

**ORDINANCE NO. 2009-06**  
**HOUSING DESIGN DEMONSTRATION PROJECT**

An ordinance establishing housing demonstration projects with innovative design to result in a diversity of size and ownership, and sustainable design among new development; amending Sections 2.16.035, 2.48.040, 2.48.050, 17.04.094, 18.41.020, 18.81.040, 18.105.060, 18.108.040 and 18.120.110 of the Bainbridge Island Municipal Code; and adding a new Chapter 18.38 to the Bainbridge Island Municipal Code.

**WHEREAS**, the City of Bainbridge Island has the authority to adopt zoning provisions pursuant to RCW 36.70A.390; and

**WHEREAS**, Goal 1 of the Housing Element of the Comprehensive Plan is to “promote and maintain a variety of housing choices to meet the needs of present and future Bainbridge residents at all economic segments...”; and

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

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

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

**WHEREAS**, on January 8, 2009, the Planning Commission held a public hearing on this chapter to implement the recommendation; and

**WHEREAS**, the City Council has held 1<sup>st</sup> and 2<sup>nd</sup> readings to consider this ordinance; now, therefore,

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

**Section 1.** Section 2.16.035 of the Bainbridge Island Municipal Code is amended to read as follows:

- “2.16.035 Preapplication procedure.
- A. A preapplication conference may be scheduled by the department director for any type of land use application, but is required prior to submitting an application for the following permits:  
Regular conditional use;  
Regular variance;  
Site plan and design review approval;  
Preliminary subdivision (long plat) and short subdivision (short plat);  
Shoreline substantial development and shoreline conditional use permit;  
Planned unit development;  
Comprehensive plan amendment; and  
Consolidated project review.
- B. A preapplication conference for a conditional use permit, variance, site plan and design review, shoreline substantial development permit or shoreline conditional use permit may be waived in writing by the director of planning and community development if the director determines the following:
1. The application is consistent with applicable codes and ordinances;
  2. The proposed use is clearly listed as a permitted use in the zoning district in which it is located;
  3. The proposal is exempt from review under the State Environmental Policy Act (SEPA); and
  4. The applicant demonstrates knowledge and understanding of the cities permit processing procedures.
- C. An applicant shall arrange for a preapplication conference by submitting forms and plans as prescribed by the applicable land use applications. For Housing Design Demonstration Projects authorized under Chapter 18.38 BIMC, the applicant shall submit additional information for the preapplication conference as outlined in BIMC 18.38.050. As established by the city council by resolution, a fee for a preapplication conference shall be charged.
- D. The preapplication conference is an informal discussion between a potential applicant, interested citizens, ~~and city staff,~~ and the Design Review Board (if applicable) regarding a proposed project.

A preapplication conference shall not include extensive field inspection or correspondence. The purpose of the preapplication conference is to assist the applicant by identifying the following:

1. Requirements for submittal, including types of permits necessary to complete the proposal and whether SEPA review is required, pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW.
2. Compliance with applicable city plans, goals, policies, codes or guidelines and possible revisions to the proposed project which will enhance the proposal with respect to these requirements.
3. Required plans, studies, reports, and/or other materials specific to the proposal which will provide necessary information for staff to review the project.
4. If applicable, whether or not the project will likely qualify as a Housing Design Demonstration Project, and/or feedback about how to qualify.”

**Section 2.** Section 2.48 of the Bainbridge Island Municipal Code is amended to read as follows:

“2.48.010 Created – Membership, appointment, compensation and term.

- A. There is created a design review board (board) for the city. The design review board shall consist of seven members who shall be appointed by the mayor and confirmed by the city council. Board membership shall include at least one representative with expertise in the following disciplines and/or groups: landscape architecture; urban design; city art commission; local artists; developers; at-large community member; and at least two architects. The members of the design review board shall not be officers or employees of the city.
- B. The members of the board shall serve without compensation. The terms for appointed members shall be three years. Terms are to be staggered, with no more than three positions expiring in any given year.
- C. A member may be reappointed and shall hold office until his or her successor has been appointed and confirmed. Members may be removed by the mayor upon consent of the city council.

2.48.020 Vacancies–Removal.

In the event of a vacancy, the mayor, subject to the confirmation of the city council, shall make an appointment to fill the unexpired portion of the term of the vacated position.

2.48.030 Organization.

- A. The board shall annually select one member to serve as chair for a one-year term.

