

**ORDINANCE NO. 2010-09**

**AN ORDINANCE** of the City of Bainbridge Island, Washington integrating Housing Design Demonstration Project subdivisions into the Mixed Use Town Center and High School Road I and II zoning districts by amending Section 18.40.020 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**, Goal 1 of the Housing Element of the Comprehensive Plan is to “promote and maintain a variety of housing choices to meet the needs of present and future Bainbridge residents at all economic segments...”; and

**WHEREAS**, the Land Use Element of the Comprehensive Plan establishes goals and polices to encourage sustainable development; and

**WHEREAS**, standard zoning practices may limit the ability of developers and builders to provide the type of diverse housing that is compatible within existing single-family and multi-family neighborhoods in the City of Bainbridge Island; and

**WHEREAS**, the City Council has determined that there is a need for interim zoning to encourage innovative housing demonstration projects and to identify any needed changes in development regulations to allow for the construction of a diversity of housing types; and

**WHEREAS**, the City Council approved Ordinance No. 2009-06 on August 12, 2009, creating Chapter 18.38 BIMC *Housing Design Demonstration Projects* (the “HDDP program”); and

**WHEREAS**, the HDDP program can be used to create both multi-family and single-family residential developments that implement innovative and sustainable design; and

**WHEREAS**, new single-family residential development is not a permitted use in the Mixed Use Town Center; and

**WHEREAS**, the City intended to promote cottage-style housing through the HDDP program; and

**WHEREAS**, the City has determined that a single-family residential subdivision completed through the HDDP program would meet both the goals of the HDDP program, and the housing policies of the Comprehensive Plan and Winslow Master Program; and

**WHEREAS**, on July 29, 2010 the Planning Commission held a public hearing on this chapter to implement the recommendation;

**WHEREAS**, the Department of Planning and Community Development has analyzed the environmental impacts of this ordinance under the State Environmental Policy Act, and issued Determination of Nonsignificance on July 2, 2010; and

**WHEREAS**, pursuant to RCW 36.70A.106, a 60-day notice was sent to the Washington State Department of Commerce on June 24, 2010; now therefore,

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

**Section 1.** Section 18.40.020 of the Bainbridge Island Municipal Code is amended to read as follows:

18.40.020 Land uses.

No use is allowed except as indicated in the following table:

Permitted Uses. Uses designated by the letter “P” are permitted on any lot in the zones indicated, subject to all applicable regulations and the design guidelines contained in Chapter 18.41 BIMC.

Conditional Uses. Uses designated by the letter “C” may be authorized as conditional uses, in accordance with the provisions of this title and the design guidelines contained in Chapter 18.41 BIMC.

Uses Not Allowed. Uses not allowed in a particular zone or overlay district are designated by the letters “NP.”

**Uses Table**

Uses	Mixed Use Town Center					High School
	Central Core	Madison Avenue	Ericksen Avenue	Gateway <sup>1</sup>	Ferry Terminal <sup>10, 11</sup>	Road Districts I and II
<b>Commercial</b>						
Retail, except drive-through businesses	P <sup>2</sup>	P (with residential) <sup>3</sup>	P (with residential) <sup>3</sup>	P	NP	P/C <sup>4</sup>
Retail, with screened outdoor storage	NP	NP	NP	NP	NP	P/C <sup>4</sup>
Uses which	NP	NP	NP	NP	NP	C

service the automobile (e.g., gasoline service station, car wash, auto repair shops)						
Commuter-Oriented Retail <sup>3</sup>	NP	NP	NP	NP	P <sup>5</sup>	NP
Club	P	P	P	P	P	P
Commercial Amusements	P	P	P	P	P	P
Cultural Facility	P	P	P	P	P	P
Personal and Professional Services	P	P	P	P	P <sup>6</sup>	P
Entertainment Facility	P	NP	NP	NP	NP	P (in Mixed Use)
Hotels, Motels and Inns	P	NP	NP	C	P <sup>12</sup>	P
Bed and Breakfasts	P	P	P	P	P	P
Formula Take-Out Food Restaurant	NP	NP	NP	NP	NP	P (in District I, east of SR 305 only) <sup>7</sup>
Agricultural Processing	NP	NP	NP	P	NP	P
Ferry Terminal and associated docks, ramps, walkways, trails, waiting rooms and holding areas	NP	NP	NP	NP	P	NP
Ferry Commuter	P	NP	NP	P	P	NP

