

Chapter 18.66

NEIGHBORHOOD SERVICE CENTER

Sections:

- 18.66.010 Purpose.**
- 18.66.020 Permitted uses.**
- 18.66.030 Accessory uses.**
- 18.66.040 Conditional uses.**
- 18.66.050 Development standards.**
- 18.66.060 Performance standards.**
- 18.66.070 Density increases.**

18.66.010 Purpose.

The purpose of the neighborhood service center is to provide a mix of neighborhood-scale commercial and service activity which is compatible with the scale, character, and intensity of the surrounding residential neighborhood and which minimizes the impact of noise, odor, lighting, fire safety, and transportation on the neighborhood and the impact on water quality, storm water runoff, and critical areas. (Ord. 98-20 § 13, 1998; Ord. 97-01 § 11, 1997)

18.66.020 Permitted uses.

Permitted uses in the neighborhood service center district are:

- A. Single-family residences or multifamily residences in accordance with Chapter 18.30 BIMC, except as provided in BIMC 18.66.070;
- B. Agriculture;
- C. Bed and breakfast establishments;
- D. Child day care centers;
- E. Clubs;
- F. Health care facilities, except veterinarian clinics;
- G. Home occupations;
- H. Parks, active recreation;
- I. Parks, passive recreation;
- J. Personal and professional services;
- K. Commercial/residential mixed use developments; provided, that the residential units are located above the ground floor and are at a density not to exceed three units per acre or at the R-5 residential zone density when public sewer and water are provided;

L. Retail sales and servicing of goods sold, with building footprints not exceeding 5,000 square feet; provided, that take-out food restaurants are not permitted; businesses shall screen all outdoor storage in accordance with BIMC 18.66.050, except for outdoor storage for agricultural produce sales, or landscaping retail sales;

M. Auto repair services; and

N. Small engine repair. (Ord. 2005-29 § 30, 2005; Ord. 97-01 § 11, 1997)

18.66.030 Accessory uses.

Accessory uses in the neighborhood service center district are:

A. On-site treatment and storage facilities for hazardous wastes associated with permitted uses, subject to the state siting criteria of Chapter 70.105 RCW;

B. Outdoor storage subject to BIMC 18.66.060. (Ord. 97-01 § 11, 1997)

18.66.040 Conditional uses.

The types of conditional uses permitted in the NSC district, subject to Chapter 18.108 BIMC, include the following:

- A. Commercial amusements;
- B. Cultural facilities;
- C. Educational, cultural, governmental, or religious facilities;
- D. Entertainment facilities;
- E. Gasoline service stations;
- F. Parks, active recreation;
- G. Park and ride lots;
- H. Private and public utility buildings and structures;
- I. Recreation activities, indoor;
- J. Recreation activities, outdoor;
- K. Recycling centers;
- L. Retail buildings of a footprint greater than 5,000 square feet but less than 10,000 square feet;
- M. Self-service storage facilities; provided, that no outdoor storage is visible from adjoining properties and public rights-of-way;
- N. Shared-use park and ride lots;
- O. Small-scale assembly, processing and manufacturing, such as food processing, machine shops, wood shops, and electronic parts assembly; provided, that the use does not

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adversely impact the neighborhood through noise, odor, lighting, fire safety and transportation;

P. Theaters;

Q. Veterinarian clinics. (Ord. 2005-29 § 31, 2005; Ord. 97-01 § 11, 1997)

18.66.050 Development standards.

The standards below shall apply to all uses allowed in the NSC district:

A. Minimum lot area: none.

B. Maximum lot coverage: 35 percent.

C. Minimum Setbacks.

1. Front setbacks, rear setbacks, and side setbacks shall not total less than 20 feet from any street, planned right-of-way or road easement, unless otherwise provided under special planning area provisions.

2. For properties adjacent to a residential zone, the requirements for a rear or side setback along a property line abutting the residential zone shall be the same as in the adjacent zone and shall be maintained as a buffer, unless otherwise provided under special planning area provisions.

D. Maximum building height: 35 feet. Forty-five 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; (3) solar access of neighboring lots is not reduced.

E. Maximum Structure Height. 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 non-commercial 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 replacement structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location.

F. Minimum Lot Dimension. Lots shall have a minimum width and depth of 80 feet.

G. Outdoor Storage and Trash Dumpsters.

1. Screening of Outdoor Storage. The screen height is determined by the height of the material or equipment being screened. Chain link fencing with neutral colored slatting is permitted along with vegetative screening when vegetative screening alone is not sufficient to block the outdoor storage from public view and where the fencing is not visible from a street. Exterior storage should be confined to portions of the site least visible from public view.

2. Trash dumpsters or any outdoor equipment, whether on roof or side of a structure, or on the ground, shall be screened from view. Screening shall be architecturally consistent with the adjacent structure in terms of materials. Mechanical equipment should be located below the highest vertical element of the building.

H. Drainage. All storm water runoff shall be detained and disposed of on site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff detention and control shall comply with specifications provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.20 BIMC, pertaining to community facilities.

I. Industrial Wastewater Disposal. Industrial wastewater includes wastewater resulting from (1) any process of industry, manufacture, trade or business; (2) the development of any natural resource; or (3) the washing of equipment and vehicles, or similar activities. Storm water runoff and runoff from the watering of landscaping is not included. Industrial waste-

water shall not be discharged into an on-site septic system. Other relevant sections of this code shall apply.

J. Landscaping. Landscape screening shall be provided in accordance with Chapter 18.85 BIMC. (Ord. 2004-02 § 1, 2004; Ord. 97-01 § 11, 1997)

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18.66.060 Performance standards.

All uses allowed in the NSC district shall conform to the performance standards of this section. Use, activity, or operation shall not violate existing state and federal environmental standards. It shall be the responsibility of the operator and/or the proprietor of any allowed use to provide such reasonable evidence and technical data as the director may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards. Failure of the director to require such information shall not be construed as relieving the operator and/or proprietor from compliance with the environmental performance standards of this code.

A. Noise.

1. No use in this district shall exceed the maximum environmental noise level, established by Chapter 173-60 WAC, as adopted in Chapter 16.16 BIMC. Noise transmitted from a NSC use and received by a non-NSC use shall meet noise source and receiving levels of the residential, or Class A, standard for EDNA of noise source per WAC 173-60-040(2).

2. Environmental Designation for Noise Abatement or EDNA.

a. Noise levels of any sound source, when measured in the manner and locations prescribed in Chapter 173-60 WAC shall not exceed the levels shown in the table below.

EDNA of Noise Source	EDNA of Receiving Property		
	Class A	Class B	Class C
Class A – Residential	55 dBA	57 dBA	60 dBA
Class B – Commercial	57 dBA	60 dBA	65 dBA
Class C – Industrial	60 dBA	65 dBA	70 dBA

b. Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

c. At any hour of the day or night the applicable noise limitations in subsections (A)(2)(a) and (b) of this section may be exceeded for any receiving property by no more than:

- i. Five dBA for a total of 15 minutes in any one-hour period; or
- ii. Ten dBA for a total of five minutes in any one-hour period; or
- iii. Fifteen dBA for a total of one and one-half minutes in any one-hour period.

B. Glare and Heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.

C. Ground Vibrations. No ground vibration other than that caused by highway vehicles or construction activity shall be permitted which is discernible, without instruments, at or beyond the property line for the use concerned.

D. Waste Storage and Disposal, Including Hazardous Waste. The storage or disposal of industrial waste shall be in compliance with the regulations and requirements of the Bremerton-Kitsap health district, the State Department of Ecology, and Chapter 70.105 RCW as amended, and this code.

E. Air Quality Emissions. No use in this district shall produce emissions of smoke, dust and/or odors beyond the property boundary which may unreasonably interfere with any other property owner's use and enjoyment of his/her property. In addition, all sources and emissions units are required to meet the emission and the ambient air quality standards specified in Chapter 173-400 WAC, and administered by the Puget Sound Air Pollution Control Authority (PSAPCA), and shall apply to all air contaminants listed therein.

F. Light. Exterior lighting, except for warning or emergency lighting, shall be hooded or shielded so direct illumination shall be confined to the property boundaries of the light source. No more than a maximum of one-half foot candle of illumination shall be permitted to fall upon any residential zoned property.

G. Ground and Soil Contamination. Materials used or produced in any manufacturing process shall be handled in such a manner as to prevent ground or soil pollution which destroys or endangers the support of natural vegetation

or which may contaminate underground aquifers, or other natural drainage systems.

H. Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interference caused by mechanical, electrical, or nuclear equipment uses or processes with electrical apparatus in nearby buildings or use areas.

I. Fire and Explosive Hazards. The manufacture, use, processing or storage of flammable liquids or materials, liquids or gases that produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the adopted Uniform Fire Code and the Uniform Building Code. A hazardous materials impact analysis, conforming to the requirements of the Bainbridge Island fire district, shall be required to determine potential off-site impacts and mitigation precautions. (Ord. 97-01 § 11, 1997)

18.66.070 Density increases.

Density may be increased as follows:

A. Three units per acre with the provision of transfer of development rights (TDRs), in accordance with Chapter 18.37 BIMC; or

B. Three units per acre with the provision of affordable housing, in accordance with the provisions of Chapter 18.90 BIMC; or

C. Five units per acre, in accordance with Chapter 18.20 BIMC, with the provisions of TDRs and public sewer and water; or

D. Five units per acre, in accordance with Chapter 18.20 BIMC, the provision of affordable housing in accordance with Chapter 18.90 BIMC, and public sewer and water; or

E. Up to 12 units per acre for those specific parcels located in Lynwood Center and so designated on the land use map as NSC/R-12 for the Lynwood Center special planning area, in accordance with the following provisions:

1. The development is commercial/residential mixed use with the residential units located above the ground floor;

2. Public sewer and water are provided;

3. The requirements of BIMC 18.66.020, 18.66.030, 18.66.040, 18.66.050, 18.66.090 and Chapter 18.90 BIMC are met;

4. A community center is constructed that is of similar style and quality to the entire development, is no less than 2,000 square feet, provides kitchen facilities, public restrooms and outside access. The community center is to be used primarily for community functions. (Ord. 97-28 § 1, 1997; Ord. 97-01 § 11, 1997)

Chapter 18.69

**COMMERCIAL, ISLAND
TRADE DISTRICT**

(Repealed by Ord. 97-01)

Chapter 18.72

LIGHT MANUFACTURING ZONE

Sections:

- 18.72.010 Purpose.**
- 18.72.020 Permitted uses.**
- 18.72.030 Repealed.**
- 18.72.040 Conditional uses.**
- 18.72.050 Development standards.**
- 18.72.060 Design guidelines.**
- 18.72.070 Performance standards.**

18.72.010 Purpose.

The purpose of this district is to facilitate development of a diverse economy on the island with business retention, growth, and innovation. The district is intended to provide opportunities for knowledge-based businesses and expansion of Island businesses, for diversity of jobs, and for low-impact industrial activity that is compatible with adjoining residential neighborhoods.

It is a further purpose of this district to encourage proper site planning and design of developments in order to minimize traffic congestion, visual impacts, environmental impacts, and other impacts and use conflicts within and beyond the district's boundaries as enabled through development and performance standards. (Ord. 2005-01 § 6, 2005: Ord. 97-01 § 13, 1997)

18.72.020 Permitted uses.

The following principal uses, along with their customary accessory uses, such as administrative offices, parking lots, outdoor storage of supplies or manufactured products, employee lunch and recreation rooms, limited on-site sales of products, and a single residential unit for security and/or insurability of the premises, are permitted in the light manufacturing district. Both the principal uses and accessory uses must comply with the applicable development standards and performance standards listed in BIMC 18.72.050 and 18.72.070, respectively.

A. Businesses located within a building and involving assembling, distributing, fabricating, manufacturing, packaging, printing,

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processing, publishing, recycling, repairing, servicing, storing, or wholesaling of goods or products;

B. Research and development businesses including, but not limited to laboratories for scientific research, testing and experimental development that can be performed with minimal adverse impact on, and pose no special hazard to, the environment and the community;

C. Office businesses;

D. Communication towers and antennas;

E. Utility facilities;

F. Child day care centers;

G. Educational facilities, including vocational schools, preschools (including kindergarten classes), martial arts academies, and other facilities not classified as public or private schools offering primary and secondary education through the high school level;

H. Equestrian facilities;

I. Food service; provided, that formula take-out food restaurants as defined in BIMC 18.06.370 are not permitted; and provided, that the food service meets the development standards of BIMC 18.72.070(J);

J. Artist studios;

K. Veterinary offices; and

L. Indoor kennels. (Ord. 2005-01 § 7, 2005: Ord. 97-01 § 13, 1997)

18.72.030 Accessory uses.

Repealed by Ord. 2005-01. (Ord. 98-15 § 1, 1998: Ord. 97-01 § 13, 1997)

18.72.040 Conditional uses.

The following principal uses, along with their customary accessory uses, such as administrative offices, parking lots, outdoor storage of supplies or manufactured products, employee lunch and recreation rooms, limited on-site sales of products, and a single residential unit for security and/or insurability of the premises, are conditional uses in the light manufacturing district. Both the principal uses and accessory uses must comply with the applicable development standards and performance standards listed in BIMC 18.72.050 and 18.72.070, respectively.

A. Any principally permitted use whose operations are predominantly out of doors rather than completely enclosed within a building. These uses include, but are not limited to, outdoor assembly businesses, equipment and vehicle yards, and outdoor recycling facilities;

B. Commercial moving and freight terminals;

C. Cultural and religious facilities;

D. Educational facilities meeting the definition of common schools referred to in Article IX of the State Constitution and established by law and maintained at public expense and private learning institutions established by law and maintained at private expense, offering primary and secondary education through the high school level;

E. Shared-use park and ride facilities;

F. Park and ride facilities;

G. Manual car wash facilities;

H. Professional services;

I. Recreational activities, indoor;

J. Recreational activities, outdoor, except equestrian facilities;

K. Hospitals, medical centers, and medical offices; and

L. Outdoor kennels. (Ord. 2005-01 § 9, 2005: Ord. 97-01 § 13, 1997)

18.72.050 Development standards.

The standards below shall apply:

A. Minimum lot area: 20,000 square feet.

B. Maximum lot coverage: 35 percent.

C. Minimum front setback: 50 feet along any public right-of-way.

D. Minimum rear setback: 15 feet; 50 feet when abutting a residentially zoned property. The city may increase this to a maximum of 100 feet depending on the type, scale, and intensity of the proposed use, subject to site plan review.

E. Minimum side setback: 10 feet; 50 feet when abutting a residentially zoned property. The city may increase this to a maximum of 100 feet depending on the type, scale, and intensity of the proposed use, subject to site plan review.

F. Maximum building height: 35 feet. Forty-five feet may be allowed through a con-

ditional 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) solar access of neighboring lots is not reduced; and (4) the appearance of the neighborhood will not substantially change.

G. Maximum Structure Height. 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 antennas affixed to non-commercial communication towers that are 50 feet or less in height above grade shall not require conditional use permits; (5) one flag-pole 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 nonconforming structures and may be replaced without a conditional use permit; provided, that the replacement structure is not larger or taller than the original structure and is not moved more than 20 feet from its original location.

H. Wireless communications towers over 35 feet in height shall require site plan and design review pursuant to BIMC 18.105.020.A.4.

I. Parking, Circulation and Loading. Parking and circulation requirements of Chapter 18.81 BIMC and parking lot landscape standards of BIMC 18.85.070 shall apply with the following additions:

1. On-street parking or staging of trucks on public streets is prohibited.

2. The primary vehicular access for light manufacturing developments shall avoid a street or easement that primarily serves residential uses.

3. No new curb cuts shall be allowed onto public streets if it is possible for a devel-

opment to share an access drive with an existing facility.

4. Entrances and exits to and from parking and loading facilities shall be clearly marked with appropriate directional signage where multiple access points are provided.

5. Internal circulation shall be designed for safety and efficiency by reducing conflicts between vehicular and pedestrian traffic, combining circulation and access areas where possible, providing adequate truck maneuvering, stacking, and loading areas and accommodating emergency vehicle access.

6. To reduce noise and visual conflicts with neighboring properties and public streets, loading facilities shall be located internal to the site or where conflict with neighboring properties will be reduced.

7. Loading docks and doors facing a public street shall be offset from the access drive and shall be screened from the street.

J. Outdoor Storage and Trash Dumpsters.

1. Screening of Outdoor Storage. The screen height is determined by the height of the material or equipment being screened. Chain link fencing with neutral colored slating is permitted along with vegetative screening when vegetative screening alone is not sufficient to block the outdoor storage from public view and where the fencing is not visible from a street. Exterior storage should be confined to portions of the site least visible from public view.

2. Trash dumpsters or any outdoor equipment, whether on roof or side of a structure or on the ground, shall be screened from view. Screening shall be architecturally consistent with the adjacent structure in terms of materials. Mechanical equipment should be located below the highest vertical element of the building.

