

ORDINANCE NO. 2009-03

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to below grade parking garages; and amending Section 18.06.650 and Section 18.40.030 of the Bainbridge Island Municipal Code.

WHEREAS, BIMC 18.06.650 defines "lot coverage" to mean that portion of the lot area that is covered by buildings; and

WHEREAS, BIMC 18.06.110 defines "buildings" to mean any structure having a roof and designated for shelter of animals, persons and/or property, and includes parking garages; and

WHEREAS, the City has adopted policies to encourage the development of parking garages instead of surface parking, including Comprehensive Plan Land Use Element Goal 3 and policies LU3.2 and W1.3 and Winslow Master Plan policy WMP2-5.2; and

WHEREAS, these goals and policies promote parking that encourages safe pedestrian and bicycle routes between streets, building entrances, and parking areas, and minimize visual and environmental impacts; and

WHEREAS, BIMC 18.40.030, the development standards table for the Mixed Use Town Center, incorporates an incentive of an additional "optional height" of 10 feet when a development utilizes under building parking; and

WHEREAS, BIMC 18.40.030 outlines the allowed lot coverage for each of the Mixed Use Town Center Overlay Districts, including an additional regulation for the Ericksen Avenue Overlay District limiting maximum building footprint to 2,500 square feet for properties south of Wyatt Way; and

WHEREAS, the Madison and Ericksen Avenue Overlay Districts allowed lot coverage is thirty-five percent, and the High School Road Overlay Districts allowed lot coverage is fifty percent; and

WHEREAS, the Planning Commission reviewed this ordinance at a study session on June 12, 2008, held a public hearing on August 14, 2008, and recommended approval of the ordinance on September 25, 2008; and

WHEREAS, the City has concluded that the current regulations, in which parking garages, even those below grade, are counted towards a property's allowed lot coverage, are inadvertently encouraging the creation of new surface parking lots by discouraging parking garages; and

WHEREAS, the City Council finds that it is necessary and in the best interest of the public to amend BIMC 18.06.650 and BIMC 18.40.030; now, therefore,

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

Section 1. Section 18.06.650 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

“18.06.650 Lot coverage. “Lot coverage” means that portion of the total lot area covered by buildings, excluding up to 24 inches of eaves on each side of the building, any building or portion of building located below pre-development and finished grade, and other minor building features identified in BIMC 18.78.020.B.”

Section 2. Section 18.40.030 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

Mixed Use Town Center					High School Road Districts I and II	Ferry Terminal
	Central Core	Madison Avenue	Ericksen Avenue	Gateway		
Base Floor Area Ratio (FAR) ¹						
Commercial and Other Nonresidential Uses	0.6	0.4	0.3	0.15	0.1	0.3
Residential	0.4	0.4	0.3	0.5	0.4	0.3
Mixed Use ²	1.0	0.5	0.5	0.5	0.5	0.3
Maximum FAR with Bonus ³						
Commercial and Other	1.0	0.6	0.6	0.3	0.2	0.6

Nonresidential Uses						
Residential	1.0	0.6	0.6	1.0	1.1	0.6
Mixed Use ²	1.5	1.0	1.0	1.0	1.3 (1.5) ¹⁰	1.0
Building Height (bldg hgt) Limit	35' 25' bldg hgt south of Parfitt	25' 35' bldg hgt north of High School Road	25'	35'	Bldg hgt north of Winslow Way: Ref. BIMC 18.40.031 35' bldg hgt south of Winslow Way	35'
Optional Height (opt hgt) Limit w/under building parking	45' 35' opt hgt south of Parfitt	35' 45' opt hgt north of High School Road	35'	45'	Opt bldg hgt north of Winslow Way: Ref. BIMC 18.40.031 45' opt bldg hgt south of Winslow Way	45'
Building Height when property adjoins a lower density residential zone	Except in the ferry terminal district, north of Winslow Way, for the first 30 feet of the building from the property line of an adjoining lower density residential zone, the building height shall be the building height of the adjoining lower density residential zone. Optional building height allowed in the adjoining lower density residential district through a conditional use permit may be requested for projects within the Mixed Use Town Center and High School Road zones through the site plan review process. For building height requirements in the ferry terminal district, north of Winslow Way, reference BIMC 18.40.031					
Maximum Lot Coverage	100%, excluding	35%	35%	35%	75%	50%