- B. The board shall adopt such rules and regulations as are necessary to accomplish its duties and responsibilities. These rules and regulations shall be placed on file with the city clerk.
- C. The city shall provide necessary supplies and support staff to the board, consistent with available resources.

2.48.040 Powers and duties.

The board shall have the following duties and responsibilities:

- A. Serve in an advisory capacity to the site plan and design reviews and conditional use permits that are authorized under Chapters 18.105 and 18.108 BIMC and that are subject to city-adopted design guidelines.
- B. Serve in an advisory and review capacity to housing design demonstration project applications pursuant to Chapter 18.38 BIMC, including those design demonstration project applications involving land subdivision.
- C. Applications related to single-family residences such as family day care homes, minor/major home occupations, and single-family residential height-variations are exempt from design review board consideration. In addition, applications related to utility facilities and to outdoor recreation facilities are exempt from design review board consideration.

2.48.050 Design review board review and recommendation process.

The design review board shall review and make recommendations on all land use applications as set forth in this section. This design process reflects a collaborative effort between an applicant, the design review board, and community to better incorporate the vision of the city as outlined in the adopted comprehensive plan and regulations.

- A. In order to identify potential design issues and opportunities, planning staff shall direct a prospective applicant to meet with the board during the conceptual stages of development formulation. This initial review is optional, but strongly recommended, and shall occur prior to the proposal's preapplication conference. The applicant shall submit conceptual drawings and diagrams as well as site information (topographic, existing development, surrounding development, and critical area information). Following this optional, initial review, an applicant may proceed with the design of the project, including development of the site plan and elevations that must be submitted as part of the preapplication materials.
- B. Subsequent to submittal of preapplication materials, the board shall review a proposal for conformance with applicable design guidelines. For Housing Design Demonstration Projects, the board shall evaluate the criteria outlined in BIMC 18.38.060 in addition

to any applicable design guidelines. The board's written recommendations shall be attached to the formal preapplication letter generated by planning staff.

- C. Subsequent to submittal of the site plan and design review and/or conditional use permit application, the board shall review a proposal for incorporation of the board's previous comments into the project's design. For Housing Design Demonstration Projects, the board shall also evaluate the criteria outlined in BIMC 18.38.060. At the conclusion of its consideration, the board shall submit to the director a recommendation of approval, approval with modifications, or denial of the application based on compliance with design guidelines. The director shall consider the board recommendation prior to making a decision on the application.
- D. A board recommendation is not a decision and there is no city appeal of the recommendation.
- E. A board recommendation shall be valid for the term of the underlying permit or approval.
- F. All board meetings shall be open to the public. The board, in its discretion, may allow interested citizens to speak and submit documents.

#### 2.48.060 Design review process.

*\* process diagram \**

#### 2.48.070 Public records.

All recommendations, reports and other official documents of the board shall be signed by the chair. The board shall keep minutes of each meeting, and shall approve them at the next board meeting. The minutes do not need to reflect the actual discussion but only the formal actions taken by the board.

#### 2.48.080 Conflict of interest.

If a design review board member is an applicant for a commercial or mixed use land use application, has a financial interest in a project, or is a paid or unpaid advocate, agent or representative for such applicant, the board member shall not participate in review of and recommendation on the application."

### Section 3. follows:

Section 17.04.094 of the Bainbridge Island Municipal Code is amended to read as

#### "17.04.094 Preliminary subdivision – Decision criteria.

The hearing examiner's recommendation and the city council decision shall include findings of fact that the application meets all the requirements of the following subsections:

A. The subdivision may be approved or approved with modification if:

1. The applicable subdivision development standards of BIMC 17.04.080, 17.04.082 and/or 17.04.085 are satisfied;
2. The preliminary subdivision makes appropriate provisions for the public health, safety and general and public use and interest, including those items listed in RCW 58.17.110;
3. The preliminary residential subdivision has been prepared consistent with the requirements of the flexible lot design process; unless a flexible lot standard has been modified as part of a Housing Design Demonstration Project pursuant to Chapter 18.38 BIMC;
4. Any portion of a subdivision that contains a critical area, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter;
5. The city engineer determines that the preliminary subdivision meets the following:
  - a. The subdivision conforms to regulations concerning drainage (Chapter 15.20 BIMC).
  - b. The subdivision will not cause an undue burden on the drainage basin or water quality and will not unreasonably interfere with the use and enjoyment of properties downstream.
  - c. The streets and pedestrian ways as proposed align with and are otherwise coordinated with streets serving adjacent properties.
  - d. The streets and pedestrian ways as proposed are adequate to accommodate anticipated traffic.
  - e. The subdivision conforms to the requirements of this chapter and the standards in the "City of Bainbridge Island Design and Construction Standards and Specifications," except as otherwise authorized by in BIMC 17.04.080.C.3;
6. The proposal complies with all applicable provisions of this code, unless the provisions have been modified as part of a Housing Design Demonstration Project pursuant to Chapter 18.38 BIMC; Chapters 58.17 and 36.70A RCW; and all other applicable provisions of state and federal laws and regulations; and
7. The proposal is in accord with the city's comprehensive plan.