3. Trash and recycling containers shall be located to mitigate noise impacts to nearby residential properties.

K. Drainage. All storm water runoff shall be detained and disposed of on-site or disposed of in a system designed for such runoff and which does not flood or damage adjacent properties. Systems designed for runoff detention and control shall comply with specifications

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provided by the city and shall be subject to its review and approval, and shall, moreover, comply with Chapter 15.20 BIMC, pertaining to community facilities.

L. On-Site Storm Water. In addition to the applicable storm water management requirements of Chapter 15.20 BIMC, a site plan and design review proposal for applicable light manufacturing property shall include means to integrate and re-use on-site storm water as a site amenity. For example, storm water detention ponds can be designed as a site feature, or storm water can be collected and re-used for irrigation for on-site agricultural open space or required landscaping.

M. Industrial Wastewater Disposal. Industrial wastewater includes wastewater resulting from (1) any process of industry, manufacture, trade or business; (2) the development of any natural resource; or (3) the washing of equipment and vehicles, or similar activities. Storm water runoff and runoff from the watering of landscaping is not included. Industrial wastewater shall not be discharged into an on-site septic system. Other relevant sections of this code shall apply.

N. Landscaping. Light manufacturing uses shall visually screen the development year-round from adjacent, nonindustrial properties and from adjacent roadways. Landscape screening shall be provided in accordance with Chapter 18.85 BIMC.

O. Relationship to Adjoining and Nearby Uses. A proposed development must be sited and designed to minimize potential safety hazards to adjoining and nearby developments. Specifically, a project shall be designed in a manner that minimizes conflicts between vehicular and nonmotorized traffic. Additionally, a development shall be fenced and buffered, as necessary, to impede potentially dangerous travel between different types of uses, such as between a manufacturing operation and day care center. Outdoor operations, such as loading docks and playgrounds, shall be located as far away as possible from residences and other noise sensitive uses. Lastly, outdoor lighting shall conform to the standards stipulated in Chapter 15.34 BIMC.

P. Design Guidelines. The site design shall be consistent with the light manufacturing design guidelines of Chapter 18.41 BIMC and any other design guidelines applicable to the proposed project.

Q. Transit Accommodation. A proposed site plan shall accommodate bus stops along public rights-of-way in locations identified by Kitsap Transit.

R. Open Space. All areas identified as critical areas and their buffers under Chapter 16.20 BIMC shall be designated as open space.

1. Open Space Conservation Easement. A conservation easement approved by the director shall be placed on the designated open space and shall be recorded with the Kitsap County auditor along with the open space management plan (OSMP) as required in subsection R.3 of this section.

2. Uses Allowed within Designated Open Space. Within open space areas, uses must conform with the provisions of Chapter 16.20 BIMC.

3. Open Space Management Plan. An open space management plan (OSMP) shall be prepared by the applicant for review and approval by the city at the time of the applica-

tion submittal. The OSMP shall include provisions that allow the periodic inspection of the open space by the city. The OSMP shall be recorded with the Kitsap County auditor. The OSMP shall include the following:

a. A list of all approved uses for the open space areas. If a property has a variety of critical areas, the specific locations of each set of permitted uses shall be depicted graphically.

b. A management plan which clearly describes the frequency and scope of maintenance activities.

c. Identification of the entity responsible for the maintenance of the open space areas.

d. Maintenance of Open Space Areas. Open space areas shall be maintained permanently by the property owner, the property owner's association, or the public agency for publicly owned properties. In the event that open space is not maintained consistent with the OSMP, the city shall have the right to provide the maintenance thereof, and bill the owner for all costs incurred by the city for the maintenance. Such bill shall become delinquent 20 days after the date of mailing, and on the amount due interest shall accrue on and after the date of delinquency at 12 percent per annum or the rate authorized by state statute, whichever is lower. Upon delinquency of 60 days, a lien shall be placed on the property. (Ord. 2006-16 § 1, 2006; Ord. 2005-01 § 10, 2005; Ord. 2004-02 § 1, 2004; Ord. 2003-11 § 3, 2003; Ord. 97-01 § 13, 1997)

18.72.060 Design guidelines.

The light manufacturing design guidelines, BIMC 18.41.070, shall apply. (Ord. 99-65 § 3, 1999)

18.72.070 Performance standards.

All uses allowed in the LM district shall conform to the performance standards of this section. Use, activity, or operation shall not violate existing state and federal environmental standards. It shall be the responsibility of the operator and/or the proprietor of any allowed use to provide such reasonable evidence and technical data as the director may

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require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards. Failure of the director to require such information shall not be construed as relieving the operator and/or proprietor from compliance with the environmental performance standards of this code.

A. Noise.

1. No use in this district shall exceed the maximum environmental noise level, established by Chapter 173-60 WAC, as adopted in Chapter 16.16 BIMC. Noise transmitted from an LM use and received by a non-LM use shall meet noise source and receiving levels of the residential, or Class A, standard for EDNA of noise source per WAC 173-60-040(2).

2. Environmental Designation for Noise Abatement or EDNA.

a. Noise levels of any sound source, when measured in the manner and locations prescribed in Chapter 173-60 WAC, shall not exceed the levels shown in the table below.

EDNA of Noise Source	EDNA of Receiving Property		
	Class A	Class B	Class C
Class A – Residential	55 dBA	57 dBA	60 dBA
Class B – Commercial	57 dBA	60 dBA	65 dBA
Class C – Industrial	60 dBA	65 dBA	70 dBA

b. Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

c. At any hour of the day or night the applicable noise limitations in subsections A.2.a and b of this section may be exceeded for any receiving property by no more than:

- i. Five dBA for a total of 15 minutes in any one-hour period; or
- ii. Ten dBA for a total of five minutes in any one-hour period; or
- iii. Fifteen dBA for a total of one and one-half minutes in any one-hour period.

B. Glare and Heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other

effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.

C. Ground Vibrations. No ground vibration other than that caused by highway vehicles or construction activity shall be permitted which is discernible, without instruments, at or beyond the property line for the use concerned.

D. Waste Storage and Disposal, Including Hazardous Waste. The storage or disposal of industrial waste shall be in compliance with the regulations and requirements of the Bremerton-Kitsap health district, the State Department of Ecology, and Chapter 70.105 RCW as amended, and this code.

E. Air Quality Emissions. No use in this district shall produce emissions of smoke, dust and/or odors beyond the property boundary which may unreasonably interfere with any other property owner's use and enjoyment of his/her property. In addition, all sources and emissions units are required to meet the emission and the ambient air quality standards specified in Chapter 173-400 WAC, and administered by the Puget Sound Clean Air Agency (PSCAA), and shall apply to all air contaminants listed therein.

F. Light. Exterior lighting, except for warning or emergency lighting, shall be hooded or shielded so direct illumination shall be confined to the property boundaries of the light source. No more than a maximum of one-half footcandle of illumination shall be permitted to fall upon any residential zoned property.

G. Ground and Soil Contamination. Materials used or produced in any manufacturing process shall be handled in such a manner as to prevent ground or soil pollution which destroys or endangers the support of natural vegetation or which may contaminate underground aquifers, or other natural drainage systems.

H. Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interference caused by mechanical, electrical, or nuclear equipment uses or processes with electrical apparatus in nearby buildings or use areas.

I. Fire and Explosive Hazards. The manufacture, use, processing or storage of flammable liquids or materials, liquids or gases that produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the adopted Uniform Fire Code

and the Uniform Building Code. A hazardous materials impact analysis, conforming to the requirements of the Bainbridge Island fire district, shall be required to determine potential off-site impacts and mitigation precautions.

J. Food Services. Food services in the LM district must meet the following standards:

1. The use is limited in size so that it functions as a service intended for the convenience of the employees of the LM district;

2. The use is located interior to the LM district or is fully screened from public streets;

3. The indoor area occupied by the food service business shall be limited to 2,000 square feet;

4. Food service available to employees and customers shall be limited to the hours of the on-site businesses, between 5:00 a.m. and 6:00 p.m.; and

5. No signage shall face primary and secondary arterials or collector streets.

K. On-Site Retail Sales. On-site sales to the general public must comply with the following standards:

1. Sales are limited to goods or products manufactured or utilized on the premises;

2. Sales to the general public are clearly subordinate to the primary use of the property as permitted in the LM district; storefront retail businesses are not permitted in the LM district;

3. There shall be no signage advertising the on-site sales to the general public;

4. There shall be no additional on-site parking allowed beyond what is required for the primary use; and

5. Notwithstanding subsections K.1 through 4 of this section, semiannual sales to the general public of items manufactured on-site is allowed; provided, that each sales event lasts no more than two consecutive days. (Ord. 2005-01 § 11, 2005: Ord. 97-01 § 13, 1997)

Chapter 18.75

**WATER-DEPENDENT
INDUSTRIAL ZONE¹****Sections:**

- 18.75.010 Purpose.**
- 18.75.020 Permitted uses.**
- 18.75.030 Conditional uses.**
- 18.75.040 Development standards.**
- 18.75.050 Performance standards.**

18.75.010 Purpose.

The purpose of the water-dependent industrial zone is to preserve elements of a working waterfront by providing urban shoreline areas intended primarily for commercial, public and recreational uses that require direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of the operation. Small boat facilities, water-related uses serving marine needs and marine recreational uses are allowed. Development in this zone that is also located within the 200-foot regulated shoreline area must also meet the applicable standards of the Bainbridge Island Shoreline Management Master Program.

It is a further purpose of this zone to require that development and uses employ best management practices and best available facilities practices and procedures that minimize impacts and protect affected land uses, or the natural environment, including marine wildlife habitat areas, from potential air, water, noise, visual or other forms of pollution; and to encourage public access to the water through adjacent waterfront trails and other means that provide both physical and visual access to the water. (Ord. 2000-12 § 1, 2000)

18.75.020 Permitted uses.

A. Permitted uses in water-dependent industrial zones are subject to the Shorelines Management Act and shall include water-related commercial uses as follows:

1. Water-dependent industrial zoned property located both north and south of Eagle Harbor:

- a. Pleasure and commercial vessel moorage;
- b. Small boat haul out facilities;
- c. Marine rental and sales;
- d. Boat repair facilities;
- e. Water-related supply and retail sales; and
- f. Dry storage for boats and marine equipment.

2. Water-dependent industrial zoned property located north of Eagle Harbor:

- a. Boat building;
- b. Bulkhead and dock construction; and
- c. Ferry terminal, slips and repair facilities.

B. Public parks and private parks with public access.

C. Accessory Uses.

1. On-site treatment and storage facilities for hazardous wastes associated with an outright permitted use, subject to state siting criteria, Chapter 70.105 RCW; and

2. Outdoor storage associated with an outright permitted use and not exceeding 1,000 square feet in area. (Ord. 2000-12 § 1, 2000)

18.75.030 Conditional uses.

A. Conditional uses for water-dependent industrial zoned property located south of Eagle Harbor are:

- 1. Boat building;
- 2. Barge moorage and off-load slips; and
- 3. Bulkhead and dock construction.

B. Conditional uses for all water-dependent industrial zoned property are:

- 1. Marine ways;
- 2. Cross-harbor passenger-only ferry terminal and associated parking;
- 3. Outdoor storage greater than 1,000 square feet in area and associated with an outright permitted use;
- 4. Public and private utility buildings and structures;
- 5. Water-oriented education, cultural, governmental or religious facilities, except

1. Prior legislation: Ords. 92-08, 95-13 and 96-15.

that conference centers with overnight accommodations are not permitted;

6. Park and ride lots; and

7. Share-use park and ride lots. (Ord. 2000-12 § 1, 2000)

18.75.040 Development standards.

A. Minimum Lot Area. The minimum lot area shall be 20,000 square feet.

B. Maximum Lot Coverage. The maximum lot coverage shall not exceed 50 percent.

C. Setbacks.

1. When properties are adjacent to commercial, light manufacturing zones, or water-dependent industrial zones, a 10-foot setback shall be required along property lines.

2. For properties which are adjacent to a residential zone, a minimum of a 40-foot setback shall be provided.

D. Height Limitations.

1. For development located within the 200-foot shoreline area, the building and structure heights shall not exceed the city limitations as specified in the city of Bainbridge Island Shoreline Master Program designated shoreline environments.

2. The building height is 35 feet, except that buildings up to 45 feet may be allowed under a conditional use permit if, in addition to the requirements of Chapter 18.108 BIMC, it is demonstrated that (a) view opportunities are not substantially reduced; (b) fire flow is adequate; (c) no unstable slopes or soils are on the building site; (d) solar access of neighboring lots is not reduced; and (e) each setback requirement shall be increased one foot for each additional foot of building height allowed.

3. Structure height is 35 feet, except that taller structures up to 50 feet may be allowed with the issuance of a conditional use permit; provided, that (a) view opportunities are not substantially reduced; (b) structures shall not be permitted in required setbacks except as otherwise authorized by this code; (c) each setback requirement shall be increased one-half foot for every foot above the maximum structure height; (d) noncommercial, nonparabolic antennae affixed to noncommercial communication towers that are 50 feet or

less in height above grade shall not require conditional use permits; (e) one flagpole 45 feet or less in height may be placed on a parcel without requiring a conditional use permit; (f) utility poles 50 feet or less in height shall not require conditional use permits; and (g) utility structures existing on the effective date of the ordinance codified in this subsection 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.

E. Minimum Lot Dimensions. Lots shall have no minimum width or depth. (Ord. 2004-02 § 20, 2004; Ord. 2000-12 § 1, 2000)

18.75.050 Performance standards.

All uses allowed in the water-dependent industrial zone shall conform to the performance standards of this section. Use, activity, or operation shall not violate existing state and federal environmental standards. It shall be the responsibility of the property owner, operator and/or the proprietor of any allowed use to provide such reasonable evidence and technical data as the director may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards. Failure of the director to require such information shall not be construed as relieving the operator and/or proprietor from compliance with the environmental performance standards of this code.

A. Pollution prevention and water quality protection shall be required of all development and operations of facilities that are located within 200 feet of the shoreline by employing best management practices and best available facilities practices and procedures for marine facilities provided by the Washington State Department of Ecology.

B. Noise. No use in this zone shall exceed the maximum environmental noise level, established by Chapter 173-60 WAC, as adopted in Chapter 16.16 BIMC.

C. Glare and Heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other

effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.

D. Ground Vibrations. No ground vibration other than that caused by highway vehicles or construction activity shall be permitted which is discernible, without instruments, at or beyond the property line.

E. Waste Storage and Disposal. The storage and disposal of industrial waste shall be in compliance with the regulations and requirements of the Bremerton-Kitsap health district, the State Department of Ecology, and Chapter 70.105 RCW, as amended, and this code.

F. Air Quality Emissions. No use in this zone shall produce emissions of smoke, dust and/or odors beyond the property boundary which may unreasonably interfere with any other property owner's use and enjoyment of his/her property. In addition, all sources and emissions units are required to meet the emission and the ambient air quality standards specified in Chapter 173-400 WAC, and administered by the Puget Sound Clean Air Agency, and shall apply to all air contaminants listed therein.

G. Light. Exterior lighting, except for warning or emergency lighting, shall be hooded or shielded so direct illumination shall be confined to the property boundaries of the light source. No more than a maximum of one-half footcandle of illumination shall be permitted to fall upon any residential zoned property.

H. Ground and Soil Contamination. Materials used or produced in any process shall be handled in such a manner as to prevent ground or soil pollution which destroys or endangers the support of natural vegetation or which may contaminate underground aquifers, or other natural drainage systems.

I. Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interference caused by mechanical, electrical, or nuclear equipment uses or processes with electrical apparatus in nearby buildings or use areas.

J. Fire and Explosive Hazards. The use, processing or storage of flammable liquids or materials, liquids or gases that produce flammable or explosive vapors or gases shall be

permitted in accordance with the regulations of the adopted Uniform Fire Code and the Uniform Building Code. A hazardous materials impact analysis, conforming to the requirements of the Bainbridge Island fire district, shall be required to determine potential off-site impacts and mitigation precautions. (Ord. 2000-12 § 1, 2000)

Chapter 18.76

HISTORIC PRESERVATION
PROGRAM

Sections:

- 18.76.010 Purpose.**
- 18.76.020 Definitions.**
- 18.76.030 Historic commission.**
- 18.76.040 Register of historic places.**
- 18.76.050 Changes or alterations to properties located on local register.**
- 18.76.060 Appeal of denial of a waiver or a certificate of appropriateness.**
- 18.76.070 Relationship to zoning and building codes.**
- 18.76.080 Review and monitoring of properties for special property tax valuation.**

18.76.010 Purpose.

The purpose of this chapter is to provide the process and standards for identifying, evaluating and protecting historic resources within the city, and for preserving and rehabilitating eligible historic properties within the city for future generations through a special valuation tax incentive in order to:

- A. Safeguard the heritage represented by those buildings, objects, sites and structures that reflect significant elements of the city's history;
- B. Foster civic and neighborhood pride in the beauty and accomplishments of the past;
- C. Stabilize or improve the aesthetic and economic vitality and values of such buildings, objects, sites and structures;
- D. Assist, encourage and provide incentives to private owners for the preservation, restoration, redevelopment and use of historic buildings, objects, sites and structures;
- E. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and
- F. Conserve valuable material and energy resources by ongoing use and maintenance of

the existing built environment. (Ord. 2003-37 § 1, 2004)

18.76.020 Definitions.

As used in this chapter:

A. "Certificate of appropriateness" means the certificate issued by the commission pursuant to BIMC 18.76.050 upon approval of proposed changes that do not adversely affect the historic characteristics of a property listed on the local register.

