdoor display	--	--	--	--	--	--	--	--	--	P	P	P	P	P	P	P	P	P	--	--	20.39.850
Outdoor storage as listed below:																					
Low-impact	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	P	P	--	--	20.39.855
High-impact	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P	P	--	--	20.39.855
Self-Storage as accessory use to Apartment Building	--	--	--	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	20.39.860
Vehicle service and repair, accessory to a residential use	P	P	--	--	--	P	P	--	--	--	--	--	--	P	P	--	--	--	--	--	20.39.900
Park as accessory use to residential development	P	P	P	P	P	P	--	P	P	P	P	P	P	--	--	--	--	--	--	--	
Medical marijuana cooperative	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	--	--	--	Ch. 20.64

Key: P = Permitted Use C = Conditional Use -- = Use Not Permitted

Residential Uses.

20.39.100 Household Living. Defined: Residential occupancy of a dwelling unit by a household. Household living includes the following:

- Single-family detached (including a new manufactured home);
- Two-Family;
- Multi-Family;
- Designated Manufactured Home, Manufactured Homes or Mobile Homes (Excluding a new designated manufactured home);
- New Designated Manufactured Home;
- Manufactured or Mobile Home Park;
- Group Home; and;
- Adult Family Home;

(1) Single-Family Detached. One dwelling unit in a single principal structure; may also contain an accessory unit in an attached accessory apartment or a backyard cottage. A new manufactured home shall be treated as a single family detached home for the purposes of this chapter.

(2) Two-Family. Two dwelling units in a single principal structure.

(3) Single-Family Attached. Two or more dwelling units where each unit is attached vertically by a common side wall. Units cannot be vertically mixed.

(4) Multi-Family. Three or more dwelling units in a single principal structure that do not meet the definition of single-family attached, above. Where multi-family is allowed as a limited use, it is allowed only in the upper stories of a mixed-use building. A lobby or other entrance is allowed on the ground floor.

(5) Designated manufactured home, manufactured home or mobile home. Designated Manufactured Homes, manufactured homes or mobile homes (excluding new designated manufactured homes) shall only be permitted within an existing manufactured or mobile home park.

(6) Manufactured or Mobile Home Park. A cluster of manufactured or mobile homes configured such that more than one mobile home is located on a lot, parcel, or tract. A Manufactured or Mobile Home Park typically features land or un-subdivided lots leased or rented by the manufactured home owner. New manufactured or mobile home parks are not permitted in the City. Existing manufactured or mobile home parks may be maintained insofar as the individual homes within a manufactured or mobile home park may be swapped out, but the number of manufactured homes in the manufactured home park may not be increased.

(7) Medical Marijuana Cooperative.

(8) Group Home.

- (a) A dwelling unit containing up to 8 unrelated persons who are mentally or physically impaired who are protected under the Fair Housing Act, along with support or supervisory personnel or family members who may reside at the facility.
- (b) The term mental or physical impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness.
- (c) Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders, are not considered mentally or physically impaired under the Fair Housing Act.

(d) The Fair Housing Act affords no protections to individuals with or without disabilities who present a direct threat to the persons or property of others. Determining whether someone poses such a direct threat must be made on an individualized basis, however, and cannot be based on general assumptions or speculation about the nature of a disability.

(9) Adult Family Home.

(a) A dwelling, licensed by the State of Washington, in which a person or persons provide personal care, special care, room and board to more than one but not more than 6 adults who are not related by blood or marriage to the person or persons providing the service.

20.39.110 Group Living. Defined: Residential occupancy of a structure by nine (9) or more people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes the following:

- (1) Assisted living facility;
- (2) Boarding house, rooming house, or lodging house;
- (3) Congregate care facility;
- (4) Dormitory;
- (5) Hospice;
- (6) Monastery or convent;
- (7) Nursing or care home;
- (8) Independent living facility; and
- (9) Skilled nursing care facility.

20.39.120 Social Services. Defined: A facility that provides treatment for persons not protected under the Fair Housing Act or who present a direct threat to the persons or property of others. Includes persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders. Also includes facilities that provide transient housing related to post-incarceration and social service programs.

Public and Civic Uses

20.39.200 Animal shelter. A facility for the temporary housing of abandoned, surrendered, sick or wounded domestic or wild animals subject to licensing conditions by appropriate county and state officials.

20.39.210 Transit bus base (includes school bus bases). A facility for the storage, dispatch, repair and maintenance of buses and other vehicles of a public transit system.

20.39.220 Transit park-and-ride lot. Vehicle parking specifically for the purpose of access to a public transit system.

20.39.230 Transfer station. A staffed collection and transportation facility used by private individuals and route collection vehicles to deposit solid waste collected off site into larger transfer vehicles for transport to permanent disposal sites. May also include recycling facilities involving collection or processing for shipment.

