

Title 18
ZONING¹

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- 18.03 General Provisions**
- 18.06 Definitions**
- 18.09 Creation of Zones, Official Zoning Map and Zoning Boundaries**
- 18.12 R-14, 14 Units Per Acre Zone (3,100 Square Feet)**
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- 18.42 Repealed*
- 18.45 Repealed*
- 18.48 Repealed*
- 18.51 Repealed*
- 18.54 Repealed*
- 18.57 Repealed*
- 18.60 Repealed*
- 18.63 Repealed*
- 18.66 Neighborhood Service Center**
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- 18.72 Light Manufacturing Zone**
- 18.75 Water-Dependent Industrial Zone**

1. Prior legislation: Ords. 100, 84-19, 87-29, 87-30, 89-12, 89-28, 89-34, 89-36, 89-37, 89-42, 89-45, 89-54, 89-56, 89-57, 90-16, 91-06, 91-23, all repealed by Ord. 92-08.

For provisions on the protection and preservation of farmlands and open space, see Chapter 16.24 BIMC.
Ord. 96-08 § 15 provides:

Relationship to other zoning provisions. To the extent that the requirements set forth in the provisions of this ordinance amending or adding sections to BIMC Title 18 are inconsistent with requirements set forth in other city code provisions, the requirements set forth in this ordinance shall supersede the requirements in the other city code provisions.

- 18.76 Historic Preservation Program**
- 18.78 General Regulations**
- 18.81 Parking and Access Requirements**
- 18.84 *Repealed***
- 18.85 Landscape Requirements**
- 18.87 Nonconforming Lots, Uses and Structures**
- 18.88 Wireless Communications Facilities**
- 18.89 Accessory Dwelling Units**
- 18.90 Affordable Housing**
- 18.91 Manufactured Home Provisions**
- 18.93 Day Care Facilities**
- 18.96 Home Occupations**
- 18.99 Agriculture**
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- 18.102 Permit and Appeal Procedures**
- 18.105 Site Plan and Design Review**
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- 18.111 Variances**
- 18.114 Rezones**
- 18.115 Special Area Planning Process**
- 18.117 Comprehensive Plan Amendment Administrative Procedure**
- 18.120 Planned Unit Development Procedures**
- 18.123 Enforcement and Penalty**
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Chapter 18.03

GENERAL PROVISIONS

Sections:

- 18.03.005 Title.**
- 18.03.010 Minimum standards.**
- 18.03.020 Provisions not to abrogate easements, covenants or other restrictions.**
- 18.03.030 Amendments to title, zoning map or comprehensive plan.**

18.03.005 Title.

This title and amendments hereto shall be entitled "Zoning Code" and may be cited as such. (Ord. 96-20 § 1, 1996)

18.03.010 Minimum standards.

The standards and criteria expressed in this title shall be interpreted as minimum standards and when two requirements of this title conflict, the one imposing the greater restriction shall apply. (Ord. 92-08 § 2, 1992)

18.03.020 Provisions not to abrogate easements, covenants or other restrictions.

The provisions of this title shall not abrogate easements, covenants, or other restrictions of record imposed on properties in the city. (Ord. 92-08 § 2, 1992)

18.03.030 Amendments to title, zoning map or comprehensive plan.

All proposals to amend the zoning code and zoning map shall be processed in accordance with the provisions of Chapter 2.18 BIMC and this title. All proposed amendments to the comprehensive plan and comprehensive plan map shall be processed in accordance with the procedures set forth in this title. (Ord. 96-20 § 2, 1996; Ord. 92-08 § 2, 1992)

Chapter 18.06

DEFINITIONS

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- 18.06.020 Accessory building or structure.**
- 18.06.030 Accessory use.**
- 18.06.040 Adjoining.**
- 18.06.050 Repealed.**
- 18.06.060 Agricultural processing.**
- 18.06.065 Agricultural retail.**
- 18.06.067 Agricultural retail plan.**
- 18.06.068 Agricultural-tourism.**
- 18.06.070 Agriculture.**
- 18.06.071 Associated products and/or activity.**
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- 18.06.075 Base density.**
- 18.06.080 Bed and breakfast.**
- 18.06.090 Best management practices.**
- 18.06.100 Buffer.**
- 18.06.110 Building.**
- 18.06.120 Building area.**
- 18.06.130 Building height.**
- 18.06.140 Building line.**
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- 18.06.160 Carport.**
- 18.06.170 Repealed.**
- 18.06.180 Clinic.**
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- 18.06.192 Commercial amusements.**
- 18.06.195 Commercial parking business.**
- 18.06.200 Commercial use.**
- 18.06.205 Commuter-oriented retail.**
- 18.06.210 Comprehensive plan.**
- 18.06.220 Conditional use.**
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- 18.06.240 Cultural facility.**
- 18.06.250 Day care facility, child.**
- 18.06.259 Defining ingredient.**
- 18.06.260 Density.**
- 18.06.270 Department.**
- 18.06.275 Development rights.**
- 18.06.280 Director.**
- 18.06.290 Domestic animal.**
- 18.06.300 Drive-through business.**
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- 18.06.925 Variance.**
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- 18.06.930 Yard.**
- 18.06.935 Year-round agricultural retail sales.**
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18.06.010 Accessory dwelling units.

“Accessory dwelling unit” means separate living quarters contained within or detached from a single-family dwelling on a single lot, containing 800 square feet of floor area or less, excluding any garage area or accessory buildings and sharing a single driveway with the primary dwelling; provided no recreational vehicle shall be an accessory dwelling unit. (Ord. 95-07 § 1, 1995; Ord. 92-08 § 2, 1992)

18.06.020 Accessory building or structure.

“Accessory building or structure” means a subordinate building or structure that is incidental to the principal structure on the same lot. Accessory dwelling units are not considered accessory buildings or structures. (Ord. 92-08 § 2, 1992)

18.06.030 Accessory use.

“Accessory use” means a use customarily incidental and related to the principal use on the same lot. Accessory dwelling units are not considered accessory uses. (Ord. 92-08 § 2, 1992)

18.06.040 Adjoining.

“Adjoining” means immediately abutting or separated only by a street right-of-way. (Ord. 92-08 § 2, 1992)

18.06.050 Agency.

Repealed by Ord. 2003-44. (Ord. 92-08 § 2, 1992)

18.06.060 Agricultural processing.

“Agricultural processing” means the preparing and manufacturing of commodities primarily from island farms except for small-scale incidental processing such as a cider press. (Ord. 92-08 § 2, 1992)

18.06.065 Agricultural retail.

“Agricultural retail” means the sale of crops grown or livestock raised by a farmer or value added products made from crops grown or livestock raised by the farmer, agricultural-tourism, and incidental associated agricultural products sold on-site where agricultural crops or livestock are grown or raised that is subordinate to the actual agriculture on-site. (Ord. 2004-11 § 2, 2004)

18.06.067 Agricultural retail plan.*

“Agricultural retail plan” means a document, filed with the city, which contains information on agricultural activity occurring at a specific location. Different from, but may be supplemented by, Trust for Working Landscapes or Kitsap County conservation district farm plans. (Ord. 2004-11 § 2, 2004)

*Code reviser’s note: Ordinance 2004-11 adds these provisions as BIMC 18.06.871. The section has been editorially renumbered to preserve alphabetization.

18.06.068 Agricultural-tourism.*

“Agricultural-tourism” means agriculturally related accessory uses that are subordinate to the growing of crops or the raising of livestock, designed to bring the public to the farm on a temporary or continuous basis, such as U-pick farm sales, retail sales of farm products, farm mazes, pumpkin patches, farm animal viewing and petting, wagon rides, farmland and facility tours, horticulture nurseries and associated display gardens, cider pressing, classes or workshops, wine or cheese tasting, etc. (Ord. 2004-11 § 2, 2004)

*Code reviser’s note: Ordinance 2004-11 adds these provisions as BIMC 18.06.072. The section has been editorially renumbered to avoid duplication.

18.06.070 Agriculture.

"Agriculture" means all forms of crop-related activities, such as growing crops and processing island-grown crops as part of a farm, and animal husbandry using best management practices. Incidental vegetable gardening, landscaping and keeping common pets are not defined as agriculture. Agricultural land and agricultural operations shall be as defined in Chapter 16.20 BIMC. (Ord. 92-08 § 2, 1992).

18.06.071 Associated products and/or activity.*

"Associated products and/or activity" means a required agricultural input, product or activity related to the primary crop, product or activity. (Ord. 2004-11 § 2, 2004)

*Code reviser's note: Ordinance 2004-11 adds these provisions as BIMC 18.06.567. The section has been editorially renumbered to preserve alphabetization.

18.06.072 Auto repair services.

"Auto repair services" means the servicing of automobiles, including mechanical servicing and body work, within a building. Any automobiles remaining on site for more than 72 hours are to be screened according to the outdoor storage development standards. (Ord. 97-01 § 3, 1997)

18.06.075 Base density.

The "base density" of a property means the density designated on the zoning map, exclusive of any density bonuses. (Ord. 96-08 § 1, 1996)

18.06.080 Bed and breakfast.

"Bed and breakfast" means a detached single-family residence that is owner-occupied and in which (1) a guest room or guest rooms are provided within the residence or within accessory buildings, for compensation, as overnight accommodations for transient visitors who remain no longer than two weeks in any one visit, and (2) breakfast is customarily included in the charge for the room. A bed-and-breakfast lodging is not a hotel or motel, home occupation or other use defined or regu-

lated elsewhere in this title, except that bed and breakfast establishments containing one or two sleeping rooms may be considered a minor home occupation as defined and regulated elsewhere in this title. (Ord. 92-08 § 2, 1992)

18.06.090 Best management practices.

"Best management practices" are as defined in Chapter 16.20 BIMC. (Ord. 92-08 § 2, 1992)

18.06.100 Buffer.

"Buffer" means space, either landscaped or existing or natural vegetation, intended to reduce the impact of undesirable sights, sounds, odors; provided, that an area that was logged or clear cut within five years of submittal may not be acceptable as a buffer. Buffers protecting critical areas shall be as defined in Chapter 16.20 BIMC. (Ord. 98-20 § 13, 1998; Ord. 92-08 § 2, 1992)

18.06.110 Building.

"Building" means any structure having a roof, designated for shelter of persons, animals, or property. (Ord. 2004-12 § 4, 2004; Ord. 2001-41 § 10, 2001; Ord. 92-08 § 2, 1992)

18.06.120 Building area.

"Building area" means the ground area encompassed within the walls of a building. (Ord. 92-08 § 2, 1992)

18.06.130 Building height.

"Building height" means the vertical distance above "grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. (Ord. 92-08 § 2, 1992)

18.06.140 Building line.

"Building line" means the perimeter of that portion of a building or structure nearest a property line but excluding open steps, terraces, cornices, decks less than 30 inches high,

and other ornamental features projecting from the walls of the building or structure. (Ord. 92-08 § 2, 1992)

18.06.150 Building official.

Repealed by Ord. 2003-44. (Ord. 92-08 § 2, 1992)

18.06.160 Carport.

“Carport” means a covered shelter for one or more vehicles that is open on at least two sides. (Ord. 92-08 § 2, 1992)

18.06.170 City.

Repealed by Ord. 2003-44. (Ord. 92-08 § 2, 1992)

18.06.180 Clinic.

“Clinic” means a building in which health care services are provided for treatment of human or animal out-patients. A veterinary clinic may include the incidental boarding of animals undergoing treatment. (Ord. 92-08 § 2, 1992)

18.06.190 Club.

“Club” means a meeting place for an incorporated or unincorporated association of persons organized for some common purpose, including social, educational, literary, political, or charitable purpose, operated by a private nonprofit or noncommercial organization. (Ord. 2005-29 § 1, 2005; Ord. 92-08 § 2, 1992)

18.06.192 Commercial amusements.

“Commercial amusements” is a commercial use, and means a video arcade, electronic game center, pool hall, dance hall, paintball center, and similar uses. (Ord. 2005-29 § 2, 2005)

18.06.195 Commercial parking business.

“Commercial parking business” means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged. (Ord. 99-17 § 2, 1999)

18.06.200 Commercial use.

“Commercial use” means the providing of goods or services for compensation. (Ord. 92-08 § 2, 1992)

18.06.205 Commuter-oriented retail.

“Commuter-oriented retail” means retail services and certain personal and professional services, offered primarily to ferry commuters, open during peak commute hours, not exceeding 2,000 square feet, and requiring no customer parking, for example, coffee bar, newspaper stand, florist, drop-off dry cleaners, shoe repair, automatic teller machines and other uses that require a short visit. (Ord. 99-64 § 1, 1999)

18.06.210 Comprehensive plan.

“Comprehensive plan” means the policies approved by the city council as a guide to the development of the city. (Ord. 92-08 § 2, 1992)

18.06.220 Conditional use.

“Conditional use” means a use listed among those classified in any given zone but permitted to locate only after review by the city’s hearing examiner and in accordance with standards and criteria set forth in this title. (Ord. 92-08 § 2, 1992)

18.06.230 Council.

Repealed by Ord. 2003-44. (Ord. 92-08 § 2, 1992)

18.06.240 Cultural facility.

“Cultural facility” means a library, museum, art gallery, cultural center, community center, convention center, exhibition hall, or meditation facility. (Ord. 2005-29 § 3, 2005; Ord. 92-08 § 2, 1992)

18.06.250 Day care facility, child.

“Child day care facility” means a building or structure in which an agency, person, or persons regularly provide child care for a group of children for periods of less than 24 hours per day. Child care facilities include family day care homes and child day care centers, as defined below:

A. “Family day care home” means a family abode in which child day care is provided on the premises during part of the 24-hour day to 12 or fewer children, including the provider’s own and foster children under 11 years of age. Education functions that are secondary

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to the day care operation are allowable for the number of children specified and will not be considered a school.

B. "Child day care centers" means provision for child day care of 13 or more children through the age of 12 in any 24-hour period and could include a public or private school. (Ord. 92-08 § 2, 1992)

18.06.259 Defining ingredient.

"Defining ingredient" means the part or component that describes the distinguishing characteristic of a product. (Ord. 2004-11 § 2, 2004)

18.06.260 Density.

"Density" means the number of dwelling units allowed in the lot area, not including accessory dwelling units. In zones that use floor area ratio (FAR) in place of units per acre, density means the maximum floor area allowed. (Ord. 99-64 § 2, 1999; Ord. 95-07 § 2, 1995; Ord. 92-08 § 2, 1992)

18.06.270 Department.

"Department" means the city's department of planning and community development. (Ord. 92-08 § 2, 1992)

18.06.275 Development rights.

"Development rights" means the potential for the improvement of real property, measured in dwelling units or units of commercial or industrial space, existing because of the zoning classification of real property. (Ord. 96-07 § 1, 1996)

18.06.280 Director.

"Director" means the director of the planning and community development department or his or her designee. (Ord. 2005-13 § 1, 2005; Ord. 2003-44 § 3, 2004; Ord. 92-08 § 2, 1992)

18.06.290 Domestic animal.

"Domestic animal" means cats, dogs, rabbits and other small animals commonly kept as pets in the city. (Ord. 92-08 § 2, 1992)

18.06.300 Drive-through business.

"Drive-through business" means a business or portion of a business where customers may carry on business while seated in a motor vehicle. This definition shall include but not be limited to gas stations, car washes, and drive-in restaurants or banks. (Ord. 92-08 § 2, 1992)

18.06.310 Dwelling.

"Dwelling or dwelling unit" means a building or portion of a building that provides independent living facilities with provisions for sleeping, eating and sanitation; provided a recreational vehicle or bus is not a dwelling or dwelling unit. (Ord. 92-08 § 2, 1992)

18.06.320 Dwelling, multifamily.

"Multifamily dwelling" means a building or portion of a building containing two or more dwelling units or more than one dwelling unit on one lot, not including accessory dwelling units. (Ord. 95-07 § 3, 1995; Ord. 92-08 § 2, 1992)

18.06.330 Dwelling, single-family.

"Single-family dwelling" means a detached structure containing one dwelling unit and having a permanent foundation. (Ord. 92-08 § 2, 1992)

18.06.335 Education institution, private.

"Private education institution" means a private school or educational or training institution that offers a program of college, professional, environmental, preparatory, high school, middle school, junior high school, elementary, kindergarten instruction, or any combination thereof, or any other program of trade, technical or artistic instruction (excluding single day programs of instruction), together with associated staff housing and/or conference facilities and other typical educational accessory uses. (Ord. 98-35 § 1, 1999)

18.06.336 Education institution, public.

"Public education institution" means a school or educational or training institution which offers a program of college, professional, environmental, preparatory, high school, middle school, junior high school, ele-

mentary, or kindergarten instruction or any combination thereof, or any other program of trade, technical or artistic instruction operated by the Bainbridge Island School District or any other public entity (excluding single day programs of instruction), together with associated staff housing and/or conference facilities. (Ord. 98-35 § 2, 1999)

18.06.338 Entertainment facility.

“Entertainment facility” means a performing arts theater or cinema. “Entertainment facility” does not include adult-oriented entertainment businesses. (Ord. 2005-29 § 4, 2005)

18.06.340 Factory-built home.

“Factory-built home” means any building designed to be used as a dwelling, that is constructed primarily in a factory in compliance with the standards of the Uniform Building Code, does not contain a permanent chassis, and is transported to the site for assembly and installation on a permanent foundation. Such dwellings must have the insignia of approval of the Washington State Department of Labor and Industries, in accordance with Chapter 43.22 RCW. (Ord. 95-07 § 4, 1995; Ord. 92-08 § 2, 1992).

18.06.350 Family.

“Family” means one or more persons who live in one dwelling unit and maintain one household. Any number of such persons, related by kinship, constitutes a family. However, not more than five such persons, when not related by kinship, constitutes a family. (Ord. 92-08 § 2, 1992)

18.06.360 Fast food.

Repealed by Ord. 98-03. (Ord. 92-08 § 2, 1992)

18.06.365 Food service.

“Food service” means a restaurant or cafe (excluding formula take-out food restaurant) which sells prepared food or beverages and also offers accommodations for consuming the food or beverage on premises. (Ord. 97-01 § 4, 1997)

18.06.370 Formula take-out food restaurant.

“Formula take-out food restaurant” means a restaurant or establishment that (1) is contractually required to offer standardized menus, ingredients and interior or exterior design; and (2) serves or delivers its food or beverages in disposable containers. (Ord. 98-03 § 4, 1998; Ord. 92-08 § 2, 1992)

18.06.380 Flag lot.

“Flag lot” means a lot of a panhandle configuration where the panhandle connects the main body of the lot to a road or street. (Ord. 92-08 § 2, 1992)

18.06.390 Floor area.

“Floor area” means the total area of all floors within the exterior vertical walls of a building. If any room has a sloping ceiling, no portion of the room measuring less than five vertical feet from the finished floor to the finished ceiling shall be included in the computation of total area. (Ord. 95-07 § 5, 1995; Ord. 92-08 § 2, 1992)

18.06.395 Floor area ratio (FAR).

“Floor area ratio” means a figure which expresses the total floor area as a multiple of the lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area. Under-building parking is not included in the calculation of floor area ratio. (Ord. 97-06 § 1, 1997; Ord. 96-08 § 2, 1996)

18.06.400 Footprint.

“Footprint” means the area at the ground plane of a building, structure, or other element, bounded by the outside of the exterior walls and including stairs, porches, decks, upper story overhangs, canopies, and other appurtenances over three feet in height above the grade, except not including roof overhangs. (Ord. 92-08 § 2, 1992)

18.06.410 Garage.

“Garage” means a building or portion of a building designed or used for the shelter of vehicles and enclosed on at least three sides. (Ord. 92-08 § 2, 1992)

18.06.420

18.06.420 Gasoline service station.

“Gasoline service station” means a retail business where gasoline or other automotive fuel is sold. (Ord. 97-01 § 5, 1997; Ord. 92-08 § 2, 1992)

18.06.430 Grade.

“Grade” (adjacent ground elevation) is the computed average of the lowest and the highest points of elevation of the original surface of the ground, or existing paving or sidewalk within the area between the building and the property line, or when the property line is more than five feet from the building, between the building and a line five feet from the building. On waterfront parcels as defined in the shoreline master program, the definition of grade from the shoreline master programs shall be used (WAC 173-14-030(3)). (Ord. 92-08 § 2, 1992)

18.06.440 Group care facility.

“Group care facility” means a facility licensed by the state, that provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes or those suffering from the effects of drugs or alcohol; provided group care facilities shall not include day care centers, family day care homes, foster homes, schools, hospitals, jails or prisons. (Ord. 92-08 § 2, 1992)

18.06.445 Governmental institution.

“Governmental institution” means an institution operated by a federal, state, county, or city government, or special purpose districts. (Ord. 98-35 § 3, 1999)

18.06.450 Hazardous substance.

“Hazardous substance” means any liquid, solid, gas, sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste specified in RCW 70.105.010. (Ord. 92-08 § 2, 1992)

18.06.460 Hazardous substance handling.

"Hazardous substance handling" means the use, storage, manufacture, production, or other land use activity involving hazardous substances; except for individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container. (Ord. 92-08 § 2, 1992)

18.06.470 Hazardous waste.

"Hazardous waste" means and includes all dangerous and extremely hazardous waste as specified in RCW 70.105.010. (Ord. 92-08 § 2, 1992)

18.06.480 Hazardous waste storage.

"Hazardous waste storage" means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste is not storage as long as the accumulation is in compliance with applicable requirements of WAC 173-303-200 and 173-303-201. (Ord. 92-08 § 2, 1992)

18.06.490 Hazardous waste treatment.

"Hazardous waste treatment" means the physical, chemical, or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume. (Ord. 92-08 § 2, 1992)

18.06.500 Hazardous waste treatment and storage, off-site.

"Off-site hazardous waste treatment and storage" means hazardous waste treatment and storage facilities that treat and store waste generated on properties other than those on which the off-site facilities are located. (Ord. 92-08 § 2, 1992)

18.06.510 Hazardous waste treatment and storage, on-site.

"On-site hazardous waste treatment and storage" means storing or treating hazardous wastes on the lot on which the wastes are generated. (Ord. 92-08 § 2, 1992)

18.06.520 Health care facility.

"Health care facility" means a building or buildings used for human or animal health care. (Ord. 92-08 § 2, 1992)

18.06.530 Heavy equipment.

"Heavy equipment" means self-powered, self-propelled or towed mechanical devices, equipment and vehicles of the nature customarily used for commercial purposes such as tandem axle trucks, graders, backhoes, tractor trailers, cranes and lifts but excluding automobiles, recreational vehicles and boats and their trailers. (Ord. 92-08 § 2, 1992)

18.06.540 Heavy equipment storage area.

"Heavy equipment storage area" means a place where two or more items of heavy equipment are stored. (Ord. 92-08 § 2, 1992)

18.06.550 Home occupation.

"Home occupation" means an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services.