B. "Certified local government" means a local government that has been certified by the State Historic Preservation Officer and the National Park Service as having established its own historic preservation commission and program that meets federal and state standards.

C. "Consent" means informed consent, and in the case of nominations or designations for listing on the register shall mean consent given after receipt of information prescribed in the commission's rules that will inform the property owner of the practical and legal effect of nominating or designating the property for listing on the register.

D. "Emergency repair" means work necessary to prevent the destruction or dilapidation of buildings, objects, sites and structures that are immediately threatened or have been damaged by fire, flood, earthquake or other disaster.

E. "Historic preservation commission" or "commission" means the commission created pursuant to BIMC 18.76.030 and governed by this chapter.

F. "Historic property" means real property together with improvements thereon (except property listed in a register primarily for objects buried below ground) which is listed in a local or national register.

G. "Historical significance" means something that is important or helpful in the understanding of the history of the local area, state or nation by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or the property's architectural type or style.

H. "Local historic inventory" or "inventory" means the comprehensive inventory of the historic resources located within the city's

boundaries, which is established and maintained by the commission.

I. "Local register of historic places" or "local register" or "register" means the list of historic properties within the city established pursuant to BIMC 18.76.040.

J. "National Register of Historic Places" or "National Register" means the national listing of historically significant properties, established pursuant to 16 USC Section 470a.

K. "Object" means a thing of functional, aesthetic, cultural, historical, or scientific value that may, by nature or design, be movable yet related to a specific setting or environment.

L. "Ordinary repair and maintenance" means work for which a permit is not required, and the purpose of which is to correct the deterioration of or damage to real property or an improvement located thereon, and to restore, as much as practicable, such real property or improvement to its condition prior to the deterioration or damage.

M. "SHPO" means the State Historic Preservation Officer appointed pursuant to 16 USC Section 470a(b)(1)(A).

N. "Site" means a place where a significant event or pattern of events occurred. It may be a location of prehistoric or historic occupation or activities that may be marked by physical remains or it may be the symbolic focus of a significant event or pattern of events, although not actively occupied. A site may be the location of ruined or now nonextant building or structure if the location itself possesses historic, cultural or archaeological significance.

O. "Special valuation" means the local option program provided for in Chapter 84.26 RCW which, when implemented, makes available to property owners a special tax valuation for rehabilitation of an historic property.

P. "State Register of Historic Places" or "State Register" means the state listing of properties significant to the community, state or nation but which do not meet the criteria of the national register.

Q. "State Review Board" means the advisory council on historic preservation established pursuant to Chapter 27.34 RCW, or any

successor agency designated by the state to act as the State Historic Preservation Review Board under federal law.

R. "Universal transverse mercator" or "UTM" means the grid zone in metric measurement providing for an exact point of numerical reference. (Ord. 2003-37 § 1, 2004)

18.76.030 Historic commission.

A. Creation. The Bainbridge Island historic preservation commission is hereby established, to operate and act in accordance with the provisions of this chapter.

B. Composition of the Commission.

1. The commission shall consist of seven members, who shall be appointed by the mayor and approved by the city council in accordance with this chapter. The commission shall include at least three members who have experience in identifying, evaluating and protecting historic resources and who are selected from among the disciplines of history, architecture, landscape architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, biology, geography, cultural geography, American studies, law, and real estate, referred to herein as the "professional positions." An action taken by the commission shall not be invalid due to the temporary vacancy of any or all of the professional positions, unless the certification agreement between the city and the SHPO provides otherwise.

2. All members of the commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.

3. All members of the commission shall serve without compensation.

4. In making appointments to the commission, the mayor may consider names submitted from any source; provided, that the mayor shall notify the Bainbridge Island Historical Society and other appropriate community organizations of any vacancies on the commission, so that these organizations may submit the names of qualified individuals for consideration along with names from any other source. The mayor also shall publish

notice of such vacancies and the procedure for submitting nominations.

5. The commission shall select from among its members a chairperson and such other officers as may be necessary to conduct the commission's business.

C. Term of Commission Members. The initial appointment of members to the commission shall be as follows: three members shall be appointed for two years; two members shall be appointed for three years; and two members shall be appointed for four years. Thereafter, appointments shall be made for three-year terms. Vacancies to the commission shall be filled by the mayor for the unexpired term of that position.

D. Powers and Duties. The commission shall:

1. Establish, maintain and periodically update a local historic inventory, which inventory shall be maintained in a form compatible with the state inventory, and may cooperate with, and advise the city council as requested on contracting with, the Bainbridge Island Historical Society or others, in connection with the establishment and maintenance of the inventory;

2. Establish and maintain the local register of historic places, as provided in BIMC 18.76.040;

3. Review nominations to the local register and designate properties for listing on the register, in accordance with BIMC 18.76.040;

4. Participate in the review process for nominations to the National Register of properties within the city's boundaries, in accordance with the procedures established by the SHPO;

5. Review proposals to construct or reconstruct upon, change the use of, alter, restore, remodel, repair, move or demolish properties on the local register as provided in BIMC 18.76.050;

6. Conduct all commission meetings in compliance with Chapter 42.30 RCW;

7. Provide resources and advocacy for historic preservation consistent with comprehensive plan policy HP 1.2, which may include but are not limited to participation in or promo-

tion of public educational programs, fostering historic preservation through recognition of excellence in restoration of historic buildings, structures or sites, advising the city council or the planning commission as requested on matters of city history and historic preservation or actions affecting the historic resources of the city, and maintaining information on federal or state historic preservation programs, funding sources or incentives; and

8. Serve as the local review board for the special valuation of historic property, and in that capacity determine and monitor the eligibility of historic property for special valuation in accordance with BIMC 18.76.080.

E. Rules and Standards of Commission. The commission shall establish and adopt rules prescribing forms, standards and procedures consistent with applicable law, as necessary to carry out its duties. Standards for review under BIMC 18.76.040 and 18.76.050 shall be based in part, and to the extent applicable, on the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, 48 FR 44716, as updated and supplemented by the National Park Service, and the Secretary of the Interior's Standards for Rehabilitation, 37 CFR 67, as amended. All actions of the commission shall be carried out in accordance with its rules.

F. Staff Support. Staff support shall be provided to the commission sufficient to enable the commission to carry out the responsibilities undertaken by the city under the certification agreement between the city and the SHPO. (Ord. 2003-37 § 1, 2004)

18.76.040 Register of historic places.

A. Criteria for Designating Properties for Listing on the Register. Any building, structure, site or object, whether publicly or privately owned, may be designated for listing on the local register if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; it has physical integrity; it is at least 50 years old or is of lesser age but has exceptional importance; and it qualifies as at least one of the following:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;

2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;

3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;

4. Exemplifies or reflects special elements of the city's cultural, special, economic, political, aesthetic, engineering, or architectural history;

5. Is associated with the lives of persons significant in national, state, or local history;

6. Has yielded or may be likely to yield important archaeological information related to history or prehistory;

7. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event;

8. Is a birthplace or grave of an historical figure of outstanding importance;

9. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;

10. Is a reconstructed building that has been executed in an historically accurate manner on the original site;

11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories; or

12. Is listed on the National Register or the State Register.

B. Process for Designating Properties for Listing on the Register.

1. Any person, including the commission or any commission member, may nominate a building, structure, site or object for listing on the local register; provided, that no property shall be nominated without the prior consent of the owner.

2. The nomination shall include, when possible, the tax parcel number (and the UTM reference, if required for compatibility with the State Register) and a description of all interior and exterior features and outbuildings that contribute to its designation.

3. In reviewing the nomination, the commission shall consider the local inventory and the city's comprehensive plan, and the merits of the nomination, according to the criteria in subsection A of this section, and shall proceed according to the nomination review standards established in the commission's rules.

4. The commission shall provide public notice of the date, time and location of the meeting during which it will consider the designation nomination. Written notice of the date, time and location of the meeting shall be provided no later than ten days prior to the meeting to the nominator, the owner(s) of public record and the lessees, if any, of the subject property. The commission shall further publish at least one notice of the meeting in a newspaper of general circulation in the city. The commission shall also post a notice on a conspicuous location on the subject property.

5. If the commission finds that the nominated property is eligible for listing on the local register, the commission shall list the property on the register, with the consent of the owner of the property. The public, property owner, nominator and lessees, if any, shall be notified in writing of the listing no later than 30 days after the listing.

6. Properties listed on the local register shall be identified in the planning database maintained by the city and the listing shall be forwarded to the Kitsap County assessor for identification of the historical property in the Kitsap County zoning records.

C. Removal of Properties from the Register. Properties listed on the local register may be removed from the register only by the commission in accordance with this section. The commission may remove any property from the local register, with or without the owner's consent, if the commission deems the property no longer appropriate for designation to the local register because it no longer satisfies the

original criteria in support of its designation. The procedure for removal shall be established by the commission and shall include the procedures for notification to the public and interested parties set forth in subsection B.4 of this section. (Ord. 2003-37 § 1, 2004)

18.76.050 Changes or alterations to properties located on local register.

A. Review Required. No person shall perform any work to a property listed on the local register, other than ordinary repair or maintenance, emergency repair measures, or total or partial demolition, without a review by, and issuance of a certificate of appropriateness from, the commission. In the case of a total or partial demolition of the property, a waiver of the certificate of appropriateness must be obtained from the commission prior to the demolition, in accordance with subsection B of this section. Failure to obtain the required certificate of appropriateness or waiver from the commission shall be grounds for removal of the property from the local register.

B. Review Process.

1. The building official shall notify the commission of any application for a permit to perform work on or to demolish a property listed on the local register. If the activity is not exempt from review, the commission shall notify the applicant of the review requirements. The building official shall not issue any permit until the required certificate of appropriateness or waiver is received from the commission.

2. The applicant shall apply to the commission for a review of the proposed work to the property listed on the local register, and request a certificate of appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by all information required by the commission pursuant to its established rules for review.

3. The commission shall meet with the applicant and review the proposed work in accordance with the standards established in the commission's rules. Unless required by another ordinance or law, the commission

shall not be required to provide public notice of the application. In the case of an application to perform work to the property, the commission shall complete its review and make its decision within 30 days after the date of receipt of the application. If the commission is unable to process the request within this time period, the commission may reasonably extend its review period for another 15 days upon written notice to the applicant. If the commission fails to issue a decision within 45 days of receiving the application, the application shall be deemed approved and the commission shall issue a certificate of appropriateness.

4. As part of the review process for an application to demolish or partly demolish the property, the applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 days from the initial meeting with the commission, unless either party requests an extension, in which case the negotiations may be extended for up to an additional 30 days. If no alternative to demolition has been agreed to within 45 days from the initial meeting with the commission, plus any extension, the commission shall approve or deny the application for a waiver and advise the official in charge of issuing a demolition permit of the decision. If the commission fails to issue a decision within 45 days from the initial meeting with the commission, plus any extensions, the application shall be deemed approved and the commission shall issue an unconditional waiver. When issuing a waiver, the commission may reasonably impose conditions designed to mitigate the loss of the property from the register. Property that is wholly demolished shall be removed from the register. Property that is partially demolished may be removed from the register, if deemed appropriate by the commission.

5. The commission's decision on any application shall be in writing and shall state the findings of fact and the basis for its decision. Any conditions to the certificate of appropriateness or waiver recommended by the commission and accepted by the applicant in this review process shall become conditions of approval of the permits issued. If the owner

18.76.060

accepts the commission's recommendations and conditions, a certificate of appropriateness or a waiver shall be issued by the commission according to standards established in the commission's rules.

6. The commission's determination, recommendations and, if awarded, the certificate of appropriateness or a waiver shall be transmitted to the building official. If a certificate of appropriateness or waiver is awarded, the building official may then issue the permit.

7. If a certificate of appropriateness or waiver is denied, the building official shall not issue the permit. (Ord. 2003-37 § 1, 2004)

18.76.060 Appeal of denial of a waiver or a certificate of appropriateness.

The commission's denial of any application for a certificate of appropriateness or waiver may be appealed by the applicant to the city council within 10 days of the date of the commission's decision. The appeal shall be filed with the city clerk and shall clearly state the grounds upon which the appeal is based. The appeal shall be reviewed by the council only upon the records of the commission. The council's decision on the appeal may be appealed by the applicant to the Kitsap County superior court within 21 days after the date of the decision issued by the council. (Ord. 2003-37 § 1, 2004)

18.76.070 Relationship to zoning and building codes.

Nothing contained herein shall be construed to repeal, modify or waive any zoning, land use or building codes, laws, ordinances or regulations which are otherwise applicable to property listed on the local register. (Ord. 2003-37 § 1, 2004)

18.76.080 Review and monitoring of properties for special property tax valuation.

A. Special Valuation Program Established. Pursuant to Chapter 84.26 RCW, a local option program is hereby established which shall make available to owners of historic property a special tax valuation for the

rehabilitation of the historic property, as set forth in Chapter 84.26 RCW and this section.

B. Application Process for Special Property Tax Valuation.

1. An applicant desiring to obtain special property tax valuation for historic property shall file a complete application with the Kitsap County assessor no later than October 1st of the year immediately preceding the first assessment year for which special valuation classification is requested. Applications filed after the October 1st deadline shall not be considered for special property tax valuation until the following year.

2. Complete applications shall include the following information and documentation:

a. A legal description of the historic property;

b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation;

c. Architectural plans or other legible drawings depicting the completed rehabilitation work;

d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed, with documentation of both to be made available to the commission upon request; and

e. For properties located within National Register historic districts, a statement from the Secretary of the Interior, indicating the property is a certified historic structure as defined in WAC 254-20-030(2).

3. The Kitsap County assessor shall forward to the commission all complete applications for special property tax valuation for historic property within 10 days after receiving such applications.

C. Review Process.

1. The commission shall review each application for special tax valuation and determine: if the application is complete; if the subject property meets the criteria set forth in RCW 84.26.030 and WAC 254-20-070(1); and if the subject property meets the criteria set forth in subsection D of this section. The commission shall review all timely applications,

and shall enter a determination on the application no later than December 31st of the calendar year in which the application is made.

2. If the commission finds that a subject property is eligible and meets all criteria set forth in this section, the commission shall enter into an historic preservation special valuation agreement with the owner of the subject property, which agreement shall contain all terms required by WAC 254-20-120. Upon mutual execution of such an agreement, the commission shall approve the application.

3. If the commission determines that the subject property does not meet all the requirements of this section, the commission shall deny the application.

4. Commission decisions to approve or deny applications for special tax valuation shall be in writing, shall describe the facts upon which the determination is based, and shall be filed with the Kitsap County assessor within 10 days after the date of the decision.

5. For those applications approved by the commission, the commission shall forward a copy of the applicable historic preservation special valuation agreement, the application and all supporting documentation to the Kitsap County assessor. The commission shall also notify the State Review Board that the subject property has been approved for special valuation and shall monitor the subject property for continued compliance with the historic preservation special valuation agreement throughout the 10-year special valuation period.

6. The commission shall determine whether a property is disqualified from special valuation either because of the owner's failure to comply with the terms of the historic preservation special valuation agreement or because of a loss of historic value resulting from physical changes to the building or site. In the event that the commission concludes that a property is no longer qualified for special valuation, the commission shall notify the owner, the Kitsap County assessor and the State Review Board in writing and state the facts supporting its findings.

D. Criteria.

1. Historic Property Criteria. Until the city becomes a certified local government, the

class of historic property eligible for special valuation in the city includes all properties listed on the National Register or certified as contributing to a National Register historic district which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW. After the city becomes a certified local government, the class of historic property eligible for special valuation in the city includes all properties listed on the local register that have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

2. Property Review Criteria. In its review of an application for special valuation of an historic property, the commission shall determine if the subject property meets each of the following criteria:

- a. The property is an historic property;
- b. The property is included within a class of historic property determined eligible for special valuation pursuant to subsection D.1 of this section;
- c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) within 24 months prior to the date of application; and
- d. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant, as determined by applying the standards set forth in WAC 254-20-100(1).

3. Rehabilitation and Maintenance Criteria. The commission shall use the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties set forth in WAC 254-20-100 as the minimum requirements for determining whether an historic property is eligible for special valuation and whether the property continues to be eligible for special valuation once it has been so classified.

E. Agreement. The commission shall use the historic preservation special valuation agreement set forth in WAC 254-20-120 as the minimum agreement required by this section.

