



# City of Bainbridge Island

## Title 18: Zoning



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<b>TABLE OF CONTENTS .....</b>	<b>1</b>
<b>18.03 GENERAL PROVISIONS .....</b>	<b>1</b>
<b>General Provisions.....</b>	<b>1</b>
18.03.010 How to Use This Code.....	1
18.03.020 Short Title .....	1
18.03.030 Amendments to Code, Zoning Map or Comprehensive Plan.....	1
18.03.040 Intent and Purpose .....	2
18.03.050 Consistency with the Comprehensive Plan .....	2
18.03.060 Applicability of Regulations .....	3
<b>Interpretation of Regulations .....</b>	<b>5</b>
18.03.070 Minimum Requirements .....	5
18.03.080 Private Agreements, Covenants, and Restrictions .....	5
18.03.090 Interpretation by the Director.....	5
<b>Zoning Map.....</b>	<b>6</b>
18.03.100 Official Zoning Map .....	6
<b>18.06 ZONING DISTRICTS .....</b>	<b>7</b>
<b>General Provisions.....</b>	<b>7</b>
18.06.010 Districts Established .....	7
<b>Residential Districts.....</b>	<b>7</b>
18.06.020 Purpose of Individual Residential Districts.....	7
<b>Mixed Use DISTRICTS .....</b>	<b>10</b>
18.06.030 Mixed Use Town Center Zone.....	10
18.06.040 High School Road Zones I and II Districts .....	12
18.06.050 Neighborhood Service Center .....	13
<b>Other Districts .....</b>	<b>15</b>
18.06.060 Business/Industrial .....	15
18.06.070 Water Dependent Industrial Zone .....	16
18.06.080 Fort Ward Historic Overlay .....	17
18.06.090 R-8SF Overlay .....	18
<b>Zoning District Boundaries.....</b>	<b>19</b>
18.06.100 Zoning District Boundaries .....	19
<b>18.09 USE REGULATIONS .....</b>	<b>20</b>
<b>Permitted and Conditional Uses.....</b>	<b>20</b>
18.09.010 Explanation of Table Abbreviations .....	20
18.09.020 Permitted Use Table.....	20
18.09.030 Use Specific Standards .....	33

<b>18.12 DIMENSIONAL STANDARDS .....</b>	<b>53</b>
18.12.010 General.....	53
18.12.020 Tables of Dimensional Standards .....	53
18.12.030 Additional Dimensional Provisions .....	68
18.12.040 Modifications to Required Setbacks and Heights .....	78
18.12.050 Rules of Measurement .....	80
<b>18.15 DEVELOPMENT STANDARDS AND GUIDELINES.....</b>	<b>83</b>
18.15.010 Landscaping and Screening .....	83
18.15.020 Parking and Loading .....	105
18.15.030 Mobility and Access .....	117
18.15.040 Outdoor Lighting .....	119
18.15.050 Signs .....	123
<b>18.18 DESIGN STANDARDS AND GUIDELINES .....</b>	<b>124</b>
18.18.010 Applicability .....	124
18.18.020 Encouraging Sustainability .....	124
18.18.030 Specific Design Regulations and Guidelines .....	124
<b>18.21 AFFORDABLE HOUSING .....</b>	<b>126</b>
18.21.010 Purpose .....	126
18.21.020 General Provisions for Optional Affordable Housing.....	126
18.21.030 Optional Residential Density Bonus for Affordable Housing.....	127
<b>18.24 HISTORIC PRESERVATION PROGRAM.....</b>	<b>129</b>
18.24.010 Purpose and Relationship to Zoning and Building Codes.....	129
18.24.020 Historic Preservation Commission.....	129
18.24.030 Register of Historic Places.....	132
18.24.040 Changes or Alterations to Properties Located on Local Register .....	133
18.24.050 Appeal of Denial of a Waiver or a Certificate of Appropriateness .....	135
18.24.060 Review and Monitoring of Properties for Special Property Tax Valuation .....	135
18.24.070 Fort Ward Historic Overlay District .....	137
<b>18.27 TRANSFER OF DEVELOPMENT RIGHTS.....</b>	<b>144</b>
18.27.010 Purpose .....	144
18.27.020 Development Rights Sending Areas .....	144
18.27.030 Calculation of Development Rights.....	144
18.27.040 Receiving Areas for Development Rights .....	145
18.27.050 Determination of Development Rights from a Sending Area .....	145
18.27.060 Severance of Development Rights from a Sending Area.....	145
18.27.070 Sale or Transfer of Development Rights.....	146
18.27.080 Use of Development Rights in Mixed Use and High School Road Districts .....	146
18.27.100 Use of Development Rights within NSC Districts.....	146
<b>18.30 NONCONFORMING LOTS, USES, AND STRUCTURES.....</b>	<b>147</b>
18.30.010 Applicability .....	147
18.30.020 Nonconforming Use of Land .....	147
18.30.030 Nonconforming Structures & Buildings .....	147

18.30.040 Conditions of Continuance of Nonconforming Use of Structure .....	147
18.30.050 Nonconforming Lots.....	148
18.30.060 Nonconforming Agricultural Use or Structure .....	148
18.30.070 Nonconforming Manufactured Homes .....	148
<b>18.33 VIOLATIONS, ENFORCEMENT, AND PENALTIES.....</b>	<b>149</b>
18.33.010 General.....	149
18.33.020 Financial Surety Procedure .....	150
<b>18.36 DEFINITIONS .....</b>	<b>151</b>
18.36.010 Rules of Construction .....	151
18.36.020 Rules of Measurement .....	151
18.36.030 Definitions .....	153

# 18.03 GENERAL PROVISIONS

## GENERAL PROVISIONS

### **18.03.010 HOW TO USE THIS CODE**

This Title 18 sets forth the permitted uses of land and structures and the types of development that are permitted on platted lots and legal tracts of land in the City of Bainbridge Island. However, it must be read together with additional regulations regarding the use of land and structures in Title 2 (Administration and Personnel), Title 15 (Buildings), Title 16 (Environment), and Title 17 (Subdivisions and Boundary Line Adjustments). In many cases the information in this Title 18 is qualified by the regulations in those other Titles because of the characteristics of the land or the way in which lots were subdivided in the past. Perhaps most commonly, the provisions of this Title 18 are qualified by additional regulations that apply to Critical Areas (see BIMC 16.20) and to lands covered by the Shoreline Management Program (see BIMC 16.12), both of which are governed by state law. In addition, the provisions of this Title 18 are subject to the requirements of the Washington State Environmental Protection Act (SEPA).

In order to determine what types of land uses or development are permitted on a specific parcel of land, it is necessary to review:

1. What zone district the property is located in, as shown on the Official Zoning Map;
2. Whether the land is subject to regulation under the Shoreline Management Program in BIMC 16.12;
3. Whether the land contains a Critical Area (such as a wetland) regulated by BIMC 16.20;
4. Whether the desired use of land is a permitted or conditional use of land under the Use Regulations of BIMC 18.09. If the use is neither a permitted nor a conditional use, then that use is not allowed;
5. Whether the desired structures are sized and located to meet the Dimensional Standards in BIMC 18.12;
6. Whether the proposed location of the structure on the lot will allow storm water to be managed as required by BIMC 15.20 and 15.21;
7. Whether the proposed project design complies with the Development Standards in BIMC 18.15 and any related Design Guidelines cross-referenced in BIMC 18.18; and
8. What types of approvals from the city are required pursuant to Title 2. Specific forms and application requirements are available in the Administrative Manual.

### **18.03.020 SHORT TITLE**

This title and amendments to it, along with Title 17 and Chapters 2.14 and 2.16 shall be cited as the “Bainbridge Island Land Use Code” or the “Land Use Code” and may be referred to in this document as “Code”.

### **18.03.030 AMENDMENTS TO CODE, ZONING MAP OR COMPREHENSIVE PLAN**

All proposals to amend this Land Use Code, the Official Zoning Map, or the Comprehensive Plan, shall be processed in accordance with the provisions of BIMC Title 2 and this Title.

### **18.03.040 INTENT AND PURPOSE**

The Bainbridge Island Land Use Code, as set forth in the text of this Title 18, Title 17, Chapters 2.14 and 2.16, and the Official Zoning Map, is adopted with the purpose of improving and protecting the public health, safety, comfort, convenience, and general welfare of the people, the aesthetic quality of the City, and implementing the goals and policies of the Bainbridge Island Comprehensive Plan.

### **18.03.050 CONSISTENCY WITH THE COMPREHENSIVE PLAN**

The standards and requirements contained in this Code, and the district mapping reflected on the Official Zoning Map, have all been made in accordance with the Comprehensive Plan for the City.

## **18.03.060 APPLICABILITY OF REGULATIONS**

### **A. Territorial Application**

This Code shall apply to all structures, land, and uses within the city limits of Bainbridge Island, Washington, unless specifically prohibited by state and/or federal law.

### **B. General Application**

After the Effective Date of this Code, (a) all buildings and structures erected, (b) all uses of land or buildings established, (c) all alterations or relocations of existing structures occurring, and (d) all enlargements of, additions to, changes in, and relocations of existing uses, shall be subject to all regulations of this Code. Existing buildings, structures and uses that do not comply with the regulations of this Code shall be allowed to continue subject to the provisions of BIMC 18.30 Nonconforming Lots, Uses, and Structures.

### **C. Conversion of Use or Building**

The conversion of any use or building either to another use or to increase the size or area of the existing use, including the conversion of any building or the conversion of any dwelling to accommodate an increased number of dwelling units, families, or residents, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Code, and only when the resulting occupancy will comply with the requirements in such districts, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces, height, floor area ratio, off-street parking and any other applicable requirements, except as may be allowed by the provisions of BIMC 18.30 Nonconforming Lots, Uses, and Structures, BIMC 2.16.060 Minor Variances, or 2.16.120 Major Variances.

### **D. General Prohibition**

No building or structure, no use of any building, structure or land, and no lot of record or zoning lot, now or later existing, shall be established, altered, moved, divided, or maintained in any manner except in accord with the provisions of the Bainbridge Island Municipal Code (BIMC).

### **E. Conditional Uses**

Conditional uses for each zone district are indicated in Table 18.09.020 and may be permitted pursuant to BIMC Title 2. However, any use lawfully established prior to the Effective Date of this Code that is shown in Table 18.09.020 as a conditional use in the district where that use is located, shall be considered a lawful conditional use. However, any expansion or addition of structures, parking areas or driveways shall be subject, at a minimum, to the approval through the Minor or Major Conditional Use procedures in BIMC 2.16.050 or 2.16.110 prior to issuance of a Building Permit or expansion of use.

### **F. Applicability to Combinations of Platted Lots or Parcels**

If a property owner owns two or more contiguous parcels or lots and wants to have this Land Use Code applied to them as a single unit, rather than individually, the owner must complete a replat or boundary line adjustment as described in Title 2. Except as otherwise noted, this Land Use Code will be applied to each lot or parcel individually.

## **G. Compliance with other Applicable Regulations**

All development and redevelopment shall comply with all other applicable regulations of BIMC, including without limitation to applicable regulations of Title 2: Administration and Personnel, Title 15: Buildings, Title 16: Environment (including noise standards in BIMC 16.16) and Title 17: Subdivisions.

## **INTERPRETATION OF REGULATIONS**

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### **18.03.070 MINIMUM REQUIREMENTS**

In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity, and general welfare. Where the conditions imposed by any provision of this Code upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Code or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations that are more restrictive or that impose higher standards or requirements shall govern. When one Title of the BIMC is silent on the issue and another title contains explicit regulations, the explicit regulations shall govern. When one Title of BIMC contains general regulations and another contains more detailed regulations on the same topic, the more detailed regulations shall govern.

### **18.03.080 PRIVATE AGREEMENTS, COVENANTS, AND RESTRICTIONS**

This Code is not intended to abrogate, annul or otherwise interfere with any easement, covenant, or other private agreement or legal relationship; provided, however, that where the regulations of this Code are more restrictive or impose higher standards or requirements than such easements, covenants or other private agreements or legal relationships, the regulations of this Code shall govern. The city is not responsible for enforcing private easements, covenants, or other similar restrictions.

### **18.03.090 INTERPRETATION BY THE DIRECTOR**

The Director has the authority to provide interpretations of provisions, uses, or definitions in Titles 16, 17, 18 and related provisions in Title 2 of this Code, and will make these interpretations available to the public. Any person may apply to the Director for an interpretation of any provision in these titles. The Director shall provide the interpretation taking into account consistency with the Comprehensive Plan, the nature of the definition or use, and its relationship to the Code and its potential impacts, such as:

- A. Whether it involves dwelling units; sales; processing; type of product, storage and amount;
- B. Enclosed or open storage;
- C. Anticipated employment;
- D. Transportation requirements;
- E. Excessive noise, odor, fumes, dust, toxic material, light, glare, and vibration likely to be generated; and
- F. The general requirements for public utilities such as water and sanitary sewer.

The authority to provide an interpretation does not include the authority to add a new permitted (“P”) or conditional (“C”) use to the use table in section 18.09.020. The Director’s interpretation is subject to appeal pursuant to BIMC 2.16.020.P.1.

## ZONING MAP

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### **18.03.100 OFFICIAL ZONING MAP**

The Official Zoning Map shall be identified by signatures of the city council and shall carry the following words:

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

The Official Zoning Map that shall be located in the office of the city clerk shall be the final authority as to the current zoning status of land in the city.

# 18.06 ZONING DISTRICTS

## GENERAL PROVISIONS

This section establishes the zoning districts used in Bainbridge Island, the purpose of each zoning district, and in some cases basic information about the zoning district.

### **18.06.010 DISTRICTS ESTABLISHED**

To implement the purposes of this title, the city shall be divided into zones that segregate existing land uses and coordinate policies for land uses outlined in the comprehensive plan of the city. The zoning districts, district names and abbreviations shown in the Table below are hereby established.

District Type	Abbreviation	District Name
Residential	R-0.4	Residential 0.4 – One unit per 2.5 acres (100,000 sq. ft.)
	R-1	Residential 1 – One unit per acre (40,000 sq. ft.)
	R-2	Residential 2 – Two units per acre (20,000 sq. ft.)
	R-2.9	Residential 2.9 – Two & nine-tenths units per acre (15,000 sq. ft.)
	R-3.5	Residential 3.5 – Three & one-half units per acre (12,500 sq. ft.)
	R-4.3	Residential 4.3 – Four & three-tenths units per acre (10,000 sq. ft.)
	R-5	Residential 5 – Five units per acre (8,500 sq. ft.)
	R-6	Residential 6 – Six units per acre (7,260 sq. ft.)
	R-8	Residential 8 – Eight units per acre (5,400 sq. ft.)
	R-14	Residential 14 – Fourteen units per acre (3,100 sq. ft.)
Mixed Use Town Center	CC	Central Core Overlay
	MA	Madison Avenue Overlay
	EA	Ericksen Avenue Overlay
	Gate	Gateway Overlay
	Ferry	Ferry Terminal Overlay
Other	HSR	High School Road Districts I and II
	NSC	Neighborhood Service Center
	B/I	Business/Industrial
	WD-I	Water-dependent Industrial
	FWHO	Fort Ward Historic Overlay District

## RESIDENTIAL DISTRICTS

### **18.06.020 PURPOSE OF INDIVIDUAL RESIDENTIAL DISTRICTS**

The purpose of the residential districts is to provide for housing at various densities while preserving the unique character of the island, promoting sustainable development, and minimizing negative impacts of new residential development on surrounding areas.

**A. Residential 0.4 (R-0.4)**

The purpose of the R-0.4 zone is to provide low density housing in an environment with special Island character consistent with other land uses, such as agriculture and forestry, and the preservation of natural systems and open space. The low density of housing does not require the full range of urban services and facilities.

**B. Residential 1(R-1)**

The purpose of the R-1 zone is to provide residential neighborhoods in an environment with special Island character consistent with other land uses such as agriculture and forestry, and the preservation of natural systems and open space. The low density of housing does not require the full range of urban services and facilities.

**C. Residential 2 (R-2)**

The purpose of the R-2 zone is to provide residential neighborhoods in an environment with special Island character consistent with other land uses such as agriculture and forestry, and the preservation of natural systems and open space, at a somewhat higher density than the R-1 district.

**D. Residential 2.9 (R-2.9)**

The purpose of the R-2.9 zone is to provide for vital residential neighborhoods in a suburban residential area.

**E. Residential 3.5 (R-3.5)**

The purpose of the R-3.5 zone is to provide for vital residential neighborhoods having those community improvements and facilities normally associated with suburban development.

**F. Residential 4.3 (R-4.3)**

The purpose of the R-4.3 zone is to provide for vital residential neighborhoods having urban density and having those community improvements and facilities normally associated with urban area development.

**G. Residential 5 (R-5)**

The purpose of the R-5 zone is to provide for residential uses having community improvements and facilities normally associated with urban area development. Five units per acre are permitted only for properties served by both public water and sanitary sewer.

**H. Residential 6 (R-6)**

The purpose of the R-6 zone is to provide for a medium-density residential neighborhood in a unique, nonurban environment.

**I. Residential 8 (R-8)**

The purpose of the R-8 zone is to provide for medium density residential areas in pleasant, uncongested surroundings allowing for the maximum amenities for the occupants.

**J. Residential 14 (R-14)**

The purpose of the R-14 zone is to provide areas of high density residential development located near planned community centers and other areas that are to be served by public

utilities in the near future, that can support both public utility systems necessary for the protection of the environment and allow the maximum amenity for a large number of residences.

## MIXED USE DISTRICTS

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### **18.06.030 MIXED USE TOWN CENTER ZONE**

#### **A. Purpose**

The purpose of the Mixed Use Town Center Zone is to implement the Mixed Use Town Center sections of the Comprehensive Plan. The Mixed Use Town Center should strengthen the vitality of downtown Winslow as a place for people to live, shop and work, to provide a strong residential component, and to encourage a lively community during both the day and night. The Mixed Use Town Center zone includes five overlay districts that allow diverse types of housing, shopping, civic facilities, recreation and employment. The mix of land uses promotes a pedestrian atmosphere, enhances the viability of the town center, and allows development in a manner that is harmonious with the scale of the town center. Land uses that require outdoor storage or that have an auto orientation, such as drive-through establishments, are not permitted within the Mixed Use Town Center.

#### **1. Central Core Overlay District**

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

#### **2. Ericksen Avenue Overlay District**

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

#### **3. Madison Avenue Overlay District**

The purpose of the Madison Avenue overlay district is to provide for a mix of residential and small-scale nonresidential development. Within the Madison Avenue overlay district, all retail and office development shall include a residential component. Retail development is permitted only on the ground-floor. Residential development is only required for buildings greater than one story in height.

#### **4. Gateway Overlay District**

The purpose of the Gateway overlay district is to protect the ravine. The district permits low-intensity, tourist-oriented, commercial, multifamily and agricultural uses that will have limited parking and minimum traffic impact. Impervious surface coverage is limited. If critical areas are identified on a property, additional buffer requirements pursuant to BIMC 16.20 may be required.

#### **5. Ferry Terminal Overlay District**

The purpose of the Ferry Terminal overlay district is to provide an attractive setting for ferry and associated transportation-oriented uses and serve as the entry-point into Winslow. This district is also intended as a new pedestrian and transit oriented, mixed

use neighborhood that complements the character and vitality of the core and serves the neighborhood and commuters.

## **B. Performance Standards**

### **1. Noise**

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

### **2. Air Quality Emissions**

No use in this district shall produce emissions of smoke, dust and/or odors beyond the property boundary that 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 in that regulation.

### **3. Lighting**

Lighting standards set forth in BIMC 18.15.040 shall apply to the Mixed Use districts.

## **18.06.040 HIGH SCHOOL ROAD ZONES I AND II DISTRICTS**

### **A. Purpose**

The purpose of the High School Road I and II zones is to provide commercial uses that complement downtown Winslow and benefit from automobile access near the highway, while creating a pedestrian-friendly retail area. A variety of commercial uses are allowed that offer goods and services for the convenience of Island residents and that may have an auto orientation and a drive-through facility.

### **B. Performance Standards**

The performance standards applicable to the MUTC district as listed in BIMC 18.06.030.B shall also apply to the HSR I and II districts.

## **18.06.050 NEIGHBORHOOD SERVICE CENTER**

### **A. Purpose**

The purpose of the Neighborhood Service Center is to provide a mix of neighborhood-scale residential, commercial, and service activity that is compatible with the scale, character, and intensity of the surrounding residential neighborhood and that minimizes the impact of noise, odor, lighting, fire hazard, and transportation on the neighborhood and the impact on water quality, storm water runoff, and critical areas.

### **B. Performance Standards**

All uses allowed in the NSC district shall conform to the performance standards of this section. 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 all applicable environmental performance standards of this Code.

#### **1. Noise**

All uses shall comply with the noise performance standards of section 18.06.030.B.1.

#### **2. 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.

#### **3. Ground Vibrations**

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

#### **4. 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 Kitsap County health district, the State Department of Ecology, and Chapter 70.105 RCW as amended, and the BIMC.

#### **5. Air Quality Emissions**

All uses shall comply with Air Quality Emissions Standards of section 18.06.030.B.2.

#### **6. 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 that destroys or endangers the support of natural vegetation or that may contaminate underground aquifers, or other natural drainage systems.

## **7. 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.

## **8. 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 Fire Code and the 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.

## **9. Lighting**

Lighting standards set forth in BIMC 18.15.040 shall apply to the NSC district.

## **10. Outdoor Storage and Trash Dumpsters**

- a. 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 the street. Exterior storage should be confined to portions of the site least visible from public view.
- b. Trash dumpsters or any outdoor equipment, whether on the 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.

## **C. Natural Resource Protection Standards**

The following provisions are intended to supplement those natural resource protection standards and requirements contained in Title 17 (Subdivisions) and Title 16 (Environment), and specifically to supplement those provisions in BIMC 16.12 (Shoreline Master Program) and BIMC 16.20 (Critical Areas), which remain the primary source of regulation in those areas. In the event of a conflict between the provisions of this section and the provisions of BIMC Chapter 15 (Buildings) or BIMC 16.12 or BIMC 16.20, the provisions of Title 15 or 16 shall apply.

### **1. Drainage**

Surface and stormwater shall be managed in accordance with the management standards in BIMC 15.20. Storm water runoff shall be detained and disposed of on site or disposed of in a system designed for such runoff and that 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 BIMC 15.20, pertaining to community facilities.

### **2. Industrial Wastewater Disposal**

Industrial wastewater shall not be discharged into an on-site septic system. Other relevant sections of BIMC shall apply.

## OTHER DISTRICTS

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### **18.06.060 BUSINESS/INDUSTRIAL**

#### **A. Purpose**

The purpose of the Business/Industrial 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. The B/I district was formerly called the Light Manufacturing (LM) district and is intended to implement Comprehensive Plan provisions related to light manufacturing uses. The B/I district encourages 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.

#### **B. Performance Standards**

All uses allowed in the B/I district shall conform to the performance standards listed in Sec. 18.06.050.B.

#### **C. Natural Resource Protection Standards**

The following provisions are intended to supplement those natural resource protection standards and requirements contained in Title 17 (Subdivisions) and Title 16 (Environment), and specifically to supplement those provisions in BIMC 16.12 (Shoreline Master Program) and BIMC 16.20 (Critical Areas), which remain the primary source of regulation in those areas. In the event of a conflict between the provisions of this section 18.06.060.C and the provisions of BIMC Chapter 15 (Buildings) or BIMC 16.12 or BIMC 16.20, the provisions of Title 15 or 16 shall apply.

##### **1. Open Space**

In the B/I districts, all areas identified as critical areas and their buffers under BIMC 16.20 shall be designated as open space and that open space shall be subject to the following requirements.

###### **a. 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 1.c of this section. Fence standards contained in BIMC 17.12.030.A.8 shall apply when applicable.

###### **b. Uses Allowed within Designated Open Space**

Within open space areas, uses must conform with the provisions of BIMC 16.20.

###### **c. 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 application 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:

- i. 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.
- ii. A management plan that clearly describes the frequency and scope of maintenance activities.
- iii. Identification of the entity responsible for the maintenance of the open space areas.

## **2. 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 Open Space Management Plan, the city shall have the right to provide the maintenance of the open space, 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 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)

# **18.06.070 WATER DEPENDENT INDUSTRIAL ZONE**

## **A. Purpose**

The purpose of the Water-Dependent Industrial (WD-I) 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 shoreline jurisdiction 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 waterfront trails and other means that provide both physical and visual access to the water.

## **B. Performance Standards**

All uses allowed in the WD-I district shall conform to the performance standards listed in BIMC 18.06.050 as well as the following:

### **1. Pollution**

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

### **2. Noise**

See BIMC 18.06.030.B.1.

### **3. Lighting**

Lighting standards set forth in BIMC 18.15.040 shall apply to the WD-I district.

## **18.06.080 FORT WARD HISTORIC OVERLAY**

### **A. Purpose**

The Fort Ward Historic Overlay District is intended to recognize the historic nature of the Fort Ward area and maintain and integrate its historic elements into the community. BIMC 18.24.070 identifies buildings of historic interest in the Fort Ward Historic Overlay District, establishes incentives for maintaining and rehabilitating the historic character of these buildings, and establishes the standards and process for historic rehabilitation.

### **B. Use Standards**

The Fort Ward Historic Overlay District is not included in the 18.09.020 Use Table because uses in the Fort Ward Historic Districts are the same as those in the underlying zone district.

### **C. Development Standards**

Development standards, bonus densities, and review procedures are outlined in BIMC 18.24.070.

## **18.06.090 R-8SF OVERLAY**

### **A. Purpose**

The purpose of the R-8SF Overlay district as designated on the Official Zoning Map is to provide for medium density, single family residential areas in pleasant, uncongested surroundings allowing for the maximum amenities for the occupants. This district is also intended to serve as a receiving area for the transfer of development rights (TDRs).

### **B. Use Standards**

The R-8SF Overlay District is not included in the 18.09.020 Use Table because the uses in the R-8SF Districts are the same as those in the R-8 district with the exception that multifamily dwellings are not permitted in the R-8SF Overlay District.

## ZONING DISTRICT BOUNDARIES

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### **18.06.100 ZONING DISTRICT BOUNDARIES**

- A. Zoning boundaries indicated as approximately following the center lines of streets, highways and freeways shall be construed to follow such center lines.
- B. Zoning boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. The portion of water bodies abutting to the city between the uplands fronting thereon and over any tidelands or shorelands intervening between such upland boundary and any such waters to the middle of such abutting water bodies shall be considered to be within the same zoning district as the abutting land area as shown on the Official Zoning Map unless otherwise designated.
- D. Boundaries indicated as parallel to or extensions of platted lot lines or streets shall be so construed.
- E. When a street or alley is vacated, it shall acquire the zoning designation of the property to which it reverts.
- F. If a zoned area was created through a document containing a legal description of the area, that legal description shall govern its boundaries even if the document containing the legal description is later repealed.
- G. A project site may contain more than one zoning designation, however each portion of the site shall contain only those uses, structures, and density permitted within that zoning designation. Density shall not be averaged across zone districts.
- H. In the event a zone district boundary is unclear, the director is authorized to make a determination as to the location of that boundary. The director's decision shall be guided by standards A-G above, the intent and language of the Bainbridge Island Comprehensive Plan and the purpose statement of the zoning district where boundaries are in question. The decision of the director shall be subject to appeal pursuant to BIMC 2.16.020.P.

# 18.09 USE REGULATIONS

## PERMITTED AND CONDITIONAL USES

Permitted and conditional uses allowed in each zone district are shown in the Use Table.

### **18.09.010 EXPLANATION OF TABLE ABBREVIATIONS**

The abbreviations used in the Permitted Use Table have the following meanings.

- A. “P” in a cell indicates that the use is permitted by right in that zone district. Permitted uses are subject to all other applicable regulations of this Code, including the use-specific standards set forth in this chapter.
- B. “C” in a cell indicates that, in the respective zoning district, the use is a conditional use that is allowed only if reviewed and approved in accordance with the procedures set forth in BIMC Title 2. Unless otherwise stated in this Code or in a conditional use approval, conditional uses are subject to all other applicable regulations of this Code, including the use-specific standards set forth in this chapter.
- C. An “A” in a cell indicates that the use is permitted as an accessory use to a permitted use or to an approved conditional use in the same zone district. In the case of approved conditional uses, accessory uses listed in the table are permitted unless the terms of the conditional use permit prohibit that accessory use.
- D. A “CA” in a cell indicates that the use is permitted as an accessory use to a permitted use or to an approved conditional use, but that a conditional use permit is always required.
- E. A “T” in a cell indicates that the use is permitted as a temporary use pursuant to the provisions of this Title 18 and the provisions of Title 2.
- F. A blank cell indicates that the use is prohibited in the respective zoning district.
- G. The column headed “Use Specific Standards” identifies a subsection within BIMC 18.09.030 that imposes additional standards with which the use must comply except as authorized by the Code. The use specific standard may limit the “P” or “C” designation to certain areas, or may indicate that a “C” use will be treated as a “P” use in some areas.

### **18.09.020 PERMITTED USE TABLE**

Table 18.09.020 identifies the land uses allowed within all zoning districts. No new use or expansion of an existing use may be established except in conformance with the applicable procedures in Title 2, the following tables, the applicable use-specific regulations referenced in the tables, and any other applicable state or local regulations. Other standards may apply, including, but not limited to, parking, landscaping, and lighting.

#### **A. Additional Restrictions in Shoreline Master Program BIMC 16.12**

In addition to Table 18.09.020 properties located within the shoreline jurisdiction are subject to the Shoreline Master Program permitted use table 16.12. A proposed use of land is only allowed if it is permitted under both use tables.

#### **B. Additional Restrictions in Critical Areas Regulations BIMC 16.20**

In addition to Table 18.09.020 properties containing Critical Areas are subject to Critical Areas regulations in BIMC Title 16.20. A proposed use of land is only allowed if it is permitted under both use tables.

**C. Additional Restrictions in District Performance Standards BIMC 18.06**

In addition to Table 18.09.020 a proposed use of land is subject to district performance standards in BIMC 18.06.

**D. Additional Restrictions in Ferry Terminal District**

In addition to Table 18.09.020 a proposed use of land is subject to additional landscaping, parking, and access requirements as footnoted in Table 18.09.020.

**E. Additional Restrictions in Stormwater Regulations BIMC 15.20.**

In addition to Table 18.09.020 a proposed use of land is subject to additional stormwater regulations required in BIMC 15.20.

**Table 18.09.020 Use Table**

“P” = Permitted Use

“A” = Accessory Use

“C” = Conditional Use

Additional Use restrictions for BIMC 16.12 and 16.20 may apply to shoreline or critical area properties

Blank = Prohibited Use

“CA” = Conditional Accessory Use

“T” = Temporary Use

ZONING DISTRICT  USE CATEGORY / TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
<b>PRINCIPAL USES</b>																				
<b>AGRICULTURAL</b>																				
Note: Agricultural uses may be subject to additional requirements in BIMC 16.12.220 Forest Practices.																				
All agricultural uses are subject to the Critical Area regulations in BIMC 16.20.																				
Agricultural uses are not allowed within the shoreline jurisdiction pursuant to BIMC 16.12.																				
Agriculture, Animal	P	P	P	C	C	C	C										P			A-1
Agriculture, Crop	P	P	P	P	P	P	P	P	P	P							P			A-2
Agriculture Research Facility	C	C	C																	A-3
Agricultural Processing																P		P		
<b>RESIDENTIAL</b>																				
Note: Residential uses may be subject to additional requirements in BIMC 16.12.260 Residential development																				
<b>Household Living</b>																				
Single-family Dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			B-1
Single-family Dwelling existing on April 15, 1996											P	P	P							B-1
Multifamily Dwellings	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P			B-2

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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Commercial/Residential Mixed-Use Developments																P	P		B-3	
<b>Group Living</b>																				
Foster Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P				
Small Group Living Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Group Care Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	P	P	C	C		
<b>PUBLIC AND INSTITUTIONAL</b>																				
<b>Community and Educational Facilities</b>																				
Educational Facility	C	C	C	C	C	C	C	C	C	P	P	P	C	C	P	C	C	C	C-1	
Governmental Facility	C	C	C	C	C	C	C	C	C	P	P	P	C	C	P	C	C	C	C-2	
Religious Facility	C	C	C	C	C	C	C	C	C	P	P	P	C	C	P	C	C	C	C-3	
<b>Parks and Park-related</b>																				
Note: Parks and Park-related uses may be subject to additional requirements in BIMC 16.12.250 Recreational Development																				
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C-4	
Park, Active Recreation	P	P	P	C	C	C	C	C	C	C	P	P	P	P	P	P		P		
Park, Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		

**Table 18.09.020 Use Table**

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“T” = Temporary Use

ZONING DISTRICT  USE CATEGORY / TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD- I	Use Specific Standards 18.09.030	
											CC	MA	EA	Gate	Ferry [1]						
Recreation Activity, Indoor	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	C	C	P		
Recreation Activity, Outdoor	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	
<b>Other Public and Institutional</b>																					
Cemetery	C	C	C																		
Day Care Center	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P			C-5
Family Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				C-6
Healthcare Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	P	P	C			C-7
<b>CULTURAL AND ENTERTAINMENT</b>																					
Artist Studio											P	P	P	P	P	P	P	P			
Club	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P				
Commercial Amusement											P	P	P	P	P	P	C				
Cultural Facility	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	C	C	C		
Entertainment Facility											P					P	C				
<b>COMMERCIAL SALES AND SERVICE</b>																					
Note: Commercial Sales and Service uses may be subject to additional requirements in BIMC 16.12.200 Commercial development																					
<b>Accommodation</b>																					

**Table 18.09.020 Use Table**

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ZONING DISTRICT  USE CATEGORY / TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Bed and Breakfast (3+ bedrooms)	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P			
Inn											P	P	P	P	P	P	P			
Hotel											C			C	C	P				D-1
<b>Animal Sales and Service</b>																				
Equestrian Facility	C																	P		
Kennel, Indoor	C																	P		
Kennel, Outdoor	C																	C		
Veterinarian Clinic or Office	C	C	C	C	C	C	C	C	C	P	P	P	P	C	P	C	P			
<b>Food and Beverage</b>																				
Formula Take-Out Restaurant																P				D-2
Restaurant											P	P	P	P	P	P	P			
Food Service Establishment																		P		D-3
Mobile Retail Food Establishment											P	P	P	P	P	P	P	P	P	D-4
<b>Offices and Services</b>																				
Personal Service											P	P	P	P	P	P	P			D-5
Professional Service											P	P	P	P	P	P	P	C		D-6

**Table 18.09.020 Use Table**

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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
<b>Retail</b>																				
Commuter-Oriented Retail Sales															P					D-7
Open-air Sales for Garden Supply	C	C	C														P			
Retail Sales												P	P	P	P		P	P		D-8
<b>PRIVATE MOTOR VEHICLE RELATED</b>																				
Note: Private Motor Vehicle Related uses may be subject to additional requirements in BIMC 16.12.270 Transportation facilities																				
Auto Repair Services																C	C			E-1
Car Wash Facility, Manual or Automatic																C	C	C		
Commercial Parking Structure												C								
Commercial Parking, Surface												P			P					E-2
Ferry Commuter Parking												P			P	P				E-3
Gasoline Service Station																C	C			
Motor Vehicle Sales																C				E-4
Non-commuter Ferry Parking																			C	E-5
Park and Ride Facility/Lot	C	C	C													C	C	C	C	E-6

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ZONING DISTRICT  USE CATEGORY / TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Park and Ride Lot, Shared-use	C	C	C	C	C	C	C	C	C	C						C	C	C	C	E-7
Small Engine Repair																C	C			
Transport and Delivery Service																P	C	P		E-8
Motor Vehicle-Related Services, Not Including Retail and Not Otherwise Listed																C				
<b>UTILITY AND TELECOMMUNICATIONS</b>																				
Note: Utility and Telecommunications uses may be subject to additional requirements in BIMC 16.12.280																				
Communication Tower or Antenna																		P		
Monopole or Lattice Tower	P																	P		
Small Wind Energy Generator	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P/C	P/C	P/C	F-1
Solar Panel	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Utility, Primary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	F-2
Wireless Communication Facilities, Facility I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	F-3
Wireless Communication Facilities, Facility II	P										P	P	P	P	P	P	P	P	P	F-3

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Additional Use restrictions for BIMC 16.12 and 16.20 may apply to shoreline or critical area properties

Blank = Prohibited Use

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“T” = Temporary Use

ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Wireless Communication Facilities, Facility III	P																P	P	F-3	
<b>INDUSTRIAL USES</b>																				
Note: Industrial uses may be subject to additional requirements in BIMC 16.12.230 Industry																				
<b>Manufacturing and Production</b>																				
Manufacturing, Small-scale																	C	P		
Manufacturing, Light																		P		
Manufacturing, General																		C		
Mining and Quarrying	C	C	C																G-1	
Research and Development																		P		
<b>Waste and Salvage</b>																				
Recycling Center	C	C												C			C	C	G-2	
Waste Transfer Facility	C																		G-3	
<b>Warehouse and Freight Movement</b>																				
Commercial Moving and Freight Terminal																		C		
Self-service Storage Facility																	C	P	G-4	

**Table 18.09.020 Use Table**

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Additional Use restrictions for BIMC 16.12 and 16.20 may apply to shoreline or critical area properties

Blank = Prohibited Use

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“T” = Temporary Use

ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Warehouse																		P		
<b>Ferry and Waterfront Related</b>																				
Note: Ferry and Waterfront related uses may be subject to additional requirements in BIMC 16.12.180 Boating facilities; BIMC 16.12.190 Boat launches; and BIMC 16.12.340 Piers, docks, recreational floats, and mooring buoys																				
Barge Moorage and Off-load Ships																			C	H-1
Boat Building																			C	H-2
Boat Repair Facility																			P	H-3
Cross Harbor Passenger-only Ferry Terminal and Associated Parking																			C	
Dry Storage for Boats and Marine Equipment																			P	
Ferry Terminal and associated docks, ramps, walkways, trails, waiting rooms, and holding areas															P					
Ferry Slips and Repair Facility																			P	H-4
Marine Rental and Sales																			P	
Marine Way																			C	

**Table 18.09.020 Use Table**

“P” = Permitted Use  
 “C” = Conditional Use  
 Blank = Prohibited Use  
 “CA” = Conditional Accessory Use  
 “T” = Temporary Use

“A” = Accessory Use

Additional Use restrictions for BIMC 16.12 and 16.20 may apply to shoreline or critical area properties

ZONING DISTRICT USE CATEGORY / TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Pleasure and Commercial Vessel Moorage																			P	
Small Boat Haul Out Facility																			P	
Water-related Supply and Retail Sale																			P	
<b>ACCESSORY USES</b>																				
Accessory Agricultural Education	A	A	A	A	A	A	A										A			I-1
Accessory Agricultural Retail, Minor	A	A	A	A	A	A	A										A			I-2
Accessory Agricultural Retail, Major	CA	CA	CA	CA	CA	CA	CA										CA			I-3
Accessory Agricultural Special Event	A	A	A	A	A	A	A										A			I-4
Accessory Agricultural Tourism	A	A	A	A	A	A	A										A			
Accessory Composting Bin	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Accessory Dwelling Unit (outside shoreline jurisdiction)	A	A	A	A	A	A	A		A	A							A			I-5
Accessory Dwelling Unit (within shoreline jurisdiction)	CA	CA	CA	CA	CA	CA	CA		CA	CA							CA			I-5

**Table 18.09.020 Use Table**

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ZONING DISTRICT  USE CATEGORY / TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Accessory Agricultural Processing and Livestock and Poultry Slaughtering	A	A	A	A	A	A	A										A		A	I-6
Accessory On-site Treatment and Storage Facilities for Hazardous Wastes																	A	A	A	I-7
Accessory Outdoor Storage																	A	A	A	I-8
Accessory Raingarden/Swale	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Accessory Rainwater Harvesting Barrel	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	I-9
Accessory Small Wind Energy Generator	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	I-10
Accessory Solar Panel	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Accessory Uses to Agriculture (not otherwise listed)	A	A	A	A	A	A	A										A			
Accessory Utilities	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	I-11
Bed and Breakfast (1-2 bedrooms)	A	A	A	A	A	A	A	A	A	A							A			
Minor Home Occupations	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A			I-12
Major Home Occupations	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA			I-13

**Table 18.09.020 Use Table**

“P” = Permitted Use

“A” = Accessory Use

“C” = Conditional Use

Additional Use restrictions for BIMC 16.12 and 16.20 may apply to shoreline or critical area properties

Blank = Prohibited Use

“CA” = Conditional Accessory Use

“T” = Temporary Use

ZONING DISTRICT USE CATEGORY / TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
Non-Agricultural Accessory Uses and Structures (not otherwise listed)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	I-14	
<b>TEMPORARY USES</b>																				
Temporary Construction Building	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-1	
Temporary Container Storage	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-2	
Temporary Contractor Parking											T	T	T	T	T				J-3	
Temporary Public Events or Gatherings	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		J-4	
Temporary Ferry Commuter Parking											T			T					J-5	
Temporary Non-Commuter Parking														T					J-6	
Temporary Seasonal Sales	T	T	T								T			T	T	T	T		J-7	

[1] In the Ferry Terminal District, all development shall include at least 10 percent of landscaped or naturally vegetated open space. Parking may be located under the open space. Development south of Winslow Way shall include pedestrian walkways that connect to Winslow Way East and Olympic Drive Southeast, and/or that align with Cave Avenue and Ferncliff Avenue.

