

ORDINANCE NO. 2019-03

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to subdivision standards, revising Title 17, repealing Chapter 17.12, and adopting an updated Chapter 17.12, repealing Table 18.12.020-1, and revising Chapter 18.09.030, 18.12.040, 18.15.005, 18.15.010, 18.15.020, and 18.36.030 of the Bainbridge Island Municipal Code.

WHEREAS, the City Council of the City of Bainbridge Island (“City”) updated the City’s Comprehensive Plan in February of 2017; and

WHEREAS, the City’s Comprehensive Plan includes a number of land use, environmental, and housing goals and policies related to residential development, including: Policy LU 1.2; Goal LU-4; Policies LU 4.1, 4.10, and 4.11; Goal LU-5; Policy LU 5.1; Goal LU-6; Policies LU 6.1, 6.5, and 6.8; Goal LU-12; Policies 12.1, 12.2, 12.3, 12.6, and 12.7; Policies LU 14.1, 14.2, and 14.3; Goal HO-1 and HO-3; Policy HO 3.1 and 3.6; Policies HO 6.6 and 6.7; Goal EN-4; Policy EN 4.1; Policy EN 5.3; Policy EN 15.3; Policy 18.2; and Policy EN 19.3; and

WHEREAS, the primary focus of Ordinance No. 2019-03 is to implement the vision of the City’s Comprehensive Plan by translating goals and policies related to residential growth and development patterns into specific guidelines and standards for subdivision development; and

WHEREAS, the City Council has expressed significant concerns about development and growth in the City under current regulations in the context of the vision and goals of the City’s Comprehensive Plan, and desires to revise development regulations to best accommodate growth and development in both general and specific ways; and

WHEREAS, Ordinance No. 2018-02 imposed a temporary six-month moratorium on the acceptance of certain development, stating the City Council’s concerns regarding likely adverse impacts related to growth and development under existing regulations; and

WHEREAS, based on these and related concerns, the City Council required additional time to review the regulations and policies at issue to ensure that the vision and goals of the City’s Comprehensive Plan are being met to the Council’s satisfaction; and

WHEREAS, a number of priorities to address the items at issue in the moratorium were identified at a joint meeting of the City’s Design Review Board and Planning Commission on February 22, 2018, including the following:

- (1) Initiate rewrite of subdivision design standards (Chapter 17.12 BIMC);
- (2) Identify specific development standards to review/revise (Chapters 18.12 and 18.15 BIMC); and

(3) Consider alternatives and identify preference for design guidelines framework.

WHEREAS, at an April 3, 2018 City Council study session, the City's Department of Planning and Community Development provided a briefing on the Design Review Board and Planning Commission joint meeting wherein the Council authorized staff to proceed with a work plan addressing the priorities identified at the joint meeting; and

WHEREAS, on April 2 and 23, May 7 and 21, June 4, August 6, 13 and 20, September 4 and 17, and October 15, 2018, the City's Design Review Board discussed alternatives for subdivision review procedures and subdivision design guidelines; and

WHEREAS, on March 22, May 10, June 7, 14, and 21, July 12 and 26, August 9, 23, and 30, September 13 and 27, October 25, November 8 and 29, and December 13, 2018, as well as on January 10, and February 13 and 28, 2019, the City's Planning Commission discussed alternatives for revisions to the City's subdivision review procedures, design guidelines, and standards; and

WHEREAS, each of the thirty Design Review Board and Planning Commission meetings included an opportunity for public comment; and

WHEREAS, the Planning Commission held a public hearing on Ordinance 2019-03 on February 13, 2019, which was continued to February 28, 2019; and

WHEREAS, City staff forwarded the Planning Commission's recommendations related to the subdivision update to the City Council for consideration at the Council's March 19, 2019 regular study session; and

WHEREAS, the City Council previously reviewed and considered the subdivision update at regularly scheduled meetings on September 4 and 11, October 9, and December 4, 2018; and

WHEREAS, the City Council considered the proposed ordinance at its meeting on March 19, 2019, as well as meetings on April 2 and 16, May 28, and July 23, 2019 [note: this will be revised based on Council activity]; and

WHEREAS, the City Council held a public hearing on Ordinance 2019-03 on August 27, 2019 and September 24, 2019; and

WHEREAS, the City issued a State Environmental Policy Act ("SEPA") Determination of Non-Significance for this Ordinance No. 2019-03 on March 1, 2019; and

WHEREAS, the City notified the Department of Commerce on February 25, 2019 of its intent to revise its development regulations relating to subdivisions; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City's incorporated lands.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 17.04.010 of the Bainbridge Island Municipal Code is hereby amended as follows.

A. The purpose of this title is to regulate the division of land into short subdivisions, long subdivisions, and large lot subdivisions ~~to promote the public health, safety and general welfare of the citizens of the city in accordance with state law and the city's comprehensive plan. To carry out this purpose and further the comprehensive plan policies addressing residential subdivision of land, this title establishes a flexible lot process for short and long subdivisions that promotes the preservation and consolidation of open space and clustering of development within residential subdivisions. This process facilitates the fair and predictable division of land, maintains the current character of the city, encourages efficient and cost-effective provisions for infrastructure, limits the development impact area, minimizes impervious surface area and provides for greater flexibility in the division and establishment of residential lots. in a manner consistent with the established zoning classifications for residential and other uses, in order to promote the public health, safety, and general welfare of citizens. In accordance with state law and the city's comprehensive plan, this title establishes a planning process for short and long residential subdivisions that promotes the preservation and consolidation of natural areas and the clustering of homes, in order to facilitate the fair and predictable division of land, limit the environmental impacts of development, achieve efficient and cost-effective provisions for utilities and infrastructure, and maintain the current character of the city.~~

B. A further purpose of this title is to:

1. Prevent the overcrowding of land;
2. ~~Lessen congestion in the streets and highways;~~
3. Provide for adequate light and air;
4. Facilitate adequate provision for water, sewage, storm water drainage, parks and recreation areas, sites for schools and school grounds and other public requirements;
5. Provide for proper ingress and egress;
6. Provide a variety of housing opportunities; and
7. Maintain the quality of life of the city.

C. ~~Through this title, the city will also allow for the subdivision of land for nonresidential, multifamily, and mixed use, and accomplish uniform monumenting of land divisions and conveyance by accurate legal description.~~

D. ~~An additional purpose of this title is to provide criteria for summary administrative approval of boundary line adjustments that satisfy public concerns of health, safety and welfare, or where arranging or rectifying boundary lines is otherwise requested.~~

~~E.B.~~ A ~~final~~ further purpose of this title is to comply with the provisions of RCW Title 58 (Boundaries and Plats) or its successors, and other applicable law of Washington State, and no provision of this title shall be interpreted to authorize or require actions inconsistent with those laws. (Ord. 2011-02 § 2 (Exh. A), 2011)

Section 2. Section 17.04.020 of the Bainbridge Island Municipal Code is hereby amended as follows.

B. Location of Review and Approval Procedures and Application Materials. The procedures for approval of short, long, large lot, nonresidential, and multifamily subdivisions, as well as the vesting of rights related to those types of approvals, are set forth in BIMC Title 2 (Administration and Personnel). All such provisions require consistency with the requirements of RCW Title 58 (Boundaries and Plats) or its successors as applicable to the type of land division being proposed. Required application materials are provided in the Bainbridge Island administrative manual.

~~E. Application Materials. Materials required to be submitted with an application for a short or long subdivision, subdivision, large lot subdivision, nonresidential or multifamily subdivision or boundary line adjustment are available in the Bainbridge Island administrative manual.~~

Section 3. Section 17.08.020 of the Bainbridge Island Municipal Code is hereby amended as follows.

F. A division (1) caused by condemnation or by acquisition by a government entity in lieu of condemnation, or (2) otherwise resulting from a transfer of land to a government entity, or to a Qualified Open Space Entity, for open space, park, public vehicular access, public pedestrian access, utility, or right-of-way purposes, or to a private utility regulated by the State Utilities and Transportation Commission for utility improvement purposes. For the purposes of this Section, a "Qualified Open Space Entity" is a non-profit Washington corporation, tax exempt under Internal Revenue Code Section 501(c)(3), which includes among its express purposes the conservation and preservation of open space and park lands on Bainbridge Island; provided that any land received by a Qualified Open Space Entity under this paragraph shall have been stripped of all development rights, and subject to a recorded covenant against further subdivision, or residential or commercial development.