F. Appeals. A decision of the commission on an application for classification as historic property eligible for special valuation may be appealed to the Kitsap County superior court under RCW 34.04.510 through 34.05.598 in addition to any other legal remedy. Any decision of the commission on the disqualification of historic property as being eligible for special valuation, or any other dispute, may be appealed to the Kitsap County board of equalization in accordance with RCW 84.40.038. (Ord. 2003-37 § 1, 2004)

Chapter 18.78

GENERAL REGULATIONS

Sections:

- 18.78.010** Accessory buildings.
- 18.78.020** Exceptions to setback regulations.
- 18.78.030** Sight clearance.
- 18.78.040** Utilities.
- 18.78.050** Lighting.
- 18.78.060** Shoreline setback line.
- 18.78.070** Construction living quarters.

18.78.010 Accessory buildings.

For through lots, setbacks for accessory buildings in rear setbacks shall conform to the front setback requirements for a principal building. Side setbacks for each accessory building shall conform to the side setbacks required of, or established by, the principal building, with such setbacks continuing through the full depth of the site. (Ord. 2004-12 § 22, 2004; Ord. 2004-02 § 1, 2004; Ord. 92-08 § 2, 1992)

18.78.020 Exceptions to setback regulations.

A. Fences up to six feet high may be located in any required setback, except as provided in BIMC 18.78.030 and 18.78.060.B. Nonscreening fences in excess of six feet but not exceeding eight feet in height may be erected, subject to any applicable provisions of BIMC Title 15. Height shall be measured from finished grade at the exterior side of the fence. No person may construct a berm or retaining wall upon which to build a fence unless the total height of the berm or retaining wall plus the fence does not exceed the maximum height allowable for the fence if the berm or retaining wall were not present.

B. Chimneys, flues, awnings, bay windows, and greenhouse windows may intrude into required setbacks up to 18 inches.

C. Eaves may intrude into required setbacks up to 24 inches. When provided in combination with any of the exceptions of subsection B of this section, such as above a bay window, the eave intrusion shall be mea-

sured from the required setback line and not from the outer edge of the bay window or other intrusion.

D. Signs shall conform to Chapter 15.08 BIMC, Sign Code, and may be placed in required setbacks.

E. In the R-2.9, R-3.5, R-4.3, R-5, R-6, R-8, R-14, Mixed Use Town Center, High School Road, or Neighborhood Service Center zones, the following exceptions apply:

1. Any structure, other than a driveway and/or parking area, that is not more than four inches above finished grade may be located anywhere in a required side or rear setback. For driveways and/or parking areas, see Chapter 18.81 BIMC;

2. Any structure that is more than four inches but not more than 30 inches above finished grade may extend to within five feet of any rear or side property line; and

3. Uncovered steps and porches not more than 30 inches above finished grade and which provide direct access to a principal building may extend to within three feet of a side property line.

F. Decorative landscape features such as garden sculpture and similar structures not exceeding eight feet in height are permitted in required setbacks. Where such feature is supported by a fence, berm, or retaining wall, the total height shall not exceed eight feet, measured from finished grade at the exterior side of such support.

G. Rockeries and retaining walls no greater than 48 inches in height are permitted in required setbacks. Rockeries and retaining walls greater than 48 inches in height may be permitted in required setbacks if a qualified geotechnical engineer determines that it is necessary for slope stabilization, and the city concurs.

H. Utilities, pursuant to BIMC 18.78.040.

I. None of the exceptions listed in this section shall be permitted to be located in violation of the sight clearance requirements of BIMC 18.78.030. (Ord. 2004-12 § 23, 2004; Ord. 2004-02 § 1, 2004; Ord. 92-08 § 2, 1992)

18.78.030 Sight clearance.

No sight-obscuring fence or hedge over 42 inches higher than the grade of adjacent streets shall be permitted on corner lots in the setback area formed by a line from the lot corner at the street intersection along the front setback line 15 feet and side setback line 15 feet and a line connecting the two lot lines at the point 15 feet from the intersection corner. (Ord. 2004-02 § 1, 2004; Ord. 92-08 § 2, 1992)

18.78.040 Utilities.

Overhead and underground utilities are permitted in setbacks. (Ord. 2004-02 § 1, 2004; Ord. 92-08 § 2, 1992)

18.78.050 Lighting.

All light sources shall be hooded or shielded so the lamp is not visible from adjacent properties or public rights-of-way. (Ord. 92-08 § 2, 1992)

18.78.060 Shoreline setback line.

All principal buildings shall be so located as to maintain the minimum shoreline setback line.

A. The shoreline setback line shall be determined as follows:

1. No Adjacent Principal Buildings. Where no principal buildings are located on any lot adjacent to a proposed building, the shoreline setback line shall be the setback specified in the underlying zone. (See diagram A at the end of this section.)

2. Adjacent Principal Building on One Side. Where a principal building exists on an adjacent lot along only one side of the proposed building, the shoreline setback line shall be a distance no less than that of the adjacent principal building to the shoreline or that setback specified in the underlying zone, whichever is greater. (See diagram B at the end of this section.)

3. Adjacent Principal Buildings on Both Sides on a Regular Shoreline. Where principal buildings exist on lots adjacent to both sides of the proposed building on a regular shoreline, the shoreline setback line shall be determined by a line drawn between the building line of the adjacent principal buildings or

18.78.060

that setback specified by the underlying zone, whichever is greater. (See diagram C at the end of this section.)

4. Adjacent Principal Buildings on Both Sides on an Irregular Shoreline. Where principal buildings exist on lots adjacent to both sides of the proposed building on a shoreline forming a cove or peninsula, the shoreline setback line shall be determined by averaging the setback lines of the two adjacent principal buildings or the setback specified in the underlying zone, whichever is greater. (See diagrams D and E at the end of this section).

B. Accessory structures, such as fences, may be situated within the shoreline setback; provided, that they do not substantially obstruct the view of adjacent principal buildings. (Ord. 2004-12 § 24, 2005: Ord. 92-08 § 2, 1992)

N. Landscaping. Light manufacturing uses shall visually screen the development year-round from adjacent, nonindustrial properties and from adjacent roadways. Landscape screening shall be provided in accordance with Chapter 18.85 BIMC.

O. Relationship to Adjoining and Nearby Uses. A proposed development must be sited and designed to minimize potential safety hazards to adjoining and nearby developments. Specifically, a project shall be designed in a manner that minimizes conflicts between vehicular and nonmotorized traffic. Additionally, a development shall be fenced and buffered, as necessary, to impede potentially dangerous travel between different types of uses, such as between a manufacturing operation and day care center. Outdoor operations, such as loading docks and playgrounds, shall be located as far away as possible from residences and other noise sensitive uses. Lastly, outdoor lighting shall conform to the standards stipulated in Chapter 15.34 BIMC.

P. Design Guidelines. The site design shall be consistent with the light manufacturing design guidelines of Chapter 18.41 BIMC and any other design guidelines applicable to the proposed project.

Q. Transit Accommodation. A proposed site plan shall accommodate bus stops along public rights-of-way in locations identified by Kitsap Transit.

R. Open Space. All areas identified as critical areas and their buffers under Chapter 16.20 BIMC shall be designated as open space.

1. Open Space Conservation Easement. A conservation easement approved by the director shall be placed on the designated open space and shall be recorded with the Kitsap County auditor along with the open space management plan (OSMP) as required in subsection R.3 of this section.

2. Uses Allowed within Designated Open Space. Within open space areas, uses must conform with the provisions of Chapter 16.20 BIMC.

3. Open Space Management Plan. An open space management plan (OSMP) shall be prepared by the applicant for review and approval by the city at the time of the applica-

tion submittal. The OSMP shall include provisions that allow the periodic inspection of the open space by the city. The OSMP shall be recorded with the Kitsap County auditor. The OSMP shall include the following:

a. A list of all approved uses for the open space areas. If a property has a variety of critical areas, the specific locations of each set of permitted uses shall be depicted graphically.

b. A management plan which clearly describes the frequency and scope of maintenance activities.

c. Identification of the entity responsible for the maintenance of the open space areas.

d. Maintenance of Open Space Areas. Open space areas shall be maintained permanently by the property owner, the property owner's association, or the public agency for publicly owned properties. In the event that open space is not maintained consistent with the OSMP, the city shall have the right to provide the maintenance thereof, and bill the owner for all costs incurred by the city for the maintenance. Such bill shall become delinquent 20 days after the date of mailing, and on the amount due interest shall accrue on and after the date of delinquency at 12 percent per annum or the rate authorized by state statute, whichever is lower. Upon delinquency of 60 days, a lien shall be placed on the property. (Ord. 2006-16 § 1, 2006; Ord. 2005-01 § 10, 2005; Ord. 2004-02 § 1, 2004; Ord. 2003-11 § 3, 2003; Ord. 97-01 § 13, 1997)

18.72.060 Design guidelines.

The light manufacturing design guidelines, BIMC 18.41.070, shall apply. (Ord. 99-65 § 3, 1999)

18.72.070 Performance standards.

All uses allowed in the LM district shall conform to the performance standards of this section. Use, activity, or operation shall not violate existing state and federal environmental standards. It shall be the responsibility of the operator and/or the proprietor of any allowed use to provide such reasonable evidence and technical data as the director may

require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards. Failure of the director to require such information shall not be construed as relieving the operator and/or proprietor from compliance with the environmental performance standards of this code.

A. Noise.

1. No use in this district shall exceed the maximum environmental noise level, established by Chapter 173-60 WAC, as adopted in Chapter 16.16 BIMC. Noise transmitted from an LM use and received by a non-LM use shall meet noise source and receiving levels of the residential, or Class A, standard for EDNA of noise source per WAC 173-60-040(2).

2. Environmental Designation for Noise Abatement or EDNA.

a. Noise levels of any sound source, when measured in the manner and locations prescribed in Chapter 173-60 WAC, shall not exceed the levels shown in the table below.

EDNA of Noise Source	EDNA of Receiving Property		
	Class A	Class B	Class C
Class A – Residential	55 dBA	57 dBA	60 dBA
Class B – Commercial	57 dBA	60 dBA	65 dBA
Class C – Industrial	60 dBA	65 dBA	70 dBA

b. Between the hours of 10:00 p.m. and 7:00 a.m. the noise limitations of the foregoing table shall be reduced by 10 dBA for receiving property within Class A EDNAs.

c. At any hour of the day or night the applicable noise limitations in subsections A.2.a and b of this section may be exceeded for any receiving property by no more than:

- i. Five dBA for a total of 15 minutes in any one-hour period; or
- ii. Ten dBA for a total of five minutes in any one-hour period; or
- iii. Fifteen dBA for a total of one and one-half minutes in any one-hour period.

B. Glare and Heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other

effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.

C. Ground Vibrations. No ground vibration other than that caused by highway vehicles or construction activity shall be permitted which is discernible, without instruments, at or beyond the property line for the use concerned.

D. Waste Storage and Disposal, Including Hazardous Waste. The storage or disposal of industrial waste shall be in compliance with the regulations and requirements of the Bremerton-Kitsap health district, the State Department of Ecology, and Chapter 70.105 RCW as amended, and this code.

E. Air Quality Emissions. No use in this district shall produce emissions of smoke, dust and/or odors beyond the property boundary which may unreasonably interfere with any other property owner's use and enjoyment of his/her property. In addition, all sources and emissions units are required to meet the emission and the ambient air quality standards specified in Chapter 173-400 WAC, and administered by the Puget Sound Clean Air Agency (PSCAA), and shall apply to all air contaminants listed therein.

F. Light. Exterior lighting, except for warning or emergency lighting, shall be hooded or shielded so direct illumination shall be confined to the property boundaries of the light source. No more than a maximum of one-half footcandle of illumination shall be permitted to fall upon any residential zoned property.

G. Ground and Soil Contamination. Materials used or produced in any manufacturing process shall be handled in such a manner as to prevent ground or soil pollution which destroys or endangers the support of natural vegetation or which may contaminate underground aquifers, or other natural drainage systems.

H. Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interference caused by mechanical, electrical, or nuclear equipment uses or processes with electrical apparatus in nearby buildings or use areas.

I. Fire and Explosive Hazards. The manufacture, use, processing or storage of flammable liquids or materials, liquids or gases that produce flammable or explosive vapors or gases shall be permitted in accordance with the regulations of the adopted Uniform Fire Code

and the Uniform Building Code. A hazardous materials impact analysis, conforming to the requirements of the Bainbridge Island fire district, shall be required to determine potential off-site impacts and mitigation precautions.

J. Food Services. Food services in the LM district must meet the following standards:

1. The use is limited in size so that it functions as a service intended for the convenience of the employees of the LM district;

2. The use is located interior to the LM district or is fully screened from public streets;

3. The indoor area occupied by the food service business shall be limited to 2,000 square feet;

4. Food service available to employees and customers shall be limited to the hours of the on-site businesses, between 5:00 a.m. and 6:00 p.m.; and

5. No signage shall face primary and secondary arterials or collector streets.

K. On-Site Retail Sales. On-site sales to the general public must comply with the following standards:

1. Sales are limited to goods or products manufactured or utilized on the premises;

2. Sales to the general public are clearly subordinate to the primary use of the property as permitted in the LM district; store-front retail businesses are not permitted in the LM district;

3. There shall be no signage advertising the on-site sales to the general public;

4. There shall be no additional on-site parking allowed beyond what is required for the primary use; and

5. Notwithstanding subsections K.1 through 4 of this section, semiannual sales to the general public of items manufactured on-site is allowed; provided, that each sales event lasts no more than two consecutive days. (Ord. 2005-01 § 11, 2005; Ord. 97-01 § 13, 1997)

Chapter 18.75

**WATER-DEPENDENT
INDUSTRIAL ZONE¹****Sections:**

- 18.75.010 Purpose.**
- 18.75.020 Permitted uses.**
- 18.75.030 Conditional uses.**
- 18.75.040 Development standards.**
- 18.75.050 Performance standards.**

18.75.010 Purpose.

The purpose of the water-dependent industrial zone is to preserve elements of a working waterfront by providing urban shoreline areas intended primarily for commercial, public and recreational uses that require direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of the operation. Small boat facilities, water-related uses serving marine needs and marine recreational uses are allowed. Development in this zone that is also located within the 200-foot regulated shoreline area must also meet the applicable standards of the Bainbridge Island Shoreline Management Master Program.

It is a further purpose of this zone to require that development and uses employ best management practices and best available facilities practices and procedures that minimize impacts and protect affected land uses, or the natural environment, including marine wildlife habitat areas, from potential air, water, noise, visual or other forms of pollution; and to encourage public access to the water through adjacent waterfront trails and other means that provide both physical and visual access to the water. (Ord. 2000-12 § 1, 2000)

18.75.020 Permitted uses.

A. Permitted uses in water-dependent industrial zones are subject to the Shorelines Management Act and shall include water-related commercial uses as follows:

1. Water-dependent industrial zoned property located both north and south of Eagle Harbor:

- a. Pleasure and commercial vessel moorage;
- b. Small boat haul out facilities;
- c. Marine rental and sales;
- d. Boat repair facilities;
- e. Water-related supply and retail sales; and
- f. Dry storage for boats and marine equipment.

2. Water-dependent industrial zoned property located north of Eagle Harbor:

- a. Boat building;
- b. Bulkhead and dock construction; and
- c. Ferry terminal, slips and repair facilities.

B. Public parks and private parks with public access.

C. Accessory Uses.

1. On-site treatment and storage facilities for hazardous wastes associated with an outright permitted use, subject to state siting criteria, Chapter 70.105 RCW; and

2. Outdoor storage associated with an outright permitted use and not exceeding 1,000 square feet in area. (Ord. 2000-12 § 1, 2000)

18.75.030 Conditional uses.

A. Conditional uses for water-dependent industrial zoned property located south of Eagle Harbor are:

- 1. Boat building;
- 2. Barge moorage and off-load slips; and
- 3. Bulkhead and dock construction.

B. Conditional uses for all water-dependent industrial zoned property are:

- 1. Marine ways;
- 2. Cross-harbor passenger-only ferry terminal and associated parking;
- 3. Outdoor storage greater than 1,000 square feet in area and associated with an outright permitted use;
- 4. Public and private utility buildings and structures;
- 5. Water-oriented education, cultural, governmental or religious facilities, except

1. Prior legislation: Ords. 92-08, 95-13 and 96-15.

that conference centers with overnight accommodations are not permitted;

6. Park and ride lots; and

7. Share-use park and ride lots. (Ord. 2000-12 § 1, 2000)

18.75.040 Development standards.

A. **Minimum Lot Area.** The minimum lot area shall be 20,000 square feet.

B. **Maximum Lot Coverage.** The maximum lot coverage shall not exceed 50 percent.

C. **Setbacks.**

1. When properties are adjacent to commercial, light manufacturing zones, or water-dependent industrial zones, a 10-foot setback shall be required along property lines.

2. For properties which are adjacent to a residential zone, a minimum of a 40-foot setback shall be provided.

D. **Height Limitations.**

1. For development located within the 200-foot shoreline area, the building and structure heights shall not exceed the city limitations as specified in the city of Bainbridge Island Shoreline Master Program designated shoreline environments.

