

## ORDINANCE NO. 2013-25

**AN ORDINANCE** of the City of Bainbridge Island, Washington, updating the Housing Design Demonstration Project program and amending Bainbridge Island Municipal Code Sections 2.14.020, 2.16.020, 18.09.020, 18.09.030, and 18.36.030.

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

**WHEREAS**, on August 12, 2009, the City Council adopted Ordinance No. 2009-06, establishing a pilot Housing Design Demonstration Project (HDDP) program to allow for the development of a limited number of projects to increase the variety of housing choices available to residents of all economic segments and to encourage sustainable development through the use of development standard incentives; and

**WHEREAS**, Ordinance No. 2009-06 established a sunset date of August 26, 2012 for the HDDP program; and

**WHEREAS**, the City Council approved Ordinance No. 2012-09 on July 18, 2012 extending the HDDP program until the end of 2013, to allow time for the City to further evaluate the program; and

**WHEREAS**, the City Council convened an Ad Hoc Committee made up of a Planning Commissioner, three City Council members, a Design Review Board member, and a representative from the Housing Resources Board to evaluate and make recommendations on the HDDP program; and

**WHEREAS**, the Ad Hoc Committee met 10 times between October 2012 and April 2013 and produced a variety of recommendations to improve the HDDP program; and

**WHEREAS**, the Planning Commission conducted study sessions on July 11 and 25, and August 8 and 22, 2013 to review the recommendations from the HDDP Ad Hoc Committee, and

**WHEREAS**, the Planning Commission conducted a public hearing on September 26, 2013 and forwarded their recommendation to the City Council; and

**WHEREAS**, the City Council conducted a public hearing on the proposed changes to the HDDP program on December 11, 2013; and

**WHEREAS**, notice was given on September 18, 2013 to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106;

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

**Section 1.** Section 2.14.020.B of the Bainbridge Island Municipal Code is amended to read as follows:

2.14.020 Planning commission.

B. Duties and Responsibilities. Pursuant to the provisions of Chapter 35A.63 RCW, there is established within the city a planning commission that shall have the following duties and responsibilities:

1. Participate in the preparation and review of the comprehensive plan for the city; and
2. Review and make recommendations on all applications for amendments to the comprehensive plan, official zoning map and official zoning ordinance of the city pursuant to Table 2.16.010-1; and
3. Review and make recommendations on all housing design demonstration project applications pursuant to BIMC 2.16.020.Q, including those housing design demonstration project applications involving land subdivision, based on a comprehensive review of the project at a public meeting; and

4 3. Such other advisory duties as may be assigned to it by the city council or the mayor, or as specified in the BIMC.

5 4. The title "planning commission" is substituted for the title "planning agency" in all city ordinances and other documents approved prior to the effective date of the ordinance codified in this chapter.

6 5. Create the planning commission agenda per director recommendation.

**Section 2.** Section 2.16.020.F of the Bainbridge Island Municipal Code is amended to read as follows:

2.16.020 General Provisions

F. Design Review Board Review.

1. 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 the community to better incorporate the vision of the city as outlined in the adopted comprehensive plan and regulations. (See Table 2.16.010-1.)
2. 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.

3. 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 subsection Q.4 of this section in addition to any applicable design guidelines.~~ The board's written recommendations shall be attached to the formal preapplication letter generated by planning staff.
4. 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 all housing design demonstration projects, including subdivisions, the board shall serve in an advisory and review capacity, in addition to analyzing any applicable design guidelines also evaluate the criteria outlined in subsection Q.4 of this section. 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.
5. A board recommendation is not a decision and there is no city appeal of the recommendation.

**Section 3.** Section 2.16.020.Q of the Bainbridge Island Municipal Code is amended to read as follows:

2.16.020Q. Housing Design Demonstration Projects——

1. Purpose and Goals

The purpose of this section 2.16.020.Q is to allow the development of a ~~limited number~~ of housing design demonstration projects ~~to~~ that increase the variety of housing choices available to residents across underserved portions of all the socio-economic spectrum, segments and to promote compact, low-impact encouraging sustainable development through the use of development standard incentives where it is most appropriate. Further, its purpose is The goals of this chapter are to encourage high quality and innovation in building design, site development, and 'green' building practices.

The goals of this program are to in housing projects by increasing the housing supply and the choice of housing styles available in the

community; by to promoting socio-economic diversity by adding to the stock of income-qualified housing; to encourage development of in housing affordability and choice by encouraging smaller homes, at reasonable prices, in neighborhoods attractive to a and more varied home sizes and mixes of income and age levels; and by promoting high quality design to demonstrate that innovative design and building techniques (conserving water and energy, using sustainably sourced materials, limiting environmental impacts) are compatible with market considerations.

~~An additional goal is 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, and water and energy conservation, and mitigation that offsets impacts to biodiversity. Two final goals are to help identify any zoning code amendments that are necessary to support the development of innovative housing choices on Bainbridge Island, and to identify effective incentives to encourage green building and low impact development standards. The demonstration projects developed under this chapter shall use innovative design and development techniques to achieve these goals.~~

2. Applicability

This section 2.16.020.Q 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 a 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. The city will limit acceptance of Tier 3 and 4 ~~density incentive~~ projects outlined in this section to three projects in each Tier.