~~H. Short subdivisions shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, as a means to circumvent compliance with the more stringent subdivision requirements that control the subdivision of land into five or more lots. When an application for a short subdivision is filed within five years after the approval of a short subdivision on a contiguous land parcel, a presumption of an attempt to circumvent short subdivision requirements may be invoked by the director as a basis for further investigation to assure compliance with the intent of this provision. (Ord. 2011-02 § 2 (Exh. A), 2011)~~

Section 4. Chapter 17.12 of the Bainbridge Island Municipal Code is hereby repealed.

Section 5. An updated Chapter 17.12 of the Bainbridge Island Municipal Code is hereby adopted, as set forth in Exhibit A and as incorporated herein.

Section 6. Chapter 17.28 of the Bainbridge Island Municipal Code is hereby amended as set forth in Exhibit B and as incorporated herein.

Section 7. Chapter 18.09.030.B.1 of the Bainbridge Island Municipal Code is hereby amended as follows.

b. In the Mixed Use Town Center District, existing Ssingle-family dwellings in the Mixed Use Town Center: are subject to R-4.3 zoning development standards.

i. Except for new single family residences constructed pursuant to subsection B.1.b.ii of this section, 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 BIMC 2.16.020.S. Properties with frontage along Winslow Way between Madison Avenue and State Route 305, excepting flag lots, must include a retail and/or commercial component. Solely residential development is not allowed in this area.

Section 8. Table 18.12.020-1, *Flexlot Subdivision Dimensional Standards for Residential Zone Districts*, is hereby repealed.

Section 9. Chapter 18.12.040 of the Bainbridge Island Municipal Code is hereby amended as follows.

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 BIMC 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. These modifications are not permitted in required perimeter or roadside buffers.

Section 10. Section 18.15.005 of the Bainbridge Island Municipal Code is hereby amended as follows.

G. Chapter BIMC 17.12 BIMC-.030, flexible lot design open space/cluster general subdivision standards; BIMC 17.20.020, dedication of land for parks and open space facilities;

Section 11. Table 18.15.010-1, *Landscape Requirements by Zone District*, of the Bainbridge Island Municipal Code is hereby amended as follows.

Landscape Requirements for Land Uses and Districts	Significant Tree and Tree Stand Retention	Perimeter Landscape	Roadside Buffer	Parking Lot Landscaping	Total Site Tree Unit Requirements	Planting Requirements	Irrigation	Maintenance
Single-Family Residential Short Plats and Subdivisions	✕	✕ (Cluster Subdivisions Only)	✕	-	-	✕	✕	✕

Section 12. Table 18.15.010-3, *Perimeter Landscaping Requirements by Land Use and Zoning District*, of the Bainbridge Island Municipal Code is hereby amended as follows.

Abutting Zoning or Land Use District	Perimeter Landscape Type	Perimeter Width (ft.)	Minimum Perimeter Width (ft.)
Short Plats and Subdivisions in Residential Zoning Districts [1]			
Residential subdivision in the R-0.4, R-1, and R-2 districts (cluster option only)	Edge Planting Standard	25	25
Multifamily subdivision in the R-2, R-1, and R-0.4 zoning districts (cluster option only)	Full Screen	25	25
Park and conservation land buffer: applies to all single-family subdivisions (OS) [2]	Edge Planting Standard	25	25
Winslow Town Center Mixed Use District [3] [1]			
Non-B/I	Full Screen [4] [2]	50	35
[1] Properties with less than one acre being subdivided are not subject to perimeter buffer requirements.			

Abutting Zoning or Land Use District	Perimeter Landscape Type	Perimeter Width (ft.)	Minimum Perimeter Width (ft.)
<p>[2] (OS) indicates that the buffer may be calculated in the required open space area for the subdivision.</p> <p>[3] [1] For perimeter landscaping requirements in the ferry terminal district transition area, north of Winslow Way, reference BIMC 18.12.030.C.</p> <p>[4] [2] This perimeter buffer applies even when a private access road separates a B/I property from non-B/I property.</p>			

Section 13. Section 18.15.010.D. of the Bainbridge Island Municipal Code is hereby amended as follows.

3. ~~Perimeter Buffers in Residential Cluster Short Subdivisions, Cluster Long Subdivisions, and Multifamily Subdivisions in the R-2, R-1, and R-0.4 Zoning Districts.~~ for residential and commercial subdivisions are required pursuant to BIMC 17.12.060.N. The buffers shall be pursuant to the standards set forth in subsection D.4 of this section. The tree retention, replacement, and protection standards of subsection C of this section apply to perimeter buffers for residential and commercial subdivisions.

- a. ~~When the cluster development option is selected pursuant to BIMC 17.12.030.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, edge planting standard landscape perimeter shall be required along the subdivision boundary.~~
- b. ~~When the cluster development option is selected pursuant to BIMC 17.12.030.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, edge planting standard landscape perimeter shall be required along the subdivision boundary.~~
- e. ~~In order to buffer the visual impact of the proposed subdivision and protect off-site views, additional landscaping shall be planted within landscape perimeter buffers where mature trees and shrubs cannot provide such screening, pursuant to subsection D.4 of this section.~~
- d. ~~Required landscape buffer width may be reduced through buffer averaging in accordance with the criteria in subsection D.5 of this section, 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-2, R-1, and R-0.4 zoning districts, a 25-foot-wide, full screen landscape perimeter shall be required along the subdivision boundary~~

Section 14. Section 18.15.010.E. of the Bainbridge Island Municipal Code is hereby amended as follows.

~~2. Roadside Buffers for Residential and Commercial Subdivisions are required pursuant to BIMC 17.12.070.O. Roadside buffers are required for both residential and commercial subdivisions—see Table 18.15.010-4. 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 subsection D.4 of this section and Table 18.15.010-4. The tree retention, replacement, and protection standards of subsection C of this section apply to roadside buffers for residential and commercial subdivisions. These requirements do not apply to projects involving only interior renovations of existing buildings.~~

~~a. Roadside Buffer General Requirements. All residential subdivisions and short subdivisions subject to landscape buffering requirements shall comply with the standards in this subsection, including those in Table 18.15.010-4.~~

~~b. Roadside Buffers in Residential Short Subdivisions.~~

~~i. Except for properties containing a gross area of less than one acre, on a property located adjacent to public roads that are designated as collector or arterial roads on the adopted road classification map, a 25-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.~~

~~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 this title.

iii. To accommodate an existing house that is located within 25 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.

e. ~~Roadside Buffers in Residential Long Subdivisions.~~

i. ~~For subdivisions located in the R-0.4, R-1, R-2 and R-2.9 districts located adjacent to public roads that are designated as collector or arterial roads on the adopted road classification map, a 25-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.~~

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 is no existing vegetation that contributes to the existing vegetation character of the roads, a 25-foot full screen landscape buffer shall be planted consistent with the requirements of subsection D.4.a of this section, except as noted below in this subsection.~~

iii. ~~To accommodate an existing house that is located within 25 feet of the property line adjacent to a collector or arterial road (or within 25 feet of such a property line if subsection E.2.c.ii of this section 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 this title.~~

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 E.2.c.ii of this section shall not be required.~~

d. ~~Roadside Buffers in Multifamily and Commercial Subdivisions. A minimum 50-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 subsection D.4.a of this section.~~

e. ~~Multiple Street Frontages. 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.~~

Section 15. Table 18.15.010-4, *Roadside Buffer Requirements by District and Land Use*, of the Bainbridge Island Municipal Code is hereby amended as follows.

Existing Zoning/Use	Adjacent Right-of-Way Type	
	Right-of-Way (not including Highway 305)	Highway 305
Residential Subdivision in the R-0.4, R-1, R-2, and R-2.9 Districts [4]	25' Full Screen or maintain existing vegetation within 25' buffer (OS) [5][6]; Applies only to collectors and arterial roads	
Residential Subdivision in the R-3.5, R-4.3, R-5, R-6, R-8, and R-14 Districts [4]	No requirement unless necessary to reflect neighboring development patterns (OS) [5]; Applies only to collectors and arterial roads	

[1] All roadside buffers shall be planted if not already existing.

[2] For perimeter landscaping requirements in the ferry terminal district transition area, north of Winslow Way, reference BIMC 18.12.030.C.

[3] Beginning 100' north of Winslow Way.

~~[4] Properties being subdivided with less than one acre are not subject to roadside buffer requirements.~~

~~[5] (OS) indicates that the buffer may be calculated in the required open space area for open space subdivision.~~

~~[6] Existing vegetation must remain in the 25-foot buffer area. When existing vegetation does not constitute a full screen, the applicant will not be required to plant a full screen. If existing vegetation within the 25-foot buffer area does constitute a full screen, but dense vegetation is not part of the neighborhood character, then the applicant may choose between maintaining a 25-foot full screen roadside buffer, or averaging that buffer to retain trees and vegetation elsewhere on the property and eliminating the roadside buffer.~~

Section 16. Section 18.15.020.D. of the Bainbridge Island Municipal Code is hereby amended as follows.