A. Home Occupation, Minor. "Minor home occupations" are compatible with the neighborhoods in which they are located and cause no impact greater than that generally associated with a single residence. Bed and breakfast establishments that contain no more than two rooms shall be considered a minor home occupation.

B. Home Occupation, Major. "Major home occupations" cause some effect greater than that generally associated with a single residence and require some action or conditions to reduce those effects. (Ord. 92-08 § 2, 1992)

18.06.560 Hotel/motel.

"Hotel/motel" means a building or group of buildings containing guest rooms, where, for compensation, lodging is provided for transient visitors. A hotel or motel may contain one or more restaurants. A hotel or motel is not a bed-and-breakfast lodging as defined and regulated elsewhere in this title. (Ord. 92-08 § 2, 1992)

18.06.565 Affordable housing.

“Affordable housing” or “affordable dwelling unit” (formerly “HUD-defined affordable housing”) means a dwelling unit for use as primary residence by a household in any of the income groups described below, which may be rented or purchased without spending more than 30 percent of monthly household income including utilities other than telephone and cable TV. The department of planning and community development shall calculate and publish annually the maximum purchase prices and maximum rents applicable to each of the following income groups:

Extremely low income	< 30% of median household income
Very low income	31% – 50% of median household income
Low income	51% – 80% of median household income
Moderate income	81% – 95% of median household income
Middle income	96% – 120% of median household income

“Median household income” means the amount calculated and published by the United States Department of Housing and Urban Development (“HUD”) each year for the Seattle Metropolitan Statistical Area (MSA) as the median household or family income, adjusted by HUD for household size. (Ord. 99-14 § 1, 1999; Ord. 97-15 § 1, 1997; Ord. 96-08 § 3, 1996)

18.06.570 Junkyard.

“Junkyard” means a place where odds and ends, waste, or discarded or salvaged materials are bought, sold, exchanged, handled, or stored. The term includes automobile and building wrecking yards. It does not include establishments dealing with used furniture or household fixtures, used cars or machinery in operable condition or recycling centers. (Ord. 92-08 § 2, 1992)

18.06.580 Kennel.

“Kennel” means a place where three or more adult domestic animals are kept commercially. A commercial kennel is considered a professional service under this title and is maintained to board, breed or treat the animals for profit and shall exclude pet shops and agriculture. (Ord. 92-08 § 2, 1992)

18.06.590 Kit home.

Repealed by Ord. 95-07. (Ord. 92-08 § 2, 1992)

18.06.600 Landscaping.

“Landscaping” means the placement, preservation, and the replacement of trees, shrubs, plants and other vegetative materials in accordance with an approved landscaping plan meeting the requirements set forth in Chapter 18.84, open space and planting requirements. (Ord. 92-08 § 2, 1992)

18.06.610 Livestock.

“Livestock” means horses, camelids, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any hoofed animal. (Ord. 92-08 § 2, 1992)

18.06.620 Lot.

“Lot” means a platted or unplatted parcel or tract of land. (Ord. 92-08 § 2, 1992)

18.06.630 Lot area.

“Lot area” means the total horizontal area within the lot lines, excluding any area seaward of the line of the ordinary high water mark, and excluding private streets and lot area in panhandles or flag lots narrower than 30 feet. (Ord. 92-08 § 2, 1992)

18.06.640 Lot, corner.

“Corner lot” means a lot bounded on adjacent sides by streets. (Ord. 92-08 § 2, 1992)

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 predevelopment and finished

grade, and other minor building features identified in BIMC 18.78.020.B. (Ord. 2009-03 § 1, 2009; Ord. 2004-12 § 5, 2004; Ord. 92-08 § 2, 1992)

18.06.660 Lot line, front.

“Front lot line” means the lot line separating the lot from any street. (Ord. 92-08 § 2, 1992)

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18.06.670 Lot line, rear.

"Rear lot line" means the lot line opposite and most distant from the front lot line; when the lot extends to tidal water, the rear lot line is the ordinary high water mark. (Ord. 92-08 § 2, 1992)

18.06.680 Lot line, side.

"Side lot line" means any lot line that is neither a front or rear lot line. (Ord. 92-08 § 2, 1992)

18.06.690 Lot, through.

"Through lot" means a lot having frontage on two streets that do not intersect at a lot line. (Ord. 92-08 § 2, 1992)

18.06.700 Manufactured home.

"Manufactured home" means any building designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, that is constructed primarily in a factory in compliance with the National Manufactured Home Construction and Safety Standards (adopted June 15, 1976), contains a permanent chassis, and is transported to the site in one or more sections for assembly and installation according to the manufacturer's specifications. Such dwellings must have the insignia of approval of the U.S. Department of Housing and Urban Development, in accordance with Chapter 43.22 RCW. (Ord. 95-07 § 6, 1995; Ord. 92-08 § 2, 1992)

18.06.710 Manufactured home development.

Repealed by Ord. 95-07. (Ord. 92-08 § 2, 1992)

18.06.720 Mobile home.

See "Manufactured home," BIMC 18.06.700. (Ord. 92-08 § 2, 1992)

18.06.730 Mobile home park.

See "Manufactured home development," BIMC 18.06.710. (Ord. 92-08 § 2, 1992)

18.06.740 Modular home.

Repealed by Ord. 95-07. (Ord. 92-08 § 2, 1992)

18.06.745 Noncommuter ferry parking.

"Noncommuter ferry parking" means parking in the ferry terminal overlay district, intended for ferry passengers traveling occasionally for purposes other than commute to employment (for example, traveling after 9:00 a.m. or requiring parking at the ferry terminal for less than eight hours). (Ord. 99-64 § 3, 1999)

18.06.750 Nonconforming lot.

"Nonconforming lot" means a lot that was lawfully created but does not conform to the lot requirements of the zone in which it is located. (Ord. 92-08 § 2, 1992)

18.06.760 Nonconforming structure.

"Nonconforming structure" means a structure that was lawfully constructed prior to adoption of the ordinance codified in this title, or applicable amendments thereto and that does not conform to present regulations of the code. (Ord. 92-08 § 2, 1992)

18.06.770 Nonconforming use.

"Nonconforming use" means a use of land that was lawfully established and has been lawfully continued, but does not conform to the regulations of the zone in which it is located as established by this title or amendments thereto. (Ord. 92-08 § 2, 1992)

18.06.775 Office business.

"Office business" means a business or agency that provides services in an office environment and includes, but is not limited to, health care-related businesses (excluding hospitals, medical centers, and medical offices), science-related professionals, and design and engineering services. (Ord. 2005-01 § 1, 2005)

18.06.780 Open space.

"Open space" means land and/or water area that is predominantly undeveloped, and is set aside to serve the purposes of protecting and conserving critical areas and natural systems and providing park and recreation opportunities. Open space excludes tidelands, shorelands, areas occupied by dwellings, impervious surfaces that are not incidental to

18.06.790

open space purposes, such as a parking lot, and areas that were clear cut or extensively logged within five years of submittal. (Ord. 2004-02 § 4, 2004; Ord. 99-30 § 2, 1999; Ord. 98-20 § 13, 1998; Ord. 92-08 § 2, 1992)

18.06.790 Ordinary high water mark.

“Ordinary high water mark” means the mark on all lakes, streams and tidal water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation. If the ordinary high water line cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water. (Ord. 92-08 § 2, 1992)

18.06.800 Outdoor storage.

“Outdoor storage” means the outdoor storage of goods for more than 72 hours. Outdoor storage includes, but is not limited to, sales or storage yards for automobiles, trailers, moving equipment, boats, construction equipment and materials, items used for manufacture, and auto wrecking yards. Temporary outdoor sales displays less than 100 square feet in ground area per business establishment, moorage areas in marinas, parking, and outdoor sales and storage areas of commercial nurseries and lumber yards are not defined as outdoor storage. (Ord. 92-08 § 2, 1992)

18.06.801 Overlay district.

“Overlay district” means a geographic area that constitutes a mapped district superimposed over the underlying zone on the official zoning map. (Ord. 96-08 § 4, 1996)

18.06.805 Panelized home.

Repealed by Ord. 95-07. (Ord. 92-08 § 2, 1992)

18.06.806(a) Park, active recreation.

“Active recreation park” means a park where the primary uses are athletic fields, playgrounds, swimming facilities, sports courts, or other activities that require specialized fields or equipment. (Ord. 2005-29 § 5, 2005)

18.06.806(b) Park, passive recreation.

“Passive recreation park” means a park where the primary uses are hiking, birdwatching, picnicking, and other low impact activities. (Ord. 2005-29 § 6, 2005)

18.06.807 Park and ride facility.

“Park and ride facility” means an area or structure intended to accommodate parked vehicles during normal commuting hours, usually 5:00 a.m. to 8:00 p.m., Monday through Friday, where commuters park their vehicles and continue travel to another destination via public transit, carpool, vanpool, or bicycle. Park and ride facilities shall be developed in accordance with Chapter 18.81 BIMC, Parking and Access Requirements, and Chapter 18.85 BIMC, Landscape Requirements. (Ord. 2005-01 § 2, 2005; Ord. 96-15 § 1, 1996)

18.06.809 Park and ride facility, shared-use.

“Shared-use park and ride facility” means a parking lot or structure that was originally developed for a limited, nonresidential use, such as a church or theater, and serves the same function as a park and ride facility, BIMC 18.06.807, but is restricted for use by commuters Monday through Friday only, usually from 5:00 a.m. to 8:00 p.m. A shared-use park and ride facility requires no expansion of existing parking area or number of stalls or any other development beyond maintenance, signage and striping normally conducted by Kitsap Transit for this purpose. (Ord. 2005-01 § 3, 2005; Ord. 96-15 § 2, 1996)

18.06.810 Parking lot.

“Parking lot” means an area intended to accommodate parked vehicles for a fee or not accessory to single-family residences. (Ord. 92-08 § 2, 1992)

18.06.815 Parking space.

“Parking space” means a space on a lot, exclusive of access drives, used to park a vehicle and having access to a public street. (Ord. 92-08 § 2, 1992)

18.06.820 Pedestrian orientation.

“Pedestrian orientation” means that the location and access to structures, site configuration and elements, types of uses permitted at street level, building front design, and location of signs are based on the needs of persons on foot. (Ord. 92-08 § 2, 1992)

18.06.825 Permanent foundation.

“Permanent foundation” means a foundation constructed in compliance with the standards of the Uniform Building Code, except foundations for manufactured homes shall be in compliance with the printed installation instructions provided by the manufacturer of the manufactured home. (Ord. 92-08 § 2, 1992)

18.06.830 Personal service.

“Personal service” means an establishment that provides service(s) in a non-office environment including, but not limited to, beauty shops, shoe repair, laundry, dry cleaning services and tanning salons. Auto repair and body shops are not included under this definition. (Ord. 2005-01 § 4, 2005; Ord. 96-08 § 5, 1996; Ord. 92-08 § 2, 1992)

18.06.835 Planned unit development.

“Planned unit development” is an overlay zone that encourages development of land as a single unit by providing flexibility in return for preservation of open space, preservation of natural systems, efficiency in use of resources, and minimal impact on community infrastructure and public amenities. (Ord. 92-08 § 2, 1992)

18.06.836 Preferred use.*

“Preferred use” means favored choice, promoted or advanced in some way. An activity identified as a priority among the possible uses. (Ord. 2004-11 § 2, 2004)

*Code reviser’s note: Ordinance 2004-11 adds these provisions as BIMC 18.06.830. The section has been editorially renumbered to avoid duplication.

18.06.837 Primarily Island grown.*

“Primarily Island grown,” for the purposes of on-site, year-round agricultural retail, shall mean that the majority (75 percent, based on the value) of the crops and value added products being sold are grown on the Island. (Ord. 2004-11 § 2, 2004)

*Code reviser’s note: Ordinance 2004-11 adds these provisions as BIMC 18.06.833. The section has been editorially renumbered to preserve alphabetization.

18.06.838 Principal building.

“Principal building” means the building which houses a principal use on a lot, and to which all other buildings on the same lot are accessory. (Ord. 2004-12 § 6, 2004)

18.06.840 Principal building, adjacent.

“Adjacent principal building” means a principal building located on a lot abutting the applicant’s lot. (Ord. 92-08 § 2, 1992)

18.06.845 Principal building, shoreline.

“Shoreline principal building” means that building on a lot closest to the ordinary high water mark excluding accessory structures. (Ord. 92-08 § 2, 1992)

18.06.850 Principal use.

“Principal use” means the primary or predominant use to which the lot or building is or may be devoted and to which all other uses are accessory. (Ord. 92-08 § 2, 1992)

18.06.851 Professional service.

“Professional service” means a business or agency that provides services in an office environment and includes, but is not limited to, legal services, counseling services, real estate offices, financial services, insurance services and government offices. (Ord. 2005-01 § 5, 2005)

18.06.852 Public benefit, agricultural.*

“Public benefit, agricultural” means an economic, social, nutritional, environmental or aesthetic effect gained by individuals and/or the community from the existence of agricultural activity in the community. (Ord. 2004-11 § 2, 2004)

*Code reviser’s note: Ordinance 2004-11 adds these provisions as BIMC 18.06.839. The section has been editorially renumbered to preserve alphabetization.

18.06.853 Public safety communications tower.*

“Public safety communications tower” means a wireless communications support structure owned and operated by a public agency and used exclusively for police, fire, emergency medical services, 9-1-1 or other public emergency communications. (Ord. 2003-11 § 1, 2003)

*Code reviser’s note: Ordinance 2003-11 adds these provisions as BIMC 18.06.858. The section has been editorially renumbered to preserve alphabetization.

18.06.854(a) Recreation activities, indoor.

“Indoor recreation activities” means indoor skating rinks, bowling alleys, gymnasiums not accessory to an education institution, racket clubs, sports arenas, and similar uses. (Ord. 2005-29 § 7, 2005)

18.06.854(b) Recreation activities, outdoor.

“Outdoor recreation activities” means golf courses, marinas, tennis courts, yacht clubs, athletic fields, swimming beaches, outdoor pools, and similar uses. (Ord. 2005-29 § 8, 2005)

18.06.855 Recreational vehicle.

“Recreational vehicle” means a vehicle, such as a motor home, travel trailer, truck/camper combination or camper trailer, that is designed for human habitation for recreational or emergency purposes and that may be moved on public highways without any special permit for long, wide or heavy loads. (Ord. 92-08 § 2, 1992)

18.06.860 Recycling center.

“Recycling center” means a collection point for small refuse items, such as bottles and newspapers, located either in a container or a small structure. (Ord. 92-08 § 2, 1992)

18.06.865 Restaurant, formula take-out food.

Repealed by Ord. 98-03. (Ord. 92-08 § 2, 1992)

18.06.870 Retail sales.

“Retail sales” means selling goods or commodities to final consumers. Retail sales includes a restaurant other than a “formula take-out food restaurant.” (Ord. 96-08 § 6, 1996; Ord. 92-08 § 2, 1992)

18.06.875 Rezone.

“Rezone” means changing the designated zoning of a particular lot or area. (Ord. 92-08 § 2, 1992)

18.06.877 Seasonal agricultural sales.*

“Seasonal agricultural sales” means agricultural retail sales of farm products occurring during a time in a calendar year when the crop being sold is actually being harvested and lasting 12 weeks or less. (Ord. 2004-11 § 2, 2004)

*Code reviser’s note: Ordinance 2004-11 adds these provisions as BIMC 18.06.850. The section has been editorially renumbered to avoid duplication.

18.06.878 Self-service storage facility.

“Self-service storage facility” means an establishment containing separate storage spaces that are leased or rented as individual units for the storage of household or business goods. The facility may contain manager living quarters and an office. (Ord. 97-01 § 6, 1997)

18.06.880 Setback.

“Setback” means the required distance measured horizontally between every building, structure or use and the lot lines, planned rights-of-way, rights-of-way or access easement of the lot on which the building, structure

or use is located. Up to 18 inches of eave may extend into the required setback. (Ord. 2004-02 § 5, 2004: Ord. 92-08 § 2, 1992)

18.06.881 Setback, front.

“Front setback” means a setback extending from a building, structure or use to the front lot line. (Ord. 2004-02 § 7, 2004: Ord. 92-08 § 2, 1992. Formerly 18.06.935)

18.06.882 Setback, rear.

“Rear setback” means a setback extending from a building, structure or use to the rear lot line. (Ord. 2004-02 § 8, 2004: Ord. 92-08 § 2, 1992. Formerly 18.06.940)

18.06.883 Setback, side.

“Side setback” means a setback extending from a building, structure or use to the side lot line. When a parcel has two or more front setbacks, the remaining setbacks are to be considered side setbacks. (Ord. 2004-02 § 9, 2004: Ord. 92-08 § 2, 1992. Formerly 18.06.945)

18.06.885 Shoreline setback line.

“Shoreline setback line” means the shortest distance measured on a horizontal plane between the ordinary high water mark and the building line. (Ord. 2004-12 § 7, 2004: Ord. 92-08 § 2, 1992)

18.06.890 Significant tree.

“Significant tree” means any living woody perennial plant characterized by a main stem or trunk having many branches and having a diameter of 12 inches or more measured at breast height. (Ord. 92-08 § 2, 1992)

18.06.895 Site-built home.

Repealed by Ord. 95-07. (Ord. 92-08 § 2, 1992)

18.06.897 Special event.*

“Special event” means activities that are desirable but unrelated to agriculture, such as weddings, that are held on farmland. (Ord. 2004-11 § 2, 2004)

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*Code reviser's note: Ordinance 2004-11 adds these provisions as BIMC 18.06.853. The section has been editorially renumbered to avoid duplication.

18.06.900 Street.

"Street" means a public way of travel which affords the principal means of access to abutting properties or a private way of travel which affords the principal means of access to four or more lots or to property which is, under existing laws, capable of division into four or more lots. (Ord. 92-08 § 2, 1992)

18.06.905 Structure.

"Structure" means any man-made assemblage of materials extending above or below the surface of the earth and affixed or attached thereto. "Structure" for the purposes of this title, except for Chapter 18.88 BIMC, does not include wireless communications facilities as defined in Chapter 18.88 BIMC. (Ord. 97-14 § 2, 1997; Ord. 92-08 § 2, 1992)

18.06.906 Structure height.

"Structure height" means the highest point above grade of a structure other than a building, except as otherwise provided by this code. (Ord. 95-13 § 1, 1995)

18.06.908 Structured parking.

"Structured parking" means a covered structure or portion of a covered structure that provides parking area for motor vehicles. Structured parking may be below grade. (Ord. 99-17 § 3, 1999)

18.06.909 Subordinate retail activity.*

"Subordinate retail activity" means secondary, to be less than, to utilize a smaller portion of land and/or less time than is devoted to the agricultural activity on-site. (Ord. 2004-11 § 2, 2004)

*Code reviser's note: Ordinance 2004-11 adds these provisions as BIMC 18.06.855. The section has been editorially renumbered to avoid duplication.

18.06.910 Tavern.

"Tavern" means an establishment that sells beer or wine for on-premises consumption

under a B class license as defined by the Washington State Liquor Control Board. (Ord. 92-08 § 2, 1992)

18.06.912 Temporary contractor parking lot.

"Temporary contractor parking lot" means a lot established to accommodate parking of vehicles for construction-related workers or for business employees displaced by on-site construction activities. (Ord. 2009-01 § 1, 2009)

18.06.915 UBC.

"UBC" means the Uniform Building Code, which is adopted by reference in Chapter 15.04 BIMC. (Ord. 92-08 § 2, 1992)

18.06.920 Use.

"Use" means the purpose land, buildings, or structures now serve or for which such is occupied, arranged, designed, or intended. (Ord. 92-08 § 2, 1992)

18.06.923 Value added products.*

"Valued added products" means goods produced from harvested crops with the defining or distinguishing ingredient being grown by the producer. (Ord. 2004-11 § 2, 2004)

*Code reviser's note: Ordinance 2004-11 adds these provisions as BIMC 18.06.660. The section has been editorially renumbered to avoid duplication.

18.06.925 Variance.

"Variance" means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property that are not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. (Ord. 92-08 § 2, 1992)

18.06.926 Veterinarian clinic.

"Veterinarian clinic" means a building or buildings used for animal health care, including animal boarding as part of that animal health care. (Ord. 97-01 § 7, 1997)

18.06.928 Vocational school.

“Vocational school” means an establishment offering training in a skill or trade. (Ord. 97-01 § 8, 1997)

18.06.930 Yard.

“Yard” means the same as “setback” unless from the context a different meaning is intended. (Ord. 2004-02 § 6, 2004; Ord. 92-08 § 2, 1992)

18.06.935 Year-round agricultural retail sales.*

“Year-round agricultural retail sales” means any agricultural retail sales extending beyond seasonal agricultural sales. (Ord. 2004-11 § 2, 2004)

*Code reviser’s note: Ordinance 2004-11 adds these provisions as BIMC 18.06.630. The section has been editorially renumbered to avoid duplication.