3. Review and Approval Process

Housing design demonstration project applications shall be reviewed as specified in the same manner as other applications for the same type of underlying land use permit (see BIMC 2.16.030 through 2.16.210), with additional review steps done in the order below as outlined in this subsection.

- 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 a housing design demonstration project and to assist the applicant by identifying (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 that will enhance the proposal with respect to these requirements; (3) areas of Title 18 Zoning and Title 17 Subdivisions where the applicant seeks flexibility; and (4) required plans studies, reports, and /or other materials specific to the proposal that will provide necessary information for staff and the design review board, and to review the project under the criteria outlined in BIMC 2.16.020.Q.4.

- b. Public Participation Program. The applicant is required to participate in one or more community meetings, either through the City's 1) Public Participation Program following the procedures outlined in Resolution Nos. 2010-32 and 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 2.16.020.G. Housing design demonstration projects shall be reviewed by both staff and the design review board, pursuant to BIMC 2.16.020.F. The applicant shall submit a HDDP proposal consistent with the requirements in the Administrative Manual. The applicant shall consider input received during the public meetings and conceptual review with city staff in the crafting the proposal. The proposal will be evaluated pursuant to BIMC 2.16.020.Q.4 by city staff with and the Design Review Board serving in an advisory role, in addition to their review of applicable design guidelines at one meeting. ~~The evaluation factors outlined in BIMC 2.16.020.Q.4 related to housing diversity and innovative building design practice shall be evaluated by the director, and those related to innovative site development practices shall be evaluated by the director and the design review board.~~ The director shall prepare written findings of facts, and applicants will receive preliminary notification from the director whether the proposal will ~~qualifies~~ as a housing design demonstration project, or feedback about how to improve the proposal to qualify. If the applicant changes the proposal in any significant manner other than a response to feedback from the public meeting, conceptual review, or the preapplication review, an additional preapplication conference may be required.
- d. Application Submittal. An applicant may submit a land use permit application (Subdivision, Site Plan and Design Review, or Conditional Use Permit) 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 housing design demonstration project. Upon receipt of an application, the director shall provide notice to the applicant and public in accordance with BIMC 2.16.020.K, and commence the application review process. Housing design demonstration projects that require more than one land use permit must utilize the Consolidated Project Review process outlined in BIMC 2.16.170. All housing design demonstration project applications, including subdivisions, shall be reviewed by the design review board and the planning commission at public meetings. The design review board and the planning commission shall make recommendations on all housing design demonstration projects.

- e. 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 2.16.020.Q.5. 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. The city may require that the applicant record covenants to ensure ongoing compliance or maintenance for required project components.
- f. 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 required 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.
- g. Living Building Challenge. For projects pursuing the Living Building Challenge standard of the International Living Building Institute, the applicant must show proof of pursuing ongoing certification during construction for all required elements. After construction and prior to issuance of the certificate of occupancy, the applicant must show proof of initial project compliance as to the Site, Materials, Indoor Quality and Beauty/ Inspiration components of the Living Building Challenge and that the project is likely to achieve the elements of energy and water following 12 months of occupancy as required under Living Building Challenge certification. For those elements of energy and water that require occupancy of the building for 12 months for Living Building Challenge certification, the applicant must submit a report to the city following 12 months of occupancy, demonstrating its progress towards meeting these remaining elements of the Living Building Challenge standard. If

certification of those elements has not been achieved, the applicant must provide quarterly reports of progress towards certification of these elements, including additional steps and timeline that will be taken to achieve certification.

4. Evaluation Method

Each project will be evaluated for innovation and achievement of the goals of BIMC 2.16.020.Q 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.~~ Projects that qualify as housing design demonstration projects are eligible to use the flexible development standard incentives outlined in subsections 6 and 7 below. Projects qualifying as a Tier 2, 3, or 4 project are eligible for the residential incentives outlined below and in subsection 8. Tables 2.16.020.Q-1, Q-2, and Q-3 below show how projects are scored to qualify for different Tiers in the Housing Design Demonstration Project program. That evaluation method may include a reference to an established third party green building checklist such as the Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, LEED or BuiltGreen.