2. The building height is 35 feet, except that buildings up to 45 feet may be allowed under a conditional use permit if, in addition to the requirements of Chapter 18.108 BIMC, it is demonstrated that (a) view opportunities are not substantially reduced; (b) fire flow is adequate; (c) no unstable slopes or soils are on the building site; (d) solar access of neighboring lots is not reduced; and (e) each setback requirement shall be increased one foot for each additional foot of building height allowed.

3. Structure height is 35 feet, except that taller structures up to 50 feet may be allowed with the issuance of a conditional use permit; provided, that (a) view opportunities are not substantially reduced; (b) structures shall not be permitted in required setbacks except as otherwise authorized by this code; (c) each setback requirement shall be increased one-half foot for every foot above the maximum structure height; (d) noncommercial, nonparabolic antennae affixed to noncommercial communication towers that are 50 feet or

less in height above grade shall not require conditional use permits; (e) one flagpole 45 feet or less in height may be placed on a parcel without requiring a conditional use permit; (f) utility poles 50 feet or less in height shall not require conditional use permits; and (g) utility structures existing on the effective date of the ordinance codified in this subsection 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.

E. **Minimum Lot Dimensions.** Lots shall have no minimum width or depth. (Ord. 2004-02 § 20, 2004; Ord. 2000-12 § 1, 2000)

18.75.050 Performance standards.

All uses allowed in the water-dependent industrial zone shall conform to the performance standards of this section. Use, activity, or operation shall not violate existing state and federal environmental standards. It shall be the responsibility of the property owner, operator and/or the proprietor of any allowed use to provide such reasonable evidence and technical data as the director may require to demonstrate that the use or activity is or will be in compliance with the environmental performance standards. Failure of the director to require such information shall not be construed as relieving the operator and/or proprietor from compliance with the environmental performance standards of this code.

A. **Pollution prevention and water quality protection** shall be required of all development and operations of facilities that are located within 200 feet of the shoreline by employing best management practices and best available facilities practices and procedures for marine facilities provided by the Washington State Department of Ecology.

B. **Noise.** No use in this zone shall exceed the maximum environmental noise level, established by Chapter 173-60 WAC, as adopted in Chapter 16.16 BIMC.

C. **Glare and Heat.** Any operation producing intense glare or heat shall be conducted within an enclosed building or with other

effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line.

D. Ground Vibrations. No ground vibration other than that caused by highway vehicles or construction activity shall be permitted which is discernible, without instruments, at or beyond the property line.

E. Waste Storage and Disposal. The storage and disposal of industrial waste shall be in compliance with the regulations and requirements of the Bremerton-Kitsap health district, the State Department of Ecology, and Chapter 70.105 RCW, as amended, and this code.

F. Air Quality Emissions. No use in this zone shall produce emissions of smoke, dust and/or odors beyond the property boundary which may unreasonably interfere with any other property owner's use and enjoyment of his/her property. In addition, all sources and emissions units are required to meet the emission and the ambient air quality standards specified in Chapter 173-400 WAC, and administered by the Puget Sound Clean Air Agency, and shall apply to all air contaminants listed therein.

G. Light. Exterior lighting, except for warning or emergency lighting, shall be hooded or shielded so direct illumination shall be confined to the property boundaries of the light source. No more than a maximum of one-half footcandle of illumination shall be permitted to fall upon any residential zoned property.

H. Ground and Soil Contamination. Materials used or produced in any process shall be handled in such a manner as to prevent ground or soil pollution which destroys or endangers the support of natural vegetation or which may contaminate underground aquifers, or other natural drainage systems.

I. Electrical Interference. Provisions must be made for necessary shielding or other preventive measures against interference caused by mechanical, electrical, or nuclear equipment uses or processes with electrical apparatus in nearby buildings or use areas.

J. Fire and Explosive Hazards. The use, processing or storage of flammable liquids or materials, liquids or gases that produce flammable or explosive vapors or gases shall be

permitted in accordance with the regulations of the adopted Uniform Fire Code and the Uniform Building Code. A hazardous materials impact analysis, conforming to the requirements of the Bainbridge Island fire district, shall be required to determine potential off-site impacts and mitigation precautions. (Ord. 2000-12 § 1, 2000)

Chapter 18.76

HISTORIC PRESERVATION
PROGRAM

Sections:

- 18.76.010 Purpose.**
- 18.76.020 Definitions.**
- 18.76.030 Historic commission.**
- 18.76.040 Register of historic places.**
- 18.76.050 Changes or alterations to properties located on local register.**
- 18.76.060 Appeal of denial of a waiver or a certificate of appropriateness.**
- 18.76.070 Relationship to zoning and building codes.**
- 18.76.080 Review and monitoring of properties for special property tax valuation.**

18.76.010 Purpose.

The purpose of this chapter is to provide the process and standards for identifying, evaluating and protecting historic resources within the city, and for preserving and rehabilitating eligible historic properties within the city for future generations through a special valuation tax incentive in order to:

A. Safeguard the heritage represented by those buildings, objects, sites and structures that reflect significant elements of the city's history;

B. Foster civic and neighborhood pride in the beauty and accomplishments of the past;

C. Stabilize or improve the aesthetic and economic vitality and values of such buildings, objects, sites and structures;

D. Assist, encourage and provide incentives to private owners for the preservation, restoration, redevelopment and use of historic buildings, objects, sites and structures;

E. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and

F. Conserve valuable material and energy resources by ongoing use and maintenance of

the existing built environment. (Ord. 2003-37 § 1, 2004)

18.76.020 Definitions.

As used in this chapter:

A. "Certificate of appropriateness" means the certificate issued by the commission pursuant to BIMC 18.76.050 upon approval of proposed changes that do not adversely affect the historic characteristics of a property listed on the local register.

B. "Certified local government" means a local government that has been certified by the State Historic Preservation Officer and the National Park Service as having established its own historic preservation commission and program that meets federal and state standards.

C. "Consent" means informed consent, and in the case of nominations or designations for listing on the register shall mean consent given after receipt of information prescribed in the commission's rules that will inform the property owner of the practical and legal effect of nominating or designating the property for listing on the register.

D. "Emergency repair" means work necessary to prevent the destruction or dilapidation of buildings, objects, sites and structures that are immediately threatened or have been damaged by fire, flood, earthquake or other disaster.

E. "Historic preservation commission" or "commission" means the commission created pursuant to BIMC 18.76.030 and governed by this chapter.

F. "Historic property" means real property together with improvements thereon (except property listed in a register primarily for objects buried below ground) which is listed in a local or national register.

G. "Historical significance" means something that is important or helpful in the understanding of the history of the local area, state or nation by illuminating the local, statewide, or nationwide impact of the events or persons associated with the property, or the property's architectural type or style.

H. "Local historic inventory" or "inventory" means the comprehensive inventory of the historic resources located within the city's

boundaries, which is established and maintained by the commission.

I. "Local register of historic places" or "local register" or "register" means the list of historic properties within the city established pursuant to BIMC 18.76.040.

J. "National Register of Historic Places" or "National Register" means the national listing of historically significant properties, established pursuant to 16 USC Section 470a.

K. "Object" means a thing of functional, aesthetic, cultural, historical, or scientific value that may, by nature or design, be movable yet related to a specific setting or environment.

L. "Ordinary repair and maintenance" means work for which a permit is not required, and the purpose of which is to correct the deterioration of or damage to real property or an improvement located thereon, and to restore, as much as practicable, such real property or improvement to its condition prior to the deterioration or damage.

M. "SHPO" means the State Historic Preservation Officer appointed pursuant to 16 USC Section 470a(b)(1)(A).

N. "Site" means a place where a significant event or pattern of events occurred. It may be a location of prehistoric or historic occupation or activities that may be marked by physical remains or it may be the symbolic focus of a significant event or pattern of events, although not actively occupied. A site may be the location of ruined or now nonextant building or structure if the location itself possesses historic, cultural or archaeological significance.

O. "Special valuation" means the local option program provided for in Chapter 84.26 RCW which, when implemented, makes available to property owners a special tax valuation for rehabilitation of an historic property.

P. "State Register of Historic Places" or "State Register" means the state listing of properties significant to the community, state or nation but which do not meet the criteria of the national register.

Q. "State Review Board" means the advisory council on historic preservation established pursuant to Chapter 27.34 RCW, or any

successor agency designated by the state to act as the State Historic Preservation Review Board under federal law.

R. "Universal transverse mercator" or "UTM" means the grid zone in metric measurement providing for an exact point of numerical reference. (Ord. 2003-37 § 1, 2004)

18.76.030 Historic commission.

A. Creation. The Bainbridge Island historic preservation commission is hereby established, to operate and act in accordance with the provisions of this chapter.

B. Composition of the Commission.

1. The commission shall consist of seven members, who shall be appointed by the mayor and approved by the city council in accordance with this chapter. The commission shall include at least three members who have experience in identifying, evaluating and protecting historic resources and who are selected from among the disciplines of history, architecture, landscape architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, biology, geography, cultural geography, American studies, law, and real estate, referred to herein as the "professional positions." An action taken by the commission shall not be invalid due to the temporary vacancy of any or all of the professional positions, unless the certification agreement between the city and the SHPO provides otherwise.

2. All members of the commission must have a demonstrated interest and competence in historic preservation and possess qualities of impartiality and broad judgment.

3. All members of the commission shall serve without compensation.

4. In making appointments to the commission, the mayor may consider names submitted from any source; provided, that the mayor shall notify the Bainbridge Island Historical Society and other appropriate community organizations of any vacancies on the commission, so that these organizations may submit the names of qualified individuals for consideration along with names from any other source. The mayor also shall publish

notice of such vacancies and the procedure for submitting nominations.

5. The commission shall select from among its members a chairperson and such other officers as may be necessary to conduct the commission's business.

C. Term of Commission Members. The initial appointment of members to the commission shall be as follows: three members shall be appointed for two years; two members shall be appointed for three years; and two members shall be appointed for four years. Thereafter, appointments shall be made for three-year terms. Vacancies to the commission shall be filled by the mayor for the unexpired term of that position.

D. Powers and Duties. The commission shall:

1. Establish, maintain and periodically update a local historic inventory, which inventory shall be maintained in a form compatible with the state inventory, and may cooperate with, and advise the city council as requested on contracting with, the Bainbridge Island Historical Society or others, in connection with the establishment and maintenance of the inventory;

2. Establish and maintain the local register of historic places, as provided in BIMC 18.76.040;

3. Review nominations to the local register and designate properties for listing on the register, in accordance with BIMC 18.76.040;

4. Participate in the review process for nominations to the National Register of properties within the city's boundaries, in accordance with the procedures established by the SHPO;

5. Review proposals to construct or reconstruct upon, change the use of, alter, restore, remodel, repair, move or demolish properties on the local register as provided in BIMC 18.76.050;

6. Conduct all commission meetings in compliance with Chapter 42.30 RCW;

7. Provide resources and advocacy for historic preservation consistent with comprehensive plan policy HP 1.2, which may include but are not limited to participation in or promo-

tion of public educational programs, fostering historic preservation through recognition of excellence in restoration of historic buildings, structures or sites, advising the city council or the planning commission as requested on matters of city history and historic preservation or actions affecting the historic resources of the city, and maintaining information on federal or state historic preservation programs, funding sources or incentives; and

8. Serve as the local review board for the special valuation of historic property, and in that capacity determine and monitor the eligibility of historic property for special valuation in accordance with BIMC 18.76.080.

E. Rules and Standards of Commission. The commission shall establish and adopt rules prescribing forms, standards and procedures consistent with applicable law, as necessary to carry out its duties. Standards for review under BIMC 18.76.040 and 18.76.050 shall be based in part, and to the extent applicable, on the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, 48 FR 44716, as updated and supplemented by the National Park Service, and the Secretary of the Interior's Standards for Rehabilitation, 37 CFR 67, as amended. All actions of the commission shall be carried out in accordance with its rules.

F. Staff Support. Staff support shall be provided to the commission sufficient to enable the commission to carry out the responsibilities undertaken by the city under the certification agreement between the city and the SHPO. (Ord. 2003-37 § 1, 2004)

18.76.040 Register of historic places.

A. Criteria for Designating Properties for Listing on the Register. Any building, structure, site or object, whether publicly or privately owned, may be designated for listing on the local register if it is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; it has physical integrity; it is at least 50 years old or is of lesser age but has exceptional importance; and it qualifies as at least one of the following:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;

2. Embodies the distinctive architectural characteristics of a type, period, style, or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction;

3. Is an outstanding work of a designer, builder, or architect who has made a substantial contribution to the art;

4. Exemplifies or reflects special elements of the city's cultural, special, economic, political, aesthetic, engineering, or architectural history;

5. Is associated with the lives of persons significant in national, state, or local history;

6. Has yielded or may be likely to yield important archaeological information related to history or prehistory;

7. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the only surviving structure significantly associated with an historic person or event;

8. Is a birthplace or grave of an historical figure of outstanding importance;

9. Is a cemetery which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns;

10. Is a reconstructed building that has been executed in an historically accurate manner on the original site;

11. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories; or

12. Is listed on the National Register or the State Register.

B. Process for Designating Properties for Listing on the Register.

1. Any person, including the commission or any commission member, may nominate a building, structure, site or object for listing on the local register; provided, that no property shall be nominated without the prior consent of the owner.

2. The nomination shall include, when possible, the tax parcel number (and the UTM reference, if required for compatibility with the State Register) and a description of all interior and exterior features and outbuildings that contribute to its designation.

3. In reviewing the nomination, the commission shall consider the local inventory and the city's comprehensive plan, and the merits of the nomination, according to the criteria in subsection A of this section, and shall proceed according to the nomination review standards established in the commission's rules.

4. The commission shall provide public notice of the date, time and location of the meeting during which it will consider the designation nomination. Written notice of the date, time and location of the meeting shall be provided no later than ten days prior to the meeting to the nominator, the owner(s) of public record and the lessees, if any, of the subject property. The commission shall further publish at least one notice of the meeting in a newspaper of general circulation in the city. The commission shall also post a notice on a conspicuous location on the subject property.

5. If the commission finds that the nominated property is eligible for listing on the local register, the commission shall list the property on the register, with the consent of the owner of the property. The public, property owner, nominator and lessees, if any, shall be notified in writing of the listing no later than 30 days after the listing.

6. Properties listed on the local register shall be identified in the planning database maintained by the city and the listing shall be forwarded to the Kitsap County assessor for identification of the historical property in the Kitsap County zoning records.

C. Removal of Properties from the Register. Properties listed on the local register may be removed from the register only by the commission in accordance with this section. The commission may remove any property from the local register, with or without the owner's consent, if the commission deems the property no longer appropriate for designation to the local register because it no longer satisfies the

original criteria in support of its designation. The procedure for removal shall be established by the commission and shall include the procedures for notification to the public and interested parties set forth in subsection B.4 of this section. (Ord. 2003-37 § 1, 2004)

18.76.050 Changes or alterations to properties located on local register.

A. Review Required. No person shall perform any work to a property listed on the local register, other than ordinary repair or maintenance, emergency repair measures, or total or partial demolition, without a review by, and issuance of a certificate of appropriateness from, the commission. In the case of a total or partial demolition of the property, a waiver of the certificate of appropriateness must be obtained from the commission prior to the demolition, in accordance with subsection B of this section. Failure to obtain the required certificate of appropriateness or waiver from the commission shall be grounds for removal of the property from the local register.

B. Review Process.

1. The building official shall notify the commission of any application for a permit to perform work on or to demolish a property listed on the local register. If the activity is not exempt from review, the commission shall notify the applicant of the review requirements. The building official shall not issue any permit until the required certificate of appropriateness or waiver is received from the commission.

2. The applicant shall apply to the commission for a review of the proposed work to the property listed on the local register, and request a certificate of appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by all information required by the commission pursuant to its established rules for review.

3. The commission shall meet with the applicant and review the proposed work in accordance with the standards established in the commission's rules. Unless required by another ordinance or law, the commission

shall not be required to provide public notice of the application. In the case of an application to perform work to the property, the commission shall complete its review and make its decision within 30 days after the date of receipt of the application. If the commission is unable to process the request within this time period, the commission may reasonably extend its review period for another 15 days upon written notice to the applicant. If the commission fails to issue a decision within 45 days of receiving the application, the application shall be deemed approved and the commission shall issue a certificate of appropriateness.

4. As part of the review process for an application to demolish or partly demolish the property, the applicant shall meet with the commission in an attempt to find alternatives to demolition. These negotiations may last no longer than 45 days from the initial meeting with the commission, unless either party requests an extension, in which case the negotiations may be extended for up to an additional 30 days. If no alternative to demolition has been agreed to within 45 days from the initial meeting with the commission, plus any extension, the commission shall approve or deny the application for a waiver and advise the official in charge of issuing a demolition permit of the decision. If the commission fails to issue a decision within 45 days from the initial meeting with the commission, plus any extensions, the application shall be deemed approved and the commission shall issue an unconditional waiver. When issuing a waiver, the commission may reasonably impose conditions designed to mitigate the loss of the property from the register. Property that is wholly demolished shall be removed from the register. Property that is partially demolished may be removed from the register, if deemed appropriate by the commission.