18.06.950 Zone.

“Zone” means one of the classifications of permitted uses into which the land area of the city is divided. (Ord. 92-08 § 2, 1992)

18.06.955 Zoning map.

“Zoning map” means the official map that identifies and delineates boundaries of the city’s zoning classifications. (Ord. 92-08 § 2, 1992)

Chapter 18.09

CREATION OF ZONES, OFFICIAL ZONING MAP AND ZONING BOUNDARIES

Sections:

- 18.09.010 Zones created.**
- 18.09.020 Zones designated.**
- 18.09.030 Official zoning map.**
- 18.09.040 Zoning district boundaries.**

18.09.010 Zones created.

To implement the purposes of this title, the city shall be divided into zones that segregate conflicting land uses and coordinate policies for land uses outlined in the comprehensive plan of the city. A map or maps delineating these zones shall be adopted by the city as part of this title and shall be filed at the office of the city clerk. (Ord. 92-08 § 2, 1992)

18.09.020 Zones designated.

The city shall be divided into the following zones:

- A. R-14, 14 units per acre (3,100 square feet) zone;
- B. R-8, eight units per area (5,400 square feet) zone;
- C. R-6, six units per acre (7,260 square feet) zone;
- D. R-5, five units per acre (8,500 square feet) zone;
- E. R-4.3, four-and-three-tenths units per acre (10,000 square feet) zone;
- F. R-3.5, three-and-one-half units per acre (12,500 square feet) zone;
- G. R-2.9, two-and-nine-tenths units per acre (15,000 square feet) zone;
- H. R-2, two units per acre (20,000 square feet) zone;
- I. The Fort Ward Historic Overlay District;
- J. R-1, one unit per acre (40,000 square feet) zone;
- K. R-0.4, one unit per 2.5 acres (100,000 square feet) zone;

L. Winslow Mixed Use Town Center zone; with five overlay districts: central core, Madison Avenue, Ericksen Avenue, gateway and ferry terminal;

M. High School Road I and II zones;

N. NSC, neighborhood service center;

O. LM, light manufacturing zone;

P. WD-I, water-dependent industrial zone. (Ord. 2004-12 § 8, 2004; Ord. 2000-19 § 1, 2000; Ord. 97-01 § 2, 1997; Ord. 96-08 § 7, 1996; Ord. 92-08 § 2, 1992)

18.09.030 Official zoning map.

The official zoning map shall be identified by signatures of the city council and shall carry the following words:

This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance of the city of Bainbridge Island, Washington, adopted March 1, 1992. If, in accordance with the provisions of this code, changes are made in zoning district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map promptly after the amendment has been adopted, together with an entry on, or attached to, the Official Zoning Map, as follows: "On (date) by official action of the City Council, the following change was (changes were) made in the Official Zoning Map (brief description of nature of change)," which entry shall be signed by the Mayor and attested to by the city clerk.

All amendments to the official zoning map shall be immediately transmitted and filed with the Kitsap County department of planning and community development. The official zoning map that shall be located in the office of the city clerk shall be the final authority as to the current zoning status of land in the city. (Ord. 92-08 § 2, 1992)

18.09.040 Zoning district boundaries.

A. Zoning boundaries indicated as approximately following the center lines of streets, highways and freeways shall be construed to follow such center lines.

B. Zoning boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

C. The portion of water bodies adjacent to the city between the uplands fronting thereon and over any tidelands or shorelands intervening between such upland boundary and any such waters to the middle of such adjacent water bodies shall be considered to be within the same zoning district as the adjacent land area as shown on the official zoning map unless otherwise designated.

D. Boundaries indicated as parallel to or extensions of features indicated in subsections A and B of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the county assessor's map.

E. Where physical or other features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections A through D of this section, the planning commission shall interpret the zoning district boundaries.

F. Developments within 200 feet of the shoreline shall be subject to additional requirements of the Bainbridge Island Shoreline Management Master Program codified under Chapter 16.12 BMC.

G. When a street or alley is vacated, it shall acquire the classification of the property to which it reverts.

H. If a zone or portion thereof came into existence through proceedings in which it was accompanied by a legal description, such legal description shall govern its location; provided, that rule shall prevail notwithstanding that the ordinance by which the zone or portion thereof came into existence is repealed. (Ord. 2003-44 § 2, 2004; Ord. 92-08 § 2, 1992)

Chapter 18.12

R-14, 14 UNITS PER ACRE ZONE (3,100 SQUARE FEET)

Sections:

- 18.12.010 Purpose.**
- 18.12.020 Permitted uses.**
- 18.12.030 Conditional uses.**
- 18.12.040 Lot area and density.**
- 18.12.050 Lot coverage.**
- 18.12.060 Setbacks.**
- 18.12.070 Height limitations.**
- 18.12.075 Minimum lot dimensions.**
- 18.12.080 Bonus densities allowed.**

18.12.010 Purpose.

The purpose of the R-14 zone is to provide areas of high density residential development which can support public utility systems necessary for the protection of the environment and allow the maximum amenity for a large number of residences. These districts shall be located adjacent to or near planned community centers and other areas that are to be served by public utilities in the near future. (Ord. 92-08 § 2, 1992)

18.12.020 Permitted uses.

Permitted uses in the R-14 zone are:

- A. Accessory dwelling units;
- B. Accessory uses and buildings;
- C. Educational, governmental, religious, or health care facilities;
- D. Family day care homes;
- E. Manufactured homes;
- F. Minor home occupations;
- G. Multifamily dwellings;
- H. Parks, passive recreation;
- I. Single-family dwellings built to IBC standards. (Ord. 2005-29 § 9, 2005; Ord. 95-07 § 7, 1995; Ord. 92-08 § 2, 1992)

18.12.030 Conditional uses.

Conditional uses are:

- A. Bed and breakfast establishments;
- B. Child day care centers;
- C. Clubs;
- D. Cultural facilities;
- E. Major home occupations;

F. Parks, active recreation;
G. Public and private utility buildings and structures;

H. Recreation activities, indoor;

I. Recreation activities, outdoor;

J. Senior citizen housing projects utilizing the bonus densities set forth in this chapter under bonus densities allowed, BIMC 18.12.080;

K. Shared-use park and ride lots. (Ord. 2005-29 § 10, 2005; Ord. 96-15 § 3, 1996; Ord. 95-07 § 8, 1995; Ord. 92-08 § 2, 1992)

18.12.040 Lot area and density.

A. The density shall be one unit per 3,100 square feet of land.

B. The minimum lot area for single-family residences shall be 5,000 square feet where served by sanitary sewers.

C. An increase in density is permitted pursuant to the requirements of BIMC 18.12.080 and Chapter 18.90 BIMC. (Ord. 2006-19 § 3, 2006; Ord. 2004-12 § 9, 2004; Ord. 95-35 § 2, 1995; Ord. 92-08 § 2, 1992)

18.12.050 Lot coverage.

The maximum lot area covered by buildings shall not exceed 40 percent. This may be increased to 50 percent under a conditional use permit if, in addition to the requirements of Chapter 18.108 BIMC, it is demonstrated that: (1) no portion of any building within 20 feet of a front yard setback located across the street from the R-4.3 zone exceeds a height of 25 feet; and (2) building design incorporates features such as pitched or terraced roof forms, upper level setbacks, wall recesses, and/or other architectural treatment to minimize building bulk and scale as perceived from adjoining streets and properties. An applicant who requests conditional use permit approval to increase both allowable lot coverage and maximum building height shall comply with BIMC 18.12.070.A. (Ord. 2005-17 § 1, 2005; Ord. 92-08 § 2, 1992)

18.12.060 Setbacks.

A. Front setbacks, rear setbacks and side setbacks facing streets shall be not less than 25 feet measured by the distance from the nearest lot lines, planned rights-of-way or road easements.

B. Side setbacks shall not be less than 15 feet in total sum with no side setback less than five feet.

C. Rear setbacks shall be 15 feet.

D. In case of structures over two stories high, front and rear setback requirements each shall be increased by four feet for every story over two; each side setback requirement shall be increased by five feet for every story over two. (Ord. 2004-02 § 10, 2004; Ord. 92-08 § 2, 1992)

18.12.070 Height limitations.

A. The maximum allowable building height is 35 feet, except that buildings up to 40 feet may be allowed under a conditional use permit if, in addition to the requirements of Chapter 18.108 BIMC, it is demonstrated that: (1) view opportunities are not substantially reduced; (2) fire flow is adequate; (3) no unstable slopes or soils are on the building site; and (4) solar access of neighboring lots is not substantially reduced. An applicant who requests additional lot coverage pursuant to BIMC 18.12.050 shall not be allowed to also increase maximum allowable building height unless, in addition to the foregoing criteria, the applicant demonstrates that:

1. The increased height facilitates underground or enclosed under-building parking to the extent feasible; and

2. The building massing contains significant modulations; and

3. Thirty percent of the property must be retained as pervious surface area. Pervious surface areas can include landscaping, unpaved storm water management facilities, underground or overhead utility lines, perimeter fences, and pervious trails. Setback areas and significant tree retention areas can count towards the required pervious surface area. Pervious surface areas shall exclude areas covered by:

a. Structures, including decks, fountains, and artwork, utility cabinets, lighting fixtures, trash enclosures, and signs; and

b. Areas covered by paving and/or gravel, including sidewalks, impervious paths, patios, parking areas, driveways; and

4. Mechanical equipment shall be enclosed or screened, and such enclosures or screening shall be architecturally integrated into the building design or landscape plan; and

5. The project provides one or more public amenities that would not otherwise be provided, such as greater significant tree retention or provision of more open space than is otherwise required, publicly accessible play areas, trails, or benches, or other amenities proposed by the applicant and approved by the city.

B. Structure height is 35 feet, except that taller structures may be allowed with the issuance of a conditional use permit; provided, that (1) view opportunities are not substantially reduced; (2) structures shall not be permitted in required setbacks except as otherwise authorized by this code; (3) each setback requirement shall be increased one-half foot for every foot above the maximum structure height; (4) noncommercial, nonparabolic antennae affixed to noncommercial communication towers that are 50 feet or less in height above grade shall not require conditional use permits; (5) one flagpole 45 feet or less in height may be placed on a parcel without requiring a conditional use permit; (6) utility poles 50 feet or less in height shall not require conditional use permits; and (7) utility structures existing on the effective date of the ordinance codified in this subsection that are taller than 50 feet shall not be considered nonconforming structures and may be replaced without a conditional use permit; provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location. (Ord. 2005-17 § 2, 2005; Ord. 2004-02 § 1, 2004; Ord. 95-13 § 2, 1995; Ord. 92-08 § 2, 1992)

18.12.075 Minimum lot dimensions.

The minimum lot depth and width is 60 feet. (Ord. 92-08 § 2, 1992)

18.12.080 Bonus densities allowed.

A. Upon approval of the city, a density bonus not to exceed 50 percent may be granted by providing permanent, public open space; provided, that:

1. The open space shall abut a public or private street and have adequate public access.

2. If the subject property being developed is a corner site, placement of the open space at the corner is preferred.

3. Signage shall be posted to notify that the open space is public and access is permitted.

4. The amount of the density bonus shall be twice the percentage of the total lot area that is designated as open space. For example, if 25 percent of the total lot area is designated as open space, a 50 percent density bonus may be achieved.

5. The minimum area designated as public open space must be the larger of:

a. Ten percent of the total lot area;

or

b. One-quarter acre.

6. If the open space is not contiguous, then each open space area must be at least one-quarter acre.

7. A 15-foot building setback shall be provided along the perimeters of the open space.

8. Trees retained within the designated open space may fulfill the significant tree/canopy retention requirements of BIMC 18.85.060.

9. The public open space density bonus may be combined with other density bonuses applicable to this zone; provided, that the total combined density bonus does not exceed 50 percent of the base density.

10. The open space shall be established as permanent, public open space through one of the following means:

a. **Public Ownership.** The city or other public agency may choose to accept ownership of open space and upon approval and acceptance by the director, open space shall be dedicated to the public.

b. **Private Ownership.** Open space may be held in private ownership if established

by easements, restrictive covenants, or other similar legal means provided the following:

i. Public access and maintenance of the open space are adequately provided for by written agreement, and such agreements or covenants are recorded with the county auditor;

ii. In the event that the open space is not maintained consistent with the agreement, the city shall have the right to provide the maintenance thereof, and bill the owner for the cost of maintenance.

B. Open space that is selected under the provisions of BIMC 18.12.070.A.5 or required as mitigation for development impacts may not be included in the open space calculations related to the density bonus provided in this section.

C. Lands that are located in the critical areas overlay district, as identified in the comprehensive plan, are not eligible for the density bonus provided in this section. (Ord. 2006-19 § 4, 2006; Ord. 92-08 § 2, 1992)

Chapter 18.15**R-8, 8 UNITS PER ACRE ZONE
(5,400 SQUARE FEET)****Sections:**

- 18.15.010 Purpose.**
- 18.15.020 Permitted uses.**
- 18.15.030 Conditional uses.**
- 18.15.040 Lot area and density.**
- 18.15.050 Lot coverage.**
- 18.15.060 Setbacks.**
- 18.15.070 Height limitations.**
- 18.15.075 Minimum lot dimensions.**
- 18.15.080 Bonus densities allowed.**

18.15.010 Purpose.

The purpose of the R-8 zone is to provide for medium density residential areas in pleasant, uncongested surroundings allowing for the maximum amenities for the occupants. (Ord. 92-08 § 2, 1992)

18.15.020 Permitted uses.

Permitted uses in the R-8 zone are:

- A. Accessory dwelling units;
- B. Accessory uses and buildings;
- C. Automobile parking facilities accessory to residential development;
- D. Family day care homes;
- E. Manufactured homes;
- F. Minor home occupations;
- G. Multifamily dwellings;
- H. Parks, passive recreation;
- I. Single-family dwellings built to IBC standards. (Ord. 2005-29 § 11, 2005; Ord. 95-07 § 9, 1995; Ord. 92-08 § 2, 1992)

18.15.030 Conditional uses.

Conditional uses are:

- A. Bed and breakfast establishments;
- B. Child day care centers;
- C. Clubs;
- D. Cultural facilities;
- E. Educational, governmental, religious or health care facilities;
- F. Major home occupations;
- G. Parks, active recreation;
- H. Public and private utility buildings and structures;

I. Recreation activities, indoor;

J. Recreation activities, outdoor;

K. Senior citizen housing projects utilizing the bonus densities set forth in this title under BIMC 18.12.080, except that a minimum of 3,000 square feet of lot area per unit shall be required and the parking requirement shall not be less than one space per unit;

L. Shared-use park and ride lots. (Ord. 2005-29 § 12, 2005; Ord. 96-15 § 4, 1996; Ord. 95-07 § 10, 1995; Ord. 92-08 § 2, 1992)

18.15.040 Lot area and density.

A. The density shall be one unit per 5,400 square feet of land.

B. The minimum lot area for single-family residences shall be 5,000 square feet when served by sanitary sewers.

C. An increase in density is permitted pursuant to the requirements of BIMC 18.15.080 and Chapter 18.90 BIMC. (Ord. 2006-19 § 5, 2006; Ord. 2004-12 § 10, 2004; Ord. 95-35 § 3, 1995; Ord. 92-08 § 2, 1992)

18.15.050 Lot coverage.

The maximum lot area covered by buildings shall not exceed 25 percent, except that for projects utilizing the bonus density provisions of BIMC 18.15.080, lot coverage may be increased to a maximum of 40 percent. (Ord. 2006-19 § 6, 2006; Ord. 92-08 § 2, 1992)

18.15.060 Setbacks.

A. Front setbacks, rear setbacks and side setbacks facing streets shall be not less than 25 feet measured by the distance from the nearest lot lines, planned rights-of-way or road easements.

B. Side setbacks shall not be less than 15 feet in total sum with no side setback less than five feet.

C. Rear setbacks shall be 15 feet.

D. In case of structures over two stories high, front and rear setback requirements each shall be increased by four feet for every story over two; each side setback requirement shall be increased by five feet for every story over two. (Ord. 2004-02 § 11, 2004; Ord. 92-08 § 2, 1992)

18.15.070 Height limitations.

A. The building height is 35 feet, except that buildings up to 40 feet may be allowed under a conditional use permit if, in addition to the requirements of Chapter 18.108 BIMC, it is demonstrated that: (1) view opportunities are not substantially reduced; (2) fire flow is adequate; (3) no unstable slopes or soils are on the building site; and (4) solar access of neighboring lots is not reduced.

B. Structure height is 35 feet, except that taller structures may be allowed with the issuance of a conditional use permit; provided, that (1) view opportunities are not substantially reduced; (2) structures shall not be permitted in required setbacks except as otherwise authorized by this code; (3) each setback requirement shall be increased one-half foot for every foot above the maximum structure height; (4) noncommercial, nonparabolic antennae affixed to noncommercial communication towers that are 50 feet or less in height above grade shall not require conditional use permits; (5) one flagpole 45 feet or less in height may be placed on a parcel without requiring a conditional use permit; (6) utility poles 50 feet or less in height shall not require conditional use permits; and (7) utility structures existing on the effective date of the ordinance codified in this subsection that are taller than 50 feet shall not be considered nonconforming structures and may be replaced without a conditional use permit; provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location. (Ord. 2004-02 § 1, 2004; Ord. 95-13 § 3, 1995; Ord. 92-08 § 2, 1992)

18.15.075 Minimum lot dimensions.

Minimum lot width and depth shall be 60 feet. (Ord. 92-08 § 2, 1992)

18.15.080 Bonus densities allowed.

A. Upon approval of the city, a density bonus not to exceed 50 percent may be granted by providing permanent, public open space; provided, that:

1. The open space shall abut a public or private street and have adequate public access.

2. If the subject property being developed is a corner site, placement of the open space at the corner is preferred.

3. Signage shall be posted to notify that the open space is public and access is permitted.

4. The amount of the density bonus shall be twice the percentage of the total lot area that is designated as open space. For example, if 25 percent of the total lot area is designated as open space, a 50 percent density bonus may be achieved.

5. The minimum area designated as public open space must be the larger of:

a. Ten percent of the total lot area;

or

b. One-quarter acre.

6. If the open space is not contiguous, then each open space area must be at least one-quarter acre.

7. A 15-foot building setback shall be provided along the perimeters of the open space.

8. No portion of any building within 20 feet of a front yard setback located across the street from a single-family residential zone shall exceed a height of 25 feet.

9. Building design shall incorporate features such as pitched or terraced roof forms, upper level setbacks, wall recesses and/or other architectural treatment to minimize building bulk and scale as perceived from adjoining streets and neighborhoods.

10. Trees retained within the designated open space may fulfill the significant tree/canopy retention requirements of BIMC 18.85.060.

11. The public open space density bonus may be combined with other density bonuses applicable to this zone; provided, that the total combined density bonus does not exceed 50 percent of the base density.

12. The open space shall be established as permanent, public open space through one of the following means:

a. Public Ownership. The city or other public agency may choose to accept

ownership of open space and upon approval and acceptance by the director, open space shall be dedicated to the public.

b. Private Ownership. Open space may be held in private ownership if established by easements, restrictive covenants, or other similar legal means provided the following:

i. Public access and maintenance of the open space are adequately provided for by written agreement, and such agreements or covenants are recorded with the county auditor;

ii. In the event that the open space is not maintained consistent with the agreement, the city shall have the right to provide the maintenance thereof, and bill the owner for the cost of maintenance.

B. Lands that are located in the critical areas overlay district, as identified in the comprehensive plan, are not eligible for the density bonus provided in this section. (Ord. 2006-19 § 7, 2006)

Chapter 18.18

**R-6, 6 UNITS PER ACRE ZONE
(6,543 SQUARE FEET)**

Sections:

- 18.18.010 Purpose.**
- 18.18.020 Permitted uses.**
- 18.18.030 Conditional uses.**
- 18.18.040 Lot area and density.**
- 18.18.050 Lot coverage.**
- 18.18.060 Setbacks.**
- 18.18.070 Height limitations.**
- 18.18.075 Minimum lot dimensions.**
- 18.18.080 Bulk and dimensional standards.**

18.18.010 Purpose.

The purpose of the R-6 zone is to provide for a residential neighborhood in a unique high density nonurban environment. (Ord. 92-08 § 2, 1992)

18.18.020 Permitted uses.

Permitted uses in the R-6 zone are:

- A. Accessory uses and buildings;
- B. Family day care homes;
- C. Foster homes;
- D. Manufactured homes;
- E. Minor home occupations;
- F. Parks, passive recreation;
- G. Single-family dwellings built to IBC standards. (Ord. 2005-29 § 13, 2005; Ord. 95-07 § 11, 1995; Ord. 92-08 § 2, 1992)

18.18.030 Conditional uses.

Conditional uses are:

- A. Clubs;
- B. Cultural facilities;
- C. Educational, governmental, religious or health care facilities;
- D. Major home occupations;
- E. Multifamily dwellings;
- F. Parks, active recreation;
- G. Public and private utility buildings and structures;
- H. Recreation activities, indoor;
- I. Recreation activities, outdoor. (Ord. 2005-29 § 14, 2005; Ord. 95-07 § 12, 1995; Ord. 92-08 § 2, 1992)

18.18.040

18.18.040 Lot area and density.

A. The density shall be one unit per 7,260 square feet of land.

B. The minimum lot area shall be 7,260 square feet.

C. When a short plat, subdivision, large lot subdivision, or planned unit development of land is proposed pursuant to the requirements of the flexible lot design process, the provisions of BIMC 18.18.080 apply. (Ord. 2004-12 § 11, 2004; Ord. 93-29 § 1, 1993; Ord. 92-08 § 2, 1992)

18.18.050 Lot coverage.

No maximum lot coverage shall be applied in this zone. (Ord. 92-08 § 2, 1992)

18.18.060 Setbacks.

A. Front setbacks along Point Monroe Drive shall be not less than five feet, measured by the distance from the nearest lot line, planned right-of-way, or road easement.

B. Side setbacks shall not be less than 10 feet in total sum with no side setback less than five feet.

C. Rear setbacks shall be 15 feet. (Ord. 2004-12 § 12, 2004; Ord. 2004-02 § 12, 2004; Ord. 92-08 § 2, 1992)

18.18.070 Height limitations.

A. The building height is 30 feet, except that buildings up to 35 feet may be allowed under a conditional use permit if, in addition to the requirements of Chapter 18.108 BIMC, it is demonstrated that: (1) view opportunities are not substantially reduced; (2) fire flow is adequate; (3) no unstable slopes or soils are on the building site; and (4) solar access of neighboring lots is not reduced.