<b>Table 2.16.020.Q-1: Housing Design Demonstration Project Scoring System</b>		
<b><u>Density Incentives</u></b>	<b><u>Requirements to Receive Incentives</u></b>	
	<b><u>Green Building &amp; Innovative Site Development</u></b>	<b><u>Housing Diversity</u></b>
<b><u>Tier 4</u></b>		
<u>2.5 x Base Density</u> <u>OR</u> <u>Max. Bonus Mixed-Use FAR</u>	<ul style="list-style-type: none"> <li><u>Living Building Challenge (ILFI) OR Passive House (Passive House Institute US/ International)</u></li> <li><u>36 Points in Innovative Site Development Practices</u></li> </ul>	<ul style="list-style-type: none"> <li><u>Home size not greater than 1600 sq. ft.</u></li> <li><u>10 pts/ 10% of units affordable housing</u></li> </ul>
<b><u>Tier 3</u></b>		
<u>2.5 x Base Density</u> <u>OR</u> <u>Max. Bonus Mixed-Use FAR</u>	<ul style="list-style-type: none"> <li><u>LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development</u></li> <li><u>30 Points in Innovative Site Development Practices</u></li> </ul>	<ul style="list-style-type: none"> <li><u>50% affordable housing</u></li> <li><u>Home size not larger than 1600 sq. ft.</u></li> </ul>

**Table 2.16.020.Q-1: Housing Design Demonstration Project Scoring System**

<u>Density Incentives</u>	<u>Requirements to Receive Incentives</u>	
	<u>Green Building &amp; Innovative Site Development</u>	<u>Housing Diversity</u>
<b><u>Tier 2</u></b>		
<ul style="list-style-type: none"> <li>• <u>1.5 x Base Density (R-8 &amp; R-14)</u></li> <li>• <u>2.0 x Base Density not to exceed R-8 density (R-2, R-2.9, R-3.5, &amp; R-4.3)</u></li> <li>• <u>Max. Bonus Mixed-Use FAR</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development</u></li> <li>• <u>30 Points in Innovative Site Development Practices</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Home size not greater than 1600 sq. ft.</u></li> <li>• <u>10% of units affordable housing</u></li> <li>• <u>Projects with ≥ 20 units must get 3 points in “Unit Type” category</u></li> </ul>
<b><u>Tier 1</u></b>		
<u>NO Density Bonus</u>	<ul style="list-style-type: none"> <li>• <u>LEED Certification, BuiltGreen 4, or Evergreen Sustainable Development</u></li> <li>• <u>16 Points in Innovative Site Development Practices</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Home size not greater than 1600 sq. ft.</u></li> <li>• <u>4 points (Projects with ≤ 20 units) in “Housing Diversity” category</u></li> <li>• <u>5 points (Projects with ≥ 20 units) in “Housing Diversity” category</u></li> <li>• <u>Projects with ≥ 20 units must get 2 points in “Unit Type” category</u></li> </ul>
<p><b>NOTE: For Tiers 2 &amp; 3 required affordable housing units:</b></p> <ul style="list-style-type: none"> <li>○ <u>Homeownership projects: 50% of required affordable house units should serve ≤ 80% AMI</u></li> <li>○ <u>Rental projects: 50% of required affordable house units should serve ≤ 60%AMI.</u></li> </ul>		

**Table 2.16.020.O-2 Housing Diversity Scoring Method**

TIER	Total Housing Diversity Points Required	Affordable Housing		Unit Size		Unit Type		
		% of Affordable Units	Ownership Value	Rental Value	Unit Size Range	Value	Number of Different Unit Types	Value
		10% 11-15% 16-20% 21-25% More than 25%	10 12 14 16 20	12 14 16 18 22	< 800 ft <sup>2</sup> 801-1000 ft <sup>2</sup> 1001-1200 ft <sup>2</sup> 1201-1400 ft <sup>2</sup> 1401-1600 ft <sup>2</sup>	1 1 1 1 1	2 3 4 5	2 3 4 5
		Minimum % Required		Size Requirement		Min. Pts. Required		
4	10 pts	10%		Max. Home size 1600 ft <sup>2</sup>		NA		NA
3	20 pts	50%		Max. Home size 1600 ft <sup>2</sup>		NA		NA
2	12 pts (projects < 20 units) 15 pts (projects ≥ 20 units)	10%		Max. Home size 1600 ft <sup>2</sup>		NA		Projects ≥ 20 units must get 3 pts in "unit type"
1	4 pts (projects < 20 units) 5 pts (projects ≥ 20 units)	NA		Max. Home size 1600 ft <sup>2</sup>		NA		Projects ≥ 20 units must get 2 pts in "unit type"

**Affordable Housing**  
Project includes a number of housing units that are designated affordable for a period of fifty years to the spectrum of income levels as defined by BIMC Sections 18.36.030.16 and 18.21.020.A. Rental housing is encouraged by awarding more points for the creation of rental housing.

**Unit Size**  
Project includes a variety of unit sizes, excluding garages, that provide for a broad mix of income levels and family size. In order to score a point in a unit size range, the project shall provide at least 10% of the total number units in that range. For example, in a 40 unit development, at least 4 units sized between 1001-1200 ft<sup>2</sup> would be needed to score points in that range.

**Unit Type**  
Unit Type: Project includes a variety of housing unit types (i.e. single-family style, townhouse, flat, age-in-place, ADUs, cottages) or innovative type of housing. In order to score points for different unit types, the project shall provide at least 10% of the total number units of that type. For example, in a 40 unit development of townhomes and duplexes, at least 4 units of townhomes would be needed to score points for having 2 different unit types.

