

ORDINANCE NO. 2012-10

AN **ORDINANCE** of the City of Bainbridge Island, Washington allowing the subdivision of property in areas that contain liquefaction hazard critical areas and amending Section 18.12.020-1 of the Bainbridge Island Municipal Code.

WHEREAS, the City of Bainbridge Island has the authority to adopt zoning provisions pursuant to RCW 36.70A.390; and

WHEREAS, the City Council determined that subdivision of property should be allowed in areas encumbered by liquefaction hazard critical areas; and

WHEREAS, timely notice was given to the Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, on June 28, 2012, the Planning Commission conducted a public hearing on the amendments proposed for Section 18.12.020-1 of the Bainbridge Island Municipal Code and recommended approval of the proposed changes; and

WHEREAS, the City Council conducted a public hearing on the proposed amendments on August 15, 2012; now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 18.12.020-1 of the Bainbridge Island Municipal Code is amended to read as follows:

Table 18.12.020-1 Flexlot Dimensional Standards for Residential Zone Districts

[Numbers in brackets indicate additional requirements listed at the end of the table.]

ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
DIMENSIONAL STANDARD										
MINIMUM LOT AREA										
Note: Additional regulations on lot dimensions may apply pursuant to:										
(a) BIMC 17.12.030.A, flexible lot subdivision open space development option; or										
(b) BIMC 17.12.030.B, flexible lot subdivision cluster development option.										

Open Space Short and Long Subdivision	<p>If the parcel is served by a public sewer system or the septic drainfield is located outside of the lot: 5,000 sq. ft. located outside of critical areas and their buffers (see BIMC Title 16) in every zone district except R-14. <u>Parcels containing liquefaction hazard critical areas are exempt from the 5,000 sq. ft. requirement.</u></p> <p>If the septic drainfield is located within the lot, then: 12,500 sq. ft., of which 5,000 sq. ft. must be located outside of critical areas and their buffers. unless the health district requires a larger lot size. <u>Parcels containing liquefaction hazard critical areas are exempt from the 5,000 sq. ft. requirement. The health district may require a larger lot size.</u></p> <p>In the R-14 district, the minimum lot area is 3,100 sq. ft.</p> <p>For all zone districts, the minimum lot size can be reduced below 5,000 sq. ft. as an incentive for providing additional open space pursuant to BIMC 17.12.030.A.5.</p>													
Short and Long Cluster Subdivision	<p>Lot size flexible as long as minimum homesite area met per BIMC 17.12.030.B.</p> <table border="1" data-bbox="427 1014 1427 1110"> <tr> <td data-bbox="427 1014 859 1110">Homesite max. 10,000 sq. ft.</td> <td data-bbox="859 1014 1068 1110">Homesite max. 7,600 sq. ft.</td> <td data-bbox="1068 1014 1427 1110">Homesite max. 5,000 sq. ft.</td> </tr> </table>											Homesite max. 10,000 sq. ft.	Homesite max. 7,600 sq. ft.	Homesite max. 5,000 sq. ft.
Homesite max. 10,000 sq. ft.	Homesite max. 7,600 sq. ft.	Homesite max. 5,000 sq. ft.												
Large Lot Subdivision	<p>5 ac or 1/128th of a section, whichever is smaller</p>													
<p>MAXIMUM DENSITY (Minimum lot area per dwelling unit)</p> <p>Note: Subdivisions containing irregularly shaped lots and lots containing critical areas may not be permitted to achieve maximum density. Additional regulations on density may apply pursuant to:</p> <p>(a) BIMC 16.20.160.F.5.a, Additional Development Standards for Regulated Uses, Land Divisions and Land Use Permits, Density Calculation</p> <p>(b)</p>														
Short, Long, and Large Lot Subdivisions	<p>The maximum number of lots permitted shall be calculated by dividing the total lot area of the property (without deducting areas to be dedicated as public rights-of-way or areas to be encumbered by private road easements) by the minimum lot area for standard lots in the zone district.</p>													
Base Density	100,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.	12,500 sq. ft.	10,000 sq. ft.	8,500 sq. ft.	7,260 sq. ft.	5,400 sq. ft.	3,100 sq. ft.				

			[1]	[2]	[2]	[2]				
Bonus Density pursuant to BIMC 18.12.030.A	N/A	3,630 sq. ft.	2,074 sq. ft.							

MINIMUM LOT DIMENSIONS

Note: Additional regulations on lot dimensions may apply pursuant to:

- (a) BIMC 17.12.030.A, flexible lot subdivision open space development option, or
- (b) BIMC 17.12.030.B, flexible lot subdivision cluster development option.