B. Structure height is 30 feet, except that taller structures may be allowed with the issuance of a conditional use permit; provided, that (1) view opportunities are not substantially reduced; (2) structures shall not be permitted in required setbacks except as otherwise authorized by this code; (3) each setback requirement shall be increased one-half foot for every foot above the maximum structure height; (4) noncommercial, nonparabolic antennae affixed to noncommercial communi-

cation towers that are 50 feet or less in height above grade shall not require conditional use permits; (5) one flagpole 45 feet or less in height may be placed on a parcel without requiring a conditional use permit; (6) utility poles 50 feet or less in height shall not require conditional use permits; and (7) utility structures existing on the effective date of the ordinance codified in this subsection that are taller than 50 feet shall not be considered nonconforming structures and may be replaced without a conditional use permit; provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location. (Ord. 2004-02 § 1, 2004; Ord. 95-13 § 4, 1995; Ord. 92-08 § 2, 1992)

18.18.075 Minimum lot dimensions.

Minimum lot width and depth shall be 60 feet. (Ord. 92-08 § 2, 1992)

18.18.080 Bulk and dimensional standards.

The following bulk and dimensional standards shall not apply to those lots which have been established pursuant to the requirements of the flexible lot design process by short subdivision, subdivision, large lot subdivision, or as planned unit development:

- A. Minimum lot area;
- B. Setbacks;
- C. Minimum lot dimensions. (Ord. 2004-12 § 13, 2004)

Chapter 18.20

**R-5, 5 UNITS PER ACRE ZONE
(8,500 SQUARE FEET)**

Sections:

- 18.20.010 Purpose.**
- 18.20.020 Permitted uses.**
- 18.20.030 Conditional uses.**
- 18.20.040 Lot area and density.**
- 18.20.050 Lot coverage.**
- 18.20.060 Setbacks.**
- 18.20.070 Height limitations.**
- 18.20.075 Minimum lot dimensions.**
- 18.20.080 Flexible lot design standards.**

18.20.010 Purpose.

The purpose of the R-5 zone is to provide for residential use having community improvements and facilities normally associated with urban area development. Five units per acre are permitted only for properties served by both public water and sanitary sewer. (Ord. 97-01 § 9, 1997)

18.20.020 Permitted uses.

Permitted uses in the R-5 zone are:

- A. Accessory dwelling units;
- B. Accessory uses and buildings;
- C. Family day care homes;
- D. Manufactured homes;
- E. Minor home occupations;
- F. Multifamily dwellings built to IBC standards;
- G. Parks, passive recreation;
- H. Single-family dwellings built to IBC standards. (Ord. 2005-29 § 15, 2005; Ord. 97-01 § 9, 1997)

18.20.030 Conditional uses.

Conditional uses are:

- A. Agriculture;
- B. Child day care centers;
- C. Clubs;
- D. Cultural facilities;
- E. Educational, governmental, religious or health care facilities;
- F. Major home occupations;
- G. Parks, active recreation;

18.20.040

H. Public and private utility buildings and structures;

I. Recreation activities, indoor;

J. Recreation activities, outdoor;

K. Shared-use park and ride lots. (Ord. 2005-29 § 16, 2005: Ord. 97-01 § 9, 1997)

18.20.040 Lot area and density.

A. The density shall be one unit per 8,500 square feet of land.

B. The minimum lot area shall be 8,500 square feet.

C. When a short plat, subdivision, large lot subdivision, or planned unit development of land is proposed pursuant to the requirements of the flexible lot design process, the provisions of BIMC 18.20.080 apply. (Ord. 2004-12 § 14, 2004: Ord. 97-01 § 9, 1997)

18.20.050 Lot coverage.

The maximum lot area covered by building shall not exceed 25 percent. (Ord. 97-01 § 9, 1997)

18.20.060 Setbacks.

A. Front setbacks, rear setbacks and side setbacks facing streets shall be not less than 25 feet, measured by the distance from the nearest lot lines, planned rights-of-way, or road easements.

B. Side setbacks shall not be less than 15 feet in total sum with no side setback less than five feet.

C. Rear setbacks shall be 15 feet.

D. In case of structures over two stories high, front and rear setback requirements each shall be increased by four feet for every story over two; each side setback requirement shall be increased by five feet for every story over two. (Ord. 2004-02 § 13, 2004: Ord. 97-01 § 9, 1997)

18.20.070 Height limitations.

A. The building height is 25 feet, except that buildings up to 30 feet may be allowed through a conditional use permit if, in addition to the requirements of Chapter 18.108 BIMC, it is demonstrated that: (1) view opportunities

are not substantially reduced; (2) fire flow is adequate; and (3) solar access of neighboring lots is not reduced.

B. Structure height is 25 feet, except that taller structures may be allowed with the issuance of a conditional use permit; provided, that (1) view opportunities are not substantially reduced; (2) structures shall not be permitted in required setbacks except as otherwise authorized by this code; (3) each setback requirement shall be increased one-half foot for every foot above the maximum structure height; (4) noncommercial, nonparabolic antennae affixed to noncommercial communication towers that are 50 feet or less in height above grade shall not require conditional use permits; (5) one flagpole 45 feet or less in height may be placed on a parcel without requiring a conditional use permit; (6) utility poles 50 feet or less in height shall not require conditional use permits; and (7) utility structures existing on the effective date of the ordinance codified in this subsection that are taller than 50 feet shall not be considered nonconforming structures and may be replaced without a conditional use permit; provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location. (Ord. 2004-02 § 1, 2004; Ord. 97-01 § 9, 1997)

18.20.075 Minimum lot dimensions.

No minimum lot width and depth shall be imposed. (Ord. 97-01 § 9, 1997)

18.20.080 Flexible lot design standards.

A. The following bulk and dimensional standards shall not apply to those lots which have been established pursuant to the requirements of the flexible lot design process by Chapter 17.04 BIMC, Subdivisions; Chapter 17.12 BIMC, Short Subdivisions; Chapter 17.16 BIMC, Large Lot Subdivisions; or Chapter 18.120, Planned Unit Development Procedures.

1. Minimum lot area;
2. Setbacks.

B. The flexible lot design standards of the R-4.3 zone shall apply for R-5 zoned properties subject to Chapters 17.04, 17.12, 17.16 or 18.120 BIMC. (Ord. 2004-02 § 3, 2004; Ord. 97-01 § 9, 1997)

Chapter 18.21

R-4.3, 4.3 UNITS PER ACRE ZONE (10,000 SQUARE FEET)

Sections:

- 18.21.010 Purpose.**
- 18.21.020 Permitted uses.**
- 18.21.030 Conditional uses.**
- 18.21.040 Lot area and density.**
- 18.21.050 Lot coverage.**
- 18.21.060 Setbacks.**
- 18.21.070 Building height limitations.**
- 18.21.075 Minimum lot dimensions.**
- 18.21.080 Flexible lot design standards.**

18.21.010 Purpose.

The purpose of the R-4.3 zone is to provide for vital residential neighborhoods having urban density and having those community improvements and facilities normally associated with urban area development. (Ord. 2005-21 § 1, 2005; Ord. 92-08 § 2, 1992)

18.21.020 Permitted uses.

Permitted uses in the R-4.3 zone are:

- A. Accessory dwelling units;
- B. Accessory uses and buildings;
- C. Family day care homes;
- D. Manufactured homes;
- E. Minor home occupations;
- F. Parks, passive recreation;
- G. Single-family dwellings built to IBC standards. (Ord. 2005-29 § 17, 2005; Ord. 95-07 § 13, 1995; Ord. 92-08 § 2, 1992)

18.21.030 Conditional uses.

Conditional uses are:

- A. Agriculture;
- B. Child day care centers;
- C. Clubs;
- D. Cultural facilities;
- E. Educational, governmental, religious or health care facilities;
- F. Multifamily dwellings;
- G. Major home occupations;
- H. Parks, active recreation;
- I. Public and private utility buildings and structures;
- J. Recreation activities, indoor;

18.21.040

K. Recreation activities, outdoor;

L. Shared-use park and ride lots. (Ord. 2005-29 § 18, 2005; Ord. 2005-21 § 2, 2005; Ord. 96-15 § 5, 1996; Ord. 92-08 § 2, 1992)

18.21.040 Lot area and density.

A. The density shall be one unit per 10,000 square feet of land.

B. The minimum lot area shall be 10,000 square feet.

C. Pursuant to Chapters 18.37 and 18.41 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.

D. When a short plat, subdivision, large lot subdivision, or planned unit development of land is proposed pursuant to the requirements of the flexible lot design process, the provisions of BIMC 18.21.080 apply. (Ord. 2004-12 § 15, 2004; Ord. 2001-44 § 1, 2001; Ord. 95-35 § 4, 1995; Ord. 92-08 § 2, 1992)

18.21.050 Lot coverage.

The maximum lot area covered by buildings shall not exceed 25 percent. (Ord. 92-08 § 2, 1992)

18.21.060 Setbacks.

A. Front setbacks, rear setbacks and side setbacks facing streets shall be not less than 25 feet, measured by the distance from the nearest lot lines, planned rights-of-way, or road easements.

B. Side setbacks shall not be less than 15 feet in total sum with no side setback less than five feet.

C. Rear setbacks shall be 15 feet.

D. In case of structures over two stories high, front and rear setback requirements each shall be increased by four feet for every story over two; each side setback requirement shall be increased by five feet for every story over two.

E. In the case of detached accessory dwelling units, side setbacks shall be no less than 10 feet for single-story and 15 for two-story. (Ord. 2004-02 § 14, 2004; Ord. 95-07 § 14, 1995; Ord. 92-08 § 2, 1992)

18.21.070 Building height limitations.

A. The building height is 25 feet, except that buildings up to 30 feet may be allowed under a conditional use permit if, in addition to the requirements of Chapter 18.108 BIMC, it is demonstrated that: (1) view opportunities are not substantially reduced; (2) fire flow is adequate; (3) no unstable slopes or soils are on the building site; and (4) solar access of neighboring lots is not reduced.

B. Structure height is 25 feet, except that taller structures may be allowed with the issuance of a conditional use permit; provided, that (1) view opportunities are not substantially reduced; (2) structures shall not be permitted in required setbacks except as otherwise authorized by this code; (3) each setback requirement shall be increased one-half foot for every foot above the maximum structure height; (4) noncommercial, nonparabolic antennae affixed to noncommercial communication towers that are 50 feet or less in height above grade shall not require conditional use permits; (5) one flagpole 45 feet or less in height may be placed on a parcel without requiring a conditional use permit; (6) utility poles 50 feet or less in height shall not require conditional use permits; and (7) utility structures existing on the effective date of the ordinance codified in this subsection that are taller than 50 feet shall not be considered nonconforming structures and may be replaced without a conditional use permit; provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location. (Ord. 2004-02 § 1, 2004; Ord. 95-13 § 5, 1995; Ord. 92-08 § 2, 1992)

18.21.075 Minimum lot dimensions.

No minimum lot width and depth shall be imposed. (Ord. 92-08 § 2, 1992)

18.21.080 Flexible lot design standards.

The following bulk and dimensional standards shall not apply to those lots which have been established pursuant to the requirements of the flexible lot design process by short subdivision, subdivision, large lot subdivision, or as a planned unit development:

- A. Minimum lot area;
- B. Setbacks;
- C. Minimum lot dimensions. (Ord. 2004-02 § 3, 2004; Ord. 96-06A § 1, 1996)

Chapter 18.24**R-3.5, 3.5 UNITS PER ACRE ZONE
(12,500 SQUARE FEET)****Sections:**

- 18.24.010 Purpose.**
- 18.24.020 Permitted uses.**
- 18.24.030 Conditional uses.**
- 18.24.040 Lot area and density.**
- 18.24.050 Lot coverage.**
- 18.24.060 Setbacks.**
- 18.24.070 Height limitations.**
- 18.24.075 Minimum lot dimensions.**
- 18.24.080 Flexible lot design standards.**

18.24.010 Purpose.

The purpose of the R-3.5 zone is to provide for vital residential neighborhoods having those community improvements and facilities normally associated with suburban development. (Ord. 2005-21 § 3, 2005; Ord. 92-08 § 2, 1992)

18.24.020 Permitted uses.

Permitted uses in the R-3.5 zone are:

- A. Accessory dwelling units;
- B. Accessory uses and buildings;
- C. Family day care homes;
- D. Manufactured homes;
- E. Minor home occupations;
- F. Parks, passive recreation;
- G. Single-family dwellings built to IBC standards. (Ord. 2005-29 § 19, 2005; Ord. 95-07 § 15, 1995; Ord. 92-08 § 2, 1992)

18.24.030 Conditional uses.

Conditional uses are:

- A. Agriculture;
- B. Bed and breakfast establishments;
- C. Child day care centers;
- D. Clubs;
- E. Cultural facilities;
- F. Educational, governmental, religious or health care facilities;
- G. Major home occupations;
- H. Multifamily dwellings;
- I. Parks, active recreation;
- J. Public and private utility buildings and structures;

18.24.040

K. Recreation activities, indoor;

L. Recreation activities, outdoor;

M. Shared-use park and ride lots. (Ord. 2005-29 § 20, 2005; Ord. 2005-21 § 4, 2005; Ord. 96-15 § 6, 1996; Ord. 92-08 § 2, 1992)

18.24.040 Lot area and density.

A. The density shall be one unit per 12,500 square feet of land.

B. The minimum lot area shall be 12,500 square feet.

C. When a short plat, subdivision, large lot subdivision, or planned unit development of land is proposed pursuant to the requirements of the flexible lot design process, the provisions of BIMC 18.24.080 apply. (Ord. 2004-12 § 16, 2004; Ord. 2001-44 § 2, 2001; Ord. 95-35 § 5, 1995; Ord. 92-08 § 2, 1992)

18.24.050 Lot coverage.

The maximum lot area covered by buildings shall not exceed 25 percent. (Ord. 92-08 § 2, 1992)

18.24.060 Setbacks.

A. Front setbacks, rear setbacks and side setbacks facing streets shall be not less than 25 feet, measured by the distance from the nearest lot lines, planned rights-of-way, or road easements.

B. Side setbacks shall not be less than 15 feet in total sum with no side setback less than five feet.

C. Rear setbacks shall be 15 feet.

D. In case of structures over two stories high, front and rear setback requirements each shall be increased by four feet for every story over two; each side setback requirement shall be increased by five feet for every story over two.

E. In the case of detached accessory dwelling units, side setbacks shall be no less than 10 feet for single-story and 15 for two-story. (Ord. 2004-02 § 15, 2004; Ord. 95-07 § 16, 1995; Ord. 92-08 § 2, 1992)

18.24.070 Height limitations.

A. The building height is 25 feet, except that buildings up to 30 feet may be allowed under a conditional use permit if, in addition to

the requirements of Chapter 18.108 BIMC, it is demonstrated that: (1) view opportunities are not substantially reduced; (2) fire flow is adequate; (3) no unstable slopes or soils are on the building site; and (4) solar access of neighboring lots is not reduced.

B. Structure height is 25 feet, except that taller structures may be allowed with the issuance of a conditional use permit; provided, that (1) view opportunities are not substantially reduced; (2) structures shall not be permitted in required setbacks except as otherwise authorized by this code; (3) each setback requirement shall be increased one-half foot for every foot above the maximum structure height; (4) noncommercial, nonparabolic antennae affixed to noncommercial communication towers that are 50 feet or less in height above grade shall not require conditional use permits; (5) one flagpole 45 feet or less in height may be placed on a parcel without requiring a conditional use permit; (6) utility poles 50 feet or less in height shall not require conditional use permits; and (7) utility structures existing on the effective date of the ordinance codified in this subsection that are taller than 50 feet shall not be considered nonconforming structures and may be replaced without a conditional use permit; provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location. (Ord. 2004-02 § 1, 2004; Ord. 95-13 § 6, 1995; Ord. 92-08 § 2, 1992)

18.24.075 Minimum lot dimensions.

No minimum lot width and depth shall be imposed. (Ord. 92-08 § 2, 1992)

18.24.080 Flexible lot design standards.

The following bulk and dimensional standards shall not apply to those lots which have been established pursuant to the requirements of the flexible lot design process by short subdivision, subdivision, large lot subdivision, or as a planned unit development:

A. Minimum lot area;

B. Setbacks;

C. Minimum lot dimensions. (Ord. 2004-02 § 3, 2004; Ord. 96-06A § 2, 1996)

Chapter 18.27**R-2.9, 2.9 UNITS PER ACRE ZONE
(15,000 SQUARE FEET)****Sections:**

- 18.27.010 Purpose.**
- 18.27.020 Permitted uses.**
- 18.27.030 Conditional uses.**
- 18.27.040 Lot area and density.**
- 18.27.050 Lot coverage.**
- 18.27.060 Setbacks.**
- 18.27.070 Height limitations.**
- 18.27.075 Minimum lot dimensions.**
- 18.27.080 Flexible lot design standards.**

18.27.010 Purpose.

The purpose of the R-2.9 zone is to provide for vital residential neighborhoods in a suburban residential area not requiring a full range of urban community improvements and facilities. (Ord. 2005-21 § 5, 2005: Ord. 92-08 § 2, 1992)

18.27.020 Permitted uses.

Permitted uses in the R-2.9 zone are:

- A. Accessory dwelling units;
- B. Accessory uses and buildings;
- C. Family day care homes;
- D. Manufactured homes;
- E. Minor home occupations;
- F. Parks, passive recreation;

G. Single-family dwellings built to IBC standards. (Ord. 2005-29 § 21, 2005: Ord. 95-07 § 17, 1995; Ord. 92-08 § 2, 1992)

18.27.030 Conditional uses.

Conditional uses are:

- A. Agriculture and accessory uses except agricultural processing;
- B. Bed and breakfast establishments;
- C. Child day care centers;
- D. Clubs;
- E. Cultural facilities;
- F. Educational, governmental, religious or health care facilities;
- G. Major home occupations;
- H. Multifamily dwellings;
- I. Parks, active recreation;

J. Public and private utility buildings and structures;

K. Recreation activities, indoor;

L. Recreation activities, outdoor;

M. Shared-use park and ride lots. (Ord. 2005-29 § 22, 2005: Ord. 2005-21 § 6, 2005: Ord. 96-15 § 7, 1996; Ord. 92-08 § 2, 1992)

18.27.040 Lot area and density.

A. The density shall be one unit per 15,000 square feet of land.

B. The minimum lot area shall be 15,000 square feet.

C. Pursuant to Chapters 18.27 and 18.41 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.

D. When a short plat, subdivision, large lot subdivision, or planned unit development of land is proposed pursuant to the requirements of the flexible lot design process, the provisions of BIMC 18.27.080 apply. (Ord. 2004-12 § 17, 2004: Ord. 2001-44 § 3, 2001: Ord. 95-35 § 6, 1995; Ord. 92-08 § 2, 1992)

18.27.050 Lot coverage.

The maximum lot area covered by buildings shall not exceed 25 percent. (Ord. 92-08 § 2, 1992)

18.27.060 Setbacks.

A. Front setbacks, rear setbacks, and side setbacks facing streets shall be not less than 25 feet, measured by the distance from the nearest lot lines, planned rights-of-way, or road easements.

B. Side setbacks shall not be less than 15 feet in total sum with no side setback less than five feet.

C. Rear setbacks shall be 15 feet.

D. In case of structures over two stories high, front and rear setback requirements each shall be increased by four feet for every story over two; each side setback requirement shall be increased by five feet for every story over two.

18.27.070

E. Confined feeding areas or structures to house livestock or poultry shall not be located closer than 200 feet to any pre-existing residence on adjacent properties.

F. In the case of detached accessory dwelling units, side setbacks shall be no less than 10 feet for single-story and 15 feet for two-story. (Ord. 2004-02 § 16, 2004; Ord. 95-07 § 18, 1995; Ord. 92-08 § 2, 1992)

18.27.070 Height limitations.

A. The building height is 25 feet, except that buildings up to 30 feet may be allowed under a conditional use permit if, in addition to the requirements of Chapter 18.108 BIMC, it is demonstrated that: (1) view opportunities are not substantially reduced; (2) fire flow is adequate; (3) no unstable slopes or soils are on the building site; and (4) solar access of neighboring lots is not reduced.

B. Structure height is 25 feet, except that taller structures may be allowed with the issuance of a conditional use permit; provided, that (1) view opportunities are not substantially reduced; (2) structures shall not be permitted in required setbacks except as otherwise authorized by this code; (3) each setback requirement shall be increased one-half foot for every foot above the maximum structure height; (4) noncommercial, nonparabolic antennae affixed to noncommercial communication towers that are 50 feet or less in height above grade shall not require conditional use permits; (5) one flagpole 45 feet or less in height may be placed on a parcel without requiring a conditional use permit; (6) utility poles 50 feet or less in height shall not require conditional use permits; and (7) utility structures existing on the effective date of the ordinance codified in this subsection that are taller than 50 feet shall not be considered nonconforming structures and may be replaced without a conditional use permit; provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location. (Ord. 2004-02 § 1, 2004; Ord. 95-13 § 7, 1995; Ord. 92-08 § 2, 1992)

18.27.075 Minimum lot dimensions.

No minimum lot width and depth shall be imposed. (Ord. 92-08 § 2, 1992)

18.27.080 Flexible lot design standards.

The following bulk and dimensional standards shall not apply to those lots which have been established pursuant to the requirements of the flexible lot design process by short subdivision, subdivision, large lot subdivision, or as planned unit development:

- A. Minimum lot area;
- B. Setbacks;
- C. Minimum lot dimensions. (Ord. 2004-02 § 3, 2004; Ord. 96-06A § 3, 1996)

Chapter 18.30**R-2, 2 UNITS PER ACRE ZONE
(20,000 SQUARE FEET)****Sections:**

- 18.30.010 Purpose.**
- 18.30.020 Permitted uses.**
- 18.30.030 Conditional uses.**
- 18.30.040 Lot area and density.**
- 18.30.050 Lot coverage.**
- 18.30.060 Setbacks.**
- 18.30.070 Height limitations.**
- 18.30.080 Minimum lot dimensions.**
- 18.30.085 Flexible lot design standards.**

18.30.010 Purpose.

The purpose of the R-2 zone is to provide for residential neighborhoods of increased density in a rural environment. (Ord. 92-08 § 2, 1992)

18.30.020 Permitted uses.

Permitted uses in the R-2 zone are:

- A. Accessory dwelling units;
- B. Accessory parking on that parcel designated as R-2, as provided for in the Lynwood Center special planning area;
- C. Accessory uses and buildings;
- D. Agriculture and accessory uses except agricultural processing;
- E. Family day care homes;
- F. Manufactured homes;
- G. Minor home occupations;
- H. Parks, active recreation;
- I. Parks, passive recreation;
- J. Single-family dwellings built to IBC standards;
- K. Multifamily dwellings in the Fort Ward Historic Overlay District, at densities identified in Chapter 18.31 BIMC, and developed in accordance with the standards in that chapter. (Ord. 2005-29 § 23, 2005; Ord. 2000-19 § 2, 2000; Ord. 98-09 § 1, 1998; Ord. 95-07 § 19, 1995; Ord. 92-08 § 2, 1992)

18.30.030 Conditional uses.

Conditional uses are:

- A. Agricultural processing and agricultural retail as established in BIMC 18.99.060;

- B. Bed and breakfast establishments;
- C. Cemeteries;
- D. Child day care centers;
- E. Clubs;
- F. Cultural facilities;
- G. Educational, governmental, religious or health care facilities;
- H. Group care facilities;
- I. Major home occupations;
- J. Mining and quarrying;
- K. Multifamily dwellings;
- L. Open-air sales for garden supplies;
- M. Park and ride lots;
- N. Public and private utility buildings and structures;
- O. Recreation activities, indoor;
- P. Recreation activities, outdoor;
- Q. Shared-use park and ride lots. (Ord. 2005-29 § 24, 2005; Ord. 2004-11 § 4, 2004; Ord. 2003-45 § 1, 2004; Ord. 96-15 § 8, 1996; Ord. 95-07 § 20, 1995; Ord. 92-08 § 2, 1992)

18.30.040 Lot area and density.

A. The density shall be one unit per 20,000 square feet of land.

B. The base density for that parcel in the Lynwood Center special planning area designated as R-2 is one unit per 20,000 square feet but may be increased up to three 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.