	setbacks		2,500 sq. ft. max. building footprint south of Wyatt, <u>excluding any building or portion of building located below pre-development and finished grade</u>			
Front Setback	Comm: 5' max. from sidewalk Res: 10' min. from sidewalk 20' max. from sidewalk	10' min. 20' max	15' min. 20' max	0' from sidewalk	5' max. from sidewalk Except as modified by transition standards in BIMC 18.40.031	10' max. from sidewalk
Side Setback	0' 5' when property abuts the Madison Avenue or Ericksen Avenue districts	0' 5' when property abuts the central core district	5'	0'	0'	0'
Rear Setback	0' 5' when property abuts the Madison Avenue or Ericksen Avenue	0' 5' when property abuts the central core or Ericksen Avenue districts	0' 5' when property abuts the central core or Madison Avenue districts	0'	0'	0'

	districts					
Building Setback when property adjoins single-family residential zone	Building setback shall be in accordance with the landscape ordinance perimeter landscaping requirements					

Parking Requirements						
Commuter-Oriented Retail	NP	NP	NP	NP	1 parking space per employee per peak shift	NP
Other Commercial and Nonresidential Uses						
Minimum Spaces per 1,000 sq. ft. ⁷	4	4	4	4	1	4
Maximum Spaces per 1,000 sq. ft. ^{8, 9}	5	5	5	5	3	5
Residential Minimum Spaces per dwelling unit	Per BIMC 18.81.030.D					
Residential Maximum Spaces per dwelling unit	1.5	2	2	2	1.5	2
Bicycle Parking	Per BIMC 18.81.140					
Access along Winslow Way	For properties along Winslow Way, there shall be no driveway from private property to the street except as approved as a conditional use. Driveways in existence prior to July 1, 1987, are excepted from this requirement. (Formerly BIMC 18.69.070.D.)					
<p>1Exception from the base FAR: If the existing FAR for a developed property as of the effective date of the ordinance codified in this chapter is higher than the base FAR for that district, then the existing FAR will be considered the base FAR for that developed property.</p> <p>2In mixed use development, the established FAR in the residential and commercial components shall not be exceeded.</p> <p>3Maximum level of commercial, residential and mixed use development may be achieved through the use of FAR bonus provisions, in accordance with BIMC 18.40.040.</p> <p>4These setbacks apply along Madison Avenue only.</p> <p>5Porches, bay windows and eaves may intrude up to five feet into the front yard.</p> <p>6South of a point 100 feet north of Winslow Way.</p> <p>7On street parking legally created in conjunction with and adjacent to a project may be included in the parking space calculation.</p>						

8Up to a maximum of four spaces per 1,000 square feet for restaurant use, using procedures set out in BIMC 18.81.030.M.

9Exceptions to the maximum commercial parking may be granted in accordance with BIMC 18.81.056.C.

10In mixed use development in the ferry terminal district, an additional .2 FAR is permitted in accordance with BIMC 18.40.040.G. The additional FAR may be applied to either the residential or commercial component of the mixed use development.

(Ord. 2005-11 § 1, 2005; Ord. 2004-02 § 3, 2004; Ord. 99-64 § 6, 1999; Ord. 99-17 § 5, 1999; Ord. 97-06 § 4, 1997; Ord. 96-08 § 9, 1996)

Section 3. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication as provided by law.

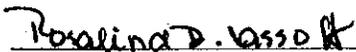
PASSED by the City Council this 9th day of December, 2009.

APPROVED by the Mayor this 11th day of December, 2009.



Christopher Snow, Mayor

ATTEST/AUTHENTICATE:



Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	February 17, 2009
PASSED BY THE CITY COUNCIL:	December 9, 2009
PUBLICATION DATE:	December 18, 2009
EFFECTIVE DATE:	December 23, 2009
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