



PLANNING COMMISSION
SPECIAL MEETING AT EARLIER TIME
THURSDAY, APRIL 19, 2018
6:00 – 9:00 PM
COUNCIL CHAMBER
280 MADISON AVE N
BAINBRIDGE ISLAND, WA 98110

AGENDA

- 6:00 PM CALL TO ORDER
 Call to Order, Agenda Review, Conflict Disclosure
- 6:05 PM PUBLIC COMMENT
 Accept public comment on off agenda items.
- 6:15 PM SMP AMENDMENT – Study Session
 Nonconforming Development
 Critical Areas Integration
 Senior City Planner Christy Carr
- 8:30 PM ORDINANCE 2018-13 – Study Session
 Amending BIMC Title 18 as pertaining to Business/Industrial Zoning
 Senior City Planner Jennifer Sutton
- 8:55 PM NEW/OLD BUSINESS
- 9:00 PM ADJOURN

***** TIMES ARE ESTIMATES****

Public comment time at meeting may be limited to allow time for Commissioners to deliberate. To provide additional comment to the City outside of this meeting, e-mail us at pcd@bainbridgewa.gov or write us at Planning and Community Development, 280 Madison Avenue, Bainbridge Island, WA 98110

**For special accommodations, please contact Jane Rasely, Planning & Community
Development 206-780-3758 or at jrasely@bainbridgewa.gov**

4.2 General Use

4.2.1 Nonconforming Uses, NonConforming Lots, and Nonconforming Structures

4.2.1.1 Applicability

This section applies to shoreline uses, lots, and structures that were lawfully established or constructed prior to the effective date of the initial adoption of the this Program (November 26, 1996) or amendments thereto, and which do not conform to current regulations or standards of this Program. Nonconforming uses, lots and structures are not required to meet this Program's requirements, unless changes to a use, lot or structure that would require review under this Program are proposed.

4.2.1.2 Definitions

A. Nonconforming Use. A nonconforming use means an existing shoreline use that was lawfully established prior to the effective date of this Program (November 26, 1996), as amended, but which does not conform to present use regulations due to subsequent changes to the Program.

B. Nonconforming Lot. A nonconforming lot means a lot that met dimensional requirements of the applicable SMP at the time of its establishment (November 26, 1996), as amended, but now contains less than the required width, depth or area due to subsequent changes in the Program.

C. Nonconforming Structures. A nonconforming structure means an existing structure that was lawfully constructed prior to the effective date of this Program (November 26, 1996), as amended, but is no longer fully consistent with present regulations such as setbacks, buffers or yards; area; bulk; height or density standards due to subsequent changes to the Program.

4.2.1.3 Goal

It is the purpose of this section to recognize legally established uses, lots, and structures, and to allow them to be maintained, repaired, remodeled, replaced, and in some cases expanded, in conformance with current regulations and standards of this Program with due regard to unique site conditions and property rights.

4.2.1.4 Policies

1. Nonconforming structures may be replaced, repaired, maintained, remodeled, and in some cases expanded, provided the alteration meets the current regulations and standards of this Program. Nonconforming structures that are demolished or destroyed may be reconstructed to configurations existing immediately prior to the time the structure was damaged or destroyed. Decreases in nonconformity should be encouraged.

2. Once discontinued, reestablishment of nonconforming uses and nonconforming commercial structures located in the shoreline jurisdiction should be restricted or phased out over time.
3. Nonconforming overwater structures may be reconstructed to the same size and modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.
4. Nonconforming lots of record may be developed consistent with the standards and regulations of this Program.
5. Redevelopment of nonconforming public rights-of-way and associated existing transportation structures may be permitted for purposes of facilitating essential public access, development of public trails and/or public shoreline access.

4.2.1.5 Regulations – General

1. Nonconforming uses, lots, and structures may continue subject to the provisions of this section.
2. Nonconforming uses shall not be altered or expanded in any way that increases the nonconformity.
3. Nonconforming structures shall not be reconstructed, altered, or expanded in any way that increases the nonconformity.
4. A complete application for any reconstruction under this section must be submitted within two (2) years of the date of damage or removal, and upon approval of the application, redevelopment must be completed within one (1) year of the commencement of reconstruction. A one (1) year extension may be granted, provided that a written request is submitted no later than twenty-one (21) days prior to either deadline and provided that the owner is not responsible for the delay.
5. Any alterations to nonconforming uses or structures shall meet the no net loss standard pursuant to Section 4.1.2.4. The current condition of the shoreline, including nonconforming uses and structures, shall be the starting point or baseline for determining compliance with the no net loss standard.

4.2.1.6 Regulations - Nonconforming Uses

1. If a nonconforming use is discontinued for twelve (12) consecutive months, any subsequent use shall be conforming; except that if a nonconforming use is operated within a nonconforming structure that is accidentally damaged or destroyed and reconstruction is proposed under Section 4.2.1.6.1(3), then the use may be re-established within the same time period as the reconstruction for the nonconforming structure pursuant to Section 4.2.1.4(2)
2. A nonconforming use cannot be changed to another nonconforming use.
3. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided that all provisions are met.

4.2.1.7 Regulations – Nonconforming Structures

4.2.1.7.1 General Provisions – Nonconforming Structures

1. Nonconforming structures may be maintained, repaired, renovated, remodeled, expanded, or rebuilt, subject to the specific provisions of this Program.
2. Changes to a structure that would alter or increase the nonconformity are not permitted.
3. No further encroachment into the shoreline buffer established in accordance with Section 4.1.3 is allowed unless permitted by this Program.
4. Any relocation of a structure must conform to regulations of this Program.
5. The enlargement or replacement of a structure shall not warrant new shoreline stabilization for the life of the new structure; and
6. A replacement structure, or portion thereof, must meet geologically hazardous provisions in Section 4.1.5.

4.2.1.7.2 Nonconforming Structures – Commercial and Industrial (Primary and Accessory)

1. Reconstruction of nonconforming **commercial structures**, or any portion thereof, demolished or destroyed by any means shall be in conformance with all standards of this Program; except, nonconforming commercial structures utilized wholly for water-oriented uses may be reconstructed to the bulk dimension existing immediately prior to destruction by catastrophic event or intentional demolition.