## **18.09.030 USE SPECIFIC STANDARDS**

Regardless of whether a use is allowed as a permitted (“P”) use or as a conditional (“C”) use and regardless of the zoning district in which the use is located there may be additional standards that are applicable to the use, and the use must comply with such standards except as authorized by this Code. The existence of these use specific standards is noted in the column headed “Use Specific Standards,” which cross-references the section of the Code that imposes the additional standard.

### **A. Agricultural**

The purpose of agriculture is to provide for all forms of the keeping of livestock and crop related activities, e.g., crop growing and processing, for commercial and noncommercial agricultural ventures. All agricultural uses are subject to compliance with the Critical Area regulations in BIMC 16.20. To the extent possible, agriculture shall be treated as a preferred use in the zones in which it is a permitted use.

#### **1. Agriculture, Animal**

##### **a. Maximum Animal Densities**

The following maximum animal densities shall apply to all agricultural uses, unless the City, its designee, or a qualified third party as approved by the Director approves a farm management plan permitting a higher animal density.

<b>Table 18.09.030: Maximum Animal Densities</b>			
	<b>Large Livestock [1]</b>	<b>Small Livestock [1]</b>	<b>Poultry [3]</b>
Minimum parcel size	20,000 square feet	N/A	N/A
Maximum number if the management standards in subsection b ARE NOT met	1 per 2 gross acres of open space available for grazing and pasturing of the animals [2]	1 per gross acre of open space available for grazing and pasturing of the animals [2]	20 per gross acre of land
Maximum number if the management standards in subsection b ARE met	3 per gross acre of open space available for grazing and pasturing of the animals [2]	5 per gross acre of open space available for grazing and pasturing of the animals [2]	50 per gross acre of land
[1] Nursing young are not counted against permitted animal densities. [2] Space available for grazing and pasturing animals shall not include critical areas or their buffers where agriculture is prohibited per BIMC 16.20 or areas within the shoreline jurisdiction as defined by BIMC 16.12. [3] The keeping of roosters is only permitted on lots outside of the Mixed Use Town Center.			

**b. Management Standards**

All agricultural facilities must comply with applicable governmental standards and guidelines, including those established by the U.S. Department of Agriculture, the U.S. Environmental Protection Agency, the Washington State Department of Ecology, and the Kitsap County Health District.

- i. **Compliance with Storm Water Regulations.** All agricultural uses shall comply with those storm water regulations in BIMC 15.20.
- ii. **Access to Streams.** Large Livestock access to streams and their buffers is limited to stream crossing and water points that comply with Kitsap Conservation District specifications. Fencing must be used, as necessary, to prevent livestock access to streams except at those defined points. Bridges may be used instead of stream crossings, provided that piers and abutments are not placed waterward of the ordinary high water mark or top-of-bank, whichever is greater. Bridges and fences must be designed to allow free flow of floodwaters and must not diminish the flood carrying capacity of the stream. A Hydraulic Project Approval permit through the Washington State Department of Fish and Wildlife may be required.
- iii. **Grazing Areas.** Grazing areas may extend to the property line except as noted in this subsection b. Grazing areas shall maintain a vegetative buffer from any wetland or from Type F and N streams pursuant to BIMC 16.20.
- iv. **Accessory Buildings and Heavy Use Areas.** The property may contain a heavy use area and/or accessory building subject to the following conditions. No heavy use area and no accessory building or structure used to house, confine, or feed livestock other than swine shall be located (a) closer than 25 feet to any boundary property line (not including internal property lines under same ownership) or (b) closer than 35 feet to any residence on adjacent property that is existing when the accessory building or structure is built or the heavy use area is established. No heavy use area and no accessory building or structure used to house, confine, or feed swine shall be located (a) closer than 50 feet to

any boundary property line (not including internal property lines under same ownership), or (b) closer than 100 feet to any residence on adjacent property that is existing when the accessory building or structure is built or the heavy use area is established. Those minimum setbacks can be reduced if the applicant establishes and maintains a hedgerow planting that complies with the standards in the Natural Conservation Resource Service' Conservation Practice Standard on Hedgerow Planting (Code 422, March 2008), which will be included or cross-referenced in the Administrative Manual. If a conflict exists between the city and a property owner regarding where the boundaries of a heavy use area are defined, a third party, mutually agreed on by the city and the landowner, can be utilized to help define the boundaries.

- v. **Manure Management.** Management of manure shall follow Kitsap County Health District requirements. Manure shall be stored in locations that (a) avoid having runoff from the manure enter streams or wetlands, and (b) maintain the required buffers listed in BIMC 16.20 (Critical Areas). Surface flows and roof runoff shall be diverted away from manure storage areas.
- vi. **Egg Laying Facility.** All Egg Laying Facilities must comply with all applicable governmental standards and guidelines, including those established by the U.S. Department of Agriculture, the U.S. Environmental Protection Agency, the Washington State Department of Ecology, and the Kitsap County Health District, including without limitation those addressing treatment of wastes, water discharge, odor control, and setbacks from natural features and surrounding properties.
- c. **Farm Management Plan.** Variations from the limits on maximum numbers of Large or Small Livestock or poultry set forth in subsection a, or from the Management Standards in subsection b, are only permitted through the approval of a farm management plan approved by the City, its designee, or a qualified third party as approved by the Director.

## 2. Agriculture, Crop

Annual and perennial crops from plants, bushes and trees are permitted subject to compliance with all applicable state and federal laws and best management practices, including practices established by the U.S. Department of Agriculture, published or endorsed by the City or its designee.

## 3. Agricultural Research Facility

An Agricultural Research Facility shall be processed through a minor or major non-agricultural conditional use permit, depending on the scope of the project.

# B. Residential

## 1. Single Family Dwellings

- a. In the NSC district, Single Family Dwellings must be in accordance with zoning in the R-2 district except that bonus densities may be obtained pursuant to 18.12.030.D if applicable.
- b. Single-family dwellings in the Mixed Use Town Center:
  - i. Except for new single-family residences constructed pursuant to subsection 1.b.ii, only single-family dwellings that were in existence and being used as such prior to the enactment of Ordinance 96-08 are allowed; existing Single Family Dwellings are subject to R-4.3 zoning development standards.
  - ii. In the Mixed Use Town Center, any new single-family residences proposed after the enactment of Ordinance 2010-09 shall only be allowed through an approved subdivision

that qualifies as a Housing Design Demonstration Project pursuant to Chapter 18.38 BIMC.

## **2. Multifamily Dwellings**

- a. In the R-1 and R-2 districts, Multifamily Dwellings in the Fort Ward Historic Overlay District are permitted (“P”) uses if they comply with BIMC 18.06.080 and 18.24.070.
- b. In the R-8SF Overlay District, multifamily dwellings are not allowed.
- c. In the NSC district, Multifamily Dwellings must be in accordance with zoning in the R-2 district, except that bonus densities may be obtained if applicable under BIMC 18.12.020 and 030.D.
- d. In the NSC district, residential units must be located above the ground floor if the building is located on a collector or secondary arterial or higher road classification; however, for mixed-use projects, if the building fronts on a local or private street, residential units can be located on the ground floor.

## **3. Commercial/Residential Mixed-Use Development**

Principal and Accessory uses shall comply with the applicable development standards and performance standards of the B/I and NSC districts as well as the other standards listed here.

- a. In the B/I district, a single residential unit for security and/or insurability of the premises are permitted. No other residential uses are allowed; and
- b. In the NSC district, residential units must be located above the ground floor if the building is located on a collector or secondary arterial or higher road classification; however, for mixed-use projects, if the building fronts on a local or private street, residential units can be located on the ground floor. Density for mixed use project in the NSC district shall be calculated pursuant to 18.12.030.D.

## **C. Public and Institutional**

Applications to locate uses categorized as educational facilities, governmental facilities, religious facilities, healthcare facilities, cultural facilities, or clubs in BIMC Table 18.09.020 in residential zones shall be processed as major conditional use permits pursuant to BIMC 2.16.110.

### **1. Educational Facilities**

- a. In the B/I District, 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 are permitted (“P”) uses.
- b. In the B/I District, 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 are conditional (“C”) uses.
- c. In the WD-I district, Educational Facilities are a conditional (“C”) use. Conference centers with overnight accommodations are not permitted.
- d. In the Ferry Terminal overlay district Educational Facilities are only allowed south of Winslow Way.

## **2. Governmental Facilities**

- a. In the WD-I district, Governmental Facilities are a conditional (“C”) use. Conference centers with overnight accommodations are not permitted.
- b. In the Ferry Terminal overlay district, Governmental Facilities are only allowed south of Winslow Way.

## **3. Religious Facilities**

- a. In the WD-I district, Religious Facilities are a conditional (“C”) use. Conference centers with overnight accommodations are not permitted.
- b. In the Ferry Terminal overlay district Religious Facilities are only allowed south of Winslow Way.

## **4. Community Gardens**

- a. The keeping of poultry pursuant to the density standards listed in 18.09.030.A.1 is allowed as an accessory use to community gardens. The keeping of roosters is only allowed on parcels outside of the Mixed Use Town Center.

## **5. Day Care Centers**

- a. A Day Care Center is subject to Site Plan and Design Review pursuant to BIMC 2.16.040.
- b. A sight-obscuring fence of at least four feet in height as approved by the city shall be provided, separating any outside area designated for use in relation to the Day Care Center from abutting lots; and
- c. Day Care Centers located in residential zones shall conform to all required standards in BIMC 18.09.030.C.5 as well as any additional requirements placed by the city after public comments are considered.
- d. A Day Care Center shall not be located within 300 feet of another Day Care Center, except for any Day Care Center that is an accessory use in a community service facility.
- e. No Day Care Center shall be located in a private family residence unless the portion of the residence where the people receiving care have access is used exclusively for the people receiving care during the hours the Center is in operation, or is separate from the usual living quarters of the family.
- f. Decision criteria. Facilities providing day care shall meet the following provisions:
  - i. Structure(s) shall meet building, sanitation, health, traffic safety and fire code requirements; and
  - ii. A minimum of one off-street parking space shall be provided for each on-shift employee plus one space per 12 persons served; and
  - iii. An on-site vehicle turn-around or separate entrance and exit points, and an on-site passenger loading area must be developed according to plans approved by the city engineer. The city shall consider the location and appearance of the proposed turn-around or access in determining compatibility with surrounding uses; and
  - iv. Meet state child or adult care licensing requirements; and
  - v. Conform to the lot size, building size, setback and lot coverage requirements of the underlying zones and/or applicable subdivision; and
  - vi. Comply with all business licensing requirements; and

- vii. Structural or decorative alteration shall not be included in a residential zone if that alteration changes the residential character of an existing residential structure or would be incompatible with surrounding residences; and
- viii. Day care activities shall not be conducted before 5:00 a.m. or after 9:00 p.m. in residential zones; and
- ix. Structured area for active play or play structures shall not be located in front setbacks in residential zones; and
- x. Landscaping must exist or be installed on the site in a manner compatible with abutting residences in residential zone according to a plan approved by the department.

## **6. Family Day Care Home**

A family day care home shall be permitted in all residential zoning districts.

- a. One off-street parking space is required for each on-shift, nonresidential employee in addition to the residential parking requirements found in BIMC 18.15.020, Parking and Access Requirements. Residential driveways are acceptable accessways.
- b. Access streets, parking and/or loading areas shall accommodate the number of estimated vehicle trips generated by the use.
- c. Family Day Care Homes located within multifamily dwellings shall not be operated from a combination of dwelling units.

## **7. Healthcare Facilities**

In the Ferry overlay district Health Care Facilities are only allowed south of Winslow Way.

# **D. Commercial Sales and Service**

## **1. Hotel**

In the Ferry overlay district, Hotels are permitted south of Winslow Way only.

## **2. Formula Take-out Restaurants**

- a. Any Formula Take-out Food Restaurant may not exceed 4,000 sq. ft. and must be in a building that is shared with at least one other business that is not a formula take-out food restaurant. Only one Formula Take-out Food Restaurant is permitted per parcel, lot or tract on which all or a portion of a building is located. No drive-through facilities are allowed.
- b. In District 1 of the HSR zone, Formula Take-out Food Restaurants are permitted east of SR 305 only.
- c. The building and site design shall meet the design guidelines set forth in BIMC18.18.030.E.
- d. Outdoor storage areas, mechanical equipment, and utility vaults shall not be visible from abutting streets and pedestrian walkways.
- e. Site services shall be located on the least visible side of a building or site or within interior building spaces to the maximum extent feasible.
- f. All signs shall use natural materials such as wood, metal, masonry or stone.
- g. There shall be no exterior vending machines such as soft drink dispensers, ice cube freezers, and the like.

- h. Trash receptacles shall be placed at the entrances to any building containing Formula Take-out Food Restaurants, and shall be maintained by those businesses. Exterior receptacles shall not exhibit logos, company colors/contours, or advertising.

### **3. Food Service Establishment**

In the B/I district, Food Service Establishments must meet the following standards:

- a. The use shall be located interior to the B/I district or shall be fully screened from public streets, and no signage shall face primary and secondary arterials or collector streets;
- b. The indoor area occupied by the food service business shall be limited to 2,000 sq. ft.; and
  - i. Food service available to employees and customers shall be limited between 5:00 a.m. and 6:00 p.m.

### **4. Mobile Retail Food Establishment**

Mobile Retail Food Establishments must meet the following standards:

- a. The mobile business operator must obtain permission of the owner of the property upon which the business is going to operate;
- b. All operating locations must be approved by the City of Bainbridge Island Department of Planning and Community Development;
- c. The operating vehicle or structure shall be removed from the site of operation at the end of the business day and the operator shall store/park the vehicle or structure in a manner consistent with applicable provisions of the BIMC;
- d. No furniture such as tables or chairs shall be set up onsite in conjunction with the mobile business;
- e. Drive-through facilities are not allowed;
- f. Besides signage existing on the mobile vehicle or structure, additional signage is not allowed;
- g. An applicant for a mobile retail food establishment must obtain a business license, and must include a site plan to scale with the business license application that demonstrates:
  - i. Adequate parking exists on the subject site (including parking for existing plus proposed uses). The mobile retail facility shall occupy a maximum of two parking spaces;
  - ii. Traffic impacts can be mitigated; and
  - iii. The establishment will not be placed within a right-of-way or drive aisle. If the establishment is placed within a loading dock, it must move if the loading dock is needed for the primary use.
- h. The mobile retail food establishment must meet the requirements of the Kitsap County Health District.

### **5. Personal Services**

- a. In the Ferry Terminal overlay district, Personal Services may be located anywhere south of Winslow Way.
- b. In the Ferry Terminal overlay district, north of Winslow Way, Personal Services are permitted only along Winslow Way, within 100 feet north of Winslow Way. Buildings shall have customer entrances on Winslow Way.

## 6. Professional Services

- a. In the Ferry Terminal overlay district, Professional Services may be located anywhere south of Winslow Way.
- b. In the Ferry Terminal overlay district, north of Winslow Way, Professional Services are permitted only along Winslow Way, within 100 feet north of Winslow Way. Buildings shall have customer entrances on Winslow Way.
- c. In the B/I district, professional offices shall be limited to those that do not provide services directly to the general public or attract customers from the general public. For example, accountant, lawyers, and architects offices are not permitted. Establishments that provide professional services to other businesses are permitted, such as civil, mechanical, or electrical engineers and research and development establishments.

## 7. Commuter-oriented Retail Sales

- a. Commuter-oriented Retail Sales must not exceed 2000 square feet, and must not require customer parking.
- b. In the Ferry Terminal overlay district, north of Winslow Way, Commuter-oriented Retail is permitted only along Winslow Way, within 100 feet north of Winslow Way. Buildings shall have customer entrances on Winslow Way.
- c. In the Ferry Terminal overlay district, Commuter-oriented Retail may be located anywhere south of Winslow Way.
- d. For new buildings greater than one story, a residential component must be included in the building.

## 8. Retail Sales

- a. In the NSC district:
  - i. Retail Buildings with a footprint up to 5,000 sq. ft. are a permitted (“P”) use.
  - ii. Retail Buildings with a footprint greater than 5,000 sq. ft. but less than 10,000 sq. ft. are a conditional (“C”) use.
  - iii. Businesses shall screen all outdoor storage in accordance with 18.06.050.B.10, except for outdoor storage for Agricultural Produce Sales, or Landscaping Retail Sales.
- b. In the HSR II District:
  - i. Retail Buildings are a permitted (“P”) use up to 5,000 sq. ft.
  - ii. Retail Buildings with a footprint between 5,000 sq. ft. and 14,400 sq. ft. are permitted through a conditional use permit.
  - iii. Businesses shall screen all outdoor storage.
- c. In the Central Core, Retail development exceeding 5,000 sq. ft. per building footprint is allowed only on Winslow Way and Madison Avenue. Drive-through Retail Businesses are not permitted.
- d. In the Madison Avenue, Ericksen Avenue, Gateway, High School Road I and II, and Central Core districts, Drive-through Businesses are not permitted.
- e. In the Mixed Use Town Center, retail businesses with screened outdoor storage are not allowed.
- f. In the Madison Avenue and Ericksen Avenue districts, new Retail Buildings of more than one story must be accompanied with residential development.

g. In the B/I District:

On-site retail sales to the general public must comply with the following standards:

- i. Sales are limited to goods or products manufactured or utilized on the premises;
- ii. Sales to the general public are clearly subordinate to the primary use of the property as permitted in the B/I district; store-front retail businesses are not permitted in the B/I district;
- iii. There shall be no signage advertising the on-site sales or services to the general public;
- iv. There shall be no additional on-site parking allowed beyond what is required for the primary use; and
- v. Notwithstanding subsections i. through iv. 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.

## **E. Private Motor and Vehicle Related**

### **1. Auto Repair Services**

- a. Auto Repair Services are subject to standards in BIMC 16.20.120.
- b. Any automobiles remaining on site for more than 72 hours are to be screened according to the outdoor storage development standards in BIMC, 18.06.050.B.10.

### **2. Commercial Parking, Surface**

- a. Commercial Parking is subject to the parking standards in BIMC 18.15.020.G.

### **3. Ferry Commuter Parking**

- a. Ferry Commuter Parking is limited to the 1,201 commuter parking spaces in the Gateway, Ferry Terminal overlay and Central Core districts, as shown in Figure 6.2 and table 6-3 of the Winslow Master Plan. The rights to these spaces may be bought, sold, traded, leased or otherwise exchanged between the properties.
- b. Temporary Ferry Commuter Parking is subject to the parking standards in BIMC18.15.020.F.

### **4. Motor Vehicle Sales**

- a. All business shall be conducted wholly within an enclosed building.

### **5. Non-commuter Ferry Parking**

Permanent Non-commuter Ferry Parking is permitted in accordance with the parking regulations set forth in BIMC18.15.020.E.1.

### **6. Park and Ride Facility/Lot**

All park and ride lots will be limited to locations adjoining arterial or collector streets and shall provide auto access only from arterial or collector (not local) streets.

## **7. Park and Ride Lot, Shared Use**

Shared Park and Ride Lots shall comply with all use standards for Park and Ride Lots.

## **8. Transport and Delivery Services**

Transport and Delivery Services are subject to a limitation of 50 one-way trips. Facilities requiring higher levels of trips will require conditional use approval.

# **F. Utility and Telecommunications**

## **1. Small Wind Energy Generator**

A Small Wind Energy Generator is a Permitted use in NSC, B/I, and WD-I zone districts if it complies with height and width setback requirements of the zone district, and will be a Conditional use in the NSC, B/I, and WD-I zone districts if it does not comply with height and width set back requirements.

## **2. Utility, Primary**

Primary Utility facilities and equipment are subject to standards in BIMC 16.12.120 Shoreline Master Program, and BIMC 16.20.130.C.11 Critical Areas regulations.

## **3. Wireless Communications Facility**

The equipment shelter and antennas of Wireless Communication Facilities are exempted from the definition of "Structure."

### **a. Development standards for a Facility I.**

- i. The Facility I shall be located on buildings or other structures. The Facility I may be located on buildings and structures that contain mixed uses;
- ii. Antennas equal to or less than four feet in height and with an area of not more than 580 square inches in the aggregate (e.g., 14-inch diameter parabola or 2.6-foot by 1.5-foot panel) are exempt from the height limitation of the zone in which they are located. (For example, in some zones the maximum height of a building is 35 feet. A Facility I can go up to 39 feet and still be within the height limit). Placement of a Facility I antenna or related components on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure. In measuring antenna area for wireless communication facilities, the area of the antennas is calculated on a 2-dimensional plane (width x height). Therefore multiple antennas are allowed if they do not exceed the area requirement;
- iii. The shelter or cabinet used to house radio electronics equipment must be concealed from view and/or camouflaged. This can be accomplished through landscaping or other screening and through the use of compatible building materials;
- iv. In Single-family Residential areas, a Facility I shall be separated from any other Facility I by a distance equal to or greater than 500 linear feet;
- v. The Facility I antenna and components shall be the same color as the existing building, pole or support structure on which it is to be located;
- vi. A building permit shall be required to construct a Facility I; and
- vii. Roof-mounted facilities must be set back a minimum of 10 feet from the edge of the roof.

### **b. Development standards for a Facility II:**

- i. The Facility II may be located on buildings and other structures;

- ii. The shelter or cabinet used to house radio electronics equipment must be concealed from view and/or camouflaged. This can be accomplished through landscaping, fencing or other architectural screening by using compatible building materials and colors;
  - iii. A Facility II shall comply with the height limitation specified for all zones, except omnidirectional antennas may exceed the height limitation by 12 feet. The permitted antenna height includes the wireless communication support structure. Placement of a Facility II antenna or related components on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure;
  - iv. The Facility II antenna and components shall be the same color as the existing building, pole or support structure on which it is to be located;
  - v. A building permit shall be required to construct a Facility II;
  - vi. Roof-mounted facilities must be set back a minimum of 10 feet from the edge of the roof; and
  - vii. In the R-0.4 zone, a Facility II must be set back at least 100 feet from each lot line. The director may grant a waiver of up to 25 percent of the setback requirement for monopoles and lattice towers if it is determined that significant trees and other vegetation will be retained by reducing the setback.
- c. Development standards for a Facility III:
- i. The shelter or cabinet used to house radio electronics equipment must be concealed and/or camouflaged;
  - ii. A Facility III shall comply with the height limitation specified for all zones, except as follows: Omnidirectional antennas may exceed the height limitation by 15 feet. Placement of a Facility III antenna or related components on a nonconforming structure shall not be considered to be an expansion of the nonconforming structure;
  - iii. The Facility III antenna and components shall be the same color as the existing building, pole or support structure on which it is to be located;
  - iv. A building permit shall be required to construct a Facility III;
  - v. Roof-mounted facilities must be set back a minimum of 10 feet from the edge of the roof; and
  - vi. In the R-0.4 zone, a Facility III must be set back at least 100 feet from each lot line. The director may grant a waiver of up to 25 percent of the setback requirement for monopoles and lattice towers if it is determined that significant trees and other vegetation will be retained by reducing the setback.
- d. Development standards for monopoles and lattice tower support structures.
- i. Monopoles and lattice towers are permitted through the Site Plan and Design Review process, pursuant to BIMC 2.16.040.
  - ii. A monopole or a lattice tower is considered a structure.
  - iii. Monopoles and lattice towers located in the R-0.4 zone must be set back from each lot line one foot for every foot of height of the monopole or lattice tower. A monopole or lattice tower must be set back a minimum of 100 feet from SR 305. The director may grant a waiver of up to 25 percent of the setback requirement for monopoles and lattice towers if it is determined that significant trees and other vegetation will be retained by reducing the setback. The director may waive the setback requirement for public safety communications towers.
  - iv. The maximum height of a monopole or lattice tower is 60 feet for one carrier or 120 feet if two or more carriers are located on the monopole or lattice tower. A permitted collocation monopole or lattice tower that does not have two or more carriers located on it

for a period of one year or more shall be modified to conform to the single carrier height of 60 feet.

- v. Public safety communications tower height shall be less than 200 feet. Where public safety communications towers exceed 120 feet in height, applications for Site Plan Review or building permits shall include documentation that the proposed height is the minimum necessary to provide adequate facility for public safety communications. The application shall also include an acceptable plan for reducing the height of the tower in the future if technological advances make deployment at a lower level feasible.
  - vi. The lot on which the monopole or lattice tower is to be constructed must be legally conforming;
  - vii. The facility must be screened in accordance with subsection e below;
  - viii. Monopoles and lattice towers located in the B/I zone must be set back a minimum of 100 feet from any residentially zoned property. The minimum setback along SR 305 is 100 feet;
  - ix. Antennas that extend above the wireless communications support structure shall not be calculated as part of the height of a monopole or lattice tower;
  - x. Co-location on an existing support structure is to be permitted. A Facility III is the largest wireless communication facility allowed on a monopole or lattice tower;
  - xi. The shelter or cabinet used to house radio electronics equipment and the associated cabling connecting the equipment shelter or cabinet to the monopole or lattice tower must be concealed and/or camouflaged through landscaping, fencing, or other architectural screening by using compatible building materials and colors; and
  - xii. A building permit shall be required to construct a monopole or lattice tower.
- e. Additional criteria for monopoles and lattice towers. In addition to the criteria specified in subsection d above, the following specific criteria must be met before a building permit can be granted:
- i. Visual Impact. Antennas may not extend more than 15 feet above their supporting structure, monopole, lattice tower, building or other structure. Site location and development shall preserve the pre-existing character of the site as much as possible. Wireless communication towers and accessory equipment (equipment shelters and cabinets) shall be integrated through location, design, and color to blend in with the existing site characteristics to the greatest extent practical. Existing vegetation around the facility shall be preserved or improved upon to provide vegetative screening. A minimum of two-thirds of the height of the monopole or lattice tower must be screened by existing vegetation when possible. Additional screening may be required by the planning director to mitigate visual impacts to adjoining properties or public rights-of-way as determined by site-specific conditions. Screening requirements shall include a slatted chain-link fence, with full screen landscaping, as required in BIMC18.15.010.D.4.a, around the outer perimeter of the fence, except as necessary for egress; and
  - ii. Noise. No equipment shall be operated above 45 dB as measured from the nearest property line on which the attached wireless communication facility is located.
- f. Exemption.
- The following is exempt from the requirements of Site Plan Review process, and shall be considered a permitted (“P”) use in all zones where wireless and attached wireless communications facilities are permitted. Building permits shall be required for these uses:
- i. Minor modifications to existing wireless communications facilities and attached wireless communications facilities, whether emergency or routine, provided there is little or no change in the visual appearance. Minor modifications are those modifications, including

the addition of antennas to wireless and attached wireless communications facilities, that meet the provisions of this chapter;

- ii. Additions to the height of public safety communications towers.
- g. Design and Site Plan review
  - i. In R-0.4, Wireless Communication Towers over 30 feet in height shall require Site Plan and Design Review pursuant to BIMC 2.16.040.
  - ii. In the B/I district, Wireless Communication Towers over 35 feet in height shall require Site Plan and Design Review pursuant to BIMC 2.16.040.
  - iii. Site Plan Review applications are required for all new non-residential structures. Therefore, Site Plan and Design Review will continue to be required for new monopoles and lattice towers to balance the potential impacts upon adjoining and surrounding land uses.
  - iv. Co-location of any Wireless Communication Facility and the erection of Facilities on existing structures meeting the regulations of this BIMC 18.09.030.F.3 will continue to require a building permit, but will not require a Site Plan and Design Review.

## **G. Industrial Uses**

### **1. Mining and Quarrying**

- a. No mining or quarrying activities shall be conducted within 500 feet of a property zoned R-2.9 through R-14.
- b. All mining and quarrying operations shall maintain a full screen landscaped buffer meeting the standards of sec. 18.15.010.D.4.a and at least 50 feet wide around each area of mining or quarrying activity. The width of the buffer may be increased up to 100 feet by the Planning Director through the same standards that apply to B/I district buffers found in 18.06.050.B.10.
- c. All mining and quarrying operations shall comply with all applicable performance standards in BIMC 18.06.070.B (performance standards for the WD-I zone district).
- d. All mining and quarrying operations shall comply with all applicable requirements of RCW Chapter 78.44 and WAC Chapter 332-18 (Surface Mining Act) and RCW Chapter 78.56 (Metal Mining and Milling ACT).
- e. All mining and quarrying shall comply with all applicable performance standards in BIMC 16.28.030.
- f. All mining and quarrying operations within the shoreline jurisdiction shall comply with the requirements in BIMC 16.12.240.
- g. Reclamation for mining and quarrying operations shall be required pursuant to Chapter 78.44 RCW.

### **2. Recycling Center**

- a. In the R-0.4 zone, Recycling Centers are permitted (“P”) uses provided that the subject property has a minimum lot area of two and one-half acres.
- b. In the R-1 district, Recycling Centers are permitted (“P”) uses provided that the subject property has a minimum lot area of one acre and has frontage on an arterial.

### **3. Waste Transfer Facility**

- a. No waste transfer facility operation shall be conducted within 500 feet of a property located in any zone district other than the R-0.4 zone district.
- b. All waste transfer facility operations shall maintain a full screen landscaped buffer meeting the standards of section 18.15.010.D.4.a and at least 50 feet wide around each waste transfer facility operation. The width of the buffer may be increased up to 100 feet by the Planning Director through the same standards that apply to B/I district buffers.
- c. All waste transfer facility operations and operators shall comply with all applicable requirements of RCW Chapter 70.95 (Solid Waste Management), WAC Chapter 173.350 (Solid Waste Handling Standards), and WAC Chapter 173.351 (Criteria for Municipal Solid Waste Landfills), including the requirement to obtain and maintain a current Solid Waste Permit and to comply with all conditions attached to that permit.

### **4. Self-service Storage Facilities**

In the NSC district, Self-service Storage Facilities are a permitted (“P”) use provided that no outdoor storage is visible from abutting properties and public rights-of-way.

## **H. Ferry and Waterfront Related**

### **1. Barge Moorage and Off-load Slips**

In the WD-I district, Barge Moorage and Off-load Slips are conditional (“C”) uses for property located on the south shore of Eagle Harbor.

### **2. Boat Building**

In the WD-I district, Boat Building is a permitted (“P”) use for property located on the north shore of Eagle Harbor. For property South of Eagle Harbor, Boat Building is a conditional (“C”) use.

### **3. Boat Repair Facilities**

Boat Repair Facilities are subject to standards in BIMC 16.12.120.

### **4. Ferry Slips and Repair Facilities**

In the WD-I district, ferry slips and repair facilities are permitted (“P”) for property located on the north shore of Eagle Harbor only.

## **I. Accessory Uses**

### **1. Accessory Agricultural Education**

- a. Accessory agricultural education that generates more than 36 round trips per day on average must be reviewed through an Agricultural Conditional Use Permit pursuant to BIMC 2.16.050.E.

### **2. Accessory Agricultural Retail, Minor**

- a. A permitted or approved conditional agricultural use may have any number of accessory agricultural-related events such as agricultural tourism.

- b. Parking shall be provided on-site that accommodates the anticipated traffic volumes and does not adversely impact sensitive areas or water quality.
- c. The use must comply with all applicable local, county, state and/or federal requirements.

### **3. Accessory, Agricultural Retail, Major**

- a. Major accessory agricultural retail activities must meet the same standards applicable to minor accessory agricultural retail activities, except that (i) the limitation on agricultural special events does not apply, and (ii) the provisions of b and c below apply.
- b. All applicants for major agricultural retail must apply for and obtain an Agricultural Retail Plan through the Agricultural Conditional Use procedure in BIMC 2.16.050.
- c. The activity may continue as long as the use continues to comply with the criteria that were in effect at the time of original approval. If the activity ceases operation for more than one year (four consecutive seasons) it shall be required to reapply.

### **4. Accessory Agricultural Special Event**

- a. A permitted or approved conditional agricultural use may have any number of agricultural-related special events.
- b. A permitted or approved conditional agricultural use may have a maximum of four non-agricultural special events (such as weddings, conferences or parties) per year. A special event can last up to a maximum of two consecutive days. If the special event lasts longer than two consecutive days, each additional period of up to two days shall be considered a separate special event.
- c. An agricultural special event shall be reviewed through the agricultural retail process.

### **5. Accessory Dwelling Unit**

- a. An Accessory Dwelling Unit may be created within, or detached from, any Single-family Dwelling, whether existing or new, as a subordinate use, where permitted (“P”) by this chapter.
- b. In the shoreline jurisdiction, an Accessory Dwelling Unit may be created within, or detached from, any Single-family Dwelling, whether existing or new, as a subordinate use, where conditional (“C”) pursuant to this chapter. See BIMC 16.12 for shoreline conditional use process.
- c. Only one Accessory Dwelling Unit may be created per parcel.
- d. No variances shall be granted for an Accessory Dwelling Unit.
- e. One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling.
- f. Accessory Dwelling Units shall be designed to maintain the appearance of the primary dwelling as a Single-family Dwelling containing 800 sq. ft. of floor area or less. If a separate outside entrance is necessary for an Accessory Dwelling Unit located within the primary dwelling, that entrance must be located either on the rear or side of the building.
- g. If an accessory dwelling unit is constructed in conjunction with a garage, the square footage of the garage shall not count towards the 800 square-foot limitation.
- h. An accessory dwelling unit not attached to the single-family dwelling may not contain any accessory use other than a garage.
- i. No recreational vehicle shall be an accessory dwelling unit.

- j. When stairs utilized for the ADU are enclosed within the exterior vertical walls of the building, they shall count towards the floor area of the ADU.
- k. The ADU shall share a single driveway with the primary dwelling.
- l. School impact fees and qualified exemptions from those fees as provided in BIMC 15.28 shall apply.
- m. All other applicable standards including, but not limited to, lot coverage, setbacks, parking requirements, and health district or city requirements for water, sewer, and/or septic must be met.

## **6. Accessory Agricultural Processing & Livestock or Poultry Slaughtering**

- a. Accessory Agricultural Processing and Livestock or poultry slaughtering must comply with all applicable governmental standards and guidelines, including those established by the U.S. Department of Agriculture, the U.S. Environmental Protection Agency, the Washington State Department of Ecology, the Washington State Department of Agriculture, and the Kitsap County Health District, including without limitation those addressing treatment of wastes, water discharge, odor control, and setbacks from natural features and surrounding properties.
- b. If the livestock or poultry to be slaughtered are not raised on the property but are transported onto the property for slaughtering, an agricultural retail plan shall be required to be approved through the Agricultural Conditional Use process in BIMC 2.16.050, and the activity shall be required to comply with the terms of that agricultural retail plan once approved.
- c. If slaughtering activities take place outdoors and are located within 100 feet of any residence on adjacent property that was existing when the slaughtering activity began, they shall be screened by permanent or temporary structures so that slaughtering activities cannot be seen from adjacent residential properties.

## **7. Accessory On-site Treatment and Storage Facilities for Hazardous Wastes**

This use is subject to the state siting criteria of Chapter 70.105 RCW.

## **8. Accessory Outdoor Storage**

- a. In the NSC district, Outdoor Storage is subject to the performance standards of BIMC18.06.050.B.10.
- b. In the WD-I district,
  - i. Outdoor Storage that does not exceed 1,000 sq. ft. in area and is associated with an outright permitted use is a permitted (“P”) use; and
  - ii. Outdoor Storage greater than 1,000 sq. ft. in area and associated with an outright permitted use is a conditional (“C”) use.

## **9. Accessory Rainwater Harvesting Barrels**

Accessory Rainwater Harvesting Barrels are a permitted accessory structure in all zone districts.

## **10. Accessory Small Wind Generator System**

Accessory Small Wind Generator Systems are subject to the height and setback requirements of each district, including modifications pursuant to 18.12.040.

## 11. Accessory Utilities

Accessory Utilities structures within fish and wildlife habitat conservation areas will be subject to utility standards in BIMC 16.20.130.C.11. They are also subject to BIMC 18.12.040, Permitted Modifications.

## 12. Minor Home Occupations

Minor Home Occupations shall meet all of the following criteria:

- a. The business, including operations and storage, shall occupy no more than half of the residential gross floor area, which includes all accessory buildings. If the business occupies an accessory building, the square footage of that building shall not be larger than the primary residential building; and
- b. The business shall be conducted wholly within a residence or an accessory building and is clearly subordinate to the residence; and
- c. No more than one person who is not a resident of the dwelling shall be employed on-site in the home occupation; and
- d. The appearance of the property shall not be visibly altered so as to look like a business premises rather than a dwelling unit. No expansion of the parking area is allowed beyond that required for the residence. No parking in the setbacks or buffers is allowed; and
- e. With the exception of home-based teaching, the use shall not generate more than 5 round trips per day related to the home occupation. If the home-based teaching business is located on property that abuts and has direct access to a secondary and/or primary arterial street as designated on the adopted street classification map, the business is allowed unlimited student-related trips. If not, the home-based teaching businesses shall be allowed up to 24 student-related trips per day; and
- f. No outdoor storage or other exterior indication of the business shall be visible beyond the subject property; and
- g. Commercial vehicles shall not be used for the home occupation or stored on the premises, other than that normally used by the applicant or an employee; and
- h. A business license from the City shall be obtained as required in BIMC Title 5; and
- i. No portion of the dwelling may be separately rented, leased, sold, or occupied as a commercial space for any person not living in the premises; and
- j. No noise, vibration, emissions, dust, odor, heat or glare that would exceed what is normally associated with a dwelling shall be produced by the business beyond the subject property; and
- k. No structural or decorative alteration or display is permitted related to the home occupation, however, a two-square-foot wooden sign is permitted; and
- l. Delivery service shall neither restrict traffic circulation nor overload public or private roads; and
- m. Minor home occupations shall be permitted to continue as long as the use continues to comply with the criteria that were in effect at the time of original approval and as long as the business complies with local and state regulations, such as renewing business licenses as required by ordinance; and
- n. The addition of a new home occupation is not a change of use and does not require site plan review; and
- o. The owner of the home occupation shall be a resident of the premises.

### **13. Major Home Occupations**

Major Home Occupations shall comply with all use standards for Minor Home Occupations and shall also meet the following requirements:

- a. The building official shall determine the maximum occupancy load of the structure(s) in which the home occupation is proposed; the city shall consider this number along with all other pertinent facts and comments in determining the maximum number of employees allowed on the premises to work in the home occupation at any one time; and
- b. The subject property shall not be altered except to install screening or buffers. No parking in setbacks and buffers shall be allowed; and
- c. No more than three vehicles shall be parked on or in the vicinity of the property as a result of the business at any one time; and
- d. On-site sales shall be limited to items produced on the premises or incidental to the major home occupation; and
- e. Accessways shall be accessible to emergency vehicles.

### **14. Non-Agricultural Accessory Uses and Structures (not Otherwise Listed)**

- a. In the B/I district, 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 a permitted (“P”) use if the primary use is a permitted use, or conditional (“C”) uses if the primary use is a conditional use.
- b. In the Residential zone districts, the keeping of up to 5 poultry is allowed as an accessory use. The keeping of roosters is only permitted on lots outside of the Mixed Use Town Center. Additional chickens are an Accessory Use to Agriculture and are allowed only in districts where that use is permitted.
- c. Accessory structures are allowed on a lot without a primary use, subject to the following criteria:
  - i. The lot was contiguous to a lot under the same ownership as of the date of construction of the accessory structure; and
  - ii. The size of the accessory structure, if constructed after January 1, 2012 shall not exceed 800 square feet; and
  - iii. A boundary line adjustment or plat that separates an existing accessory structure from a primary structure shall not require demolition of the accessory structure, regardless of size.
- d. The demolition of a primary structure shall not require the demolition of an accessory structure on the same lot and or contiguous lot; however, the primary structure must be constructed within two years. This time limit can be extended by the director pursuant to BIMC 2.16.020.M upon request of the property owner.