C. The base density for certain parcels in the Fort Ward Historic Overlay District may be increased in accordance with Chapter 18.31 BIMC.

D. The minimum lot area shall be 20,000 square feet.

E. When a short plat, subdivision, large lot subdivision, or planned unit development of land is proposed pursuant to the requirements of the flexible lot design process, the provisions of BIMC 18.30.085 apply. (Ord. 2004-12 § 18, 2004; Ord. 2000-19 § 3, 2000; Ord. 97-28 § 2, 1997; Ord. 93-29 § 1, 1993; Ord. 92-08 § 2, 1992)

18.30.050

18.30.050 Lot coverage.

The maximum lot area covered by buildings shall not exceed 20 percent. (Ord. 92-08 § 2, 1992)

18.30.060 Setbacks.

A. Front setbacks, rear setbacks and side setbacks facing streets shall be not less than 25 feet, measured by the distance from the nearest lot line, planned rights-of-way or road easements.

B. Side setbacks shall not be less than 15 feet in total sum with no side setback less than five feet.

C. Rear setbacks shall be at least 15 feet.

D. In case of structures more than two stories high, front and rear setback requirements each shall be increased by four feet for every story over two; each side setback requirement shall be increased by five feet for every story over two.

E. Confined feeding areas or structures to house livestock or poultry shall not be located closer than 200 feet to any pre-existing residence on adjacent properties. (Ord. 2004-02 § 17, 2004; Ord. 92-08 § 2, 1992)

18.30.070 Height limitations.

A. The building height is 30 feet, except that buildings up to 35 feet may be allowed under a conditional use permit if, in addition to the requirements of Chapter 18.108 BIMC, it is demonstrated that: (1) view opportunities are not substantially reduced; (2) fire flow is adequate; (3) no unstable slopes or soils are on the building site; and (4) solar access of neighboring lots is not reduced.

B. Structure height is 30 feet, except that taller structures may be allowed with the issuance of a conditional use permit; provided, that (1) view opportunities are not substantially reduced; (2) structures shall not be permitted in required setbacks except as otherwise authorized by this code; (3) each setback requirement shall be increased one-half foot for every foot above the maximum structure height; (4) noncommercial, nonparabolic antennae affixed to noncommercial communication towers that are 50 feet or less in height above grade shall not require conditional use permits; (5) one flagpole 45 feet or less in height may be placed on a parcel without requiring a conditional use permit; (6) utility poles 50 feet or less in height shall not require conditional use permits; and (7) utility struc-

tures existing on the effective date of the ordinance codified in this subsection that are taller than 50 feet shall not be considered nonconforming structures and may be replaced without a conditional use permit; provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location. (Ord. 2004-02 § 1, 2004; Ord. 95-13 § 8, 1995; Ord. 92-08 § 2, 1992)

18.30.080 Minimum lot dimensions.

A. Lots shall have a minimum width and depth of 80 feet.

B. Minimum width for lots adjacent to saltwater shall be 70 feet. (Ord. 92-08 § 2, 1992)

18.30.085 Flexible lot design standards.

The following bulk and dimensional standards shall not apply to those lots which have been established pursuant to the requirements of the flexible lot design process by short subdivision, subdivision, large lot subdivision, or as planned unit development:

A. Minimum lot area;

B. Setbacks;

C. Minimum lot dimensions. (Ord. 2004-02 § 3, 2004; Ord. 96-06A § 4, 1996)

Chapter 18.31

FORT WARD HISTORIC
OVERLAY DISTRICT

Sections:

- 18.31.010 Purpose.**
18.31.020 Establishment of boundaries.
18.31.030 Definitions.
18.31.040 Repealed.
18.31.050 Increases in density.
18.31.060 Maintenance and rehabilitation of other buildings of historic interest.
18.31.070 Standards for maintenance or rehabilitation of the exteriors of buildings of historic interest.
18.31.080 Application and review by the historic preservation commission.
18.31.090 Notice on title.
18.31.100 Relationship to underlying zoning.

18.31.010 Purpose.

The purpose of the Fort Ward Historic Overlay District is to recognize the historic nature of the Fort Ward area and maintain and integrate its historic elements into the community. This chapter identifies buildings of historic interest in the Fort Ward Historic Overlay District, establishes incentives for maintaining and rehabilitating the historic character of these buildings, and establishes the standards and process for historic rehabilitation. (Ord. 2000-19 § 4, 2000)

18.31.020 Establishment of boundaries.

The provisions of this chapter shall apply to the Fort Ward study area as shown in Attachment 1, referred to as the Fort Ward Historic Overlay District. (Ord. 2000-19 § 4, 2000)

18.31.030 Definitions.

A. "Certificate of review" means a certificate representing that the historic preservation commission has reviewed the proposed changes to a building of historic interest and

certified the changes as not adversely affecting the historic characteristics of the property.

B. "Emergency repair for historic buildings" means work necessary to prevent destruction or dilapidation of a building of historic interest immediately threatened or damaged by fire, flood, earthquake or other disaster.

C. "Ordinary repair and maintenance for historic buildings" means work for which a permit issued by the city is not required by law, and where the work does not alter the exterior of a building of historic interest.

D. "Rehabilitation" is the process of returning a property to a state that makes contemporary use possible, while still preserving those portions of the property that are significant to its historical, architectural and cultural values. (Ord. 2010-15 § 1, 2010; Ord. 2000-19 § 4, 2000)

18.31.040 Fort Ward historic review committee.

Repealed by Ord. 2010-15. (Ord. 2000-19 § 4, 2000)

18.31.050 Increases in density.

Increases in density above the underlying base density are permitted as follows:

A. Residential density bonuses may be available for providing affordable housing pursuant to Chapter 18.90 BIMC.

B. The property tax identified as tax parcel number 112402-3-004-2003 containing a building of historical interest, identified as Building 16 on Attachment 2, shall be permitted an increase in density up to a total of eight units; provided, that the majority of the dwelling units are located inside Building 16; and provided, that the following development standards are met:

1. The exterior of the building is rehabilitated and maintained in accordance with the standards established in BIMC 18.31.070.

2. The proposed work is reviewed by the historic preservation commission, and a certificate of review is issued, in accordance with BIMC 18.31.080.

3. A minimum of five feet of partial screen perimeter landscaping shall be provided

along side and rear property lines. This requirement may be met by retaining existing vegetation on the property, or planting new vegetation. The perimeter landscaping requirement may be waived as part of the final decision on the permit, upon written agreement from adjoining property owners.

4. Surface parking is encouraged to be located behind the building. Any surface parking that is adjacent to residential uses shall be fully screened so as to prevent headlights from shining on the adjacent residential uses.

5. Parking may be located along the south property line; provided, that it is enclosed within a structure.

6. The applicant shall provide community meeting space of not less than 500 square feet.

a. This community meeting space may be provided within Building 16; or

b. Upon approval by the city, this requirement may be met by the applicant making a financial contribution equal to the cost of constructing a 500-square-foot meeting space and one unisex bathroom stall within Building 16. If this option is used:

i. The applicant shall submit current cost estimates to the city building official for the construction of the meeting space, as described in subsection B.6.b of this section, meeting all code requirements and the same level of finishes and quality of construction as used elsewhere in the interior of the building;

ii. The payment shall be held in a reserve account and may only be expended in support of the construction of a community meeting space in the Fort Ward Historic Overlay District;

iii. The payment shall be expended in all cases within five years of collection; and

iv. Any payment not so expended shall be refunded with interest to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

7. The applicant complies with the requirements of BIMC 18.31.090 prior to issuance of an occupancy permit.

C. Certain properties within the Fort Ward Historic Overlay District which contain a structure of historic interest, as identified on Attachment 2, shall be permitted to develop to the historic density as shown in the chart below; provided, that:

1. The exterior of the building is rehabilitated and maintained in accordance with the standards established in BIMC 18.31.070.

2. The proposed work is reviewed by the historic preservation commission, and a certificate of review is issued, in accordance with BIMC 18.31.080.

3. The applicant complies with the requirements of BIMC 18.31.090.

Building Number	Tax Parcel Number	Density
Building 13	11240230022005	Up to 3 units
Building 18	41470050010004	2 units
Building 19	41470050020102	2 units
Building 20	41470050030002	2 units
Building 21	41470050040001	2 units

(Ord. 2010-15 § 3, 2010: Ord. 2006-01 § 1, 2006: Ord. 2000-19 § 4, 2000)

18.31.060 Maintenance and rehabilitation of other buildings of historic interest.

A. Buildings B and C (tax parcel number 80970000000007, a total of 10 units), as identified on Attachment 2, are buildings of historic interest that contribute to the character of the Fort Ward Historic Overlay District. Any project to alter, reconstruct, remodel, or restore the exterior of the subject buildings that requires permits from the city shall require review by the historic preservation commission for compliance with the standards established in BIMC 18.31.070, and issuance of a certificate of review in accordance with the procedures established in BIMC 18.31.080.

B. The buildings shown in the chart below, and identified on Attachment 2, are buildings of historic interest that contribute to the character of the Fort Ward historic overlay district.

The rehabilitation and maintenance of these buildings is to be encouraged. Any owner who wishes to alter, reconstruct, remodel, or restore the exterior of the subject buildings in a manner that maintains its historic character may request the review services of the historic preservation commission. The commission shall be available to review the proposed changes, and to advise the applicant as to design elements, construction techniques and materials that would be compatible with the historic character of the specific building.

Building Number	Tax Parcel Number
Building E	11240220032006
Building 46	41470050050000
Building 47	41460010030002
Building 48	41460010010103
Building 49	41460030050006
Building 50	41460030030008
Building 51	41460030010000
Building 60	41460010050000

The rehabilitation and maintenance of any other buildings of historic interest within the Fort Ward Historic Overlay District is to be encouraged. Any owner who wishes to alter, reconstruct, remodel, or restore the exterior of these buildings in a manner that maintains its historic character may also request the review services of the historic preservation commission. (Ord. 2010-15 § 4, 2010: Ord. 2000-19 § 4, 2000)

18.31.070 Standards for maintenance or rehabilitation of the exteriors of buildings of historic interest.

A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its context.

B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

C. Each property shall be recognized as a physical record of its time, place and use.

Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

D. Many properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

E. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

F. Deteriorated architectural features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of buildings, if appropriate, shall be undertaken using the gentlest means possible.

H. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

I. New additions, exterior alternations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

J. New additions and related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. (Ord. 2000-19 § 4, 2000)

18.31.080 Application and review by the historic preservation commission.

A. Certificate of Review Required. No applicant shall alter, reconstruct, remodel, or

restore the exterior of the subject buildings pursuant to BIMC 18.31.050.B or C and BIMC 18.31.060.A, and no city permit or approval of such activity shall be issued, without review by the historic preservation commission and without issuance of a certificate of review by the commission.

B. Preliminary Review.

1. Upon submittal of application for site plan and design review permit or building permit, the applicant shall schedule a preliminary review meeting with the commission. A staff planner shall also attend the preliminary design review meeting.

2. Prior to the review meeting, the applicant shall provide commission members with "as is" photographs of the subject building and site; a site plan showing the location of the building or buildings; the proposed method of cleaning and treating masonry and other surfaces; exterior elevations of the front and side with a description of the proposed type and finished color of exterior siding, proposed windows and roofing to be used; and proposed architectural features and trim. All diagrams shall be drawn to scale. The commission may request additional information and/or a site visit as necessary for their review and recommendation. Any conditions agreed to in this meeting shall become conditions of approval of the permits granted.

C. Final Review. Prior to issuance of permits, the applicant shall schedule a final review meeting with the commission. A staff planner shall also attend the final review meeting. Upon determination that conditions specified in the preliminary design review and the requirements of this chapter are met, the commission shall issue a final certificate of review in a form to be approved by the city. The final certificate of review shall be attached to the building permit.

D. Exemptions. Emergency repairs, ordinary repair and maintenance and interior remodeling shall not require a certificate of review. (Ord. 2010-15 § 5, 2010: Ord. 2000-19 § 4, 2000)

18.31.090 Notice on title.

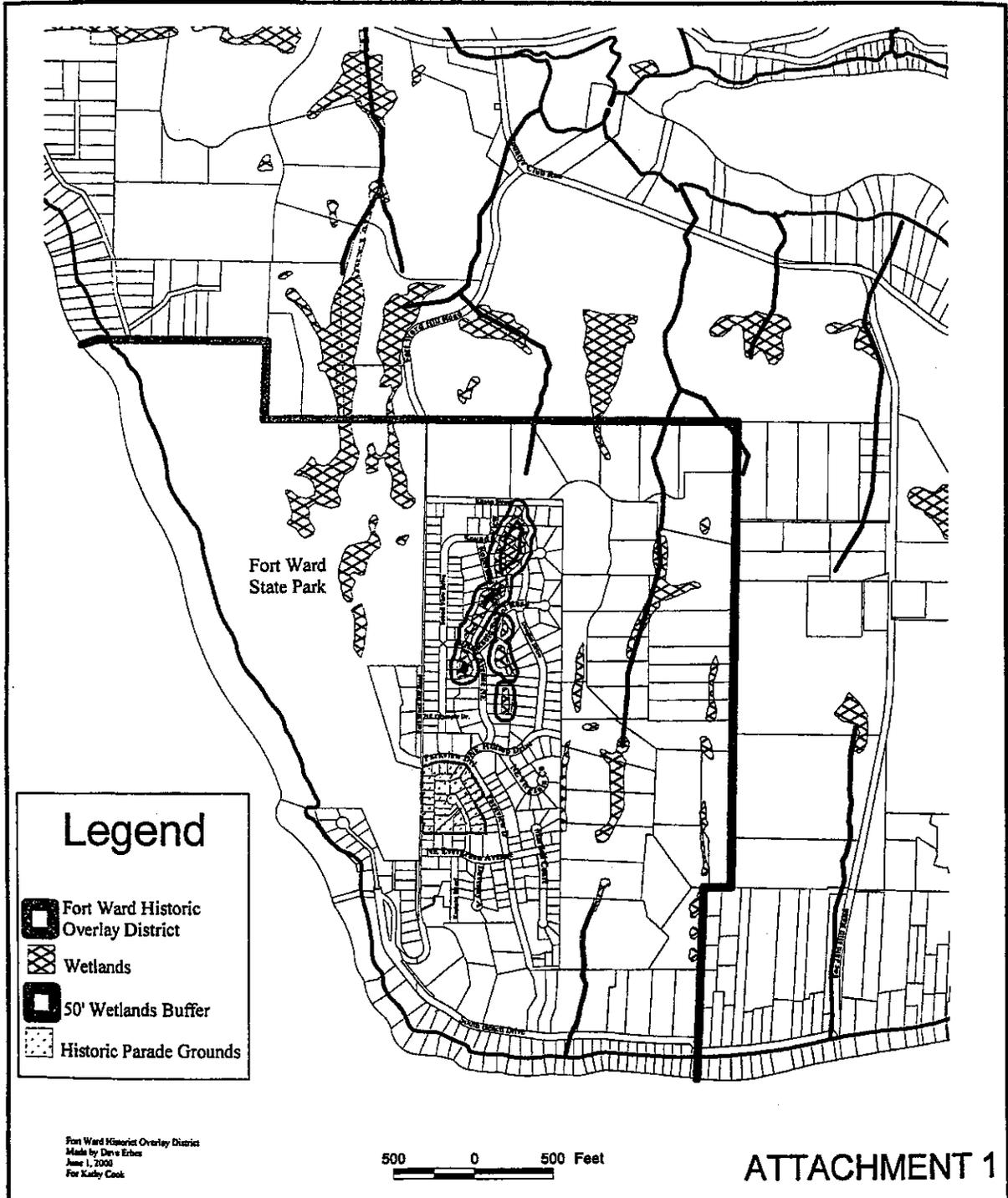
Prior to issuance of building permit, the owner of any property seeking an increase in density pursuant to BIMC 18.31.050 shall record with the Kitsap County auditor a restrictive covenant in a form approved by the city. Such document shall provide notice in the public record of the requirement that any alteration, reconstruction, remodel, repair, or restoration of the exterior of the subject buildings must comply with the provisions of this chapter. The applicant shall submit proof to the city that the restrictive covenant has been filed. The covenant shall run with the land and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be in violation of this chapter. (Ord. 2000-19 § 4, 2000)

18.31.100 Relationship to underlying zoning.

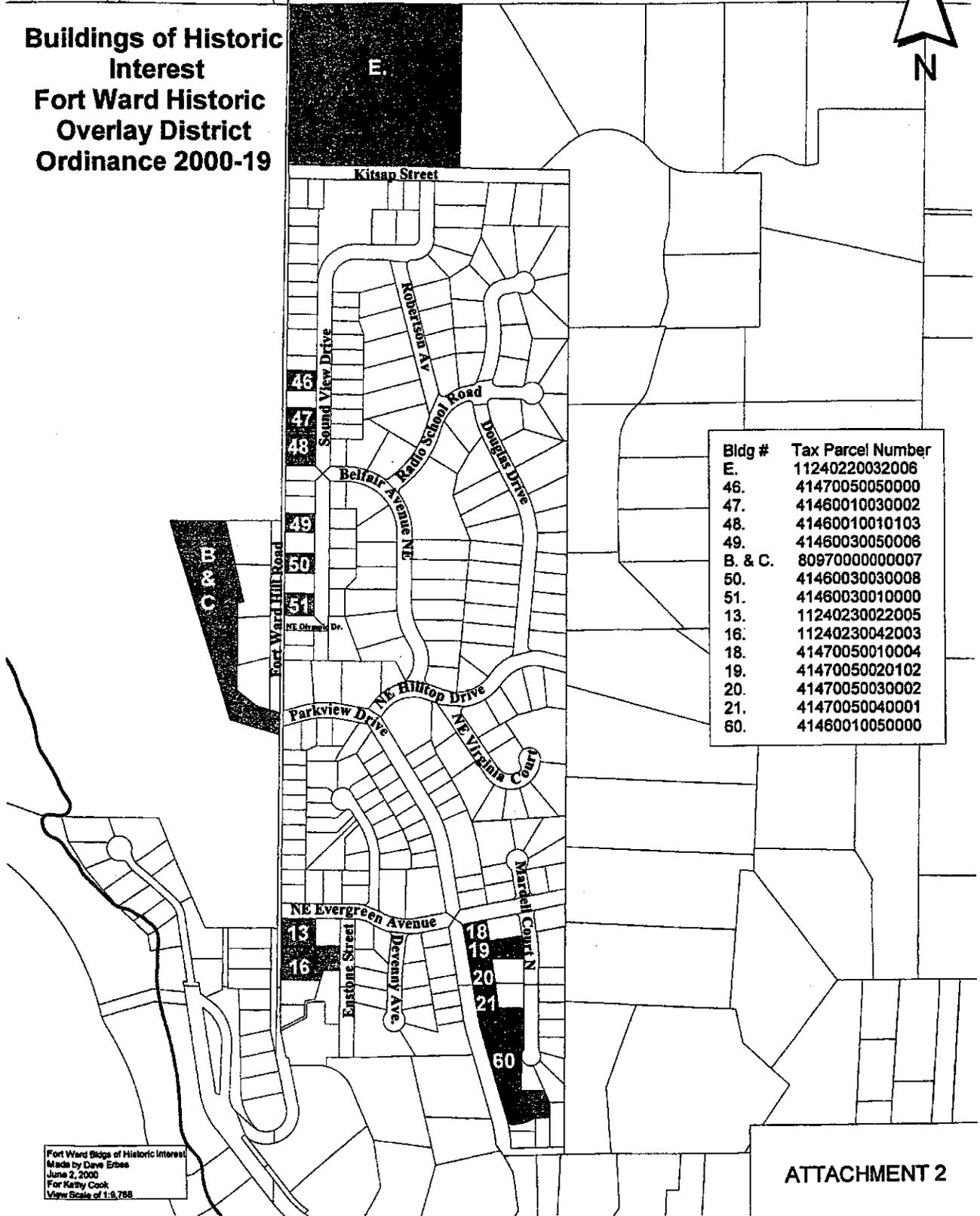
Any applications for development within the Fort Ward Overlay District not subject to the provisions of this chapter shall comply with the regulations for the underlying zone (R-2). (Ord. 2000-19 § 4, 2000)

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Fort Ward Historic Overlay District



**Buildings of Historic Interest
Fort Ward Historic Overlay District
Ordinance 2000-19**



Bldg #	Tax Parcel Number
E.	11240220032006
46.	41470050050000
47.	41460010030002
48.	41460010010103
49.	41460030050006
B. & C.	80970000000007
50.	41460030030008
51.	41460030010000
13.	11240230022005
16.	11240230042003
18.	41470050010004
19.	41470050020102
20.	41470050030002
21.	41470050040001
60.	41460010050000

Fort Ward Bldgs of Historic Interest
Made by Dave Erbes
June 2, 2000
For Kathy Cook
View Scale of 1:9,788

ATTACHMENT 2

Chapter 18.33

R-1, 1 UNIT PER ACRE ZONE (40,000 SQUARE FEET)

Sections:

- 18.33.010 Purpose.**
- 18.33.020 Permitted uses.**
- 18.33.030 Conditional uses.**
- 18.33.040 Lot area and density.**
- 18.33.050 Lot coverage.**
- 18.33.060 Setbacks.**
- 18.33.070 Height limitations.**
- 18.33.080 Minimum lot dimensions.**
- 18.33.085 Flexible lot design standards.**

18.33.010 Purpose.

The purpose of the R-1 zone is to provide residential neighborhoods in a rural environment consistent with other land uses such as agriculture and forestry, and the preservation of natural systems and open space. The low density of housing does not require the full range of urban services and facilities. (Ord. 92-08 § 2, 1992)

18.33.020 Permitted uses.

Permitted uses in the R-1 zone are:

- A. Accessory dwelling units;
- B. Accessory uses and buildings;
- C. Agriculture;
- D. Family day care homes;
- E. Forestry;
- F. Manufactured homes;
- G. Minor home occupations;
- H. Parks, active recreation;
- I. Parks, passive recreation;
- J. Single-family dwellings built to IBC standards;
- K. Multifamily dwellings in the Fort Ward Historic Overlay District at densities identified in Chapter 18.31 BIMC, and developed in accordance with the standards in that chapter. (Ord. 2005-29 § 25, 2005; Ord. 95-07 § 21, 1995; Ord. 92-08 § 2, 1992)

18.33.030 Conditional uses.

Conditional uses are:

- A. Agricultural retail as established in BIMC 18.99.060;

- B. Bed and breakfast establishments;
- C. Cemeteries;
- D. Child day care centers, provided the subject property has a minimum lot area of one acre;
- E. Clubs;
- F. Cultural facilities;
- G. Educational, governmental, religious or health care facilities;
- H. Group care facilities;
- I. Major home occupations;
- J. Mining and quarrying;
- K. Multiple-family dwellings with additional criteria of a 25-foot perimeter natural vegetative easement and interior open space;
- L. Open air sales for garden supplies;
- M. Park and ride lots;
- N. Public and private utility buildings and structures;
- O. Recreation activities, indoor;
- P. Recreation activities, outdoor;
- Q. Recycling centers; provided, that the subject property has a minimum lot area of one acre and has frontage on an arterial;
- R. Shared-use park and ride lots. (Ord. 2005-29 § 26, 2005; Ord. 2004-11 § 5, 2004; Ord. 2003-45 § 2, 2004; Ord. 2001-41 § 11, 2001; Ord. 96-15 § 9, 1996; Ord. 95-07 § 22, 1995; Ord. 92-08 § 2, 1992)

18.33.040 Lot area and density.

A. The density shall be one unit per 40,000 square feet of land.

B. The minimum lot area shall be 40,000 square feet.

C. When a short plat, subdivision, large lot subdivision, or planned unit development of land is proposed pursuant to the requirements of the flexible lot design process, the provisions of BIMC 18.33.085 apply. (Ord. 2004-12 § 19, 2004; Ord. 93-29 § 1, 1993; Ord. 92-08 § 2, 1992)

18.33.050 Lot coverage.

The maximum lot area covered by buildings shall not exceed 15 percent. (Ord. 92-08 § 2, 1992)

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18.33.060 Setbacks.