4.2.1.7.3 Nonconforming Structures – Residential Single-Family: Primary Structures

1. If a nonconforming **primary residential structure** is damaged or destroyed it may be altered, expanded, or rebuilt pursuant to subsections 4.2.1.6.3(2-3).
2. A nonconforming primary residential structure located within the Shoreline Buffer may be altered, expanded, or rebuilt, provided:
 - a. If an existing primary residential structure is damaged or destroyed by any means, it may be reconstructed to the bulk dimension existing immediately prior to the demolition or destruction.
 - b. Any enlargement or expansion of the building configuration, including any new impervious surfaces, shall be located landward of the existing or original building footprint.
 - c. No enlargement or expansion shall be located within Zone 1 of the Shoreline Buffer.
 - d. For structures not within the Point Monroe District or an encumbered lot, enlargement or expansion may be allowed as follows:

- A. Up to four thousand square feet (including the existing structure and any new impervious surfaces) with mitigation as required in the Single Family Shoreline Mitigation Manual.
 - B. Greater than four thousand square feet (including the existing structure and any new impervious surfaces) with submittal of a site-specific impact analysis and approval of a shoreline conditional use permit.
 - e. Any enlargement or expansion shall not result in more than:
 - i. The allowed building area for Point Monroe District, Section 5.9.6(2).
 - ii. The allowed building area for encumbered lots, Section 4.2.1.7.
 - f. No significant trees shall be removed to accommodate the enlargement or expansion. [Decision tree needed to allow for limited removal; move to general regulations?]
 - g. Permitted expansion of a nonconforming structure shall not substantially impact the existing views of the water from primary residences or public rights-of-way to any greater degree than a fully conforming structure in accordance with Section 4.1.3.11.
 - h. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.
3. Enlargement or expansion of a structure outside the Shoreline Buffer, or portion of a structure located partially within the Shoreline Buffer, is allowed provided all applicable standards and provisions of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws are met.

4.2.1.7.4 Nonconforming Structures – Multifamily Residential: Primary Structures

1. A nonconforming primary multifamily residential structure or portion thereof may be reconstructed, altered, or expanded in conformance with the current regulations and standards of this Program, if public access is provided pursuant to Section 4.2.4.6, Regulations – Public Access Design and Location Standards.
2. If a nonconforming primary multifamily residential structure is damaged or destroyed by a natural catastrophic event, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, including building height and footprint of the structure.

4.2.1.7.5 Nonconforming Structures – Residential: Accessory Structures

1. A nonconforming residential accessory structure or portion thereof may be reconstructed or altered in conformance with the current regulations and standards of this Program.
2. If an existing residential essential accessory structure is damaged or destroyed by any means, it may be reconstructed to the bulk dimension existing immediately prior to the demolition or destruction.

3. Shoreline modifications shall conform to Section 6.1, General Shoreline Modification Provisions, and Section 6.2, Shoreline Stabilization.

4.2.1.7 Regulations –Nonconforming Lots

Track changes not previously discussed.

1. Single-family development and redevelopment, except in the Point Monroe District, that is proposed on a nonconforming lot ~~located in the shoreline jurisdiction~~ or proposed for a shoreline property that is significantly encumbered by shoreline or critical area buffers, may be allowed without a shoreline variance when the following criteria are met:
 - a. ~~A If a lot contains a building area of 2,500 square feet or more available for a single-family residence and normal appurtenances and that is~~ unrestricted by buffers from shorelines or critical areas shoreline or critical area buffers, development of a single-family residence and normal appurtenances shall occur within that unrestricted building area and comply with the provisions of this Program. The building area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping; ~~or~~
 - b. ~~A If a lot that does not contain a building area of 2,500 square feet or more available for a single-family residence and normal appurtenances that is~~ unrestricted by shoreline or critical area buffers, meet the requirement of subsection 1.a above, development shall meet the following provisions:
 - i. Landslide hazard provisions of Section 4.1.5, Critical Areas, and Appendix B and provide the maximum buffer dimension feasible for critical areas; and
 - ii. Provide a building area not to exceed 2,500 square feet with maximum lot coverage of 1,200 square feet. The building area shall be located on the portion of the lot providing the maximum Shoreline Buffer dimension with consideration given to view; and
 - iii. All single-family residential development approved under this section shall meet the shoreline structure view setback provisions in Section 4.1.3.11, Regulations – Shoreline Structure Setback View Requirement; and
 - c. The area between the structure and the shoreline and/or critical area shall comply with revegetation standards in Section 4.1.2.5(3), the vegetation conservation standards of Section 4.1.3, Vegetation Management, and provisions of Section 4.1.5 Critical Areas, and Appendix B; and
 - d. Development may not take place waterward of the ordinary high water mark; and
 - e. Facilities such as a conventional drainfield system may be allowed outside of the building area specified above, and allowed within buffer areas, except wetlands buffers. Such facilities shall not be located closer than 75ft to OHWM; and shall be subject to regulations of Section 4.1.5, Critical Areas.

4.2.1.8 Regulations – Nonconforming Public Facilities & Transportation

1. Nonconforming public facilities shall be allowed to continue and to be repaired, maintained, or remodeled.
2. Redevelopment of nonconforming public rights-of-way and associated transportation structures are allowed for purposes of facilitating essential public access, development of public trails, and/or public shoreline access, provided that no other alternative is feasible and redevelopment shall be otherwise consistent with the provisions of this Program, including but not limited to the provisions for public access and no net loss of shoreline ecological functions and processes.

4.2.1.8 Regulations – Nonconforming Residential and Commercial Structures: Aquatic Structures and Accessory Aquatic Structures

1. Existing docks floats, and buoys may be repaired and replaced in the same footprint and shall comply with this Program's requirements for materials and standards, to the extent practicable.
 - a. Except that as a conditional use, an existing dock may be modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.
2. Except for docks and floats, repair and replacement up to 50% of the footprint of any existing aquatic structures, including shoreline modifications, or buildings or portions thereof within the Aquatic or Priority Aquatic designations, shall only be done once within any five year period. Such replacements shall comply with this Program's requirements for materials and standards to the extent practicable. If the structure is composed of several components, then the 50% shall be calculated independently for each component.
- ~~3. The replacement shall meet Section 4.1.2, Environmental Impacts, including the mitigation sequencing standards of Section 4.1.2.6, Regulations Mitigation, to meet the standard of no net loss of shoreline ecological functions and/or processes. Shoreline stabilization shall also meet the alternative analysis provision of Section 6.2.8(1).~~

Other sections related to nonconforming proposed for revisions based on public comment:

1.3.5.2 – Applicability of Bainbridge Island Shoreline Master Program

2. The provisions of ~~the~~ this Program apply to both existing and new development, uses, lots, and activities and are not retroactive. Development, uses, lots, and activities lawfully occurring, established or constructed prior to the effective date of the initial adoption of the this Program (November 26, 1996), or amendments thereto, are not required to meet this Program's requirements, unless changes to a development, use, lot or structure that would require review under this Program are proposed. All existing legally constructed single-family residences and accessory structures, including lawns, landscaping and recreation areas, which do not meet the adopted standards of this Shoreline Master Program are allowed to continue, and may be maintained, repaired, and remodeled if destroyed or damaged by natural causes as provided in Section 4.2.1 Nonconforming Uses, Nonconforming Lots, and Existing Development. Residences may be expanded, provided the expansion meets the provisions of this Program, including addressing environmental impacts and meeting the standard for no net loss of ecological functions and ecosystem-wide processes as provided in Section 4.1.2, Environmental Impacts. All proposed uses and development occurring within shoreline jurisdiction must conform to Chapter 90.58 RCW, the Shoreline Management Act and this Shoreline Master Program. All uses, even those not meeting the definition of development, are subject to the provisions and development regulations of this Shoreline Master Program, even though a permit may not be required.

4.0.1. – Regulations, General

7. Where provisions of this Master Program or other provision in BIMC conflict, the more restrictive provisions shall apply unless specifically stated otherwise.

Proposed language:

Where provisions of this Master Program or other provision in BIMC conflict, Director determines which provision applies; decision is appealable by public or applicant.
[Specific language to be developed by staff.]

6.1 General Shoreline Modification Provisions

6.1.1 Applicability

Shoreline modifications are generally related to construction of a physical element such as residential development, a dike, bulkhead, dredged basin, pier or fill, but they can include other actions such as clearing, grading, application of chemicals, or vegetation removal. Shoreline modifications usually are undertaken in support of or in preparation for a shoreline use; for example, fill (shoreline modification) required for a ferry terminal (industrial use) or dredging (shoreline modification) to allow for a marina (boating facility use).

The provisions in this section apply to all shoreline modifications within the shoreline jurisdiction. They also apply to projects in which the chief intent is to protect the shoreline of a particular property for which the permit applies such as shoreline stabilization, flood control projects, and flood control programs. Shoreline modification proposals will be reviewed under the “no net loss” provisions of Section 4.1.2, Environmental Impacts; Section 4.0, General (Island-wide) Policies and Regulations; and may also be reviewed under Section 4.1.3, Vegetation Management; Section 4.1.5, Critical Areas; Section 4.1.6, Water Quality and Stormwater Management; Section 4.1.7, Flood Hazard Management; Appendix B; and BIMC Chapter 15.18, Land Clearing, when applicable. Other portions of this Program may also apply.

Shoreline Modifications – Those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a dike, breakwater, pier, weir, dredged basin, fill, bulkhead, or other shoreline structure. They can include other actions, such as clearing, grading, or application of chemicals.

4.2 General Use

4.2.1 Nonconforming Uses, Non-Conforming Lots, and Existing Development

4.2.1.1 Applicability

This section applies to shoreline uses and/or structures that were lawfully established or constructed prior to the effective date of the initial adoption of the Master Program (November 26, 1996) or its amendments, but which do not conform to present regulations or standards of the Master Program.

4.2.1.2 Goal

It is the purpose of this program to recognize legally established primary residential structures, and to allow them to be maintained, repaired, remodeled, replaced and in some cases expanded in conformance with these rules. Residential structures that do not conform to this program should, over time, as the owner proposes changes to the structure, conform as completely as possible to this program, with due regard to unique site conditions and property rights.

It is further the purpose of this program to ultimately, over time, have uses and commercial structures conform to the provisions of this program. Over time, uses and commercial structures that do not conform to the standards of this program should be phased out as uses cease or redevelopment of structures occurs.

Note: Existing structures and uses that do not conform to this Program are not required to meet its requirements, unless the owner proposes changes to a structure or use that would require review under this Program.

4.2.1.3 Policies

1. Lawfully constructed commercial and industrial structures shall be allowed to be repaired, maintained, and remodeled provided that the alteration does not increase the nonconformity.
2. Lawfully constructed structures, established uses, public facilities, transportation structures, and/or lots of record located within the shoreline jurisdiction prior to the effective date of the Master Program but which do not conform to the present policies, regulations or standards, shall be allowed to continue and be repaired and maintained.
3. Lawfully constructed residential structures may be repaired, maintained and remodeled provided the alteration meets the goals and provisions of this program.
4. Lawfully constructed residential structures may be expanded in some circumstances, provided the expansion will not result in adverse impacts to shoreline ecological functions and processes, and mitigation is provided.
5. Once discontinued, re-establishment of nonconforming uses located in the shoreline jurisdiction shall be restricted.
6. Lawfully constructed commercial structures that are located in the shoreline jurisdiction are to be phased out over time. Depending on the extent and intensity of the

nonconformity, a primary residential structure and primary appurtenance, may be allowed certain alteration or expansion, provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.

7. Lawfully constructed structures that are destroyed by fire, explosion, flood, or other casualty may be restored or replaced without increasing or expanding the nonconformity, and are encouraged to decrease nonconformity. Legally established overwater structures that are destroyed may be reconstructed to the same size, but the configuration may be altered to reduce the impact to the shoreline environment provided the size of the nonconformity is not increased. Such redevelopments may be permitted provided that impacts to shoreline functions and processes are mitigated or restored, and the reconstruction application is submitted within two years of the date of destruction.
8. Provisions for reconstruction of a lawfully constructed residential house shall allow certain expansions of the existing structure when it can be demonstrated that the expansion will not result in adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.
9. Legally created nonconforming lots of record may be developed provided that adverse impacts to shoreline ecological functions and shoreline processes are mitigated or restored.
10. Redevelopment of nonconforming public rights-of-way and associated existing transportation structures may be permitted for purposes of facilitating essential public access, development of public trails and/or public shoreline access.