## **J. Temporary Uses**

### **1. Temporary Construction Building**

- a. Temporary Construction Buildings may not be erected or moved on a site before a building permit for the primary building has been issued, and must be removed no later than 30 days after a certificate of occupancy for the primary building has been issued.

- b. A building permit for the primary building must be issued and valid;
- c. The temporary structure, manufactured home or recreational vehicle must not be permanently affixed to the lot;
- d. Potable water and sanitation facilities must be available on the site;
- e. 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 building; and
- f. The temporary construction building must meet setback requirements for the zone in which it is situated.
- g. All requirements set forth in BIMC 16.12 and 16.20 must also be met.

## **2. Temporary Container Storage**

- a. Temporary Container Storage units may be placed on or at a property for a period not to exceed thirty (30) calendar days in a single calendar year, with one portable storage unit allowed at a site at a time. There are two allowances per calendar year.
- b. Temporary Container Storage Units shall be placed in the driveway or other paved surface. The unit shall not be placed within any public right-of-way including sidewalks. The unit shall not be placed within a required setback area. At the discretion of the City, the unit may be placed in an alternative location, provided that the alternative location does not create an unsafe condition.

## **3. Temporary Contractor Parking**

Temporary contractor parking lots shall comply with the provisions of BIMC 18.15.020.I.

## **4. Temporary Public Events or Gatherings**

Such uses shall be allowed up to three consecutive days. Four events are allowed per year.

## **5. Temporary Ferry Commuter Parking**

Temporary ferry commuter parking lots shall comply with the provisions of BIMC 18.15.020.F.

## **6. Temporary Non-Commuter Parking**

Temporary non-commuter ferry parking is permitted only with a Conditional Use Permit pursuant to BIMC 2.16.040, and is subject to the parking standards in BIMC 18.15.020.E.2.

## **7. Temporary Seasonal Sales**

- a. Temporary outdoor sales are permitted in any zone district subject to compliance with this section.
- b. A temporary use permit for temporary outdoor sales shall not exceed a term of 30 consecutive days, and only two permits within a calendar year may be granted for each principal permitted or approved conditional use.
- c. All temporary outdoor sales activity shall comply with the following requirements:
  - i. The location of the temporary sales activity shall allow customers to drive into an existing off-street parking area. No temporary outdoor sales may interrupt the flow of traffic on public streets or access ways into a shopping area.

- ii. The applicant shall demonstrate there will be adequate parking for the existing use as well as the temporary outdoor sales. The director may modify this requirement if the applicant can otherwise demonstrate that adequate parking for the existing and proposed uses will be provided.
- iii. The fire department shall approve all proposals for temporary outdoor sales from a tent.
- iv. The area occupied by the temporary sales activity, plus any adjacent clear area required by the fire code, shall occupy no more than 20 percent of any required off-street parking spaces or area.
- v. In the MUTC, HSR, NSC, and B/I districts, all trucks or tents and associated parking shall be located on asphalt, concrete, or equivalent surface unless the applicant demonstrates no adverse effect on drainage, access, or the intent of this Code, as determined by the director.

## **18.12 DIMENSIONAL STANDARDS**

### **18.12.010 GENERAL**

- A. All development in the City of Bainbridge Island shall be subject to the dimensional standards in Tables 18.12.020-1, 18.12.020-2, and 18.12.020-3 and BIMC 18.12.030, unless those standards are explicitly varied by another provision of the Bainbridge Island Municipal Code.
- B. Lots that have previously received final approval from the city, or that have previously received final approval from Kitsap County prior to inclusion within the city boundaries, and that do not comply with the adopted flexible lot design requirements shall be considered existing nonconforming lots, but any future resubdivision of any such lots shall comply with adopted flexible lot design requirements. Pre-existing PUDs may have their own standards that do not match those in Tables 18.12.020-1, 18.12.020-2, or 18.12.020-3.
- C. In addition, the following sections of BIMC may impose additional dimensional requirements or allow exceptions to dimensional requirements, and in the case of a conflict with the information in Tables 18.12.020-1, 18.12.020-2, or 18.12.020-3 the more specific provision or criteria shall apply:
  1. BIMC 2.16.020.Q Housing Design Demonstration Program
  2. BIMC 16.12 Shoreline Master Program
  3. BIMC 16.20 Critical Areas
  4. BIMC 17.12.030.A Flexible Lot Subdivision Open Space Development Option
  5. BIMC 17.12.030.B Flexible Lot Subdivision Cluster Development Option
  6. BIMC 18.09.030 Use Specific Standards
  7. BIMC 18.12.030.F Shoreline Structure Setback Line
  8. BIMC 18.27 Transfer of Development Rights

### **18.12.020 TABLES OF DIMENSIONAL STANDARDS**

Tables 18-12-020-1, 18-12-020-2, and 18.12-020-3 set forth applicable dimensional standards. Where a property is located in more than one zone district, units permitted by density calculations within each zone district must be constructed on the portion of the property located within that zone district and required setbacks for each zone district must be met. Permitted densities are not “blended” across the zone district line.

<b>Table 18.12.020-1 Flex Lot Dimensional Standards for Residential Zone Districts</b> [Numbers in brackets indicate additional requirements listed at the end of the table]										
<b>ZONING DISTRICT</b>	<b>R-0.4</b>	<b>R-1</b>	<b>R-2</b>	<b>R-2.9</b>	<b>R-3.5</b>	<b>R-4.3</b>	<b>R-5</b>	<b>R-6</b>	<b>R-8</b>	<b>R-14</b>
<b>DIMENSIONAL STANDARD</b>										
<b>MINIMUM LOT AREA</b>										
Note: Additional regulations on lot dimensions may apply pursuant to: (a) BIMC 17.12.030.A <i>Flexible Lot Subdivision Open Space Development Option</i> , or (b) BIMC 17.12.30.B <i>Flexible Lot Subdivision Cluster Development Option</i> .										
<b>Open Space Short and Long Subdivision</b>	If the parcel is served by a public sewer system or the septic drainfield is located outside of the lot: 5,000 sq. ft. located outside of critical areas and their buffers (see Title 16) in every zone district except R-14. In the R-14 district, the minimum lot area is 3,100 square feet. For all zone districts, the minimum lot size can be reduced below 5,000 sq. ft. as an incentive for providing additional open space pursuant to BIMC 17.12.020.A.5. If the septic drainfield is located within the lot, then 12,500 sq. ft., unless the health district requires a larger lot size.									
<b>Short and Long Cluster Subdivision</b>	Lot size flexible as long as minimum homesite area met per BIMC 17.12.030.B.									
	Homesite max 10,000 sq. ft.				Homesite max 7,600 sq. ft.			Homesite max 5,000 sq. ft.		
<b>Large Lot Subdivision</b>	5 ac or 1/128 <sup>th</sup> of a section, whichever is smaller									
<b>MAXIMUM DENSITY (Minimum lot area per dwelling unit)</b>										
Note: Subdivisions containing irregularly shaped lots and lots containing critical areas may not be permitted to achieve maximum density. Additional regulations on density may apply pursuant to: (a) BIMC 16.20.160.F.5.a <i>Additional Development Standards for Regulated Uses --Land Divisions and Land Use Permits--Density Calculation</i>										
<b>Short, Long, and Large Lot Subdivisions</b>	The maximum number of lots permitted shall be calculated by dividing the total lot area of the property (without deducting areas to be dedicated as public right-of-ways or areas to be encumbered by private road easements) by the minimum lot area for standard lots in the zone district.									
<b>Base Density</b>	100,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft. [1]	15,000 sq. ft. [2]	12,500 sq. ft. [2]	10,000 sq. ft. [2]	8,500 sq. ft.	7,260 sq. ft.	5,400 sq. ft.	3,100 sq. ft.
<b>Bonus Density pursuant to 18.12.030.A</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3,630 sq. ft.	2,074 sq. ft.

<b>Table 18.12.020-1 Flex Lot Dimensional Standards for Residential Zone Districts</b> [Numbers in brackets indicate additional requirements listed at the end of the table]										
<b>ZONING DISTRICT</b>	<b>R-0.4</b>	<b>R-1</b>	<b>R-2</b>	<b>R-2.9</b>	<b>R-3.5</b>	<b>R-4.3</b>	<b>R-5</b>	<b>R-6</b>	<b>R-8</b>	<b>R-14</b>
<b>DIMENSIONAL STANDARD</b>										
<b>MINIMUM LOT DIMENSIONS</b> Note: Additional regulations on lot dimensions may apply pursuant to: (a) <i>BIMC 17.12.030.A Flexible Lot Subdivision Open Space Development Option</i> , or (b) <i>BIMC 17.12.030.B Flexible Lot Subdivision Cluster Development Option</i> .										
<b>Short, Long, and Large Lot Subdivisions</b>	Minimum lot width shall be 50 ft. unless the Shoreline Master Program requires a larger width. Insofar as practical, side lot lines shall be at right angles to street lines or radial to curved street lines. The size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated. Corner lots may be required to be platted with additional width to allow for the additional side yard requirements. When consistent with neighborhood character, subdivision lots situated along public streets should be configured to allow future houses to face the street, but this requirement does not apply to short plats or large lots.									
<b>MAXIMUM LOT COVERAGE [3]</b>										
<b>Short and Long Subdivision</b>	Same as applied to the entire property that is the subject of the subdivision application, a portion of which shall be assigned to each lot at the time of preliminary plat approval.									
<b>Large Lot Subdivision</b>	10%	15%	20%	25%	25%	25%	25%	N/A	25%	40%
<b>MINIMUM SETBACKS</b> Note: Landscaped areas may serve as setbacks (i.e. setbacks are not in addition to landscaped areas), and some encroachments into setback areas are permitted pursuant to 18.12.040. Note: Additional setbacks may be required by: (a) <i>BIMC 16.08 or 16.12</i> (b) <i>BIMC 16.20 Critical Areas</i> , or (c) <i>BIMC 16.28.040 Mining Regulations</i> , or (d) <i>BIMC 18.09.030 Use Specific Standards</i> , or (e) <i>BIMC 18.12.030.F Shoreline Structure Setback Line</i> (f) <i>BIMC 18.15.010 Landscaping and Screening</i>										
<b>Short, Long, and Large Lot Subdivisions [4]</b>										
Bldg to bldg	10 ft, or minimum required by the fire code, whichever is greater									

<b>Table 18.12.020-1 Flex Lot Dimensional Standards for Residential Zone Districts</b> [Numbers in brackets indicate additional requirements listed at the end of the table]										
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
Building to exterior plat boundary line	25 ft.	15 ft.								
Building to SR 305 right-of-way	75 ft.									
Building to other arterial and collector rights-of-way	50 ft.				40 ft.					
Building to other streets	15 ft.									
Building to trail, open space or access easement (except for open space areas that are also roadside or landscape buffers)	10 ft.									
Cluster Subdivisions: Homesite clustering	All homesites in a cluster grouping shall adjoin or be located a maximum of 25 feet apart from another homesite.									
Shoreline Jurisdiction	See BIMC 16.12.150, Table 4-2 <i>Use-Related Development Standards Matrix</i> of the Shoreline Master Program and BIMC 18.12.030.F <i>Shoreline Structure Setback Line</i> . For properties abutting the shoreline, the native vegetation zone required by BIMC 16.12.090 replaces the zoning setbacks along the water.									
<b>MAXIMUM BUILDING HEIGHT</b> <b>Note: Bonus may not be available in the Shoreline Jurisdiction</b>										

<b>Table 18.12.020-1 Flex Lot Dimensional Standards for Residential Zone Districts</b> [Numbers in brackets indicate additional requirements listed at the end of the table]										
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
<b>Short, Long, and Large Lot Subdivisions</b>	Height Requirements for Standard Lots apply (see end of table)									
[1] The base density for that parcel in the Lynwood Center special planning area designated as R-2 is one unit per 20,000 sq. ft., but may be increased up to 3 units per acre; provided, that a public access easement is granted for that portion of the parcel that lies to the south of Point White Drive along the waters of Rich Passage. The base density of some parcels in the Fort Ward Historic Overlay District may be increased as shown in BIMC 18.24.070. [2] Pursuant to BIMC 18.18 and 18.27 the minimum lot area for a dwelling unit shall be 5,400 square feet for that area designated on the official land use map as the urban single-family overlay district (R-8SF). All other requirements of this chapter shall apply. [3] Educational, governmental, cultural, religious, healthcare, within residential zone districts must be processed as major conditional use permits pursuant to 2.16.110.E, [4] For flex-lot subdivisions and short plats, setbacks from rights-of-way may be reduced to maintain neighborhood character by establishing building setbacks equal to or greater than the existing building setbacks on the adjacent properties. Where there are no developed properties adjacent to the property being subdivided, the setbacks in Table 18.12.020-1 shall apply.										

<b>Table 18.12.020-2 Standard Lot Dimensional Standards for Residential Zone Districts</b> [Numbers in brackets indicate additional requirements listed at the end of the table]										
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
<b>DIMENSIONAL STANDARD</b>										
<b>MINIMUM LOT AREA</b>										
Note: Additional regulations on lot dimensions may apply pursuant to: (a) BIMC 17.12.030.A <i>Flexible Lot Subdivision Open Space Development Option</i> , or (b) BIMC 17.12.030.B <i>Flexible Lot Subdivision Cluster Development Option</i> .										
<b>Standard Lots</b>	100,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft.	15,000 sq. ft.	12,500 sq. ft.	10,000 sq. ft.	8,500 sq. ft.	7,260 sq. ft.	5,400 sq. ft.	3,100 sq. ft.
<b>MAXIMUM DENSITY (Minimum lot area per dwelling unit)</b>										
Note: Additional regulations on density may apply pursuant to: (a) BIMC 16.20.160.F.5.a <i>Additional Development Standards for Regulated Uses --Land Divisions and Land Use Permits--Density Calculation</i>										
<b>Standard Lots</b>										
Base Density	100,000 sq. ft.	40,000 sq. ft.	20,000 sq. ft. [1]	15,000 sq. ft. [2]	12,500 sq. ft. [2]	10,000 sq. ft. [2]	8,500 sq. ft.	7,260 sq. ft.	5,400 sq. ft.	3,100 sq. ft.
Bonus Density pursuant to 18.12.030.A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	3,630 sq. ft.	2,074 sq. ft.
<b>MINIMUM LOT DIMENSIONS</b>										
Note: Additional regulations on lot dimensions may apply pursuant to: (a) BIMC 17.12.030.A <i>Flexible Lot Subdivision Open Space Development Option</i> , or (b) BIMC 17.12.030.B <i>Flexible Lot Subdivision Cluster Development Option</i> .										
<b>Standard Lots</b>										
Depth	110 ft.	80 ft.	80 ft.	N/A	N/A	N/A	N/A	60 ft.	60 ft.	60 ft.
Width	110 ft.	80 ft.	80 ft. [70 ft. for lots that abut the shoreline]	N/A	N/A	N/A	N/A	60 ft.	60 ft.	60 ft.

Table 18.12.020-2 Standard Lot Dimensional Standards for Residential Zone Districts [Numbers in brackets indicate additional requirements listed at the end of the table]										
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
<b>DIMENSIONAL STANDARD</b>										
<b>MAXIMUM LOT COVERAGE</b>										
<b>Standard Lots</b>										
Base	10%	15%	20%	25%	25%	25%	25%	N/A	25%	40%
Bonus	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	40% Pursuant to 18.12.030.A	50% Pursuant to 18.12.030.B
<b>MINIMUM SETBACKS</b>										
<p>Note: Landscaped areas may serve as setbacks (i.e. setbacks are not in addition to landscaped areas), and some encroachments into setback areas are permitted pursuant to 18.12.040.</p> <p>Note: Additional setbacks may be required by:</p> <p>(a) BIMC 16.08 or 16.12</p> <p>(b) BIMC 16.20 <i>Critical Areas</i>, or</p> <p>(c) BIMC 16.28.040 <i>Mining Regulations</i>, or</p> <p>(d) BIMC 18.09.030 <i>Use Specific Standards</i>, or</p> <p>(e) BIMC 18.12.030.F <i>Shoreline Structure Setback Line</i></p> <p>(f) BIMC 18.15.010 <i>Landscaping and Screening</i></p>										
<b>Standard Lots</b>										
Front/Street										
2 stories or less	25 ft.			25 ft.			5 ft. From edge of paved portion of Point Monroe Dr.	25 ft.		
More than 2 stories	Add 4 feet for each story over 2 stories [3]							Same as for R-0.4 through R-5		

<b>Table 18.12.020-2 Standard Lot Dimensional Standards for Residential Zone Districts</b> [Numbers in brackets indicate additional requirements listed at the end of the table]										
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
Side (not adjacent to street)										
2 stories or less	15 ft. each side	10 ft. min., 25 ft. total	5 ft. min., 15 ft. total		5 ft. min., 15 ft. total			5 ft. min., 10 ft. total	5 ft. min., 15 ft. total	
More than 2 stories	Add 5 ft. on each side, and 10 ft. to the total setback required, for each story over 2 If there is only one side yard, it is increased by 5 ft. for each story over 2 [3]						Same as for R-0.4 through R-5			
Rear (not adjacent to street)										
2 stories or less	25 ft.	15 ft.			15 ft.			15 ft.	15ft.	
More than 2 stories	Add 4 feet for each story over 2 [3]						Same as for R-0.4 through R-5			
Shoreline Jurisdiction	See BIMC 16.12.150, Table 4-2 <i>Use-Related Development Standards Matrix</i> of the Shoreline Master Program and BIMC 18.12.030.F <i>Shoreline Structure Setback Line</i>									
<b>MAXIMUM BUILDING HEIGHT [4]</b> <b>Note: Bonus may not be available in the Shoreline Jurisdiction</b>										
<b>All lots</b>										
Base	30 ft.	30 ft.		25 ft.			30 ft.	35		
Bonus for Nonresidential Uses If Conditional Use Permit Conditions Met	35 ft.	35 ft.		30 ft.			35 ft.	40 ft.	40 ft. See 18.12.030B	

<b>Table 18.12.020-2 Standard Lot Dimensional Standards for Residential Zone Districts</b> [Numbers in brackets indicate additional requirements listed at the end of the table]										
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14
Exemption	Alternative height limits may apply for nonresidential uses if additional Conditional Use Permit Provisions of Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040.									
Shoreline Jurisdiction	See BIMC 16.12.150, Table 4-2 <i>Use-Related Development Standards Matrix</i> of the Shoreline Master Program and BIMC 18.12.030.F <i>Shoreline Structure Setback Line</i>									
[1] The base density for that parcel in the Lynwood Center special planning area designated as R-2 is one unit per 20,000 sq. ft., but may be increased up to 3 units per acre; provided, that a public access easement is granted for that portion of the parcel that lies to the south of Point White Drive along the waters of Rich Passage. The base density of some parcels in the Fort Ward Historic Overlay District may be increased as shown in BIMC 18.24.070. [2] Pursuant to BIMC 18.18 and 18.27 the minimum lot area for a dwelling unit shall be 5,400 square feet for that area designated on the official land use map as the urban single-family overlay district (R-8SF). All other requirements of this chapter shall apply. [3] Additional setbacks for taller buildings must be from the ground upward – i.e. this is not a “step-back” requirement for upper floors. [4] For Community and Educational Facilities (as listed in Table 18.09.020), spires, towers and other vertical features with horizontal cross-sections no more than 5% of the footprint of the primary structure may have a maximum height of 10 feet above the maximum base height, and shall be reviewed through a conditional use permit.										

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and "Other" Zone Districts										
ZONING DISTRICT DIMENSIONAL STANDARD	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]					
<b>MAXIMUM FAR (Floor Area Ratio) [1]</b>										
<b>Basic Maximum</b>										
Commercial and Other Non-Residential Uses	0.6	0.4	0.3	0.15	0.1	0.3	No Max; Limited by Other Standards			
Residential	0.4	0.4	0.3	0.5	0.4	0.3	No FAR limit: R-2 Standards Apply			
Mixed Use [2]	1.0	0.5	0.5	0.5	0.5	0.3	No Max; Limited by Other Standards			
<b>Maximum With Bonus</b>										
Commercial and Other Non-Residential Uses	1.0	0.6	0.6	0.3	0.2	0.6	Bonus Densities Require Compliance with Section 18.12.030.D	N/A	N/A	
Bonus densities require compliance with BIMC 18.12.030.E										
Residential	1.0	0.6	0.6	1.0	1.1	0.6		N/A	N/A	
Bonus densities require compliance with BIMC 18.12.030.E										
Mixed Use [2]	1.5	1.0	1.0	1.0	1.3 (1.5 pursuant to note [3])	1.0	Bonus Densities Require Compliance with Section 18.12.030.D	N/A	N/A	
Bonus densities require compliance with BIMC 18.12.030.E										

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and "Other" Zone Districts									
ZONING DISTRICT DIMENSIONAL STANDARD	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
<b>MINIMUM LOT DIMENSIONS</b>									
Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	20,000 sq. ft.	20,000 sq.ft.
Depth	N/A	N/A	N/A	N/A	N/A	N/A	80	N/A	N/A
Width	N/A	N/A	N/A	N/A	N/A	N/A	80	N/A	N/A
<b>MAXIMUM LOT COVERAGE</b>									
	100%, excluding setbacks	35%	35% 2,500 sq. ft. max. building footprint south of Wyatt, excluding parking structures located below pre-development and finished grade	35%	75%	50%	35%	35%	50%
<b>SETBACKS (minimum required unless otherwise noted) [4]</b> Note: Landscaped areas may serve as setbacks and in some cases, may exceed the setback requirements. Note: Additional setbacks may be required by: (a) BIMC 16.12, <i>Shoreline Master Program</i> or (b) BIMC 16.20 <i>Critical Areas</i> , or (c) BIMC 16.28.040 <i>Mining Regulations</i> , or (d) BIMC 18.09.030 <i>Use Specific Standards</i> , or (e) BIMC 18.12.030.F <i>Shoreline Structure Setback Line</i>									

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and "Other" Zone Districts									
ZONING DISTRICT DIMENSIONAL STANDARD	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
Front									
	Commercial: 5 ft. max. from sidewalk; Residential: 10 ft. min. and 20 ft. max. from Madison Ave. sidewalk	10 ft.min., 20 ft. max.	15 ft. min., 20 ft. max.	5 ft. max. from sidewalk	5 ft. max. from sidewalk except as modified by transition standards in BIMC 18.12.030.C	10 ft. max. from sidewalk	0 ft. min. 20 ft. max from any street, planned right-of-way or road easement, unless otherwise provided under special planning area provisions.	50 ft. min. along any public right-of-way.	40 ft. min. from property in Residential districts; 10 ft. min. for all other.
Side									

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and "Other" Zone Districts									
ZONING DISTRICT DIMENSIONAL STANDARD	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
	0 ft.; 5 ft. min. when property abuts the Madison Avenue or Ericksen Avenue Overlay districts	0 ft.; 5 ft. min. when property abuts the Central Core Overlay district	5 ft. min.	0 ft.	0 ft.	0 ft.	0 ft. when property abuts another NSC zone; 15 ft. when property abuts a residential zone	10 ft.; 50 ft. when abutting a residentially zoned property. The city may increase this to a maximum of 100 ft. depending on the type, scale, and intensity of the proposed use, subject to site plan review.	40 ft. min. from property in Residential districts; 10 ft. min. for all other.
Rear									
	0 ft.; 5 ft. min. when property abuts the Madison Avenue or Ericksen Avenue Overlay districts	0 ft.; 5 ft. min. when property abuts the Central Core or Ericksen Avenue Overlay districts	0 ft.; 5 ft. min. when property abuts the Central Core or Madison Avenue Overlay districts	0 ft.	0 ft.	0 ft.	0 ft. when property abuts another NSC zone; 15 ft. when property abuts a residential zone <sup>126</sup>	15 ft. min.; 50 ft. min. when abutting a residential district. City may increase to a maximum of 100 based on type, scale, and intensity of proposed use, subject to site plan review.	40 ft. min. from property in Residential districts; 10 ft. min. for all other
Shoreline Jurisdiction	See BIMC 16.12.150, Table 4-2 <i>Use-Related Development Standards Matrix</i> of the Shoreline Master Program and BIMC 18.12.030.F <i>Shoreline Structure Setback Lines</i>								

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts									
ZONING DISTRICT DIMENSIONAL STANDARD	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
<b>MAXIMUM BUILDING HEIGHT [5]</b> <b>Note: Bonus may not be available in the Shoreline Jurisdiction</b>									
Base	35 ft.; 25 ft. max. south of Parfitt	25 ft.; 35 ft. north of High School Road	25 ft.	35 ft.	BIMC 18.12.030.C standard height north of Winslow Way:  35 ft. south of Winslow Way	35 ft.	35 ft.	35 ft.	35 ft. except that BIMC 16.12 applies within Shoreline Jurisdiction
Bonus 1 If parking under building [6]	45 ft.; 35 ft. south of Parfitt	35 ft.; 45 ft. north of High School Road	35 ft.	45 ft.	BIMC 18.12.030.C optional height north of Winslow Way:  45 ft. south of Winslow Way	45 ft.			
Bonus 2 For Nonresidential Uses With Major Conditional Use Permit							45 ft.	45 ft.	45 ft.
Bonus 3 Structure Height	Alternative height limits may apply if the Conditional Use Permit Provisions of Title 2 are met. Some encroachments through height limits are permitted under BIMC 18.12.040.								

Table 18.12.020-3 Dimensional Standards for Mixed Use Town Center and “Other” Zone Districts									
ZONING DISTRICT  DIMENSIONAL STANDARD	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
<p>[1] If the existing FAR for a developed property as of May 21, 1998 is higher than the base FAR for that district, then the existing FAR will be considered the base FAR for that developed property. Total FAR may not be exceeded.</p> <p>[2] In mixed use development, the established FAR in the residential and commercial components shall not be exceeded.</p> <p>[3] In mixed use development in the ferry terminal district, an additional 0.2 FAR is permitted in accordance with BIMC 18.12.030.E.7. The additional FAR may be applied to either the residential or commercial component of the mixed use development.</p> <p>[4] When property adjoins a single-family residential zone, building setback shall be in accordance with the landscape ordinance perimeter landscaping requirements.</p> <p>[5] When property adjoins a lower density residential zone, except in the ferry terminal district, north of Winslow Way, for the first 30 feet of the building from the property line of an adjoining lower density residential zone, the building height shall be the building height of the adjoining lower density residential zone. Optional building height allowed in the adjoining lower density residential district through a conditional use permit may be requested for projects within the Mixed Use Town Center and High School Road zones through the site plan review process. For building height requirements in the ferry terminal district, north of Winslow Way, reference BIMC 18.12.030.C.</p> <p>[6] The bonus height is only available for the entire building if parking is located under more than 50% of the building footprint. If parking is located under 50% or less of the building footprint, the bonus may only be used for a portion of the building footprint twice as large as the area with parking located beneath.</p>									

## **18.12.030 ADDITIONAL DIMENSIONAL PROVISIONS**

### **A. Density and Lot Coverage Bonus for R-8 and R-14 Zone Districts**

1. An increase in density in the R-8 and R-14 zone districts may be granted pursuant to the requirements in BIMC 18.21.
2. A density bonus not to exceed 50 percent may be granted to lands in the R-8 and R-14 zone districts if the applicant provides permanent, public open space, provided the following criteria are met:
  - a. The open space shall abut a public or private street and have adequate public access.
  - b. If the subject property being developed is a corner site, placement of the open space at the corner is preferred.
  - c. Signage shall be posted to notify that the open space is public and access is permitted.
  - d. The amount of the density bonus shall be twice the percentage of the total lot area that is designated as open space. For example, if 25 percent of the total lot area is designated as open space, a 50 percent density bonus may be achieved.
  - e. The minimum area designated as public open space must be the larger of (a) ten percent of the total lot area or (b) one-quarter acre.
  - f. If the open space is not contiguous, then each open space area must be at least one-quarter acre.
  - g. A 15-foot building setback shall be provided along the perimeters of the open space.
  - h. Trees retained within the designated open space may fulfill the significant tree/canopy retention requirements of BIMC 18.15.010.
  - i. The public open space density bonus may be combined with other density bonuses applicable to this zone; provided, that the total combined density bonus does not exceed 50 percent of the base density.
  - j. The open space shall be established as permanent, public open space through one of the following means through either public or private ownership. For purposes of this provision, public ownership means that the city or other public agency chooses to accept ownership of open space and that upon approval and acceptance by the director, open space shall be dedicated to the public. Private ownership means that the open space is held in private ownership if established by easements, restrictive covenants, or other similar legal means in which (a) public access and maintenance of the open space are adequately provided for by written agreement, and such agreements or covenants are recorded with the county auditor; and (b) in the event that the open space is not maintained consistent with the agreement, the city shall have the right to provide the maintenance of the open space and bill the owner for the cost of maintenance.
  - k. Lands that are located in the Critical Areas Overlay District, as identified in the comprehensive plan, are not eligible for the density bonus provided in this section. (Ord. 2006-19 § 4, 2006; Ord. 92-08 § 2, 1992)
  - l. In the R-8 zone district, no portion of any building within 20 feet of a front yard setback located across the street from a single-family residential zone shall exceed a height of 25 feet.
  - m. In the R-8 zone district, building design shall incorporate features such as pitched or terraced roof forms, upper level setbacks, wall recesses and/or other architectural treatment to minimize building bulk and scale as perceived from adjoining streets and neighborhoods.

- n. In the R-14 zone district, open space that is selected under the provisions of BIMC 18.12.030.B.7 or required as mitigation for development impacts may not be included in the open space calculations related to the density bonus provided in this section.
3. When the density bonus provisions in subsection 2 are used, the maximum lot coverage in the R-8 and R-14 zone districts may be increased as follows:
  - a. In the R-8 zone district, the lot coverage may be increased to 40%;
  - b. In the R-14 zone district, the lot coverage may be increased 50%.

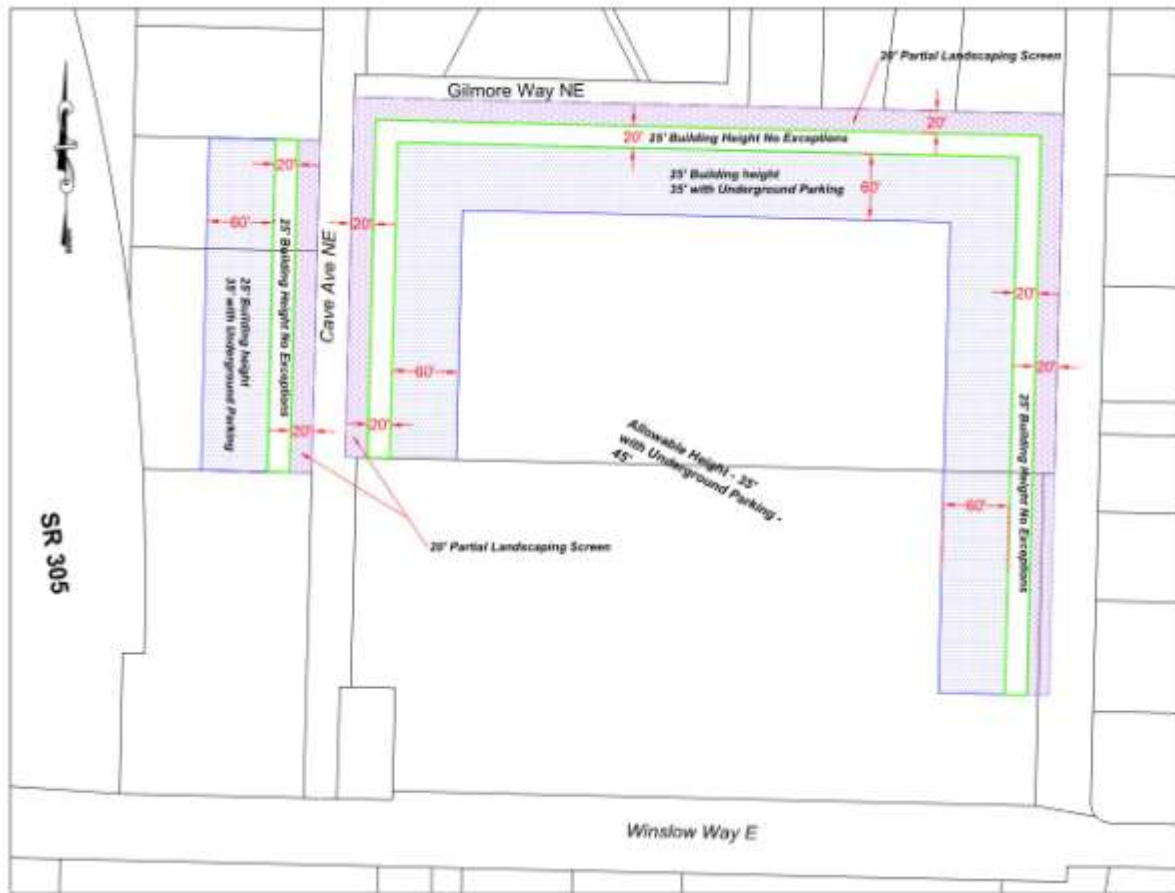
## **B. Additional Height in R-14 District**

In the R-14 zone district, an applicant who requests additional lot coverage pursuant to subsection A.3 shall not be allowed to also increase maximum allowable building height unless the applicant demonstrates that:

1. The applicable design guidelines are met; and
2. The criteria for conditional use permit approval of additional height in the R-14 district, as set forth in BIMC Title 2, are met; and
3. The increased height facilitates underground or enclosed under-building parking to the extent feasible; and
4. The building massing contains significant modulations; and
5. Thirty percent of the property must be retained as pervious surface area. Pervious surface areas can include landscaping, unpaved storm water management facilities, underground or overhead utility lines, perimeter fences, and pervious trails. Setback areas and significant tree retention areas can count towards the required pervious surface area. Pervious surface area shall exclude areas covered by (a) structures, including decks, fountains, artwork, utility cabinets, lighting fixtures, trash enclosures, and signs; and (b) areas covered by paving and/or gravel, including sidewalks, impervious paths, patios, parking areas, and driveways; and
6. Mechanical equipment shall be enclosed or screened, and such enclosures or screening shall be architecturally integrated into the building design or landscape plan; and
7. The project provides one or more public amenities that would not otherwise be provided, such as greater significant tree retention or provision of more open space than is otherwise required, publicly accessible play areas, trails, or benches, or other amenities proposed by the applicant and approved by the city.

## **C. Transition Standards in the Ferry Terminal Overlay District**

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



(Ord. 99-64 § 7, 1999)

#### D. Bonus Density in NSC District

Bonus density shall be available in the NSC District as follows:

1. Three units per acre with the provision of transfer of development rights (TDRs), in accordance with BIMC 18.27; or
2. Three units per acre with the provision of affordable housing, in accordance with the provisions of BIMC 18.21; or
3. Three units per acre if the development is commercial/residential mixed use and public sewer and public water are not provided, or 5 units per acre if the mixed use development is on public water and sewer. The residential units must be located above the ground floor if the building is located on a collector or secondary arterial or higher road classification; however, for mixed-use projects, if the building fronts on a local or private street, residential units can be located on the ground floor.
  - a. In instances where a project contains both mixed-use and residential-only buildings, the bonus density shall only be calculated based on the mixed use buildings. The residential-only buildings shall not be used to calculate the bonus density.
4. Five units per acre with the provisions of TDRs and public sewer and water; or

5. Five units per acre with public water and sewer and the provision of affordable housing in accordance with BIMC 18.21; or
6. 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, provided that all requirements of this Title 18 applicable to the NSC are met, and that:
  - a. The development is commercial/residential mixed use with the residential units located above the ground floor if the building is located on a collector or secondary arterial or higher road classification; however, for mixed-use projects, if the building fronts on a local or private street, residential units can be located on the ground floor; and
  - b. Public sewer and water are provided; and
  - c. The requirements of BIMC 18.18 and 18.21 are met; and
  - d. 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)

## E. Bonus Density in Winslow Mixed Use and High School Road Districts

Eligible properties may achieve a maximum level of development above the base FAR, as provided for in Table 18.12.020-3, by using one, or a combination of, the following FAR bonus provisions. The FAR bonus provisions may be combined to achieve the maximum level of development established for each district. In no case shall the total commercial, residential or mixed use FAR exceed the maximum FAR as provided for in Table 18.12.020-3.

### 1. Optional Affordable Housing

#### a. FAR Bonus

Up to 100 percent of the maximum residential FAR bonus may come from providing affordable housing as defined in BIMC 18.36 provided, that the difference between the base residential FAR and the maximum residential FAR shall be dedicated to affordable housing. A portion of the total floor area that is of common use and benefit to the entire residential development (for example, interior halls, stairwells, laundry rooms, exercise rooms) may be included in the calculation of the affordable housing component. This portion shall be the same percentage as the affordable housing provided. For example, if 20 percent of the living unit floor area is for affordable housing, then 20 percent of the common floor area may be included in the total affordable housing calculation. Development of the optional affordable housing shall be in accordance with BIMC 18.21 and Table 18.12.030.

Table 18.12.030: Optional Affordable Housing Bonus Summary Table			
Size of Development	Residential development less than 10,000 sq. ft.	Residential development of 10,000 sq. ft. but less than 60,000 sq. ft.	Residential development more than 60,000 sq. ft.
Affordable Housing FAR Bonus	Must provide 100 percent of bonus square footage for extremely low, very low, or moderate income groups.	Must comply with following ratios: (a) 100 percent of bonus for all moderate OR (b) 0.2 of bonus for extremely low, very low, or low income groups;	Must comply with following ratios: 0.1 of bonus for extremely low, very low or low income groups; 0.6 of bonus for moderate income group; and

		0.5 of bonus for moderate income group; and 0.3 of bonus for middle income group.	0.3 of bonus for middle income group.
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**b. Preservation of the Islander Mobile Home Park**

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

- i. Unused FAR from the parcel on which the mobile home park is located may be transferred to another parcel or parcels within the Mixed Use Town Center. For example, the base FAR for the mobile home park would be calculated, less the FAR of the mobile homes. In exchange for permanently preserving the mobile home park, the owner of the property may transfer the unused FAR to another parcel or parcels in the Mixed Use Town Center, where it may be used as bonus FAR above the base FAR for that district.
- ii. Permanent preservation of the mobile home park may be used as an affordable housing bonus on another parcel or parcels within the Mixed Use Town Center. For example, in exchange for preserving the mobile home park, the owner of the property would be deemed to have met the affordable housing bonus provisions of subsection A.1 of this section, and could achieve the maximum FAR bonus for residential development on another parcel or parcels in the Mixed Use Town Center. The owner of the mobile home park may either apply the FAR bonus to another parcel(s) he or she owns, or transfer or sell the bonus to another property owner in the Mixed Use Town Center.

**2. Purchase of Development Rights**

Up to 100 percent of the maximum residential, commercial or mixed use FAR bonus may come from the purchase of development rights as provided for in BIMC 18.27. The cost of development rights shall be established by resolution of the city council.

**3. Public Amenities and/or Infrastructure**

At the applicant’s option, a portion of the bonus may be earned through the provision of public amenities and/or infrastructure, pursuant to an adopted city council resolution clarifying the amount of credit awarded for different provision of different public amenities and/or infrastructure, as follows:

- a. Up to 40 percent of the maximum residential, commercial or mixed use FAR bonus may come from monetary contributions toward public amenities and/or infrastructure beyond that required for SEPA mitigation. The amount of the contribution shall be established by resolution of the city council. Funds contributed to the public amenities and/or infrastructure shall be used exclusively in the Mixed Use Town Center or High School Road districts, for projects identified in the six-year capital facilities program, or approved by the city.
- b. In lieu of the contribution of funds as provided for in subsection 3.a of this section, and subject to approval by the director or designee, the public amenities FAR bonus may be achieved by the construction of public amenities and/or infrastructure beyond that required to mitigate the impacts of development. Public amenities and/or infrastructure projects shall be located in the Mixed Use Town Center or High School Road districts, and shall be chosen from projects identified in the six-year capital facilities program, or approved by the city.