20.39.240 Civic Uses. Defined: Places of public assembly that provide ongoing governmental, life safety, educational, and cultural services to the general public, as well as meeting areas for religious practice. Civic includes the following:

- Community College or University;
- Club or Lodge;
- Museum or Library;
- Place of Worship;
- Public Use;
- Trade or Technical School
- Schools (K-12); and
- Jail or Detention Center.

(1) Community College or University. A facility of higher education having authority to award associate and higher degrees.

(2) Club or Lodge. A facility used for associations or organizations of an educational, fraternal, or social character, not operated or maintained for profit. Representative organizations include but are not limited to Elks, VFW, Lions, and Rotary.

(3) Museum or Library. A facility having public significance by reason of its architecture or former use or occupancy, or a building serving as a repository for a collection of books, natural, scientific, literary curiosities or objects of interest, or works of art, and arranged, intended, and designed to be viewed by members of the public, with or without an admission fee.

(4) Place of Worship. A facility that by design and construction is primarily intended for conducting organized religious services.

(5) Public Use. Any building, structure, or use owned and operated by the federal government, state, county, the city, port, utility district, or other municipality, or any authority, agency, board, or commission of the above governments that is necessary to serve a public purpose, including but not limited to government administrative buildings; post offices; police, fire and EMS stations; public health facilities; public works facilities; community centers; and jails and correctional facilities.

(6) Trade or Technical School. A facility having a curriculum devoted primarily to industry, trade, or other vocational-technical instruction.

(7) Schools (K-12). A facility for students in grades pre-kindergarten through grade 12.

(8) Jail or Detention Center. A facility operated by a governmental agency that is designed, staffed, and used for the incarceration of persons for the purpose of punishment, correction, and rehabilitation following conviction of an offense.

20.39.250 Parks and Open Space. Defined: Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, and having few structures. Parks and open space includes the following:

(1) Golf course. A golf course is a public or private recreational facility that contains a golf course, and may contain ancillary facilities such as a driving range, pro shop, storage and maintenance buildings, clubhouse, meeting rooms and restaurant.

(2) Cemetery. Land or structures used for burial or internment of the dead. For purposes of this code, pet cemeteries are considered a subclassification of this use.

(3) Park, Recreation Field. An area used for outdoor play or recreation, often containing recreational equipment such as slides, swings, climbing frames, ballfields, soccer fields, basketball courts, swimming pools, and tennis courts. May include passive and active recreation.

20.39.260 Utilities. Defined. Public or private infrastructure serving a limited area with no on-site personnel (minor utility) or serving the general community with on-site personnel (major utility). Utilities includes the following:

(1) Minor utilities, including on-site stormwater retention or detention facility, neighborhood serving telephone exchange/switching center, gas/electric/telephone/cable transmission lines, water and wastewater pump station or lift station, gas gates, reservoir, control structure, drainage well, water supply, water well.

(2) Major utilities, including aeration facility, electrical substation, electric or gas generation plant, filter bed, transmission towers, waste treatment plant, water pumping facility, water tower or tank.

20.39.270 Communications Facilities.

(1) Wireless telecommunication facility means a facility for the provision of radio waves or wireless telephone or data services and includes the following:

(a) Amateur radio operator tower. Means a facility used for personal, non-commercial radio licensed by the Federal Communications Commission.

(b) Small cell wireless telecommunication facility. Means a wireless telecommunication facility that meets both of the following qualifications:

(i) Each antenna is located inside an antenna enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and

(ii) All other equipment associated with the facility (excluding antennas) is cumulatively no more than twenty-eight (28) cubic feet in volume.

(c) Wireless telecommunication tower. Means any mast, pole, monopole, lattice tower or other structure designed and primarily used to support antennas.

(2) Small cell wireless telecommunication facilities shall be installed in accordance with the City's adopted public works and engineering standards and specifications (PWESS).

Commercial Uses.

20.39.300 Automobile Service Station.

Defined: Any building, and the lot on which it is located, that is used for the sale of gasoline or other motor fuels, oils, lubricants, and for the minor servicing of motor vehicles. Automobile service stations are primarily engaged in selling gasoline and lubricating oils; frequently selling other merchandise, such as tires, batteries, and other automobile parts, or performing minor repair work. An automobile service station may be a principal use that is combined with other activities, such as grocery stores, convenience stores, or car washes.

20.39.305 Day Care Facility. Defined: A facility providing care and supervision for compensation during part of a 24-hour day, for a child/adult or children/adults not related by blood, marriage, or legal guardianship to the person or persons providing the care, in a place other than the child's/adult's or children's/adults' own home or homes. Day care facilities include the following:

- Family day care home (6 or fewer children/adults)
- Mini day care center (7-12 children/adults)
- Day care center (13 or more children/adults)

(1) Family day care home. A facility in which regular care is provided during part of the 24-hour day to six (6) or fewer children/adults in the family abode of the person or persons under whose direct care the children/adults are placed.