Parking <sup>8</sup>						
Temporary Ferry Commuter Parking (Reference BIMC 18.81.054)	C	NP	NP	C	C	NP
Noncommuter Ferry Parking (Reference BIMC 18.81.052)	NP	NP	NP	NP	P/C <sup>13</sup>	NP
Commercial Parking (Reference BIMC 18.81.056)	P/C	NP	NP	P	NP	NP
Day Care	P	P	P	C	P	P
Miscellaneous						
Government, Educational and Religious Institutions	P	P	P	C	C <sup>12</sup>	P
Health Care Facilities	P	P	C	C	C <sup>12</sup>	P
Utilities	C	C	C	C	C	C
Park and Ride Lots	NP	NP	NP	NP	NP	C
Home Occupations	P	P	P	P	P	P
Parks, active recreation	P	P	P	P	P	P
Parks, passive recreation	P	P	P	P	P	P
Recreation activities, indoor	P	P	P	P	P	P
Recreation	C	C	C	C	C	C

activities, outdoor						
Residential						
Multifamily Dwellings	P	P	P	P	P	P
Single-Family Dwellings	<u>P9a, 9b</u>	<u>P9a, 9b</u>	<u>P9a, 9b</u>	<u>NP9b</u>	<u>NP9b</u>	<u>NP9b</u>

P = permitted use C = conditional use NP = use not permitted

1. Any development in the gateway district shall include provisions for a public trails system within the ravine and/or pedestrian links to the ferry terminal.
2. Retail development in the central core district exceeding 5,000 square feet per building footprint is allowed only on Winslow Way and Madison Avenue.
3. For new buildings of more than one story, retail has to contain a residential component.
4. In the H.S. Rd. II district, retail use up to a 5,000-square-foot building footprint is permitted and between 5,000 and 14,400-square-foot building footprint per building is permitted through a conditional use permit.
5. In the district north of Winslow Way, commuter-oriented retail is permitted only along Winslow Way, within 100 feet north of Winslow Way. Buildings shall have customer entrances on Winslow Way. Commuter-oriented retail may be located anywhere south of Winslow Way.
6. In the district north of Winslow Way, personal and professional services are permitted only along Winslow Way, within 100 feet north of Winslow Way. Buildings shall have customer entrances on Winslow Way. Personal and professional services may be located anywhere south of Winslow Way.
7. The footnote is revised and added as BIMC 18.41.050.B.1, formula take-out restaurant design guidelines.
8. Limited to the 1,121 commuter parking spaces in the ferry terminal and core districts, and the 173 commuter parking spaces in the gateway district, as shown on Figure 18 of Exhibit B of Ordinance 98-11, the Winslow Master Plan. The rights to these spaces may be bought, sold, traded, leased or otherwise exchanged between the properties.
9. a. Only single-family dwellings that were in existence and being used as such prior to the enactment of ~~the~~ Ordinance 96-08 codified in this chapter;- R-4.3 zoning shall apply to such single-family dwellings.

b. 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 Chapter 18.38 BIMC.

10. All development shall include at least 10 percent of landscaped or naturally vegetated open space. Parking may be located under the open space.

11. Development south of Winslow Way shall include pedestrian walkways that connect to Winslow Way East and Olympic Drive Southeast, and/or that align with Cave Avenue and Ferncliff Avenue.

12. South of Winslow Way only.

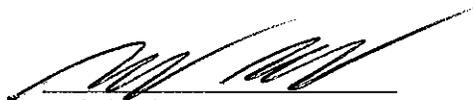
13. Permanent noncommuter ferry parking is permitted in accordance with BIMC 18.81.052.A. Temporary noncommuter ferry parking is permitted only with a conditional use permit, in accordance with BIMC 18.81.052.B.

**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.

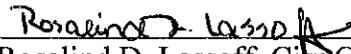
**Section 3.** This chapter shall take effect on and be in force five days from and after its passage, approval, and publication as required by law.

**PASSED** by the City Council this 22<sup>nd</sup> day of September, 2010.

**APPROVED** by the Mayor this 27<sup>th</sup> day of September, 2010.

  
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Bob Scales, Mayor

**ATTEST/AUTHENTICATE:**

  
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Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	August 12, 2010
PASSED BY THE CITY COUNCIL:	September 22, 2010
PUBLISHED:	October 1, 2010
EFFECTIVE DATE:	October 6, 2010
ORDINANCE NO:	2010-09