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

Section 17. Section 18.36.030. of the Bainbridge Island Municipal Code is hereby amended as follows.

161. "Mature trees and shrubs" means vegetation, with well-established root systems, that provides a predominantly continuous cover. Mature trees and shrubs do not include invasive species as listed in BIMC 16.20.090.B.3.

Section 18. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 19. This ordinance shall take effect and be in force on Thursday, October 24, 2019.

PASSED by the City Council this 24th day of September, 2019.

APPROVED by the Mayor this 24th day of September, 2019.


Kol Medina, Mayor

ATTEST/AUTHENTICATE:


Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK: September 13, 2019
PASSED BY THE CITY COUNCIL: September 24, 2019
PUBLISHED: September 27, 2019

EFFECTIVE DATE:
ORDINANCE NUMBER:

October 24, 2019
2019-03

Chapter 17.12

SUBDIVISION STANDARDS

17.12.010 Applicability

This chapter sets forth standards for short subdivisions, long subdivisions, large lot subdivisions, and nonresidential and multifamily subdivisions. Specific requirements relevant to each individual type of subdivision are provided throughout various chapters of this title.

17.12.020 Subdivision Design Guidelines

Subdivision development in all zoning districts shall comply with the requirements of the Bainbridge Island Design Review Regulations -- "*Design for Bainbridge*," as amended, as follows:

- A. Detached single-family residential subdivision development shall comply with Chapters 1, 2, 3, 5 as applicable and 6;
- B. Attached single-family residential and multi-family residential development shall comply with Chapters 1, 2, 3, 4 and 5 as applicable;
- C. Commercial subdivision development shall comply with all Chapters, as applicable.

17.12.030 Four-Step Design Process

The city's approach to planning for subdivisions requires a four-step process that gives the highest priority to identification and conservation of existing natural site features. This process reverses the conventional site planning approach, which typically begins by laying out the streets, lot lines and building footprints. Instead of first identifying the areas to be cleared for development, the design process begins by analyzing on-site resources and the site's relationship to surrounding properties, in order to identify what resources are most worthy of preservation and what areas can best accommodate development.

This design process is required for all residential subdivisions. The process is further defined in BIMC 2.16.125.D; it consists of four steps: 1) Delineate Natural Area; 2) Locate Homesites and Community Space; 3) Define Access; and, 4) Draw Lot Lines.

17.12.040 Administrative Departures

A. A departure from existing subdivision standards may be requested only by an applicant to allow use of an alternative standard not listed among the applicable requirements of BIMC 17.12.050 through BIMC 17.12.070. Departures are not variances and are not required to meet the criteria associated with a variance application. Rather, departures allow adjustment of existing standards to achieve better outcomes in cases where strict application of the existing standard would result in an inferior subdivision design.

B. Departures from the subdivision standards in BIMC 17.12.050 through BIMC 17.12.070, may be permitted as part of the subdivision review process. In order for such a departure to be allowed, it must satisfy the intent of the

four-step design process, and the resulting subdivision must be consistent with the general purpose and intent of the subdivision ordinance and the specific standard(s). A departure shall not be allowed from the following standards:

1. Natural area
2. Community space
3. Homesite size

C. Any request for one or more departures shall be made at the Design Guidance Review Meeting as part of the pre-application phase of the project. Departures shall be reviewed concurrently with a preliminary application for subdivision. The Design Review Board may include an administrative departure in its recommendation to the Planning Commission, if all of the following criteria are met:

1. Because of unusual shape, exceptional topographic conditions, environmental constraints or other extraordinary situation or condition in connection with a specific piece of property, strict adherence to the existing standard would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the subdivision ordinance as provided in BIMC 17.04.010;
2. The granting of the departure results in a subdivision with greater natural resource conservation value, less adverse impact to adjoining properties, or more practical design because of topography, critical area, or other extenuating circumstance; and
3. All possible efforts to comply with the standard 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 approval; and
4. The departure is consistent with other applicable regulations and standards; and
5. The granting of any departure will not be unduly detrimental to the public welfare nor injurious to the property or improvements in the vicinity in which the property is located.

D. If the Design Review Board's recommendation is to grant the departure(s), the departure shall be included as a component of the project in subsequent reviews pursuant to BIMC 2.16.110.D.3 and BIMC 2.16.110.E. The departure(s) shall be included in the Director's recommendation to the hearing examiner unless a deviation from the recommendation is documented in the Director's report pursuant to BIMC 2.16.110.E.6.b.

E. For short subdivisions not requiring Design Review Board review, request for departures shall be made at the pre-application conference. The Director may approve one or more departures, if the criteria in BIMC 17.12.040.C are met, as part of their administrative decision for the preliminary subdivision in accordance with BIMC 2.16.070.F.

17.12.050 Natural Area and Community Space.

A. Natural Area Required. All residential subdivisions shall provide natural area consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

1. Natural Area Objectives. The natural area(s) shall support one or more of the following objectives:
 - a. Preservation and protection of:
 - i. Natural resources and ecological functions, including groundwater recharge;
 - ii. Native soils and topography;
 - iii. Historic island landscapes including farmland, meadows, pastures, and orchards; and
 - iv. Scenic views along roads.
 - b. Promoting interconnected open space, wildlife corridors, and undeveloped areas;
 - c. Promoting a development pattern consistent with island character.

2. Types of Natural Area. The natural area(s) shall be designated as the first step in the four-step design process defined in BIMC 2.16.125.D. Natural areas consist of primary and secondary natural areas.

a. Primary Natural Areas (PNA). PNAs form the core of the natural area to be protected. PNA's include the following:

- i. Critical areas other than critical aquifer recharge areas;
- ii. Critical area buffers and setbacks; and
- iii. Shoreline buffers.

b. Secondary Natural Areas (SNA). SNAs are noteworthy or significant features of the natural landscape. SNA's include the following:

- i. Farmland, pastures, meadows, and orchards;
- ii. Mature trees and shrubs;
- iii. Wildlife corridors;
- iv. Greenways and trails;
- v. Scenic viewsheds;
- vi. Mature vegetation on ridgelines;
- vii. Free standing landmark trees, as defined in BIMC 16.32, and their critical root zone (as identified by a consulting arborist).

3. Amount of Natural Area Required. The natural area requirement shown in Table 17.12.070-1 shall be provided as shown in Figure 17.12.070-1, Natural Area Allocation, and in accordance with the following standards:

a. The area provided for natural area shall be based on and consistent with the existing types of natural areas (listed in BIMC 17.12.050.A.2) on the subject property, up to the maximum shown in Table 17.12.070-1, unless additional natural area is required due to the presence of PNAs (listed in BIMC 17.12.050.A.2.a).

b. All PNAs (listed in BIMC 17.12.050.A.2.a) are required to be designated as natural area even if this amount exceeds the maximum percent required shown in Table 17.12.070-1. This may result in no subdivision being permitted or a subdivision with less than the maximum number of lots allowed in accordance with Table 17.12.070-1.

c. If the area being subdivided contains less than the percent natural area shown in Table 17.12.070-1, then the designated natural area is identified accordingly and community space is required pursuant to BIMC 17.12.070.B.