**Table 2.16.030.Q-3 Innovative Site Development Scoring Method**

TIER	Minimum Site Development Point Requirement	Decreasing Stormwater Quantity		Improving Water Quality		Common Open Space		Transportation		
		Requirement	Value	Requirement	Value	% of Open Space	Value	Value if Public	Transportation Component	Value
4	36	Project follows WA State DOE 2017 Stormwater Management Manual for Western Washington. No point-of-reuse required by BMC.	4	Treat 91% of total runoff volume with 90% TSS removal (Level 1 Treatment)	2	5-10%	2	4	Project preserves, creates or integrates internal and external non-motorized connections.	2
		Project integrates cisterns. % of total roof area dedicated to cisterns:	1-2-3-4	Treat 93% of total runoff volume with 90% TSS removal (Level 2 Treatment)	4	11-15%	4	6	Provides public walkways, separated paths, or bike lanes. No points for facilities required by NMTP	2
3	30	5-10%	1	All Private yard areas < 20% turf	2	16-20%	6	Greater than 25%	1 per each car	1
		11-20%	2	Project landscaping incorporates at least 50% native or drought tolerant plants	2	21-25%	8	10	Electric vehicle charging stations for 3% of vehicle parking capacity.	3
2	30	21-30%	3	Percentage of total parking spaces that are covered (i.e. parking garage, carport):	1-2-3-4-5	Incorporate neighborhood garden	2	2	Covered, consolidated bike parking for subdivisions	2
		Over 31%	4	5-20%	1	Preserves trees that qualify as a "Heritage tree" under City Program. The tree is not otherwise required to be preserved.	2 per tree	12	Bus Shelter	2
1	16	Over 31%	4	Over 31%	5	Greater than 25%	10	12		
		Percentage of total roof area qualifying as "green roofs":	2-3-4-5-6	21-40%	2	41-60%	3	61-80%	4	
		5-10%	2	Over 31%	5					
		11-20%	3							
		21-30%	4							
		Over 31%	5							

- a. Housing Diversity. Evaluation will review:
- i. Unit Type: The project includes a variety of unit types, for example, single-family, townhomes, flats, duplex, ~~live/work~~, cottages, age-in-place or accessory dwelling units.
  - ii. Unit Size: The project includes a variety of housing unit sizes that provide for a broad mix of income levels and family size; and
  - iii. Affordable Housing: The project includes housing units that are affordable to the spectrum of income levels as defined in BIMC Chapter 18.21 BIMC, Affordable Housing, except that affordable housing units required for a housing design demonstration project must use the Bremerton-Silverdale Average Median Income (AMI). Designated affordable housing shall remain affordable for 50 years from the time of final inspection on the affordable unit. The applicant shall record covenants that demonstrate how the unit will remain affordable and be managed for 50 years.
- b. Innovative Site Development. Evaluation will review:
- i. ~~Low Impact Development/ Storm Water Quantity~~. The project reduces the quantity of storm water produced by a development project. Methods could include using a low impact development approach to storm water management through small-scale decentralized practices that infiltrate, evaporate and transpire rainwater, such as (a) using 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, reusing greywater within buildings, green roofs, or directing storm water into cisterns for use on site .
  - ii. ~~Impervious Surfaces Storm Water Quality~~. The project reduces water quality impacts from impervious surfaces through use of techniques such as covering pollution-generating surfaces like parking spaces, and treating water to a higher standard than required under the Chapters 15.20 and 15.21 BIMC (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.
  - iii. Landscaping. The project uses low maintenance landscaping that integrates a high proportion of native plants or drought-tolerant plants that

are climate appropriate. The project limits the amount of “lawn” in private yards in favor of common open space. Projects are encouraged to use cisterns to collect rainwater for irrigation or garden use.

- iv. Common Open Space. The project provides connected common open space area set aside as active open space and designed and integrated into the project. The open space could include active elements such as a neighborhood garden/ pea patch and composting facilities, or a playground. Critical areas and their buffers and required roadside buffers do not contribute to “common open space” under the housing design demonstration project program.
- v. Transportation. The project (a) uses a design that provides enhanced sensitivity to pedestrian travel; (b) 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) reduces reliance on automobiles and trip counts, and promotes alternative transportation and public transit, (d) minimizes the visual dominance of automobiles throughout the project, or (e) the project accommodates needs of alternative vehicles through techniques such as parking and charging facilities for electric cars, locating rechargeable electric vehicle (EV) parking in a conspicuous and preferred location close to a main building entrance, ~~using parking spaces designed for sub-compact vehicles, such as smart™ cars, and integrating a parking space for a vehicle sharing program, such as zipcar™.~~
- ~~vi. Composting: 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.~~
- ~~vii. 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. The project is constructed under a green building certification program that requires third-party verification such as the Evergreen Sustainable Development, Living Building Challenge standard of the International Living Building Institute, Passive House Institute US/ International, LEED or the BuiltGreen Program of the Master Builder’s of King and Snohomish Counties. Evaluation will review:
  - ~~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.~~
  - ~~Energy Efficiency: The project exceeds base energy efficiencies required by the Building Code by integrating energy efficient building design and appliances.~~