(2) Mini day care center. A facility in which regular care is provided during part of the 24-hour day to twelve (12) or fewer children/adults in a facility other than the family abode of the person or persons under whose direct care the children/adults are placed, or for the care of seven (7) to twelve (12) children/adults in the family abode of such person or persons.

(3) Day care center. A facility in which regular care is provided for thirteen (13) or more children/adults during part of the 24-hour day.

20.39.310 Conference Center. Defined: An establishment developed primarily as a meeting facility, which may include facilities for recreation, events, seminars, and related activities.

20.39.315 Indoor Recreation. Defined: A commercial facility providing daily or regularly scheduled recreation-oriented activities in an indoor setting. Indoor recreation includes the following:

- Amusement center, game/video arcade;
- Assembly hall, auditorium, meeting hall;
- Billiard hall, pool hall;
- Bowling alley;
- Dance, martial arts, music studio or classroom;
- Extreme sports facility such as BMX, skateboarding or roller blading;
- Gym, health spa or yoga studio;
- Ice or roller skating rink;
- Indoor sports facility;
- Inflatable playground, indoor trampolines;
- Miniature golf facility;
- Motor track;
- Movie theater or other indoor theater;
- Shooting range; and
- Special event facility.

(1) Dance, Martial Arts, Music Studio or Classroom. A facility that offers or provides instruction to more than two (2) students at a time in dance, singing, music, painting, sculpting, fine arts or martial arts.

(2) Gym, Health Spa, Yoga Studio. A facility that, for profit or gain, provides as one of its primary purposes, services or facilities which assist patrons to improve their physical condition or appearance. Not included within this definition are facilities operated by nonprofit organizations, facilities wholly owned and operated by a licensed physician at which such physician is engaged in the practice of medicine, or any establishment operated by a health care facility.

(3) Shooting Range. A facility with an enclosed firing range with targets for archery, rifle or handgun practice.

(4) Special Event Facility. A facility or assembly hall available for lease by private parties or special events, such as weddings.

20.39.320 Commercial Entertainment.

Adult Entertainment. Defined: An enterprise whose predominant emphasis is involved in the selling, renting or presenting for commercial purposes of adult entertainment merchandise including books, magazines, motion pictures, films, video cassettes, or cable television for observation by patrons therein. Examples of such establishments include, but are not limited to, adult book or video stores and

establishments offering panoramas, or peep shows. "Predominant emphasis" means 50 percent or more of gross revenue generated or total volume of shelf space and display area, whichever is more restrictive.

20.39.325 Medical Uses. Defined: A facility providing medical or surgical care to patients. Some facilities may offer overnight care. Medical uses include the following:

- (1) Ambulatory surgical center;
- (2) Blood plasma donation center, medical or dental laboratory;
- (3) Hospital. A facility providing health services primarily for the sick or injured, and offering inpatient medical and/or surgical care;
- (4) Medical, dental office or chiropractor, osteopath, physician, medical practitioner;
- (5) Medical clinic; and
- (6) Urgent care, emergency medical office.

20.39.330 Home Occupations. Defined: A limited-scale activity with some on-site fabrication, sales and/or service which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the premises as a residence, and which does not impact the character of the surrounding residential neighborhood. Home occupations shall be consistent with the requirements of Chapter 20.60 POMC.

20.39.335 Office Uses. Defined: A facility used for activities conducted in an office setting and generally focusing on business, professional or financial services. Office uses include the following:

- (1) Services including, but not limited to, advertising, business management consulting, computer or data processing, graphic design, commercial art or employment agency;
- (2) Professional services including, but not limited to, lawyer, accountant, auditor, bookkeeper, engineer, architect, sales office, travel agency, interior decorator or security system services;
- (3) Financial services including but not limited to, lender, investment or brokerage house, bank, bail bonds, insurance adjuster, real estate or insurance agent, mortgage agent or collection agency;
- (4) Counseling in an office setting;
- (5) Radio, TV station, recording studio;
- (6) Bail Bonds. A facility with a bail bond agent, or bondsman, that provides surety and pledges money or property as bail for the appearance of persons accused in court; and
- (7) Call Center. A facility used for the purpose of receiving or transmitting a large volume of telephone calls.

20.39.340 Outdoor Recreation: Defined: A commercial facility, varying in size, providing daily or regularly scheduled recreation-oriented activities. Activities take place predominately outdoors or within outdoor structures. Outdoor recreation includes the following.

- Drive-in theater;
- Campground, travel trailer park, RV park;
- Extreme sports facility such as BMX, skateboarding or roller blading;
- Horse stable, riding academy, equestrian center;
- Outdoor amusements such as batting cage, golf driving range, amusement park, miniature golf facility or water park;
- Outdoor theater; and
- Shooting range.