**4. Community Open Space**

In the ferry terminal district, up to 60 percent of the maximum residential, commercial or mixed use FAR bonus may be achieved by providing community open space of one acre, or 20 percent of

the parcel area, whichever is greater. The community open space shall be located in or in the immediate vicinity of locations identified in Figure 4.1 of the Winslow Master Plan. The open space must be located on the same parcel that is being developed, and must be on land that would be otherwise buildable. Adequate public access to the community open space must be provided. The city shall consider approving the bonus, taking into consideration the configuration, public use and accessibility of the proposed open space. In cases where a development project utilizes the community open space bonus provision in conjunction with the purchase of development rights bonus provision, all funds collected from the purchase of development rights shall go toward the preservation of agricultural lands fund.

#### **5. Winslow Town Center Mixed Use/High School Road FAR Transfers**

Up to 20 percent of the maximum residential, commercial or mixed use FAR bonus may come from transfers of FAR from parcels within the Mixed Use Town Center and the High School Road districts. The transfer shall create permanent open space through open space preservation covenants on sending parcels that contain critical areas as defined in BIMC 16.20. For example, development potential in the ravine of the gateway district may be shifted to the upland area; provided, that the requirements of BIMC 16.20 are satisfied.

#### **6. Historic Structure Preservation**

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

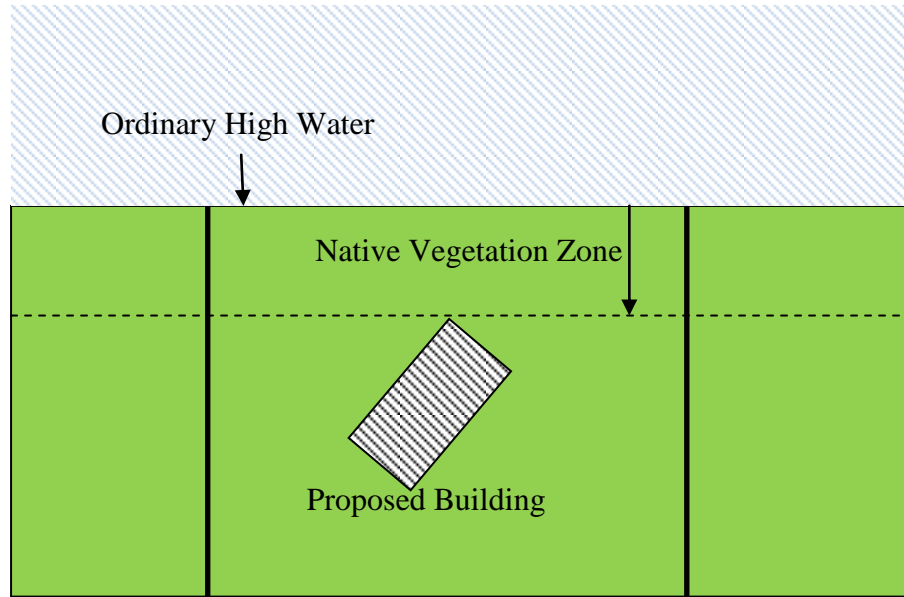
#### **7. Ferry Related Parking**

In the ferry terminal district, an additional 0.2 FAR may be achieved by relocating existing legal surface ferry commuter parking on site (as shown on Figure 6.2 of the Winslow Master Plan) to under-building or below grade parking. The percentage of the additional FAR that is achieved shall be dependent upon the percentage of parking that is relocated. For example, if 50 percent of existing surface ferry commuter parking on site is relocated under-building or below grade, then 50 percent of the total additional FAR (or 0.1 FAR) may be achieved. (Ord. 2005-08 § 2, 2005; Ord. 99-64 § 8, 1999; Ord. 99-17 § 7, 1999; Ord. 97-14 § 3, 1997. Formerly 18.40.050)

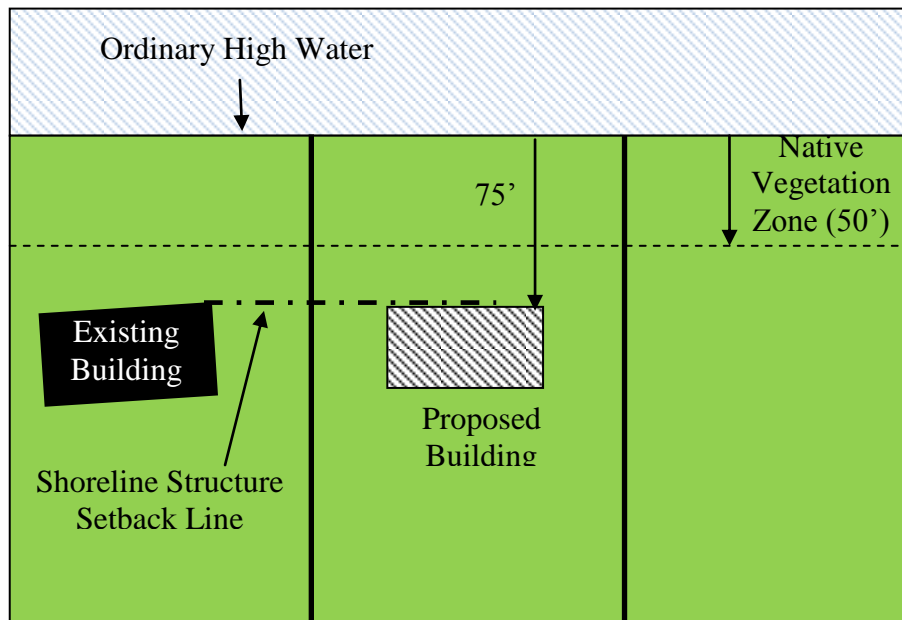
### **F. Shoreline Structure Setbacks**

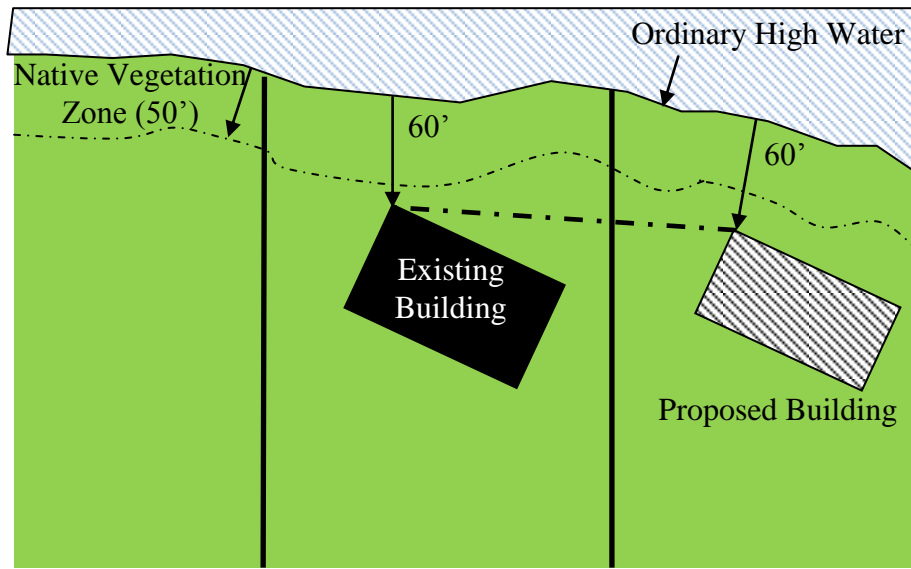
The intent of this section is to protect shoreline views of principal buildings on adjacent properties. This section applies only to principal buildings abutting the water within the shoreline jurisdiction where there is no road or right-of-way intervening between the water and the building. The Native Vegetation Zone requirements of BIMC 16.12 still apply, and may be more stringent than the shoreline structure setback.

1. All proposed principal buildings and additions shall be so located as to meet the minimum shoreline structure setback lines. The shoreline structure setback line shall be based on the location of the adjacent principal building(s) and shall be determined as follows:
  - a. **No Existing Principal Buildings.** Where no existing principal buildings are located on abutting properties, the shoreline structure setback does not apply. (See drawing below)

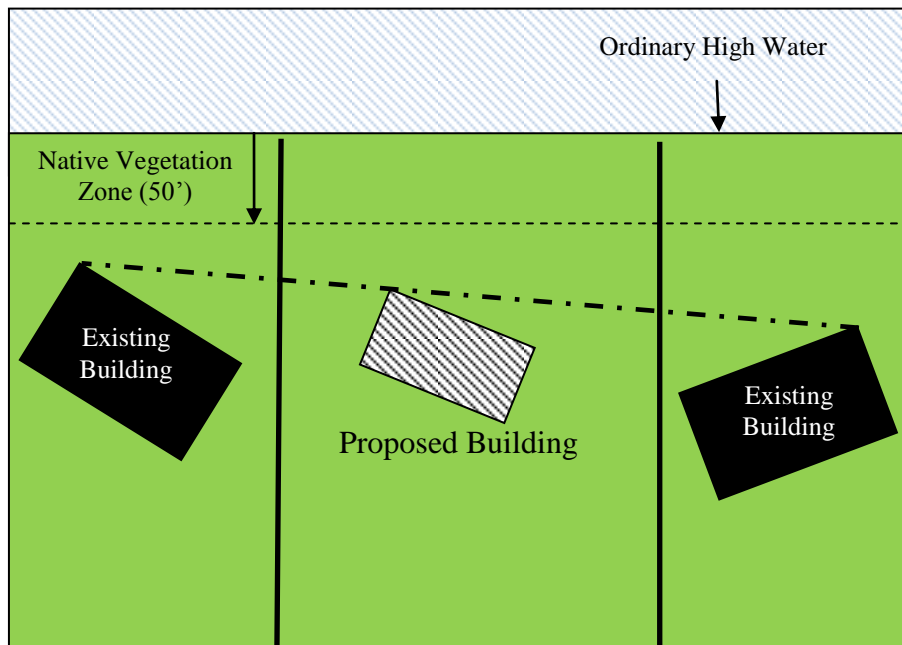


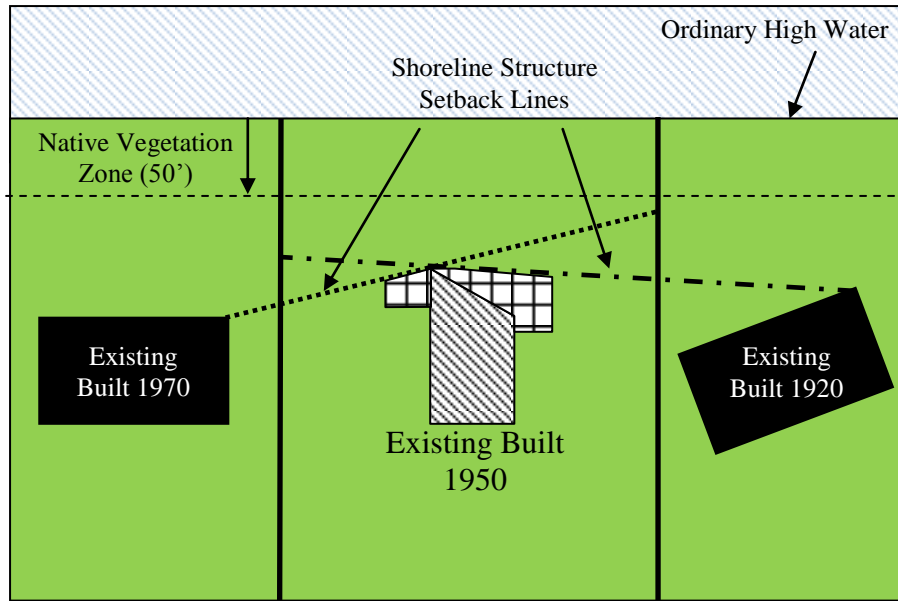
- b. **Existing Principal Building Located on One Side.** Where a principal building is located on an abutting property to one side, the shoreline structure setback line shall be a distance no less than that of the point closest to the shoreline of the adjacent principal building. (See drawing below)






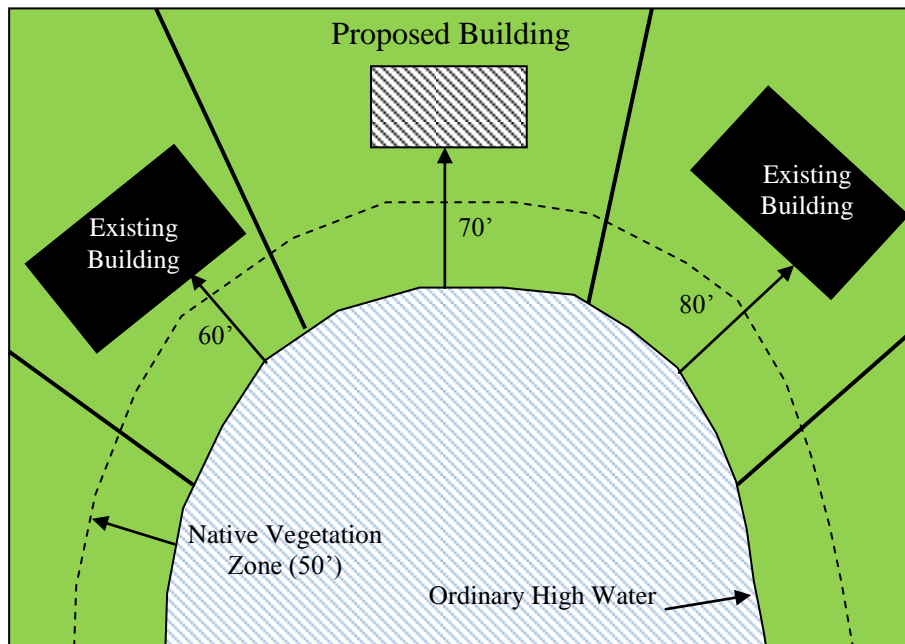
- c. **Existing Principal Buildings on Both Sides.** Where existing principal buildings are abutting both sides of the proposed building on a regular shoreline, the shoreline structure setback line shall be determined by a line drawn between the points closest to the shoreline of each abutting principal building. Setbacks are based on principal buildings existing at the time a new building permit is submitted. A principal building constructed in compliance with the required shoreline setback is not made nonconforming by the later construction or replacement of a principal building in a different location on an adjacent lot. (See drawing below)

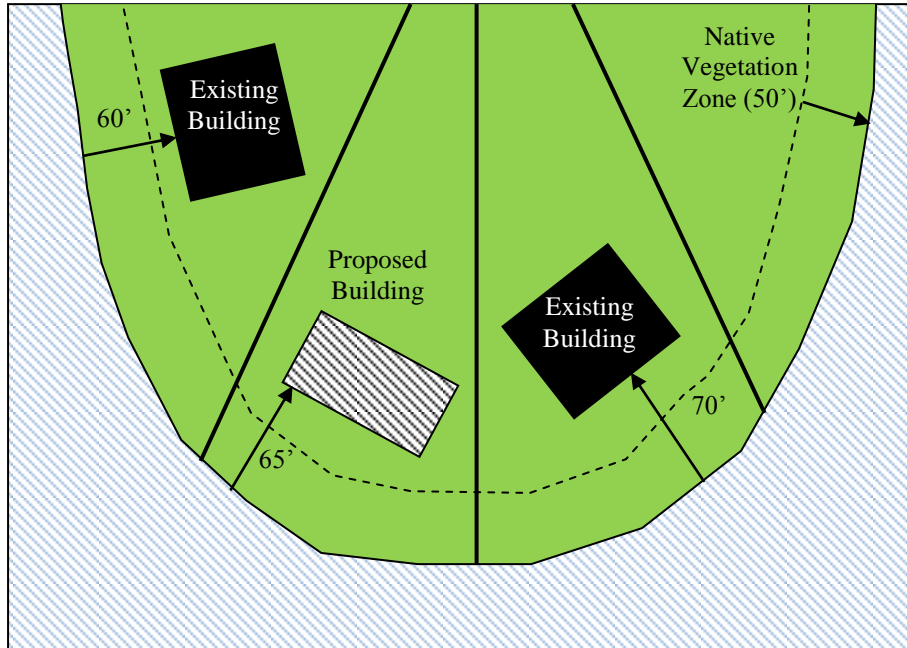




 = Allowed Additions per Shoreline Structure Setback

- d. **Existing Principal Buildings on Both Sides on a Shoreline Forming a Cove or Headland.**  
 Where existing principal buildings are on abutting properties to both sides of the proposed building on a shoreline forming a cove or headland, the shoreline structure setback line shall be determined by averaging the setback lines of the two adjacent principal buildings. (See drawings below)





2. Accessory structures, such as fences, boathouses, stairways, and sheds, may be situated within the shoreline setback area; provided, that they do not substantially obstruct the view of adjacent principal buildings. (Ord. 92-08 § 2, 1992)

## 18.12.040 MODIFICATIONS TO REQUIRED SETBACKS AND HEIGHTS

### A. Permitted Setback/Height Modifications

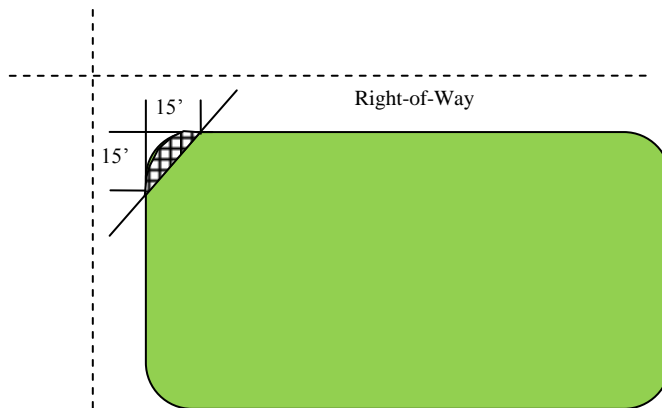
Minimum and maximum setbacks and maximum heights established in Tables 18.12.020-1, 18.12.020-2, and 18.12.020-3 and in section 18.12.030 may be encroached as set forth in Table 18.12.040 and may also be modified by applicable provisions of adopted fire codes, the Shoreline Master Program, and/or the Building Code:

Table 18.12.040: Permitted Setback/Height Modifications		
Type of Encroachment	Encroachment Permitted	Conditions
<b>Permitted Setback Modifications</b>		
Fence or combined fence and berm up to 6 feet high	In any required setback subject to applicable regulations in Title 15.	Except as provided in BIMC 18.12.030.F.2, 18.12.040.B, and 16.12.
Non-screening fences or combined non-screening fence and berm up to 8 feet high	In any required setback subject to applicable regulations in Title 15.	Except as provided in BIMC 16.12.
Chimneys, flues, awnings, bay windows, and greenhouse windows	Up to 18 inches into any required setback	
Covered porches, bay windows and eaves within the Ericksen Avenue Overlay District	Up to five feet into the front yard	Bay windows must be cantilevered outward from the wall, and may not result in any portion of the building floor area extending into the setback
Any structures, including but not limited to uncovered steps, porches, and decks less than or equal to 30 inches in height	Up to 2 feet into front and side setbacks Up to 5 feet into required rear setbacks.	
Eaves	May extend up to 24 inches in any required setback except shoreline structure setback	
At or near grade structures such as uncovered patios, sidewalks, and driveways	In any required setback	May not exceed 4 inches in height
Signs	In any required setback	Must conform to BIMC 15.08
Utilities accessory to a single-family residence	In any required setback	
Composting bins	In side or rear setback areas	
Raingarden/swales	In side or rear setbacks	
Rainwater harvesting barrels	In side or rear setbacks	
Wall mounted on-demand hot water heaters	Up to 18 inches into side or rear setbacks	Permitted if buffered or enclosed to prevent noise impacts to neighboring properties
Below-ground geothermal equipment	In any required setback	Permitted if any excavated areas are promptly re-landscaped after instillation is complete
Rockerries and retaining walls less than 4 feet in height	In any required setback	Qualified Geotechnical engineer determination, and City concurrence, that it is necessary for

Table 18.12.040: Permitted Setback/Height Modifications		
Type of Encroachment	Encroachment Permitted	Conditions
		slope stabilization.
<b>Permitted Height Modifications</b>		
Small wind energy generators	Up to 18 in. above the maximum building height in the district.	
Solar panels	Up to 18 in. above the maximum building height in the district	
Noncommercial, nonparabolic antennae affixed to noncommercial communication towers	Up to 50 feet in height above grade	
One flagpole per parcel	Up to 45 feet in height above grade	
Utility poles	Up to 50 feet in height above grade	
Utility structures existing on the effective date of the ordinance codified in this subsection	Existing height	May also be replaced or modified, 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

### B. Sight Clearance

No sight-obscuring fence or hedge 42 inches or 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)



## **18.12.050 RULES OF MEASUREMENT**

The following rules of measurement shall apply in determining compliance with the requirements of this Title 18. When a required calculation results in a fraction greater than or equal to one-half (0.5), the requirement shall be rounded up to the next whole number.

### **A. Base Density**

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

### **B. Building Footprint**

Building footprint is the area at the ground plane of a building, structure, or other element, bounded by the outside of the exterior walls. (Ord. 92-08 § 2, 1992)

### **C. Building Height**

Building height is measured as the vertical distance above “grade” to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. (Ord. 92-08 § 2, 1992) The height measurement on an asymmetrical gable shall be the same as a shed roof; it shall be from grade to the mid-point of the longest segment, provided that the asymmetrical building would not result in a taller building than a traditional symmetrical building. Building height is measured differently in the shoreline jurisdiction.

### **D. Density**

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

### **E. Fence Height**

Fence height is measured from finished grade on exterior side of fence. Where fences are built on top of berms the maximum height of the fence shall apply to the combined fence and berm.

### **F. Floor Area**

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

### **G. Floor area ratio (FAR)**

“Floor area ratio” is a figure that expresses the total floor area as a multiple of the lot area. This figure is determined by dividing the floor area of all buildings on a lot by the lot area prior to removal of lot area for dedication. (Ord. 97-06 § 1, 1997; Ord. 96-08 § 2, 1996) Portions of parking located underneath a building footprint are not counted in Floor Area Ratio calculations.

## H. Front Setbacks

“Front setback” means a setback extending from a building, structure or use to the street or planned right-of-way.

## I. Grade

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

## J. Lot Area

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

## K. Lot Coverage

“Lot coverage” means that portion of the total lot area covered by buildings, excluding up to 24 inches of eaves on each side of the building, any building or portion of building located below pre-development and finished grade (Ord. 2004-12 § 5, 2004; Ord. 92-08 § 2, 1992). Any portion of a slatted or solid deck located more than five feet above grade shall be counted towards lot coverage. Also excluded are ground mounted accessory small wind energy generators, solar panels, composting bins, rainwater harvesting barrels, and covers designed to shade ground mounted heat pumps and air conditioners to increase their efficiency.

## L. Lot Depth

“Lot depth” means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line, or to the most distant point on any other lot line where there is no rear lot line.

## M. Lot Width

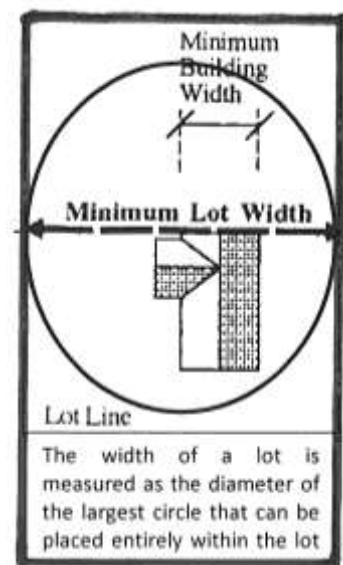
“Lot Width” means the diameter of the biggest circle that can fit entirely inside the lot boundary line.

## N. Rear Setback

“Rear setback” means a setback extending from a building, structure or use to the rear lot line. If a property has more than one front yard, then rear setback does not apply. In the shoreline jurisdiction, rear setback does not apply since native vegetation zone requirements exceed rear setback requirements. (Ord. 2004-02 § 8, 2004; Ord. 92-08 § 2, 1992. Formerly 18.06.940)

## O. Setback

“Setback” means the required distance measured horizontally between every building, structure or use and the lot lines, planned rights-of-way, rights-of-way or streets. (Ord. 2004-02 § 5, 2004; Ord. 92-08 § 2, 1992)



## **P. Side Setback**

“Side setback” means a setback extending from a building, structure or use to the side lot line. When a parcel has two or more front setbacks, the remaining setbacks are to be considered side setbacks. (Ord. 2004-02 § 9, 2004; Ord. 92-08 § 2, 1992. Formerly 18.06.945) If a property is bordered on three or more sides by streets, the minimum setback on the remaining side is the minimum setback required for that zone district. If the property is bordered on two sides by streets, the two remaining sides shall meet the minimum and total side setbacks. When a setback for an existing structure is smaller than the minimum required, the minimum for the second side setback does not need to make up the difference – the second side setback need only be as large as if the nonconforming side yard met its minimum requirement.

## **Q. Shoreline Structure Setback**

“Shoreline structure setback” is measured as the shortest distance measured on a horizontal plane between the ordinary high water mark and the principle building at the point of the building nearest the water (including eaves), excluding structures less than 30 inches in height that are attached to the principle building. (Ord. 2004-12 § 7, 2004; Ord. 92-08 § 2, 1992) All Shoreline setbacks shall conform to the provisions of 18.12.030.F.

## **R. Structure Height**

“Structure height” is measured at the highest point above grade of a structure other than a building, except as otherwise provided by this Code. (Ord. 95-13 § 1, 1995)

## **S. Through Lots – Accessory Building Setbacks**

In through lots, setbacks for accessory buildings in rear setbacks shall conform to the front setback requirements for a principal building. Decks less than 36 inches in height extending into required rear and side setbacks may be attached to the principal building. (Ord. 2004-02 § 1, 2004; Ord. 92-08 § 2, 1992)

## **18.15 DEVELOPMENT STANDARDS AND GUIDELINES**

All development in the City of Bainbridge Island shall comply with the development standards in this Chapter 18.15 unless it is explicitly exempted or other applicable laws impose a more specific standard or criteria. The following sections of BIMC may impose additional development standards, and in the case of conflict between any two or more development standards or criteria, the more specific shall apply, except that in the event of a conflict between any provision of this BIMC 18.15 and the provisions of BIMC 16.12 (Shoreline Master Program) or BIMC 16.20 (Critical Areas) on a topic where state law requires the standards or criteria of BIMC 16.12 or 16.20 to apply, those standards shall supersede this section.

- A. BIMC 2.16.020.Q Housing Design Demonstration Program
- B. BIMC 15.20 through 15.21 Stormwater Management
- C. BIMC 16.12 Shoreline Master Program
- D. BIMC 16.20 Critical Areas
- E. BIMC 16.26.040 Right-to-Farm -- Buffers
- F. BIMC 16.28.040 Mining – Regulations-Buffers
- G. BIMC 17.12.030 Flexible Lot Design Open Space/Cluster Standards BIMC 17.20.020 Dedication of Land for Parks and Open Space Facilities
- H. BIMC 18.09.030 Use Specific Standards

### **18.15.010 LANDSCAPING AND SCREENING**

All development shall comply with the following regulations addressing landscaping and screening unless other applicable regulations require additional or different forms of landscaping or screening, in which case the more specific standard or criteria shall govern.

#### **A. Purpose**

##### **1. General**

The purpose of this chapter is to preserve the landscape character of the community, link the Island's natural amenities with landscape greenbelts along scenic roads, improve the aesthetic quality of the built environment, promote retention and protection of existing vegetation, reduce the impacts of development on wetlands, streams and the natural environment, enhance the value of current and future development and increase privacy for residential zones by:

- a. Retaining existing vegetation, tree stands and significant trees by incorporating them into the site design.
- b. Incorporating native vegetation and drought resistant plant material into new landscape developments.
- c. Providing vegetated screening between different intensities of residential uses.
- d. Providing visual relief of parking areas in the neighborhood service centers, the Winslow Mixed Use Town Center, and the light manufacturing, (water dependent) industrial, high school road and urban multifamily districts.
- e. Providing vegetated screening between residential and nonresidential areas. (Ord. 96-09 § 2, 1996)

## 2. Specific Zone Districts

- a. For single-family residential uses outside the Winslow Mixed Use Town Center, NSC, and B/I districts (R.0.4 through R-6 districts) that require more than just a building permit (i.e. lots created through the flex-lot design process) the additional specific intent is to preserve, protect and enhance critical areas, protect the natural forested areas and preserve the greenbelts along designated scenic roadway corridors.
- b. In the R-8 and R-14 multifamily residential districts, the additional specific intent is to screen urban multifamily projects from adjacent lower density residential properties and to soften the appearance of surface parking areas.
- c. For non-residential uses outside the Winslow Mixed Use Town Center, High School Road I and II, NSC, B/I, and WD-I districts the additional specific intent is to retain the natural landscape qualities of the Island by retaining existing vegetated buffers to screen views of structures and parking areas and to buffer between areas of high and low intensity uses.
- d. In the Winslow Mixed Use Town Center Central Core and Ferry Terminal Overlay districts, the additional specific intent is to provide an urban character by incorporating landscape standards; and to provide landscape development to screen uses from single-family residential properties and to soften the appearance of surface parking areas.
- e. In the Winslow Mixed Use Town Center Ericksen Avenue and Madison Overlay districts, the additional specific intent is to retain the character of landscape front yards; and to provide landscape development to screen uses from single-family residential properties; and to soften the appearance of surface parking areas.
- f. In the Winslow Mixed Use Town Center Gateway Overlay district, the additional specific intent is to retain the greenbelt located adjacent to SR 305 consistent with the greenways plan and to provide landscape development to screen uses from single-family residential properties.
- g. In the High School Road I and II districts, the additional specific intent is to provide landscape development to screen uses from adjacent single-family residential properties and to soften the appearance of surface parking areas.
- h. In the NSC district, the additional specific intent is to incorporate landscape standards that support pedestrian scale neighborhood uses compatible with the intensity of the surrounding residential neighborhood; to minimize the impact of lighting, noise and views of surface parking areas; and to provide a buffer between higher and lower intensity uses.
- i. In the B/I district, the additional specific intent is to provide a year-round vegetated screen and a noise and site lighting buffer of industrial development from adjacent nonindustrial properties and roadways.
- j. In the WD-I district, the additional specific intent is to provide landscape development that screens parking lots and large structures, but allows visual access to the shoreline and small scale active industrial facilities.

## B. Applicability

1. All new development, except single-family residential building permits, shall be subject to the requirements of this chapter, except as required by subsections B.2 and B.3 below.
2. Projects subject to the conditional use permit process may be required to exceed the requirements of this chapter.
3. Specific submittal requirements for landscaping plans are included in the City's Land Use Administrative Manual.

4. Specific landscape requirements applicable to development in each zone district are summarized in the following Table 18.15. 010-1.

		<b>Table 18.15.010-1: Landscape Requirements by Zone District</b>						
<b>Landscape Requirements</b>		<b>Significant Tree &amp; Tree Stand Retention (BIMC 18.15.010.C)</b>	<b>Perimeter Landscape (BIMC 18.15.010.D)</b>	<b>Roadside Buffer (BIMC 18.15.010.E)</b>	<b>Parking Lot Landscaping (BIMC 18.15.010.F)</b>	<b>Planting Requirements (BIMC 18.15.010.E)</b>	<b>Irrigation (BIMC 18.15.010.F)</b>	<b>Maintenance (BIMC 18.15.110.G)</b>
<b>Land Use Districts</b>								
Single-Family Residential for which Only a Building Permit is Required (Existing Non-Flex Lots)								
Single-Family Residential Development Outside Winslow Mixed use, NSC, and B/I Districts (R-.04 through R-6 Districts) Other than Existing Lots for which Only a Building Permit is Required (Flexible Lot Design Process)		<b>X</b>	<b>X (Cluster Subdivisions Only)</b>	<b>X</b>		<b>X</b>	<b>X</b>	<b>X</b>
R-8 and R-14 Multifamily Districts		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Nonresidential Uses in Areas Outside Winslow Mixed Use, HSR, NSC, B/I, WD-I Districts		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
Winslow Mixed Use Town Center [1]	Central Core Overlay		<b>X</b>	<b>X [2]</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
	Ericksen Ave. Overlay	<b>X</b>	<b>X</b>	<b>X [2]</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
	Madison Ave. Overlay	<b>X</b>	<b>X</b>	<b>X [2]</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
	Gateway Overlay	<b>X</b>	<b>X</b>	<b>X [2]</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
	Ferry Terminal Overlay		<b>X</b>	<b>X [2]</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
High School Road District		<b>X</b>	<b>X</b>	<b>X [2]</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
NSC District		<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>

<b>Table 18.15.010-1: Landscape Requirements by Zone District</b>							
<b>Landscape Requirements</b>	<b>Significant Tree &amp; Tree Stand Retention (BIMC 18.15.010.C)</b>	<b>Perimeter Landscape (BIMC 18.15.010.D)</b>	<b>Roadside Buffer (BIMC 18.15.010.E)</b>	<b>Parking Lot Landscaping (BIMC 18.15.010.F)</b>	<b>Planting Requirements (BIMC 18.15.010.E)</b>	<b>Irrigation (BIMC 18.15.010.F)</b>	<b>Maintenance (BIMC 18.15.110.G)</b>
<b>Land Use Districts</b>							
B/I District	X	X	X	X	X	X	X
WD-I District	X	X	X	X	X	X	X

[1] Refer to Chapter 18.41 BIMC for additional landscape requirements specific to the Mixed Use Town Center districts.

[2] Roadside buffer requirement is adjacent to Highway 305 only.

## **C. Significant Tree and Tree Stand Requirements**

Where Table 18.15.010 indicates that development must comply with the requirements of this subsection C, all development shall comply with the following requirements. These requirements are intended to supplement any regulations in BIMC 16.20 (Critical Areas), which remains the primary source of regulation for environmentally sensitive areas in Bainbridge Island. In the event of any inconsistency between the requirements of this subsection C and the requirement of BIMC 16.20, the requirements of BIMC 16.20 shall apply.

### **1. Retention**

#### **a. Intent**

The intent of these regulations is to preserve the forested character of the Island in all land use districts excluding the central core and ferry terminal districts by preserving significant trees and tree stands located in perimeter landscape areas and within a site's interior.

#### **b. Perimeter Landscape Area Requirements**

All applicants shall retain all significant trees and tree stands located in the perimeter landscape areas. Perimeter landscape widths may be averaged to save significant trees, but shall not be reduced less than the allowed minimum perimeter dimension.

### **2. Protection During Construction**

#### **a. Intent**

The intent of these regulations is to provide the best protection for significant trees and tree stands.

#### **b. Requirements**

- i. No cutting of significant trees shall be allowed on a site until the planting and significant tree and tree stand retention plans have been approved by the department.
- ii. An area of prohibited disturbance, generally corresponding to the dripline of the significant trees and/or tree canopy of tree stands shall be identified by the applicant and approved by the department before commencement of site plan preparation. A temporary four-foot high chain link or four-foot high plastic net fence shall delineate the area.
- iii. No impervious surfaces, fill, excavation, vehicle operations, compaction, removal of native soil or storage of construction materials shall be permitted within the area defined by such fencing.
- iv. A rock well shall be constructed if the grade level around the tree is to be raised more than one foot. The inside diameter of the well shall be equal to the diameter of the dripline of the tree or tree canopy of tree stands.
- v. The grade level shall not be lowered within the larger of (a) the dripline of the tree, or the tree canopy of tree stands, or (b) the area recommended by a consulting arborist certified by the International Society of Arboriculture.
- vi. Alternative protection methods may be used if determined by the department to provide equal or greater tree protection. Alternative protection methods must be recommended by a consulting arborist certified by the International Society of Arboriculture.
- vii. The arborist shall be selected from a list of current arborists, certified by the International Society of Arboriculture and paid for by the applicant.

### 3. Replacement

a. **Intent**

The intent of these regulations is to discourage the unauthorized removal of significant tree(s) and tree stands; and to establish a replacement or fine if such activity occurs.

b. **Requirements**

When the required number of significant trees or tree stands are not retained, they shall be replaced as determined by the department with (i) an equal number of transplanted significant trees or tree canopy; or (ii) new trees measuring 1.5-inch caliper if deciduous and four feet high if evergreen, at a replacement rate of 1.5 inches diameter for every one-inch diameter (measured diameter – breast – height) of the removed significant tree or trees within a tree stand. The replacement rate determines the number of replacement trees. The trees removed shall be replaced with trees of the same type, evergreen or deciduous. The replacement trees shall also be replaced in the same location as the trees removed. Native shrubs and ground cover shall also be replaced when replacing tree stands due to unauthorized removal. Shrubs shall be one gallon size planted four feet on center spacing, ground cover shall be one gallon size planted three feet on center spacing. The shrubs and ground cover shall be planted within the limits of the previous tree stand canopy.

c. **Enforcement and Penalties**

Failure to replace or transplant trees will be enforced as provided in this Code; provided, that any fine shall be no less than three times the value of the trees, as determined by the current standards of the International Society of Arboriculture. If unauthorized tree(s) or vegetation removal occurs within the public right-of-way, all permits in force on the subject property shall be suspended and no new permits issued until the tree(s) or vegetation has been replaced or all penalties have been satisfied.

### 4. Modification of Requirements

If the significant tree and tree stand retention requirements of this section create an unnecessary hardship, the applicant may request a modification. The director may administratively approve a modification of the significant tree and tree stand requirements of this section if the director finds that the following standards have been met:

- a. The modification is necessary because of special circumstances relating to the location of existing significant trees and tree stands that prevents compliance with this section; and
- b. The special circumstances of the subject property make the strict enforcement of the provisions of this section an unnecessary hardship to the property owner; and
- c. The special circumstances of the subject property are not the result of the actions of the applicant; and
- d. The approving of the modification will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district in which the subject property is located; and
- e. The modification is consistent with the purpose and intent of this chapter; and
- f. The site design incorporates the retention of other natural vegetation in consolidated locations that promotes the natural vegetated character of the site.

## D. Perimeter Landscape Requirements

### 1. Intent

To provide a vegetated screen between uses or land use districts, to screen parking areas and structures located adjacent to public rights-of-way, and to allow visual and physical access to pedestrian and other nonmotorized oriented uses, such as a multipurpose trail or bikeway if those trails could be accommodated without compromising significant vegetation or hazardous slopes. Additional buffers may be required per 16.20.170, Special Requirements for the Winslow Ravine.

### 2. Requirements by District

In addition to meeting the General Requirements of subsection D.4, applicants shall meet the specific requirements of Table 18.15.010-2 applicable to the zone district or overlay district in which the property is located. In the case of a conflict between the requirements of this subsection D.2 and the requirements of subsection D.4, the requirements of this subsection D.2 shall apply. These perimeter landscape requirements are in addition to required roadside landscaping in subsection E. and parking lot landscape requirements in subsection F below.