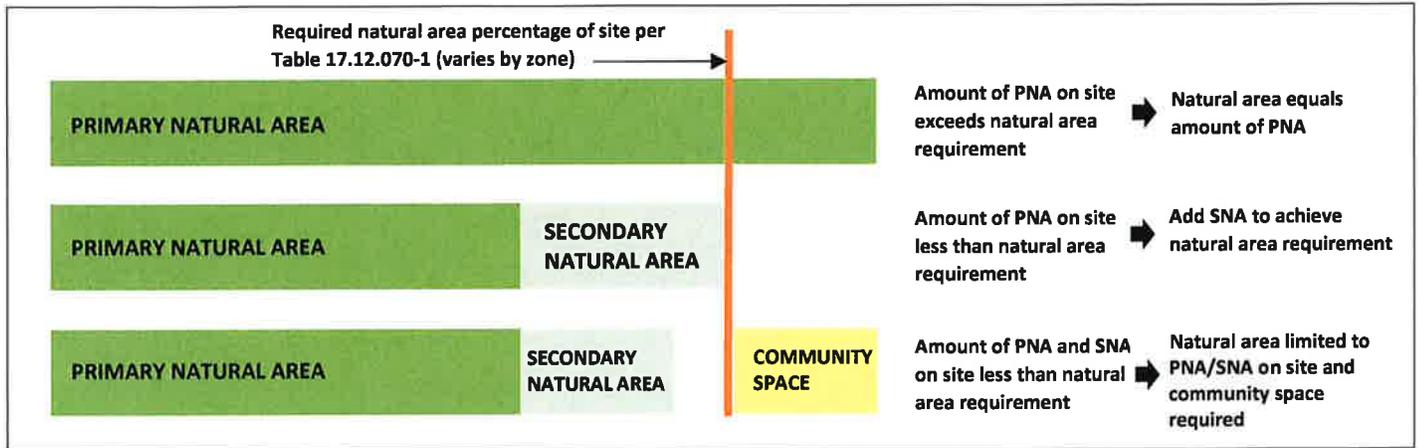
d. All lands subject to critical area regulations by Chapter 16.20 BIMC shall remain subject to those regulations. Buffer modifications or setback reductions may be pursued.

e. Natural areas may be included on individual lots.

f. Natural areas shall not be required to be dedicated to the public, and the owner shall not be required to permit public access to designated natural areas.

g. All natural areas shall be depicted on the face of the preliminary and final plat.

Figure 17.12.070-1. Natural Area Allocation.



4. Aquifer Recharge Protection Area (ARPA). Subdivisions in the R-0.4, R-1, and R-2 zoning districts shall meet the requirements of BIMC 16.20.100 and the following standards:

- a. If a proposed subdivision includes more than one parcel, the ARPA shall be calculated based on the total square footage of all parcels;
- b. If the required ARPA is greater than the required natural area, the natural area shall be increased to achieve the required ARPA area;
- c. The 12,500 square foot development area allowed pursuant to BIMC 16.20.100.E.2.b shall be allocated in aggregate; that is, the total development area within the subdivision shall be determined by the total number of lots allowed multiplied by 12,500;
- d. ARPAs within subdivisions shall be consistent with the ARPA development standards listed in BIMC 16.20.100.D.

5. Natural Area Configuration. Designated natural areas shall be configured in a manner that enhances and promotes the natural resource characteristics of the property and development pattern of the surrounding area. Natural area configuration shall satisfy the following guidelines to the extent feasible:

- a. Natural area should be concentrated in large, consolidated areas; and
- b. Natural area should connect to adjacent off-site open space areas, designated wildlife corridors and trails, and/or critical areas, where feasible; and
- c. Natural area should be designed to preserve views from off site of the subject property; and
- d. Natural area should be delineated with a low perimeter-to-area ratio;
- e. Natural area shall have a with a minimum width of fifty (50) feet outside of roadside and perimeter buffers; and
- e. Natural area may be included as a portion of one or more lots or may be contained in a separate tract, except for critical areas and their buffers and setbacks.

6. Natural Area Fencing and Signage. Fences and/or signs delineating the boundary of natural areas are required. The director shall determine which option (fence or sign) is required, based on the recommendations from the Design Guidance Review Meeting.

- a. If fencing is required:
 - i. Low-impact fences are preferred and must be constructed in accordance with the definition in BIMC 17.28.020;

- ii. Fencing is not required at the exterior boundary of the subdivision;
- iii. Gaps in fencing not exceeding five (5) feet are permitted; and
- iv. Gates are permitted if they are consistent with the definition of low-impact fences in BIMC 17.28.020.

b. If signs are required:

- i. They shall be constructed in accordance with the definition in BIMC 17.28.020; and
- ii. Typically, they shall be spaced at intervals of 50 feet, allowing for variation due to reasons such as topography, configuration of natural area, distance from other features, etc.

c. If signage is required and encroachments into the designated natural area occur, the director may require that the owner install fencing and/or additional signage to prevent future encroachments. Required fencing and signs shall be maintained in good repair, with repair or replacement to occur within 60 days.

7. Natural Area Ownership. Ownership of natural area shall be established consistent with one of the following forms of ownership:

- a. Private Ownership. Natural areas may be held in private ownership if established by easements, restrictive covenants, the natural area management plan, or similar legal means; or
- b. Common Ownership. Natural areas may be held in common by a home or property owners' association or other similar organization. For the purposes of this title, if a land trust or a similar conservancy maintains ownership or a conservation easement, that shall be considered common ownership. If this ownership pattern is selected, covenant, conditions, and/or restrictions shall be required; or
- c. Public Ownership. Designated natural areas shall not be required to be dedicated to the city or other public agency, and the owner shall not be required to permit public access to designated natural areas. However, if the owner offers to dedicate, the city or other public agency may choose to accept ownership of natural areas. Consequently, upon approval and acceptance by the city council, the natural areas shall be dedicated to the public.

8. Natural Area Maintenance. An applicant shall submit a draft natural area management plan (NAMP) as described in the Bainbridge Island administrative manual, for review as part of the preliminary plat application. Final approval of the NAMP will occur at the time of final plat approval. The natural area management plan shall include:

- a. A list of all approved uses for the natural areas. Where uses in separate natural areas vary, the specific location of each use shall be depicted graphically.
- b. A maintenance plan for natural areas, that clearly describes the frequency and scope of maintenance activities for natural areas.
- c. The approved NAMP must be filed with the Kitsap County Auditor. In the event that the natural area is not maintained consistent with the NAMP, the city shall have the right to enter the property for necessary maintenance, with the cost of such maintenance assessed against the landowner or, in the case of a homeowner's association, the owners of the properties within the subdivision and shall, if unpaid, become a tax lien on such property or properties.

9. Allowed Uses in Natural Area. The following uses are allowed in those natural areas that are not part of a required roadside or perimeter buffer (unless zoning regulations of BIMC Title 18, provisions of the shoreline master program per Chapter 16.12 BIMC, or critical areas regulations of Chapter 16.20 BIMC, including allowed uses within aquifer recharge protection areas, restrict that use):

- a. Passive recreation, including pervious trails;
 - b. Agricultural uses and fencing necessary for animal control in SNAs only;
 - c. Potable water wells and well houses;
 - d. Low impact fencing or signs marking the natural area boundary or critical area boundary;
 - e. On-site sewage treatment system use approved by the director for all residential zones, if the applicant can demonstrate that (i) the proposed use will not adversely affect the function or
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characteristics of the specific natural area, (ii) the system is approved by the Kitsap County health district, and (iii) construction of the system will not require the removal of significant trees, native forests, vegetation within a required buffer for designated critical areas subject to Chapter 16.20 BIMC, or vegetation within areas designated for protection under the shoreline master program pursuant to Chapter 16.12 BIMC;

f. Storm drainage system use approved by the director for all residential zones if the applicant can demonstrate that (i) enhanced vegetation will be provided so that the facility appears as a natural feature, (ii) the proposed use will not adversely affect the function or characteristics of the specific natural area, (iii) the system meets the design standards of Chapters 15.20 and 15.21 BIMC, including low impact development designs, and (iv) the system design must contribute to the function and characteristics of the natural area feature by providing the following:

- i. No above-ground storm detention facilities are permitted; and
- ii. Enhanced vegetation will be provided in conjunction with the storm drainage facility in order to make it a more natural feature; and
- iii. Pedestrian trails should be considered as part of the design; and
- iv. While fencing of designated natural areas or critical areas may be required by the director pursuant to subsection A.8.a of this section, separate fencing of storm drainage facilities or areas shall only be installed if necessary to protect public safety. Where fencing is required, low impact fencing shall be used, and chain-link fences are prohibited unless superseded by state law.

g. Playgrounds and tot lots, picnic shelters and benches, community gardens, bus shelters, community art, or fountains may be allowed within a designated natural area, provided the proposed use will not adversely affect the function or characteristics of the specific natural area.

h. Solar panels, small wind energy generators, composting bins, rainwater harvesting barrels, cisterns, and rain gardens/swales, as defined in Chapter 18.36 BIMC, may be allowed within a designated natural area, provided the proposed feature will not result in the damage or removal of significant trees.

B. Community Space Required. All residential subdivisions, except short subdivisions and as modified in subsection 2, below, shall provide community space consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

1. **Community Space Objectives.** Community space shall accomplish one or more of the following objectives:

- a. Provide a place for residents to gather in shared space.
- b. Provide common buildings, open space, or gardens.
- c. Provide space for unstructured recreation.
- d. Enhance a felt and actual sense of security, identity, and community.
- e. Provide a protected, traffic-free environment.