- (1) Campground, Travel Trailer Park, RV Park. A facility used for two (2) or more tent or recreational vehicle campsites. Does not include sites for manufactured homes.
- (2) Horse Stable, Riding Academy, Equestrian Center. A facility used primarily for the care, breeding, boarding, rental, riding or training of horses or for the teaching of equestrian skills. Where a horse stable, riding academy or equestrian center is allowed as a limited use, no part of any building, structure or run in which animals are housed may be closer than 50 feet from any property line, except property owned or occupied by an owner or operator of the facility.
- (3) Shooting Range. A facility with an outdoor firing range with targets for archery, rifle or handgun practice.

20.39.345 Overnight Lodging. Defined: Accommodations arranged for short term stays. Overnight lodging includes the following:

- (1) Level 1 Lodging (Vacation Rentals) . A vacation rental is a self-contained dwelling that may be rented by individuals or groups on a daily basis.
- (2) Level 2 Lodging (Bed and breakfast) (up to 7 rooms). A bed and breakfast is an owner-occupied dwelling which offers no more than seven [six?] bedrooms for paying guests on a daily basis.
- (3) Level 3 Lodging (Motel). A motel is an establishment providing overnight accommodations with a majority of all guest rooms having direct access to the outside without the necessity of passing through the main lobby of the building, with or without food services.
- (4) Level 4 Lodging (Hotel). A hotel is an establishment providing overnight accommodations with a majority of all guest rooms having direct access through the main lobby of the building, with or without food services.

20.39.350 Parking. Defined: A facility that provides parking as a principal use. Parking includes the following.

- Commercial parking; and
- Remote parking.

(1) Commercial Parking. A facility that provides parking as a principal use and where a fee is charged. A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use. All surface parking areas must be landscaped in accordance with Section 20.128.070.

(2) Remote Parking. A facility that provides parking as a principal use and where a fee is not charged. Where remote parking is allowed as a limited use, it is subject to the following:

- (a) The remote parking facility must be located within the same or more intense zoning district as the principal use served;
- (b) A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use; and
- (c) All surface parking areas must be landscaped in accordance with Section 20.128.070.

20.39.355 Personal Services. Defined: A facility involved in providing personal or repair services to the general public. Personal services include, but are not limited to the following:

- (1) Beauty, hair or nail salon;
- (2) Catering establishment;
- (3) Cleaning establishment, dry-cleaning or laundry drop-off facility, laundromat, washeteria;
- (4) Copy center, printing, binding, photocopying, blueprinting, mailing service;
- (5) Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium;
- (6) Landscaping services;
- (7) Locksmith;

- (8) Optometrist;
- (9) Palmist, psychic, medium, fortune telling;
- (10) Repair of appliances, bicycles, canvas product, clocks, computers, jewelry, musical instruments, office equipment, radios, shoes, televisions, watch or similar items;
- (11) Tailor, milliner or upholsterer;
- (12) Tattoo parlor or body piercing;
- (13) Taxidermist;
- (14) Tutoring; and
- (15) Wedding chapel.

20.39.360 Animal Care (Indoor).

Defined: A facility designed or arranged for the care of animals without any outdoor activity. No outdoor activity associated with care of animals is allowed. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel and doggy day care.

20.39.365 Animal Care (Outdoor). Defined: A facility designed or arranged for the care of animals that includes outdoor activity. Includes animal grooming, animal hospital, veterinary clinic, pet clinic, animal boarding, animal shelter, cattery, commercial kennel and doggy day care. Where outdoor animal care is allowed as a limited use, it is subject to the following:

- (1) All outdoor exercise areas and runs must be fenced for the safe confinement of animals;
- (2) A Type A or B buffer (see Section 20.128.060) must be established along any outside areas used to exercise, walk, or keep animals that abuts a ground floor residential use; and
- (3) No animal may be outdoors between 11 PM and 6 AM.

20.39.370 Restaurant. Defined: A facility for commercial use in which food and beverages are prepared and sold for on- or off-premises consumption. This definition also includes food trucks, which are mobile vehicles in which food is prepared and served.

20.39.375 Retail Sales. Defined: A facility involved in the sale, lease or rental of new or used products. Retail sales includes, but is not limited to, the following:

- (1) Recreational Marijuana Sales;
- (2) Convenience Store with Fuel Pumps. A facility with a floor area less than 5,000 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store with fuel pumps may sell vehicle fuel but cannot have any type of vehicle repair or service. Where a convenience store with fuel pumps is allowed as a limited use, it is subject to the following:
 - (a) A convenience store with fuel pumps is subject to the conditional use permit requirements of a Fuel Station (see Section 20.39.380).
 - (b) All fuel pumps must be located at least 25 feet from any public right-of-way or lot line, and all buildings and appurtenances must be located at least 100 feet from all lot lines abutting a residential use;
 - (c) A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a residential use; and
 - (d) All fuel must be stored underground outside of any public right-of-way.
- (3) Convenience Store without Fuel Pumps. A facility with a floor area less than 5,000 square feet that sells convenience goods, such as prepackaged food items and a limited line of groceries. A convenience store without fuel pumps cannot sell vehicle fuel or have any type of automotive service.