B. A proposed subdivision shall not be approved unless written findings are made that the public use and interest will be served by the platting of such subdivision.

**Section 4.** A new chapter 18.38 is added to the Bainbridge Island Municipal Code as follows:

"Chapter 18.38  
HOUSING DESIGN DEMONSTRATION PROJECTS

18.38.010 Purpose

- A. The purpose of this chapter is to allow the development of a limited number of housing design demonstration projects to increase the variety of housing choices available to residents of all economic segments and encouraging sustainable development through the use of development standard incentives.
- B. Goals  
The goals of this chapter are:
  - 1. To encourage innovative building design in housing projects by:
    - a. increasing the housing supply and the choice of housing styles available in the community.
    - b. promoting diversity in housing affordability and choice by encouraging smaller and more varied home sizes and mixes of income levels.
    - c. promoting high quality design.
  - 2. To encourage the use of innovative site development practices and green building practices by encouraging the use of conservation design methods and principals such as, low impact development techniques, green building materials, water and energy conservation, and mitigation that offsets impacts to biodiversity.
  - 3. In general:
    - a. to help identify any zoning code amendments that are necessary to support the development of innovative housing choices on Bainbridge Island.
    - b. to identify effective incentives to encourage green building and low impact development standards
- C. The demonstration projects developed under this chapter shall use innovative design and development techniques to achieve these goals.

18.38.020 Applicability

- A. This chapter is applicable to all properties located within the Winslow Study Area of the Winslow Master Plan and the Winslow Sanitary Sewer System Service Area. An application for housing design demonstration project may be applied to single-family residential subdivisions, mixed-use/ multifamily and multifamily developments. Since the purpose is to provide housing projects as

demonstrations, the city will accept projects for consideration and approval prior to the sunset date of this ordinance.

- B. The City will limit acceptance of Tier 3 density incentive projects outlined in Section 18.38.090 to three projects.

#### 18.38.030 Application

An application for a Housing Design Demonstration Project shall consist of a complete application for the underlying land use permit (i.e. Site Plan and Design Review, Conditional Use, Subdivision) in addition to required information outlined in BIMC 18.38.050.

#### 18.38.040 Review & Approval Process

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

- A. **Conceptual Proposal Review.** Applicants proposing a demonstration project shall meet with city staff during the conceptual phase to discuss the goals and evaluation parameters of the proposed project. The conceptual proposal review is an informal discussion between the applicant and city staff regarding a proposed project. There are no required application materials for this stage. Applicants shall contact the Planning Department staff to request a meeting, and the meeting shall be scheduled by staff for no more than three weeks after the request date. The purpose of the conceptual proposal review is to determine if the proposal is eligible to be considered as an application for Housing Design Demonstration Project and to assist the applicant by identifying the following:
  1. Requirements for submittal, including types of supplemental materials for application.
  2. Compliance with applicable city plans, goals, policies, codes, or guidelines and possible revisions to the project which will enhance the proposal with respect to these requirements.
  3. Areas of Title 18 *Zoning*, or Title 17 *Subdivisions* which the applicant seeks flexibility.
  4. Required plans, studies, reports, and/or other materials specific to the proposal which will provide necessary information for staff and the Design Review Board, and to review the project under the criteria outlined in BIMC 18.38.060.
  
- B. **Public Participation Program.** The applicant is required to participate in one or more community meetings, either through 1) Public Participation Program following the procedures outlined in Resolution 2001-11, or 2) an equivalent public meeting that includes participation by city staff, as approved by the director.



C. Preapplication Conference. The applicant shall apply for a preapplication conference pursuant to BIMC 2.16.035. Housing Design Demonstration Projects shall be reviewed by both staff and the Design Review Board, pursuant to BIMC 2.48.050.