~~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).~~

~~Green Building Materials: The project utilizes sustainable or 'green' building materials internally and externally.~~

~~Accessibility: The project design incorporates access for residents of all ages and mobility inside and outside the home.~~

## 5. Approval Criteria

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

- a. The applicant clearly demonstrates evaluation factors listed in BIMC 2.16.020.Q.4 as shown in the housing design demonstration project scoring system as evaluated by ~~the design review board and the planning department;~~
- 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;
- ~~e. 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;~~
- ~~dc.~~ The project does not adversely impact existing public service levels for surrounding properties;
- ~~ed.~~ The project complies with all other portions of the BIMC, except as modified through this housing design demonstration project process;
- ~~fe.~~ 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; and
- ~~gf.~~ The applicant is meeting required housing diversity standards.

## 6. Development Standard Incentives: Development Projects in the Mixed-Use Town Center

The applicant may request that development standards from Titles 17 and 18 be modified as part of a housing design demonstration project. The city will review the request to modify development standards through the project review process outlined in BIMC 2.16.020.Q.3 ~~and considered in relation to all required decision~~

criteria. Requirements of Title 16 may not be modified. The following development standards may be modified.

- a. Minimum lot dimensions and size. Reductions in lot size or dimensions are subject to approval by Kitsap County Health District.
- b. Maximum lot coverage. Maximum lot coverage can be increased by 5% for Tier 1 projects, and 10% for Tier 2 project. For example, for a Tier 1 project in the Madison Overlay District, the 35% lot coverage limit may be increased to 40%. Tier 3 and 4 projects may increase lot coverage above zoning district requirements with no maximum. Increases in maximum lot coverage will be evaluated pursuant to the innovative site development evaluation criteria in BIMC 2.16.020.Q.4.
- c. Open Space. For MUTC demonstration projects developed under BIMC Title 17 Flexible Lot Subdivision, the prescriptive open space requirements in BIMC 17.12.030.A do not apply, and open space incorporated into the project shall be evaluated pursuant to the evaluation criteria in 2.16.020.Q.4. Instead, the project shall integrate at least 50 square feet of open space per unit. The open space shall be located along a public or private street or driveway, or public walkway.
- d. Residential Parking. The parking requirements outlined in BIMC 18.15.020 may be modified to require 1 parking space for homes under 800 square feet; 1.5 parking spaces for homes between 800-1,2500 square feet. This reduction may not be combined with any other reductions to result in less than 1 space per unit, and additional guest parking may be required pursuant to BIMC Table 18.15.020-1. 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 18.15.020.J. The applicants are encouraged to work with neighboring property owners to ensure street parking is not overburdened. If the project is requesting a reduction in required parking through the housing design demonstration project program, then the development shall integrate at least 1 guest parking space for every 5 dwelling units.
- e. ~~Commercial Parking: A reduction in commercial parking requirements may be granted for live-work project proposals that contain integrated living and working space, or other commercial components primarily serving an immediate neighborhood. Proposed reductions shall be reviewed pursuant to provisions for other uses and special eases in BIMC Table 18.15.020-1.~~
- f. Setbacks. Unless required for public safety purposes, such as sight distance, required BIMC Title 18 in any district other than the Mixed-Use Town Center or the High School Road zoning district may be reduced as described below. Additional vegetative landscaping screen may be required by director when reducing setbacks. The section does not supersede lesser setback requirements in the MUTC/HS Road District Zones, as outlined in BIMC 18.12.020-3.

#### Zoning Setback Reductions

- i. Front setback within project: 10 feet
- ii. Rear setback within project: minimum of 5 feet
- iii. Side setback within project: minimum of 5 feet

#### Subdivision Setback Reductions

- i. All interior subdivision setbacks: 0 feet
  - ii. Building to exterior subdivision boundary: 5 feet
  - iii. Building to right-of-way or on-site private access: 10 feet
- ~~f. Roadside Buffers. A reduction in required roadside buffers will consider existing vegetation and the buffering provided by surrounding properties.~~
- hf. Building Height. Existing bonus height may be achieved as outlined below. Buildings within the Mixed-Use Town Center or High School Road districts may achieve a maximum building height not to exceed the optional height outlined in BIMC Table 18.12.020-3.

#### 7. Development Standard Incentives: Development Projects in Residential Zones

The applicant may request that development standards from Titles 17 and 18 be modified as part of a housing design demonstration project. The city will review the request to modify development standards through the project review process outlined in BIMC 2.16.020.Q.3. Requirements of Title 16 may not be modified. The following development standards may be modified.