<b>Table 18.15.010-2: Perimeter Landscaping Requirements by District</b>			
<b>Abutting zoning or land use</b>	<b>Perimeter Landscape Type</b>	<b>Perimeter Width (ft)</b>	<b>Minimum Perimeter Width (ft)</b>
<b>Multifamily in R-1 District</b>			
Single-family residential	Full Screen	25	N/A
<b>R-8 and R-14 Multifamily Districts</b>			
Single-family residential (UR)	Partial Screen	20	15
Urban multifamily	Filtered Screen	15	10
<b>Nonresidential Uses in Areas Outside Winslow Mixed Use, HSR, NSC, B/I , WD-I Districts</b>			
Residential including multifamily	Full Screen	25	15
Nonindustrial uses	Full Screen	20	10
<b>Winslow Town Center Mixed Use District [1]</b>			
Single-family residential	Full Screen	20	15
<b>HSR I and II Districts</b>			
Single-family residential	Full Screen	20	15
<b>NSC Districts</b>			
Residential including multifamily	Full Screen	15	10
NSCs	Filtered Screen	10	10
<b>B/I Districts</b>			
Non-light industrial	Full Screen[4]	50	35
Light manufacturing uses	Partial Screen	15	10

<b>Table 18.15.010-2: Perimeter Landscaping Requirements by District</b>			
<b>Abutting zoning or land use</b>	<b>Perimeter Landscape Type</b>	<b>Perimeter Width (ft)</b>	<b>Minimum Perimeter Width (ft)</b>
<b>WD-I Districts</b>			
Residential including multifamily	Full Screen	40	20
Industrial uses	Partial Screen	10	0
Nonindustrial uses	Full Screen	10	5
<p>[1] For perimeter landscaping requirements in the ferry terminal district transition area, north of Winslow Way, reference BIMC 18.12.030.C.</p> <p>[2] Beginning 100 feet north of Winslow Way. This landscaping requirement shall not apply to the interior renovation of existing buildings.</p> <p>[3] This landscaping requirement shall not apply to the interior renovation of existing buildings.</p> <p>[4] Notwithstanding subsection D.2 above, all native shrubs and significant trees shall be retained within all landscape buffers, except that limited removal may be allowed for permitted activities located within the buffer area. If necessary, the existing vegetation shall be supplemented to attain the required screening density.</p>			

### **3. Perimeter Buffers in Residential Cluster Short Subdivisions, Cluster Long Subdivisions, and Multifamily Subdivisions in the R-1 Zone District**

- a. When the cluster development option is selected pursuant to BIMC 17.12.020.B for property with a gross area of one acre or more and that is located in the R-0.4, R-1, R-2 and R-2.9 districts, a 25-foot wide, filtered screen landscape perimeter shall be required along the subdivision boundary.
- b. When the cluster development option is selected pursuant to BIMC 17.12.020.B for property with a gross area of one acre or more and that is located in the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 zone districts, a 10-foot wide, filtered screen landscape perimeter shall be required along the subdivision boundary.
- c. In order to buffer the visual impact of the proposed subdivision and protect off-site views, filtered screen landscaping, pursuant to BIMC 18.15.010.D.4, shall be required within landscape perimeter buffers where mature trees and shrubs cannot provide such screening.
- d. Required landscape buffer width may be reduced through buffer averaging in accordance with the criteria in BIMC 18.15.010.D.5, perimeter landscape requirements. For example, buffers may be adjusted when such adjustments contribute to the neighborhood character by incorporating significant trees and native vegetation, incorporate a unique landscape feature, or accommodate a unique situation that allows continuation of an existing use, such as a utility or other easement providing continued use.
- e. Landscape buffers may be included in the required open space calculations for a subdivision as noted in Table 18.15.010-3. Table 18.15.010-3 depicts the landscape buffer requirements for subdivisions by zoning district and denotes when the buffer may be included in the open space calculations. These standards apply unless alternative buffers are required pursuant to critical area review, the requirements of the Shoreline Management Act, conditioned by SEPA review, or required for public health or safety reasons.
- f. When a multifamily subdivision is created within the R-1 zone district, a 25-foot wide, full screen landscape perimeter shall be required along the subdivision boundary.

**Table 18.15.010-3: Perimeter Landscape Requirements for Flexlot Subdivisions**

Type of Subdivision	Landscape Perimeter Buffer* (Cluster Option Subdivision Only)	Park and Conservation Land Buffer (Required for Both Cluster and Open Space Subdivision Options)
Residential Subdivision in the R-0.4, R-1, R-2, and R 2-9 districts	25'- Filtered Screen	25'- Filtered Screen (OS)
Residential Subdivision in the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 districts	10'- Filtered Screen	25'- Filtered Screen (OS)
Multifamily Subdivision in the R-1 zone district	25' – Full Screen	N/A
(OS) indicates that the buffer may be calculated in the required open space area for the subdivision.		
*** Properties being subdivided with less than one acre are not subject to landscape buffer requirements.		

#### 4. General Requirements

##### a. Full Screen

Where full screen perimeter landscaping is required, the applicant must provide:

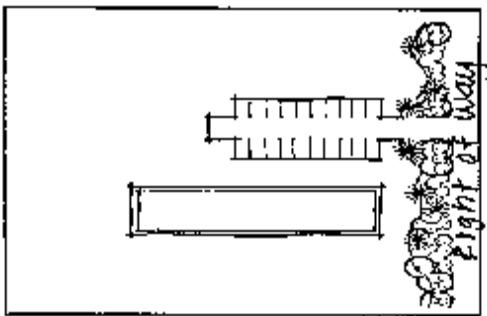
- i. Minimum 70 percent evergreen trees ranging in height from four feet to six feet at the time of planting with at least 50 percent being six feet high; and
- ii. Deciduous trees with a caliper of at least two inches at the time of planting; and
- iii. At least 20 percent of the trees shall be native species and drought resistant; and
- iv. The number of trees is determined by dividing the length of the landscape perimeter by 10 feet; and
- v. Evergreen shrubs at least 21 inches in height at the time of planting, spaced no more than three feet on center, to achieve minimum four feet height at maturity; and
- vi. The number of shrubs is determined by dividing the length of the perimeter by four feet; and
- vii. Living ground cover shall be planted and spaced to achieve total coverage within three years; and
- viii. Plants may be clustered within the perimeter to screen structures and parking areas.

##### b. Partial Screen

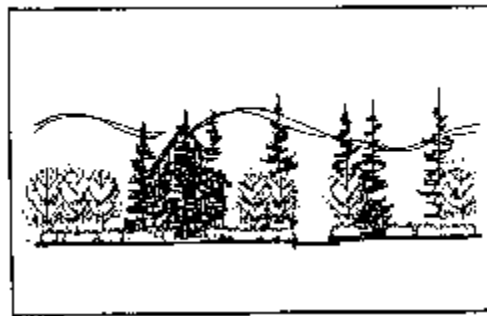
Where partial screen perimeter landscaping is required, the applicant must provide:

- i. Minimum 50 percent evergreen trees ranging in height from four feet to six feet at the time of planting with at least 50 percent being six feet high; and

- ii. Deciduous trees with a caliper of at least two inches at the time of planting; and
- iii. At least 20 percent of the trees shall be native species and drought resistant; and
- iv. The number of trees is determined by dividing the length of the landscape perimeter by 20 feet; and
- v. Evergreen shrubs at least 21 inches in height at the time of planting, spaced no more than three feet on center, to achieve minimum four feet height at maturity; and
- vi. The number of shrubs is determined by dividing the length of the landscape perimeter by five feet; and
- vii. Living ground cover shall be planted and spaced to achieve total coverage within three years; and
- viii. Plants may be clustered within the landscape perimeter to screen structures and parking areas.



Partial Screen Plan



Partial Screen Section

c. **Filtered Screen**

Where filtered screen perimeter landscaping is required, the applicant must provide:

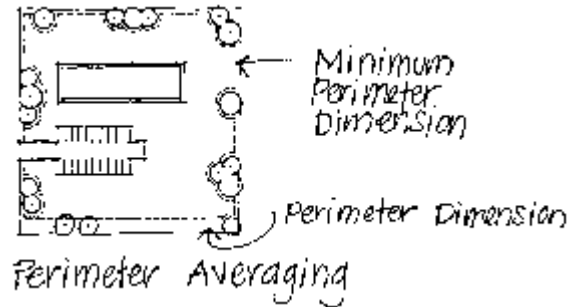
- i. One hundred percent deciduous trees two-inch caliper spaced no more than 30 feet on center; and
- ii. Evergreen shrubs minimum 21 inches in height at the time of planting spaced no more than three feet on center to provide a continuous hedge achieving a maximum height of three feet at maturity; and
- iii. Living ground cover shall be planted and spaced to achieve total coverage within three years.

**5. Standards**

The following standards apply to the full screen, partial screen and filtered screen perimeter landscape requirements contained in this section.

- a. Existing vegetation may be used in lieu of new plant material if not already being used to meet another requirement.
- b. A full screen will be required to screen utilities located above ground from adjacent uses.
- c. Perimeter landscaping shall be clustered in areas to screen structures, utility structures, loading areas, parking lots, trash enclosures, storage areas and mechanical equipment.
- d. The department may approve the averaging of perimeter landscape widths to provide adequate screening if it meets the criteria contained in this section.

- e. Earth berms in combination with shrubs and trees may be used to achieve the initial planting height requirement.
- f. Minimum landscape perimeter dimensions are allowed when perimeter averaging is applied. The landscape perimeter can be averaged only if the total required perimeter dimension square footage is achieved. The director may allow landscape perimeter averaging if the following criteria is met: (i) plant material is being clustered to more effectively screen parking areas and structures; and (ii) the quality of the perimeter landscape is not diminished; (iii) significant trees are being retained.



## 6. Park Buffers and Buffers for Dedicated Conservation Lands

- i. Notwithstanding the provisions of subsections 2, 3, and 4, a 25-foot wide buffer shall be provided along a property line where the land immediately adjacent to the subdivision boundary is a park or a future park in a municipal plan, or dedicated conservation land area that has been set aside for open space, wildlife habitat or public conservation purposes by deed or conservation easement.
- ii. In order to buffer the visual impact of the proposed subdivision and protect off-site views, filtered screen landscaping, pursuant to BIMC 18.15.010.D.4, shall be required within park buffers and buffers for dedicated conservation lands buffers where mature trees and shrubs cannot provide such screening.

## E. Street Frontage Landscaping Requirements for Commercial, Institutional, and Multifamily Development and Residential Subdivisions

### 1. Roadside Buffers for Commercial, Institutional and Multifamily Development

The following table indicates the type of landscaping required when the subject property directly abuts a right-of-way. Roadside buffers may be required for commercial, institutional, or multifamily development where a Site Plan Review or Conditional Use Permit is required. The buffers shall be pursuant to the screening standards set forth in section 18.15.010.D.4. Required landscape buffer widths may be reduced to the minimum widths stated in Table 18.15.010-4 through buffer averaging in accordance with the criteria in BIMC 18.15.010.D.5.

Existing Zoning/Use	Abutting Use	
	Right of Way (not including Hwy 305)	Highway 305****
Neighborhood Service Center	10' Filtered Screen/5' Minimum	10' Filtered Screen/5' Minimum
Mixed Use Town Center***	N/A	50' Full Screen**/35' Minimum
High School Road	N/A	50' Full Screen/35'

		Minimum
<b>Urban Multifamily</b>	20' Partial Screen	20' Partial Screen
<b>Conditional Uses within Residential Zone Districts</b>	25' Partial Screen/15' Minimum	25' Partial Screen/15' Minimum
<b>Business/Industrial (B/I)</b>	50' Full Screen/35' Minimum	50' Full Screen/35' Minimum
<b>Water Dependent Industrial</b>	10' Partial Screen/5' Minimum	10' Partial Screen/5' Minimum
* All roadside buffers must be planted if not already existing.		
** Beginning 100' north of Winslow Way.		
*** For perimeter landscaping requirements in the ferry terminal district transition area, north of Winslow Way, reference BIMC 18.12.030.C.		
**** A buffer is required along Highway 305, which is designated as a scenic highway.		

## 2. Roadside Buffers for Residential and Commercial Subdivisions

Roadside buffers are required for both residential and commercial subdivisions. The type and width of the required buffer varies by the type of roadway the subdivision is adjacent to, as well as the condition of the existing roadside vegetation. The buffers shall be pursuant to the standards set forth in section 18.15.010.D.4.

<b>Table 18.15.010-5: Subdivision Roadside Buffer Requirements</b>	
<b>Type of Subdivision</b>	<b>Right-of-Way (Buffers Required for Both Open Space and Cluster Flexlot Subdivision Options along Arterial and Collector Roads*****)</b>
<b>Residential Subdivision in the R-0.4, R-1, R-2, and R 2-9 districts</b>	50'- Mature Trees and Shrubs or 25'- Full Screen
<b>Residential Subdivision in the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 districts</b>	No requirement, unless necessary to reflect neighboring development patterns (OS)
<b>Commercial and Multifamily Subdivisions</b>	25' – Full Screen adjacent to all designated scenic roads
(OS) indicates that the buffer may be calculated in the required open space area for open space subdivisions.	
** Roadside Buffers: A 25-foot full screen buffer must be planted along applicable roadways when no mature trees and shrubs exist along the property boundary in zones R-0.4, R-1, R-2 and R-2.9.	
*** Properties being subdivided with less than one acre are not subject to roadside buffer requirements.	

- a. Roadside Buffer General Requirements
  - i. All residential subdivisions and short subdivisions subject to landscape buffering requirements shall comply with the standards in this subsection, including those in Table 18.15.010-5.
- b. Roadside Buffers in Residential Short Subdivisions
  - i. Except for properties containing a gross area of less than one acre, where mature trees and shrubs of a forested nature are located adjacent to public roads that are designated as collector or arterial roads on the adopted road classification map, a 50-foot-wide vegetative buffer shall be maintained. However, in the R-3.5, R-4.3, R-5, R-6, R-8 and R-14 districts a roadside buffer is not required unless it is determined that a landscape buffer is necessary to maintain the character of the neighborhood or to reflect neighboring development patterns. The provisions for buffer averaging provided in BIMC 18.15.010.D.5 shall apply.
  - ii. Where there are no mature trees and shrubs that contribute to the existing forested character of these roads, the character of the neighborhood shall be maintained by establishing building setbacks equal to or greater than the existing building setbacks on the adjacent properties. At no point shall the building setback be less than requirements in Title 18.
  - iii. To accommodate an existing house that is located within 50 feet of the property line adjacent to a collector or arterial road, the roadside buffer area width shall be reduced to the width adjoining the existing home between the existing house and the property line adjacent to the collector or arterial road.
- c. Roadside Buffers in Residential Long Subdivisions

- i. For subdivisions located in the R-0.4, R-1, R-2 and R-2.9 districts where mature trees and shrubs of a forested nature are located adjacent to public roads that are designated as collector or arterial roads on the adopted road classification map, a 50-foot-wide vegetative buffer shall be maintained. In the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 districts a roadside buffer is not required unless it is determined that a landscape buffer is necessary to maintain the character of the neighborhood or to reflect neighboring development patterns. The provisions for buffer averaging provided in BIMC 18.15.010.D.5 shall apply.
  - ii. For property with a gross area of one acre or more and that is located in districts R-0.4, R-1, R-2 and R-2.9, where there are no mature trees and shrubs that contribute to the existing forested character of the roads, a 25-foot full screen landscape buffer shall be planted consistent with the requirements of BIMC 18.15.010.D.4a, except as noted below in this subsection.
  - iii. To accommodate an existing house that is located within 50 feet of the property line adjacent to a collector or arterial road (or within 25 feet of such a property line if subsection c.ii above applies), and to maintain the character of the neighborhood and reflect neighboring development patterns, the roadside buffer area width shall be reduced to the width adjoining the existing home between the existing house and the property line adjacent to the collector or arterial road. At no point shall the building setback be less than requirements in Title 18.
  - iv. For subdivisions designating open space that is intended for agricultural use and would be adversely impacted by the addition of screening landscaping, a 25-foot roadside buffer as prescribed in subsection c.ii above shall not be required.
- d. **Roadside Buffers in Multifamily and Commercial Subdivisions**
    - i. A minimum 25-foot vegetative buffer shall be established adjacent to all designated scenic roads. The buffer shall be consistent with the requirements for a full screen buffer, pursuant to BIMC 18.15.010.D.4.a.
  - e. **Multiple Street Frontages**
    - i. For properties subject to the roadside buffers requirement along two property boundaries, the roadside buffer abutting the street with the lower classification may be reduced to 25 feet in width. For properties that abut more than two streets requiring roadside buffers or in situations where both abutting streets are of the same road classification, one roadside buffer of the full required width shall be required and all other roadside buffers may be reduced to 25 feet; provided, that the full required width buffer is located where a greater number of significant trees can be incorporated into the buffer.

## **F. Parking Lot Landscaping**

The requirements of this subsection F are in addition to required perimeter landscaping under subsection D above. When more than one building is placed on a lot or a building is placed in the center of the lot with parking all the way around it, the street perspective is used to determine that landscaping guidelines to follow for parking lot landscaping.

### **1. NSC, B/I, and WD-I Districts and Nonresidential Uses Outside Winslow Mixed Use Town Center Overlay Districts and High School Road Mixed Use Districts.**

All applicants in these areas shall provide the following types and amounts of landscaping. Parking lots shall meet the requirements of BIMC 18.15.020. Applicants may refer to the standards contained in this section for optional planting locations within parking areas.

- a. **Intent**

The intent of this section is to screen views of parking lots. To provide shade and visual relief within parking lots, to limit impacts of impervious surfaces and to reinforce safe pedestrian access to buildings.

**b. Requirements for Parking Lots Located Adjacent to Public Rights-of-Way**

- i. One tree for every four parking stalls; and
- ii. Minimum 30 percent evergreen trees; and
- iii. Deciduous trees minimum two-inch caliper, evergreen trees minimum six feet high at the time of planting; and
- iv. Evergreen shrubs minimum 18-inch height at the time of planting spaced no more than three feet on center, to provide a continuous hedge achieving a maximum height of three feet at maturity located adjacent to the rights-of-way (this may be achieved with the perimeter landscape); and
- v. Evergreen ground cover planted and spaced to achieve total coverage within two years; and
- vi. A landscaped area at the end of parking aisles.



Parking Adjacent to Right-of-Way



Safe Pedestrian Access

**c. Requirements for Parking Lots Not Abutting Public Rights-of-Way**

- i. One tree for every eight parking stalls; and
- ii. One hundred percent of the trees may be deciduous; and
- iii. Deciduous trees minimum two-inch caliper, evergreen trees minimum four feet height at the time of planting; and
- iv. Evergreen ground cover and/or shrubs planted and spaced to achieve total coverage within two years; and
- v. A landscaped area at the end of parking aisles.



Parking Area Screen

d. **Standards**

- i. Maintain shrubs at a maximum three feet height within parking lots so views between vehicles and pedestrians will not be blocked.
- ii. Landscape in planting islands or strips shall have an area of at least 100 square feet and with a narrow dimension of not less than five feet if wheel stops are provided to prevent vehicle overhang. A narrow dimension of not less than eight feet may be provided if the vehicle overhang area is included in the planting area.
- iii. Provide permanent curbs or wheel stops to protect the plantings.
- iv. Significant trees and tree stands may be used in lieu of new landscape requirements if they are in addition to the significant tree and tree stand retention requirements.
- v. Clustering of new plant material within parking lots may be approved or required by the department if the intent of this section is met.
- vi. Refer to the suggested landscape materials matrix for tree species appropriate for parking lots.

**2. Winslow Mixed Use Town Center Overlay Districts, High School Road Districts, R-8 and R-14 Districts.**

All applicants in these areas shall provide the following types and amounts of landscaping. Parking lots shall meet the requirements of BIMC 18.15.020. Applicants may refer to the standards contained in this section for optional planting locations within parking areas.

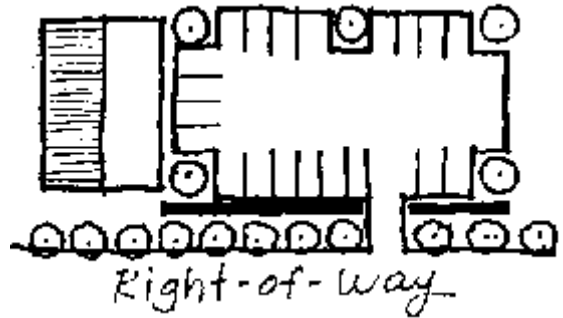
a. **Intent**

The intent of this section is to soften the appearance of surface parking lots. To provide more intensive landscaping when surface parking lots are exposed to public view.

b. **Parking Lots Located in the Front of Buildings and Adjacent to Public Rights-of-Way.**

- i. One tree for every two parking stalls; and
- ii. One hundred percent of the trees may be deciduous; and
- iii. Deciduous trees minimum two-inch caliper; and
- iv. Evergreen shrubs planted to form a hedge, minimum 18-inch height at the time of planting, spaced no more than three feet on center, not to exceed a mature height of three feet located adjacent to the public rights-of-way (this may be achieved with the perimeter landscape); and
- v. Deciduous trees minimum two-inch caliper spaced no more than 30 feet on center located along the public rights-of-way (this may be achieved with the perimeter landscape); and

- vi. Evergreen ground cover and/or shrubs planted and spaced to achieve total coverage within two years; and
  - vii. A landscaped area at the end of parking aisles.
- c. **Requirements for Parking Lots Located to the Side of Buildings and Adjacent to Public Rights-of-Way**
- i. One tree for every four parking stalls; and
  - ii. One hundred percent of the trees may be deciduous; and
  - iii. Deciduous trees minimum two-inch caliper; and
  - iv. Evergreen shrubs planted to form a hedge, minimum 18-inch height at the time of planting, spaced no more three feet on center, not to exceed a mature height of three feet located adjacent to the public rights-of-way (this may be achieved with the perimeter landscape); and
  - v. A landscaped area at the end of aisles; and
  - vi. Deciduous trees minimum two-inch caliper spaced no more than 30 feet on center located along the public rights-of-way (this may be achieved with the perimeter landscape); and
  - vii. Evergreen ground cover and/or shrubs planted and spaced to achieve total coverage within two years.
- d. **Requirements for Parking Lots Located Behind Buildings and Not Adjacent to Public Rights-of-Way.**
- i. One tree for every eight parking stalls; and
  - ii. One hundred percent of the trees may be deciduous; and
  - iii. Deciduous trees minimum two-inch caliper, evergreen trees minimum four feet height at the time of planting; and
  - iv. Evergreen ground cover and/or shrubs planted and spaced to achieve total coverage within two years; and
  - v. A landscaped area at the end of aisles.
- e. **Standards**
- i. Maintain shrubs at a maximum three feet height within parking lots so views between vehicles and pedestrians will not be blocked.
  - ii. Landscape in planting islands or strips shall have an area of at least 100 square feet and with a narrow dimension of not less than five feet if wheel stops are provided to prevent vehicle overhang. A narrow dimension of not less than eight feet may be provided if the vehicle overhang area is included in the planting area.
  - iii. Provide permanent curbs or wheel stops to protect the plantings from vehicle overhang.
  - iv. Significant trees and tree stands may be used in lieu of new landscape requirements if they are in addition to the significant tree and tree stand retention requirements.
  - v. Clustering of new plant material within parking lots may be approved or required by the department if the intent of this section is met.



- vi. Refer to the suggested landscape materials matrix for tree species appropriate for parking lots. (Ord. 2006-16 § 2, 2006; Ord. 2005-11 § 7, 2005; Ord. 99-64 § 10, 1999; Ord. 99-30 § 3, 1999; Ord. 99-17 §§ 13, 14, 1999; Ord. 96-09 § 2, 1996)

## **G. Planting Requirements**

### **1. Intent**

The intent of this section is to encourage the use of native species and recommend planting conditions adaptive to Bainbridge Island.

### **2. Requirements**

Landscape designs shall conform to the following provisions.

- a. Areas not devoted to landscape required by this chapter, parking, structures and other site improvements are encouraged to be planted or remain in existing vegetation.
- b. New plant materials shall include native species or nonnative species that have adapted to the climatic conditions of the coastal region of the Puget Sound Region.
- c. New plant materials shall consist of drought resistant species, except where site conditions within the required landscape areas assure adequate moisture for growth.
- d. When the width of any landscape strip is 20 feet or greater, the required trees shall be staggered in two or more rows as illustrated.
- e. Existing vegetation may be used to augment new plantings to meet the standards of this chapter.
- f. Grass may be used as a ground cover where existing or amended soil conditions assure adequate moisture for growth.
- g. Ground cover areas shall contain at least two inches of composted organic mulch at finish grade to minimize evaporation. Mulch shall consist of materials such as composted yard waste, composted sawdust, and/or manure that are fully composted.
- h. Existing soils may need to be augmented with fully composted organic material.

### **3. Performance Assurance**

- a. Performance assurance is required to assure the city that the landscape, required by this section, is properly installed, will become established and be adequately maintained.
- b. The required landscape shall be installed prior to the issuance of a temporary certificate of occupancy for the project. The Washington landscape architect, Washington certified nursery professional or Washington certified landscaper shall submit a landscaping declaration to the department to verify installation in accordance with the approved plans.
- c. The time limit for compliance may be extended to allow installation of landscaping during the next appropriate planting season as approved by the department if the director determines that a performance assurance device, for a period of not more than one year, will adequately protect the interests of the city. The performance assurance device shall be for 150 percent of the cost of the work or improvements covered by the assurance device. In no case may the property owner delay performance for more than one year.
- d. The form and type of the performance assurance device shall be determined by the director.

#### **4. Maintenance Assurance**

- a. The property owner shall replace any unhealthy or dead plant materials in conformance with the approved planting plan.
- b. A maintenance assurance device shall be required for a period of three years after acceptance by the city of the new planting or transplanting of vegetation to ensure proper installation, establishment, and maintenance.
- c. The maintenance assurance device amount shall not be less than 20 percent of the cost of replacing materials covered by the assurance device.
- d. The form and type of the maintenance assurance device shall be determined by the director. (Ord. 96-09 § 2, 1996)

### **H. Irrigation**

#### **1. Intent**

The intent of this section is to provide temporary or permanent irrigation within new planting areas that do not have high soil moisture conditions. These regulations shall not apply where provisions of BIMC 16.12 or 16.20 or any state or federal law restricts irrigation, and in case of conflict with any provision of those laws, the provisions of those laws shall govern.

#### **2. Requirements**

- a. Except for areas of undisturbed existing vegetation, all landscape areas that do not have high soil moisture conditions shall have temporary or permanent irrigation systems. Temporary systems may be removed after 24 months or two growing seasons, whichever occurs first; provided that the plantings are established.
- b. Areas where existing site conditions assure adequate soil moisture for growth within the required landscape area shall have temporary irrigation systems only as required to sustain new plantings.
- c. Landscape areas consisting of drought resistant vegetation may require temporary irrigation systems. Permanent irrigation systems located within required landscape areas should include the following features:
  - i. Moisture or precipitation sensors; and
  - ii. Automatic timers set for operation to assure adequate moisture levels; and
  - iii. Head-to-head spacing, if sprinkler heads are proposed; and
  - iv. Pressure regulating devices; and
  - v. Backflow prevention devices; and
  - vi. Separate irrigation zones for grass and planting beds; and
  - vii. Other features required to comply with applicable state and city codes.
- d. Irrigation water shall be applied with goals of avoiding runoff, low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas and impervious surfaces by:
  - i. Considering soil type and infiltration rates; and
  - ii. Using proper irrigation equipment and schedules, including features such as repeat cycles, to closely match application rates with infiltration rates; and

- iii. Considering special problems posed by irrigation on slopes and in median strips.
- e. Irrigation systems shall be subject to the following additional provisions:
  - i. Systems in landscape strips less than five feet in width shall be designed to ensure that overspray and/or runoff does not occur by use of system design options such as low volume emitters; and
  - ii. Sprinkler heads with consistent application rates shall be selected for proper area coverage, operating pressure, and adjustment capability; and
  - iii. Separate control valves shall be used to irrigate plants with differing water needs. (Ord. 96-09 § 2, 1996)

## **I. Maintenance of Landscaping and Significant Trees**

### **1. Intent**

All new landscape plantings and significant trees and tree stands to be retained shall be maintained to preserve the Island's forested character.

### **2. Requirements**

- a. All landscaping, significant trees and tree stands shall be maintained for the life of the project.
- b. All landscaped areas required by this chapter, significant trees and tree stands, except within critical areas or their protective buffers (defined in BIMC 16.20), should be maintained in a healthy growing condition.
- c. Landscape areas shall be kept free of trash.
- d. All plant material shall be managed by pruning so that plant growth does not conflict with public utilities, restrict pedestrian or vehicular access, or create a traffic hazard. (Ord. 96-09 § 2, 1996)

## **J. Screening of Certain Facilities**

### **1. Outdoor Storage**

In the NSC and B/I Districts, outdoor storage areas shall be screened. 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 and Outdoor Equipment**

- a. In the NSC and B/I districts, 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.
- b. In the B/I districts, trash and recycling containers shall be located to mitigate noise impacts to nearby residential properties.
- c. Small wind energy generators do not need to be screened.

**3. Business/Industrial**

In the B/I districts, 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 subsection D.

## **18.15.020 PARKING AND LOADING**

All development shall comply with the following regulations addressing parking and loading unless other applicable regulations require additional or different treatment of parking and loading, in which case the more specific standard or criteria shall apply. The following sections of BIMC may impose additional development standards, and in the case of conflict between any two or more development standards or criteria, the more specific shall apply:

- a. BIMC 16.12.100 Shoreline Master Program -- Parking
- b. BIMC 16.20 Critical Areas
- c. BIMC 18.15.010 Landscaping and Screening

### **A. Purpose**

The purpose of this BIMC 18.15.020 is to provide for safe, efficient and well-designed access and parking while minimizing the environmental and visual impact of motor vehicle facilities. (Ord. 92-08 § 2, 1992)

### **B. General Requirements**

1. 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.
2. No building permit shall be issued until the applicant has submitted satisfactory plans demonstrating that required parking facilities will be provided and maintained.
3. Unless authorized by a conditional use permit or this title, the use of property in a residential zone for commercial parking is prohibited.
4. All driveways and other parking areas except those serving single-family residences, shall be surfaced with permanent materials such as asphalt, concrete, unit pavers, or pervious materials acceptable to Public Works Department, and shall be designed to dispose of surface water, and pollutants from motor vehicles as provided in the BIMC.
5. 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.
6. 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 (a) the proposed site access includes measures that mitigate any identified negative impacts or effects that would result from the additional access point(s); and (b) 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.
7. 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 (a) will promote the orderly development of the surrounding area; or (b) will help reduce or avoid cumulative adverse impacts that would result from each property accessing the right-of-way separately; and (c) will not create a safety hazard.
8. 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.

9. 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)
10. On street parking created or designated in conjunction with and adjacent to a project may be included in the parking space calculation upon approval of the director.
11. When a new commercial or mixed use development is required to provide parking for more than 25 cars, at least one parking space near the entrance must be reserved and signed for use by a shared-car program or electric vehicle charging station.
12. For all development except for single family residential, the required parking for two or more complementary uses may be reduced up to 50 percent when provided by a common parking lot, but may not be reduced below the highest parking requirement. The reduction shall be authorized by the issuance of a conditional use permit. (Ord. 92-08 § 2, 1992)

## C. Number of Automobile Spaces Required

### 1. General Provisions

All development shall provide the number of parking spaces indicated in this subsection C and Tables 18.15.020-1 and 18.15.020-2. All parking lots shall comply with the minimum requirements for handicapped parking spaces, as required by Washington State regulations related to barrier-free facilities, with the exception of single-family residential and multifamily residential development on individual lots. Above ground parking lots 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.

<b>Table 18.15.020-1: Off-Street Parking Spaces Required for Residential, Neighborhood Service Center, Business/Industrial, and Water-Dependent Industrial Zone Districts</b>	
<b>Land Use</b>	<b>Spaces Required</b>
Residential dwelling unit in a single family residential district [1]	2 spaces for each primary dwelling unit and 1 space for each accessory dwelling unit.
Residential dwelling unit in a multifamily residential, NSC, or B/I district	<p>1 space per primary dwelling unit that is a studio or 1 bedroom unit, and 2 spaces for all other primary dwelling units.</p> <p>Dwelling units situated directly above a commercial use or directly above parking serving a commercial use in the NSC or B/I districts shall require 1 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, and therefore 2 parking spaces are required.</p> <p>The director may require guest parking in excess of the required parking spaces, whether or not the required parking is reduced pursuant to</p>

<b>Table 18.15.020-1: Off-Street Parking Spaces Required for Residential, Neighborhood Service Center, Business/Industrial, and Water-Dependent Industrial Zone Districts</b>	
<b>Land Use</b>	<b>Spaces Required</b>
	18.15.020.B.12, up to a maximum additional 0.5 stall per dwelling unit, if there is inadequate guest parking on the subject property.
Retail, commercial and personal services in a building with less than 1,000 square feet of floor area	5 spaces per 1,000 square feet of floor area, except as modified by the parking standards for the Mixed Use Overlay Districts and High School Road Districts below.
Retail, commercial and personal service in a building with 1,000 square feet of floor area or more	4 spaces per 1,000 square feet of floor area, except as modified by the parking standards for the Mixed Use Overlay Districts and High School Road Districts below.
Industry and light manufacturing uses	1 space for each employee plus 1 space for each 250 square feet of office space
Places of public accommodation serving food and beverage, including but not limited to restaurants and taverns	1 space for each 4 occupants as determined by the department
For motels/hotels, inns, and bed and breakfasts	1 space for each sleeping room
For places of assembly, including auditoriums, theaters, banquet rooms and religious institutions	10 spaces for each 1,000 square feet of floor area or 1 space for each 5 fixed seats, except for movie theaters which shall require 1 space per 4 seats.
Elementary, Middle, and Junior High Schools	1 space per 50 students and 1 space per employee
High Schools	1 space per 10 school students and 1 per employee
Educational, governmental, health care and recreational facilities not included as part of a elementary, middle, junior or high school or a religious institution	A number of spaces adequate to accommodate the peak shift as determined by the director based on information submitted by the applicant as required for Other Uses and Special Cases below.
Day Care Centers	1 stall for each on-duty shift employee plus 1 stall for each 12 adults/children served by the facility. Capacity is determined by state license requirements.
Other Uses and Special Cases	For other uses or special cases, parking requirements shall be established by the director. For determination by the director, the applicant shall supply (a) documentation regarding actual parking demand for the proposed use; or (b) technical studies prepared by a qualified professional relating to the parking need for the proposed use; or (c)

Table 18.15.020-1: Off-Street Parking Spaces Required for Residential, Neighborhood Service Center, Business/Industrial, and Water-Dependent Industrial Zone Districts	
Land Use	Spaces Required
	required parking for the proposed use as determined by other comparable jurisdictions.
<p>[1] 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 located within one-half mile and a one 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 1 space per parking unit. This provision does not preclude the authority of the director to require guest parking as described in this table.</p>	

Table 18.15.020-2: Off-Street Parking Spaces Required in Mixed Use Town Center Districts and High School Road Districts [1]						
Land Use	Spaces Required					
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay	High School Road I and II
Commuter Oriented Retail	Not Permitted				1 space per peak shift employee	Not Permitted
<b>Other Commercial and Non-Residential Uses</b>						
Minimum spaces per 1,000 sq. ft. [2]	2, except 3 in the Parfitt-Waterfront area				1	4
Entertainment Facilities	1 per 4 fixed seats	Not Permitted				1 per 4 fixed seats
Maximum above ground spaces per 1,000 sq. ft.		5			3	5
<b>Residential Uses</b>						

Table 18.15.020-2: Off-Street Parking Spaces Required in Mixed Use Town Center Districts and High School Road Districts [1]						
Land Use	Spaces Required					
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay	High School Road I and II
Minimum spaces per unit [3]	<p>1 space per primary dwelling unit that is a studio or 1 bedroom unit, and 2 spaces for all other primary dwelling units.</p> <p>Each dwelling unit situated directly above a commercial use or directly above parking serving a commercial use in the NSC or B/I districts shall require 1 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.</p> <p>The director may require guest parking in excess of the required parking spaces, whether or not the required parking is reduced pursuant to 18.15.020.B.12, up to a maximum additional 0.5 stall per dwelling unit, if there is inadequate guest parking on the subject property.</p>					
Maximum above ground spaces per unit	2					
Special Cases						
Other uses and special cases	<p>For special cases not covered by this table, parking requirements shall be established by the director. For determination by the director, the applicant shall supply (a) documentation regarding actual parking demand for the proposed use; or (b) technical studies prepared by a qualified professional relating to the parking need for the proposed use; or (c) required parking for the proposed use as determined by other comparable jurisdictions.</p>					
<p>[1] For properties along Winslow Way, there shall be no driveway from private property to the street except as approved as a conditional use. Driveways in existence prior to July 1, 1987, are excepted from this requirement.</p> <p>[2] Applies to uses in the Food and Beverage, Office and Services, and Retail categories in Table 18.09.020.</p> <p>[3] 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 located between one-half mile and a one 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 1 space per parking unit. This provision does not preclude the authority of the director to require guest parking as described in this table.</p>						

## 2. Special Provisions for Mixed Use Town Center Districts

- a. Subject to approval as part of site plan review, the city and the developer 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.

- b. 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. 2005-13 § 3, 2005; Ord. 99-17 § 8, 1999; Ord. 98-35 § 4, 1999; Ord. 96-08 § 11, 1996; Ord. 92-08 § 2, 1992)
- c. In the core, gateway, and ferry terminal districts, parcels smaller than 8,000 sq. ft. may provide up to 100 percent of required parking off-site; parcels between 8,000 and 12,000 sq. ft. may provide up to 75 percent of required parking off-site; and parcels larger than 12,000 sq. ft. may provide up to 50 percent of required parking off-site. For commercial and residential development, off-site parking must be located within a 1,000 ft. radius of the edge of the development parcel. Any off-site spaces used to meet minimum parking requirements must be acquired either through the City's fee-in-lieu program as provided in BIMC Title 2, through fee simple ownership by the developer, or through irrevocable easements/agreements.
- d. In the Central Core Overlay District, up to 75 percent of required parking for movie theaters may be met off-site if located within a 400 foot walking distance of the edge of the development parcel.
- e. In the Central Core Overlay District, parcels smaller than 8,000 sq. ft. shall receive a credit against required off-street parking of 1 parking space per 10 feet of public street frontage, up to a maximum credit of 5 off-street parking spaces.

## **D. Location of Spaces**

1. 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.
2. 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.
3. Parking spaces serving dwelling units shall be located on the same lot with the building they serve. In the central 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 spaces must be within a 1,000 ft. radius of the edge of the development parcel and must be acquired through fee-in-lieu, fee simple ownership, or a leasehold permanently linked to the unit.
4. Parking spaces serving nonresidential uses may be consolidated in a remote location as permitted by this title. (Ord. 96-08 § 13, 1996; Ord. 92-08 § 2, 1992)
5. All parking spaces and driving aisles serving adjacent parking spaces, except those serving single-family residences, shall not be located within required front, rear or side setbacks.
6. The city may waive the limits on contiguous stalls and may approve reductions of up to 50 percent of the parking lot setback requirements if significant trees are saved and incorporated in the design of circulation and parking. (Ord. 2004-02 § 21, 2004; Ord. 99-17 § 11, 1999; Ord. 92-08 § 2, 1992)
7. Tandem parking (two parking spaces located end-to-end rather than side-to-side) may be approved by the Planning Director as part of the building permit provided that (1) the arrangement will not create traffic congestion due to additional entry and exit movements; (2) on-street parking is available; and (3) the arrangement will not adversely impact safety factors.

8. For on-street parking spaces, handicap parking shall be distributed throughout the street and shall be separated from other handicap parking spaces by at least 10 non-handicap spaces, or as required by the building official.

## **E. Non-commuter Ferry Parking**

Non-commuter ferry parking is permitted in the ferry terminal district as provided below.

### **1. Permanent Non-commuter Parking Spaces**

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

- a. For each existing surface ferry parking space that is moved under-building or below grade, one non-commuter additional parking space may be developed under-building or below grade.
- b. The total number of commuter additional parking spaces may not increase the total parking inventory of 1,121 spaces. Non-commuter parking spaces may not exceed 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.
- c. These non-commuter additional parking spaces are only for use by non-commuter ferry passengers.
- d. No grade level, under-building parking shall be adjacent to Winslow Way. Ingress and egress to the parking shall be allowed from Winslow Way.
- e. 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 that provides a vertical screen, street trees or other vegetation.
- f. In addition to the screening required in subsection 1.e 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.
- g. 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.
- h. As a condition of development application approval, the property owner shall include a plan for designating parking for only non-commuter use and shall demonstrate how restriction of spaces for non-commuter parking will be enforced. Failure to enforce shall subject the owner to the provisions of BIMC 1.26.