1. Housing Design Demonstration Project Evaluation. The applicant shall submit a HDDP proposal consistent with the requirements outlined in BIMC 18.38.050. The applicant shall consider input received from the public meetings and conceptual review with city staff in the crafting the proposal. The proposal will be evaluated pursuant to BIMC 18.38.060 by city staff and the Design Review Board at one Board meeting. The evaluation factors outlined in BIMC 18.38.060 shall be evaluated by the following parties:

- a. Housing Diversity: to be evaluated by the director.
- b. Innovative Site Development Practices: to be evaluated by the director and Design Review Board.
- c. Innovative Building Design Practice: to be evaluated by the director.

The Director of Planning and Community Development shall prepare written findings of facts. Applicants will receive preliminary notification from the director whether the proposal qualifies as a Housing Design Demonstration Project, or feedback about how to improve the proposal to qualify. Any changes to the proposal would be reviewed through an additional preapplication conference. If the proposal is significantly altered, another preapplication conference may be required.

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

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

F. Permit Decision. The decision to approve or deny a Housing Design Demonstration Project shall be made as part of underlying

land use permit approval. The decision shall be based upon the decision criteria of the underlying planning permit, and the decision criteria outlined in BIMC 18.38.070. Housing Design Demonstration Project approval conditions shall be included in the final permit approval and shall address any ongoing compliance requirements including compliance with approved design plans.

G. Appeal of the Decision. A decision on a Housing Design Demonstration Project may be appealed under the provisions of Chapter 2.16 BIMC as part of any appeal of the underlying land use permit.

H. Project Certification

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

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

18.38.050 Submittal Requirements

In addition to any submittal requirements from the underlying land use permitting process, the following additional information is required for a Housing Design Demonstration Project:

- A. A survey prepared by a licensed surveyor, including information showing existing conditions and site information including, but not limited to, topography (contour interval not to exceed 5 feet), an elevation benchmark (located on or within 100 feet of the proposed site), adjacent development, vegetation, utilities, critical areas, property lines, and easements. Whenever possible, survey information should be submitted on City of Bainbridge Island vertical and horizontal datums. All plans must be submitted at an easily reproducible engineering or architectural scale. The survey data should be integrated into all site plans and elevation drawings related to the project and the source of the survey information shall be noted.
- B. Plans descriptive of drawings of the proposed innovative housing types including building footprints and building elevations, floor plans, and roof plans.
- C. A description of the proposed unit type, including proposed square footage, unit mix, and number of bedrooms per unit.
- D. A description of the required development standards, compared with the standards which relief is being requested. This includes, but is not limited to, setbacks, open space, density, or parking requirements. The applicant should explain how relief from specific development standards is needed to achieve the desired innovative design and the goals of this chapter
- E. Photographs of the subject and adjacent properties keyed to the site plan.
- F. A landscape plan, including any planned removal and replanting.
- G. A detailed description of any project phasing.
- H. A description of how the proposed development is consistent with the surrounding neighborhood character.
- I. A description of how the proposed development complies with the goals of this chapter, project evaluation criteria as described in BIMC 18.38.060, and all relevant decision criteria.

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

#### 18.38.060 Evaluation Method

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

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

#### A. Housing Diversity

1. Unit Type: The project includes a variety of unit types, for example, single-family, townhomes, flats, duplex, live/work, or accessory dwelling units.
2. Unit Size: The project includes a variety of housing unit sizes that provide for a broad mix of income levels and family size.
3. Affordable Housing: The project includes housing units that are affordable to the spectrum of income levels as defined by BIMC 18.06.565 *Affordable Housing*. Designated affordable housing shall remain affordable for fifty years from the time of final inspection on the affordable unit.

#### B. Use of Innovative Site Development Practices

1. Low Impact Development: The project uses a low impact development approach to storm water management through small-scale decentralized practices that infiltrate, evaporate and transpire rainwater, such as:
  - a. Use rain gardens and other water-absorbent plant growth media, with drought tolerant native plants, combined with curb cuts and other proven low impact development techniques for rainwater catchment and absorption, to lessen storm water runoff. Invasive species shall not be planted.

