

**ORDINANCE NO. 2012-12**

AN ORDINANCE of the City of Bainbridge Island, Washington amending Section 18.09.020 of the Bainbridge Island Municipal Code (BIMC) regarding permitted uses in the Mixed Use Town Center and High School Road Districts, and amending BIMC Section 18.09.030.B to require that development on Winslow Way between Madison Avenue and State Route 305 include a retail and/or commercial component.

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

**WHEREAS**, the City Council approved Ordinance No. 2011-02, "Land Use Code Update", on November 18, 2011, and the ordinance took effect January 1, 2012; and

**WHEREAS**, mixed-use development has been a permitted use within the Mixed-Use Town Center and High School Road zoning districts since the Winslow Master Plan was adopted in 1998; and

**WHEREAS**, BIMC Section 18.09.020, as developed and approved through Ordinance No. 2011-02, erroneously omitted commercial/ residential mixed-use development as a permitted use within the Mixed-Use Town Center and High School Road zoning districts; and

**WHEREAS**, Winslow Way between Madison Avenue and State Route 305 is the commercial heart of downtown Winslow; and

**WHEREAS**, the City Council has determined that this section of Winslow Way is not appropriate for developments that are solely residential, and that new development in this area should include a retail and/or commercial component; and

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

**WHEREAS**, on August 9, 2012 the Planning Commission conducted a public hearing on the amendments proposed to Sections 18.09.020 and 18.09.030.B 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 September 26, 2012; now, therefore,

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

**Section 1.** Section 18.090.020 of the Bainbridge Island Municipal Code is amended to read as follows:



**Section 2.** Section 18.09.030.B of the Bainbridge Island Municipal Code is amended to read as follows:

**B. Residential.**

**1. Single-Family Dwellings.**

- a. In the NSC district, single-family dwellings must be in accordance with zoning in the R-2 district except that bonus densities may be obtained pursuant to BIMC 18.12.030.D if applicable.
- b. Single-family dwellings in the Mixed Use Town Center:
  - i. Except for new single-family residences constructed pursuant to subsection B.1.b.ii of this section, only single-family dwellings that were in existence and being used as such prior to the enactment of Ordinance 96-08 are allowed; existing single-family dwellings are subject to R-4.3 zoning development standards.
  - ii. In the Mixed Use Town Center, any new single-family residences proposed after the enactment of Ordinance 2010-09 shall only be allowed through an approved subdivision that qualifies as a housing design demonstration project pursuant to BIMC 2.16.020.Q. Properties with frontage along Winslow Way between Madison Avenue and State Route 305, excepting flag lots, must include a retail and/or commercial component. Solely residential development is not allowed in this area.

**2. Multifamily Dwellings.**

- a. In the R-1 and R-2 districts, multifamily dwellings in the Fort Ward historic overlay district are permitted (“P”) uses if they comply with BIMC 18.06.080 and 18.24.070.
- b. In the R-8SF overlay district, multifamily dwellings are not allowed.
- c. In the NSC district, multifamily dwellings must be in accordance with zoning in the R-2 district, except that bonus densities may be obtained if applicable under BIMC 18.12.020 and 18.12.030.D.
- d. In the NSC district, residential units must be located above the ground floor if the building is located on a collector or secondary arterial or higher road classification; however, for mixed use projects, if the building fronts on a local or private street, residential units can be located on the ground floor.
- e. Properties with frontage along Winslow Way between Madison Avenue and State Route 305, excepting flag lots, must include a retail and/or commercial component. Solely residential development is not allowed in this area.

**3. Commercial/Residential Mixed Use Development.** Principal and accessory uses shall comply with the applicable development standards and performance standards of the B/I and NSC districts as well as the other standards listed here.

- a. In the B/I district, a single residential unit for security and/or insurability of the premises is permitted. No other residential uses are allowed; and

- b. In the NSC district, residential units must be located above the ground floor if the building is located on a collector or secondary arterial or higher road classification; however, for mixed use projects, if the building fronts on a local or private street, residential units can be located on the ground floor. Density for mixed use projects in the NSC district shall be calculated pursuant to BIMC 18.12.030.D.

**Section 3.** 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 4.** This chapter shall take effect on and be in force five days from and after its passage, approval, and publication as required by law.

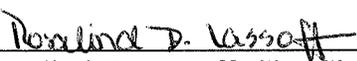
**PASSED** by the City Council this 26<sup>th</sup> day of September, 2012.

**APPROVED** by the Mayor this 26<sup>th</sup> day of September, 2012.



Debbi Lester, Mayor

**ATTEST/AUTHENTICATE:**

  
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	August 31, 2012
PASSED BY THE CITY COUNCIL:	September 26, 2012
PUBLISHED:	September 28, 2012
EFFECTIVE DATE:	October 3, 2012
ORDINANCE NO.:	2012-12