A. Front setbacks, rear setbacks and side setbacks facing streets shall be not less than 25 feet, measured by the distance from the nearest lot line, planned rights-of-way or road easements.

B. Side setbacks shall not be less than 25 feet in total sum with no side setback less than 10 feet.

C. Rear setbacks shall be 15 feet.

D. In case of structures over two stories high, front and rear setback requirements each shall be increased by four feet for every story over two; each side setback requirement shall be increased by five feet for every story over two.

E. Confined feeding areas or structures to house livestock or poultry shall not be located closer than 200 feet to any pre-existing residence on adjacent properties. (Ord. 2004-02 § 18, 2004; Ord. 92-08 § 2, 1992)

18.33.070 Height limitations.

A. The building height is 30 feet, except that buildings up to 35 feet may be allowed under a conditional use permit if, in addition to the requirements of Chapter 18.108 BIMC, it is demonstrated that: (1) view opportunities are not substantially reduced; (2) fire flow is adequate; (3) no unstable slopes or soils are on the building site; and (4) solar access of neighboring lots is not reduced.

B. Structure height is 30 feet, except that taller structures may be allowed with the issuance of a conditional use permit; provided, that (1) view opportunities are not substantially reduced; (2) structures shall not be permitted in required setbacks except as otherwise authorized by this code; (3) each setback requirement shall be increased one-half foot for every foot above the maximum structure height; (4) noncommercial, nonparabolic antennae affixed to noncommercial communication towers that are 50 feet or less in height above grade shall not require conditional use permits; (5) one flagpole 45 feet or less in height may be placed on a parcel without requiring a conditional use permit; (6) utility poles 50 feet or less in height shall not require conditional use permits; and (7) utility struc-

tures existing on the effective date of the ordinance codified in this subsection that are taller than 50 feet shall not be considered nonconforming structures and may be replaced without a conditional use permit; provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location. (Ord. 2004-02 § 1, 2004; Ord. 95-13 § 9, 1995; Ord. 92-08 § 2, 1992)

18.33.080 Minimum lot dimensions.

Lots shall have a minimum width and depth of 80 feet. (Ord. 92-08 § 2, 1992)

18.33.085 Flexible lot design standards.

The following bulk and dimensional standards shall not apply to those lots which have been established pursuant to the requirements of the flexible lot design process by short subdivision, subdivision, large lot subdivision, or as planned unit development:

A. Minimum lot area;

B. Setbacks;

C. Minimum lot dimensions. (Ord. 2004-02 § 3, 2004; Ord. 96-06A § 5, 1996)

Chapter 18.36

R-0.4, 1 UNIT PER 2.5 ACRES ZONE
(100,000 SQUARE FEET)

Sections:

- 18.36.010 Purpose.
- 18.36.020 Permitted uses.
- 18.36.030 Conditional uses.
- 18.36.040 Lot area and density.
- 18.36.050 Lot coverage.
- 18.36.060 Setbacks.
- 18.36.070 Height limitations.
- 18.36.080 Minimum lot dimensions.
- 18.36.085 Flexible lot design standards.

18.36.010 Purpose.

The purpose of the R-0.4 zone is to provide low density housing in a rural environment consistent with other land uses, such as agriculture and forestry, and the preservation of natural systems and open space. The low density of housing does not require the full range of urban services and facilities. (Ord. 92-08 § 2, 1992)

18.36.020 Permitted uses.

Permitted uses in the R-0.4 zone are:

- A. Accessory dwelling units;
- B. Accessory uses and buildings;
- C. Agriculture;
- D. Family day care homes;
- E. Forestry;
- F. Manufactured homes;
- G. Minor home occupations;
- H. Parks, active recreation;
- I. Parks, passive recreation;
- J. Single-family dwellings built to IBC standards. (Ord. 2005-29 § 27, 2005; Ord. 95-07 § 23, 1995; Ord. 92-08 § 2, 1992)

18.36.030 Conditional uses.

Conditional uses are:

- A. Agricultural retail as established in BIMC 18.99.060;
- B. Bed and breakfast establishments;
- C. Cemeteries;
- D. Clubs;
- E. Cultural facilities;

F. Day care centers; provided, that the subject property has a minimum lot area of two and one-half acres;

G. Educational, governmental, religious or health care facilities;

H. Group care facilities;

I. Major home occupations;

J. Mining and quarrying;

K. Multiple-family dwellings;

L. Open air sales for garden supplies;

M. Park and ride lots;

N. Public and private utility buildings and structures;

O. Recreation activities, indoor;

P. Recreation activities, outdoor;

Q. Recycling centers; provided, that the subject property has a minimum lot area of two and one-half acres;

R. Shared-use park and ride lots. (Ord. 2005-29 § 28, 2005; Ord. 2004-11 § 6, 2004; Ord. 2003-45 § 3, 2004; Ord. 96-15 § 10, 1996; Ord. 95-07 § 24, 1995; Ord. 92-08 § 2, 1992)

18.36.040 Lot area and density.

A. The density shall be one unit per 100,000 square feet of land.

B. The minimum lot area shall be 100,000 square feet.

C. When a short plat, subdivision, large lot subdivision, or planned unit development of land is proposed pursuant to the requirements of the flexible lot design process, the provisions of BIMC 18.36.085 apply. (Ord. 2004-12 § 20, 2004; Ord. 93-29 § 1, 1993; Ord. 92-08 § 2, 1992)

18.36.050 Lot coverage.

The maximum lot area covered by buildings shall not exceed 10 percent. (Ord. 92-08 § 2, 1992)

18.36.060 Setbacks.

A. Front setbacks, rear setbacks and side setbacks facing streets shall be not less than 25 feet, measured by the distance from the nearest lot line, planned rights-of-way or road easements.

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B. Side setbacks shall not be less than 30 feet in total sum with no side setback less than 15 feet.

C. Rear setbacks shall be 25 feet.

D. In case of structures over two stories high, front and rear setback requirements each shall be increased by four feet for every story over two; each side setback requirement shall be increased by five feet for every story over two.

E. Confined feeding areas or structures to house livestock or poultry shall not be located closer than 200 feet to any pre-existing residence on adjacent properties. (Ord. 2004-02 § 19, 2004; Ord. 92-08 § 2, 1992)

18.36.070 Height limitations.

A. The building height is 30 feet, except that buildings up to 35 feet may be allowed under a conditional use permit if, in addition to the requirements of Chapter 18.108 BIMC, it is demonstrated that: (1) view opportunities are not substantially reduced; (2) fire flow is adequate; (3) no unstable slopes or soils are on the building site; and (4) solar access of neighboring lots is not reduced.

B. Structure height is 30 feet, except that taller structures may be allowed with the issuance of a conditional use permit; provided, that (1) view opportunities are not substantially reduced; (2) structures shall not be permitted in required setbacks except as otherwise authorized by this code; (3) each setback requirement shall be increased one-half foot for every foot above the maximum structure height; (4) noncommercial, nonparabolic antennas affixed to noncommercial communication towers that are 50 feet or less in height above grade shall not require conditional use permits; (5) one flagpole 45 feet or less in height may be placed on a parcel without requiring a conditional use permit; (6) utility poles 50 feet or less in height shall not require conditional use permits; and (7) utility structures existing on September 8, 2003, that are taller than 50 feet shall not be considered non-conforming structures and may be replaced without a conditional use permit; provided,

that the structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location.

C. Wireless communications towers over 30 feet in height shall require site plan and design review pursuant to BIMC 18.105.020.A.4. (Ord. 2004-02 § 1, 2004; Ord. 2003-11 § 2, 2003; Ord. 95-13 § 10, 1995; Ord. 92-08 § 2, 1992)

18.36.080 Minimum lot dimensions.

Lots shall have a minimum width and depth of 110 feet. (Ord. 92-08 § 2, 1992)

18.36.085 Flexible lot design standards.

The following bulk and dimensional standards shall not apply to those lots which have been established pursuant to the requirements of the flexible lot design process by short subdivision, subdivision, large lot subdivision, or as planned unit development:

A. Minimum lot area;

B. Setbacks;

C. Minimum lot dimensions. (Ord. 2004-02 § 3, 2004; Ord. 96-06A § 6, 1996)

Chapter 18.37

TRANSFER OF DEVELOPMENT RIGHTS

Sections:

- 18.37.010 Purpose.**
- 18.37.020 Development rights sending areas.**
- 18.37.030 Calculation of development rights.**
- 18.37.040 Phased development rights program.**
- 18.37.050 Receiving areas for development rights.**
- 18.37.060 Determination of development rights from a sending area.**
- 18.37.070 Severance of development rights from a sending area.**
- 18.37.080 Sale or transfer of development rights.**
- 18.37.090 Use of development rights to increase floor area ratio within the Mixed Use Town Center or High School Road district.**
- 18.37.100 Use of development rights to increase density within the neighborhood service centers.**

18.37.010 Purpose.

The purpose of this chapter is to establish a simple, flexible transfer and sale of development rights program that successfully preserves wetlands, high vulnerability recharge areas, agricultural land and open space. (Ord. 99-19 § 1, 1999; Ord. 96-07 § 2, 1996)

18.37.020 Development rights sending areas.

A. Critical Areas Overlay District. All properties within the critical areas overlay district (CAOD) as designated on the land use map of the city comprehensive plan are established as development rights sending areas.

B. Agricultural Land. Any owner of agricultural land as defined by BIMC 16.26.020, whether located in or outside of the CAOD,

may elect to have the agricultural land designated as a development rights sending area through the sale or transfer of the development rights of the property.

C. Donation of Development Rights. Any owner of real property may donate all or a portion of their development rights to the city.

D. Property Already Restricted from Development Not Eligible. Development rights are not available for real property in the CAOD or agricultural land outside of CAOD that is subject to easements or covenants preventing further development of the real property. (Ord. 99-19 § 2, 1999; Ord. 96-07 § 2, 1996)

18.37.030 Calculation of development rights.

A. Subject to BIMC 18.37.060 and 18.37.070.C, an owner of real property in the development rights sending area is entitled to sell or transfer one development right for every unused development right associated with the property located within the development rights sending area.

B. Optional Bonus for Owners of Agricultural Land. If an owner of agricultural land as defined by BIMC 16.26.020 grants an easement to conserve and forever maintain the agricultural productivity of the agricultural land to the American Farmland Trust, Inc. or other appropriate trustee, as approved by the city of Bainbridge Island, then for every unused development right, the owner of agricultural land may sell three development rights. For example, if agricultural land has three unused development rights, the property owner could transfer or sell nine development rights.

C. In calculating available development rights, the area of land divided by the density defined by the underlying zone shall be used. The resulting figure shall be rounded down for any fraction of a development right. (Ord. 2004-12 § 21, 2004; Ord. 99-19 § 3, 1999; Ord. 96-07 § 2, 1996)

18.37.040 Phased development rights program.

A. For two years from the date the ordinance codified in this chapter is adopted, only owners of agricultural land as defined in BIMC 16.26.020 are eligible to transfer or sell development rights pursuant to this chapter. Any owner of agricultural land using this program during this two-year period may use the provisions of either BIMC 18.37.030.A or B. At the end of the two-year period, the chapter will be reviewed to determine whether to expand the program to the other areas designated in the comprehensive plan as development rights sending areas.

B. Donation of Development Rights. Any owner of real property may donate all or a portion of their development rights to the city. The donation of development rights is exempt from the phasing requirement contained in subsection A of this section. (Ord. 99-19 § 4, 1999; Ord. 96-07 § 2, 1996)

18.37.050 Receiving areas for development rights.

A. Developments in the Mixed Use Town Center (MUTC) and the High School Road districts are eligible for increases in floor area ratio as provided for in BIMC 18.40.040.B.

B. The neighborhood service centers (NSC) are eligible for increased density through the purchase or transfer of development rights in accordance with BIMC 18.66.070.A and C, as amended.

C. The urban single-family overlay district (R-8SF) is eligible for increased density through the purchase or transfer of development rights in accordance with Chapters 18.21, 18.24, and 18.27 BIMC. (Ord. 2001-44 § 4, 2001; Ord. 99-19 § 5, 1999; Ord. 96-07 § 2, 1996)

18.37.060 Determination of development rights from a sending area.

A. An owner of real property desiring to sell or transfer development rights shall submit an application for severance of development rights to the city manager. The city manager or designee shall determine the form of the application and the information required for a com-

plete application. All, or a portion of, the development rights may be included in the application.

B. The city manager or designee shall determine the number of development rights available for severance, subject to BIMC 18.37.030.C.

C. The city shall issue a certificate documenting the number of available development rights. (Ord. 2009-21 § 41, 2009; Ord. 99-19 § 6, 1999; Ord. 96-07 § 2, 1996)

18.37.070 Severance of development rights from a sending area.

In order to sell or transfer development rights for the purpose of increasing floor area ratio or density in a designated receiving area, the following procedure must be followed:

A. To sever development rights approved by the city, the property owner shall execute a restrictive easement between the owner and the city or a tax exempt organization or other governmental agency, in a form approved by the city.

B. The certificate of development rights and the restrictive easement shall be recorded by the owner with the Kitsap County auditor. The owner shall provide a copy of the recorded documents to the city. When the documents have been recorded and the recorded documents have been received by the city, the severance is complete.

C. The severance of development right is permanent. (Ord. 99-19 § 7, 1999; Ord. 96-07 § 2, 1996)

18.37.080 Sale or transfer of development rights.

Once development rights have been severed from a sending area property in accordance with BIMC 18.37.070, the property owner may sell or transfer the development rights by executing and recording with the Kitsap County auditor a deed of development rights using a deed form provided by the city. The deed shall describe the number of development rights being sold or transferred. (Ord. 99-19 § 8, 1999; Ord. 96-07 § 2, 1996)

18.37.090 Use of development rights to increase floor area ratio within the Mixed Use Town Center or High School Road district.

A. In order to use development rights to increase floor area ratio within the Mixed Use Town Center or High School Road districts as provided in BIMC 18.40.040.B, an applicant must fill out an application in a form approved by the city. The application shall include the amount of the requested increase in floor area ratio, and the fee, if any, of the increased floor area ratio. The fee for development rights to increase floor area ratio shall be established by resolution of the city council.

B. The approved application to utilize development rights to increase floor area ratio within the receiving area must be part of a site plan and design review application under Chapter 18.105 BIMC. The site plan must indicate the increase in floor area ratio (FAR).

C. The use of development rights shall be reviewed under the provisions of Chapters 18.40 and 18.105 BIMC. (Ord. 99-19 § 9, 1999; Ord. 96-07 § 2, 1996)

18.37.100 Use of development rights to increase density within the neighborhood service centers.

A. A request to utilize development rights within the receiving area must be part of a site plan and design review application under Chapter 18.105 BIMC. The site plan must include the number of development rights to be used. The application must contain a copy of either a deed of development rights or a contract for the purchase of development rights.

B. The use of development rights shall be reviewed under the provisions of Chapter 18.105 BIMC.

C. Prior to final approval of the site plan, the applicant must provide the department with a deed of development rights.

D. The approval site plan, referencing the number of development rights used, and the deed of development rights shall be recorded by the owner with the Kitsap County auditor. (Ord. 99-19 § 10, 1999)

Chapter 18.38

HOUSING DESIGN DEMONSTRATION PROJECTS*

Sections:

- 18.38.010 Purpose.**
- 18.38.020 Applicability.**
- 18.38.030 Application.**
- 18.38.040 Review and approval process.**
- 18.38.050 Submittal requirements.**
- 18.38.060 Evaluation method.**
- 18.38.070 Housing design demonstration project approval criteria.**
- 18.38.080 Development standard incentives.**
- 18.38.090 Density bonus incentives.**
- 18.38.100 Demonstration project visit.**
- 18.38.110 Effective date.**

*Code reviser's note: The provisions of this chapter expire August 26, 2012. See BIMC 18.38.110.

18.38.010 Purpose.

A. The purpose of this chapter is to allow the development of a limited number of housing design demonstration projects to increase the variety of housing choices available to residents of all economic segments and encouraging sustainable development through the use of development standard incentives.

B. Goals. The goals of this chapter are:

1. To encourage innovative building design in housing projects by:

a. Increasing the housing supply and the choice of housing styles available in the community.

b. Promoting diversity in housing affordability and choice by encouraging smaller and more varied home sizes and mixes of income levels.

c. Promoting high quality design.

2. To encourage the use of innovative site development practices and green building practices by encouraging the use of conservation design methods and principles such as low impact development techniques, green building materials, water and energy conservation,

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and mitigation that offsets impacts to biodiversity.

3. In general:

a. To help identify any zoning code amendments that are necessary to support the development of innovative housing choices on Bainbridge Island.

b. To identify effective incentives to encourage green building and low impact development standards.

C. The demonstration projects developed under this chapter shall use innovative design and development techniques to achieve these goals. (Ord. 2009-06 § 4, 2009)

18.38.020 Applicability.

A. This chapter is applicable to all properties located within the Winslow Study Area of the Winslow Master Plan and the Winslow Sanitary Sewer System Service Area. An application for housing design demonstration project may be applied to single-family residential subdivisions, mixed use/multifamily and multifamily developments. Since the purpose is to provide housing projects as demonstrations, the city will accept projects for consideration and approval prior to the sunset date of the ordinance codified in this chapter.

B. The city will limit acceptance of Tier 3 density incentive projects outlined in BIMC 18.38.090 to three projects. (Ord. 2009-06 § 4, 2009)

18.38.030 Application.

An application for a housing design demonstration project shall consist of a complete application for the underlying land use permit (i.e., site plan and design review, conditional use, subdivision) in addition to required information outlined in BIMC 18.38.050. (Ord. 2009-06 § 4, 2009)

18.38.040 Review and approval process.

Housing design demonstration project applications shall be reviewed as specified in Chapter 2.16 BIMC given the underlying land use permit, with additional review as outlined in this section.

A. Conceptual Proposal Review. Applicants proposing a demonstration project shall meet with city staff during the conceptual phase to discuss the goals and evaluation parameters of the proposed project. The conceptual proposal review is an informal discussion between the applicant and city staff regarding a proposed project. There are no required application materials for this stage. Applicants shall contact the planning department staff to request a meeting, and the meeting shall be scheduled by staff for no more than three weeks after the request date. The purpose of the conceptual proposal review is to determine if the proposal is eligible to be considered as an application for housing design demonstration project and to assist the applicant by identifying the following:

1. Requirements for submittal, including types of supplemental materials for application.

2. Compliance with applicable city plans, goals, policies, codes, or guidelines and possible revisions to the project which will enhance the proposal with respect to these requirements.

3. Areas of BIMC Title 18, Zoning, or BIMC Title 17, Subdivisions, which the applicant seeks flexibility.

4. Required plans, studies, reports, and/or other materials specific to the proposal which will provide necessary information for staff and the design review board, and to review the project under the criteria outlined in BIMC 18.38.060.

B. Public Participation Program. The applicant is required to participate in one or more community meetings through the city's public participation program outlined in Resolution 2010-32.

C. Preapplication Conference. The applicant shall apply for a preapplication conference pursuant to BIMC 2.16.035. Housing design demonstration projects shall be reviewed by both staff and the design review board, pursuant to BIMC 2.48.050.

1. Housing Design Demonstration Project Evaluation. The applicant shall submit a HDDP proposal consistent with the requirements outlined in BIMC 18.38.050. The

applicant shall consider input received during the public meetings and conceptual review with city staff in crafting the proposal. The proposal will be evaluated pursuant to BIMC 18.38.060 by city staff and the design review board at one board meeting. The evaluation factors outlined in BIMC 18.38.060 shall be evaluated by the following parties:

a. Housing diversity: to be evaluated by the director.

b. Innovative site development practices: to be evaluated by the director and design review board.

c. Innovative building design practice: to be evaluated by the director.