- b. Where there is to be an earthen separation between the street and sidewalk and bioswales.
  - c. Amended soils.
2. Impervious Surfaces. The project reduces impacts from impervious surfaces through use of techniques such as:
  - a. Porous asphalt, paver blocks or large aggregate pervious concrete for parking and highly used bicycle and pedestrian areas;
  - b. Lattice blocks (or similar products) that permit grass growth for fire lanes and overflow parking;
  - c. Crushed stone or brick for lightly used pedestrian paths; and
  - d. Recycled asphalt and recycled concrete in the base course of pervious and/or impervious surfaces.
3. Landscaping: Low maintenance landscaping that integrates a high proportion of native plants or drought-tolerant plants that are climate appropriate.
4. Common Open Space: The project provides connected common open space area set aside as active open space and designed and integrated into the project.
5. Transportation:
  - a. The project design provides enhanced sensitivity to pedestrian travel.
  - b. The project internally preserves existing informal, internal connection to external trail(s); or, creates new connections where appropriate, to implement the Non-motorized Transportation Plan (NMTP).
  - c. The project reduces reliance on automobiles and trip counts, and promotes alternative transportation and public transit.
  - d. The project accommodates needs of alternative vehicles, such as 1) parking and charging facilities for electric cars 2) by locating rechargeable electric vehicle (EV) parking in a conspicuous and preferred location, close to a main building entrance, or 3) parking spaces designed for sub-compact vehicles, such as smart™ cars.
  - e. The project integrates a parking space for a vehicle sharing program, such as zipcar™.
  - f. The project minimizes the visual dominance of automobiles throughout the project.

6. Designated Compost Area: The project designates an area where residents can compost their food and yard waste. The compost area may be located in active open space areas.
7. Biodiversity: The development addresses biodiversity issues by incorporating development impact offsets as outlined in the policies of the Environmental Element of the Comprehensive Plan.

C. Innovative Building Design Practice.

1. Alternative Energy: The project utilizes, at least in part, alternative power and heat technologies including, but not limited to solar, passive solar, wind, and geothermal.
2. Energy Efficiency: The project exceeds base energy efficiencies required by the Building Code by integrating energy efficient building design and appliances.
3. Water Efficiency: The project uses water efficiently by integrating low-flow water fixtures and/or water re-use systems (i.e. greywater for toilets, landscaping).
4. Green Building Materials: The project utilizes sustainable or 'green' building materials internally and externally.
5. Accessibility: The project design incorporates access for residents of all ages and mobility inside and outside the home.

18.38.070 Housing Design Demonstration Project Approval Criteria

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

- A. The applicant clearly demonstrates evaluation factors listed in BIMC 18.38.060 as evaluated by the Design Review Board and the Department of Planning & Community Development.
- B. The applicant has demonstrated how relief from specific development standards, including setback reductions, lot coverage and/or design guidelines, is needed to achieve the desired innovative design and the goals of this chapter.
- C. The project is harmonious in design and appearance with the intended character and quality of development in the immediate vicinity of the subject property, and with the physical characteristics of the subject property.

- D. The project does not adversely impact existing public service levels for surrounding properties.
- E. The project complies with all other portions of the BIMC, except as modified through this Housing Design Demonstration Project process.
- F. If a project will be phased, each phase of a proposed project must contain adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the project to stand alone if no other subsequent phases are developed.
- G. The applicant is meeting required housing diversity standards.

#### 18.38.080 Development Standard Incentives

The applicant may request that the following development standards from Titles 17 *Subdivision* and 18 *Zoning* may be modified as part of an approved innovative housing project. The city will review the request to modify development standards through the project review process outlined in BIMC 18.38.040, and considered in relation to all required decision criteria. Requirements of Title 16 *Environment* may not be modified.

- A. Minimum lot dimensions and size, subject to approval by Kitsap County Health District.
- B. Lot Coverage. Maximum lot coverage will be evaluated as a part of the innovative site development evaluation criteria in BIMC 18.38.060.
- C. Open Space. For demonstration projects developed under BIMC Title 17 *Subdivisions*, flexible lot subdivision open space requirements do not apply. Open space incorporated into the project is part of the evaluation criteria in BIMC 18.38.060.
- D. Parking.
  1. Residential: Additional guest parking may be required pursuant to BIMC 18.81.030.D.3. The residential parking requirements outlined in Chapter 18.81 BIMC may be modified as outlined below. This reduction may not be combined with any other reductions allowed under BIMC 18.81.040 to result in less than 1 space per unit. The applicants are encouraged to work with neighboring property owners to ensure street parking is not overburdened. A limited number of parking spaces may be designed to accommodate alternative fuel or sub-compact vehicles such as smart™ cars, with parking stall dimensional standards reduced from the standards outlined in BIMC 18.81.070.