- a. Minimum lot dimensions and size. Reductions in lot size or dimensions are subject to approval by Kitsap County Health District.
- b. Maximum lot coverage. Maximum lot coverage can be increased by 5% for Tier 1 projects, and 10% for Tier 2 projects. For example, for Tier 1 projects in the R-4.3 District, the 25% lot coverage limit may be increased to 30%. Tier 3 and 4 projects may increase lot coverage above zoning district requirements with no maximum.
- c. Open Space. For residentially zoned projects developed under BIMC Title 17 Flexible Lot Subdivision, the prescriptive open space requirements in BIMC 17.12.030.A do not apply. Instead, the project shall integrate at least 400 square feet of open space per unit. The open space shall be located along a public or private street or driveway, or public walkway. This common consolidated open space would be in addition to any protected critical areas or buffers.
- d. Residential Parking. The parking requirements outlined in BIMC 18.15.020 may be modified to require 1 parking space for homes under 800 square feet; 1.5 parking spaces for homes between 800-1,200 square feet. This reduction may not be combined with any other reductions to result in less than 1 space per unit, and additional guest parking may be required pursuant to BIMC

Table 18.15.020-1. 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 18.15.020.J. The applicants are encouraged to work with neighboring property owners to ensure street parking is not overburdened. If the project is requesting a reduction in required parking through the housing design demonstration project, then the development shall integrate at least 1 guest parking space for every 5 dwelling units.

e. Setbacks. Unless required for public safety purposes, such as sight distance, zoning and subdivision setbacks required by BIMC Title 18 may be reduced as described below. Additional vegetative landscaping screen may be required by the director when reducing setbacks.

Zoning Setback Reductions

i. Front setback to on-site access: 10 feet

Subdivision Setback Reductions

i. All interior subdivision setbacks: 0 feet

ii. Building to on-site access: 10 feet

7.8.Density Bonus Incentives

An increase in residential base density may be permitted as outlined in Table 2.16.020.Q-4 below. The city council adopted Resolution No. 2009-25 containing a quantitative evaluation method that links maximum residential bonus density to varying levels of green building and affordable housing provided, as outlined in Table 2.16.020.Q-1 below.

<u>Table 2.16.020.Q-4: Housing Diversity Program Project Density Bonuses</u>	
<u>Tier 4</u>	
<ul style="list-style-type: none"> <li>• <u>2.5 x Base Density</u></li> <li>• <u>Max. Bonus Mixed-Use FAR (all residential)</u></li> </ul>	
<u>Tier 3</u>	
<ul style="list-style-type: none"> <li>• <u>2.5 x Base Density</u></li> <li>• <u>OR Max. Bonus Mixed-Use FAR (all residential)</u></li> </ul>	
<u>Tier 2</u>	
<ul style="list-style-type: none"> <li>• <u>1.5 x Base Density (R-8 &amp; R-14)</u></li> <li>• <u>2.0 x Base Density not to exceed R-8 density (R-2, R-2.9, R-3.5, &amp; R-4.3)</u></li> <li>• <u>Max. Bonus Mixed-Use FAR (all residential)</u></li> </ul>	
<u>Tier 1</u>	
<ul style="list-style-type: none"> <li>• <u>NO Density Bonus</u></li> </ul>	

**Table 2.16.020.Q-1: Housing Design Demonstration Project Density Bonuses**

		Requirements to Receive Incentives	
Incentives  In addition to Flexible Development Standards in BIMC 2.16.020.Q.6			
	Innovative Site Development  (BIMC 2.16.020.Q.4.b)  and  Innovative Building Design Practices/  Green Building (BIMC 2.16.020.Q.4.c)	Housing Diversity Requirement  (BIMC 2.16.020.Q.4.a and 18.21)	
<b>TIER 3</b>			
<b>Green</b>	2.5 x Base Density  <b>OR</b>  Max. Bonus  Mixed-Use FAR	Living Building Challenge: Net zero energy and water documentation,  Qualifies in all six performance areas with required 16 pre-requisites: site (3), energy (1), materials (5), water (2), indoor quality (3), and beauty and inspiration (2).	NA
<b>Housing</b>	2.5 x Base Density  <b>OR</b>  Max. Bonus Mixed-Use FAR	LEED Silver, BuiltGreen 4, or Evergreen Sustainable Development  <b>AND</b>  Achieve Minimum Required Points in Innovative Site Development Practices	50% affordable housing  <b>AND</b>  Home size not larger than 1600 sq. ft.
<b>TIER 2</b>			
<b>Green</b>	1.5 x Base Density  <b>OR</b>  Max. Bonus  Mixed-Use FAR	LEED Platinum or Gold, or Built Green 5 <ul style="list-style-type: none"> <li>• For projects pursuing LEED, applicant must check off within the LEED checklist a minimum threshold for 20-30% water use reduction</li> <li>• For projects pursuing Built Green, applicant must achieve 20-30% water use reduction</li> <li>• For projects pursuing LEED or Built Green, applicant shall seek to achieve within the checklist a minimum threshold for 25-30% improved energy performance</li> </ul> <b>AND</b>  Achieve Minimum Required Points in Innovative Site Development Practices	Home size not greater than 1600 sq. ft. <b>AND</b> 4 points in Housing Diversity category