4.2.1.4 Regulations – General

1. Nonconforming uses and developments and/or existing buildings and structures that were lawfully constructed or existed prior to the effective date of initial adoption of this Program (November 26, 1996), or its amendments, but which do not meet the specific standards of this Program, may be continued subject to the provisions of this section; provided that shoreline modifications shall conform to Section 6.1, General Shoreline Modification Provisions, and Section 6.2, Shoreline Stabilization.
2. A complete application for any reconstruction under this section must be submitted within two (2) years of the date of damage or removal, and upon approval of the application, redevelopment must be completed within one (1) year of the commencement of reconstruction. A one (1) year extension may be granted, provided that a written request is submitted no later than twenty-one (21) days prior to either deadline and provided that the owner is not responsible for the delay.
3. An existing use designated by the adoption of an applicable amendment hereto as a conditional use that lawfully existed prior to the adoption of the Program or the adoption of an applicable amendment hereto and which has not obtained a conditional use permit, shall be considered a legal nonconforming use and may be continued subject to the provisions of this section without obtaining a conditional use permit.
4. A structure for which a variance has been issued but which does not comply with applicable requirements of this Program as amended shall be considered a legal existing structure and the requirements of this section shall apply.

5. Any permitted remodel or expansion shall not cause adverse impacts to shoreline ecological functions and/or processes.

4.2.1.5 Regulations - Nonconforming Uses

1. Nonconforming uses shall not be altered or expanded in any way that increases the nonconformity.
2. If a nonconforming use is discontinued for twelve (12) consecutive months, any subsequent use shall be conforming; except that if a nonconforming use is operated within a nonconforming structure that is accidentally damaged or destroyed and reconstruction is proposed under Section 4.2.1.6.1(3), then the use may be re-established within the same time period as the reconstruction for the nonconforming structure pursuant to Section 4.2.1.4(2)
3. A nonconforming use cannot be changed to another nonconforming use.
4. Change of ownership, tenancy, or management of a nonconforming use shall not affect its nonconforming status, provided that all provisions are met.

4.2.1.6 Regulations – Existing Development

4.2.1.6.1 General Provisions – Nonconforming Structures

1. Existing structures may be maintained, repaired, renovated, or remodeled provided all the following is met:
 - a. Changes to the structure that would alter or increase the nonconformity are not permitted;
 - i. Any vertical or horizontal extension of a wall must meet the provisions of this program.
 - ii. Adding to the footprint of an existing structure is permitted as long as the addition meets the requirements of this program.
 - b. There is no further encroachment into the buffers unless allowed by this program or through an approved variance;
 - c. Renovations or remodels are entirely contained within the building;
 - d. If moved, the structure shall be made to conform to regulations of this program.
2. If an existing primary structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, provided the use is conforming or meets the provisions of Section 4.2.1.4, Regulations-General, and 4.2.1.5, Regulations – Nonconforming Uses, above.

- a. This provision shall not apply to structures that are destroyed due to a criminal act initiated by the property owner; and
- b. The replacement structure shall not warrant new shoreline stabilization for the life of the new structure.
- c. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Regulations – *Nonconforming Uses*, and Appendix B.

4.2.1.6.2 *Existing Structures – Commercial and Industrial (Primary and Accessory)*

- 1. Existing commercial structures shall not be altered or expanded in any way that increases the nonconformity without first obtaining a variance.
- 2. Reconstruction of existing commercial structures and buildings intentionally demolished or destroyed in any other manner than described in Section 4.2.1.6.1(2), shall be in conformance with all standards of the Program.

4.2.1.6.3 *Existing Structures – Residential Single-Family: Primary Structures*

- 1. If an existing primary residential structure is damaged or destroyed as described in Section 4.2.1.6.1(2), the existing primary residential structure configuration may be altered or expanded pursuant to subsections 4.2.1.6.3(2-4).
- 2. An existing primary residential structure may be altered or expanded to the extent allowed by this Program, provided:
 - a. Enlargement or expansion of the building configuration, including any new impervious surfaces located within the Shoreline Buffer shall be located landward of the existing or original building footprint, only one such expansion may occur within the lifetime of the development, and the expansion shall not exceed:
 - i. The allowed building area for Point Monroe District, Section 5.9.6(2).
 - ii. The allowed building area for encumbered lots, Section 4.2.1.7.
 - iii. For structures not meeting i or ii; twenty five percent (25%) of the existing building footprint.
 - b. Any vertical expansion must meet height requirements of this Program;
 - c. Remnant foundation and/or impervious surfaces located within the Shoreline Buffer shall be removed;
 - d. Mitigation of the shoreline buffer is provided in accordance with Section 4.1.2, Environmental Impacts;
 - e. The remodel or expansion shall not cause adverse impacts to shoreline ecological functions and/or processes; and
 - f. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.

3. Permitted expansion of an existing structure shall not substantially impact the existing views of the water from primary waterfront residences or public rights-of-way to any greater degree than a fully conforming structure.
4. Increases in structure footprint outside of the Shoreline Buffer shall be allowed, even if all or a portion of the existing footprint is within the Shoreline Buffer. In such case, the addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this Program.

4.2.1.6.4 *Existing Structures – Multifamily Residential: Primary Structures*

1. If an existing primary multifamily residential structure is damaged or destroyed by fire, explosion, earthquake, flooding or other casualty, it may be reconstructed to the bulk dimension existing immediately prior to the catastrophic event, including building height and footprint of the structure.
 - a. This provision shall not apply to structures that are destroyed due to a criminal act involving the property owner; and
 - b. The replacement structure shall not warrant new shoreline armoring for the life of the new structure; and
 - c. The reconstruction shall not cause adverse impacts to shoreline ecological functions and processes.
 - d. The replacement structure meets geologically hazard provision for existing development in Section 4.1.5, Critical Areas, and Appendix B.
2. An existing primary multifamily residential structure or portion thereof may be reconstructed, altered, or expanded, including the footprint and/or the height increased, to the extent allowed by this Program, if the following are met:
 - a. Public access is provided pursuant to Section 4.2.4.6, Regulations – Public Access Design and Location Standards; and
 - b. Mitigation of the shoreline buffer is provided to meet no net loss, as detailed in Section 4.1.2, Environmental Impacts, including revegetation standards in Section 4.1.2.5(3).

4.2.1.6.5 *Existing Structures – Residential: Accessory Structures*

1. If an existing residential accessory structure is damaged, destroyed or intentionally demolished, the reconstruction shall be in conformance with all standards of the Program, except:
 - a. An existing essential single family residential accessory structure may be reconstructed as follows:
 - b. Replacement structure is the same bulk dimension as the existing structure.
 - c. Replacement structure may be located within Zone 2 provided mitigation occurs in accordance with 4.1.2.5, Regulations – Revegetation Standards.

- d. Attached decks essential to a single family residence may be replaced in the same location.
- e.. All other applicable standards and provisions are met, including regulations of this Program, the Bainbridge Island Municipal Code, the septic system requirements of the Kitsap Health District, and any state and federal laws.