Short, Long, and Large Lot Subdivisions	Minimum lot width shall be 50 ft. unless the shoreline master program requires a larger width. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. The size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated. Corner lots may be required to be platted with additional width to allow for the additional side yard requirements. When consistent with neighborhood character, subdivision lots situated along public streets should be configured to allow future houses to face the street, but this requirement does not apply to short plats or large lots.
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MAXIMUM LOT COVERAGE [3]

Short and Long Subdivision	Same as applied to the entire property that is the subject of the subdivision application, a portion of which shall be assigned to each lot at the time of preliminary plat approval.									
Large Lot Subdivision	10%	15%	20%	25%	25%	25%	25%	N/A	25%	40%

MINIMUM SETBACKS

Note: Landscaped areas may serve as setbacks (i.e., setbacks are not in addition to landscaped areas), and some encroachments into setback areas are permitted pursuant to BIMC 18.12.040.

Note: Additional setbacks may be required by:

- (a) Chapter 16.08 or 16.12 BIMC, or
- (b) Chapter 16.20 BIMC, Critical Areas, or
- (c) BIMC 16.28.040, mining regulations, or
- (d) BIMC 18.09.030, Use-Specific Standards, or
- (e) BIMC 18.12.030.F, Shoreline Structure Setbacks, or
- (f) BIMC 18.15.010, Landscaping and Screening.

Short, Long, and Large Lot Subdivisions [4]		
Bldg. to bldg.	10 ft., or minimum required by the fire code, whichever is greater	
Building to exterior plat boundary line	25 ft.	15 ft.
Building to SR 305 right-of-way	75 ft.	
Building to other arterial and collector rights-of-way	50 ft.	40 ft.
Building to other streets	15 ft.	
Building to trail, open space or access easement (except for open space areas that are also roadside or landscape buffers)	10 ft.	
Cluster Subdivisions: Homesite clustering	All homesites in a cluster grouping shall adjoin or be located a maximum of 25 feet apart from another homesite.	
Shoreline Jurisdiction	See BIMC 16.12.150, Table 4-2, Use-Related Development Standards Matrix, of the shoreline master program, and BIMC 18.12.030.F, Shoreline Structure Setbacks. For properties abutting the shoreline, the native vegetation zone required by BIMC 16.12.090 replaces the zoning setbacks along the water.	

MAXIMUM BUILDING HEIGHT

Note: Bonus may not be available in the shoreline jurisdiction

Short, Long, and Large Lot Subdivisions	Height Requirements for Standard Lots apply (see end of table)
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[1] The base density for that parcel in the Lynwood Center special planning area designated as R-2 is one unit per 20,000 sq. ft., but may be increased up to 3 units per acre; provided, that a public access easement is granted for that portion of the parcel that lies to the south of Point White Drive along the waters of Rich Passage. The base density of some parcels in the Fort Ward historic overlay district may be increased as shown in BIMC 18.24.070.

[2] Pursuant to Chapters 18.18 and 18.27 BIMC the minimum lot area for a dwelling unit shall be 5,400 square feet for that area designated on the official land use map as the urban single-family overlay district (R-8SF). All other requirements of this chapter shall apply.

[3] Educational, governmental, cultural, religious, and health care, within residential zone districts must be processed as major conditional use permits pursuant to BIMC 2.16.110.E.

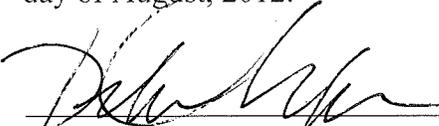
[4] For flexlot subdivisions and short plats, setbacks from rights-of-way may be reduced to maintain neighborhood character by establishing building setbacks equal to or greater than the existing building setbacks on the adjacent properties. Where there are no developed properties adjacent to the property being subdivided, the setbacks in Table 18.12.020-1 shall apply.

Section 2. If any section, sentence, clause or phrase of this chapter shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

Section 3. This chapter shall take effect on and be in force five days from and after its passage, approval, and publication as required by law.

PASSED by the City Council this 15th day of August, 2012.

APPROVED by the Mayor this 15th day of August, 2012.



 Debbi Lester, Mayor

ATTEST/AUTHENTICATE:



 Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	July 17, 2012
PASSED BY THE CITY COUNCIL:	August 15, 2012
PUBLISHED:	August 17, 2012
EFFECTIVE DATE:	August 22, 2012
ORDINANCE NO.:	2012-10