- (4) Vehicle Sales/Rental. A facility that sells, rents or leases passenger vehicles, light and medium trucks, and other consumer vehicles such as motorcycles, boats and recreational vehicles.
- (5) Light Vehicle/Equipment. Sales, rental or leasing of passenger vehicles, motorcycles, boats.
 - (a) A Type A or B landscape buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use;
 - (b) Vehicle display areas may not be artificially elevated above the general topography of the site; and
 - (c) Parked or stored vehicles may not encroach upon any public right-of-way or sidewalk.
- (6) Heavy Vehicle/Equipment. Sales, rental or leasing of commercial vehicles, heavy equipment and manufactured homes. Includes recreational vehicles, 18-wheelers, commercial box trucks, high-lifts, construction, heavy earth-moving equipment and manufactured homes.
 - (a) A Type A or B landscape buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use;
 - (b) Vehicle display areas may not be artificially elevated above the general topography of the site; and
 - (c) Parked or stored vehicles may not encroach upon any public right-of-way or sidewalk.

20.39.380 Business Services.

Defined: A facility providing other businesses with services including maintenance, repair and service, testing, and rental, such as business equipment repair services, document storage, document destruction, and soils and materials testing laboratories.

20.39.385 Marina.

Defined: A facility that provides launching, storage, supplies, moorage, and other accessory services for six or more pleasure and/or commercial water craft.

20.39.390 Fuel Station. Defined: A facility that provides gasoline and/or diesel fuel to retail consumers for motor vehicles.

(1) Where indicated in the use table, 20.39.040, a fuel station is required to obtain a conditional use permit per Chapter 20.50. In addition to the criteria for approval in Section 20.50.050, the hearing examiner must also make the following findings in order to issue the conditional use permit:

- (a) The proposed fuel station use will provide additional fueling pumps that are necessary to meet the needs of Port Orchard's population, as demonstrated by a demand analysis and report provided by the applicant.

Industrial Uses.

20.39.400 Heavy Industrial Uses. Defined: A facility that involves dangerous, noxious or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio, television reception, radiation or any other likely cause. Heavy industrial includes the following:

- (1) Animal processing, packing, treating, and storage;
- (2) Bottling plant;
- (3) Bulk fuel sales;
- (4) Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products;

- (5) Concrete batch plant;
- (6) Prison (public or private);
- (7) Primary metal manufacturing; and
- (8) Sawmill, log production facility, lumberyard.

20.39.410 Light Manufacturing. Defined: A facility conducting light manufacturing operations within a fully-enclosed building. Light manufacturing includes the following:

- (1) Laundry, dry-cleaning, and carpet cleaning plant;
- (2) Brewery, distillery;
- (3) Clothing, textile or apparel manufacturing;
- (4) Craft shop;
- (5) Food and beverage processing, boutique;
- (6) Food and beverage processing, industrial;
- (7) Facilities engaged in the assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including but not limited to clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments or timing instruments;
- (8) Pharmaceutical or medical supply manufacturing;
- (9) Recreational equipment manufacturing;
- (10) Sheet metal, welding, machine shop, tool repair;
- (11) Stone, clay, glass or concrete products;
- (12) Woodworking, cabinet makers or furniture manufacturing;
- (13) Marijuana production;
- (14) Marijuana processing;
- (15) Craft Shop. A facility devoted solely to the arts and crafts that produces or makes items that by their nature, are designed or made by an artist or craftsman by using hand skills Where a craft shop is allowed as a limited use, it is subject to the following:
 - (a) May have no more than five (5) employees;
 - (b) No more dust, fumes, gases, odors, smoke, or vapors are allowed to escape from the premises than that which is usual in the neighborhood;
 - (c) All by-products, including waste, are effectively confined to the premises or disposed of off the premises so as to avoid air pollution, other than that which is usual in the neighborhood;
 - (d) No noise or disturbance of adjoining premises takes place other than that which is usual in the neighborhood; and
 - (e) All equipment and material storage is kept in an enclosed structure.

(16) Food and Beverage Processing, Boutique. A facility in which food, beverages or alcohol are processed or otherwise prepared and distributed for eventual human consumption. The facility may, in addition to its processing operation and exclusive of the processing, bottling, and storage floor area limitation, have a restaurant, offer related and unrelated retail sales, and on-site consumption of free samples when permitted by the State. The use shall be conducted in a fashion that does not generate continuous, frequent, or repetitive noises or vibrations than that which is usual in the neighborhood.