**Table 2.16.020.Q-1: Housing Design Demonstration Project Density Bonuses**

Incentives		Requirements to Receive Incentives	
		Innovative Site Development (BIMC 2.16.020.Q.4.b) and Innovative Building Design Practices/ Green Building (BIMC 2.16.020.Q.4.c)	Housing Diversity Requirement (BIMC 2.16.020.Q.4.a and 18.21)
Housing	1.5 x Base Density (Zones R-8 & R-14) <b>OR</b> 2.0 x Base Density not to exceed R-8 density (Zones R-2, R-2.9, R-3.5, & R-4.3) <b>OR</b> Max. Bonus Mixed-Use FAR	LEED Silver or Built Green 4 • For projects pursuing LEED, applicant must check off within the LEED checklist a minimum threshold for 20-30% water use reduction • For projects pursuing Built Green, applicant must achieve 20-30% water use reduction • For projects pursuing LEED or Built Green, applicant shall seek to achieve within the checklist a minimum threshold for 20-25% improved energy performance <b>AND</b> Achieve Minimum Required Points in Innovative Site Development Practices	Home size not greater than 1600 sq. ft. <b>AND</b> 10 pts. of affordable housing subcategory <b>AND</b> 17 pts. total in Housing Diversity category
	<b>TIER 1</b>		
Green	NO Density Bonus	LEED Certification	NA
Housing	NO Density Bonus	NA	Home size not greater than 1,600 sq. ft. <b>AND</b> 7 points in Housing Diversity category

8. Evaluation Scoring System

For the purposes of implementing this section 2.16.020.Q, city council has adopted an evaluation scoring system in resolution 2009-25 dated November 9, 2009. Evaluation of applications for housing design demonstration programs shall be evaluated pursuant to that scoring matrix as applied to this section

~~2.16.020.Q, and in case of inconsistency between the provisions of that resolution and this section, the provisions of the resolution shall govern. Resolution 2009-25 contains definitions that are to be used only for purposes of the evaluation scoring matrix, and in case of inconsistency between those definitions and the definitions in BIMC 18.36, the provisions in the resolution shall govern, but only as they apply to evaluations for applications for housing design demonstration programs.~~

9. ~~Housing Demonstration Project Visit~~

In order to learn from the innovative design practices used, all ~~demonstration~~ projects completed under this section 2.16.020.Q 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.

10. ~~Demonstration Period~~

This section 2.16.020.Q and related provisions of BIMC Title 2, Title 17, and Title 18 shall expire on ~~August 26, 2012~~ December 31, 2016.

**Section 4.** Section 18.09.020 of the Bainbridge Island Municipal Code is amended as shown in Exhibit A.

**Section 5.** Section 18.09.030 of the Bainbridge Island Municipal Code is amended to read as follows:

18.09.030 Use Specific Standards

I. Accessory Uses

5. Accessory Dwelling Unit

- a. An Accessory Dwelling Unit may be created within, or detached from, any Single-family Dwelling, whether existing or new, as a subordinate use, where permitted ("P") by this chapter.
- b. In the shoreline jurisdiction, an Accessory Dwelling Unit may be created within, or detached from, any Single-family Dwelling, whether existing or new, as a subordinate use, where conditional ("C") pursuant to this chapter. See BIMC 16.12 for shoreline conditional use process.
- c. Only one Accessory Dwelling Unit may be created per parcel.
- d. No variances shall be granted for an Accessory Dwelling Unit.
- e. One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling.
- f. Accessory Dwelling Units shall be designed to maintain the appearance of the primary dwelling as a Single-family Dwelling

containing 800 sq. ft. of floor area or less. If a separate outside entrance is necessary for an Accessory Dwelling Unit located within the primary dwelling, that entrance must be located either on the rear or side of the building.

- g. If an accessory dwelling unit is constructed in conjunction with a garage, the square footage of the garage shall not count towards the 800 square-foot limitation.
- h. An accessory dwelling unit not attached to the single-family dwelling may not contain any accessory use other than a garage.
- i. No recreational vehicle shall be an accessory dwelling unit.
- j. When stairs utilized for the ADU are enclosed within the exterior vertical walls of the building, they shall count towards the floor area of the ADU.
- k. The ADU shall share a single driveway with the primary dwelling.
- l. School impact fees and qualified exemptions from those fees as provided in BIMC 15.28 shall apply.
- m. All other applicable standards including, but not limited to, lot coverage, setbacks, parking requirements, and health district or city requirements for water, sewer, and/or septic must be met.
- n. In the Mixed Use Town Center, new accessory dwelling units are only permitted as part of a housing design demonstration project single-family subdivision approved pursuant to BIMC 2.16.020.Q.

**Section 6.** Section 18.12.020-3 of the Bainbridge Island Municipal Code is amended as shown in Exhibit B.

**Section 7.** Section 18.36.030 of the Bainbridge Island Municipal Code is amended to read as follows:

18.36.030 Definitions

Age-in-place: A dwelling qualifies as an age-in-place unit , a specific unit type under the housing design demonstration project program (BIMC 2.16.020.Q), if it qualifies as a “Accessible Dwelling Unit” pursuant to the Building Code , and furthers the ability to live in one's own home and community safely, independently, and comfortably, regardless of age or ability level.