4.2.1.7 Regulations – Encumbered and Nonconforming Lots

1. Single-family development and redevelopment, except in the Point Monroe District, that is proposed on a legal nonconforming lot located in the shoreline jurisdiction or proposed for a shoreline property that is significantly encumbered by shoreline or critical area buffers, may be allowed without a shoreline variance when the following criteria are met:
 - a. A lot contains a building area of 2,500 square feet or more available for a single-family residence and normal appurtenances and unrestricted by buffers from shorelines or critical areas shall comply with the provisions of this Program. The building area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping; or
 - b. A lot that does not meet the requirement of subsection 1.a above, shall meet the following:
 - i. Landslide hazard provisions of Section 4.1.5, Critical Areas, and Appendix B and provide the maximum buffer dimension feasible for critical areas; and
 - ii. Provide a building area not to exceed 2,500 square feet with maximum lot coverage of 1,200 square feet. The building area shall be located on the portion of the lot providing the maximum Shoreline Buffer dimension with consideration given to view; and
 - iii. All single-family residential development approved under this section shall meet the shoreline structure view setback provisions in Section 4.1.3.11, Regulations – Shoreline Structure Setback View Requirement; and
 - c. The area between the structure and the shoreline and/or critical area shall comply with revegetation standards in Section 4.1.2.5(3), the vegetation conservation standards of Section 4.1.3, Vegetation Management, and provisions of Section 4.1.5 Critical Areas, and Appendix B; and
 - d. Development may not take place waterward of the ordinary high water mark; and
 - e. Facilities such as a conventional drainfield system may be allowed outside of the building area specified above, and allowed within buffer areas, except wetlands buffers. Such facilities shall not be located closer than 75ft to OHWM; and shall be subject to regulations of Section 4.1.5, Critical Areas.

4.2.1.8 Regulations – Nonconforming Public Facilities & Transportation

1. Nonconforming public facilities shall be allowed to continue and to be repaired, maintained, or remodeled.

2. Redevelopment of nonconforming public rights-of-way and associated transportation structures are allowed for purposes of facilitating essential public access, development of public trails, and/or public shoreline access, provided that no other alternative is feasible and redevelopment shall be otherwise consistent with the provisions of this Program, including but not limited to the provisions for public access and no net loss of shoreline ecological functions and processes.

4.2.1.8 Regulations - Existing Residential and Commercial: Aquatic Structures and Accessory Aquatic Structures

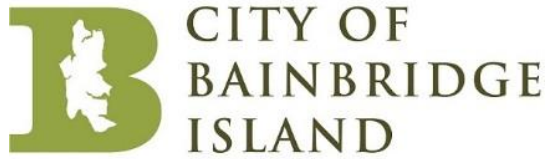
1. Existing docks floats, and buoys may be repaired and replaced in the same foot print and shall comply with this Program's requirements for materials and standards, to the extent practicable.
 - a. Except that as a conditional use, an existing dock may be modified, reoriented or altered within the same general location to be more consistent with the provisions of this Program.
2. Except for docks and floats, repair and replacement up to 50% of the footprint of any existing aquatic structures, including shoreline modifications, or buildings or portions thereof within the Aquatic or Priority Aquatic designations, shall only be done once within any five year period. Such replacements shall comply with this Program's requirements for materials and standards to the extent practicable. If the structure is composed of several components, then the 50% shall be calculated independently for each component.
3. The replacement shall meet Section 4.1.2, Environmental Impacts, including the mitigation sequencing standards of Section 4.1.2.6, Regulations-Mitigation, to meet the standard of no net loss of shoreline ecological functions and/or processes. Shoreline stabilization shall also meet the alternative analysis provision of Section 6.2.8(1).

DRAFT – Nonconforming Structures Allowed Actions

April 12, 2018

Structure Type	Action			
	Repair	Replacement (Intentionally demolished)	Replacement (Destroyed by natural cause)	Alteration/Expansion
Single family primary residential structure	Yes	Yes	Yes	Yes
Multifamily	Yes	No	Yes, only within existing footprint	Must comply with existing regulations
Single family accessory structure (other than ADU or bulkhead)	Yes	No	Yes, must comply with existing regulations	Must comply with existing regulations
Single family <u>essential</u> accessory structure ¹	Yes	Yes, within existing footprint	Yes, within existing footprint	None
Commercial	Yes	Only water-oriented uses	Only water-oriented uses	None
ADU	Yes	Yes (require SCUP?)*	Yes (require SCUP?)	Yes, up to 900 sf total (existing and expansion)
	If an existing ADU did not originally get a SCUP, would they be required to get one to rebuild?			

1. Single family essential accessory structure definition: An accessory structure that contains a use or is intended for a use that is essential to a single-family residential principal use. The following structures shall be considered an essential accessory residential structure: a garage or carport, one septic system (including one tank and one on-site septic drainfield), one well house and associated well head, and existing decks attached to the primary structure.



DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

Date: April 19, 2018
To: Planning Commission
From: Jennifer Sutton, AICP
Senior City Planner
Subject: Ordinance 2018-13 Business/Industrial District Regulations
Focus on "Healthcare facility" and "Professional Service" Uses

BACKGROUND

The Planning Commission discussed changes to the mix of uses in the Business/Industrial (B/I) zoning district at the March 8, 2018 Commission meeting. The Planning Commission held a public hearing on April 12, took public comment and deeply discussed Ordinance 2018-13. The changes made by the Commission on April 12 have been integrated into Ordinance 2018-13, except for the recommendation to add "live/work" as a permitted use and determining the any additional "live/work" standards. The Commission had forwarded Ordinance 2018-13 on to the City Council with the recommended changes at the end of the discussion, and the "live/work" provisions will be added prior to the Ordinance going to the City Council.

The changes shown in Ordinance 2018-13 did not reflect any changes to the definitions or use table related to "healthcare facilities" or "professional services", and the Commission and staff completed the discussion on April 12 without discussing any policy changes related to these uses. Staff seeks guidance from the Planning Commission about the future of healthcare and professional services in the B/I zone- both uses are currently listed as "conditional" I the B/I zone. See definitions (BIMC Section 18.36.030) and use specific standards (BIMC Section 18.09.030) below.

113. "Health care facility" means a building or buildings used for human health care.

200. "Professional service" means a business or agency that provides services in an office environment and includes, but is not limited to, legal services, counseling services, real estate offices, financial services, insurance services, and government offices. Professional service does not include a health care clinic.