2. **Amount of Community Space Required.** The minimum community space shown in Table 17.12.070-1 shall be provided and shall be depicted on the face of the plat. Community space is not required in the R-0.4, R-1, and R-2 zoning districts if the maximum natural area is provided.

3. **Community Space Configuration.** Community space should adjoin the largest practicable number of lots within the development. Non-adjointing lots shall be provided with safe and convenient pedestrian access to community space. Community space shall not include perimeter or roadside buffers.

4. **Community Space Ownership.** Ownership of community space shall be established consistent with one of the forms of ownership set forth in BIMC 17.12.050.A.5.

5. **Community Space Maintenance.** An applicant shall submit a draft community space management plan (CSMP) as described in the Bainbridge Island administrative manual, for review as part of the preliminary plat application. Final approval of the CSMP will occur at the time of final plat approval. The community space management plan shall include:

- a. A list of all approved uses for the community space. Where uses in separate community spaces vary, the specific location of each use shall be depicted graphically.
- b. A maintenance plan for community space that clearly describes the frequency and scope of maintenance activities, and that meets all requirements set forth in subsection 5 herein and the Bainbridge Island administrative manual.
- c. The approved CSMP must be filed with the Kitsap County Auditor within thirty (30) days of final plat approval. In the event that the community space is not maintained consistent with the CSMP, the city shall have the right to enter the property for necessary maintenance, with the cost of such maintenance assessed against the landowner or, in the case of a homeowner's association, the owners of the properties within the subdivision and shall, if unpaid, become a tax lien on such property or properties.

6. Allowed Uses in Community Space. Community space may include uses such as crop and animal agriculture, meadows, orchards, pastures, turf fields, and common buildings. Prohibited and allowed uses within community space shall be included in the draft terms, conditions, covenants, and agreements proposed for the subdivision, which shall be submitted with the preliminary subdivision application. Final terms, conditions, covenants, and agreements must be filed with the Kitsap County Auditor within thirty (30) days of final plat approval.

17.12.060 Homesites. All single-family residential subdivisions require homesites located and designed consistent with BIMC 17.28, Definitions, Table 17.12.070-1, and the following standards:

A. Homesite Area.

1. A homesite area no greater than the maximum area shown in Table 17.12.070-1 shall be provided for each lot and shall be depicted on the face of the plat.
2. The homesite area shall include the primary residential dwelling, accessory buildings, and on-site parking, if provided on each lot within the subdivision.
3. Other allowed uses and structures include residential landscaping, pathways, turf, and fences; individual water, stormwater, and septic infrastructure.
4. Homesites shall not contain any portion of required PNAs. Homesites may include critical aquifer recharge areas but no portion of an aquifer recharge protection area.

B. Homesite Siting. The four-step design process outlined in Section 17.12.030 BIMC is intended to allow the characteristics of the land to determine the most suitable location of homesites. Homesites shall be sited to meet the following standards:

1. Homesite locations shall be configured to maintain the natural features of the site and minimize topographic alteration and clearing of existing vegetation.
2. Homesite locations shall facilitate the efficient use of land by limiting areas of disturbance, impervious surfaces, utility extensions, and roadways.
3. If clustered pursuant to Table 17.12.060-1, homesites shall be located to minimize adverse impacts to adjacent, previously existing residential development and are not required to be located near any existing home on the property.

C. Homesite Clustering. Clustering, or grouping, of homesites is required in accordance with Table 17.12.060-1.

17.12.070 General residential subdivision standards. All residential subdivisions shall comply with the following standards.

A. Constrained lots. If, due to site or design constraints, more than one homesite with supporting infrastructure cannot be located on or provided for a subject property, no division of land is permitted. Constrained lots may also result in a subdivision with less than the maximum number of lots allowed in accordance with Table 17.12.070-1.

B. Preexisting lots. 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 standards of this chapter shall be considered existing nonconforming lots, but any future resubdivision of any such lots shall comply with the requirements of this title.

C. Platted lots. The platted lot defines the extent of private ownership of land within the subdivision. The size, shape and potential uses of a lot depend on many factors that will be considered in the subdivision design process. Establishing lot lines is the last step in the design process, but a desired result will affect decisions throughout the process, and the physical characteristics of the entire property will present both constraints and opportunities. Standards applicable to lots are found in BIMC 17.12.070 and Table 17.12.070-1.

D. The short subdivision process shall not be used, either by a person alone or by persons acting together, at one time or over a period of time, to circumvent compliance with the more stringent requirements that control the subdivision of land into five or more lots. When an application for a short subdivision is filed within five years after the approval of a short subdivision on a contiguous land parcel, presumption of an attempt to circumvent short subdivision requirements may be invoked by the director as a basis for further investigation, to assure compliance with the intent of this provision and the requirements of a long subdivision.

D. Remaining area. Any area not designated as public or private access, buffers, lots, or utility tracts shall be designated as either natural area or community space, in accordance with the objectives in either BIMC 17.12.050.A.1 or 17.12.050.B.1.

E. Site Disturbance. The extent of land disturbing activities, as defined in BIMC 15.20.020.22, shall be limited to the minimum required for site preparation and construction.

F. Compatibility with Adjacent Development

1. Subdivisions shall be designed and located to ensure compatibility with existing adjacent development.
2. Views of house lots from exterior roads and abutting properties shall be minimized by preserving the natural topography and existing vegetation to the greatest extent possible.

G. Dimensional standards.

1. Table 17.12.070-1 sets forth minimum and maximum dimensional standards for single-family residential development. Dimensional standards for multifamily and commercial subdivisions shall be in accordance with Table 18.12.020-2 and Table 18.12.020-3.
2. 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 district and required setbacks for each zone district must be met. Permitted densities are not “blended” across the zone district line.

H. Septic Systems. Locations of individual or community drainfields and associated reserve drainfields shall comply with all applicable standards established by the Kitsap Public Health District or Washington Department of Health. Reserve drainfield areas shall remain undisturbed until such time as their use is required. This standard shall be noted on the face of the preliminary and final plat.

I. Streets and Vehicle Access. Subdivisions shall comply with the following standards unless modified by the City Engineer:

1. Subdivisions shall comply with all applicable standards of the “City of Bainbridge Island Design and Construction Standards and Specifications,” as amended, and Island-Wide Transportation Plan, as amended. Deviations from the “City of Bainbridge Island Design and Construction Standards and Specifications” may be granted by the City Engineer upon evidence that such deviations are in the public interest and that they are based on sound engineering principles and practices. All requirements for safety, function, appearance and maintainability must be fully met. Desired deviations must be requested at the Design Guidance Review Meeting during the pre-application phase of the project.
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2. Each lot in a residential subdivision shall have direct access to a public or private street, except for those with shared driveways or alternative lot designs that provide shared or clustered parking outside of individual lots.
3. The street system of a proposed subdivision shall be designed to connect with any existing, proposed, or planned streets outside of the subdivision or to create a connection beneficial to the overall circulation of the surrounding area, as determined by the City Engineer.
4. Interior street layout shall be oriented on the east/west axis if feasible, to maximize active and passive solar access.
5. To minimize impervious surfaces, all public rights-of-way, access easements, private streets, and driveways shall not be greater than the minimum dimensions required to meet standards.
6. Street names and traffic regulatory signs shall be provided, and their locations shall be indicated on the plat/plan. The locations of mailboxes and traffic regulatory signs are only required on the plat/plan when other public improvements are required.
7. Transit stops shall be provided as recommended by Kitsap Transit.

J. Parking and Garages.

1. Parking shall be provided consistent with BIMC 18.15.020, except as modified by this subsection.
2. Parking spaces provided on individual lots must be located within the designated homesite.
3. Parking spaces may be located outside of individual lots, consolidated in a remote or satellite parking area, or in individual or shared garages.
4. Consolidated parking areas shall be landscaped in accordance with BIMC 18.15.010.F.
5. Shared garages are limited to five vehicle spaces and shall not exceed 60 feet in length or 1440 square feet total.
6. Garages, including detached garages, located on individual homesites facing a public street shall be:
 - a. Limited to two vehicles; and
 - b. Either accessed from the side or rear or set back from the most front-facing exterior wall of habitable space a minimum of five feet unless the house is not visible from the public street.

K. Circulation and Access.

1. All subdivisions shall include a circulation and access system of walkways, paths, or trails that interconnect lots, commonly-owned natural area, community space, and adjacent access facilities. Trails that provide connection to streets, public areas or other trails through the subdivision boundaries shall provide public access.
2. Multi-modal facilities shall be consistent with the applicable standards of the “City of Bainbridge Island Design and Construction Standards and Specifications.”
3. Subdivisions may be required to provide dedicated access easements if one or more “trail connection zones” are located on the site as shown on Map C and D (Non-Motorized System Plan) of the Island-Wide Transportation Plan, as amended.
4. Pursuant to RCW 58.17.110(1) sidewalks or other planning features shall be provided to assure safe walking conditions for students who walk to and from school.