(17) Food and Beverage Processing, Industrial. A facility in which food, beverage or alcohol are processed, or otherwise prepared and distributed for eventual human consumption. The establishment may, as a subordinate use, offer retail sales and on-site consumption of free samples with no associated seating area, when permitted by the State, of only products produced or processed by the principal use on site.

20.39.420 Research and Development. Defined: A facility focused primarily on the research and development of new products. Research and development includes the following:

- (1) Laboratories, offices and other facilities used for research and development by or for any individual, organization or concern, whether public or private;
- (2) Prototype production facilities that manufacture a limited amount of a product in order to fully investigate the merits of such a product; and
- (3) Pilot plants used to test manufacturing processes planned for use in production elsewhere.

20.39.430 Resource Extraction. Defined: A facility that extracts minerals and other solids and liquids from land. Resource extraction includes the following:

- (1) Extraction of phosphate or minerals;
- (2) Extraction of sand or gravel, borrow pit;
- (3) Metal, sand stone, gravel clay, mining and other related processing; and
- (4) Stockpiling of sand, gravel, or other aggregate materials.

20.39.440 Vehicle Service and Repair. Defined: Repair and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Vehicle service includes the following:

- Car wash;
- Vehicle repair (minor);
- Vehicle repair (major); and
- Vehicle repair (commercial vehicle).

(1) Car Wash. A facility with mechanical or hand-operated equipment used for cleaning, washing, polishing or waxing of motor vehicles. Car wash facilities are subject to the following:

(a) No hand-operated car wash is permitted within 50 feet of a residential use (measured from the residential lot line to the lot line of the car wash facility).

(b) No mechanical car wash is permitted within 150 feet of a residential use (measured from the residential lot line to the lot line of the car wash facility).

(c) A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use.

(d) When abutting a ground floor residential use, the car wash facility cannot operate before 6 AM or after 11 PM.

(2) Vehicle Repair (Minor). A facility where minor vehicle repair and service is conducted. Includes audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, emissions testing, bed-liner installation, and glass repair or replacement. The following apply to vehicle repair (minor) facilities:

(a) A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use; and

(b) The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

(3) Vehicle Repair (Major). A facility where general vehicle repair is conducted, including transmission, brake, muffler and tire shops, along with body and paint shops. The following apply to vehicle repair (major) facilities:

(a) A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use; and

(b) The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

(4) Vehicle Repair (Commercial Vehicle). A facility conducting repair, service, washing or accessory installation for commercial vehicles, including box trucks, 18-wheelers and construction or other heavy equipment. The following apply to vehicle repair (commercial vehicle) facilities:

- (a) A Type A or B buffer (see Section 20.128.060) must be established along all lot lines abutting a ground floor residential use; and
- (b) The dismantling of vehicles for salvage and the storage of impounded vehicles is not allowed.

20.39.450 Warehouse, Storage and Distribution. Defined: A facility involved in the storage or movement of goods for itself or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers. Warehouse, storage and distribution includes enclosed storage such as bulk storage, cold storage plants, frozen food lockers, household moving and general freight storage.

20.39.460 Self Storage (Mini Warehouse). Defined: A facility involved in the rental of storage space, such as rooms, lockers, or containers to individuals for the purpose of storing personal belongings.

(1) Self storage shall only be permitted in areas within the self storage overlay district (SSOD) in accordance with POMC 20.38.700-.740, and in zones where permitted outright or as a conditional use in the land use table in this chapter. Self storage facilities that are built and operated as an accessory to an apartment use are not subject to the limitations of the SSOD.

(2) Where indicated as a conditional use in the use table, Section 20.39.040, a self-storage facility is required to obtain a conditional use permit per Chapter 20.50. In addition to the criteria for approval in Section 20.50.050, the hearing examiner must also make the following findings in order to issue the conditional use permit:

- (a) The proposed self-service storage use will provide self storage units that are necessary to meet the needs of Port Orchard's population, as demonstrated by a demand analysis and report provided by the applicant.
- (b) The self-storage facility shall be at least two stories in height, as measured from ground level and not including any basement or below-grade area.

20.39.470 Storage Yard.

Defined: A facility used for the storage of any material or item, including motor or marine vehicles, that is not in a structure comprised of at least three (3) walls and a roof. Does not include facilities that are primarily used for the sale of motor and/or marine vehicles.

20.39.480 Waste-Related Services. Defined: A facility that processes and stores waste material. Waste-related service includes the following:

- (1) Automobile dismantlers and recyclers, junk yard, wrecking yard, salvage yard;
- (2) Recycling and recovery facility, including recyclable material storage, including construction material;
- (3) Scrap metal processors, secondary materials dealers; and
- (4) Wastewater treatment plant.