5. The commission's decision on any application shall be in writing and shall state the findings of fact and the basis for its decision. Any conditions to the certificate of appropriateness or waiver recommended by the commission and accepted by the applicant in this review process shall become conditions of approval of the permits issued. If the owner

accepts the commission's recommendations and conditions, a certificate of appropriateness or a waiver shall be issued by the commission according to standards established in the commission's rules.

6. The commission's determination, recommendations and, if awarded, the certificate of appropriateness or a waiver shall be transmitted to the building official. If a certificate of appropriateness or waiver is awarded, the building official may then issue the permit.

7. If a certificate of appropriateness or waiver is denied, the building official shall not issue the permit. (Ord. 2003-37 § 1, 2004)

18.76.060 Appeal of denial of a waiver or a certificate of appropriateness.

The commission's denial of any application for a certificate of appropriateness or waiver may be appealed by the applicant to the city council within 10 days of the date of the commission's decision. The appeal shall be filed with the city clerk and shall clearly state the grounds upon which the appeal is based. The appeal shall be reviewed by the council only upon the records of the commission. The council's decision on the appeal may be appealed by the applicant to the Kitsap County superior court within 21 days after the date of the decision issued by the council. (Ord. 2003-37 § 1, 2004)

18.76.070 Relationship to zoning and building codes.

Nothing contained herein shall be construed to repeal, modify or waive any zoning, land use or building codes, laws, ordinances or regulations which are otherwise applicable to property listed on the local register. (Ord. 2003-37 § 1, 2004)

18.76.080 Review and monitoring of properties for special property tax valuation.

A. Special Valuation Program Established. Pursuant to Chapter 84.26 RCW, a local option program is hereby established which shall make available to owners of historic property a special tax valuation for the

rehabilitation of the historic property, as set forth in Chapter 84.26 RCW and this section.

B. Application Process for Special Property Tax Valuation.

1. An applicant desiring to obtain special property tax valuation for historic property shall file a complete application with the Kitsap County assessor no later than October 1st of the year immediately preceding the first assessment year for which special valuation classification is requested. Applications filed after the October 1st deadline shall not be considered for special property tax valuation until the following year.

2. Complete applications shall include the following information and documentation:

a. A legal description of the historic property;

b. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation;

c. Architectural plans or other legible drawings depicting the completed rehabilitation work;

d. A notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed, with documentation of both to be made available to the commission upon request; and

e. For properties located within National Register historic districts, a statement from the Secretary of the Interior, indicating the property is a certified historic structure as defined in WAC 254-20-030(2).

3. The Kitsap County assessor shall forward to the commission all complete applications for special property tax valuation for historic property within 10 days after receiving such applications.

C. Review Process.

1. The commission shall review each application for special tax valuation and determine: if the application is complete; if the subject property meets the criteria set forth in RCW 84.26.030 and WAC 254-20-070(1); and if the subject property meets the criteria set forth in subsection D of this section. The commission shall review all timely applications,

and shall enter a determination on the application no later than December 31st of the calendar year in which the application is made.

2. If the commission finds that a subject property is eligible and meets all criteria set forth in this section, the commission shall enter into an historic preservation special valuation agreement with the owner of the subject property, which agreement shall contain all terms required by WAC 254-20-120. Upon mutual execution of such an agreement, the commission shall approve the application.

3. If the commission determines that the subject property does not meet all the requirements of this section, the commission shall deny the application.

4. Commission decisions to approve or deny applications for special tax valuation shall be in writing, shall describe the facts upon which the determination is based, and shall be filed with the Kitsap County assessor within 10 days after the date of the decision.

5. For those applications approved by the commission, the commission shall forward a copy of the applicable historic preservation special valuation agreement, the application and all supporting documentation to the Kitsap County assessor. The commission shall also notify the State Review Board that the subject property has been approved for special valuation and shall monitor the subject property for continued compliance with the historic preservation special valuation agreement throughout the 10-year special valuation period.

6. The commission shall determine whether a property is disqualified from special valuation either because of the owner's failure to comply with the terms of the historic preservation special valuation agreement or because of a loss of historic value resulting from physical changes to the building or site. In the event that the commission concludes that a property is no longer qualified for special valuation, the commission shall notify the owner, the Kitsap County assessor and the State Review Board in writing and state the facts supporting its findings.

D. Criteria.

1. Historic Property Criteria. Until the city becomes a certified local government, the

class of historic property eligible for special valuation in the city includes all properties listed on the National Register or certified as contributing to a National Register historic district which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW. After the city becomes a certified local government, the class of historic property eligible for special valuation in the city includes all properties listed on the local register that have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in Chapter 84.26 RCW.

2. Property Review Criteria. In its review of an application for special valuation of an historic property, the commission shall determine if the subject property meets each of the following criteria:

a. The property is an historic property;

b. The property is included within a class of historic property determined eligible for special valuation pursuant to subsection D.1 of this section;

c. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.020(2) within 24 months prior to the date of application; and

d. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant, as determined by applying the standards set forth in WAC 254-20-100(1).

3. Rehabilitation and Maintenance Criteria. The commission shall use the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties set forth in WAC 254-20-100 as the minimum requirements for determining whether an historic property is eligible for special valuation and whether the property continues to be eligible for special valuation once it has been so classified.

E. Agreement. The commission shall use the historic preservation special valuation agreement set forth in WAC 254-20-120 as the minimum agreement required by this section.

F. Appeals. A decision of the commission on an application for classification as historic property eligible for special valuation may be appealed to the Kitsap County superior court under RCW 34.04.510 through 34.05.598 in addition to any other legal remedy. Any decision of the commission on the disqualification of historic property as being eligible for special valuation, or any other dispute, may be appealed to the Kitsap County board of equalization in accordance with RCW 84.40.038. (Ord. 2003-37 § 1, 2004)

Chapter 18.78

GENERAL REGULATIONS

Sections:

- 18.78.010** Accessory buildings.
- 18.78.020** Exceptions to setback regulations.
- 18.78.030** Sight clearance.
- 18.78.040** Utilities.
- 18.78.050** Lighting.
- 18.78.060** Shoreline setback line.
- 18.78.070** Construction living quarters.

18.78.010 Accessory buildings.

For through lots, setbacks for accessory buildings in rear setbacks shall conform to the front setback requirements for a principal building. Side setbacks for each accessory building shall conform to the side setbacks required of, or established by, the principal building, with such setbacks continuing through the full depth of the site. (Ord. 2004-12 § 22, 2004; Ord. 2004-02 § 1, 2004; Ord. 92-08 § 2, 1992)

18.78.020 Exceptions to setback regulations.

A. Fences up to six feet high may be located in any required setback, except as provided in BIMC 18.78.030 and 18.78.060. B. Nonscreening fences in excess of six feet but not exceeding eight feet in height may be erected, subject to any applicable provisions of BIMC Title 15. Height shall be measured from finished grade at the exterior side of the fence. No person may construct a berm or retaining wall upon which to build a fence unless the total height of the berm or retaining wall plus the fence does not exceed the maximum height allowable for the fence if the berm or retaining wall were not present.

B. Chimneys, flues, awnings, bay windows, and greenhouse windows may intrude into required setbacks up to 18 inches.

C. Eaves may intrude into required setbacks up to 24 inches. When provided in combination with any of the exceptions of subsection B of this section, such as above a bay window, the eave intrusion shall be mea-

sured from the required setback line and not from the outer edge of the bay window or other intrusion.

D. Signs shall conform to Chapter 15.08 BIMC, Sign Code, and may be placed in required setbacks.

E. In the R-2.9, R-3.5, R-4.3, R-5, R-6, R-8, R-14, Mixed Use Town Center, High School Road, or Neighborhood Service Center zones, the following exceptions apply:

1. Any structure, other than a driveway and/or parking area, that is not more than four inches above finished grade may be located anywhere in a required side or rear setback. For driveways and/or parking areas, see Chapter 18.81 BIMC;

2. Any structure that is more than four inches but not more than 30 inches above finished grade may extend to within five feet of any rear or side property line; and

3. Uncovered steps and porches not more than 30 inches above finished grade and which provide direct access to a principal building may extend to within three feet of a side property line.

F. Decorative landscape features such as garden sculpture and similar structures not exceeding eight feet in height are permitted in required setbacks. Where such feature is supported by a fence, berm, or retaining wall, the total height shall not exceed eight feet, measured from finished grade at the exterior side of such support.

G. Rockeries and retaining walls no greater than 48 inches in height are permitted in required setbacks. Rockeries and retaining walls greater than 48 inches in height may be permitted in required setbacks if a qualified geotechnical engineer determines that it is necessary for slope stabilization, and the city concurs.

H. Utilities, pursuant to BIMC 18.78.040.

I. None of the exceptions listed in this section shall be permitted to be located in violation of the sight clearance requirements of BIMC 18.78.030. (Ord. 2004-12 § 23, 2004; Ord. 2004-02 § 1, 2004; Ord. 92-08 § 2, 1992)

18.78.030 Sight clearance.

No sight-obscuring fence or hedge over 42 inches higher than the grade of adjacent streets shall be permitted on corner lots in the setback area formed by a line from the lot corner at the street intersection along the front setback line 15 feet and side setback line 15 feet and a line connecting the two lot lines at the point 15 feet from the intersection corner. (Ord. 2004-02 § 1, 2004; Ord. 92-08 § 2, 1992)

18.78.040 Utilities.

Overhead and underground utilities are permitted in setbacks. (Ord. 2004-02 § 1, 2004; Ord. 92-08 § 2, 1992)

18.78.050 Lighting.

All light sources shall be hooded or shielded so the lamp is not visible from adjacent properties or public rights-of-way. (Ord. 92-08 § 2, 1992)

18.78.060 Shoreline setback line.

All principal buildings shall be so located as to maintain the minimum shoreline setback line.

A. The shoreline setback line shall be determined as follows:

1. No Adjacent Principal Buildings. Where no principal buildings are located on any lot adjacent to a proposed building, the shoreline setback line shall be the setback specified in the underlying zone. (See diagram A at the end of this section.)

2. Adjacent Principal Building on One Side. Where a principal building exists on an adjacent lot along only one side of the proposed building, the shoreline setback line shall be a distance no less than that of the adjacent principal building to the shoreline or that setback specified in the underlying zone, whichever is greater. (See diagram B at the end of this section.)

3. Adjacent Principal Buildings on Both Sides on a Regular Shoreline. Where principal buildings exist on lots adjacent to both sides of the proposed building on a regular shoreline, the shoreline setback line shall be determined by a line drawn between the building line of the adjacent principal buildings or

that setback specified by the underlying zone, whichever is greater. (See diagram C at the end of this section.)

4. **Adjacent Principal Buildings on Both Sides on an Irregular Shoreline.** Where principal buildings exist on lots adjacent to both sides of the proposed building on a shoreline forming a cove or peninsula, the shoreline setback line shall be determined by averaging the setback lines of the two adjacent principal buildings or the setback specified in the underlying zone, whichever is greater. (See diagrams D and E at the end of this section).

B. Accessory structures, such as fences, may be situated within the shoreline setback; provided, that they do not substantially obstruct the view of adjacent principal buildings. (Ord. 2004-12 § 24, 2005: Ord. 92-08 § 2, 1992)