### **2. Temporary Non-commuter Ferry Parking**

Temporary non-commuter ferry parking spaces may be developed as surface parking in the ferry terminal overlay district under the following conditions:

- a. The property owner shall submit an application for approval for the construction of permanent non-commuter ferry parking spaces under subsection E.1.
- b. The property owner shall apply for and obtain a conditional use permit authorizing the use of the property for temporary non-commuter ferry parking. Such applications shall be processed as a minor conditional use under BIMC Title 2.
- c. Temporary non-commuter parking lots shall comply with the design and construction requirements of this chapter, except that:
  - i. Temporary parking lots and associated driveways may be gravel; provided that all drainage requirements are met;

- ii. Temporary parking lots shall be exempt from the requirements of BIMC 18.15.030.A.2;
  - iii. Temporary parking lots shall be exempt from the requirements of BIMC 18.15.030.A.4. Internal walkways may be surfaced with gravel, except that walkways providing access to handicapped spaces shall meet accessibility requirements; and
  - iv. Temporary parking lots are exempt from the landscaping requirements of BIMC 18.15.020.J.3.a and the screening requirements of BIMC 18.15.020.J.3.b.
- d. Notwithstanding the provisions of BIMC Title 2 concerning Conditional Use Permits, a conditional use permit authorizing temporary non-commuter ferry parking spaces shall automatically expire 180 days after the date that the permit is issued. The temporary non-commuter parking shall be removed within 10 days after the permit expires.
- e. Notwithstanding the provisions of BIMC Title 2 concerning Conditional Use Permits, the department may grant one extension of a conditional use permit authorizing temporary non-commuter ferry parking spaces for a period not to exceed 180 days if:
- i. A request for an extension is received by the department no later than 30 days prior to the expiration of the permit;
  - ii. 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 non-commuter ferry parking spaces;
  - iii. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and
  - iv. The temporary non-commuter parking shall be removed within 10 days after the permit expires. (Ord. 2000-10 § 2, 2000: Ord. 99-64 § 9, 1999)

## **F. Temporary Ferry Commuter Parking**

Temporary ferry commuter parking spaces may be developed as surface parking in the Winslow Mixed Use Central Core, Gateway, or Ferry Terminal Overlay districts under the following conditions:

1. An application has been submitted to redevelop a property on which existing ferry commuter parking is located, as shown on Figure 6.2 of the Winslow Master Plan, and this redevelopment will require the temporary displacement of existing ferry commuter parking spaces.
2. 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 Title 2.
3. The property owner shall comply with the requirements of BIMC 18.15.020.E.2.C.
4. Notwithstanding the provisions of BIMC Title 2 concerning Conditional Use Permits, 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.
5. Notwithstanding the provisions of BIMC Title 2 concerning Conditional Use Permits, 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: (i) a request for an extension is received by the department no later than 30 days prior to the expiration of the permit; (ii) termination of the permit would result in an unreasonable hardship to the applicant; (iii) an extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property; and (iv) the temporary ferry commuter parking shall be removed within 10 days after the permit expires. (Ord. 2000-10 § 3, 2000)

## **G. Commercial Parking or Commercial Parking Businesses, Other than Ferry Commuter Parking and Non-commuter 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 BIMC 5.10.

### **1. 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 shall be treated as “Special Cases” under Table 18.15.020-2 and are permitted in the core, gateway, and ferry terminal districts, providing:

- a. Parking lots shall be sited on parcels within 200 feet of Winslow Way or lower Madison (south of Wyatt).
- b. Parking lots shall not be sited adjacent to a parcel containing a parking lot or structure in which parking is the primary use.
- c. Parking lots shall not exceed 30 spaces.
- d. As a condition of development application approval, the property owner shall include a plan for designating parking for only non-commuter use and shall demonstrate how restriction of spaces for non-commuter parking will be enforced. Failure to enforce shall subject the owner to the provisions of BIMC 1.26.

### **2. 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 as a “Special Case” in Table 18.15.020-2 shall require a Conditional Use Permit in the core district west of SR 305, providing:

- a. Structures shall not be sited adjacent to a parcel containing a parking lot or structure in which parking is the primary use.
- b. As a condition of development application approval, the property owner shall include a plan for designating parking for only non-commuter use and shall demonstrate how restriction of spaces for non-commuter parking will be enforced. Failure to enforce shall subject the owner to the provisions of BIMC 1.26.
- c. 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 that 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.
- d. 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.

## **H. Additional Provisions for the B/I Districts**

The following additional parking and loading provisions shall apply in the B/I districts.

1. On-street parking or staging of trucks on public streets is prohibited.
2. The primary vehicular access for business/industrial 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 development 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.
8. Where a residential unit for security is constructed in the B/I zone district one parking space shall be provided.

## **I. Temporary Contractor Parking**

Temporary contractor parking lots are permitted in the Mixed Use Town Center and High School Road districts under the following conditions:

1. A land use application 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 working parking.
2. Site Plan and Design Review pursuant to BIMC 2.16.040 shall be required prior to issuance of clearing and/or grading permits related to the temporary contractor parking lot.
3. All parking must be designated as reserved, and not available to the general public.
4. 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.
5. 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.
6. A temporary contractor parking lot shall meet the requirements of BIMC 15.20 (Surface and Stormwater Management); BIMC 18.15.020.D.5 (Setbacks); and BIMC 18.15.010.F.
7. Except as specified below, all temporary contractor parking lot shall be designed to retain all significant trees, as defined in BIMC 18.36, except when removal of hazardous trees is permitted pursuant to BIMC 15.08.040. This significant tree retention provision applies to all temporary contractor parking lots, including those proposed for properties in the 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 provisions a, b, and c, below have been satisfied.
  - a. Alternative layouts are not possible because the tree locations preclude meeting required driving aisle and parking stall dimensions; and
  - b. The lack of nearby, on-street parking prevents reduction of proposed parking spaces; and
  - c. Site characteristics related to access points, topography, and critical areas preclude alternative layouts that would allow retention of the trees

- d. Removal of hazardous trees, as provided in BIMC 15.08.040, shall not be precluded by these significant tree retention provisions.
- 8. 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 six months of the application's stated term of the parking lot or upon discontinuance of the parking use, whichever occurs first.
- 9. 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.

## J. Design Standards

### 1. Parking Space and Aisle Dimensions

Except as provided in subsection J.6, 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.

- a. Parking lots shall have direct access to a street or road easement and shall provide unobstructed access driveways exclusive of the required parking areas.
- b. Multifamily and nonresidential developments shall use access standards as shown in Table 18.15.020-3 below.
- c. Where possible, single-family residences shall share access drives.
- d. Access drive widths for single-family residences shall be determined by the city engineer or fire marshal.
- e. 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 obstruct car door opening or the exitway of persons from a parked vehicle.

<b>A Parking Angle</b>	<b>B Stall Width (ft.)</b>	<b>C [2] Stall Depth (ft.)</b>	<b>D Aisle Width (paved surface ft.)</b>	<b>Direction of Travel</b>
45°	7.5	16'	11'	1-way
	8.5	19'	13'	1-way
	7.5'	16'	18'	2-way
	8.5'	19'	20'	2-way
60°	7.5	16'	14'	1-way
	8.5	20.5'	14.5	1-way
	7.5'	16'	20'	2-way
	8.5	20.5''	20'	2-way
75°	7.5	16'	17.5	1-way
	8.5	21'	18.5'	1-way

<b>Table 18.15.020-3: Parking Space and Lot Design and Dimensions [1]</b>				
<b>A Parking Angle</b>	<b>B Stall Width (ft.)</b>	<b>C [2] Stall Depth (ft.)</b>	<b>D Aisle Width (paved surface ft.)</b>	<b>Direction of Travel</b>
	7.5	16'	20'	2-way
	8.5	21'	20'	2-way
90°	7.5	16'	20'	2-way
	8.5	20'	24'	2-way
<p>[1] The first line of each category (e.g., 45°, 1-way travel) indicates the dimensions for compact cars.                      [2] 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.</p>				

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

**2. Grades**

Where parking spaces are designated, grades shall not exceed six percent. Driveways and driving lanes between separate groups of parking shall not exceed 14 percent. Parking areas on sloping lots shall be laid out so that parked cars lie perpendicular to the slope. Where existing grades on property proposed for a parking lot exceed 10 percent, the city may require a topographic survey to show existing and proposed grades. (Ord. 92-08 § 2, 1992)

**3. Landscaping**

- a. Parking lots shall be landscaped in accordance with BIMC 18.15.010.F. (Ord. 96-09 § 3, 1996; Ord. 92-08 § 2, 1992)
- b. Permeable paving materials are permitted and encouraged in both accessory and primary parking lots. The following permeable paving materials have been found to perform well in the Puget Sound Climate when properly designed: porous concrete, porous asphalt, plastic grid systems, and interlocking pavers.

## **18.15.030 MOBILITY AND ACCESS**

The intent of this section is to improve mobility and access for pedestrians, bicyclists, and transit users in Bainbridge Island. All development shall comply with the development standards of Chapter 58.17.110(1) RCW and all long, short, and large lot subdivisions shall comply with the road and pedestrian access standards in BIMC 17.12.040.E.

### **A. Circulation and Walkways**

The following standards shall apply to multifamily and nonresidential development.

1. Parking lots and driveways shall provide well-defined, safe and efficient circulation for motor vehicles, bicycles and pedestrians.
2. Landscaped islands with raised curbs shall be used to define entrances from public rights-of-way, define pedestrian walkways from the public rights-of-way to all buildings, define ends of parking aisles and indicate the pattern of circulation.
3. Pedestrian walkways shall be provided around buildings to the extent necessary to assure safe access to the building from parking areas and the public right-of-way. Where appropriate, as determined by the approving body, pedestrian walkways may be required to assure safe access to adjacent properties.
4. Internal walkways shall be surfaced with nonskid hard surfaces, meet accessibility requirements and be designed to provide a minimum of five feet of unobstructed width. Where walkways cross vehicular driving lanes, the walkways shall be constructed of contrasting materials or with maintained painted markings. Walkways shall be curbed and raised six inches above adjacent vehicular surface grade, except where the walkway crosses vehicular driving lanes or are required to meet accessibility standards. (Ord. 92-08 § 2, 1992)
5. To provide connectivity between adjacent trails/walkways, pedestrian walkways may be required.

### **B. Bicycle Facilities**

The following requirements apply to multifamily and nonresidential developments.

1. Except as provided in subsection 2 of this section, all parking facilities, except those serving single-family residences (including any use accessory thereto), shall contain bicycle parking facilities that allow secure locking of both the frame and wheels of a bicycle. One bicycle space shall be provided for every five parking spaces with a minimum of four spaces provided for each parking lot.
2. An applicant may request, and the director may approve, a reduction or waiver of the requirements of subsection 1 of this section, based on the following considerations: (a) the population to be served by the proposed use and the likelihood of demand for the bicycle facilities by that population, (b) the provision of alternative on-site area available for bicycle storage or security, (c) the operational characteristics of a proposed use and their effect on the likelihood or suitability of bicycle use. (Ord. 2005-13 § 6, 2005: Ord. 92-08 § 2, 1992)
3. In the Central Core, Gateway, and Ferry Terminal Districts, up to 40 percent of the required bicycle parking spaces may be met off-site if the spaces are within 300 feet walking distance of the edge of the development parcel.

### **C. Transit Accommodation**

In the B/I, Mixed Use Town Center, NSC, High School Road, and residential zone districts, a proposed site plan shall accommodate bus stops along public rights-of-way in locations identified by relevant

Transit authorities. Any condition imposed shall be based on an individualized determination of the nature and extent of anticipated impacts of the proposed development.

## **18.15.040 OUTDOOR LIGHTING**

### **A. Purpose**

The purpose of this chapter is to provide regulations that preserve and enhance the view of the dark sky; promote health, safety, security, and productivity; and help protect natural resources. The provisions of this chapter are intended to control glare and light trespass. It is the intent of this chapter to provide standards for appropriate lighting practices and systems that will enable people to see essential detail in order that they may undertake their activities at night, facilitate safety and security of persons and property, and curtail the degradation of the nighttime visual environment. (Ord. 2002-15 § 1, 2002)

### **B. Applicability**

1. All outdoor lighting fixtures installed on private and public property shall comply with this chapter. This chapter does not apply to interior lighting; provided, that if it is determined by the director that any interior lighting emitting light outside of the building or structure in which it is located creates a light trespass, the interior lighting shall be subject to the requirements of this chapter.
2. In the event of a conflict between the requirements of this chapter and any other requirement of the Bainbridge Island Municipal Code the more specific requirement shall apply. (Ord. 2002-15 § 1, 2002)

### **C. Exemptions**

The following are exempt from the provisions of BIMC 18.15.040.

1. Traffic control signals and devices;
2. Street lights installed prior to August 15, 2002; provided, that when a street light fixture becomes inoperable, any replacement street light fixture shall be subject to the provisions of BIMC 18.15.040;
3. Temporary emergency lighting (i.e., fire, police, repair workers) or warning lights;
4. Moving vehicle lights;
5. Navigation lights (i.e., radio/television towers, docks, piers, buoys) or any other lights where state or federal statute or other provision of the Bainbridge Island Municipal Code requires lighting that cannot comply with this chapter. In such situations, lighting shall be shielded to the maximum extent possible, and lumens shall be minimized to the maximum extent possible, while still complying with state or federal statute;
6. Seasonal decorations do not have to be shielded; provided, that they do not have a brightness of more than 0.1 foot-candles at the property line on which they are installed;
7. Outdoor lighting approved by the director for temporary or periodic events (e.g., fairs, nighttime construction); and
8. Internally illuminated signs permitted under by BIMC 15.08.

### **D. General standards**

The following general standards shall apply to all nonexempt outdoor lighting fixtures and accent lighting:

1. All outdoor lighting fixtures and accent lighting shall be designed, installed, located and maintained such that there is no light trespass (see Figure 2 in BIMC 18.15.040.F).
2. Outdoor lighting fixtures and accent lighting must be shielded and aimed downward. Examples of acceptable and unacceptable light pollution control shielding are shown in Figures 1 through 3 in BIMC 18.15.040.F). The shield must mask the direct horizontal surface of the light source. The light must be aimed to insure that the illumination is only pointing downward onto the ground surface, with no escaping direct light permitted to contribute to light pollution by shining upward into the sky.
3. Outdoor lighting fixtures and accent lighting shall not directly illuminate public waterways such as Puget Sound, even if the tidelands are privately owned, unless it is a navigational light subject to state or federal regulations or otherwise regulated by Chapter 16.12.
4. Accent lighting shall be directed downward onto the illuminated object or area and not toward the sky or onto adjacent properties (see Figure 3 in BIMC 18.15.040.F). Direct light emissions of such accent lighting shall not be visible above the roof line or beyond the building, structure, or object edge.
5. Spotlighting on landscaping and foliage shall be limited to 150 watts incandescent (2,220 lumens output) and comply with other standards in this chapter. (Ord. 2002-15 § 1, 2002)

## **E. Prohibited**

1. The following fixtures (luminaires) are prohibited: (a) searchlights for any other purpose other than temporary emergency lighting, (b) laser lights or any similar high-intensity light for outdoor use or entertainment, (c) quartz lamps; and (d) mercury vapor lamps.
2. The city reserves the right to further restrict outdoor lighting including, but not limited to, pole height, and level of illumination, when it is deemed to be in the best public interest consistent with the purpose of BIMC 18.15.040. (Ord. 2002-15 § 1, 2002)

## **F. Figures of acceptable shielding and direction of outdoor light fixtures**

The following figures illustrate acceptable and unacceptable outdoor lighting fixtures in the city:

Figure 1: Freestanding Outdoor Lighting Fixtures

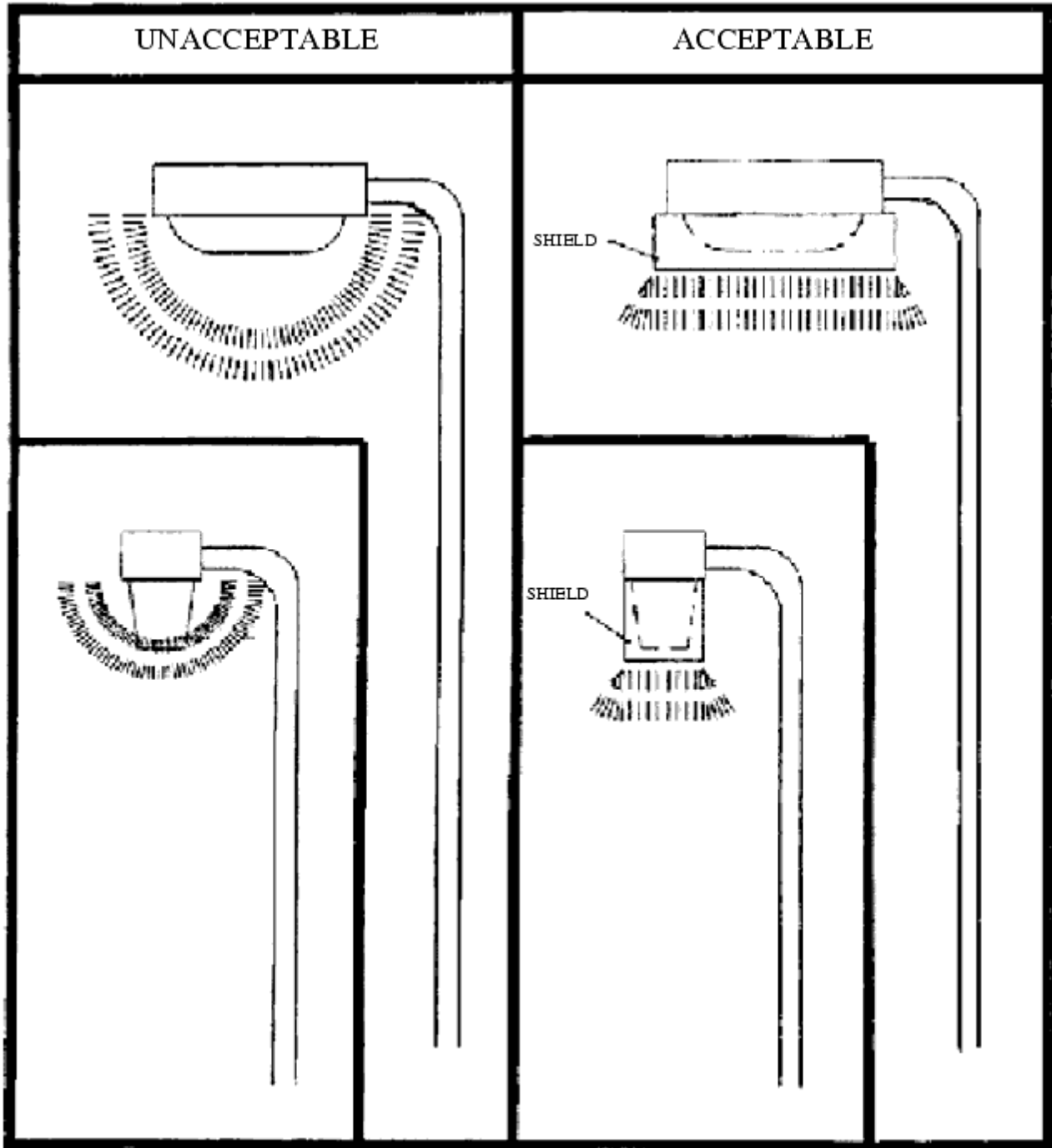


Figure 2: Outdoor Lighting Fixtures – Street & Lot Light Cut-Off at Property Line

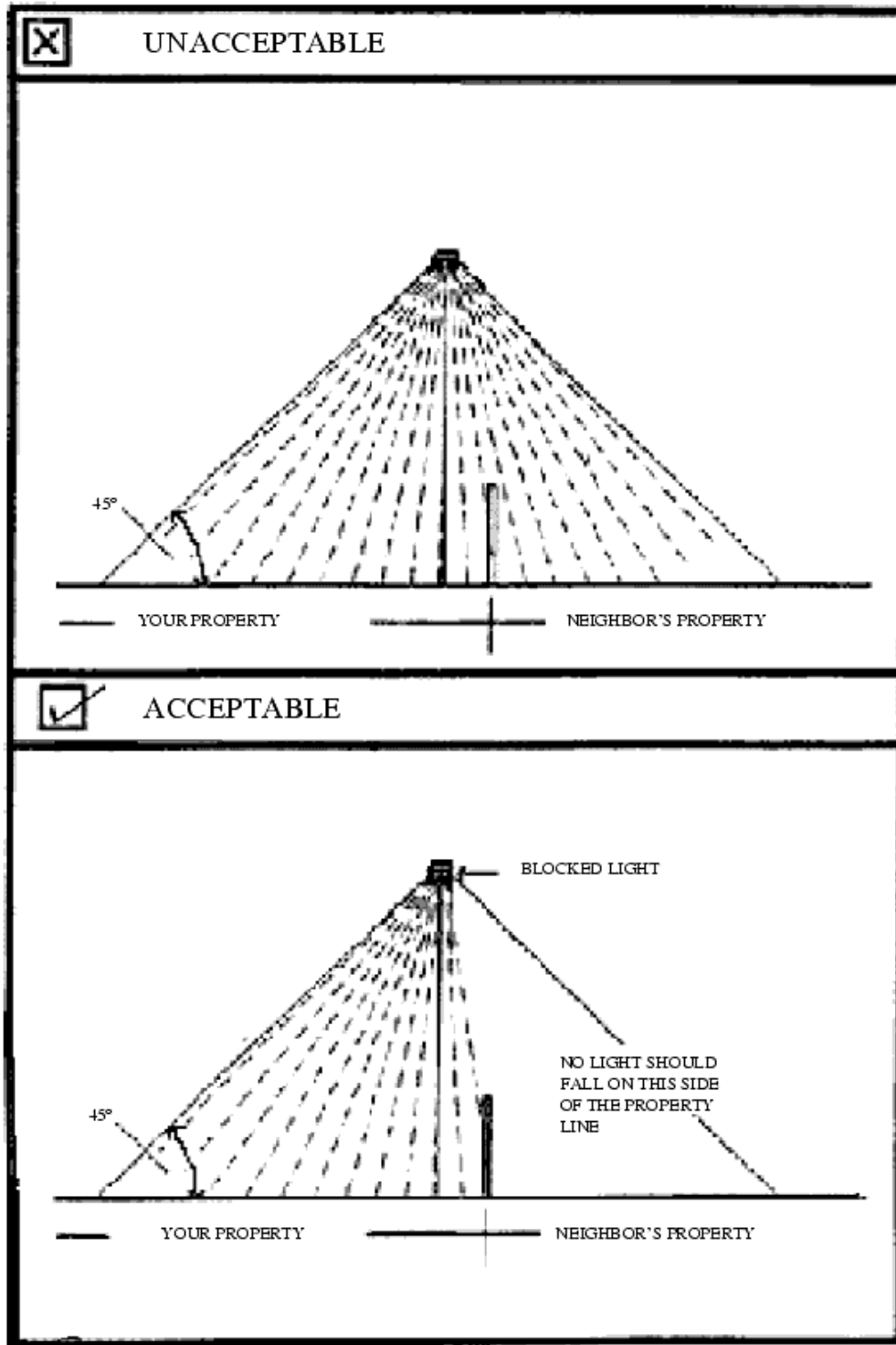
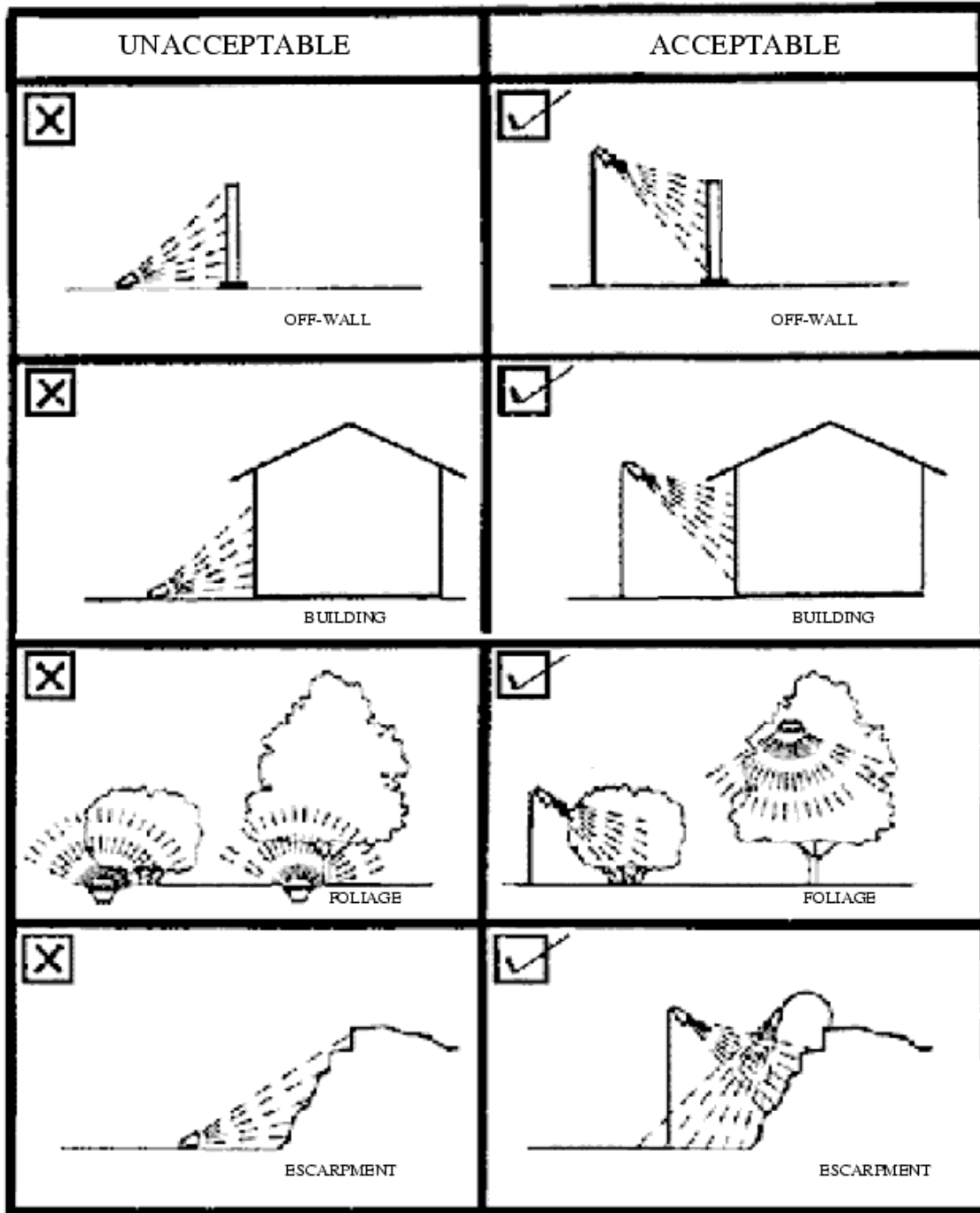


Figure 3: Accent Lighting



(Ord. 2002-15 § 1, 2002)

### **18.15.050 SIGNS**

All development shall comply with those sign regulations contained in BIMC 15.08. In addition, BIMC 16.20.130.C.13 contains additional signage regulations for Critical Area--Fish and Wildlife Conservation Areas, and BIMC 16.20.160.D.9 contains additional signage regulations for Critical Area – Wetlands.

## **18.18 DESIGN STANDARDS AND GUIDELINES**

### **18.18.010 APPLICABILITY**

All development, exterior renovation and redevelopment shall comply with the following regulations and guidelines, as applicable. In some cases, design standards in this section 18.18 may be waived or modified through the housing design demonstration program in BIMC 2.16.020.Q.

### **18.18.020 ENCOURAGING SUSTAINABILITY**

The site designs of all developments and re-developments are encouraged to accommodate solar panels, small wind energy generators, and raingarden/swales where practical.

### **18.18.030 SPECIFIC DESIGN REGULATIONS AND GUIDELINES**

All development shall comply with the design regulations and guidelines applicable to that type of development as set forth in this subsection 18.18.030 and the reference documents, which are adopted as part of this Title 18 by reference. In the event of a conflict between two or more design standards or regulations, the more specific shall apply.

#### **A. Detached Single-Family Residential Developed Using the R-8SF Urban Single-Family Overlay District**

Detached single-family residential developed in accordance with the R-8SF Urban Single-Family Overlay District Transfer of Development Rights program shall comply with those regulations contained in “Design Guidelines for R-8SF Urban Single-Family Overlay District” [[Link to PDF file](#)] if they want to develop at overlay zone densities. (Ord. 2004-02 § 1, 2004; Ord. 2001-44 § 6, 2001)

#### **B. Multifamily Residential**

Multifamily development in the R-8 and R-14 zones shall comply with those regulations contained in “Design Guidelines for Multifamily” [[Link to PDF file.](#)] (Ord. 99-18 § 2, 1999); provided, that applications submitted prior to December 8, 1999, shall not be subject to the requirements of this section.

#### **C. Commercial and Mixed Use -- General**

Development, redevelopment, and exterior renovation in commercial and mixed use projects in all zoning districts except the B/I district shall comply with the general guidelines in “Guidelines for Commercial and Mixed Use Projects – Including Guidelines for Lynwood Center, Island Center, and Rolling Bay,” as well as any specific guidelines applicable to that type of development in the subsections below.

#### **D. Non-Residential Uses in Residential Zones**

Educational, cultural, governmental, religious or health care facilities in residential zones shall comply with the general guidelines in “Design Guidelines for Commercial and Mixed Use Projects”. (Ord. 2003-03 § 4, 2003; Ord. 2001-44 § 5, 2001; Ord. 99-65 § 1, 1999; Ord. 99-18 § 1, 1999; Ord. 97-08 § 1, 1997; Ord. 96-08 § 10, 1996)

### **E. Mixed Use Town Center and High School Road Districts**

Development, redevelopment, or exterior renovation in the Mixed Use Town Center Overlay districts and the High School Road districts shall comply with regulations contained in “Design Guidelines for Mixed Use Town Center and High School Road Zoning District”.

### **F. Lynwood Center NSC Design Guidelines**

Development, redevelopment, and exterior renovation in Lynwood Center NSC zone district shall comply with those regulations contained in Lynwood Center NSC specific portion of “Guidelines for Commercial and Mixed use Projects – Including Guidelines for Lynwood Center, Island Center, and Rolling Bay” [\[Link to PDF file.\]](#) (Ord. 2003-53 § 4, 2004).

### **G. Island Center NSC Design Guidelines**

Development, redevelopment, and exterior renovation in Island Center NSC zone district shall comply with those regulations contained in Island Center NSC specific portion of “Guidelines for Commercial and Mixed use Projects – Including Guidelines for Lynwood Center, Island Center, and Rolling Bay” [\[Link to PDF file.\]](#) (Ord. 2003-53 § 5, 2004).

### **H. Rolling Bay NSC Design Guidelines**

Development, redevelopment, and exterior renovation in Rolling Bay NSC zone district shall comply with those regulations contained in Rolling Bay NSC specific portion of “Guidelines for Commercial and Mixed use Projects – Including Guidelines for Lynwood Center, Island Center, and Rolling Bay” [\[Link to PDF file.\]](#) (Ord. 2003-53 § 6, 2004).

### **I. Business/Industrial District Design Guidelines**

1. Development, redevelopment, and exterior renovation of facilities in the B/I zone district shall comply with those regulations contained in “Design Guidelines for Light Manufacturing” [\[Link to PDF file.\]](#) (Ord. 99-65 § 2, 1999).
2. In addition, development, redevelopment, and exterior renovation of facilities in the B/I district shall be subject to the following requirements governing its 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.

### **J. Fort Ward Design Guidelines**

Development, redevelopment, or exterior renovation in the Fort Ward Historic Overlay district shall comply with regulations contained in “Fort Ward Design Guidelines” [\[Link to PDF file.\]](#) (Ord. 2004-02 § 1, 2004; Ord. 97-08 § 2, 1997).

## **18.21 AFFORDABLE HOUSING**

This section sets forth optional provisions for density bonuses in return for the construction of new affordable housing units. Residential density bonus proposals will be reviewed concurrently with the primary land use application. A preapplication conference will be required for any land use application that includes a proposal for the affordable housing density bonus. (Ord. 2005-08 § 6, 2005: Ord. 2001-03 § 5, 2001: Ord. 97-15 § 4, 1997.)

### **18.21.010 PURPOSE**

The purpose of this chapter is to implement the policies contained in the housing element of the comprehensive plan by providing an optional program for the construction of affordable housing in new single-family and multifamily residential developments. The Growth Management Act (GMA) requires the city to make adequate provisions for existing and projected housing needs of all economic segments of the community as determined by the housing needs assessment, contained in the housing element. The housing element reflects the city's goal of dispersing affordable housing throughout all geographic and economic segments of the community, and providing a mixture of housing types to discourage the development of economic enclaves. The city recognizes that the marketplace is the primary supplier of adequate housing for those in the upper economic groups, but that some combination of appropriately zoned land, regulatory incentives and innovative planning techniques will be necessary to make adequate provisions for the needs of households whose incomes are at or below middle income (as those terms are defined in BIMC 18.36. (Ord. 2005-08 § 3, 2005: Ord. 2001-03 § 1, 2001: Ord. 97-15 § 4, 1997)

### **18.21.020 GENERAL PROVISIONS FOR OPTIONAL AFFORDABLE HOUSING**

#### **A. Siting of Affordable Dwelling Units or Residential Building Lots**

The affordable units constructed under the provisions of this chapter shall be included within the parcel of land for which the density bonus is granted. Segregation of affordable housing units within the development from market rate housing units shall be avoided whenever practical.

The department of planning and community development shall calculate and publish annually the maximum purchase prices and maximum rents applicable to each of the following income groups:

- A. Extremely low < 30% of median income household income
- B. Very low income 31% – 50% of median household income
- C. Low income 51% – 80% of median household income
- D. Moderate income 81% – 95% of median household income
- E. Middle income 96% – 120% of median household income

#### **B. Duration of Affordability**

1. Rental Units. Affordable rental housing units created as a result of the provisions of this chapter shall remain affordable for a period of 30 years from the time of first occupancy and shall be secured by recorded agreement and covenant running with the land, binding all the assigns, heirs and successors of the applicant.
2. Home Ownership Units. All affordable homeownership units created as a result of the provisions of this chapter shall be initially sold to income-qualified households and thereafter subject to a mechanism that is specified in an appropriate administrative procedure adopted by resolution by

city council allowing the city to capture a share of the appreciation when the unit is sold at market rate. The city's share of the proceeds shall be placed in its housing trust fund.

3. A unit that is owned or sponsored by a public or private nonprofit agency that already restricts benefit and resale is exempt from the provisions of subsections B.1 and B.2 above.

### **C. Required Documentation**

Prior to the final approval of any land use application to which BIMC 18.21.030 is applicable, the owner of the affected parcels shall deliver to the city a duly executed covenant running with the land, in a form approved by the city attorney, identifying the units or parcels and acknowledging their obligation under this section. The applicant shall be responsible for the cost and recording of the covenant.

### **D. Construction of Affordable Units**

When dwelling units subject to this chapter will be constructed in phases, or over a period of more than 12 months, a proportional amount of affordable housing units must be completed at or prior to completion of the related market rate dwellings, or as approved by the director.

### **E. Phased Development**

If a project is to be phased, the proportion of affordable units or residential building lots to be completed with each phase shall be determined as part of the phasing plan approved by the director.

### **F. Unimproved Lots to Be Sold**

In subdivisions where the applicant intends to sell the individual unimproved lots, it is the responsibility of the applicant to arrange for the affordable units to be built.

### **G. Attached Housing**

In single-family developments where there are two or more affordable units, side yard setbacks may be waived to allow for attached housing units for affordable units only. The placement and exterior design of the attached units must be such that the units together resemble as closely as possible a single-family dwelling.

### **H. Definition of Benefit**

Where the code limits benefits to households whose incomes are at or below a specified income, the purpose is to include all categories of income, as defined in BIMC 18.36, below the category specified. For example, if the benefit limit is, "to those households whose incomes are at or below low-income," households who are extremely low-income, very-low income and low-income may benefit. (Ord. 2005-08 § 4, 2005: Ord. 2001-03 § 2, 2001: Ord. 97-15 § 4, 1997)

## **18.21.030 OPTIONAL RESIDENTIAL DENSITY BONUS FOR AFFORDABLE HOUSING**

### **A. Applicability**

This section applies to all land use applications, except the following: (1) the construction of one single-family dwelling on one lot that can accommodate only one dwelling based upon the underlying zoning designation, (2) the Mixed Use Town Center and the High School Road districts (provisions for these zones are contained in BIMC 18.12.030.E (3) neighborhood service centers (NSCs) (provisions for this zone are contained in BIMC 18.12.030.D, and (4) the critical areas overlay districts identified in the comprehensive plan, which are not eligible for density bonuses.

## B. Rental Affordable Housing

Density for land subject to the provisions of this section may be increased by up to 50 percent above the underlying base density when each of the additional units is provided for households whose incomes are at or below low-income.

## C. For-Purchase Affordable Housing

Density for land subject to the provisions of this section may be increased above the base density by the following amounts:

1. Up to a maximum of 50 percent above the underlying base density when each of the additional units or residential building lots is provided for households whose incomes are at or below low-income.
2. Up to a maximum of 40 percent above the underlying base density when each of the additional units or residential building lots is provided for households whose incomes are at or below moderate-income.
3. Up to a maximum of 20 percent above the underlying base density when the first 10 percent of the housing units are affordable to households with incomes at or below moderate-income. The remaining 10 percent may be affordable to households whose incomes are at or below middle-income.

## D. Summary Table

The provisions of subsections B and C are summarized in Table 18.21.

Table 18.21: Affordable Housing Density Bonus Provision Summary	
Affordable Housing – Optional For Purchase	For Rent
Up to 50% density bonus if each of the bonus units are affordable to households whose incomes are at or below low-income. Up to a 40% density bonus if each of the bonus units are affordable to households whose incomes are at or below moderate-income.  Up to a maximum of 20% above the underlying base density when the first 10% of the housing units are affordable to households with incomes at or below moderate-income. The remaining 10% may be affordable to households whose incomes are at or below middle-income.	Up to 50% density bonus when each of the bonus units are affordable to households with incomes at or below low-income.

(Ord. 2005-08 § 6, 2005: Ord. 2001-03 § 3, 2001: Ord. 97-15 § 4, 1997. Formerly 18.90.040)

## **18.24 HISTORIC PRESERVATION PROGRAM**

### **18.24.010 PURPOSE AND RELATIONSHIP TO ZONING AND BUILDING CODES**

#### **A. 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:

1. Safeguard the heritage represented by those buildings, objects, sites and structures that reflect significant elements of the city's history;
2. Foster civic and neighborhood pride in the beauty and accomplishments of the past;
3. Stabilize or improve the aesthetic and economic vitality and values of such buildings, objects, sites and structures;
4. Assist, encourage and provide incentives to private owners for the preservation, restoration, redevelopment and use of historic buildings, objects, sites and structures;
5. Promote and facilitate the early identification and resolution of conflicts between preservation of historic resources and alternative land uses; and
6. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment. (Ord. 2003-37 § 1, 2004)

This section also sets forth the provisions of the Fort Ward Historic Overlay District.

#### **B. Relationship to Zoning and Building Codes**

Nothing contained in this BIMC 18.24 shall be construed to repeal, modify or waive any zoning, land use or building codes, laws, ordinances or regulations that are otherwise applicable to property listed on the local register. (Ord. 2003-37 § 1, 2004)

### **18.24.020 HISTORIC PRESERVATION COMMISSION**

#### **A. Creation**

The Bainbridge Island Historic Preservation Commission is hereby established, to operate and act in accordance with the provisions of this section 18.24.

#### **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 in this BIMC 18.24 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 State Historic Preservation Office (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 18.24.030;
3. Review nominations to the local register and designate properties for listing on the register, in accordance with BIMC 18.24.030;
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 18.24.040;
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:
  - a. Participation in or promotion of public educational programs;
  - b. Fostering historic preservation through recognition of excellence in restoration of historic buildings, structures or sites;
  - c. 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
  - d. 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 18.24.060.

## **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 subsection 18.24.030.D and BIMC 18.24.040 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.

## **18.24.030 REGISTER OF HISTORIC PLACES**

### **A. Criteria for Designating Properties for Listing on the Local 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 that is significant primarily for architectural value, or that 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 that 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 that 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 Local 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 written 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 commenters, 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 Local 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)

## **18.24.040 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 45 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 60 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)
  - a. If a property is added to the Historic Register a notice of that status shall be added on the property title records.
  - b. Removal from Historic Register. If a property is removed from the Historic Register a notice of that change in status shall be added to the title records.