Cottage: A dwelling unit qualifies as a cottage – a specific unit type under the housing design demonstration project program (BIMC Section 2.16.020.Q) – if it has all of the following elements:

1. Maximum Unit Size: 1,200 square feet floor area
2. 2<sup>nd</sup> floor area no more than 50% of the 1<sup>st</sup> floor area
3. Pitched roofs with a minimum 4:12 roof pitch
4. Maximum Building Height: 20 feet with a roof pitch less than 6:12. See *Building Height* BIMC Section 18.12.050.C. Maximum ridge height is 25 feet.
5. Front Porch at least 80 square feet in size, and face a street or common open space.

6. Garages must be detached. Shared carport building with other units or surface parking is allowed.

Neighborhood Community Garden: An area set aside within a development that can be used as a viable growing space for residents of the neighborhood. The area shall have solar exposure, water availability, a tool storage area, and be easily accessible to residents. Preservation of an existing orchard does not count towards the area of a designated neighborhood community garden under the housing design demonstration project program (BIMC 2.16.020.Q).

**Section 8.** This ordinance shall take effect on January 1, 2014.

PASSED BY THE CITY COUNCIL this 11<sup>th</sup> day of December, 2013.

APPROVED BY THE MAYOR 11<sup>th</sup> day of December, 2013.

  
\_\_\_\_\_  
Steven Bonkowski, Mayor

ATTEST/AUTHENTICATE:

  
\_\_\_\_\_  
Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	October 29, 2013
PASSED BY THE CITY COUNCIL:	December 11, 2013
PUBLISHED:	December 13, 2013
EFFECTIVE DATE:	January 1, 2014
ORDINANCE NUMBER:	2013-25

Table 18.09.020 Use Table

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

“A” = Accessory Use

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

ZONING DISTRICT  USE CATEGORY/ TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR 1 & 2	NSC	B/I	WD-I	USE SPECIFIC STANARDS 18.09.030
											CC	MA	EA	GATE	FRY					
<b>ACCESSORY USES</b>																				
Accessory Agricultural Education	A	A	A	A	A	A	A									A			I-1	
Accessory Agricultural Retail, Minor	A	A	A	A	A	A	A									A			I-2	
Accessory Agricultural Retail, Major	CA	CA	CA	CA	CA	CA	CA									CA			I-3	
Accessory Agricultural Special Event	A	A	A	A	A	A	A									A			I-4	
Accessory Agricultural Tourism	A	A	A	A	A	A	A									A				
Accessory Composting Bin	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Accessory Dwelling Unit (outside shoreline jurisdiction)	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A			I-5	
Accessory Dwelling Unit (within shoreline jurisdiction)	CA	CA	CA	CA	CA	CA	CA		CA	CA						CA			I-5	
Accessory Agricultural Processing and Livestock and Poultry Slaughtering	A	A	A	A	A	A	A									A		A	I-6	
Accessory On-site Treatment and Storage Facilities for Hazardous Wastes																A	A	A	I-7	
Accessory Outdoor Storage																A	A	A	I-8	

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

**EXHIBIT B**

ZONING DISTRICT DIMENSIONAL STANDARD	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I
	Central Core Overlay	Madison Avenue Overlay	Ericksen Avenue Overlay	Gateway Overlay	Ferry Terminal Overlay [See BIMC 18.12.030.C]				
<p>[1] If the existing FAR for a developed property as of May 21, 1998 is higher than the base FAR for that district, then the existing FAR will be considered the base FAR for that developed property. Total FAR may not be exceeded.</p> <p>[2] In mixed use development, the established FAR in the residential and commercial components shall not be exceeded. <b>For the residential FAR Bonus provisions for qualifying Housing Design Demonstration Project, refer to the bonus density provisions in BIMC 2.16.020.Q.8.</b></p> <p>[3] In mixed use development in the ferry terminal district, an additional 0.2 FAR is permitted in accordance with BIMC 18.12.030.E.7. The additional FAR may be applied to either the residential or commercial component of the mixed use development.</p> <p>[4] When property adjoins a single-family residential zone, building setback shall be in accordance with the landscape ordinance perimeter landscaping requirements.</p> <p>[5] When property adjoins a lower density residential zone, except in the ferry terminal district, north of Winslow Way, for the first 30 feet of the building from the property line of an adjoining lower density residential zone, the building height shall be the building height of the adjoining lower density residential zone. Optional building height allowed in the adjoining lower density residential district through a conditional use permit may be requested for projects within the Mixed Use Town Center and High School Road zones through the site plan review process. For building height requirements in the ferry terminal district, north of Winslow Way, reference BIMC 18.12.030.C.</p> <p>[6] The bonus height is only available for the entire building if parking is located under more than 50% of the building footprint. If parking is located under 50% or less of the building footprint, the bonus may only be used for a portion of the building footprint twice as large as the area with parking located beneath.</p>									