Diagram A

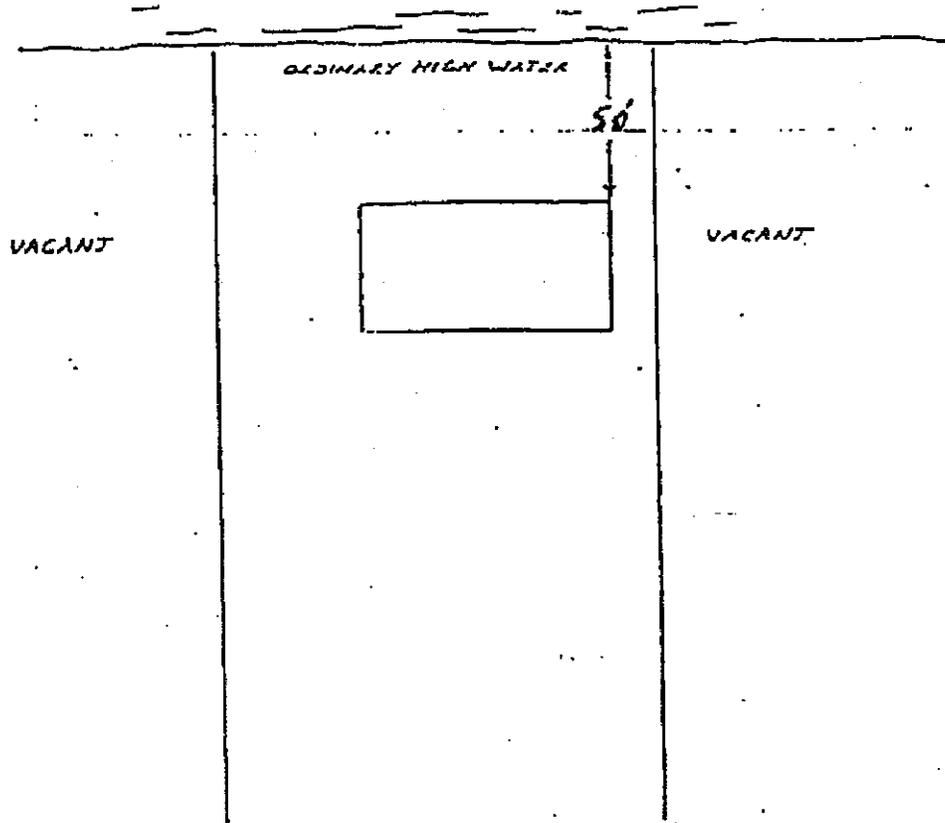


Diagram B

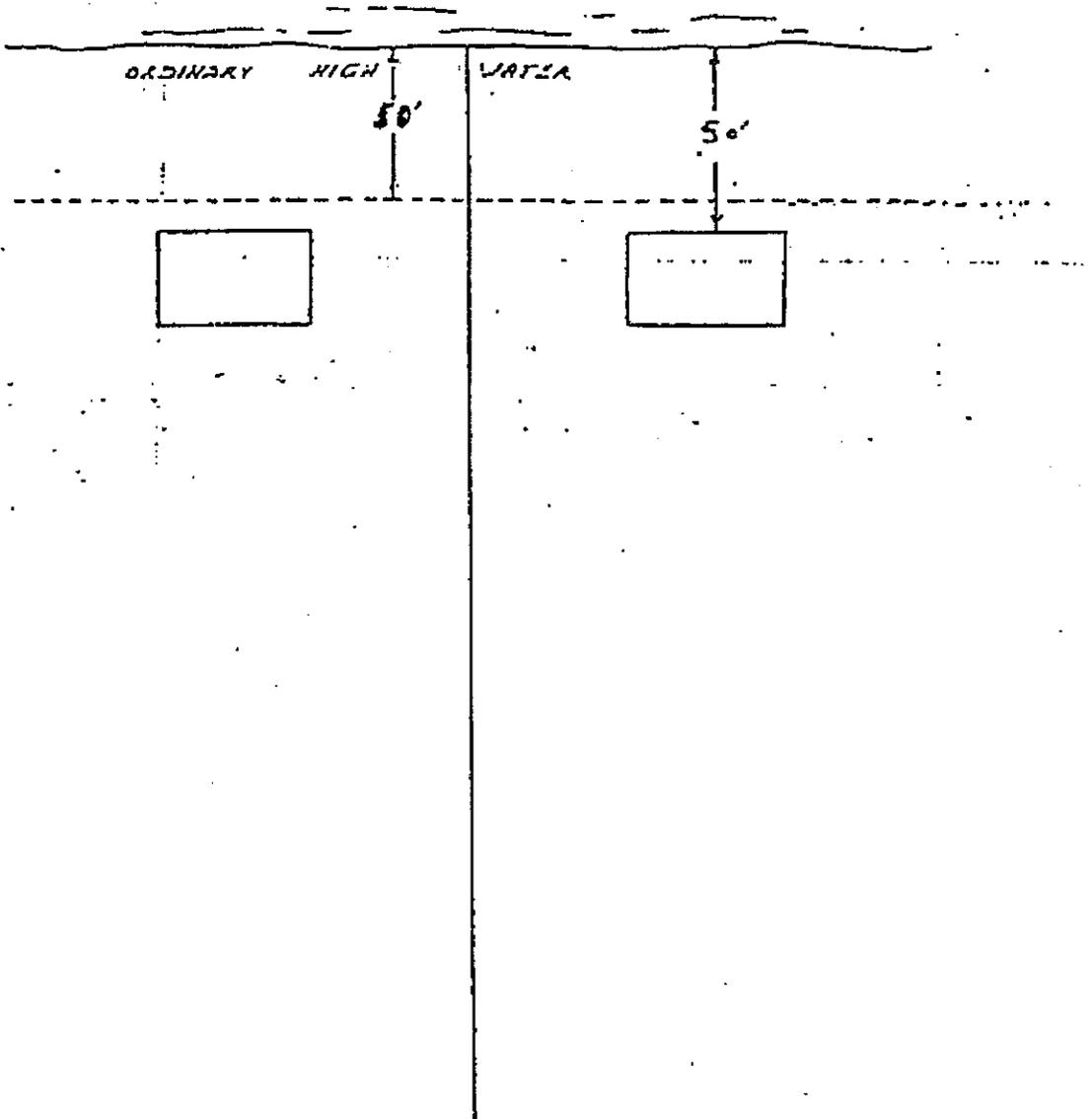


Diagram C

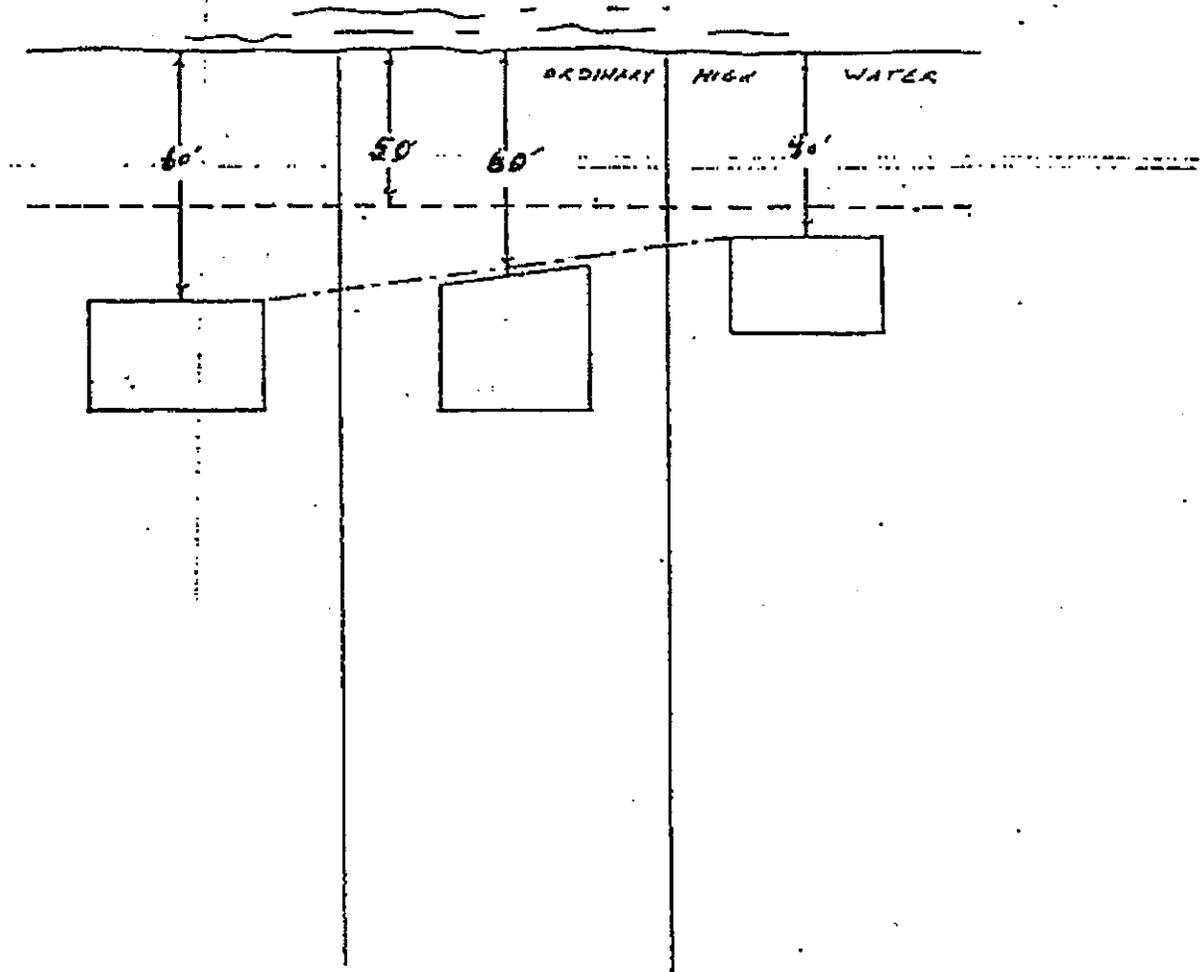


Diagram D

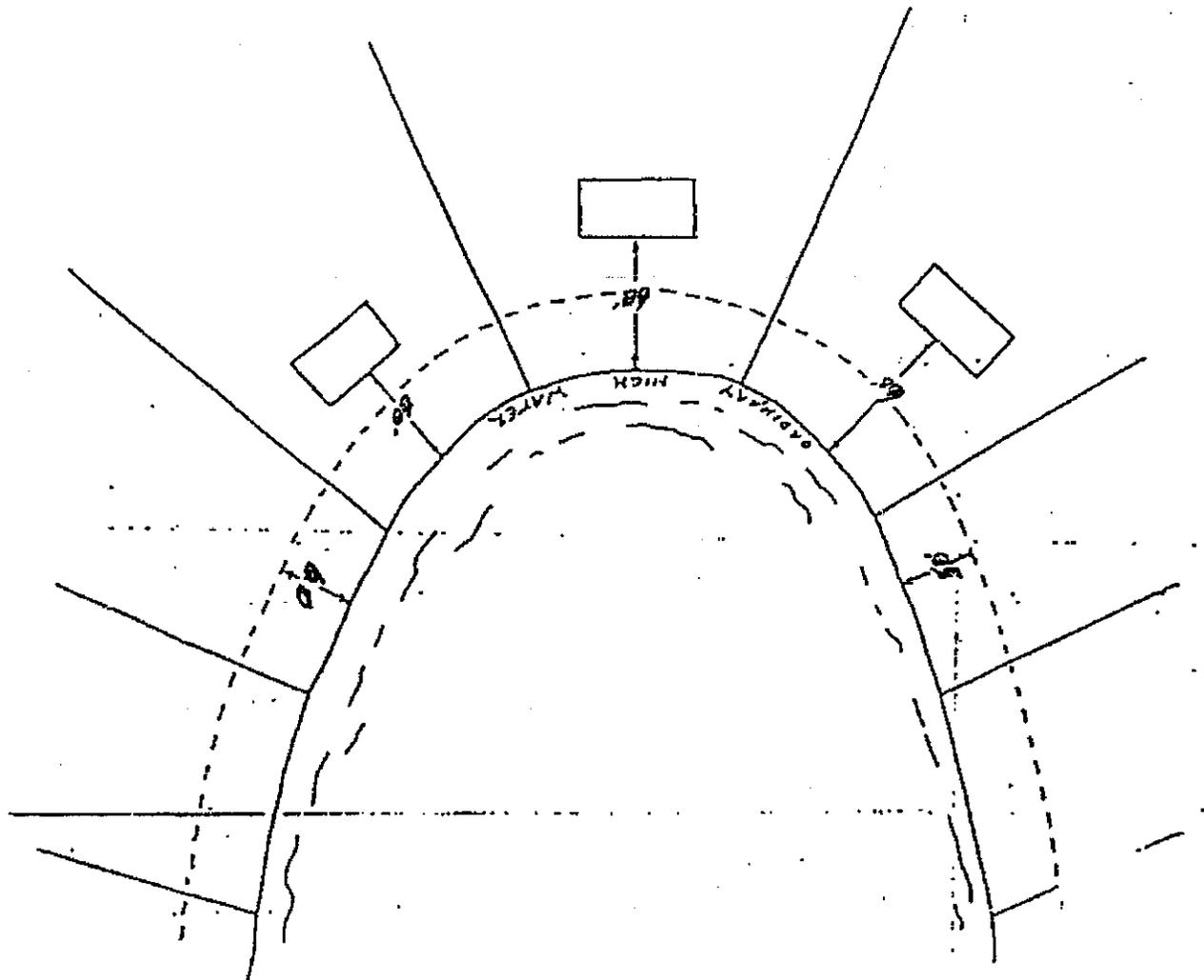
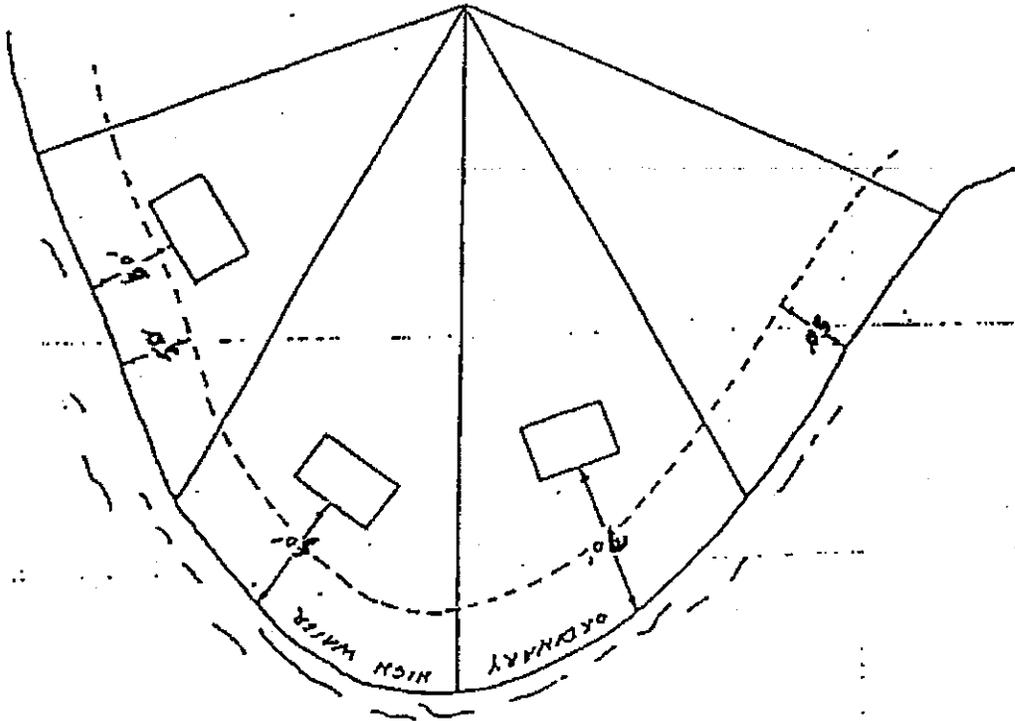


Diagram E



18.78.070 Construction living quarters.

A manufactured home or recreational vehicle for use by an owner or builder during construction of a dwelling unit on a lot may be situated on the same lot subject to the following limitations:

A. A building permit for the dwelling unit must be issued and valid;

B. The manufactured home or recreational vehicle must not be permanently affixed to the lot;

C. Potable water and sanitation facilities must be available on the site;

D. Approval from the department must be obtained in writing authorizing such construction living quarters; provided, that approval shall be granted for one year, which may be extended for a six month period if substantial progress is made on the construction of the principal dwelling unit; and

E. The mobile home or recreational vehicle must meet setback requirements for the zone in which it is situated. (Ord. 2004-02 § 1, 2004; Ord. 92-08 § 2, 1992)

Chapter 18.81

PARKING AND ACCESS
REQUIREMENTS

Sections:

- 18.81.010 Purpose.
- 18.81.020 General requirements.
- 18.81.030 Spaces required.
- 18.81.040 Reductions allowed.
- 18.81.050 Location of spaces.
- 18.81.052 Noncommuter ferry parking.
- 18.81.054 Temporary ferry commuter parking.
- 18.81.056 Commercial parking or commercial parking businesses, other than ferry commuter parking and noncommuter ferry parking.
- 18.81.058 Temporary contractor parking lot standards.
- 18.81.060 Joint use.
- 18.81.070 Design standards.
- 18.81.080 Circulation and walkways in multifamily and nonresidential development.
- 18.81.090 Grades.
- 18.81.100 Setback requirements.
- 18.81.110 Landscaping requirements.
- 18.81.120 Screening.
- 18.81.130 *Repealed.*
- 18.81.140 Bicycle facilities for multifamily and nonresidential developments.

18.81.010 Purpose.

The purpose of this chapter is to provide for safe, efficient and well-designed access and parking while minimizing the environmental impact of motor vehicle facilities. (Ord. 92-08 § 2, 1992)

18.81.020 General requirements.

A. Driveways, parking, and walkways shall accommodate pedestrians, motor vehicles and bicycles used by occupants or visitors of a structure or use. Location is subject to review of the planning and engineering departments.

B. No building permit shall be issued until the applicant has submitted satisfactory plans demonstrating that required parking facilities will be provided and maintained. These plans must be approved by the city in conjunction with a permit review process or stamped approved and signed by the city engineer.

C. Unless authorized by a conditional use permit or this title, the use of property in a residential zone for commercial parking is prohibited.

D. Parking lots may be gravel if (1) the parking lot contains less than 10,000 square feet, or (2) the parking lot has less than a five percent slope. All driveways and other parking areas except those serving single-family residences, shall be hard surfaced with permanent materials such as asphalt, concrete, or unit pavers, and shall be designed to dispose of surface water, and pollutants from motor vehicles as provided in the city's code.

E. Unless approved by the director, only a single access to public right-of-way is allowed for an individual lot. More than one access may be allowed by the director if the director determines, based on drawings or other information submitted by the applicant, that:

1. The proposed site access includes measures that mitigate any identified negative impacts or effects that would result from the additional access point(s); and

2. The additional access point(s) will improve on-site or off-site traffic flow or is necessary for, or will help facilitate, compliance with other requirements of this chapter.

F. Joint use of required access ways with adjacent properties is encouraged. The director may approve joint access if the applicant demonstrates to the satisfaction of the director that the joint access:

1. Will promote the orderly development of the surrounding area; or

2. Will help reduce or avoid cumulative adverse impacts that would result from each property accessing the right-of-way separately; and

3. Will not create a safety hazard.

G. With the exception of single-family and duplex buildings on individual lots, access and parking spaces shall be designed so that no

backing movement by a vehicle, except emergency and service and delivery vehicles, shall be allowed onto a public right-of-way; provided, that the director may waive this requirement where no reasonable design alternative exists.

H. No parking space may block access to other parking spaces unless tandem parking has been approved for a single residence or individual dwelling units of a multifamily structure. (Ord. 2005-13 § 2, 2005; Ord. 92-08 § 2, 1992)

18.81.030 Spaces required.

A. All parking lots shall comply with the minimum requirements for handicapped parking spaces, as required by Washington State regulations related to barrier-free facilities.

B. Above-ground parking spaces exceeding the number of spaces required by this section are not allowed unless approved by the planning commission. Spaces provided in underground parking garages are exempt from parking maximums.

C. In determining the number of parking spaces required by this section, all fractions greater than 0.5 shall be rounded up to the nearest whole number.

D. For primary dwelling units located within single-family residential zones, two spaces for each dwelling unit are required. For accessory dwelling units located within single-family residential zones, one parking space shall be required.

E. For dwelling units located within the Mixed Use Town Center, High School Road commercial districts, multifamily residential districts, and the neighborhood service centers, two parking spaces must be provided per unit, except that:

1. Only one parking space is required for each studio or one-bedroom unit.

2. Each dwelling unit situated directly above a commercial use or directly above parking serving a commercial use in commercial zones shall require one parking space. Dwelling units separate from the commercial use or its parking by one or more intervening floors shall not be considered to be located "directly above" that use.

3. The director may require guest parking in excess of the required parking spaces, whether or not the required parking is reduced pursuant to BIMC 18.81.040, up to a maximum additional 0.5 stall per dwelling unit, if there is inadequate guest parking on the subject property.

F. For retail, commercial and personal services in a building with less than 1,000 square feet of floor area, five spaces per 1,000 square feet of floor area, except as modified by BIMC 18.40.030.

G. For retail, commercial and personal services in a building with 1,000 square feet of floor area or more, four spaces per 1,000 square feet of floor area shall be provided, except as modified by BIMC 18.40.030.

H. Industry and light manufacturing uses shall require one stall for each employee plus one stall for each 250 feet of office space.

I. For places of public accommodation serving food and beverage, including but not limited to restaurants and taverns, one space for each four occupants as determined by the department shall be provided.

J. For motels/hotels, and bed and breakfasts, one space is required for each sleeping room.

K. For places of assembly, including auditoriums, theaters and banquet rooms, 10 spaces for each 1,000 square feet of floor area or one space for each four fixed seats is required.

L. The parking requirements for schools shall be as follows:

1. One space per 50 students and one space per employee for elementary, middle, and junior high schools.

2. One space per 10 school students and one per employee for high schools.

M. The parking requirements for religious institutions shall be as follows: one space per five fixed or movable seats in the main assembly area.

N. For other educational, governmental, health care and recreational facilities not covered in subsections L and M of this section, the number of spaces must be adequate to accommodate the peak shift as determined by the

director based on information submitted by the applicant in accordance with subsection P of this section.