L. Fencing.

1. Sight obscuring fencing is prohibited at the exterior boundary of a subdivision.
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2. Fencing within perimeter or roadside buffers or at the exterior boundary of a subdivision shall meet the requirements of low-impact fencing in accordance with the definition in BIMC 17.28.020.
4. Fencing around surface stormwater ponds shall not exceed 3 feet, 6 inches in height unless required by the City Engineer for safety reasons.
5. Fencing is prohibited in those roadside areas maintained by the City (e.g. shoulders, ditches, utilities).

M. Landscaping. Individual homeowners are responsible for the maintenance and modification of landscaping on their lots, subject to any rules and guidelines established by a homeowners' association or similar body. Native vegetation on the site should be retained and maintained where possible and landscaping should be responsive to the natural contours of the lot.

N. Perimeter Buffers. The intent of perimeter buffers is to visually and physically separate adjacent land uses, and when necessary, to minimize impacts of new development on adjacent properties. Perimeter buffers are not required along public rights-of-way.

1. Perimeter buffers shall be established at the exterior boundary of all subdivisions with a gross area of one acre or greater. Perimeter buffer shall be maintained as a "no cut/no build zone." Existing native vegetation, including significant trees and tree stands, shall be preserved within perimeter buffers. The tree retention, protection, and replacement requirements of BIMC 18.15.010.C apply to perimeter buffers unless modified by this section.
 2. The minimum width of perimeter buffers for single family subdivisions shall be the width of the minimum homesite boundary to exterior plat boundary required in accordance with Table 17.12.070-1 or as determined by an administrative departure.
 3. The minimum width of perimeter buffers for multifamily and commercial subdivisions shall be 25 feet in the R-0.4, R-1, and R-2 zoning districts and 15 feet in all other zoning districts either maintained or planted to achieve the full screen landscape standard provided in BIMC 18.15.010.D.4.a.
 4. No additional planting is required in perimeter buffers of single family subdivisions unless all of the following are met:
 - a. The width of the homesite boundary to exterior plat boundary is less than the minimum required in accordance with Table 17.12.070-1, as determined by an administrative departure; and
 - b. Existing vegetation does not provide an effective visual screen; and
 - c. In the R-0.4, R-1, and R-2 zoning districts, the abutting property is not capable of being subdivided.
 5. If additional planting is required, the following standards shall apply:
 - a. In the R-0.4, R-1, and R-2 zoning districts, additional plant material shall be installed to achieve the full screen landscape standard provided in BIMC 18.15.010.D.4.a along the portion of the exterior plat boundary that has been reduced. Alternatively, the applicant may submit a landscape plan that results in an effective visual screen of the subdivision from off-site properties along the portion of the exterior plat boundary that has been reduced. In either case, any additional plant material shall be native species and no turf or lawn is permitted.
 - b. In all other zoning districts, additional plant material shall be installed to achieve the full screen landscape standard provided in BIMC 18.15.010.D.4.a along the portion of the exterior plat boundary that has been reduced.
 6. No structures, buildings, or parking facilities may be located within perimeter buffers, except that, utility lines and trails may be located within perimeter buffers provided no significant trees are removed.
 7. Perimeter buffers may be included as a portion of one or more lots or may be contained in a separate tract.
 8. Perimeter buffers may be included as a portion of the natural area required in BIMC 17.12.050.A.
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9. The performance and maintenance assurances requirements of BIMC 18.15.010.H apply to perimeter buffers if additional planting is required.

10. The irrigation and maintenance standards of BIMC 18.15.010 apply to perimeter buffers if additional planting is required.

11. Perimeter buffers shall be shown on the face of the preliminary and final plat.

O. Roadside Buffers. The intent of roadside buffers is to enhance or retain Island character through the minimization of disturbance of existing roadside vegetation and screen new development from more highly traveled roads.

1. Roadside buffers are required for all subdivisions along collector or arterial roads in the R-0.4, R-1, and R-2 zoning designation. The minimum width of roadside buffers is 40 feet.

2. Roadside buffers shall be shown on the face of the preliminary plat. Roadside buffers may be part of individual lots or contained in a separate tract.

3. No structures, buildings, or parking facilities may be located within roadside buffers, except that, utility lines and boxes, mailboxes, entry signs, bus shelters, and transit stops may be located within roadside buffers. Local access streets and trails may cross roadside buffers provided no significant trees are removed.

4. Existing, native vegetation, including significant trees and tree stands, shall be retained within roadside buffers. Tree retention, protection, and replacement requirements in BIMC 18.15.010.C apply to roadside buffers.

5. If existing vegetation provides an effective visual screen, or is consistent with existing roadside character, no additional planting is required. If existing vegetation does not provide an effective year-round visual screen, additional plant material shall be installed, consistent with the following:

a. Additional plant material shall be installed to achieve the full screen landscape standard provided in BIMC 18.15.010.D.4.a. Any additional plant material shall be native species and no turf or lawn is permitted;

b. Additional plant material is not required if mature forest or other dense vegetation is not part of the existing roadside character.

6. Roadside buffers may be included as a portion of the natural area or community space required in BIMC 17.12.050.

7. The performance and maintenance assurances requirements of BIMC 18.15.010.H apply to perimeter buffers.

8. The irrigation and maintenance standards of BIMC 18.15.010 apply to perimeter buffers.

9. For subdivisions designating community space that is intended for agricultural use and would be adversely impacted by the addition of screening landscaping, a roadside buffer shall be required to use screening landscaping that does not adversely impact the proposed agricultural use.

10. To accommodate an existing house that is located within 25 feet of the subdivision boundary adjacent to a collector or arterial road, the roadside buffer width shall be reduced to the width adjoining the existing home between the existing house and the subdivision boundary adjacent to the collector or arterial road.

P. Design Diversity. All single family residential subdivisions outside the Neighborhood Center, Mixed Use Town Center, High School, R-8, and R-14 zoning districts shall avoid a uniform appearance and repetitive building types by incorporating measures that promote design diversity, including:

1. The same model and elevation shall not be built next to each other. Different models are defined as having variations in floor plans.
2. Home designs shall be varied to achieve a minimum of one floor plan for each three homes. Mirrored floor plans to not count as different floor plans. Methods to provide variation include building modulation and secondary building forms (e.g., covered porches, dormers, window bays). The number of floor plans per home is as follows:
 - a. 1-3 homes: 1 plan
 - b. 4-8 homes: 2 plans
 - c. 9-11 homes: 3 plans
 - d. 12 or more homes: 4 plans
3. In long subdivisions, at least 20 percent of the homes must be at least 25 percent smaller than average home size and 20 percent may be up to 25 percent larger than average home size. If 20 percent of the homes is a fraction, round to the nearest whole number.

Q. No City Maintenance of Streets in Short Subdivisions. Streets within a short subdivision shall not be maintained by the city unless such streets have been dedicated as a right-of-way, improved to current city standards, and accepted as part of the approved short subdivision. Therefore, unless accepted, the responsibility for maintenance shall lie with the owners of the lots.

17.12.080 Multifamily and nonresidential subdivisions. Subdivisions established for multifamily and nonresidential uses shall comply with all provisions of BIMC Title 18 (Zoning) applicable to the zone district where the property is located, and for the type of development anticipated. This requirement shall include, without limitation, compliance with design guidelines and standards for lot areas, dimensions, mobility and access, landscaping, screening, and vegetative buffers.

17.12.090 Special requirements for critical areas and shoreline.

A. Critical Areas. Any portion of any subdivision that contains a critical area as defined in Chapter 16.20 BIMC must conform to all requirements of that chapter.

B. Shoreline. Any portion of any subdivision located within the jurisdiction of the shoreline master program, as defined in Chapter 16.12 BIMC, must conform to all requirements of that chapter.

Table 17.12.060-1: Homesite Clustering Requirements

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	NC	MUTC HS I and II
HOMESITE CLUSTERING REQUIREMENT												
Short Subdivisions												
2-4 lots with greater than 50% natural area and community space combined	n/a [1]											
2-4 lots with less than 50% natural area and community space combined	No maximum homesite separation [1]											
	Site disturbance limited to 35% of site	n/a [1]										
Long Subdivisions												
5-9 lots with maximum natural area requirement	No maximum homesite separation [1] Site disturbance limited to 35% of site											
5-9 lots with less than maximum natural area requirement	50 ft. [2]	25 ft. [2]										
	Maximum homesite separation											
10+ lots	50 ft.	25 ft.										
	Maximum homesite separation											

25 ft. maximum homesite separation

25 ft. maximum homesite separation

1. Homesite location needs to meet general requirements (BIMC 17.12.060.B).
2. As an alternative to maximum homesite separation, limit site disturbance to 35 percent of site.
3. Site disturbance includes land disturbing activity as defined in BIMC 15.20.020.22.