Agricultural Uses

20.39.500 Agriculture. Defined: The production of crops, livestock or poultry. Agriculture includes the following:

- Agricultural processing, excluding marijuana processing;
- Community garden;
- Nursery; and
- Winery.

(1) **Agricultural Processing.** Any operation that transforms, packages, sorts, or grades farm products into goods that are used for intermediate or final consumption, including goods for non-food use, such as the products of forestry. Agricultural processing includes milk plant, grain elevator, and mulch or compost production and manufacturing, but does not include animal processing, packing, treating, and storage. Agricultural processing also does not include marijuana processing pursuant to Chapter 20.64.

(2) **Community Garden.** An area of land managed and maintained by a group of individuals to grow and harvest food crops and non-food ornamental crops, for personal or group use, consumption or donation. May be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group, and may include common areas maintained and used by the group. Where a community garden is allowed as a limited use, it is subject to the following:

(a) A community garden must be primarily used for growing and harvesting food and ornamental crops for consumption or donation or for sale off-site; and

(b) Only mechanical equipment designed for household use may be used.

(3) **Nursery.** A facility for the sale of plants and plant materials grown on- or off-site, as well as garden supplies, equipment and related items.

(4) **Winery.** A facility for processing grapes or other fruit into wine for sale on-site or through wholesale or retail outlets.

Accessory Uses

20.39.600 Accessory Dwelling Units (1) Defined: An accessory dwelling unit (ADU) is a separate, complete dwelling unit attached to or contained within the structure of the primary home or use. An ADU may be either an accessory apartment (attached dwelling) or a backyard cottage dwelling.

(2) Requirements: Refer to Section 20.68 of this Title.

20.39.610 Drive-Thru Facility. Defined: A facility at which the customer is served while sitting in a vehicle, typically associated with drive-thru restaurants, banks and pharmacies.

(1) No drive-thru window, lane or order box is permitted within 50 feet of a ground floor residential use (measured from the residential lot line to the closest point of the drive-thru lane).

(2) In all drive-thru areas, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru, must be located to the side or rear of the building. Drive-thru windows and lanes may not be placed between a public street (not including an alley) and the associated building.

(3) Queuing, landscaping and screening requirements are specified in Section 20.124.060 and Chapter 20.128.

20.39.615 Home Occupation. Defined: A home occupation provides a service or product that is conducted wholly within a dwelling unit. Customers and employees coming to the dwelling to conduct business are not allowed. A home occupation does not include a bed and breakfast or day care facility.

(1) The use of the dwelling unit for a home occupation must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the building.

(2) No business, storage or warehousing of materials, supplies or equipment is allowed outside.

- (3) No equipment or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
- (4) No display of products may be visible from the street.
- (5) No persons other than members of the family residing on the premises may be engaged in the home occupation.
- (6) No more than one vehicle may be used in the conduct of the home occupation, and it must be parked on-site.
- (7) Storage space and the operation of the business cannot exceed twenty-five percent of the total floor area of the dwelling (including any accessory structures on the lot).
- (8) Customers and employees are not allowed.
- (9) The delivery of materials may not exceed more than two (2) deliveries of per day. No delivery may be by a vehicle larger than typical delivery van.
- (10) No signs advertising the home occupation are allowed.

20.39.620 Home Business. Defined: A home business provides a service or product that is conducted wholly within a dwelling that requires employees, customers, clients or patrons to visit the dwelling. A home business does not include a bed and breakfast or day care facility.

- (1) The use of the dwelling unit for a home business must be clearly incidental and subordinate to its use for residential purposes, and under no circumstances change the residential character of the building.
- (2) No business, storage or warehousing of materials, supplies or equipment is allowed outside.
- (3) No equipment or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
- (4) No display of products may be visible from the street.
- (5) The home business must be conducted by a person residing on the premises.
- (6) No employees of the business shall work on the premises.
- (7) No more than one vehicle may be used in the conduct of the home business, and the vehicle must be parked on-site.
- (8) Storage space and the operation of the business inside the dwelling cannot exceed twenty-five percent of the total floor area of the building (including any accessory structures on the lot).
- (9) Not more than six (6) clients a day are permitted to visit the home business.
- (10) The delivery of materials may not exceed more than two (2) deliveries of per day. No delivery may be by a vehicle larger than typical delivery van.
- (11) Retail sales of goods must be entirely accessory to any service provided on the site (such as hair care products sold as an accessory to hair cutting).
- (12) No mechanical equipment is installed or used except such that is normally used for domestic or professional purposes.

Livestock Keeping. Defined: Livestock includes any animals of the equine, swine or bovine class, including goats, sheep, mules, cattle, hogs, pigs and other grazing animals, and all ratites, including, but not limited to, ostriches, emus and rheas.