- a. Homes under 800 square feet: 1 parking space
    - b. Homes 800-1,500 square feet: 1.5 parking spaces
    - c. Homes greater than 1,500 square feet: 2 parking spaces (existing)
  - 2. Commercial: A reduction in commercial parking requirements may be granted for live-work project proposals which contain integrated living and working space, or other commercial components primarily serving an immediate neighborhood, shall be reviewed consistent with BIMC 18.81.030.O.
- E. Setbacks. Unless required for public safety purposes, such as site distance, setbacks pursuant to Titles 17 *Subdivisions* or 18 *Zoning* may be reduced as described below. Additional vegetative landscaping screen may be required by director when reducing setback.
- 1. Title 17 *Subdivision* Setbacks
    - a. All interior subdivision setbacks: 0 feet
    - b. Building to exterior subdivision boundary: 5 feet
    - c. Building to right-of-way or on-site private access: 10 feet (no reduction allowed adjacent to SR 305)
  - 2. Title 18 *Zoning* Setbacks. This section does not replace lesser requirements found in the Mixed-Use Town Center and High School Road zoning districts.
    - a. Front setback within project: 10 feet
    - b. Rear setback within project: minimum of 5 feet
    - c. Side setback within project: minimum of 5 feet
- F. Roadside Buffers. A reduction in required roadside buffers will consider existing vegetation and the buffering provided by surrounding properties.
- G. Building height. Existing bonus height may be achieved as outlined below.
- 1. Residential buildings in residential zones, outside the Mixed-Use Town Center (MUTC)/High School Road districts, may achieve the extra 5 feet in height provision of the applicable zoning district through the HDDP approval process with underlying land use permit instead of a conditional use permit process.
  - 2. Buildings within the Mixed-Use Town Center (MUTC)/High School Road districts may achieve a maximum building height



not to exceed the optional height outlined in BIMC 18.40.030 for that district.

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

	Residential Density Bonus	Green Building Certification (BIMC 18.38.050.J)/ Innovative Site Development?	Affordable housing/ Housing Diversity
TIER 3	2.5 x base density or Max. Mixed Use FAR (not applicable in Zones R-8 & R-14)	Living Building Challenge	
	2.5 x base density or Max. Mixed Use FAR (not applicable in Zones R-8 & R-14)	LEED Silver, BuiltGreen 4 or Evergreen Sustainable Development	50%affordable housing
TIER 2	2.0 x base density not to exceed R-8 (Zones R-2, R-2.9, R-3.5 & R-4.3) or 1.5 x base density (Zones R-8 & R-14) or Max. Mixed Use FAR	LEED Silver or BuiltGreen 4	Achieve housing diversity*
	1.5 x base density Max. Mixed Use FAR	LEED Gold or BuiltGreen 5	Some housing diversity points*
TIER 1	0	LEED Certified	
	0		Achieve housing diversity*

\* Calculated through the adopted quantitative evaluation method

- A. Properties within the MUTC/High School Road districts may achieve a maximum residential density not to exceed the maximum bonus mixed-use FAR for that district, pursuant to BIMC 18.40.030. The applicant will not have to buy the amount of FAR exceeding the base residential FAR. Both mixed-use and residential Housing Design Demonstration Projects may achieve the maximum mixed-use FAR for that district.
- B. Properties in residential zones, outside the MUTC/High School Road districts may achieve a maximum density increase up to 2.5 times the base density. Maximum residential density bonus will be linked to the varying levels of green building and affordable housing provided as indicated in the table above.

18.38.100 Demonstration Project Visit

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

18.38.110 This chapter shall take effect on and be in force five days from and after its passage, approval, and publication as required by law and shall expire three (3) years from said effective date.”

**Section 5.**  
follows:

Section 18.41.020 of the Bainbridge Island Municipal Code is amended to read as

“18.41.020 Variations.

Variation(s) from the requirements of the adopted City of Bainbridge Island Engineering and Development Standards and the subdivision standards contained in the Appendix A of BIMC Title 17 may be permitted if the variation(s) will further the purposes of this chapter and is approved by the department director, after recommendation by the city engineer and/or the fire marshal. For projects participating in a Housing Design Demonstration Project (HDDP) pursuant to Chapter 18.38 BIMC, design guidelines may be varied if the applicant can demonstrate that deviation from the guidelines will facilitate meeting goals of the HDDP program.”