Table 17.12.070-1 Subdivision Dimensional Standards

[Numbers in brackets indicate additional requirements listed at the end of the table.]

ZONING DISTRICT DIMENSIONAL STANDARD	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	NC	MUTC HS I and II
MINIMUM LOT AREA												
Short and Long Subdivision	If the site is not served by a public sewer system, the minimum individual lot area shall be determined by the Kitsap Public Health District in accordance with Section 15 of the Kitsap County Board of Health Ordinance 2008A-01, Amended June 7, 2011, <i>Onsite Sewage System and General Sewage Sanitation Regulations</i> , as amended. If the site is served by a public sewer system, there is no minimum lot area.											
Large Lot Subdivision	Individual lots may contain portions of natural area, community space, and access easements. 5 ac or 1/128th of a section, whichever is smaller.											
BASE DENSITY												
The “base density” of a property means the density designated on the zoning map, exclusive of any density bonuses (see BIMC 18.12.050.A). Irregularly shaped lots and lots containing critical areas may not be permitted to achieve maximum density. Additional regulations on density may apply pursuant to BIMC 16.20.												
Short, Long and Large Lot Subdivisions	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 rights-of-way or areas to be encumbered by private road easements) by the square footage shown below as the zone-specific base density.											
Base Density	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.	20,000 sq. ft. [2]	See FAR table
Base density pursuant to BIMC 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.	N/A	N/A
NATURAL AREA												
Minimum percentage of total site	55%	45%	30%	25%	25%	20%	15%	N/A	10%	5%	15%	5%
Minimum width	50 ft.											5 ft.
COMMUNITY SPACE												
[x] Instead of providing the required 5% community space, that area may be added to the required natural area if it can be demonstrated that greater conservation area can be achieved. [y] Community space not required if maximum natural area is provided.												

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	NC	MUTC HSI and II
DIMENSIONAL STANDARD												
Minimum percentage of total site	5% [x][y]	7.5% [y]	10% [y]	15%	15%	15%	15%	15%	10%	15%	15%	10%
HOMESITE												
Note: Refer to definition of homesite and standards for homesites.												
[x] Refer to BIMC 16.12, Special Provisions for Point Monroe District – 1,400 sq. ft. maximum development area applies.												
Maximum size	10,000 to 12,000 sq. ft.	7,500 to 10,000 sq. ft.	6,500 sq. ft.	5,500 sq. ft.	4,500 sq. ft.	3,500 sq. ft.	3,500 sq. ft.	N/A [x]	3,000 sq. ft.	2,250 sq. ft.	3,500 sq. ft.	2,250 sq. ft.
HOME SIZE												
Note: Home size includes all floor area, excluding the garage, consistent with definitions in BIMC 18.12.050.F and 18.36.030.103.												
Maximum size	N/A											1,600 sq. ft.
MAXIMUM LOT COVERAGE												
Short and Long Subdivision												
Large Lot Subdivision	10%	15%	20%	25%	25%	25%	25%	N/A	25%	40%	N/A	N/A
MINIMUM SETBACKS												
Note: Additional setbacks may be required by:												
(a) Chapter 16.08 or 16.12 BIMC, or												
(b) Chapter 16.20 BIMC, Critical Areas, or												
(c) BIMC 18.09.030, Use-specific standards, or												
[x] Attached or zero lot line, or zero homesite boundary, is allowed in all districts if building is 1,600 sf or less												
[y] ADUs do not need to meet TOTAL building to homesite boundary setback – only minimum setback; must be located within homesite.												
Building to homesite boundary	5 ft. min., 10 ft. total											
Net building size 1,600 sq. ft. or less	3 ft. min., 10 ft. total											
Minimum/total [x] [y]	3 ft. min., 10 ft. total											
Building to homesite boundary	10 ft. min., 20 ft. total											
Net building size 1,601 sq. ft. or more	10 ft. min., 20 ft. total											
Minimum/total [y]	10 ft. min., 20 ft. total											
Building outside homesite to exterior plat boundary line	5 ft.											

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	NC	MUTC HS I and II
Net building size 200 sq. ft. or less												
Building outside homesite to exterior plat boundary line	50 ft.	25 ft.	25 ft.	10 ft.				5 ft.				5 ft.
Net building size 200 sq. ft. or more												
Homesite to exterior plat boundary line	50 ft.	25 ft.	15 ft.	10 ft.					0 ft.			
Any building to SR 305 right-of-way	75 ft.	75 ft.	75 ft.	N/A	25 ft.	N/A	N/A	N/A	25 ft.	N/A	25 ft.	25 ft.
Homesite to edge of arterial and collector right-of-way		25 ft.						10 ft.				
Building outside homesite to edge of arterial and collector right-of-way [3]		40 ft.						10 ft.				
Any building, other than shared garage, to subdivision access road			10 ft.						5 ft.			
Shoreline Jurisdiction	See Table 16.12.030-2, Dimensional Standards Table, and BIMC 16.12.040.1.3.h, Shoreline Structure Setbacks.											
SHARED GARAGE DIMENSIONAL STANDARDS												
Shared garage to subdivision access road	0 feet											
Shared garage to shared garage	10 feet											
Shared garage maximum size	60 feet long or 1440 square feet total											
MAXIMUM BUILDING HEIGHT												
Short, Long, and Large Lot Subdivisions	Height requirements for standard lots apply pursuant to BIMC Table 18.12.020-2.											

[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 18.24.110.

[2] In the NC district, single-family dwellings must be in accordance with zoning in the R-2 district except that bonus densities may be obtained pursuant to BIMC 18.12.030.D if applicable (see BIMC 18.09.030.B).

[3] Transit shelters allowed in setback subject to City approval.

Chapter 17.28

DEFINITIONS

Sections:

- 17.28.010 Rules of construction.
17.28.020 Definitions.

17.28.010 Rules of construction.

Rules of construction shall be those listed in BIMC 18.36.010. (Ord. 2011-02 § 2 (Exh. A), 2011)

17.28.020 Definitions.

~~1. “Arterial” means an arterial road as defined in the City of Bainbridge Island Islandwide Transportation Plan. major thoroughfare used mainly for through traffic rather than access to nearby property. Arterials have greater traffic carrying capacity than collector or local streets and are designed for continuously moving traffic.~~

~~2. “Block” means a group of lots, tracts or parcels within well defined and fixed boundaries.~~

~~23. “Buffer” means as defined in Chapter 18.36 BIMC.~~

~~4. “Circle template” means as defined in Chapter 18.36 BIMC.~~

~~5. “Cluster development” means a group of adjoining homesite areas situated in a suitable area of a property, designed in such a manner that facilitates the efficient use of land by reducing disturbed areas, impervious surfaces, utility extensions and roadways, while providing for the protection of valued open space features.~~

~~36. “Cluster grouping” means a grouping of two or more homesite areas for short subdivisions and a grouping of four or more homesites for long within a subdivision to facilitate the efficient use of land by limiting areas of disturbance, impervious surfaces, utility extensions and roadways. s regulated by BIMC 17.12.030.B.~~

~~47. “Code” means the City of Bainbridge Island Municipal Code.~~

~~58. “Collector” means a collector road as defined in the eCity of Bainbridge Island comprehensive plan Islandwide Transportation Plan.~~

~~6. “Community space” means the portion of a subdivision maintained in perpetuity and designated for the common use and enjoyment of property owners within the subdivision.~~

~~79. “Comprehensive plan” means as defined in Chapter 18.36 BIMC.~~

~~840. “Contiguous land” means land adjoining and touching other land regardless of whether or not portions of the parcels have separate tax numbers, or were purchased at different times, in different sections, are in different government lots or are separated from each other by public or private easement or right-of-way.~~

~~944. “Critical areas,” as used in this title, means critical areas, and their protective buffers, and aquifer recharge protection areas as described by Chapter 16.20 BIMC.~~

~~1042. “Dedication” means the deliberate assignment of land by an owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat of a short or long subdivision, a large lot subdivision, or a nonresidential or multifamily subdivision showing the dedication. Acceptance of the filing shall be by approval of the final plat by the city.~~

~~1143. “Department” means as defined in Chapter 18.36 BIMC.~~

~~1244. “Director” means as defined in Chapter 18.36 BIMC.~~

~~13~~15. “Division” means a portion of property within an approved preliminary subdivision that is authorized to be recorded separately by the specific terms and conditions of the preliminary and/or final subdivision approval.