18.09.030.D.6. Professional Services.

c. In the B/I district, professional offices shall be limited to those that do not provide services directly to the general public or attract customers from the general public. For example, accountants', lawyers', and architects' offices are not permitted. Establishments that provide professional services to other businesses are permitted, such as civil, mechanical, or electrical engineers and research and development establishments.

ORDINANCE NO. 2018-13

AN ORDINANCE of the City of Bainbridge Island, Washington, amending Chapter 18.09, and Sections 18.06.060 and 18.36.030 of the Bainbridge Island Municipal Code.

WHEREAS, the City adopted its most recent Comprehensive Plan in 2017; and

WHEREAS, the Comprehensive Plan and subsequent zoning regulations allow a mixed use of businesses and industrial uses in the Business/Industrial District; and

WHEREAS, the purpose of the Business/Industrial District is to facilitate development of a diverse economy on the island with business retention, growth, and innovation, and to provide opportunities for knowledge-based business and expansion of island businesses, diversity of jobs, and low-impact industrial activity that is compatible with adjoining residential neighborhoods; and

WHEREAS, during the recent Comprehensive Plan update process, the City Council and the Planning Commission expressed concerns about the types of non-industrial, non-light manufacturing development that have occurred in the Business/Industrial Zoning District, leading to the City Council enacting a six-month partial development moratorium (Ordinances 2016-31 and 2016-35) at the end of 2016; and

WHEREAS, the City Council allowed the moratorium to expire after six months, directing staff to work with the business community to revise the Business/Industrial zoning regulations; and

WHEREAS, after of the development moratorium, the City held a series of community meetings (March 14, May 17 and September 20, 2017) with the business community in the Business/Industrial Zoning District to hear from them about the mix of business types that should be allowed in the zone; and

WHEREAS, notice was given on XXXX, 2018, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, the Planning Commission discussed Ordinance No. 2018-13 on March 8, 2018 and held a public hearing on April 12, 2018 and after closing the public hearing, recommended approval of the ordinance to the City Council; and

WHEREAS, the City Council discussed Ordinance No. 2018-13 on XXXX, 2018;

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

Section 1. Section 18.06.060 of the Bainbridge Island Municipal Code is hereby amended as follows.

18.06.060 Business/Industrial.

A. Purpose. The purpose of the business/industrial district is to facilitate development of a diverse economy on the island with business retention, growth, and innovation. The district is intended to provide opportunities for knowledge-based businesses and expansion of Island businesses, for diversity of jobs, and for low-impact industrial activity that is compatible with adjoining residential neighborhoods. The B/I district was formerly called the light manufacturing (LM) district and is intended to implement comprehensive plan provisions related to light manufacturing uses. The B/I district encourages proper site planning and design of developments in order to minimize traffic congestion, visual impacts, environmental impacts, and other impacts and use conflicts within and beyond the district's boundaries as enabled through development and performance standards.

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

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

~~1. Drainage. Surface and stormwater shall be managed in accordance with Chapter 15.20 BIMC.~~

~~a. Open Space Conservation Easement. A conservation easement approved by the director shall be placed on the designated open space and shall be recorded with the Kitsap County auditor along with the open space management plan (OSMP) as required in subsection C.1.c of this section. Fence standards contained in BIMC 17.12.030.A.8 shall apply when applicable.~~

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

~~c. Open Space Management Plan. An open space management plan (OSMP) shall be prepared by the applicant for review and approval by the city at the time of the application submittal. The OSMP shall include provisions that allow the periodic inspection of the open space by the city. The OSMP shall be recorded with the Kitsap County auditor. The OSMP shall include the following:~~

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

~~ii. A management plan that clearly describes the frequency and scope of maintenance activities.~~

~~iii. Identification of the entity responsible for the maintenance of the open space areas.~~

~~2. Maintenance of Open Space Areas. Open space areas shall be maintained permanently by the property owner, the property owners' association, or the public agency for~~

publicly owned properties. In the event that open space is not maintained consistent with the open space management plan, the city shall have the right to provide the maintenance of the open space, and bill the owner for all costs incurred by the city for the maintenance. Such bill shall become delinquent 20 days after the date of mailing, and the amount due interest shall accrue on and after the date of delinquency at 12 percent per annum or the rate authorized by state statute, whichever is lower. Upon delinquency of 60 days, a lien shall be placed on the property.

Section 2. Section 18.09.005 of the Bainbridge Island Municipal Code is hereby amended as follows.

18.09.005 Permitted and conditional uses.

Permitted and conditional uses allowed in each zone district are shown in the use table. It is recognized that new uses will evolve over time. The Director has the authority to evaluate an application and compare a proposed unlisted use against the permitted and conditional uses listed in Table 18.09.020. When a proposed use is not specifically listed in this Chapter, the use may be allowed if the Director determines that it is similar to other uses listed and compatible with other uses in the vicinity where will be located. The Director will issue a Notice of Decision with their decision about whether an unlisted use is allowed or not allowed, pursuant to the procedures outlined in BIMC Sections 2.16.020.K.7 and 2.16.030.F. The Notice of Decision will be combined with issuing other required land use permits, building permits, or business licenses, as applicable.

Section 3. Table 18.09.020 *Use Table* of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit A.

Section 4. Section 18.09.030.A of the Bainbridge Island Municipal Code is hereby amended as follows.

4. Agricultural Processing. In the B/I district, agricultural processing is a permitted ("P") use, unless the business will be primarily out-of-doors. If primarily out-of-doors, then agricultural processing is a conditional ("C") use in the B/I district.

Section 5. Section 18.09.030.C of the Bainbridge Island Municipal Code is hereby amended as follows.

1. Educational Facilities.

a. ~~In the B/I district, educational facilities, including vocational schools, preschools (including kindergarten classes), martial arts academies, and other facilities not classified as public or private schools offering primary and secondary education through the high school level are permitted ("P") uses.~~

b. ~~In the B/I district, educational facilities meeting the definition of common schools referred to in Article IX of the state constitution and established by law and maintained at public expense and private learning institutions established by law and maintained at private expense, offering primary and secondary education through the high school level, are conditional ("C") uses.~~

c. In the WD-I district, educational facilities are a conditional (“C”) use. Conference centers with overnight accommodations are not permitted.

d. In the ferry terminal overlay district educational facilities are only allowed south of Winslow Way.

Section 6. Section 18.09.030.D of the Bainbridge Island Municipal Code is hereby amended as follows.