**Section 6.** Section 18.105.060 of the Bainbridge Island Municipal Code is amended to read as follows:

“18.105.060 Decision criteria.

The development review committee (DRC), director, and planning commission shall base their respective recommendation or decision on site plan and design review on the following criteria:

- A. The site plan and design is in conformance with applicable code provisions and development standards of the applicable zoning district; unless a standard has been modified as a Housing Design Demonstration Project pursuant to Chapter 18.38 BIMC;
- B. The site design review for light manufacturing and business park zoning districts is in conformance with the following:
  - 1. The site design review standards of BIMC 18.72.050;
  - 2. The site design review has been prepared consistent with the purpose of the site design review process and open space goals; and
  - 3. In addition to the applicable storm water management requirements of Chapter 15.20 BIMC, the development proposal shall include means to integrate and re-use on-site storm water as site amenities;
- C. The locations of the buildings and structures, open spaces, landscaping, pedestrian, bicycle and vehicular circulation systems are adequate, safe, efficient and in conformance with the nonmotorized transportation plan;
- D. The proposal will be served by adequate public facilities including roads, transit, water, fire protection, sewage disposal facilities and storm drainage facilities;
- E. The site plan and design is consistent with the design guidelines of Chapter 18.41 BIMC, or other applicable design guidelines of the zoning district; unless strict adherence to a guideline has been modified as a Housing Design Demonstration Project pursuant to Chapter 18.38 BIMC;
- F. No harmful or unhealthful conditions are likely to result from the proposed site plan;
- G. The site plan and design is in conformance with the comprehensive plan and other applicable adopted community plans; and
- H. Property subject to site plan and design review which contains a critical area, as defined in Chapter 16.20 BIMC, conforms to all requirements of that chapter.”

**Section 7.** Section 18.108.040 of the Bainbridge Island Municipal Code is amended to read as follows:

“18.108.040 Decision criteria.

- A. A conditional use may be approved or approved with modifications if:
1. The conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the immediate vicinity of the subject property and with the physical characteristics of the subject property provided, however, that, in the case of a project being processed under BIMC Chapter 18.38, any differences in design, character or appearance that are in furtherance of the purpose and decision criteria of that Chapter shall not result in denial of a conditional use permit for the project;
  2. The conditional use will be served by adequate public facilities including roads, water, fire protection, sewage disposal facilities and storm drainage facilities;
  3. The conditional use will not be materially detrimental to uses or property in the immediate vicinity of the subject property;
  4. The conditional use is in accord with the comprehensive plan and other applicable adopted community plans, including the nonmotorized transportation plan;
  5. The conditional use complies with all other provisions of this code; unless a provision has been modified as a Housing Design Demonstration Project pursuant to Chapter 18.38 BIMC;
  6. The conditional use will not adversely affect the area or alter the area's predominantly residential nature; ~~and~~
  7. All necessary measures have been taken to eliminate the impacts that the proposed use may have on the surrounding area; and
  8. If a conditional use is processed as a Housing Design Demonstration Project pursuant to Chapter 18.38 BIMC, the above criteria will be considered in conjunction with the purpose and decision criteria of Chapter 18.38 BIMC, and in light of the goals and polices of that chapter.
- B. A conditional use may be approved with conditions. If no reasonable conditions can be imposed that ensure the application meets the decision criteria of this chapter, then the application shall be denied.
- C. 1. Educational, cultural, governmental, religious or health care facilities in residential zones must be processed as regular conditional use permits and meet the following criteria, in addition to those listed above:
- a. Applicants are required to submit a traffic report, showing the effects on level of service on affected roads. Proposed mitigations for degradation of the LOS must be submitted as part of the application.