14. “Driveway” means the access provided from a subdivision access street to an individual lot, shared garage, or homesite.

~~15~~16. “Easement” means a right of use granted by a property owner to specific persons or to the public for use of land for a specific purpose.

~~16~~17. “Effective visual screen” means a sight-obscuring barrier provided by: (a) a topographic variation, (b) a physical condition, such as an existing native forest, or (c) installed vegetation that provides a visual barrier within five years of planting.

17. “Farms” and “farmland” mean land used for crop agriculture or livestock agriculture, as those terms are defined in Chapter 18.36 BIMC.

18. “Final subdivision” or “final plat” means the final drawing of the subdivision and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in Chapter 58.17 RCW or its successors and the Bainbridge Island Municipal Code.

~~19. “Flexible lot design” is the design process the city uses that permits flexibility in lot development and encourages a more creative approach than traditional lot-by-lot subdivision. The flexible lot design process includes lot design standards for the placement of buildings, use of open spaces and circulation that best addresses site characteristics. This design process permits clustering of lots, with a variety of lot sizes, to provide open space, maintain Island character and protect the island’s natural systems.~~

20. “Footprint” means a building footprint as defined in BIMC 18.12.050.

21. “Greenway” means a system composed of land areas and connector links. The land areas include, but are not limited to: large open areas, public lands, farmlands, 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.

22. “Health district” means the Kitsap Public Health District ~~County health district.~~

23. “Hearing examiner” means the official designated as the hearing examiner for the city pursuant to BIMC Title

24. “Homesite area” means the area that portion of a lot depicted on the face of a plat that is intended for development of the primary residential dwelling and accessory dwelling unit buildings and necessary infrastructure within a cluster subdivision. Other accessory buildings and uses other than the primary residence and accessory dwelling unit can occur outside of the homesite area, natural area and community space.

25. “Island character” is the term used to describe the special character of the island – winding, narrow and vegetated roadways and forested areas, meadows, farms, areas that contain much of the island’s wetlands and streams, aquifer recharge areas and fish and wildlife habitat areas. For the purposes of this title, it does not refer to a level of service, or type of development, or measure of development intensity.

26. “Landscaping” means as defined in Chapter 18.36 BIMC.

~~27~~26. Large Lot Subdivision. A “large lot subdivision” means the division or redivision of land into two or more lots for the purpose of sale, lease or transfer of ownership where each lot is not smaller than five acres or 1/128th of a section (whichever is smaller); provided, that this shall not include division or redivision of land where all parcels are greater than 20 acres or 1/32nd of a section.

~~28~~27. “Laws of descent” means the rules of inheritance law established by the state of Washington and the federal government that apply in cases where there is no will naming the persons to receive the possessions of a person who has died.

~~2928.~~ “Long subdivision” means the division or redivision of land into five or more lots, tracts (except tracts specifically reserved as open space natural area), parcels, sites or divisions for the purpose of sale, lease or transfer of ownership, but shall not include a short subdivision.

~~3029.~~ “Lot” means a lot as defined in Chapter 18.36 BIMC.

~~3130.~~ “Low-impact fencing” means a fence designed to preserve views into an area and wildlife access to and from the area while providing a physical barrier to prevent livestock or humans from easily or inadvertently entering the area. Low-impact fencing includes without limitation two- or three-tier split-rail or horse-rail fencing not exceeding five feet in height, four-inch by four-inch wooden posts with two or three strands of cable in between, or other fencing with similar visual, barrier, and access characteristics as determined by the director.

~~3231.~~ “Mature vegetation on ridgelines” means as defined in Chapter 18.36 BIMC.

~~33.~~ “Mature trees and shrubs” means as defined in Chapter 18.36 BIMC.

~~3432.~~ “Meadow” means an open, nonforested area formed by the land’s natural features and events of nature.

~~3533.~~ “Native forest” means established forest areas primarily consisting of native trees and plants.

~~3634.~~ “Native vegetation” means as defined in Chapter 18.36 BIMC.

~~37.~~ “Natural area” means the undeveloped portion of a subdivision that contains natural resources features such as critical areas, significant tree stands, forested areas, native vegetation, and designated wildlife corridors, that is preserved in perpetuity designated or reserved for public use or enjoyment, or used for the private use and enjoyment of property owners within the subdivision.

~~3835.~~ “Off-site views” or “views from off site” means as defined in Chapter 18.36 BIMC.

~~36.~~ “Open space” means any area of land that is predominantly undeveloped and that provides physical and/or visual relief from the developed environment in perpetuity, that is generally unimproved and set aside, designated or reserved for public use or enjoyment, or used for the private use and enjoyment of property owners. Open space may consist of undeveloped areas, such as pastures and farmlands, woodlands, greenbelts, critical areas, pedestrian corridors and other natural areas that provide recreational opportunity and visual relief from developed areas. Open space excludes tidelands, areas occupied by buildings, and any other developed areas such as driveways, all rights-of-way and any other impervious surfaces not incidental to open space purposes.

~~3937.~~ “Open space Natural area sign” means a sign used to delineate the boundaries of designated open space, critical areas, and/or their buffers. Open space/critical areas signs shall be made of metal or similar durable material and shall be between 64 and 144 square inches in size.

~~4038.~~ “Orchard” means as defined in Chapter 18.36 BIMC.

~~4139.~~ “Pasture” means land used for grazing.

~~42.~~ “Perimeter buffer” means a vegetated space retained or established at the exterior plat boundary of a subdivision that provides an effective visual screen between, and minimizes potentially adverse impacts to, adjacent properties.

~~4340.~~ “Phasing” means the use of limits on construction, permitting or occupancy to reduce the immediacy or severity of impacts of the subdivision on the environment or to better achieve the requirements of state law for the concurrence of the facilities and services with the needs generated by development.

~~4441.~~ “Plat” is a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

~~4542.~~ “Planning commission” means the Bainbridge Island planning commission, as described in BIMC 2.14.020.

~~436~~. “Platted lot” means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area and the flexible lot development standards contained within this title. The term includes tracts or parcels.

~~447~~. “Preliminary plat” is a drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this title. The preliminary plat shall be the basis for the approval or disapproval of the layout of a subdivision.

~~458~~. “Public way” means a dedicated street, easement allowing public access, and other forms of access open to the public.

~~469~~. “Right-of-way” means land in which the state, county, city or other governmental entity owns the fee simple title or has an easement dedicated or required for a transportation or utility use. The right-of-way is the right to pass over the property of another. It refers to a strip of land legally established for the use of pedestrians, vehicles or utilities.

~~5047~~. “Road” means as defined in Chapter 12.38 BIMC.

~~5148~~. “Roadside buffer” means a vegetated space retained or established that provides an effective visual screen of new development or preserves existing roadside character, forested character, or scenic views.

~~52~~. “Scenic view or scenic viewshed” means a view of predominantly natural features typical of island character largely unobstructed by buildings.

~~53~~. “Shared garage” means a structure or building located outside of individual lots used to meet the parking requirements within a subdivision.

~~5448~~. “Short plat” means the map or representation of a short subdivision.

~~5549~~. “Short subdivision” is the division or redivision of land into four or fewer lots, tracts (except tracts specifically reserved as open space natural area), parcels or sites, for the purpose of sale, lease or transfer of ownership, ~~except that the division or redivision of two or more existing lots into up to nine lots consistent with the procedures and standards contained in BIMC 17.12.030.A shall constitute a short subdivision if an applicant dedicates additional open space area pursuant to BIMC 17.12.030.A.5.~~

~~5650~~. “Significant tree” shall have the meaning defined in Chapter 18.36 BIMC.

~~5751~~. “Stormwater” shall have the meaning defined in Chapter 15.20 BIMC.

~~5852~~. “Street” shall have the meaning defined in Chapter 18.36 BIMC.

~~59~~. “Subdivision access road” means the access road that serves only the subdivision.

~~6053~~. “Testamentary provisions” means provisions of a last will or testament of a person who has died concerning land or property owned or controlled by that person, which provisions are generally carried out by an executor appointed by a court or public official on behalf of the deceased.

~~6154~~. “Wetland” shall have the meaning defined in Chapter 16.20 BIMC. (Ord. 2017-02 § 21, 2017; Ord. 2011-02 § 2 (Exh. A), 2011)