O. Child day care centers shall require one stall for each on-duty shift employee plus one stall for each 12 children served by the facility. Capacity is determined by state license requirements.

P. For other uses or special cases, parking requirements shall be established by the director. For determination by the director, the applicant shall supply:

1. Documentation regarding actual parking demand for the proposed use; or

2. Technical studies prepared by a qualified professional relating to the parking need for the proposed use; or

3. Required parking for the proposed use as determined by other comparable jurisdictions.

Q. Subject to approval as part of site plan review, the city and the developer of a site in the central core overlay district of the Mixed Use Town Center zoning district may voluntarily enter into an agreement to allow the parking requirement to be met by contributing into a public or cooperative commercial effort to create new structured or surface parking in that zone. This option shall only be available upon initiation of a project to create new structured or surface parking in that zone. The amount of the contribution shall be equivalent to that necessary to provide the required number of parking spaces. Monies so contributed shall be held, expended, or refunded in accordance with RCW 82.02.020.

R. In the central core overlay district of the Mixed Use Town Center zoning district, new parking spaces will not be required for additions to existing buildings that are less than 25 percent of the existing floor area and less than 1,000 square feet. This exception to the parking requirement may be utilized only once per property and does not apply to additions or remodeling for the purpose of adding residential units. (Ord. 2006-17 § 3, 2006; Ord. 2005-13 § 3, 2005; Ord. 99-17 § 8, 1999; Ord. 98-35 § 4, 1999; Ord. 96-08 § 11, 1996; Ord. 92-08 § 2, 1992)

18.81.040 Reductions allowed.

Residential parking requirements may be reduced by 50 percent for dwelling units located within a one-half-mile radius and 25 percent for dwelling units between a one-half-mile and a mile radius of the ferry terminal providing scheduled service to Seattle. This provision may not be used in conjunction with senior housing or other parking reduction arrangements and the required number of parking spaces shall not be reduced below one space per dwelling unit. This provision does not preclude the authority of the director to require guest parking pursuant to BIMC 18.81.030.E. (Ord. 2006-17 § 4, 2006; Ord. 2005-13 § 4, 2005; Ord. 96-08 § 12, 1996; Ord. 92-08 § 2, 1992)

18.81.050 Location of spaces.

A. Parking in the Mixed Use Town Center and High School Road I and II zoning districts shall be located behind, to the side or under buildings. Parking shall not be located between a building and the front lot line, unless an applicant can demonstrate that locating parking between a building and the front lot line is the only feasible location.

B. Parking outside of the Mixed Use Town Center and High School Road I and II zoning districts is encouraged to be located behind, under or to the side of buildings.

C. Parking spaces serving dwelling units shall be located on the same lot with the building they serve. In the core, gateway, and ferry terminal districts, one parking space per unit must be located on-site and any additional spaces may be located off-site. All off-site parking spaces must be within a 1,000-foot radius of the edge of the development parcel and must be acquired fee-in-lieu, fee-simple ownership, or a leasehold permanently linked to the unit.

D. Parking spaces serving nonresidential uses may be consolidated in a remote location as permitted by this title.

E. For on-street parking spaces, handicap parking shall be distributed throughout the street and, in any case, handicap spaces shall be separated by at least 10 nonhandicap

spaces, except as required by the building official. (Ord. 2006-17 § 5, 2006; Ord. 96-08 § 13, 1996; Ord. 92-08 § 2, 1992)

18.81.052 Noncommuter ferry parking.

Noncommuter ferry parking is permitted in the ferry terminal district as provided below.

A. Permanent noncommuter parking spaces may be developed in under-building or below grade parking in the ferry terminal overlay district, providing:

1. For each existing surface ferry parking space identified in Exhibit B of Ordinance 98-11 (the Winslow Master Plan) that is moved under-building or below grade, one noncommuter additional parking space may be developed under-building or below grade.

2. The total number of noncommuter additional parking spaces may not increase the total parking inventory of 1,121 spaces, as shown in Figure 18 of Exhibit B of Ordinance 98-11 (the Winslow Master Plan), by more than 353 spaces. No property owner of an existing surface parking lot may increase the total number of spaces on that property by more than 225 spaces.

3. These noncommuter additional parking spaces are only for use by noncommuter ferry passengers.

4. No grade level, under-building parking shall be adjacent to Winslow Way. Ingress and egress to the parking shall be allowed from Winslow Way.

5. Any level of parking contained within or under the structure that is visible from a public street shall be fully screened. Means of screening can include another use, landscaping which provides a vertical screen, street trees or other vegetation.

6. In addition to the screening required in subsection A.5 of this section, the street facade of the parking structure shall be enhanced by architectural detailing, art work (such as a mosaic, mural, decorative masonry pattern, sculpture, relief) or similar visual interest features.

7. A plan to mitigate visual impact of the parking structure, including the proposed landscaping and street facade treatment, shall

be required as a condition of development application approval.

8. As a condition of development application approval, the property owner shall include a plan for designating parking for only noncommuter use and shall demonstrate how restriction of spaces for noncommuter parking will be enforced. Failure to enforce shall subject the owner to the provisions of Chapter 1.26 BIMC.

B. Temporary noncommuter ferry parking spaces may be developed as surface parking in the ferry terminal overlay district under the following conditions:

1. The property owner shall submit an application for approval for the construction of permanent noncommuter ferry parking spaces under subsection A of this section.

2. The property owner shall apply for and obtain a conditional use permit authorizing the use of the property for temporary noncommuter ferry parking. Such applications shall be processed as an administrative conditional use under BIMC 18.108.020.C.

3. Temporary noncommuter parking lots shall comply with the design and construction requirements of this chapter, except that:

a. Temporary parking lots and associated driveways may be gravel; provided, that all drainage requirements are met.

b. Temporary parking lots shall be exempt from the requirements of BIMC 18.81.080.B;

c. Temporary parking lots shall be exempt from the requirements of BIMC 18.81.080.D. Internal walkways may be surfaced with gravel, except that walkways providing access to handicapped spaces shall meet accessibility requirements; and

d. Temporary parking lots are exempt from the landscaping requirements of BIMC 18.81.110 and the screening requirements of BIMC 18.81.120.

4. Notwithstanding BIMC 18.108.060, a conditional use permit authorizing temporary noncommuter ferry parking spaces shall automatically expire 180 days after the date that the permit is issued. The temporary noncommuter parking shall be

removed within 10 days after the permit expires.

5. Notwithstanding BIMC 18.108.070, the department may grant one extension of a conditional use permit authorizing temporary noncommuter ferry parking spaces for a period not to exceed 180 days if:

a. A request for an extension is received by the department no later than 30 days prior to the expiration of the permit;

b. Termination of the permit would result in an unreasonable hardship to the applicant, and the applicant is not responsible for the delay in obtaining the approval of the permanent noncommuter ferry parking spaces;

c. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and

d. The temporary noncommuter parking shall be removed within 10 days after the permit expires. (Ord. 2000-10 § 2, 2000; Ord. 99-64 § 9, 1999)

18.81.054 Temporary ferry commuter parking.

Temporary ferry commuter parking spaces may be developed as surface parking in the ferry terminal gateway and core overlay district under the following conditions:

A. An application has been submitted to redevelop a property on which existing ferry commuter parking is located, as shown on Figure 18 of Exhibit B of Ordinance 98-11 (the Winslow Master Plan), and this redevelopment will require the temporary displacement of existing ferry commuter parking spaces.

B. The property owner shall apply for and obtain a conditional use permit authorizing the use of the property for temporary ferry commuter parking. Such applications shall be processed as an administrative conditional use under BIMC 18.108.020.C.

C. The property owner shall comply with the requirements of BIMC 18.81.052.B.3.

D. Notwithstanding BIMC 18.108.060, a conditional use permit authorizing temporary ferry commuter parking spaces shall automatically expire one year from the date that the permit is issued. The temporary ferry parking shall

be removed within 10 days after the permit expires.

E. Notwithstanding BIMC 18.108.070, the department may grant one extension of a conditional use permit authorizing temporary ferry commuter parking spaces for a period to be determined by the director; provided, that:

1. A request for an extension is received by the department no later than 30 days prior to the expiration of the permit;

2. Termination of the permit would result in an unreasonable hardship to the applicant;

3. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and

4. The temporary ferry commuter parking shall be removed within 10 days after the permit expires. (Ord. 2000-10 § 3, 2000)

18.81.056 Commercial parking or commercial parking businesses, other than ferry commuter parking and noncommuter ferry parking.

Commercial parking may be developed for general public use at no fee, or as a commercial parking business. Commercial parking businesses must comply with provisions of Chapter 5.10 BIMC.

A. Surface Parking Lots. Surface parking lots for commercial parking only, developed by public or private concerns, or developed by a public or cooperative commercial effort as provided for in BIMC 18.81.030.P, are permitted in the core, gateway and ferry terminal districts, providing:

1. Parking lots shall be sited on parcels within 200 feet of Winslow Way or lower Madison (south of Wyatt).

2. Parking lots shall not be sited adjacent to a parcel containing a parking lot or structure in which parking is the primary use.

3. Parking lots shall not exceed 30 spaces.

4. A plan to ensure that parking spaces are not used by ferry commuters shall be provided as a condition of development application approval.

B. Structured Parking. Structured parking for commercial parking only, developed by public or private concerns, or developed by a public or cooperative commercial effort as provided for in BIMC 18.81.030.P, is a conditional use in the core district west of SR 305, providing:

1. Structures shall not be sited adjacent to a parcel containing a parking lot or structure in which parking is the primary use.

2. A plan to ensure that parking spaces in the structure are not used by ferry commuters shall be provided as a condition of development application approval.

3. Any level of parking contained within or under the structure that is visible from a public street shall be fully screened. Means of screening can include landscaping which provides a vertical screen; a facade that incorporates artwork (such as a mosaic, mural, decorative masonry pattern, sculpture, relief) over a substantial portion of the facade; or trees and other vegetation.

4. A plan to mitigate visual impact of the parking structure, including the proposed landscaping and/or artwork, shall be required as a condition of development application approval. (Ord. 2006-17 § 6, 2006; Ord. 99-17 § 9, 1999)

18.81.058 Temporary contractor parking lot standards.

Temporary contractor parking lots are permitted in the Mixed Use Town Center and High School Road commercial zones subject to the following provisions:

A. A land use application is being submitted or has been submitted for property located within the Mixed Use Town Center or High School Road districts and anticipated construction activities related to the project will reduce availability of existing parking spaces for employees and/or create a need for construction worker parking.

B. Review, as outlined in Chapter 18.105 BIMC, Site Plan and Design Review (site plan review), shall be required prior to issuance of clearing and/or grading permits related to the temporary contractor parking lot.

C. All parking must be designated as reserved, and not available to the general public.

D. All temporary contractor parking lots shall be surfaced with pervious material, to the satisfaction of the city engineer, except that any existing paved or gravel area that is to be utilized as a temporary contractor parking lot may retain its impervious surface.

E. Approval of the temporary contractor parking lot shall expire upon completion of the specified project or within three years of the lot's site plan review approval, whichever comes first. To prevent serial use of a property as a temporary contractor parking lot, a property shall not be utilized for such parking for more than three years within a 10-year period.

F. A temporary contractor parking lot shall meet the following requirements: Chapter 15.20 BIMC, Surface and Storm Water Management; BIMC 18.81.100, Setback requirements; and BIMC 18.81.120, Screening.

G. Except as specified below, a temporary contractor parking lot shall be designed to retain all significant trees, as defined in BIMC 18.85.010. This significant tree retention provision applies to all temporary contractor parking lots, including those proposed for properties designated as Central Core or Ferry Terminal overlay districts. For those significant trees impacted by construction activity within their driplines, the applicant shall submit a retention plan prepared by a certified arborist addressing the impact of construction activity to the trees and the likelihood for five-year survivability. The director may authorize removal of significant trees to facilitate construction of a temporary contractor parking lot if the applicant can adequately demonstrate that subsections G.1, G.2, and G.3 of this section have been satisfied.

1. Alternate layouts are not possible because the tree locations preclude meeting required driving aisle and parking stall dimensions; and

2. The lack of nearby, on-street parking prevents reduction of proposed parking spaces; and

3. Site characteristics related to access points, topography, and critical areas preclude alternative layouts that would allow retention of the trees.

Removal of hazardous trees, as provided in BIMC 15.18.040, shall not be precluded by these significant tree retention provisions.

H. An application for the temporary contractor parking lot shall include a restoration plan addressing revegetation and removal of parking surfaces. An assurance device, guaranteeing completion of restoration, shall be posted with the city prior to issuance of clearing and/or grading permits. Site restoration shall be completed within the application's stated term of the parking lot or upon discontinuance of the parking use, whichever occurs first.

I. A temporary contractor parking lot shall not be utilized as a construction yard. Specifically, the parking lot shall not be used as a storage area for construction materials or as a parking area for construction equipment. (Ord. 2009-01 § 3, 2009)

18.81.060 Joint use.

The required parking for the lesser of two or more complementary uses may be reduced up to 50 percent when provided by a common parking lot. The reduction shall be authorized by the issuance of a conditional use permit. (Ord. 2006-17 § 7, 2006; Ord. 92-08 § 2, 1992)

18.81.070 Design standards.

A. Except as provided in subsection F of this section, parking lots shall be designed according to the parking chart and diagram below. Space depth shall be measured exclusive of access drives, aisles and other physical obstructions. Small car spaces may total no more than 30 percent of the required number.

B. Parking lots shall have direct access to a street or road easement and shall provide unobstructed access driveways exclusive of the required parking areas.

C. Multifamily and nonresidential developments shall use access standards as shown in the chart below.

D. Where possible, single-family residences shall share access drives.

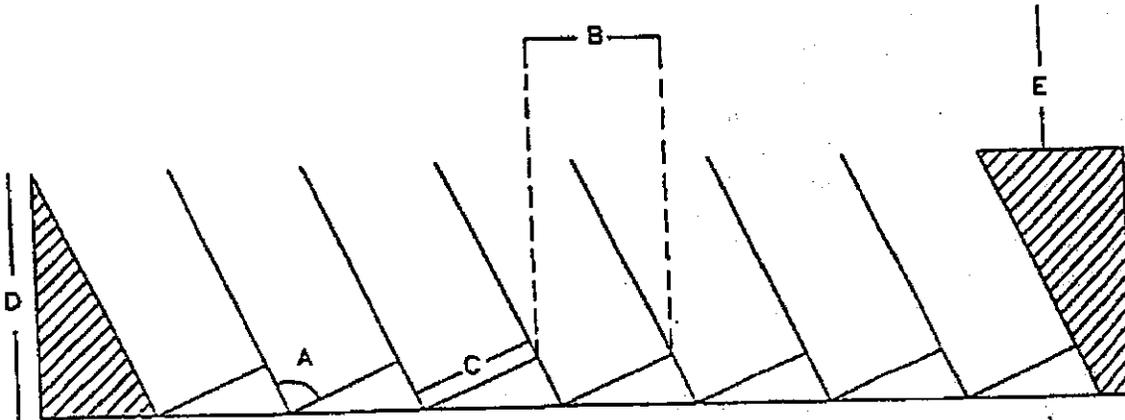
E. Access drive widths for single-family residences shall be determined by the city engineer or fire marshal.

F. For parking located in structures, columns or other structural elements may encroach into the parking space a maximum of six inches on a side; provided, that no wall, post, guardrail, or other element shall be located in a manner that will obstruct car door opening or the exitway of persons from a parked vehicle.

Parking Chart and Diagram

A Parking Angle	B Curb Length	C Stall Width	D* Stall Depth	E Aisle Width (paved surface)	Direction of Travel
45°	10.5	7.5	18.5	11	one-way
45°	12.0	8.5	19	13	one-way
45°	12.7	9	19	12	one-way
45°	10.5	7.5	18.5	20	two-way
45°	12.0	8.5	19	24	two-way
45°	12.7	9	19	22	two-way
60°	8.7	7.5	18.5	14	one-way
60°	9.8	8.5	20.5	18	one-way
60°	10.4	9	20.5	16	one-way
60°	8.7	7.5	19.2	20	two-way
60°	9.8	8.5	20.5	24	two-way
60°	10.4	9	20.5	22	two-way
75°	7.8	7.5	18.8	17.4	one-way
75°	8.3	8.5	21	25	one-way
75°	9.3	9	21	23	one-way
75°	7.8	7.5	18.8	20	two-way
75°	8.3	8.5	21	24	two-way
75°	9.3	9	21	22	two-way
90°	7.8	7.5	17.5	20	two-way
90°	8.3	8.5	20	24	two-way
90°	9.3	9	20	22	two-way

* Where wheel stops are required, they shall be placed 18 inches from the end of stall. Landscaping may be located between the wheel stop and the end of the stall. Landscaping so located shall be in addition to, and not part of, any landscaping required by this title.



(Ord. 2005-13 § 5, 2005; Ord. 99-17 § 10, 1999; Ord. 92-08 § 2, 1992)