The director of planning and community development shall prepare written findings of facts. Applicants will receive preliminary notification from the director whether the proposal qualifies as a housing design demonstration project, or feedback about how to improve the proposal to qualify. Any changes to the proposal would be reviewed through an additional preapplication conference. If the proposal is significantly altered, another preapplication conference may be required.

D. Application Submittal. An applicant may submit a land use application for a housing design demonstration project after completion of a required conceptual and preapplication review and notification by the city that the proposal qualifies as a HDDP. The applicant shall submit an application as specified in BIMC 18.38.030. Upon receipt of an application, the director shall provide notice to the applicant and public in accordance with BIMC 2.16.085, and commence the application review process.

E. Planning Commission Review. The planning commission may review HDDP projects at a public meeting pursuant to BIMC 2.16.120, Consolidated project review, given the underlying land use permit.

F. Permit Decision. The decision to approve or deny a housing design demonstration project shall be made as part of underlying land use permit approval. The decision shall be based upon the decision criteria of the underlying planning permit, and the decision criteria outlined in BIMC 18.38.070. Housing design

demonstration project approval conditions shall be included in the final permit approval and shall address any ongoing compliance requirements including compliance with approved design plans.

G. Appeal of the Decision. A decision on a housing design demonstration project may be appealed under the provisions of Chapter 2.16 BIMC as part of any appeal of the underlying land use permit.

H. Project Certification.

1. Building Permit. The applicant shall submit a building permit that is consistent with all conditions of the land use permit approval. The applicant shall also submit documentation that the project has applied for certification by a green building rating system, such as Evergreen Sustainable Development, LEED or BuiltGreen. Proof of ongoing certification shall be required during construction and project certification must be completed prior to final occupancy.

2. Living Building Challenge. For projects pursuing the Living Building Challenge pursuant to BIMC 18.38.050.J, the applicant must show proof of pursuing ongoing certification during construction for all required elements. After construction and prior to issuance of the certificate of occupancy, the applicant must show proof of initial project compliance as to the site, materials, indoor quality and beauty/inspiration components of the Living Building Challenge and that the project is likely to achieve the elements of energy and water following 12 months of occupancy as required under Living Building Challenge certification. For those elements of energy and water that require occupancy of the building for 12 months for Living Building Challenge certification, the applicant must submit a report to the city following 12 months of occupancy, demonstrating its progress towards meeting these remaining elements of the Living Building Challenge standard. If certification of those elements has not been achieved, the applicant must provide quarterly reports of progress towards certification of these elements, including additional steps and timeline that will be

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taken to achieve certification. (Ord. 2010-25 § 3, 2010; Ord. 2009-06 § 4, 2009)

18.38.050 Submittal requirements.

In addition to any submittal requirements from the underlying land use permitting process, the following additional information is required for a housing design demonstration project:

A. A survey prepared by a licensed surveyor, including information showing existing conditions and site information including, but not limited to, topography (contour interval not to exceed five feet), an elevation benchmark (located on or within 100 feet of the proposed site), adjacent development, vegetation, utilities, critical areas, property lines, and easements. Whenever possible, survey information should be submitted on city of Bainbridge Island vertical and horizontal datums. All plans must be submitted at an easily reproducible engineering or architectural scale. The survey data should be integrated into all site plans and elevation drawings related to the project and the source of the survey information shall be noted.

B. Plans descriptive of drawings of the proposed innovative housing types including building footprints and building elevations, floor plans, and roof plans.

C. A description of the proposed unit type, including proposed square footage, unit mix, and number of bedrooms per unit.

D. A description of the required development standards, compared with the standards which relief is being requested. This includes, but is not limited to, setbacks, open space, density, or parking requirements. The applicant should explain how relief from specific development standards is needed to achieve the desired innovative design and the goals of this chapter.

E. Photographs of the subject and adjacent properties keyed to the site plan.

F. A landscape plan, including any planned removal and replanting.

G. A detailed description of any project phasing.

H. A description of how the proposed development is consistent with the surrounding neighborhood character.

I. A description of how the proposed development complies with the goals of this chapter, project evaluation criteria as described in BIMC 18.38.060, and all relevant decision criteria.

J. A completed green building checklist from Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, LEED or BuiltGreen programs that require third party verification review with the requisite four and five star levels. (Ord. 2009-06 § 4, 2009)

18.38.060 Evaluation method.

Each project will be evaluated for innovation and achievement of the chapter goals using a number of factors. The evaluation factors are divided into three categories.

If a project does not meet a required evaluation factor, the applicant is required to provide a written explanation about why the evaluation factor is not appropriate or cannot be met in this instance. Examples of sustainable development methods do not limit other mechanisms of meeting the evaluation factor. The city council will pass a resolution to adopt a quantitative system to implement this evaluation method. That evaluation method may include a reference to an established third party green building checklist required by BIMC 18.38.050.J.

A. Housing Diversity.

1. Unit Type. The project includes a variety of unit types, for example, single-family, townhomes, flats, duplex, live/work, or accessory dwelling units.

2. Unit Size. The project includes a variety of housing unit sizes that provide for a broad mix of income levels and family size.

3. Affordable Housing. The project includes housing units that are affordable to the spectrum of income levels as defined by BIMC 18.06.565, Affordable housing. Designated affordable housing shall remain

affordable for 50 years from the time of final inspection on the affordable unit.

B. Use of Innovative Site Development Practices.

1. **Low Impact Development.** The project uses a low impact development approach to storm water management through small-scale decentralized practices that infiltrate, evaporate and transpire rainwater, such as:

a. Use rain gardens and other water-absorbent plant growth media, with drought-tolerant native plants, combined with curb cuts and other proven low impact development techniques for rainwater catchment and absorption, to lessen storm water runoff. Invasive species shall not be planted.

b. Where there is to be an earthen separation between the street and sidewalk and bioswales.

c. Amended soils.

2. **Impervious Surfaces.** The project reduces impacts from impervious surfaces through use of techniques such as:

a. Porous asphalt, paver blocks or large aggregate pervious concrete for parking and highly used bicycle and pedestrian areas;

b. Lattice blocks (or similar products) that permit grass growth for fire lanes and overflow parking;

c. Crushed stone or brick for lightly used pedestrian paths; and

d. Recycled asphalt and recycled concrete in the base course of pervious and/or impervious surfaces.

3. **Landscaping.** Low maintenance landscaping that integrates a high proportion of native plants or drought-tolerant plants that are climate appropriate.

4. **Common Open Space.** The project provides connected common open space area set aside as active open space and designed and integrated into the project.

5. **Transportation.**

a. The project design provides enhanced sensitivity to pedestrian travel.

b. The project internally preserves existing informal, internal connection to external trail(s); or creates new connections, where

appropriate, to implement the nonmotorized transportation plan (NMTP).

c. The project reduces reliance on automobiles and trip counts, and promotes alternative transportation and public transit.

d. The project accommodates needs of alternative vehicles, such as (i) parking and charging facilities for electric cars, (ii) by locating rechargeable electric vehicle (EV) parking in a conspicuous and preferred location, close to a main building entrance, or (iii) parking spaces designed for subcompact vehicles, such as smartTM cars.

e. The project integrates a parking space for a vehicle sharing program, such as zipcarTM.

f. The project minimizes the visual dominance of automobiles throughout the project.

6. **Designated Compost Area.** The project designates an area where residents can compost their food and yard waste. The compost area may be located in active open space areas.

7. **Biodiversity.** The development addresses biodiversity issues by incorporating development impact offsets as outlined in the policies of the environmental element of the comprehensive plan.

C. Innovative Building Design Practice.

1. **Alternative Energy.** The project utilizes, at least in part, alternative power and heat technologies including, but not limited to, solar, passive solar, wind, and geothermal.

2. **Energy Efficiency.** The project exceeds base energy efficiencies required by the building code by integrating energy efficient building design and appliances.

3. **Water Efficiency.** The project uses water efficiently by integrating low-flow water fixtures and/or water re-use systems (i.e., grey-water for toilets, landscaping).

4. **Green Building Materials.** The project utilizes sustainable or "green" building materials internally and externally.

5. **Accessibility.** The project design incorporates access for residents of all ages and mobility inside and outside the home. (Ord. 2009-06 § 4, 2009)

18.38.070 Housing design demonstration project approval criteria.

In addition to decision criteria required by the underlying planning permit, an application for an innovative housing demonstration project may be approved if the following criteria are met:

A. The applicant clearly demonstrates evaluation factors listed in BIMC 18.38.060 as evaluated by the design review board and the department of planning and community development.

B. The applicant has demonstrated how relief from specific development standards, including setback reductions, lot coverage and/or design guidelines, is needed to achieve the desired innovative design and the goals of this chapter.

C. The project is harmonious in design and appearance with the intended character and quality of development in the immediate vicinity of the subject property, and with the physical characteristics of the subject property.

D. The project does not adversely impact existing public service levels for surrounding properties.

E. The project complies with all other portions of the BIMC, except as modified through this housing design demonstration project process.

F. If a project will be phased, each phase of a proposed project must contain adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the project to stand alone if no other subsequent phases are developed.

G. The applicant is meeting required housing diversity standards. (Ord. 2009-06 § 4, 2009)

18.38.080 Development standard incentives.

The applicant may request that the following development standards from BIMC Title 17, Subdivisions, and BIMC Title 18, Zoning, may be modified as part of an approved innovative housing project. The city will review the request to modify development standards through the project review process outlined in

BIMC 18.38.040, and considered in relation to all required decision criteria. Requirements of BIMC Title 16, Environment, may not be modified.

A. Minimum lot dimensions and size, subject to approval by Kitsap County health district.

B. Lot Coverage. Maximum lot coverage will be evaluated as a part of the innovative site development evaluation criteria in BIMC 18.38.060.

C. Open Space. For demonstration projects developed under BIMC Title 17, Subdivisions, flexible lot subdivision open space requirements do not apply. Open space incorporated into the project is part of the evaluation criteria in BIMC 18.38.060.

D. Parking.

1. Residential. Additional guest parking may be required pursuant to BIMC 18.81.030.E.3. The residential parking requirements outlined in Chapter 18.81 BIMC may be modified as outlined below. This reduction may not be combined with any other reductions allowed under BIMC 18.81.040 to result in less than one space per unit. The applicants are encouraged to work with neighboring property owners to ensure street parking is not overburdened. A limited number of parking spaces may be designed to accommodate alternative fuel or sub-compact vehicles such as smart™ cars, with parking stall dimensional standards reduced from the standards outlined in BIMC 18.81.070.

a. Homes under 800 square feet: one parking space.

b. Homes 800 through 1,500 square feet: 1.5 parking spaces.

c. Homes greater than 1,500 square feet: two parking spaces (existing).

2. Commercial. A reduction in commercial parking requirements may be granted for live-work project proposals which contain integrated living and working space, or other commercial components primarily serving an immediate neighborhood, shall be reviewed consistent with BIMC 18.81.030.P.

E. Setbacks. Unless required for public safety purposes, such as site distance, setbacks pursuant to BIMC Title 17, Subdivisions, or

BIMC Title 18, Zoning, may be reduced as described below. Additional vegetative landscaping screen may be required by director when reducing setback.

1. BIMC Title 17, Subdivisions, Setbacks.

a. All interior subdivision setbacks: zero feet.

b. Building to exterior subdivision boundary: five feet.

c. Building to right-of-way or on-site private access: 10 feet (no reduction allowed adjacent to SR 305).

2. BIMC Title 18, Zoning, Setbacks.

This section does not replace lesser requirements found in the Mixed Use Town Center and High School Road zoning districts.

a. Front setback within project: 10 feet.

b. Rear setback within project: minimum of five feet.

c. Side setback within project: minimum of five feet.

F. Roadside Buffers. A reduction in required roadside buffers will consider existing vegetation and the buffering provided by surrounding properties.

G. Building Height. Existing bonus height may be achieved as outlined below:

1. Residential buildings in residential zones, outside the Mixed Use Town Center (MUTC)/High School Road districts, may achieve the extra five feet in height provision of the applicable zoning district through the HDDP approval process with underlying land use permit instead of a conditional use permit process.

2. Buildings within the Mixed Use Town Center (MUTC)/High School Road districts may achieve a maximum building height not to exceed the optional height outlined in BIMC 18.40.030 for that district. (Ord. 2009-06 § 4, 2009)

18.38.090 Density bonus incentives.

An increase in density may be permitted as outlined below. The city council will pass a resolution to adopt a quantitative evaluation method that links maximum residential bonus density to varying levels of green building and affordable housing provided, as outlined in the table below.

	Residential Density Bonus	Green Building Certification (BIMC 18.38.050.J)/ Innovative Site Development*	Affordable Housing/ Housing Diversity
T I E R 3	2.5 x base density or maximum mixed use FAR (not applicable in Zones R-8 and R-14)	Living Building Challenge	
	2.5 x base density or maximum mixed use FAR (not applicable in Zones R-8 and R-14)	LEED Silver, BuiltGreen 4 or Evergreen Sustainable Development	50% affordable housing
T I E R 2	2.0 x base density not to exceed R-8 (Zones R-2, R-2.9, R-3.5 and R-4.3) or 1.5 x base density (Zones R-8 and R-14) or maximum mixed use FAR	LEED Silver or BuiltGreen 4	Achieve housing diversity*
	1.5 x base density maximum mixed use FAR	LEED Gold or BuiltGreen 5	Some housing diversity points*

	Residential Density Bonus	Green Building Certification (BIMC 18.38.050.J)/ Innovative Site Development*	Affordable Housing/ Housing Diversity
T I E R 1	0	LEED Certified	
	0		Achieve housing diversity*

*Calculated through the adopted quantitative evaluation method.

A. Properties within the MUTC/High School Road districts may achieve a maximum residential density not to exceed the maximum bonus mixed use FAR for that district, pursuant to BIMC 18.40.030. The applicant will not have to buy the amount of FAR exceeding the base residential FAR. Both mixed use and residential housing design demonstration projects may achieve the maximum mixed use FAR for that district.

B. Properties in residential zones, outside the MUTC/High School Road districts, may achieve a maximum density increase up to 2.5 times the base density. Maximum residential density bonus will be linked to the varying levels of green building and affordable housing provided as indicated in the table above. (Ord. 2009-06 § 4, 2009)

18.38.100 Demonstration project visit.

In order to learn from the innovative design practices used, all demonstration projects completed under this chapter shall allow city staff to conduct occasional site tours. City staff will make a request of the property owner prior to conducting a tour and will not access the properties for tours more than once every three months. The site tours will be limited to the exterior and common grounds of the property, and conducted during regular business hours. Visits will be coordinated through the staff and property owner, and the owner will receive written notice no less than two weeks in advance of each visit. Any additional access to private property or at alternative times shall be at the permission and cooperation of the individual homeowner only. (Ord. 2009-06 § 4, 2009)

18.38.110 Effective date.

This chapter shall take effect on and be in force five days from and after its passage, approval, and publication as required by law and shall expire three years from said effective date. (Ord. 2009-06 § 4, 2009)

Chapter 18.39

COMMERCIAL, CENTRAL BUSINESS DISTRICT

(Repealed by Ord. 96-08)

Chapter 18.40

MIXED USE TOWN CENTER AND HIGH SCHOOL ROAD COMMERCIAL ZONES*

Sections:

- 18.40.010 Purpose.**
- 18.40.020 Land uses.**
- 18.40.030 Development standards.**
- 18.40.031 Transition standards in the ferry terminal district, north of Winslow Way.**
- 18.40.035 Structures.**
- 18.40.040 Optional residential and commercial FAR bonus in the Mixed Use Town Center and High School Road districts.**
- 18.40.060 Utility defined.**

*Ord. 96-08 § 14 provides:

The locations and boundaries of the Mixed Use Town Center and High School Road I and II zoning districts and the five overlay districts of the Mixed Use Town Center zone, as shown on the comprehensive plan land use map, as amended, shall be shown on the map entitled "City of Bainbridge Island Official Zoning Map" which is amended hereby.

18.40.010 Purpose.

A. Mixed Use Town Center Zone. The purpose of this chapter is to implement the Winslow Mixed Use Town Center and High School Road sections of the city's comprehensive plan. The Mixed Use Town Center and High School Road zones should strengthen the vitality of downtown Winslow as a place for people to live, shop and work.

The purpose of the Mixed Use Town Center is to provide a strong residential component to encourage a lively community during both the day and night. The Mixed Use Town Center zone, consisting of five overlay districts, includes a diversity in types of housing, shopping, civic facilities, recreation and employment. A variety of land uses are allowed which promote a pedestrian atmosphere and enhance the viability of the town center allowing development in a manner which is harmonious with

18.40.020

the scale of the town center. Land uses which require outdoor storage or which have an auto orientation, such as drive-through establishments, are not permitted within the Mixed Use Town Center.

1. Central Core Overlay District. The central core overlay district is the most intense district within the Mixed Use Town Center. Within this overlay district, residential uses are encouraged, but exclusive office and/or retail uses are permitted.

2. Ericksen Avenue Overlay District. The purpose of the Ericksen Avenue overlay district is to preserve the unique and historical features of the Ericksen Avenue neighborhood and should provide for a mix of residential and small-scale nonresidential development. Retail development is permitted within the Ericksen Avenue overlay district only if it is ground-floor retail, with residential or residential and office development in the upper floors. Historic (pre-1920) single-family residential structures on Ericksen may be converted to nonresidential use. However, any additions to the structure must be added to the rear and must be compatible with the character of the original structure.

3. Madison Avenue Overlay District. The purpose of the Madison Avenue overlay district is to provide for a mix of residential and small-scale nonresidential development. Within the Madison Avenue overlay district, all retail and office development shall include a residential component. Retail development is permitted only if it is ground-floor retail.

4. Gateway Overlay District. The purpose of the gateway overlay district is to provide protection for the ravine. The district permits low-intensity, tourist-oriented, commercial, multifamily and agricultural uses which would have limited parking and minimum traffic impact. Limited impervious surface coverage is allowed.

5. Ferry Terminal Overlay District. The purpose of the ferry terminal district is to provide the ferry services and associated transportation-oriented uses, and primarily residential development at higher densities, in an attractive setting that serves as the entry-point into Winslow. The intention for the ferry ter-

minal district is that it transforms over time from an area dominated by surface parking lots for commuters to residential with small amounts of commuter-oriented retail and office development. Residential development at higher densities is appropriate for this area because of its proximity to the ferry and downtown and because it is a prime view location. North of Winslow Way, development shall be accompanied by height restrictions and landscaping requirements to protect the adjacent residential neighborhoods.

B. High School Road Zones. The High School Road zones are intended to provide commercial uses that complement downtown Winslow and benefit from automobile access near the highway, while creating a pedestrian-friendly retail area. A variety of commercial uses are allowed that offer goods and services for the convenience of Island residents and that may have an auto orientation. (Ord. 99-64 § 4, 1999; Ord. 96-08 § 9, 1996)

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 Road Districts I and II
	Central Core	Madison Avenue	Ericksen Avenue	Gateway ¹	Ferry Terminal ^{10, 11}	
Commercial						
Retail, except drive-through businesses	P ²	P (with residential) ³	P (with residential) ³	P	NP	P/C ⁴
Retail, with screened outdoor storage	NP	NP	NP	NP	NP	P/C ⁴
Uses which service the automobile (e.g., gasoline service station, car wash, auto repair shops)	NP	NP	NP	NP	NP	C
Commuter-Oriented Retail ³	NP	NP	NP	NP	P ⁵	NP
Office Business	P	P	P	P	P	P
Club	P	P	P	P	P	P
Commercial Amusements	P	P	P	P	P	P
Cultural Facility	P	P	P	P	P	P
Personal Service	P	P	P	P	P ⁶	P
Professional Service	P	P	P	P	P ⁶	P
Entertainment Facility	P	NP	NP	NP	NP	P (in Mixed Use)
Hotels, Motels and Inns	P	NP	NP	C	P ¹²	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) ⁷
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 Parking ⁸	P	NP	NP	P	P	NP
Temporary Ferry Commuter Parking (Reference BIMC 18.81.054)	C	NP	NP	C	C	NP
Temporary Contractor Parking Lot	P	P	P	P	P	P
Noncommuter Ferry Parking (Reference BIMC 18.81.052)	NP	NP	NP	NP	P/C ¹³	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 ¹²	P
Health Care Facilities	P	P	C	C	C ¹²	P
Utilities	C	C	C	C	C	C

Uses Table (Continued)

Uses	Mixed Use Town Center					High School Road Districts I and II
	Central Core	Madison Avenue	Ericksen Avenue	Gateway ¹	Ferry Terminal ^{10, 11}	
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 activities, outdoor	C	C	C	C	C	C
Residential						
Multifamily Dwellings	P	P	P	P	P	P
Single-Family Dwellings	p ^{9a, 9b}	p ^{9a, 9b}	p ^{9a, 9b}	p ^{9b}	p ^{9b}	p ^{9b}
P = permitted use C = conditional use NP = use not permitted						
<p>¹Any development in the gateway district shall include provisions for a public trails system within the ravine and/or pedestrian links to the ferry terminal.</p> <p>²Retail development in the central core district exceeding 5,000 square feet per building footprint is allowed only on Winslow Way and Madison Avenue.</p> <p>³For new buildings of more than one story, retail has to contain a residential component.</p> <p>⁴In 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.</p> <p>⁵In 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.</p> <p>⁶In 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.</p> <p>⁷The footnote is revised and added as BIMC 18.41.050.B.1, formula take-out restaurant design guidelines.</p> <p>⁸Limited 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.</p> <p>^{9a}Only single-family dwellings that were in existence and being used as such prior to the enactment of Ordinance 96-08, codified in this chapter; R-4.3 zoning shall apply to such single-family dwellings.</p> <p>^{9b}Any new single-family residences proposed after the enactment of the ordinance codified in this section shall only be allowed through an approved subdivision that qualifies as a housing design demonstration project pursuant to Chapter 18.38 BIMC.</p> <p>¹⁰All development shall include at least 10 percent of landscaped or naturally vegetated open space. Parking may be located under the open space.</p> <p>¹¹Development 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.</p> <p>¹²South of Winslow Way only.</p> <p>¹³Permanent 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.</p>						

(Ord. 2010-09 § 1, 2010: Ord. 2009-01 § 2, 2009: Ord. 2006-17 § 1, 2006: Ord. 2005-29 § 29, 2005: Ord. 2003-53 § 1, 2004; Ord. 2000-10 § 1, 2000: Ord. 99-64 § 5, 1999: Ord. 99-17 § 4, 1999: Ord. 98-03 § 1, 1998; Ord. 97-06 § 2, 1997; Ord. 96-08 § 9, 1996)

18.40.030 Development standards.

	Mixed Use Town Center					High School Road Districts I and II
	Central Core	Madison Avenue	Ericksen Avenue	Gateway	Ferry Terminal	
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 Bonus³						
Commercial and Other Nonresidential Uses	1.0	0.6	0.6	0.3	0.2	0.6
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 hght) Limit	35' 25' bldg hght south of Parfitt	25' 35' bldg hght north of High School Road	25'	35'	Bldg hght north of Winslow Way: Ref. BIMC 18.40.031 35' bldg hght south of Winslow Way	35'
Optional Height (opt hght) Limit w/under building parking	45' 35' opt hght south of Parfitt	35' 45' opt hght north of High School Road	35'	45'	Opt bldg hght north of Winslow Way: Ref. BIMC 18.40.031 45' opt bldg hght 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.					