## **18.24.050 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)

## **18.24.060 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 that 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 that have been substantially rehabilitated at a cost and within a time period that 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 that 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 that 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 that adversely affects those elements that 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**

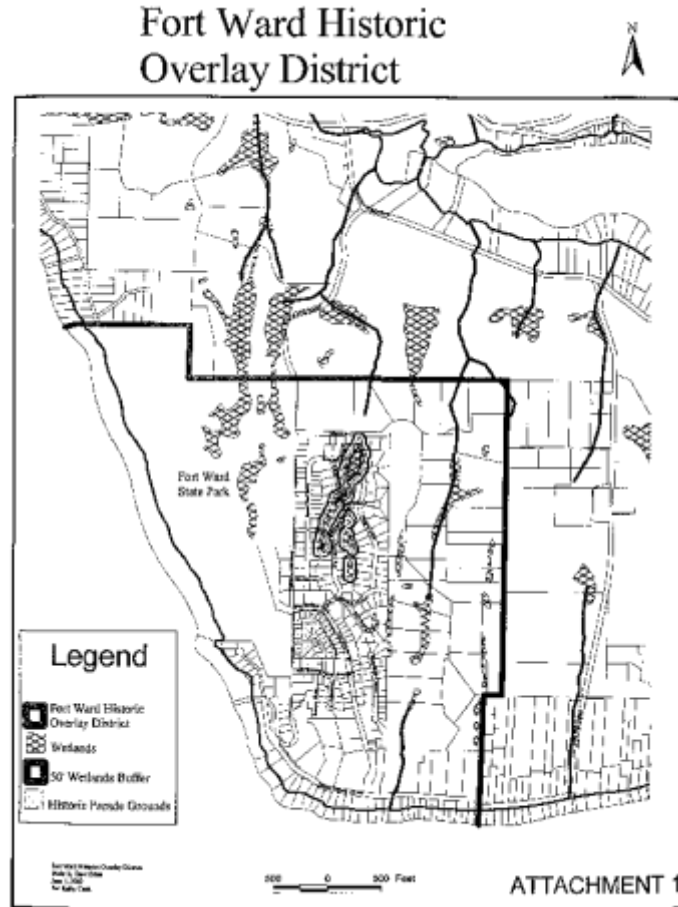
A decision of the Commission on an application for classification as historic property eligible for special valuation may be appealed to the Kitsap County superior court under RCW 34.04.510 through 34.05.598 in addition to any other legal remedy. Any decision of the Commission on the disqualification 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)

## **18.24.070 FORT WARD HISTORIC OVERLAY DISTRICT**

The following regulations apply to the Fort Ward Historic Overlay District and supplement those general standards contained in subsections 18.24.010 through .060 above. In the case of conflict between the provisions of this subsection 18.24.070 and the provisions of previous subsections of this BIMC 18.24, the provisions of this BIMC 18.24.070 shall apply. Any applications for development within the Fort Ward Historic Overlay district not subject to the provisions of this subsection 18.24.070 shall comply with the regulations for the underlying zone (R-2). (Ord. 2000-19 § 4, 2000)

### **A. Establishment of Boundaries**

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



## B. Increases in Density

### 1. Availability

Residential density bonuses may be available for providing affordable housing pursuant to BIMC 18.21.

### 2. Building 16

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

- a. The exterior of the building is rehabilitated and maintained in accordance with the standards established in BIMC 18.24.070.E
- b. The proposed work is reviewed by the Historic Preservation Commission, and a certificate of review is issued, in accordance with BIMC 18.23.070.F.
- c. A minimum of five feet of partial screen perimeter landscaping shall be provided alongside and rear property lines. This requirement may be met by retaining existing vegetation on the property, or planting new vegetation. The perimeter landscaping requirement may be waived

as part of the final decision on the permit, upon written agreement from adjoining property owners.

- d. Surface parking is encouraged to be located behind the building. Any surface parking that is adjacent to residential uses shall be fully screened so as to prevent headlights from shining on the adjacent residential uses.
- e. Parking may be located along the south property line; provided, that it is enclosed within a structure.
- f. The applicant shall provide community meeting space of not less than 500 square feet. This community meeting space may be provided within Building 16, or, upon approval by the city, this requirement may be met by the applicant making a financial contribution equal to the cost of constructing a 500-square-foot meeting space and one unisex bathroom stall within Building 16. If the financial contribution option is used:
  - i. The applicant shall submit current cost estimates to the city building official for the construction of the meeting space, as described in subsection B.6.b of this section, meeting all code requirements and the same level of finishes and quality of construction as used elsewhere in the interior of the building;
  - ii. The payment shall be held in a reserve account and may only be expended in support of the construction of a community meeting space in the Fort Ward Historic Overlay district;
  - iii. The payment shall be expended in all cases within five years of collection; and
  - iv. Any payment not so expended shall be refunded with interest to the property owners of record at the time of the refund; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.
- g. The applicant complies with the requirements of BIMC 18.24.070.G prior to issuance of an occupancy permit.

### 3. Other Properties

Certain properties within the Fort Ward Historic Overlay District that contain a structure of historic interest, as identified on Attachment 2, shall be permitted to develop to the historic density as shown in Table 18.23.070-1 below; provided, that:

- a. The exterior of the building is rehabilitated and maintained in accordance with the standards established in BIMC 18.24.070.E.
- b. The proposed work is reviewed by the Historic Preservation Commission, and a certificate of review is issued, in accordance with BIMC 18.24.070.F.
- c. The applicant complies with the requirements of BIMC 18.24.070.G.

Table 18.24.070-1: Fort Ward Historic District Overlay District Additional Densities		
Building Number	Tax Parcel Number	Density
Building 13	11240230022005	Up to 3 units
Building 18	41470050010004	2 units
Building 19	41470050020102	2 units
Building 20	41470050030002	2 units
Building 21	41470050040001	2 units

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

## **C. Maintenance and Rehabilitation of Buildings of Historic Interest**

### **1. Buildings B and C**

Buildings B and C, (tax parcel number 8097000000007, a total of 10 units), as identified on Attachment 2, are buildings of historic interest that contribute to the character of the Fort Ward Historic Overlay District. Any project to alter, reconstruct, remodel, or restore the exterior of the subject buildings that requires permits from the city shall require review by the Fort Ward historic design review committee for compliance with the standards established in BIMC 18.24.070.E and issuance of a certificate of review in accordance with the procedures established in BIMC 18.24.070.F

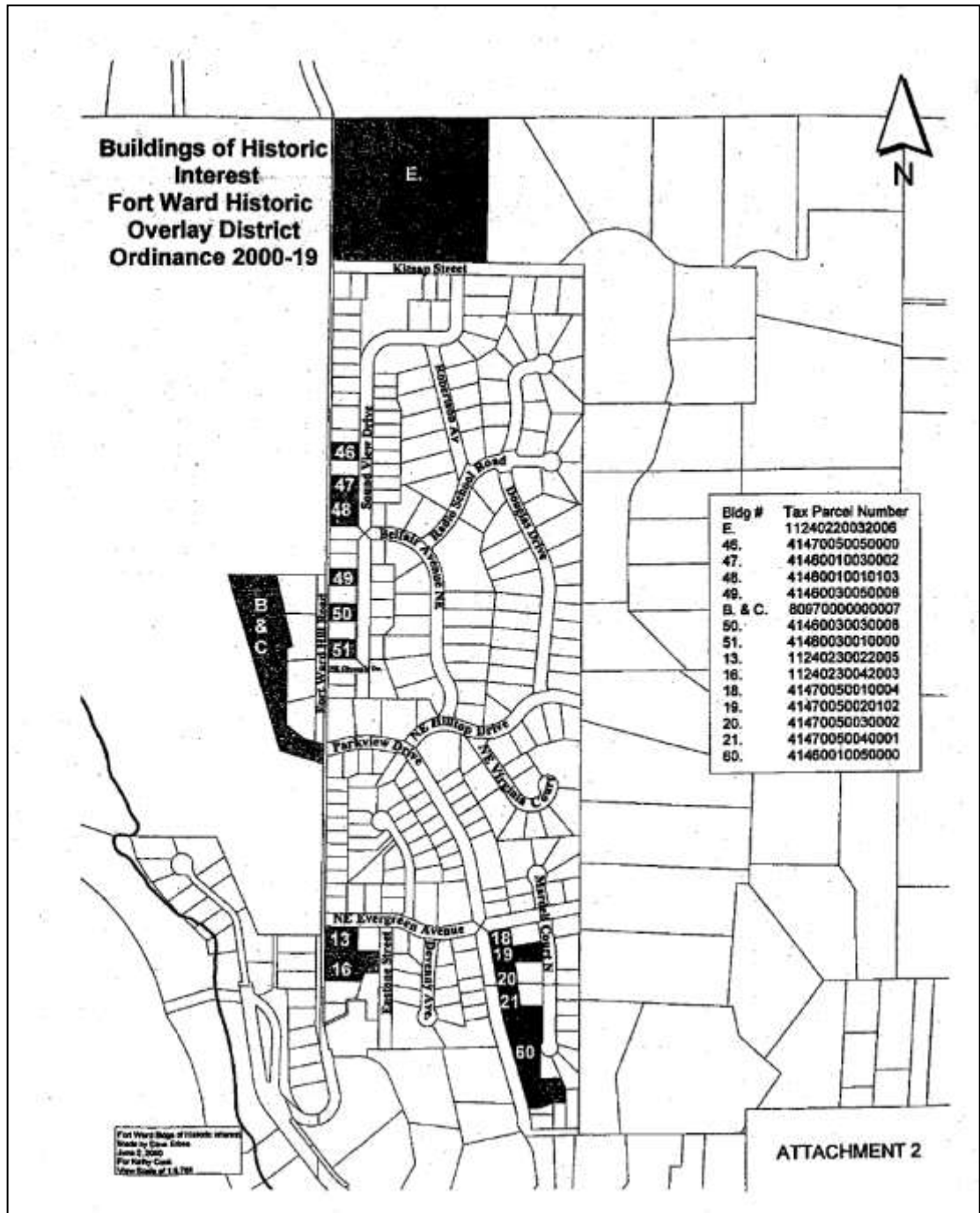
### **2. Other Buildings**

The buildings shown in Table 18.24.070-2, and identified on Attachment 2, are buildings of historic interest that contribute to the character of the Fort Ward historic overlay district. The rehabilitation and maintenance of these buildings is to be encouraged. Any owner who wishes to alter, reconstruct, remodel, or restore the exterior of the subject buildings in a manner that maintains its historic character may request the review services of the Historic Preservation Commission. The Commission shall be available to review the proposed changes, and to advise the applicant as to design elements, construction techniques and materials that would be compatible with the historic character of the specific building.

Table 18.24.070-2: Fort Ward Historic District Overlay District Other Buildings of Historic Interest			
Building Number	Tax Parcel Number	Building Number	Tax Parcel Number
Building E	11240220032006	Building 49	41460030050006
Building 46	41470050050000	Building 50	41460030030008
Building 47	41460010030002	Building 51	41460030010000
Building 48	41460010010103	Building 60	41460010050000

The

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



## **D. Standards for Maintenance or Rehabilitation of the Exteriors of Buildings of Historic Interest**

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its context.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Many properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated architectural features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of buildings, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alternations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
10. New additions and related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired. (Ord. 2000-19 § 4, 2000)

## **E. Application and Review by the Fort Ward Historic Review Committee**

### **1. Certificate of Review Required**

No applicant shall alter, reconstruct, remodel, or restore the exterior of the subject buildings pursuant to BIMC 18.24.070.C2 or C3 or BIMC 18.24.070.D.1, and no city permit or approval of such activity shall be issued without review by the Historic Preservation Commission and without issuance of a certificate of review by the Commission.

### **2. Preliminary Review**

Upon submittal of application for Site Plan and Design Review permit or building permit, the applicant shall schedule a preliminary review meeting with the Commission. A staff planner shall also attend the preliminary design review meeting. Prior to the review meeting, the applicant shall provide Commission members with “as is” photographs of the subject building and site; a site plan showing the location of the building or buildings; the proposed method of cleaning and treating

masonry and other surfaces; exterior elevations of the front and side with a description of the proposed type and finished color of exterior siding, proposed windows and roofing to be used; and proposed architectural features and trim. All diagrams shall be drawn to scale. The Commission may request additional information and/or a site visit as necessary for their review and recommendation. Any conditions agreed to in this meeting shall become conditions of approval of the permits granted.

### **3. Final Review**

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

### **4. Exemptions**

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

## **F. Notice on Title**

Prior to issuance of building permit, the owner of any property seeking an increase in density pursuant to BIMC 18.24.070.C shall record with the Kitsap County auditor a restrictive covenant in a form approved by the city. Such document shall provide notice in the public record of the requirement that any alteration, reconstruction, remodel, repair, or restoration of the exterior of the subject buildings must comply with the provisions of this chapter. The applicant shall submit proof to the city that the restrictive covenant has been filed. The covenant shall run with the land and failure to provide such notice to any purchaser prior to transferring any interest in the property shall be in violation of this chapter. (Ord. 2000-19 § 4, 2000)

## **G. Design Guidelines**

In addition to complying with all other applicable provisions of this subsection 18.24, permitted development, redevelopment, and exterior renovation in the Fort Ward shall comply with those regulations contained in The Fort Ward Design Guidelines [[Link to PDF file.](#)] (Ord. 2004-02 § 1, 2004; Ord. 97-08 § 2, 1997).

## **18.27 TRANSFER OF DEVELOPMENT RIGHTS**

### **18.27.010 PURPOSE**

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

### **18.27.020 DEVELOPMENT RIGHTS SENDING AREAS**

#### **A. Critical Areas Overlay District**

All properties within the Critical Areas Overlay District (CAOD) as designated on the land use map of the city comprehensive plan are established as development rights sending areas. A copy of the Critical Areas Overlay District is available from the department.

#### **B. Agricultural Land**

Any owner of agricultural land as defined by BIMC 16.26.020, whether located in or outside of the CAOD, may elect to have the agricultural land designated as a development rights sending area through the sale or transfer of the development rights of the property.

#### **C. Donation of Development Rights**

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

#### **D. Property Already Restricted from Development Not Eligible**

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

### **18.27.030 CALCULATION OF DEVELOPMENT RIGHTS**

#### **A. General**

Subject to the building setbacks and height limitations applicable to the R-0.4 zone district, as shown in Tables 18.12.020-1, and 18.12.020-2, an owner of real property in the development rights sending area is entitled to sell or transfer one development right for every unused development right associated with the property located within the development rights sending area.

#### **B. Optional Bonus for Owners of Agricultural Land**

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

### **C. Calculation**

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

## **18.27.040 RECEIVING AREAS FOR DEVELOPMENT RIGHTS**

### **A. Winslow Mixed Use Town Center and High School Road Districts**

Developments in the Mixed Use Town Center (MUTC) and the High School Road districts are eligible for increases in floor area ratio as provided for in BIMC 18.12.030.E.1.

### **B. NSC Districts**

The neighborhood service centers (NSC) are eligible for increased density through the purchase or transfer of development rights in accordance with BIMC 18.12.030.D.1 and D.3, as amended.

### **C. R-8 Districts**

The urban single-family overlay district (R-8SF) is eligible for increased density through the purchase or transfer of development rights for specified lots in the R-2.9, R-3.5, and R-4.3 zone districts. (Ord. 2001-44 § 4, 2001; Ord. 99-19 § 5, 1999; Ord. 96-07 § 2, 1996)

## **18.27.050 DETERMINATION OF DEVELOPMENT RIGHTS FROM A SENDING AREA**

- A. An owner of real property desiring to sell or transfer development rights shall submit an application for severance of development rights to the city manager. The city manager or designee shall determine the form of the application and the information required for a complete application. All, or a portion of, the development rights may be included in the application.
- B. The city manager or designee shall determine the number of development rights available for severance, subject to BIMC 18.27.030.C.
- C. The city shall issue a certificate documenting the number of available development rights. (Ord. 99-19 § 6, 1999; Ord. 96-07 § 2, 1996)

## **18.27.060 SEVERANCE OF DEVELOPMENT RIGHTS FROM A SENDING AREA**

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

- A. To sever development rights approved by the city, the property owner shall execute a restrictive easement between the owner and the city or a tax exempt organization or other governmental agency, in a form approved by the city.
- B. The certificate of development rights and the restrictive easement shall be recorded by the owner with the Kitsap County auditor. The owner shall provide a copy of the recorded documents to the city. When the documents have been recorded and the recorded documents have been received by the city, the severance is complete.
- C. The severance of development rights is permanent. (Ord. 99-19 § 7, 1999; Ord. 96-07 § 2, 1996)

### **18.27.070 SALE OR TRANSFER OF DEVELOPMENT RIGHTS**

Once development rights have been severed from a sending area property in accordance with BIMC 18.27.060, the property owner may sell or transfer the development rights by executing and recording with the Kitsap County auditor a deed of development rights using a deed form provided by the city. The deed shall describe the number of development rights being sold or transferred. (Ord. 99-19 § 8, 1999; Ord. 96-07 § 2, 1996)

### **18.27.080 USE OF DEVELOPMENT RIGHTS IN MIXED USE AND HIGH SCHOOL ROAD DISTRICTS**

- A. In order to use development rights to increase floor area ratio within the Mixed Use Town Center or High School Road districts as provided in BIMC 18.12.030.E, an applicant must fill out an application in a form approved by the city. The application shall include the amount of the requested increase in floor area ratio, and the fee, if any, of the increased floor area ratio. The fee for development rights to increase floor area ratio shall be established by resolution of the city council.
- B. The approved application to utilize development rights to increase floor area ratio within the receiving area must be part of a Site Plan and Design Review application under BIMC Title 2. The site plan must indicate the increase in floor area ratio (FAR).
- C. The use of development rights shall be reviewed for conformance with the design review provisions of BIMC 18.18.030. (Ord. 99-19 § 9, 1999; Ord. 96-07 § 2, 1996)

### **18.27.100 USE OF DEVELOPMENT RIGHTS WITHIN NSC DISTRICTS**

- A. A request to utilize development rights within the receiving area must be reviewed as part of a Site Plan and Design Review application under BIMC Title 2. The site plan must include the number of development rights to be used. The application must contain a copy of either a deed of development rights or a contract for the purchase of development rights.
- B. Prior to final approval of the site plan, the applicant must provide the department with a deed of development rights.
- C. The approval site plan, referencing the number of development rights used, and the deed of development rights shall be recorded by the owner with the Kitsap County auditor. (Ord. 99-19 § 10, 1999)

## **18.30 NONCONFORMING LOTS, USES, AND STRUCTURES**

These regulations address the treatment of lots, uses, and structures that predate some portions of Title 18 and do not conform with at least some provisions of Title 18. The following sections of BIMC also address nonconformities, and in the case of conflict between any two or more development standards or criteria, the more specific shall apply.

- A. BIMC 16.12.390 Shoreline Master Program – Nonconforming Development
- B. BIMC 16.20.040.D Critical Areas – Standards for Existing Development

### **18.30.010 APPLICABILITY**

This chapter shall apply to structures, uses and lots that become nonconforming as a result of the passage of this Title 18, or any subsequent amendments. (Ord. 92-08 § 2, 1992)

### **18.30.020 NONCONFORMING USE OF LAND**

A nonconforming use of land may be continued; provided, that:

- A. The use is not enlarged, increased, or extended to occupy a greater area of land or structure than was occupied on the date of adoption of this Code;
- B. The use is not moved in whole or in part to any other portion of the lot or parcel; and
- C. If the use ceases for a period of more than 180 days, the subsequent use of the land shall be conforming (this provision shall not apply to any dwelling unit constructed as an affordable housing unit under BIMC 18.21). (Ord. 92-08 § 2, 1992)

### **18.30.030 NONCONFORMING STRUCTURES & BUILDINGS**

A nonconforming structure may remain and be used; provided, that:

- A. Changes to the structure that would alter or increase the nonconformity are not permitted.
  - 1. Any vertical or horizontal extension of a nonconforming wall must meet the applicable standards.
  - 2. Adding to the footprint of a nonconforming structure is permitted as long as the addition meets the requirements of Title 18.
- B. If moved, the structure shall be made to conform to regulations of this Code;
- C. If a building is harmed or destroyed by more than 50 percent of its square footage, the building must be reconstructed in compliance with the requirements for the zone in which it is located (this provision shall not apply to any dwelling unit constructed as an affordable housing unit under BIMC 18.21); and
- D. Any structure other than a building that is damaged or removed to an extent that exceeds 50 percent of its square footage, may be replaced or reconstructed in substantially the same location and of substantially the same design as the pre-damaged or pre-removed structure, if a complete application is submitted for any and all required construction permits within 180 days of the damage or removal. (Ord. 2004-12 § 25, 2004; Ord. 92-08 § 2, 1992)

### **18.30.040 CONDITIONS OF CONTINUANCE OF NONCONFORMING USE OF STRUCTURE**

A nonconforming use of a structure may be continued; provided, that:

- A. The structure is not enlarged or moved;

- B. It may be changed to another nonconforming use by the hearing examiner;
- C. If it is superseded by a conforming use, the nonconforming use may not thereafter be resumed; and
- D. If it is discontinued for a period of six consecutive months or for a total of 18 months in any three-year period, it may not thereafter be resumed (this provision shall not apply to any dwelling unit constructed as an affordable housing unit under BIMC 18.21). (Ord. 92-08 § 2, 1992)

### **18.30.050 NONCONFORMING LOTS**

Any nonconforming single lot, tract or parcel of land that was lawfully created and recorded with the county auditor's office may be used for the purposes permitted by this title notwithstanding the minimum lot area, lot width and lot depth required. (Ord. 99-05 § 1, 1999; Ord. 98-10 § 1, 1998; Ord. 95-36 § 1, 1995; Ord. 95-19 § 1, 1995; Ord. 94-10 § 1, 1994; Ord. 92-08 § 2, 1992)

### **18.30.060 NONCONFORMING AGRICULTURAL USE OR STRUCTURE**

As of January 1, 2012, all existing structures and heavy use areas are considered conforming. Where a property with an allowed or approved conditional agricultural use is not in conformity with the requirements of BIMC Title 18, the city shall not require that the entire property and existing structures be brought into compliance with BIMC as a condition of approval to expand or change the property or its structures. Where an existing agricultural structure or area does not meet a required setback from a property line, the structure or area can be expanded on the side opposite that property line, but only if that expansion does not lengthen any wall of a structure or side of an area that is already nonconforming with the required setback. However, expansions or changes to the agricultural uses or structures will not be approved if they would create a new nonconformity or increase an existing nonconformity.

### **18.30.070 NONCONFORMING MANUFACTURED HOMES**

A manufactured home that was built before June 15, 1976, and was legally placed and maintained prior to the date of adoption of the ordinance codified in this chapter and does not meet the requirements of this chapter, shall be deemed to be a legal nonconforming building, i.e., nonconforming as to date of construction. (Ord. 95-07 § 27, 1995; Ord. 92-08 § 2, 1992)

## **18.33 VIOLATIONS, ENFORCEMENT, AND PENALTIES**

### **18.33.010 GENERAL**

#### **A. Site Investigations**

The director is authorized to make site inspections and take such actions as are necessary to enforce this title in accordance with BIMC Chapters 1.16 and 1.26.

#### **B. Violations -- General**

It is unlawful for any person to initiate or maintain, or cause to be initiated or maintained, the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city contrary to the provisions of this title.

#### **C. Violations -- Specific**

It is unlawful for any person to:

1. Initiate or maintain, or cause to be initiated or maintained, the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city without first obtaining permits or authorizations required by this title, or in a manner that violates the terms or conditions of such permits or authorizations;
2. Misrepresent any material fact in any application, plans or other information submitted to obtain permits or authorizations under this title; or
3. Remove or deface any sign, notice, complaint, or order required by or posted in accordance with this title.

#### **D. Stop Work Order**

The city shall have the authority to issue a stop work order to cease all development work, and order restoration, rehabilitation, or replacement measures, including applicable sureties, at the owner's or other responsible party's expense to compensate for the use, construction, placement, removal, alteration, or demolition of any structure, land, vegetation or property within the city contrary to the provisions of this title.

#### **E. Restoration Plan**

Any restoration plan shall be approved by the submitted by the owner or other responsible party for review by the director. Such a plan shall be prepared by a qualified professional using the best available science. The director may, at the violator's expense, seek expert advice, including an independent third party review, in determining the adequacy of the plan. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.

#### **F. Civil Infraction**

Except as provided in subsection G of this section, conduct made unlawful by the city under this chapter shall constitute a civil infraction and is subject to enforcement and fines as provided in BIMC 1.26.035. A civil infraction under this section shall be processed in the manner set forth in BIMC Chapter 1.26.

**G. Misdemeanor**

Any person who again violates this title within 12 months after having been found by the Bainbridge Island Municipal Court to be in violation of this Title, commits a misdemeanor and any person who is convicted of that violation shall be punished as provided in BIMC 1.24.010.A.

**H. Civil Penalty**

In addition to any civil infraction fine, criminal penalty, and/ or other available sanction or remedial procedure, any person engaging in conduct made unlawful by this title shall be subject to a cumulative civil penalty in the amount of \$1,000 per day for each violation from the date set for compliance until the date of compliance. Any such civil penalty shall be collected in accordance with BIMC 1.26.090.

**I. Additional Remedies**

In addition to any other remedy provided by this chapter or under the Bainbridge Island Municipal Code, the city may initiate injunction or abatement proceedings or any other appropriate action in courts against any person who violates or fails to comply with any provision of this chapter to prevent, enjoin, abate, and/or terminate violations of this title and/or to restore a condition that existed prior to the violation. In any such proceeding, the person violating and/or failing to comply with any provisions of this title shall be liable for the costs and reasonable attorneys’ fees incurred by the city in bringing, maintaining and/or prosecuting such action.

**J. Conflicts**

In the event and to the extent the language of this section conflicts with language of the codes and/or appendices adopted by reference in BIMC Title 18, the language of this section shall prevail over the language it conflicts with in any said code and/or appendix.”

**18.33.020 FINANCIAL SURETY PROCEDURE**

After reviewing any application for a land use or a zoning matter, the reviewing official or body may provide for the posting of a financial surety to ensure continued compliance with any conditions imposed, including the construction of improvements, the adherence to city standards, and/or maintenance, repair or replacement of such improvements. The financial surety shall be in a form acceptable to the city attorney. In the event a condition occurs warranting the use of financial surety, the appropriate administrator may act under such financial surety or may perform the work required at city expense, which expense shall be a lien against the property, enforceable as would be a judgment thereon. (Ord. 92-08 § 2, 1992)

## 18.36 DEFINITIONS

### **18.36.010 RULES OF CONSTRUCTION**

In the interpretation of this Code the rules and definitions of this Section shall be observed and applied, except when the context clearly indicates otherwise.

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
- C. The masculine gender shall include the feminine and the feminine gender shall include the masculine.
- D. The word “shall” is mandatory.
- E. The words “may” or “should” are permissive.
- F. The words “Municipal Code” means the Municipal Code of the City of Bainbridge Island, Washington.
- G. The word “person” includes individuals, firms, corporations, associations, and any other similar entities.
- H. The word “county” means the Kitsap County, Washington.
- I. The word “city” means the City of Bainbridge Island, Washington.
- J. The words “City Council” mean the City Council of the City of Bainbridge Island, Washington.
- K. The word “state” means the State of Washington.
- L. In case of any difference of meaning or implication between the text of this Code and any caption or illustration, the text shall control.
- M. The terms “standards” and “guidelines” have different meanings, as follows. Standards mandate the specific course of planning and design action that the applicant must incorporate in its project application. Compliance with standards is mandatory. Statements of standards are indicated by use of the word “shall” in the rule or directive. A failure to meet a mandatory standard may be used as a basis for the City’s denial of a project application. In comparison, “guidelines,” if any, follow the standards and are indicated by the words “may” or “should.” Guidelines are voluntary and not mandatory; however, compliance is strongly encouraged to fulfill the intent of the section. A failure to meet a voluntary guideline cannot be used by the city as a basis for a project denial.

### **18.36.020 RULES OF MEASUREMENT**

Rules of measurement for the following terms are defined in BIMC 18.12.050.

- A. Base Density
- B. Building Footprint
- C. Building Height
- D. Density
- E. Fence Height
- F. Floor Area
- G. Floor Area Ratio
- H. Front Setbacks

- I. Grade
- J. Lot Area
- K. Lot Coverage
- L. Lot Depth
- M. Lot Width
- N. Rear Setback
- O. Setback
- P. Side Setback
- Q. Shoreline Setback Line
- R. Structure Height
- S. Through Lots – Accessory Buildings

## **18.36.030 DEFINITIONS**

### **18.36.030.1. Abutting**

“Abutting” means bordering or touching, such as sharing a common lot line. Lots that are separated by a street or right-of-way are not abutting.

### **18.36.030.2. Accent Lighting**

“Accent lighting” means any luminary that emphasizes a particular object or draws attention to a particular area for aesthetic purposes.

### **18.36.030.3. Accessory Agricultural Processing and Livestock and Poultry Slaughtering**

The killing or butchering of Large or Small Livestock or poultry, and the commercial preparation and manufacturing of commodities such as wine or jam using crops or livestock raised primarily from island farms. This is an accessory and subordinate use to Crop Agriculture or Animal Agriculture.

### **18.36.030.4. Accessory Agricultural Education**

“Accessory agricultural education” means the provision of knowledge, information, and skills pertaining to agriculture, which is conducted concurrently with crop or animal agriculture crops and as an accessory use to the primary agricultural use on the property. Examples include demonstration gardens and interactive seminars that demonstrate best practices in farm management and resource conservation.

### **18.36.030.5. Accessory Agricultural Retail**

“Accessory Agricultural retail” includes community kitchens, stables, and also means the sale of 1) crops grown or livestock raised by a farmer, or 2) value added products made from crops grown or livestock raised by the farmer, and 3) incidental associated agricultural products sold on-site where agricultural crops or livestock are grown or raised that is subordinate to the actual agriculture on-site. Products sold shall be 1) primarily Island grown crops, 2) value added products if the defining ingredient was Island grown, and 3) associated products that are incidental to the agricultural activity on the site.

- A. “Accessory Agricultural Retail, Minor” means Agricultural Retail that (a) generates less than 36 round trips per day on average, and (b) does not conduct more than 4 agricultural special events each year. This category includes Farm Stands and joint use of farm stands by multiple producers and the use of retail sites for pick-up of community supported agricultural deliveries. See Farm Stand.
- B. “Accessory Agricultural Retail, Major” means Agricultural Retail that is more intensive than Minor Agricultural Retail.

### **18.36.030.6. Accessory Agricultural Tourism**

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

### **18.36.030.7. Accessory Antenna Device**

“Accessory antenna device” means an antenna including, but not limited to, test mobile antennas and global positioning (GPS) antennas that are less than 12 inches in height or width, excluding the support structure.

### **18.36.030.8. Accessory Day Care Facility**

“Accessory day care facility” means a day care center for people sited on the premises of an operating community service facility, such as a private or public school, place of worship, community center or library, and associated with that activity.

**18.36.030.9. Accessory Composting Bins**

“Composting Bin” means a structure built to facilitate the decomposition of organic matter. Composting Bins must be designed to prevent the production of excessive odors.

**18.36.030.10. Accessory Dwelling Units**

Accessory dwelling unit means separate living quarters containing kitchen facilities, where the living quarters are contained within or detached from a single-family dwelling on a single lot.

**18.36.030.11. Accessory Structure**

“Accessory structure” means a subordinate building or structure that is incidental to the principal structure on the same lot, or an abutting lot if it meets the requirements in 18.09.030.I.12. Accessory structures include, but are not limited to, solar panels, small wind devices, barns, sheds, and confined feed lots holding less than 5 chickens (roosters are only allowed on parcels outside of the Mixed Use Town Center districts). Accessory dwelling units are not considered accessory buildings or structures.

**18.36.030.12. Accessory Use**

“Accessory use” means a use customarily incidental and related to the principal use on the same lot. Accessory dwelling units are not considered accessory uses.

**18.36.030.13. Accessory Uses to Agriculture (not listed otherwise)**

“Accessory use to Agriculture” means a use customarily incidental and related to Animal Agriculture or Crop Agriculture and not defined separately. Other accessory uses to Agriculture include without limitation: storage of heavy equipment or vehicles used for agricultural purposes, incidental structures used in support of permitted uses, the repair of agricultural equipment used on the property or nearby properties, and mixing of feeds to be used in Animal Agriculture or soil treatments to be used in Crop Agriculture.

**18.36.030.14. Adjoining**

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

**18.36.030.15. Adult Entertainment Facility**

“Adult Entertainment Facility” means a facility where the principal use of the property or a significant or substantial adjunct to another use of the property is the sale, rental, display or other offering of live entertainment, dancing, or the making or selling of material that is distinguished or characterized by its emphases on depicting, exhibiting, describing or relating to sexual activities. This includes, but is not limited to, an adult bookstore, massage parlor, adult motion picture booth or theater, adult dancing establishment, adult cabaret, or adult arcade.

**18.36.030.16. Affordable Housing**

“Affordable housing” or “affordable dwelling unit” (formerly “HUD-defined affordable housing”) means a dwelling unit for use as primary residence by a household in any of the income groups described below, which may be rented or purchased (including utilities other than telephone and cable TV) without spending more than 30 percent of monthly household income. Income level eligibility threshold levels shall be set using HUD levels for the Seattle Metropolitan Statistical Area.

**18.36.030.17. Agricultural Research Facilities**

“Educational or research facilities related to agriculture” means a facility for the investigation, testing, or demonstration of products and processes related to agriculture, horticulture, or animal husbandry, including biotechnical agriculture, veterinary, soil, plant and animal sciences.

**18.36.030.18. Agricultural Land**

“Agricultural land” is defined in BIMC 16.26.

**18.36.030.19. Agricultural Operations**

“Agricultural operation” is defined in BIMC 16.26.

**18.36.030.20. Agricultural Processing**

The commercial preparation and manufacturing of commodities such as wine or jam using crops or livestock raised primarily from island farms.

**18.36.030.21. Agricultural Retail Plan**

“Agricultural retail plan” means a document, filed with the city, which contains information on agricultural activity occurring at a specific location. Different from, but may be supplemented by, Trust for Working Landscapes or Kitsap County Conservation District farm plans.

**18.36.030.22. Agricultural Special Event**

“Agricultural Special event” means activities that are held on farmland and that are desirable but unrelated to agriculture, such as weddings or parties unrelated to a resident of the property.

**18.36.030.23. Agriculture, Crop**

All forms of crop-related activities, such as growing crops and processing island-grown crops as part of a farm. Examples include grain and vegetable farms, horticulture, greenhouses, orchards, and tree nurseries. Crop Agriculture does not include Accessory Major or Minor Agricultural Retail or Accessory Agricultural Tourism. Incidental vegetable gardening and landscaping are accessory uses to residential land use and are not defined as agriculture.

**18.36.030.24. Agriculture, Animal**

All forms of activities involving the breeding, care, and/or sheltering of large or small livestock or poultry for sale or use, or for the sale or use of their products or byproducts, and/or the processing of those products or byproducts as part of a farm. Animal Agriculture does not include a commercial feedlot. For purposes of this definition, a Commercial Feedlot is a primary use of land in which more than 20 Large Livestock or more than 40 Small Livestock (1) are regularly confined for more than 12 hours each day, on average, in an enclosed structure or an area that is not normally used as a grazing area or for growing crops, and (2) are generally fed within that structure or area by mechanical means or by hand (rather than by grazing) for purposes of fattening for sale or slaughter. Occasional confinement of Large or Small Livestock for more than 12 hours each day or periodic hand or mechanical feeding during bad weather does not establish a Commercial Feedlot. Incidental keeping of common pets is an accessory use to residential land use and is not defined as Animal Agriculture.

**18.36.030.25. Animal Foster Home**

“Animal foster home” means a temporary home with a permit approved by the animal control authority to house lost, abandoned, or unwanted dogs and cats until an adoptive home is located.

**18.36.030.26. Animal Shelter**

See BIMC 6.04.010.

**18.36.030.27. Antenna**

“Antenna” means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals.

- A. “Omni-directional antenna” (also known as a “whip” antenna) transmits and receives radio frequency signals in a 360-degree radial pattern. For the purpose of this chapter, an omni-directional antenna is up to 15 feet in height and up to four inches in diameter.
- B. “Directional antenna” (also known as a “panel” antenna) transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.
- C. “Parabolic antenna” (also known as a “dish” antenna) is a bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.

**18.36.030.28. Artist Studio**

“Artist studio” means the workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for portraits. An artist’s studio does not include a residence or living unit.

**18.36.030.29. Assembly Area**

Assembly area means a portion of a facility in which the public or membership gathers for public presentations, events, education, worship, or civic activities. For purposes of determining parking requirements, assembly area does not include portions of a facility with fixed seating – such as an auditorium.

**18.36.030.30. Associated Products and/or Activity**

“Associated products and/or activity” for the purpose of Agricultural retail and as applied to agricultural uses means a required agricultural input, product or activity related to the primary crop, product or activity.

**18.36.030.31. Attached Wireless Communication Facility**

“Attached wireless communication facility” means a wireless communication facility that is affixed to an existing structure. The existing structure is not considered a component of the attached wireless communications facility.

**18.36.030.32. Auto repair Services**

“Auto repair services” means the servicing of automobiles, including mechanical servicing and body work.

**18.36.030.33. Bed and Breakfast**

“Bed and breakfast” means a single-family residence that is owner-occupied and in which (1) three or more guest rooms are provided within the residence or within accessory buildings, for compensation, as overnight accommodations for transient visitors who remain no longer than two weeks in any one visit, and (2) breakfast is customarily included in the charge for the room. A bed and breakfast lodging is not a hotel, motel, inn, home occupation or other use defined or regulated elsewhere in this title, except that bed and breakfast establishments containing one or two sleeping rooms may be considered a minor home occupation as defined and regulated elsewhere in this title.

**18.36.030.34. Best Management Practices**

When used in the context of critical area regulations, “best management practices” are as defined in BIMC 16.20. (Ord. 92-08 § 2, 1992) When used in the context of agricultural practices, “best management practices” are those practices defined in BIMC 18.09.030.A.1.b (Use Specific Standards for Agricultural Uses).

**18.36.030.35. BIMC**

“BIMC” means Bainbridge Island Municipal Code.

**18.36.030.36. Boarding Kennel/Cattery**

“Boarding kennel/cattery” means a kennel or cattery where dogs or cats are boarded or trained for compensation, but does not include a pet shop, animal shelter, or veterinary hospital where the boarding is incidental to the primary purpose of the facility.

**18.36.030.37. Buffer**

“Buffer” means space, either landscaped or existing or natural vegetation, intended to reduce the impact of undesirable sights, sounds, odors, and/or to protect critical areas. Buffers protecting critical areas shall be as defined in BIMC 16.20. (Ord. 98-20 § 13, 1998; Ord. 92-08 § 2, 1992)

**18.36.030.38. Building**

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

**18.36.030.39. Caliper**

“Caliper” means a measurement used for deciduous trees. Caliper of a tree trunk shall be taken six inches above the ground up to and including four-inch caliper size, and 12 inches above the ground for larger tree sizes.

**18.36.030.40. Carport**

“Carport” means a covered shelter for one or more vehicles that is open on at least two sides

**18.36.030.41. Car Wash, Manual or Automatic**

“Car Wash, Manual or Automatic” means a facility or area for the cleaning or steam cleaning, washing, polishing, or waxing of passenger vehicles by machine or hand-operated facilities. A car wash may be: a single unit type that has a single bay or a group of single bays with each bay to accommodate one vehicle only; or a tunnel type that allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

**18.36.030.42. Cemetery**

“Cemetery” means any one of the following in a place actually used for the placement of human remains and dedicated for that purpose:

- A. A tract of land actually used for the burial of human remains in the ground;
- B. A mausoleum building or structure for the entombment of human remains in crypts, which are spaces in which human remains are placed; and
- C. A columbarium structure, room, or other space in a building or structure containing niches in which cremated human remains are placed.

**18.36.030.43. Certificate of Appropriateness**

“Certificate of appropriateness” means the certificate issued by the Historic Preservation Commission pursuant to BIMC 18.24 upon approval of proposed changes that do not adversely affect the historic characteristics of a property listed on the local register.

**18.36.030.44. Certificate of Review**

“Certificate of review” means a certificate representing that the Historic Preservation Commission has reviewed the proposed changes to a building of historic interest and certified the changes as not adversely affecting the historic characteristics of the property.

**18.36.030.45. Certified Local Government**

“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.

**18.36.030.46. Circle Template**

“Circle Template” means the template used to measure lot width. Lot width is determined by the diameter of the biggest circle that can fit entirely inside the lot boundary line.

**18.36.030.47. Cistern**

“Cistern” is a receptacle for holding water or other liquid, especially a tank for catching and storing rainwater.

**18.36.030.48. Clearing**

“Clearing” means the destruction or removal of vegetation by manual, mechanical, or chemical methods.

**18.36.030.49. Club**

“Club” means a meeting place for an incorporated or unincorporated association of persons organized for some common purpose, including social, educational, literary, political, or charitable purpose, operated by a private nonprofit or noncommercial organization.

**18.36.030.50. Co-location**

“Co-location” means the location of more than one wireless communications provider mounts equipment on a single support structure.