- (1) Prohibited:
 - (a) The keeping of any animal other than dogs, cats and other household domestic animals and those specifically allowed below is prohibited.
 - (b) Roosters are not allowed.
- (2) Rabbits, Turkeys, Ducks and Chickens:

- (a) One rabbit, turkey, duck or chicken is allowed per 1,500 square feet of lot area, provided that no more than five (5) rabbits, ducks or chickens, and no more than three (3) turkeys are located on a single parcel.
 - (b) An area of at least twenty (20) square feet or at least four (4) square feet for each rabbit, turkey, duck or chicken, whichever is larger, must be provided. The area must be adequately fenced, cannot be located in a front yard, be at least twenty-five (25) feet from any dwelling on an abutting lot and be at least fifteen (15) feet from any side or rear lot line.
 - (c) Coops or cages may not exceed 8 feet in height.
- (3) Alpacas, Llamas, Goats and Sheep:
- (a) A lot least one half (1/2) acre in size is allowed one (1) alpaca, llama, goat or sheep per 10,000 square feet of lot area.
 - (b) An area of at least five hundred (500) square feet or at least two hundred fifty (250) square feet for each alpaca, llama, goat or sheep, whichever is larger, must be provided.
 - (c) The containment area must be adequately fenced, cannot be located in a front yard and must be at least fifteen (15) feet from any side or rear lot line.

20.39.630 Outdoor Display. Defined: The outdoor display of products actively available for sale. The outdoor placement of propane gas storage racks, ice storage bins, soft drink or similar vending machines is considered outdoor display. Outdoor display does not include merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers (see limited outdoor storage). Where allowed, the outdoor sale or rental of vehicles or equipment as part of a properly permitted use is not considered outdoor display.

- (1) Outdoor display is only allowed with a permitted nonresidential use.
- (2) Outdoor display must abut the primary façade with the principal customer entrance, and may not extend more than six (6) feet from the facade or occupy more than twenty-five percent of the horizontal length of the façade.
- (3) Outdoor display may not exceed six (6) feet in height.
- (4) Outdoor display must be removed and placed inside a fully-enclosed building at the end of each business day, except propane gas storage racks, ice storage bins, soft drink or similar vending machines may remain outside overnight.
- (5) Outdoor display may not encroach upon any public right-of-way or sidewalk. Outdoor display may not impair the ability of pedestrians to use the sidewalk. There must be a minimum of six (6) feet of clear distance of sidewalk at all times.

20.39.635 Outdoor Storage.

Defined:

- (1) Low-Impact:
 - (a) Low-impact outdoor storage includes, but is not limited to:
 - i. The overnight outdoor storage of vehicles awaiting repair;
 - ii. The outdoor storage of merchandise or material in boxes, in crates, on pallets or other kinds of shipping containers;
 - iii. Outdoor sale areas for sheds, building supplies, garden supplies, plants, lawn movers, barbecue's and other similar items; and
 - iv. The outdoor storage of vehicles, boats, recreational vehicles or other similar vehicles at a self-service storage, mini warehouse facility.
 - (b) Use Standards:

- i. All material stored outdoors cannot be located in a required setback;
- ii. All material stored outdoors may not be more than twelve (12) feet in height;
- iii. All material stored outdoors must be fully screened from view from the public right-of-way and abutting properties using a Type A or B buffer (see Chapter 20.128.060); and
- iv. Vehicles awaiting repair may only be stored up to fourteen (14) days within the screened storage area.

(2) High-Impact:

(a) High-impact outdoor storage includes, but is not limited to:

- i. The outdoor storage of contractors equipment, lumber, pipe, steel or wood;
- ii. The outdoor storage of salvage, recycled materials or scrap metal;
- iii. The outdoor storage of impounded or inoperable vehicles;
- iv. The outdoor storage or loading yard for vehicles, trailers or equipment;
- v. The outdoor storage of construction material; and
- vi. The outdoor storage of domestic or construction waste or debris.

(b) Use Standards:

- i. All material stored outdoors cannot be located in a required setback and must be located at least fifteen (15) feet from the public right-of-way; and
- ii. All material stored outdoors must be fully screened from view from the public right-of-way and abutting properties using a Type C or D buffer (see Chapter 20.128.060).

20.39.640 Indoor Self Storage as Accessory Use to Apartment Buildings. Indoor self-storage may be permitted as an accessory use to a site containing one or more apartment buildings as defined in POMC 20.32, provided that the gross floor area of self-storage does not exceed twenty percent of the gross floor area of the residential living space located within apartment buildings on the site.

20.39.645 Vehicle Service and Repair Accessory to Residential Uses. Vehicle service and repair, as an accessory use to an existing residential use, is allowed pursuant to the requirements of Chapter 20.66 and the land use table in Chapter 20.39.

20.39.650 Medical Marijuana Cooperatives. Medical marijuana cooperatives, as an accessory use to an existing residential use, are allowed pursuant to the requirements of Chapter 20.64 and the land use table in Chapter 20.39.