- b. All sites must front on roads classified as residential suburban or above on the Bainbridge Island Functional Road Classification Map.
  - c. Noise levels shall be in compliance with BIMC 16.16.020 and 16.16.040.A.
  - d. The appropriate approvals of sewer and water supply must be submitted at the time of application.
  - e. A fencing plan or alternative methods to protect the public health, safety and welfare must be submitted at the time of application.
  - f. The applicant shall provide perimeter buffers of vegetation either retaining existing or planting a new one in compliance with BIMC 18.85.070.D.4 (this only applies to residential districts outside Winslow).
  - g. These conditional uses are limited in lot coverage to only 50 percent of the allowable lot coverage in the zone in which they are located.
  - i. Except that public schools, defined as the common schools referred to in Article IX of the State Constitution, established by law and maintained at public expense, and those private learning institutions established by law and maintained at private expense, offering kindergarten, primary and secondary education through the high school level shall be allowed the lot coverage established in the underlying zoning district in which it is located unless conditions are required to limit the lot coverage to mitigate impacts of the use in accordance with this chapter.
  - h. Vehicular, pedestrian, and bicycle access and site circulation must be submitted at the time of application and approved by the city. The city engineer may modify the requirements of BIMC 18.81.020.D and allow alternate driveway and parking area surfaces; provided, that the allowed surface(s) meets city requirements for handling surface water and pollutants.
  - i. The applicant shall submit a site and building design proposal that meets the design principles and guidelines found in BIMC 18.41.070, Light manufacturing design guidelines, and incorporates conditions deemed applicable by the director in accordance with this chapter. Each proposal will be evaluated for adequate vegetated roadside views, landscaping buffers for parking and service areas, scale of proposed construction including bulk and height and harmonious architectural design features compatible with the surrounding neighborhood.
2. All of the above facilities which have attendees and employees numbering fewer than 50 or an assembly seating area of less

- than 50 may have any or all the above requirements waived by the director, except those required elsewhere in the city code.
3. Educational programs in residential zones that are temporary or of short duration, as determined by the director, may be exempt from conditional use permit requirements.”

**Section 8.**  
as follows:

Section 18.120.110 of the Bainbridge Island Municipal Code is amended to read

“18.120.110 Decision criteria.

- A. An application for a PUD permit may be approved or approved with modifications if:
  1. The PUD clearly demonstrates superior site design by incorporating as many of the following as feasible:
    - a. Provisions for public facilities and/or amenities;
    - b. Energy efficient site design;
    - c. Provision of affordable housing;
    - d. Other innovative site design exceeding code requirements;
    - e. Preservation of natural features;
    - f. Placement of structures, circulation systems and utilities that minimize the alteration of the land;
    - g. Provisions for a variety of building types and scale, and design to reduce the bulk of structures;
    - h. Site design that reduces dependency on automobiles by providing for pedestrian, bicycle and transit uses;
    - i. Site design that minimizes impervious surfaces; and
    - j. Planting and buffers that exceed required minimums;
  2. The PUD provides for the protection of critical and resource areas;
  3. The PUD is compatible in size, scale, mass and design with uses on adjacent properties;
  4. For all PUDs containing dwelling units, at least 15 percent of the gross land area must be set aside as active open space and designed as an integrated part of the project rather than an isolated element; ~~and~~
  5. The PUD is compatible with the physical characteristics of the subject property;
  6. Roads, streets, and access drives within and adjacent to the PUD meet all the requirements of the development standards. Appendix A of BIMC Title 17, except as provided for in BIMC 18.120.060(J)(2);
  7. Adequate public services are available including water, sewer/septic, roads, including access roads, fire and storm drainage. Approval of the PUD should not adversely impact existing public service levels for surrounding properties;
  8. The PUD is consistent with the goals and policies of the comprehensive plan;

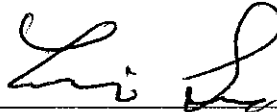
9. The PUD complies with all other codes and policies of the city, unless a provision has been modified as a Housing Design Demonstration Project pursuant to Chapter 18.38 BIMC;
  10. All significant trees within required buffer areas and outside building footprints are retained whenever feasible;
  11. A perimeter buffer appropriate to the project may be required;
  12. If a PUD will be phased, each phase of a proposed PUD must contain adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the PUD to stand alone if no other subsequent phases are developed.
- B. If no reasonable conditions or modifications can be imposed to ensure the application meets the criteria set forth above, then the application shall be denied.”

**Section 9.** If any section, sentence, clause or phrase of this chapter shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this chapter.

**Section 10.** This chapter shall take effect on and be in force five days from and after its passage, approval, and publication as required by law.

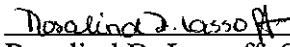
**PASSED** by the City Council this 12<sup>th</sup> day of August, 2009.

**APPROVED** by the Mayor this 18<sup>th</sup> day of August, 2009.



\_\_\_\_\_  
Christopher Snow, Mayor

**ATTEST/AUTHENTICATE:**

  
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Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	March 3, 2009
PASSED BY THE CITY COUNCIL:	August 12, 2009
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ORDINANCE NO.	2009-06