8. Retail Sales.

g. In the B/I district, on-site retail sales to the general public must comply with the following standards:

- i. Sales are ~~limited to~~ primarily focused on goods or products manufactured or utilized on the premises;
- ii. Sales to the general public are clearly subordinate to the primary use of the property as permitted in the B/I district; storefront retail businesses are not permitted in the B/I district;
- iii. There shall be no signage advertising the on-site sales or services to the general public;
- iv. There shall be no additional on-site parking allowed beyond what is required for the primary use; and
- v. Notwithstanding subsections D.8.g.i through iv of this section, semiannual sales to the general public of items manufactured on site is allowed; provided, that each sales event lasts no more than two consecutive days.

Section 7. Section 18.09.030.E of the Bainbridge Island Municipal Code is hereby amended as follows.

1. Auto Repair Services. In the B/I district, auto repair services is a permitted (“P”) use, unless the business will be primarily out-of-doors. If primarily out-of-doors, then auto repair services is a conditional (“C”) use in the B/I district.

a. Auto repair services are subject to standards in BIMC [16.20.120](#).

b. Any automobiles remaining on site for more than 72 hours are to be screened according to the outdoor storage development standards in BIMC 18.06.050.B.10.

Section 8. Section 18.09.030.H of the Bainbridge Island Municipal Code is hereby amended as follows.

2. Boat Building. In the WD-I district, boat building is a permitted (“P”) use for property located on the north shore of Eagle Harbor. For property south of Eagle Harbor, boat building is a conditional (“C”) use. In the B/I district, boat building is a permitted (“P”) use, unless the business will be primarily out-of-doors. If primarily out-of-doors, then boat building is a conditional (“C”) use in the B/I district.

3. Boat Repair Facilities. In the B/I district, boat repair facilities is a permitted (“P”) use, unless the business will be primarily out-of-doors. If primarily out-of-doors, then boat repair facilities is a conditional (“C”) use in the B/I district. Boat repair facilities are subject to standards in BIMC 16.12.040.C.

Section 9. Section 18.36.030 of the Bainbridge Island Municipal Code is hereby amended as follows.

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

“Boat building and boat repair facility” means a business involving the fabricating, manufacturing or repair of boats.

“Craft Food and Beverage” means the production and sale of locally-produced food and beverage products.

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

132. “Kennel” means a place where three or more adult domestic animals are kept commercially, generally overnight. A commercial kennel ~~is considered a professional service under this title and~~ is maintained to board, breed or treat the animals for profit and shall exclude pet shops and agriculture. This use includes a boarding kennel/cattery, animal shelter, or animal foster home. An “indoor kennel” is a kennel where all activity at the business location is conducted indoors. An “outdoor kennel” is a kennel where any part of business activity is out-of-doors at the business location, excluding parking areas.

207. Recreation Activities, Indoor. “Indoor recreation activities” means gymnasiums not accessory to an education institution, racket clubs, sports arenas, and similar uses. Martial arts, dance, yoga and other fitness classes are considered indoor recreation.

~~238. “Solar panel” means a single panel or combination of panels or elements that does or will use direct sunlight as a source of energy for such purposes as heating or cooling of a structure, heating or pumping of water, and generating electricity. Solar panels include both photovoltaic and hot water devices.~~

“Vocational/Trade Instruction Facilities” means a school, especially one on a secondary level, that offers instruction and practical introductory experience in skilled trades such as mechanics, carpentry, plumbing, and construction.

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

PASSED BY THE CITY COUNCIL this ____ of _____, 2018.

APPROVED BY THE MAYOR this ____ of _____, 2018.

Kol Medina, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	April XX, 2018
PASSED BY THE CITY COUNCIL:	_____
PUBLISHED:	_____
EFFECTIVE DATE:	_____
ORDINANCE NUMBER:	2018-13

Table 18.09.020 Use Table

"P" = Permitted Use				"A" = Accessory Use							Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties									
"C" = Conditional Use				"CA" = Conditional Accessory Use																
Blank = Prohibited Use				"T" = Temporary Use																
ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]					
PRINCIPAL USES																				
AGRICULTURAL																				
Note: Agricultural uses may be subject to additional requirements in BIMC 16.12.040.E, Forest Practices.																				
All agricultural uses are subject to the critical area regulations in Chapter 16.20 BIMC.																				
Agricultural uses are not allowed within the shoreline jurisdiction pursuant to Chapter 16.12 BIMC.																				
Agriculture, Animal	P	P	P	C	C	C	C										P			A-1
Agriculture, Crop	P	P	P	P	P	P	P	P	P	P							P			A-2
Agriculture Research Facility	C	C	C																	A-3
Agricultural Processing																P		P/C		A-4

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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030	
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]						
RESIDENTIAL																					
Note: Residential uses may be subject to additional requirements in BIMC 16.12.040.I, Residential Development.																					
Household Living																					
Single-Family Dwelling	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		B-1		
Single-Family Dwelling existing on April 15, 1996											P	P	P						B-1		
Multifamily Dwellings	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P		B-2		
Commercial/Residential Mixed Use Developments											P	P	P	P	P	P	P	P	B-3		
Group Living																					
Foster Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P				
Small Group Living Facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					

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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030	
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]						
Group Care Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	P	P	€	C			
PUBLIC AND INSTITUTIONAL																					
Community and Educational Facilities																					
Educational Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C	€	C	C-1	
<u>New: Vocational/Trade Instruction Facilities</u>	C																	P			
Governmental Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C	€	C	C-2	
Religious Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	C	P	C	€	C	C-3	
Parks and Park-Related																					
Note: Parks and park-related uses may be subject to additional requirements in BIMC 16.12.040.H, Recreational Development.																					
Community Garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C-4	
Park, Active Recreation	P	P	P	C	C	C	C	C	C	C	P	P	P	P	P	P	P		P		

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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]					
Park, Passive Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P		
Recreation Activity, Indoor	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	C	C P	P	
Recreation Activity, Outdoor	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	
Other Public and Institutional																				
Cemetery	C	C	C																	
Day Care Center	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P		C-5
Family Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C-6
Health Care Facility	C	C	C	C	C	C	C	C	C	P	P	P	P	C	P	P	C			C-7
CULTURAL AND ENTERTAINMENT																				
Artist Studio											P	P	P	P	P	P	P	P		
Club	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P			