**18.36.030.51. Commercial Amusements**

“Commercial amusements” means a video arcade, electronic game center, pool hall, dance hall, paintball center, a virtual reality arcade and similar uses.

**18.36.030.52. Commercial Moving and Freight Terminal**

A facility in which freight or goods are assembled for loading onto a vehicle for transfer to another location in return for a fee.

**18.36.030.53. Commercial Parking, Surface**

“Commercial parking, surface” means the ownership, lease, operation, or management of a commercial surface parking lot in which fees are charged.

**18.36.030.54. Commercial Parking, Structure**

“Commercial parking, structure” means the ownership, lease, operation, or management of an above-ground or below-ground commercial parking structure in which fees are charged.

**18.36.030.55. Commercial Use**

“Commercial use” means the providing of goods or services for compensation.

**18.36.030.56. Community Garden**

“Community Garden” means a facility or area for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

**18.36.030.57. Commuter-Oriented Retail Sales**

“Commuter-oriented retail sales” means retail services and certain personal and professional services, offered primarily to ferry commuters, open during peak commute hours. Examples of commuter-oriented retail sales include coffee bar, newspaper stand, florist, drop-off dry cleaners, shoe repair, automatic teller machines and other uses that require a short visit.

**18.36.030.58. Comprehensive Plan**

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

**18.36.030.59. Conditional Use**

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

**18.36.030.60. Consent**

When used in connection with historic preservation, “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.

**18.36.030.61. Cultural Facility**

“Cultural facility” means a library, museum, art gallery, cultural center, community center (such as a community kitchen), convention center, exhibition hall, or meditation facility. Cultural facility does not include an artist studio.

**18.36.030.62. Custom Operators**

“Custom Operators” means an enterprise in which a contractor or other operator agrees to perform all or some machine operations, providing equipment and labor, for production and related activities on agricultural sites in exchange for a payment or a payment along with a percentage of profits. Field operations performed by a custom operator may include field preparation, planting, cultivating, harvesting, tilling, haymaking, bush hogging, crop storage, hauling, fencing, and barn construction.

**18.36.030.63. Cut-off Angle**

“Cut-off angle” (of a luminary) means the angle, measured from the lowest point between a vertical line from the center of the lamp extended to the ground and the first line of sight at which the bare source is not visible.

**18.36.030.64. Day Care Center**

“Day Care Center” means a building or structure in which an agency, person, or persons regularly provide care for 13 or more people in any 24-hour period and could include a public or private school.

**18.36.030.65. Defining Ingredient**

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

**18.36.030.66. Department**

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

**18.36.030.67. Development Rights**

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

**18.36.030.68. Diameter/Diameter-Breast-Height**

When used in connection with trees, “Diameter/diameter – breast – height” means the diameter of a tree trunk measured at four feet above average grade.

**18.36.030.69. Director**

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

**18.36.030.70. Disabled Person or Handicapped Person**

A “disabled” or “handicapped” person is one who meets the definition of a handicapped person in the federal Fair Housing Act Amendments of 1988, as amended.

**18.36.030.71. Domestic Animal**

“Domestic animal” means cats, dogs, rabbits and other small animals commonly kept as pets in the city.

**18.36.030.72. Drive-Through Business**

“Drive-through business” means a business or portion of a business where customers may carry on business while seated in a motor vehicle. This definition shall include but not be limited to gas stations, car washes, and drive-in restaurants or banks.

**18.36.030.73. Drought Resistant Plants**

“Drought resistant plants” means plant material once established can survive with little or no water other than that from annual rainfall.

**18.36.030.74. Dwelling**

“Dwelling or dwelling unit” means a building or portion of a building that provides independent living facilities with provisions for sleeping, eating and sanitation; provided a recreational vehicle or bus is not a dwelling or dwelling unit. A facility for sleeping is a habitable room large enough for a couch, bed or cot. A closet in the room is not necessary for the room to be considered a bedroom. Provisions for sanitation mean that bathing facilities are provided, e.g., a shower or a tub. A toilet and sink in a room is not considered bathing facilities. A kitchen is necessary to provide facilities for eating (see definition of kitchen).

**18.36.030.75. Dwelling, Single-Family**

“Single-family dwelling” means a structure containing one dwelling unit on one lot and having a permanent foundation, and includes Factory-Built Homes and Manufactured Homes.

**18.36.030.76. Educational Facilities**

“Educational Facilities” means a public or private school or educational or training institution that offers a program of college, professional, environmental, preparatory, high school, middle school, junior high school, elementary, kindergarten instruction, or any combination of those facilities, or any other program of trade, technical or artistic instruction (excluding single day programs of instruction), together with associated staff housing and/or conference facilities and other typical educational accessory uses.

**18.36.030.77. Egg Laying Facility**

A form of Animal Agriculture in which more than 200 poultry are confined indoors or outdoors for feeding purposes and where the space per animal is less than two square feet.

**18.36.030.78. Emergency Repair**

“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.

**18.36.030.79. Emergency Repair for Historic Buildings**

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

**18.36.030.80. Entertainment Facility**

“Entertainment facility” means a performing arts theater, or cinema, concert venue, or circus/festival; venue not included in the definition of Recreation Activities, Outdoor, and Recreation Activities, Indoor, “Entertainment facility” does not include adult-oriented entertainment facilities.

**18.36.030.81. Equestrian Facilities**

“Equestrian facility” means a facility designed and intended for the display of equestrian skills and the hosting of events including, but not limited to, show jumping, dressage, and similar events of other equestrian disciplines.

**18.36.030.82. Equipment Shelter**

“Equipment shelter” or “cabinet” means a room, cabinet or building used to house equipment for utility or service providers.

**18.36.030.83. Established Vegetation**

“Established vegetation” means mature trees and shrubs.

**18.36.030.84. Factory-Built Home**

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

**18.36.030.85. Family**

“Family” means one or more persons (but not more than five unrelated persons) living together as a single housekeeping unit. For purposes of this definition and notwithstanding any other provision of this Code, persons with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps with the meaning of Title 42 United States Code, Section 3602(h) and RCW 35A.63.240 will not be counted as unrelated persons. “Adult family homes” as defined by RCW 70.128.175 shall be included within this definition of “family.” Facilities housing individuals who are incarcerated as the result of a conviction or other court order shall not be included within this definition of “family.”

**18.36.030.86. Family Day Care Home**

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

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

**18.36.030.87. Farm Stand**

“Farm stand” means a form of agricultural retail use that includes an accessory structure or land used for the sale, by the owner or his family or tenant, of agricultural or horticultural produce, livestock or merchandise principally produced on that farm, but may include produce grown on other farms and accessory products, and that is clearly a secondary use of the premises and does not change the character of the premises. It also may include a central place where farmers can deliver products for pick-up by consumers but not a wholesale distribution center.

**18.36.030.88. Fixture**

When used in connection with lighting, “Fixture” (also called a “luminaire”) means a complete lighting unit including the lamps, together with the parts required to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

**18.36.030.89. Flag Lot**

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

**18.36.030.90. Food Service Establishment**

“Food service establishment” means a building, or portion thereof, containing tables and/or booths, which is designed, intended and used for the indoor sales and consumption of food prepared on the premises, for employees of businesses within the development. The term “food service establishment” shall not include “restaurant”, “formula take-out food restaurant”, or “drive-through business.”

**18.36.030.91. Foot-Candle**

“Foot-candle” means a measure of illuminance or a measure of how bright a light appears to the eye. One foot-candle is equal to one lumen/ft<sup>2</sup>. As an example, a typical 60-watt incandescent lamp (840 lumens) produces an illuminance of 0.1 foot-candles at a distance of about 25 feet.

**18.36.030.92. Formula Take-Out Food Restaurant**

“Formula take-out food restaurant” means a restaurant or establishment that (1) is contractually required to offer standardized menus, ingredients and interior or exterior design; and (2) serves or delivers its food or beverages primarily in disposable containers.

**18.36.030.93. Forestry**

“Forestry” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to: Road and trail construction; harvesting, final and intermediate; precommercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control. “Forestry” shall not include: Forest species seed orchard operations and intensive forest nursery operations; or preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products that cannot normally be expected to result in damage to forest soils, timber or public resources.

**18.36.030.94. Foster Care**

“Foster care” means 24-hour per day temporary substitute care for the child placed away from the child's parents or guardians and for whom the department or a licensed or certified child placing agency has placement and care responsibility. This includes but is not limited to placements in foster family homes, foster homes of relatives, licensed group homes, emergency shelters, staffed residential facilities, and preadoptive homes, regardless of whether the department licenses the home or facility and/or makes payments for care of the child.

**18.36.030.95. Foster Home**

“Foster home” means person(s) regularly providing foster care on a 24-hour basis to one or more children in the person's home.

**18.36.030.96. Garage**

“Garage” means a building or portion of a building designed or used for the shelter of vehicles and enclosed on at least three sides.

**18.36.030.97. Gasoline Service Station**

“Gasoline service station” means a retail business where gasoline or other automotive fuel is sold.

**18.36.030.98. Geological Hazard**

“Geological Hazard” shall have the meaning defined in BIMC 16.20.030.A.20.

**18.36.030.99. Governmental Facility**

“Governmental facility” means an institution operated by a federal, state, county, or city government, or special purpose districts.

**18.36.030.100. Grazing Area**

Any open land area used to pasture livestock in which suitable forage is maintained over 80% of the area at all times of the year.

**18.36.030.101. Greenhouse**

“Greenhouse” means an establishment where flowers, shrubs, vegetable, trees, and other horticultural floricultural products are grown both in open and enclosed buildings.

**18.36.030.102. Greenway**

“Greenway” means a system of land areas and connector links. Land areas include but are not limited to: large open areas, public lands, farm lands, critical areas, forests, shoreline areas, and parks. The features of the connector links include: trail systems, riparian areas, visual or scenic views of ridgelines, wildlife corridors or any combination of these.

**18.36.030.103. Group Care Facility**

“Group care facility” means a facility licensed by the state, that provides training, care, supervision, treatment and/or rehabilitation to the aged, disabled, those convicted of crimes or those suffering from the effects of drugs or alcohol; provided group care facilities shall not include day care centers, family day care homes, foster homes, schools, hospitals, jails, prisons, or Healthcare Facilities. This use also includes facilities that would meet the definition of a Small Group Living Facility except that they house more than six residents (not including caregivers).

**18.36.030.104. Hazardous Substance**

“Hazardous substance” means any liquid, solid, gas, sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste specified in RCW 70.105.010.

**18.36.030.105. Hazardous Substance Handling**

“Hazardous substance handling” means the use, storage, manufacture, production, or other land use activity involving hazardous substances; except for individually packaged household consumer products or quantities of hazardous substances of less than five gallons in volume per container.

**18.36.030.106. Hazardous Waste**

“Hazardous waste” means and includes all dangerous and extremely hazardous waste as specified in RCW 70.105.010.

**18.36.030.107. Hazardous Waste Storage**

“Hazardous waste storage” means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste is not storage as long as the accumulation is in compliance with applicable requirements of WAC 173-303-200 and 173-303-201.

**18.36.030.108. Hazardous Waste Treatment**

“Hazardous waste treatment” means the physical, chemical, or biological processing of dangerous waste to make such wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage or reduced in volume.

**18.36.030.109. Hazardous Waste Treatment and Storage, Off-site**

“Off-site hazardous waste treatment and storage” means hazardous waste treatment and storage facilities that treat and store waste generated on properties other than those on which the off-site facilities are located.

**18.36.030.110. Hazardous Waste Treatment and Storage, On-site**

“On-site hazardous waste treatment and storage” means storing or treating hazardous wastes on the lot on which the wastes are generated.

**18.36.030.111. Health Care Facility**

“Health care facility” means a building or buildings used for human health care.

**18.36.030.112. Heavy Equipment**

“Heavy equipment” means self-powered, self-propelled or towed mechanical devices, equipment and vehicles of the nature customarily used for commercial purposes such as tandem axle trucks, graders, backhoes, tractor trailers, cranes and lifts but excluding automobiles, recreational vehicles and boats and their trailers.

**18.36.030.113. Heavy Equipment Storage Area**

“Heavy equipment storage area” means a place where two or more items of heavy equipment are stored.

**18.36.030.114. Heavy Use Area**

Any portion of a property (a) where frequent concentrations and passage of Large Livestock or Small Livestock or the accumulation of animal waste prevents the growth of grass and the prevailing ground is generally one of bare ground or mud.

**18.36.030.115. Historic District**

“Historic district” means a geographically definable area containing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development, and that has been designated as a Historic District by the City.

**18.36.030.116. Historic Preservation Commission**

“Historic preservation commission” or “commission” means the commission created pursuant to BIMC 18.24 and governed by that chapter.

**18.36.030.117. Historic Property**

“Historic property” means real property together with improvements on the property (except property listed in a register primarily for objects buried below ground) that is listed in a local or national register.

**18.36.030.118. Historic Significance**

“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.

**18.36.030.119. Home Occupation**

“Home occupation” means an accessory use of a dwelling unit for gainful employment involving the manufacture, provision, or sale of goods and/or services. Home occupation does not include daycare centers, general retail sales, restaurants or other eating and drinking establishments, adult entertainment facilities, funeral chapels or mortuaries, storage of flammable liquids or hazardous materials beyond that normally associated with residential use, sale or rental of adult materials, or heavy machinery storage not part of an agricultural use.

- A. “Minor Home Occupations” are compatible with the neighborhoods in which they are located and cause no impact greater than that generally associated with a single residence. Bed and breakfast establishments that rent no more than two rooms to transient visitors shall be considered a minor home occupation.
- B. “Major Home Occupations” cause some effect greater than that generally associated with a single residence and require some action or conditions to reduce those effects. Major home occupations include, but are not limited to the following: Home occupations that do not meet all the criteria for minor home occupations; auto repairing, vehicle detailing, and vehicle, boat, or trailer painting and major appliance repair; and commercial welding and machine shops.

**18.36.030.120. Hotel**

“Hotel” means a building or group of buildings containing guest rooms, where, for compensation, lodging is provided for transient visitors. A hotel or motel may contain one or more restaurants. A hotel or motel is not a bed-and-breakfast lodging or inn as defined and regulated elsewhere in this Code. Short-term rental (less than 30 days at a time) of a single-family residence does not constitute a hotel.

**18.36.030.121. Industrial Wastewater**

“Industrial wastewater” includes wastewater resulting from (a) any process of industry, manufacture, trade or business; (b) the development of any natural resource; or (c) the washing of equipment and vehicles, or similar activities. Storm water runoff and runoff from the watering of landscaping is not included.

**18.36.030.122. Inn**

“Inn” means a building or group of buildings containing up to 15 guest rooms, where, for compensation, lodging is provided for transient visitors. An inn may contain a kitchen and/or dining room for serving meals to its guests. Individual rooms may include a bar-type sink and under-counter refrigerator but may not include a full sink, full-sized refrigerator or cooking range. An inn is not a hotel, motel or bed and breakfast lodging as defined and regulated elsewhere in this title.

**18.36.030.123. Kennel**

“Kennel” means a place where three or more adult domestic animals are kept commercially, generally overnight. A commercial kennel is considered a professional service under this title and is maintained to board, breed or treat the animals for profit and shall exclude pet shops and agriculture. This use includes a boarding kennel/cattery, animal shelter, or animal foster home.

**18.36.030.124. Kitchen**

A kitchen is a place where food is cooked or prepared and contains the facilities and equipment use in preparing and serving food, such as: a gas or electric range or oven (a free-standing burner, warming oven or microwave is not considered a range or oven); a kitchen sink (a bar or hand sink is not considered a kitchen sink); refrigerator/freezer (an upright refrigerator or freezer that fits under a counter, such as the type often found in offices, is not sufficient for a kitchen in a dwelling); kitchen cabinets (a small base cabinet use to support the bar or hand sink and provide minimum storage is not sufficient for a kitchen in a dwelling); OR electric outlet for 220 voltage and/or plumbing or standpipes for equipment and facilities normally found in a kitchen.

**18.36.030.125. Lamp**

“Lamp” means the light-producing source installed in the socket portion of a luminaire.

**18.36.030.126. Landscaping**

“Landscaping” means the placement, preservation, and the replacement of trees, shrubs, plants and other vegetative materials in accordance with an approved landscaping plan meeting the requirements set forth in this Title or the Administrative Manual. (Ord. 92-08 § 2, 1992)

**18.36.030.127. Landscape Perimeter Averaging**

“Landscape perimeter averaging” means a method that allows required landscape perimeters to be reduced to a minimum dimension and cluster plants to areas within the perimeter that provides denser screening adjacent to

structures and parking areas, and allows lesser screening in areas where there are no structures and parking areas. Landscape perimeter averaging is also allowed to retain significant trees and tree stands located within the perimeters. The total required landscape perimeter dimension square footage must be achieved.

**18.36.030.128. Lattice Tower**

“Lattice tower” means a wireless communication support structure that consists of metal crossed strips or bars to support antennas and related equipment.

**18.36.030.129. Light Pollution**

“Light pollution” means general sky glow caused by the scattering of artificial light in the atmosphere and resulting in decreased ability to see the natural night sky.

**18.36.030.130. Light Trespass**

“Light trespass” means any light emitted by an outdoor luminaire that shines directly beyond the property on which the luminaire is installed, or indirectly shines beyond the property on which the luminaire is installed at a brightness (illuminance) that exceeds 0.1 foot-candles at the property line.

**18.36.030.131. Livestock**

“Livestock” means horses, camelids, bovine animals, sheep, goats, swine, reindeer, donkeys, mules and any hoofed animal.

**18.36.030.132. Livestock, Large**

Livestock generally weighing over 500 pounds, such as cattle and horses.

**18.36.030.133. Livestock, Small**

Livestock weighing under 500 pounds, such as poultry, sheep, goats, miniature horses, llamas, alpacas, reindeer, donkeys, mules, and hogs, but excluding pigs weighing under 120 pounds and standing 20 inches or less at the shoulder that are kept as household pets.

**18.36.030.134. Local Historic Inventory**

“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.

**18.36.030.135. Local Register of Historic Places**

“Local register of historic places” or “local register” or “register” means the list of historic properties within the city established pursuant to BIMC 18.24.030.

**18.36.030.136. Lot**

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

**18.36.030.137. Lot, Corner**

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

**18.36.030.138. Lot Line, Front**

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

**18.36.030.139. Lot Line, Rear**

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

**18.36.030.140. Lot Line, Side**

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

**18.36.030.141. Lot, Standard**

“Standard Lot” means a conforming or nonconforming lot created through some means other than the flex-lot process.

**18.36.030.142. Lot, Through**

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

**18.36.030.143. Luminaire**

See “Fixture”

**18.36.030.144. Manufactured Home**

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

**18.36.030.145. Manufacturing, Light**

“Manufacturing, light” means businesses located within a building and involving assembling, distributing, fabricating, manufacturing, packaging, printing, processing, publishing, recycling, repairing, servicing, storing, or wholesaling of goods or products.

**18.36.030.146. Manufacturing, General**

“Manufacturing, general” means any principally permitted use whose operations is 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.

**18.36.030.147. Manufacturing, Small-Scale**

“Manufacturing, small-scale” means a business that includes small-scale assembly, small-scale processing or other activities such as food processing, machine shops, wood shops, and electronic parts assembly; provided that the use does not adversely impact the neighborhood through noise, odor, lighting, fire safety and transportation.

**18.36.030.148. Mature Trees and Shrubs**

“Mature trees and shrubs” means Significant Trees as defined in BIMC 18.36 and/or native shrubs, ferns and forbs established at a density that provides a predominately continuous cover.

**18.36.030.149. Mature Vegetation on Ridgelines**

“Mature vegetation on ridgelines” means existing Significant Trees as defined in BIMC 18.36 located on those dominant natural topographic features that are prominently visible from off-site public rights-of-way and lands.

**18.36.030.150. Maximum Extent Feasible**

“Maximum extent feasible” means no feasible and prudent alternative exists and that all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic consideration may be taken into account but shall not be the overriding factor in determining “maximum extent feasible.”

**18.36.030.151. Median Household Income**

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

**18.36.030.152. Mining and Quarrying**

“Mining and Quarrying” means operations and extracting activities, and generally include the screening, sorting, and piling of rock, sand, stone, gravel, or ore. For example, an operation that extracts rock, then screens, sorts, and with no further processing places the rock into piles for sale, is an extracting operation. This definition is intended to be consistent with the definitions in RCW 78.44.031(17), and in case of an inconsistency the provisions of RCW 78.44.031(17) shall govern.

- A. The crushing and/or blending of rock, sand, stone, gravel, or ore are manufacturing activities. These are manufacturing activities whether or not the materials were previously screened or sorted.
- B. Screening, sorting, piling, or washing of the material, when the activity takes place in conjunction with crushing or blending at the site where the materials are taken or produced, is considered a part of the manufacturing operation if it takes place after the first screen. If there is no separate first screen, only those activities subsequent to the materials being deposited into the screen are considered a part of the manufacturing operation.

**18.36.030.153. Mobile Retail Food Establishment**

“Mobile retail food establishment” means a retail food establishment that is operated from a movable vehicle or other portable structure, and that routinely changes location, except that if the establishment operates from any one location for more than thirty consecutive days, the establishment is no longer a mobile retail food establishment. A mobile retail establishment shall not be considered a personal service.

**18.36.030.154. Monopole**

“Monopole” means a wireless communication facility that consists of a support structure, the height of which shall not exceed 120 feet in height not including antennas.

**18.36.030.155. Motor Vehicle Sales Lot**

“Motor vehicle sales lot” means any land or buildings used primarily for the sale of new or used motor vehicles fit for transportation.

**18.36.030.156. Multifamily Development**

“Multifamily development” means a building or portion of a building containing two or more dwelling units or more than one dwelling unit on one lot, including multiple living units on a single parcel sharing kitchen facilities, not including accessory dwelling units. Multifamily development also includes a mobile home park.

**18.36.030.157. National Register of Historic Places**

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

**18.36.030.158. Native Forest**

“Native forest” means mature trees and shrubs consisting of native trees and plants.

**18.36.030.159. Native Species**

“Native species” means tree, shrub, or ground cover species which occur or live naturally in the Puget Sound region.

**18.36.030.160. Native Vegetation**

“Native vegetation” means tree, shrub, or ground cover species that occur or live naturally in the Puget Sound region.

**18.36.030.161. Non-commuter ferry parking**

“Non-commuter ferry parking” means parking in the ferry terminal overlay district, intended for ferry passengers traveling occasionally for purposes other than commute to employment (for example, traveling after 9:00 a.m. or requiring parking at the ferry terminal for less than eight hours).

**18.36.030.162. Nonconforming Lot**

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

**18.36.030.163. Nonconforming Structure**

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

**18.36.030.164. Nonconforming Use**

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

**18.36.030.165. Nursery**

“Nursery” means an agricultural/commercial enterprise where plants and accessory products are sold on a retail basis. Twenty-five percent (25%) of the gross sales receipts of the commercial nursery must be derived from plants produced on site; or twenty-five (25%) of the area designated as a commercial nursery shall be dedicated to the cultivation of plants to be sold on-site.

**18.36.030.166. Object**

When used in connection with historic preservation, “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.

**18.36.030.167. Off-Site Views**

“Off-site views” or “views from off-site” mean existing scenic views of forests, mountains, farms, meadows or marine waters into and across a parcel of land where a subdivision is proposed or such views from a public roadway.

**18.36.030.168. Open-Air Sales for Garden Supplies**

“Open-air sales for garden supplies” means any person, firm or corporation offering the sale of garden tools, equipment, and supplies operated in conjunction with a nursery and/or tree farm where the plant materials sold are limited to those grown on the premises at a non-permanent location by exhibiting, displaying, selling, or offering for sale such products.

**18.36.030.169. Open Space**

“Open space” means land and/or water area that is predominantly undeveloped, and is set aside to serve the purposes of protecting and conserving critical areas and natural systems, protecting potable water and waterways that flow into Puget Sound, and providing park and recreation opportunities, and enhancing aquifer recharge. Open space excludes tidelands, shorelands, areas occupied by dwellings, impervious surfaces that are not incidental to open space purposes, such as a parking lot, and areas that were clear cut or extensively logged within five years of submittal.

**18.36.030.170. Orchard**

“Orchard” means an area of land devoted to the cultivation of fruit or nut trees.

**18.36.030.171. Ordinary High Water Mark**

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

**18.36.030.172. Ordinary Repair and Maintenance**

“Ordinary repair and maintenance” means work the purpose of which is to correct the deterioration of real property or an improvement located on real property.

**18.36.030.173. Ordinary Repair and Maintenance for Historic Buildings**

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

**18.36.030.174. Outdoor Storage**

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

**18.36.030.175. Overlay District**

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

**18.36.030.176. Owner**

“Owner” means the party or parties having the fee interest in land.

**18.36.030.177. Parfitt-Waterfront Area**

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

**18.36.030.178. Park, Active Recreation**

“Active recreation park” means a park where the primary uses are athletic fields, playgrounds, swimming facilities, sports courts, or other activities that require specialized fields or equipment.

**18.36.030.179. Park, Passive Recreation**

“Passive recreation park” means a park where the primary uses are hiking, bird watching, picnicking, and other low impact activities.

**18.36.030.180. Park and Ride Facility/Lot**

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

**18.36.030.181. Park and Ride Lot, Shared-use**

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

**18.36.030.182. Parking Lot**

“Parking lot” means an area intended to accommodate parked vehicles for a fee or not accessory to single-family residences.

**18.36.030.183. Parking Space**

“Parking space” means a space on a lot, exclusive of access drives, used to park a vehicle and having access to a public street.

**18.36.030.184. Pasture**

“Pasture” means land used primarily for grazing by domesticated animals.

**18.36.030.185. Pedestrian Orientation**

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

**18.36.030.186. Perimeter Landscaping**

“Landscape perimeter” means a landscape buffer located along a subdivision boundary. The landscape perimeter may contain established native vegetation or additional landscaping.

**18.36.030.187. Permanent Foundation**

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

**18.36.030.188. Personal Service**

“Personal service” means an establishment that provides on-site service(s) in a non-office environment including, but not limited to, beauty shops, shoe repair, laundry, dry cleaning services, animal care services, and tanning salons. Auto repair and body shops are not included under this definition.

**18.36.030.189. Planning Commission**

“Planning commission” means the Bainbridge Island Planning Commission, as described in BIMC 2.14.020.

**18.36.030.190. Preferred Use**

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

**18.36.030.191. Primarily Island grown**

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

**18.36.030.192. Principal Building**

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

**18.36.030.193. Principal Building, Adjacent**

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

**18.36.030.194. Principal Building, Shoreline**

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

**18.36.030.195. Principal Use**

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

**18.36.030.196. Professional Service**

“Professional service” means a business or agency that provides services in an office environment and includes, but is not limited to, legal services, counseling services, real estate offices, financial services, insurance services, and government offices. Professional service does not include a healthcare clinic.

**18.36.030.197. Proposed Site Plan**

“Proposed site plan” means a drawing of a site plan submitted for review city staff members.

**18.36.030.198. Protection Zone**

When used in connection with trees, “Protection zone” means the zone at grade level located directly below the canopy and within the dripline

**18.36.030.199. Public Benefit, Agricultural**

“Public benefit, agricultural” means an economic, social, nutritional, environmental or aesthetic effect gained by individuals and/or the community from the existence of agricultural activity in the community.

**18.36.030.200. Public Safety Communications Tower**

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

**18.36.030.201. Raingarden/Swale**

“Raingarden/Swale” means a ground level sited design feature designed to detain rainwater for infiltration and reuse consistent with water rights laws.

**18.36.030.202. Rainwater Harvesting Barrels**

“Rainwater Harvesting Barrels” means a barrel designed for the on-site harvest and storage of rainwater used to offset the potable water needs for a building and/or landscape.

**18.36.030.203. Recreation Activities, Indoor**

“Indoor recreation activities” means gymnasiums not accessory to an education institution, racket clubs, sports arenas, and similar uses.

**18.36.030.204. Recreation Activities, Outdoor**

“Outdoor recreation activities” means golf courses, marinas, tennis courts, yacht clubs, athletic fields, swimming beaches, outdoor pools, and similar uses.

**18.36.030.205. Recreational Vehicle**

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

**18.36.030.206. Recycling Center**

“Recycling center” means a neighborhood or city-wide collection point for small refuse items, such as bottles and newspapers, located either in a container or a small structure.

**18.36.030.207. Rehabilitation**

“Rehabilitation” is the process of returning a property to a state that makes contemporary use possible, while still preserving those portions of the property that are significant to its historical, architectural and cultural values.

**18.36.030.208. Related Equipment**

“Related equipment” means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include, but is not limited to, cable, conduit and connectors.

**18.36.030.209. Religious Facility**

“Religious Facility” means a facility that operates for the advancement of a theological philosophy and the practices and rituals associated with the beliefs, faith, or creed of a church, religious society, congregation, or religious denomination, when such practices or rituals are legal.

**18.36.030.210. Research and Development**

“Research and development” means businesses that include, but are 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

**18.36.030.211. Restaurant**

“Restaurant” means a restaurant or cafe (excluding formula take-out food restaurant) that sells prepared food or beverages and also offers accommodations for consuming the food or beverage on premises.

**18.36.030.212. Retail sales**

“Retail sales” means selling goods or commodities to final consumers. Retail sales do not include a “restaurant” or “formula take-out food restaurant.”

**18.36.030.213. Rezone**

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

**18.36.030.214. Screen**

When used in connection with landscaping, “screen” means a system of vegetation to provide varying degrees of visual separation between land uses and site development.

**18.36.030.215. Self-service Storage Facility**

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

**18.36.030.216. Setback**

“Setback” means space that is required to be left open and unoccupied between the nearest projection of a structure and the property line of the lot on which the structure is located, and that are required to remain unobstructed from the ground to the sky except for modifications to setbacks and height listed in Table 18.12.040.A.

**18.36.030.217. Septic Drainfield**

“Septic drainfield” means the subsurface systems and areas of land that recycles human wastewater, allowing soils and microorganisms to clean wastewater before returning to the hydrologic cycle. Active septic drainfields are those which are being actively used. Reserved drainfields are those reserved for future use.

**18.36.030.218. Shared Car**

“Shared Car” means a car provided through a formal shared car membership program for use by members of the program in return for a fee.

**18.36.030.219. Shielding**

When used in connection with lighting, “shielding” means that no light rays are emitted by a fixture above the horizontal plane running through the lowest point of the fixture.

**18.36.030.220. SHPO**

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

**18.36.030.221. Significant Tree**

“Significant tree” means: (a) an evergreen tree 10 inches in diameter or greater, measured four and a half feet above existing grade; or (b) a deciduous tree 12 inches in diameter or greater, measured four and a half feet above existing grade; or (c) all trees located within a required critical area buffer as defined in BIMC 16.20, or (d) all trees within the native vegetation zone or buffer.

**18.36.030.222. Site**

When used in connection with historic preservation, “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 nonexistent building or structure if the location itself possesses historic, cultural or archaeological significance.

**18.36.030.223. Small Engine Repair**

“Small engine repair” means an establishment that is involved with the maintenance and repair of low-power internal combustion engines (gasoline/petrol) or electric engines. This includes, but is not limited to, chain saws, string trimmers, leaf blowers, snow blowers, lawn mowers, wood chippers, go-karts and sometimes more powerful engines used in outboard motors, snowmobiles, and motorcycles.

**18.36.030.224. Small Group Living Facility**

“Small Group Living Facility” means a facility providing personal care services, occasional nursing services, and medication administration services to a resident housed in a private apartment-like or dwelling-like unit containing not more than six residents (not including caregivers). Residents in a Small Group Living Facility may include persons from any group protected by the federal Fair Housing Act Amendments, and the Small Group Living Facility use is intended to serve as one form of reasonable accommodation under those Amendments. A Small Group Living Facility does not include a facility for treatment of any person actively using drugs or alcohol, but does include facilities for those in a recovery program who are no longer actively using those substances. A Small Group Living Facility does not include a facility or half-way house for convicted felons or for those persons under the jurisdiction of the criminal justice system.

**18.36.030.225. Small Wind Energy Generator**

“Small Wind Energy Generator” means a wind energy generator designed to generate no more than 10Kw of energy.

**18.36.030.226. Solar Panel**

A single panel or combination of panels or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices.

**18.36.030.227. Special Valuation**

When used in connection with historic preservation, “Special valuation” means the local option program provided for in Chapter 84.26 RCW that, when implemented, makes available to property owners a special tax valuation for rehabilitation of an historic property.

**18.36.030.228. Spotlight**

“Spotlight” means any lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction. (Ord. 2003-22 § 25, 2003; Ord. 2002-15 § 1, 2002)

**18.36.030.229. Stable**

A facility for the keeping of horses for persons other than the residents of the lot, although resident’s horses may also be kept in the same facility.

**18.36.030.230. State Register of Historic Places**

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

**18.36.030.231. State Review Board**

When used in connection with historic preservation, “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.

**18.36.030.232. Story**

When used in connection with building or structure dimensional standards, “story” shall be defined as it is in the International Building Code.

**18.36.030.233. Street**

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

**18.36.030.234. Structure**

“Structure” means any man-made assemblage of materials extending above or below the surface of the earth and affixed or attached thereto. “Structure” for the purposes of this title, except for BIMC 18.09.030.F.1, does not include wireless communications facilities. (Ord. 97-14 § 2, 1997; Ord. 92-08 § 2, 1992)

**18.36.030.235. Structured Parking**

“Structured parking” means a covered structure or portion of a covered structure that provides parking area for motor vehicles. Structured parking may be below grade.

**18.36.030.236. Subordinate Retail Activity**

“Subordinate retail activity” with respect to agricultural use means secondary, to be less than, to utilize a smaller portion of land and/or less time than is devoted to the agricultural activity on-site.

**18.36.030.237. Tavern**

“Tavern” means an establishment that sells beer or wine for on-premises consumption under a B class license as defined by the Washington State Liquor Control Board.

**18.36.030.238. Temporary Construction Building**

“Temporary Construction Building” means a temporary trailer or structure used as a construction shed or tool house for contractors and construction workers on the site of the construction. This includes construction living quarters, which is a manufactured home or recreational vehicle for use by an owner or builder during construction of a dwelling unit on the site of construction.

**18.36.030.239. Temporary Container Storage**

“Temporary Container Storage” means transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis on residential property.

**18.36.030.240. Temporary Contractor Parking Lot**

“Temporary Contractor Parking Lot” means a lot established to accommodate parking of vehicles for construction-related workers or for business employees displaced by on-site construction activities.

**18.36.030.241. Temporary Public Event or Gathering**

“Temporary Public Event or Gathering” means a public event gathering that is temporary because of its nature (e.g., related to a holiday, or dependent on good weather.) These uses include, but are not limited to, fairs, festivals, carnivals, or parades. This use does not include an “agricultural special event” as defined elsewhere in this chapter.

**18.36.030.242. Temporary Seasonal Sales**

“Temporary Seasonal Sales” means a use that is temporary because of the nature of the product or service (e.g., related to a holiday, or dependent on good weather.) Seasonal sales include, for example, the sale of Christmas trees during the winter holiday season and spring and summertime sale of plant and garden supplies/materials.

**18.36.030.243. Transport and Delivery Services**

“Transport and Delivery Services” means a use for the transport and delivery of goods, people, and services. These uses include, but are not limited to taxi services, Meals-on-Wheels-type food delivery services, cleaning services, visiting health care services, and similar uses that involve frequent trips by motor vehicles to provide services. This use does not include uses where the delivery is secondary and incidental to a primary service delivered on-site, such as restaurant delivery services.

**18.36.030.244. Tree Canopy**

“Tree canopy” means the total area of the tree or trees where the leaves and outermost branches extend, also known as the “dripline”.

**18.36.030.245. Tree Stand**

“Tree stand” means at least five or more existing trees forming a continuous canopy, each having a six-inch diameter or greater, measured four and a half feet above existing grade. Trees may be evergreen or deciduous varieties. (Ord. 96-09 § 2, 1996)

**18.36.030.246. Universal Transverse Mercator**

“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)

**18.36.030.247. Use**

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

**18.36.030.248. Utility**

“Utility” means all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services on a local level and other in-line facilities needed for the operation of such facilities, such as gas regulation stations, power or communication sub-stations, dams, reservoirs, and related power houses. Additionally, a utility facility means any energy device and/or system that generates energy from renewable energy resources including solar, hydro, wind, biofuels, wood, geothermal, or similar sources. Services may be publicly or privately provided. In the Mixed Use Town Center and High School Road Commercial Zones, utility or utilities does not include wireless communications facilities.

- A. “Utility, Primary” means facilities that produce, transmit, carry, store, distribute, or process electric power, gas, water, sewage, or information and do not meet the definition of an Accessory Utility. Primary Utilities include solid waste handling and disposal facilities, wastewater treatment facilities, utility lines, electrical power generating or transfer facilities, radio cellular telephone and microwave towers, and gas distribution and storage facilities.
- B. “Utility, Accessory” means small scale distribution systems directly serving a permitted (“P”) or conditional (“C”) use. Accessory Utilities include power, telephone, cable, water, sewer, septic, and stormwater lines, and do not include wind generators (turbines) or solar panels.

**18.36.030.249. Value added products**

“Valued added products” means goods produced from harvested crops with the defining or distinguishing ingredient being grown by the producer.

**18.36.030.250. Variance**

“Variance” provides the means for obtaining relief from the zoning regulations, through the procedures, and subject to the criteria, listed in BIMC Title 2.

**18.36.030.251. Veterinarian clinic**

“Veterinarian clinic” means a building or buildings used for animal or pet health care, including animal or pet boarding as part of that animal pet health care. A veterinary clinic may include the incidental boarding of animals or pets undergoing treatment.

**18.36.030.252. Vocational school**

“Vocational school” means an establishment offering training in a skill or trade.

**18.36.030.253. Yard**

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

**18.36.030.254. Warehouse**

“Warehouse” means an establishment involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pick-ups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

**18.36.030.255. Waste Transfer Facility**

“Waste Transfer facility” means establishments that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the composting of organic material or processing of scrap or waste material. This does not include the waste or salvage of hazardous materials. Accessory uses may include recycling of materials, offices, and repackaging and shipment of by-products.

**18.36.030.256. Wireless Communication Facility**

“Wireless communication facility” means an unstaffed facility for the transmission and reception of low-power radio signals consisting of an equipment shelter or cabinet, a support structure, antennas (e.g., omni-directional, panel/directional or parabolic) and related equipment.

- A. “Facility I” means an attached wireless communications facility that consists of antennas equal to or less than four feet in height with an area of not more than 580 square inches in the aggregate (e.g., 14-inch diameter parabola or 2.6-foot by 1.5-foot panel).
- B. “Facility II” means an attached wireless communication facility that consists of antenna equal to or less than 10 feet in height or up to one meter (39.37 inches) in diameter and with an area not more than 30 sq. ft. in the aggregate.
- C. “Facility III” means an attached wireless communication facility that consists of antennas equal to or less than 15 feet in height or up to one meter (39.37 inches) in diameter and with an area not more than 100 sq. ft. in the aggregate.

**18.36.030.257. Wetlands Mitigation Bank**

“Wetlands mitigation bank” means a natural resource management technique authorized by Part 404 of the federal Clean Water Act, or other state or federal law, as applicable, using wetland preservation, restoration, creation and/or enhancement to offset or replace wetland functions that are lost due to development. Wetland mitigation banks are typically large areas of wetlands operated by private or public entities, which may sell credits to other entities to compensate for wetland loss or impact at development sites or enter into other similar arrangements.

**18.36.030.258. Winery, Commercial**

“Winery, commercial” means is a form of agricultural processing that includes an establishment with facilities for making and bottling wine for sale on site and/or through wholesale or retail outlets. Uses at a commercial winery may also include the growing of fresh fruits or agricultural products for the production of wine. Accessory uses shall include wine tasting rooms at which wine tasting occurs, accessory food sales related to wine tasting occurs, and wines produced onsite are sold.

**18.36.030.259. Wireless Communication Support Structure**

“Wireless communication support structure” means the structure erected to support wireless communication antennas and connecting appurtenances. Support structure types include, but are not limited to, stanchions, monopoles, lattice towers, wood poles or guyed towers.

**18.36.030.260. Year-round Agricultural Retail Sales**

“Year-round agricultural retail sales” means any agricultural retail sales extending beyond seasonal agricultural sales.

**18.36.030.261. Zone**

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

**18.36.030.262. Zoning Map**

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