	Mixed Use Town Center					High School Road Districts I and II
	Central Core	Madison Avenue	Ericksen Avenue	Gateway	Ferry Terminal	
Maximum Lot Coverage	100%, excluding setbacks	35%	35% 2,500 sq. ft. max. building footprint south of Wyatt, excluding any building or portion of building located below predevelopment and finished grade	35%	75%	50%
Front Setback	Comm: 5' max. from sidewalk Res: 10' min. from sidewalk ⁴ 20' max. from sidewalk ⁴	10' min. 20' max	15' min. ⁵ 20' max. ⁵	0' from sidewalk ⁶	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 districts	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'
Building Setback when property adjoins single-family residential zone	Building setback shall be in accordance with the landscape ordinance perimeter landscaping requirements					
Parking Requirements (The below provisions replace the requirements listed in Chapter 18.81 BIMC for development located within the Mixed Use Town Center and the High School Road districts.)						
Uses	Central Core	Madison Avenue	Ericksen Avenue	Gateway	Ferry Terminal	High School Road Districts I and II
Commuter-Oriented Retail	NP	NP	NP	NP	1 parking space per employee per peak shift	NP
Other Commercial and Nonresidential Uses (For nonresidential uses not specified below, refer to BIMC 18.81.030.)						

	Mixed Use Town Center					High School Road Districts I and II
	Central Core	Madison Avenue	Ericksen Avenue	Gateway	Ferry Terminal	
Minimum Spaces per 1,000 sq. ft. of commercial uses (retail, office, restaurants and taverns) ^{7, 8, 12}	2, except 3 in the Parfitt – Waterfront Area ¹⁴	4	4	4	1	4
Maximum Spaces per 1,000 sq. ft. of commercial uses ^{9, 13}	5	5	5	5	3	5
Movie Theaters	1 space per each 4 fixed seats ¹¹	NP	NP	NP	NP	1 space per each 4 fixed seats
Residential Minimum Spaces per dwelling unit	Per BIMC 18.81.030.E					
Residential Maximum Spaces per dwelling unit ⁹	2	2	2	2	2	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.)					

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.

²In mixed use development, the established FAR in the residential and commercial components shall not be exceeded.

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.

⁴These setbacks apply along Madison Avenue only.

⁵Porches, bay windows and eaves may intrude up to five feet into the front yard.

⁶South of a point 100 feet north of Winslow Way.

⁷On-street parking legally created in conjunction with and adjacent to a project may be included in the parking space calculation.

⁸In the core, gateway, and ferry terminal districts, the following provisions shall apply: For parcels less than 8,000 sq. ft., 100 percent of required parking can be met off-site. For parcels between 8,000 and 12,000 sq. ft., up to 75 percent of the required parking can be met off-site. For sites larger than 12,000 sq. ft., up to 50 percent of required parking can be met off-site. For commercial and residential development, off-site parking must be located within a 1,000-foot radius to the edge of the development parcel. In addition, off-site spaces must be acquired through the city's fee-in-lieu program, through fee simple ownership by the developer, or through irrevocable easements/agreements.

⁹Exceptions to the maximum commercial parking may be granted in accordance with BIMC 18.81.030.B.

¹⁰In mixed use development in the ferry terminal district, an additional 0.2 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.

¹¹In the core, up to 75 percent of the required parking for movie theaters can be met off-site if located within 400 feet walking distance to the edge of the development parcel.

¹²In the core, for parcels containing 8,000 sq. ft. or less a credit equal to one parking space for each 10 feet of public street frontage shall be applied to the required parking calculations. Credit for up to five parking spaces may be attained utilizing this method.

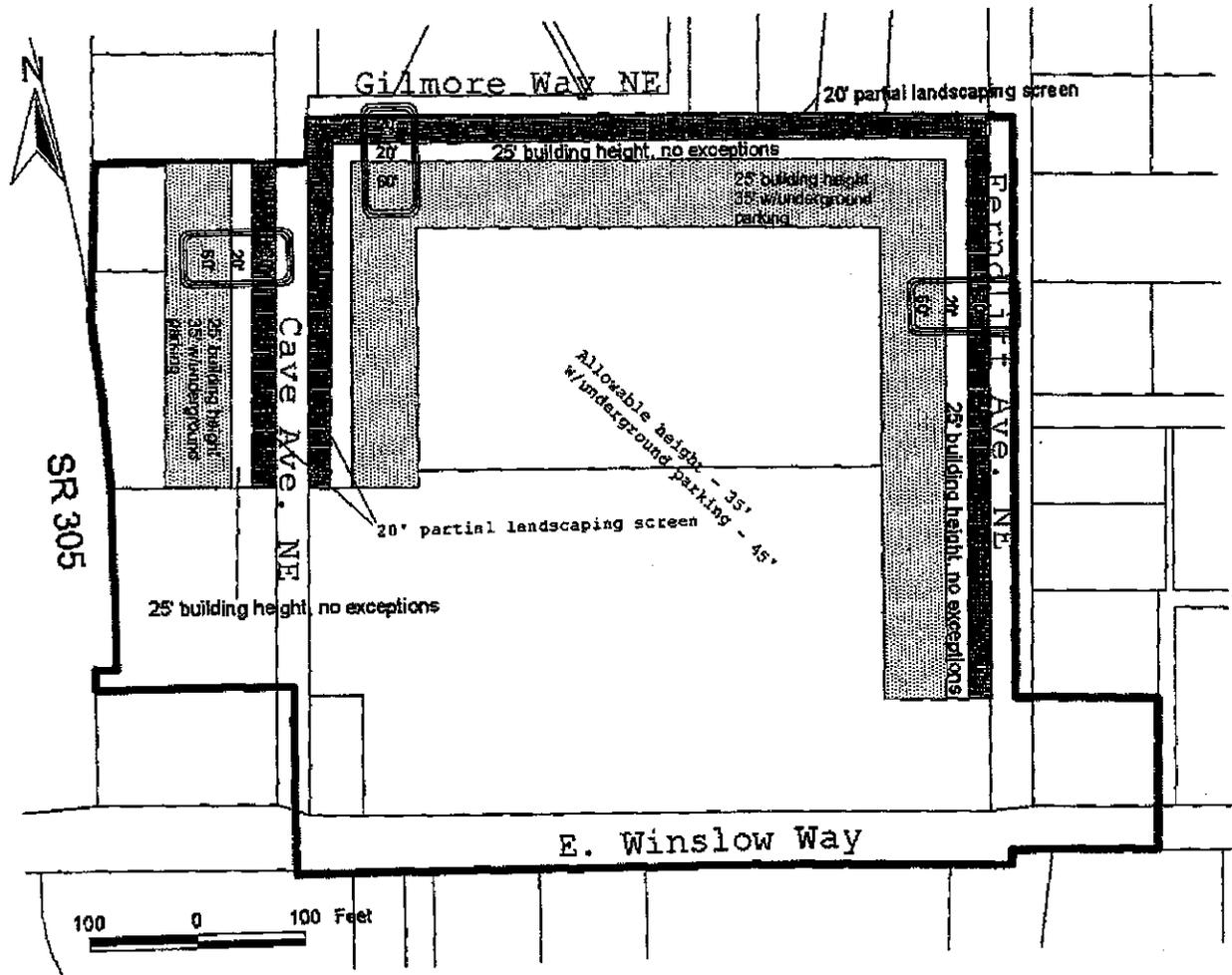
¹³The parking space maximums shall not apply to underground garages.

¹⁴The Parfitt – Waterfront Area is defined as that area south of the boundary created by the following parcels and streets: Starting at the northern property line of 272502-4-1130-2000; proceeding eastward along Bjune Drive to its western intersection with Brien Drive; proceeding eastward along Brien Drive to its intersection with Bjune and Shannon Drives; proceeding southward along Shannon Drive to the south property line of 4114-005-001-0003; and proceeding eastward to the Winslow Ravine.

(Ord. 2009-03 § 2, 2009; Ord. 2006-17 § 2, 2006; 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)

**18.40.031 Transition standards in the
ferry terminal district, north of
Winslow Way.**

A 100-foot-wide transition area is established in the ferry terminal district, north of Winslow Way, as follows: along the west side of Ferncliff Avenue, starting approximately 100 feet north of Winslow Way; along the north boundary of the district, east of Cave Avenue; and along both sides of Cave Avenue, starting approximately 300 feet north of Winslow Way. The landscaping requirements and height restrictions illustrated below shall apply to this transition area. Portions of the ferry terminal district that are not in the transition area designated by this section shall comply with all other applicable ferry terminal district requirements.



(Ord. 99-64 § 7, 1999)

18.40.035 Structures.

Structure height is 35 feet, except that taller structures may be allowed with the issuance of a conditional use permit; provided, that (1) view opportunities are not substantially reduced; (2) each setback requirement shall be increased one-half foot for every foot above the maximum structure height; (3) noncommercial, nonparabolic antennae affixed to noncommercial communication towers that are 50 feet or less in height above grade shall not require conditional use permits; (4) one flagpole 45 feet or less in height may be placed on a parcel without requiring a conditional use

permit; (5) utility poles 50 feet or less in height shall not require conditional use permits; and (6) utility structures existing on the effective date of the ordinance codified in this section that are taller than 50 feet shall not be considered nonconforming structures and may be replaced without a conditional use permit; provided, that the structure is not larger or taller than the original structure and is not moved more than 20 feet from the original location.

This section is subject to the provisions of Ordinance 96-49, Moratorium on wireless communications facilities. (Ord. 2004-02 § 1, 2004; Ord. 97-06 § 3, 1997)

18.40.040 Optional residential and commercial FAR bonus in the Mixed Use Town Center and High School Road districts.

Eligible properties may achieve a maximum level of development above the base FAR, as provided for in BIMC 18.40.030, by using one, or a combination of, the following FAR bonus provisions. The FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total commercial, residential or mixed use FAR exceed the maximum FAR as provided for in BIMC 18.40.030.

A. Optional Affordable Housing.

1. FAR Bonus. Up to 100 percent of the maximum residential FAR bonus may come from providing affordable housing as defined in BIMC 18.06.565; provided, that the difference between the base residential FAR and the maximum residential FAR shall be dedicated to affordable housing. A portion of the total floor area that is of common use and benefit to the entire residential development (for example, interior halls, stairwells, laundry rooms, exercise rooms) may be included in the calculation of the affordable housing component. This portion shall be the same percentage as the affordable housing provided. For example, if 20 percent of the living unit floor area is for affordable housing, then 20 percent of the common floor area may be included in the total affordable housing calculation.

Development of the optional affordable housing shall be in accordance with BIMC 18.90.020.

a. Residential development less than 10,000 square feet. Any residential development less than 10,000 square feet that utilizes the affordable housing FAR bonus provision shall provide all of the bonus square footage for households in the moderate or lower income groups.

b. Residential development of 10,000 square feet but less than 60,000 square feet. Any residential development project of 10,000 square feet but less than 60,000 square feet shall allocate the bonus square footage as follows:

i. All of the bonus square footage may be provided for households in the moderate income group; or

ii. The bonus square footage may be provided in the following proportions: 50 percent for households in the moderate income groups; 20 percent for households in the extremely low, very low or low income groups; and 30 percent for households in the middle income group.

c. Residential development of 60,000 square feet or more shall allocate the bonus square footage in the following proportions: 10 percent shall be provided for households in the lower income groups; 60 percent shall be provided for households in the moderate income group; and 30 percent shall be provided for households in the middle income group.

The optional affordable housing bonus is summarized in the table below.

Optional Affordable Housing Bonus

AFFORDABLE HOUSING FAR BONUS	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
	100 percent of bonus for moderate or lower	100 percent of bonus for all moderate OR .2 of bonus for low or lower .5 of bonus for moderate .3 of bonus for middle	.1 of bonus for low or lower .6 of bonus for moderate .3 of bonus for middle

2. Preservation of the Islander Mobile Home Park. Preservation of the Islander Mobile Home Park as an existing park site for manufactured homes shall be encouraged.

a. Unused FAR from the parcel on which the mobile home park is located may be transferred to another parcel or parcels within the Mixed Use Town Center. For example, the base FAR for the mobile home park would be calculated, less the FAR of the mobile homes. In exchange for permanently preserving the mobile home park, the owner of the property may transfer the unused FAR to another parcel or parcels in the Mixed Use Town Center, where it may be used as bonus FAR above the base FAR for that district.

b. Permanent preservation of the mobile home park may be used as an affordable housing bonus on another parcel or parcels within the Mixed Use Town Center. For example, in exchange for preserving the mobile home park, the owner of the property would be deemed to have met the affordable housing bonus provisions of subsection A.1 of this section, and could achieve the maximum FAR bonus for residential development on another parcel or parcels in the Mixed Use Town Center. The owner of the mobile home park may either apply the FAR bonus to another parcel(s) he or she owns, or transfer or sell the bonus to another property owner in the Mixed Use Town Center.

B. Purchase of Development Rights to Preserve Agricultural Land and Critical Areas. Up to 100 percent of the maximum residential, commercial or mixed use FAR bonus may come from the purchase of development rights as provided for in Chapter 18.37 BIMC. The cost of development rights shall be established by resolution of the city council.

C. Public Amenities and/or Infrastructure.

1. Up to 40 percent of the maximum residential, commercial or mixed use FAR bonus may come from monetary contributions toward public amenities and/or infrastructure beyond that required for SEPA mitigation. The amount of the contribution shall be established by resolution of the city council. Funds contributed to the public amenities and/or infrastructure shall be used exclusively in the

Mixed Use Town Center or High School Road districts, for projects identified in the six-year capital facilities program, or approved by the city.

2. In lieu of contribution of funds as provided for in subsection C.1 of this section, and subject to approval by the director or designee, the public amenities FAR bonus may be achieved by the construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six-year capital facilities program, or approved by the city.

D. Public Amenities – Community Open Space. In the ferry terminal district, up to 60 percent of the maximum residential, commercial or mixed use FAR bonus may be achieved by providing community open space of one acre, or 20 percent of the parcel area, whichever is greater. The community open space shall be located in or in the immediate vicinity of locations identified in Figure 9 of Chapter 4 (Open Space and Trails) of Exhibit B of Ordinance 98-11, the Winslow Master Plan. The open space must be located on the same parcel that is being developed, and must be on land that would be otherwise buildable. Adequate public access to the community open space must be provided. The city shall consider approving the bonus, taking into consideration the configuration, public use and accessibility of the proposed open space. In cases where a development project utilizes the community open space bonus provision in conjunction with the purchase of development rights bonus provision, all funds collected from the purchase of development rights shall go toward the preservation of agricultural lands fund.

E. Internal FAR Transfer Provision.

1. Up to 20 percent of the maximum residential, commercial or mixed use FAR bonus may come from transfers of FAR from parcels within the Mixed Use Town Center and the High School Road districts. The transfer shall create permanent open space through open space preservation covenants on sending

parcels that contain critical areas as defined in Chapter 16.20 BIMC.

2. Development potential in the ravine of the gateway district may be shifted to the upland area; provided, that the requirements of Chapter 16.20 BIMC are satisfied.

F. Historic Structure Preservation. When an historic structure is preserved on-site, the FAR of that historic structure shall not be included in the calculation of total FAR for the site. The historic structure must be included on a state, local or federal register.

G. Ferry Related Parking. In the ferry terminal district, an additional 0.2 FAR may be achieved by relocating existing legal surface ferry commuter parking (as shown on Figure 18 of the Winslow Master Plan, Exhibit B of Ordinance 98-11) to under-building or below grade parking. The percentage of the additional FAR that is achieved shall be dependent upon the percentage of parking that is relocated. For example, if 50 percent of existing surface ferry commuter parking is relocated under-building or below grade, then 50 percent of the total additional FAR (or 0.1 FAR) may be achieved. (Ord. 2005-08 § 2, 2005; Ord. 99-64 § 8, 1999; Ord. 99-17 § 7, 1999; Ord. 97-14 § 3, 1997. Formerly 18.40.050)

18.40.060 Utility defined.

For the purposes of this chapter, "utility" or "utilities" does not include wireless communications facilities as defined in Chapter 18.88 BIMC. (Ord. 97-14 § 3, 1997)

Chapter 18.41

DESIGN GUIDELINES

Sections:

- 18.41.010 Applicability.**
- 18.41.020 Variations.**
- 18.41.025 Guidelines for commercial and mixed use projects in all zoning districts.**
- 18.41.030 Mixed Use Town Center and High School Road zoning districts.**
- 18.41.040 Fort Ward design guidelines.**
- 18.41.050 Formula take-out restaurant design guidelines.**
- 18.41.060 Multifamily design guidelines.**
- 18.41.070 Light manufacturing design guidelines.**
- 18.41.080 Urban single-family overlay district (R-8SF) design guidelines.**
- 18.41.090 Lynwood Center design guidelines.**
- 18.41.100 Island Center design guidelines.**
- 18.41.110 Rolling Bay design guidelines.**

18.41.010 Applicability.

All development, exterior renovation and redevelopment of the following zones shall comply with this chapter:

A. Mixed Use Town Center and High School Road zones contained in BIMC 18.41.030.

B. Fort Ward district as delineated in the map contained in BIMC 18.41.040.

C. Multifamily development in the R-8 and R-14 zones; provided, that applications submitted prior to December 8, 1999, shall not be subject to the requirements of this section.

D. Light manufacturing development in Chapter 18.72 BIMC.

E. Detached single-family residential development developed above the underlying density in the urban single-family overlay district (R-8SF) contained in BIMC 18.41.080.

F. Educational, cultural, governmental, religious or health care facilities in residential zones. (Ord. 2003-03 § 4, 2003; Ord. 2001-44 § 5, 2001; Ord. 99-65 § 1, 1999; Ord. 99-18 § 1, 1999; Ord. 97-08 § 1, 1997; Ord. 96-08 § 10, 1996)

18.41.020 Variations.

Variation(s) from the requirements of the adopted City of Bainbridge Island Engineering and Development Standards and the subdivision standards contained in Appendix A of BIMC Title 17 may be permitted if the variation(s) will further the purposes of this chapter and is approved by the department director, after recommendation by the city engineer and/or the fire marshal. For projects participating in a housing design demonstration project (HDDP) pursuant to Chapter 18.38 BIMC, design guidelines may be varied if the applicant can demonstrate that deviation from the guidelines will facilitate meeting goals of the HDDP program. (Ord. 2009-06 § 5, 2009; Ord. 96-08 § 10, 1996)

18.41.025 Guidelines for commercial and mixed use projects in all zoning districts.

[See pages following urban single-family overlay district design guidelines.] (Ord. 2003-53 § 3, 2004)

18.41.030 Mixed Use Town Center and High School Road zoning districts.

The city hereby adopts the design guidelines for Mixed Use Town Center and High School Road zoning districts. [See following pages.] (Ord. 2009-04 § 1, 2009; Ord. 2005-11 § 2, 2005; Ord. 2004-02 § 1, 2004; Ord. 96-08 § 10, 1996)

18.41.040 Fort Ward design guidelines.

[See pages following Mixed Use Town Center and High School Road design guide-

lines.] (Ord. 2004-02 § 1, 2004; Ord. 97-08 § 2, 1997)

18.41.050 Formula take-out restaurant design guidelines.

A. 1. There should be no exterior vending machines such as soft drink dispensers, ice cube freezers, and the like. Newspaper racks are acceptable if they are designed to be integrated with the design of the structure.

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2. Trash receptacles shall be placed at the entrances to any building containing formula take-out food restaurants, and shall be maintained by those businesses. Exterior receptacles shall not exhibit logos, company colors/contours, or advertising.

B. The building and site design shall meet the design guidelines established in BIMC 18.41.030.

1. Any formula take-out food restaurant may not exceed 4,000 square feet and must be in a building that is shared with at least one other business that is not a formula take-out food restaurant. Only one formula take-out food restaurant is permitted per parcel, lot or tract on which all or a portion of a building is located. No drive-through facilities are allowed.

2. Outdoor storage areas, mechanical equipment, and utility vaults shall not be visible from adjacent streets and pedestrian walkways.

3. Site services should be located on the least visible side of a building or site or within interior building spaces.

4. All signs shall use natural materials such as wood, metal, masonry or stone. (Ord. 2003-53 § 2, 2004; Ord. 98-03 § 2, 1998)

18.41.060 Multifamily design guidelines.

[See pages following Fort Ward design guidelines.] (Ord. 99-18 § 2, 1999)

18.41.070 Light manufacturing design guidelines.

[See pages following multifamily design guidelines.] (Ord. 99-65 § 2, 1999)

18.41.080 Urban single-family overlay district (R-8SF) design guidelines.

[See pages following light manufacturing design guidelines.] (Ord. 2004-02 § 1, 2004; Ord. 2001-44 § 6, 2001)

18.41.090 Lynwood Center design guidelines.

[See pages following urban single-family overlay district design guidelines.] (Ord. 2003-53 § 4, 2004)

18.41.100 Island Center design guidelines.

[See pages following urban single-family overlay district design guidelines.] (Ord. 2003-53 § 5, 2004)

18.41.110 Rolling Bay design guidelines.

[See pages following urban single-family overlay district design guidelines.] (Ord. 2003-53 § 6, 2004)

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