“P” = Permitted Use					“A” = Accessory Use							Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties								
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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]					
Commercial Amusement												P	P	P	P	P	C			
Cultural Facility	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	C	C	C	
Entertainment Facility												P				P	C			
COMMERCIAL SALES AND SERVICE																				
Note: Commercial Sales and Service uses may be subject to additional requirements in BIMC 16.12.040.D, Commercial Development.																				
Accommodation																				
Bed and Breakfast (3+ bedrooms)	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P			
Inn												P	P	P	P	P	P			
Hotel												C			C	C	P			D-1
Animal Sales and Service																				
Equestrian Facility	C																	P		

"P" = Permitted Use				"A" = Accessory Use							Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties								
"C" = Conditional Use				"CA" = Conditional Accessory Use															
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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center				HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate					
Kennel, Indoor	C																P		
Kennel, Outdoor	C																C		
Veterinarian Clinic or Office	C	C	C	C	C	C	C	C	C	P	P	P	P	C	P	C	P		
Food and Beverage																			
Formula Take-Out Restaurant															P				D-2
Restaurant											P	P	P	P	P	P			
Food Service Establishment																	P		D-3
Mobile Retail Food Establishment											P	P	P	P	P	P	P	P	D-4
New: Craft Food and Beverage											P	P	P	P	P	P	P		
Offices and Services																			
Personal Service											P	P	P	P	P	P			D-5

“P” = Permitted Use				“A” = Accessory Use							Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties								
“C” = Conditional Use				“CA” = Conditional Accessory Use															
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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center				HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate					
Professional Service											P	P	P	P	P	P	C		D-6
Retail																			
Commuter-Oriented Retail Sales														P					D-7
Open-Air Sales for Garden Supply	C	C	C													P			
Retail Sales											P	P	P	P		P	P	A	D-8
PRIVATE MOTOR VEHICLE-RELATED																			
Note: Private motor vehicle-related uses may be subject to additional requirements in BIMC 16.12.030.C.6, Transportation Facilities.																			
Auto Repair Services															C	C	P/C		E-1
Car Wash Facility, Manual or Automatic															C	C	C		
Commercial Parking Structure											C								
Commercial Parking, Surface											P			P					E-2

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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030	
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]						
Ferry Commuter Parking												P			P	P				E-3	
Gasoline Service Station																	C	C			
Motor Vehicle Sales																	C			E-4	
Noncommuter Ferry Parking															C					E-5	
Park and Ride Facility/Lot	C	C	C														C	C	€	C	E-6
Park and Ride Lot, Shared Use	C	C	C	C	C	C	C	C	C	C							C	C	€	C	E-7
Small Engine Repair																	C	C	<u>P</u>		
Transport and Delivery Service																	P	C	P		E-8
Motor Vehicle-Related Services, Not Including Retail and Not Otherwise Listed																	C				
UTILITY AND TELECOMMUNICATIONS																					

“P” = Permitted Use				“A” = Accessory Use								Additional use restrictions for Chapters 16.12 and 16.20 BIMC may apply to shoreline or critical area properties									
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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030	
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]						
Note: Utility and telecommunications uses may be subject to additional requirements in BIMC 16.12.030.C.7.																					
Monopole or Lattice Tower	P																	P			
Small Wind Energy Generator	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P/C	P/C	P/C	F-1	
Solar Panel This use not needed because it is either an accessory to another use or a primary utility	€	€	€	€	€	€	€	€	€	€	€	€	€	€	€	€	€	€	€		
Utility, Primary	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	F-2	
Public Communications Tower	P	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	A	F-3	
Wireless Communication Facilities, Facility I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Wireless Communication Facilities, Facility II	P										P	P	P	P	P	P	P	P	P		
Wireless Communication Facilities, Facility III	P																	P	P		

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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center				HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate [1]					
INDUSTRIAL USES																			
Note: Industrial uses may be subject to additional requirements in BIMC 16.12.040.F, Industrial Development.																			
Manufacturing and Production																			
Manufacturing, Small-Scale																C	P		
Manufacturing, Light																	P		
Manufacturing, General																	C		
Mining and Quarrying	C	C	C															G-1	
Research and Development																	P		
Waste and Salvage																			
Recycling Center	C	C									C				C		C	G-2	
Waste Transfer Facility	C																	G-3	

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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center				HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]				
Warehouse and Freight Movement																			
Commercial Moving and Freight Terminal																	C		
Self-Service Storage Facility																C	P		G-4
Warehouse																	P		
Ferry- and Waterfront-Related																			
Note: Ferry- and waterfront-related uses may be subject to additional requirements in BIMC 16.12.040.C, Boating Facilities; and 16.12.050.C, Overwater Structures.																			
Barge Moorage and Off-Load Ships																		C	H-1
Boat Building																	P/C	C	H-2
Boat Repair Facility																	P/C	P	H-3
Cross Harbor Passenger-Only Ferry Terminal and Associated Parking																		C	

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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]					
Dry Storage for Boats and Marine Equipment																		P		
Ferry Terminal and Associated Docks, Ramps, Walkways, Trails, Waiting Rooms, and Holding Areas														P						
Ferry Slips and Repair Facility																		P	H-4	
Marine Rental and Sales																		P		
Marine Way																		C		
Pleasure and Commercial Vessel Moorage																		P		
Small Boat Haul-Out Facility																		P		
Water-Related Supply and Retail Sale																		P		
ACCESSORY USES																				

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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
USE CATEGORY/TYPE																				
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	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	

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

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ZONING DISTRICT	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NC	B/I	WD-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]					
Major Home Occupations	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA			I-13
Nonagricultural Accessory Uses and Structures (not otherwise listed)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	I-14
TEMPORARY USES																				
Temporary Construction Building	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-1
Temporary Container Storage	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-2
Temporary Commercial Parking											T	T	T	T	T	T				J-3
Temporary Public Events or Gatherings	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		J-4
Temporary Ferry Commuter Parking											T			T	T					J-5
Temporary Noncommuter Parking														T						J-6
Temporary Seasonal Sales	T	T	T								T				T	T	T	T		J-7

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USE CATEGORY/TYPE												CC	MA	EA	Gate	Ferry [1]					
Temporary Homeless Encampment		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-8	
MARIJUANA-RELATED USES																					
Marijuana Retailer																		P		K	
Marijuana Processor																		P		K	
Marijuana Producer																		P		K	
Collective Garden																					
[1] In the ferry terminal district, all development shall include at least 10 percent of landscaped or naturally vegetated open space. Parking may be located under the open space. Development south of Winslow Way shall include pedestrian walkways that connect to Winslow Way East and Olympic Drive Southeast, and/or that align with Cave Avenue and Ferncliff Avenue.																					