

Chapter 18.09 USE REGULATIONS

Sections:

18.09.005 Permitted and conditional uses.

18.09.010 Explanation of table abbreviations.

18.09.020 Permitted use table.

18.09.030 Use-specific standards.

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 it will be located. The director will issue a notice of decision about whether an unlisted use is allowed or not allowed, pursuant to the procedures outlined in BIMC [2.16.020.M.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. (Ord. 2018-13 § 2, 2018: Ord. 2011-02 § 2 (Exh. A), 2011)

18.09.010 Explanation of table abbreviations.

The abbreviations used in the permitted use table have the following meanings.

A. "P" in a cell indicates that the use is permitted by right in that zone district. Permitted uses are subject to all other applicable regulations of this code, including the use-specific standards set forth in this chapter.

B. "C" in a cell indicates that, in the respective zoning district, the use is a conditional use that is allowed only if reviewed and approved in accordance with the procedures set forth in BIMC Title [2](#). Unless otherwise stated in this code or in a conditional use approval, conditional uses are subject to all other applicable regulations of this code, including the use-specific standards set forth in this chapter.

C. An "A" in a cell indicates that the use is permitted as an accessory use to a permitted use or to an approved conditional use in the same zone district. In the case of approved conditional uses, accessory uses listed in the table are permitted unless the terms of the conditional use permit prohibit that accessory use.

D. A "CA" in a cell indicates that the use is permitted as an accessory use to a permitted use or to an approved conditional use, but that a conditional use permit is always required.

E. A "T" in a cell indicates that the use is permitted as a temporary use pursuant to the provisions of this title and the provisions of BIMC Title [2](#).

F. A blank cell indicates that the use is prohibited in the respective zoning district.

G. The column headed "Use-Specific Standards" identifies a subsection within BIMC [18.09.030](#) that imposes additional standards with which the use must comply except as authorized by the code. The use specific standard may limit the "P" or "C" designation to certain areas, or may indicate that a "C" use will be treated as a "P" use in some areas. (Ord. 2011-02 § 2 (Exh. A), 2011)

18.09.020 Permitted use table.

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

A. Additional Restrictions in Shoreline Master Program, Chapter [16.12](#) BIMC. In addition to Table 18.09.020, properties located within the shoreline jurisdiction are subject to the shoreline master program permitted use table, Chapter [16.12](#) BIMC. A proposed use of land is only allowed if it is permitted under both use tables.

B. Additional Restrictions in Critical Areas Regulations, Chapter [16.20](#) BIMC. In addition to Table 18.09.020, properties containing critical areas are subject to critical areas regulations in Chapter [16.20](#) BIMC. A proposed use of land is only allowed if it is permitted under both use tables.

C. Additional Restrictions in District Performance Standards, Chapter [18.06](#) BIMC. In addition to Table 18.09.020, a proposed use of land is subject to district performance standards in Chapter [18.06](#) BIMC.

D. Additional Restrictions in Ferry Terminal District. In addition to Table 18.09.020, a proposed use of land is subject to additional landscaping, parking, and access requirements as footnoted in Table 18.09.020.

E. Additional Restrictions in Stormwater Regulations, Chapter [15.20](#) BIMC. In addition to Table 18.09.020, a proposed use of land is subject to additional stormwater regulations required in Chapter [15.20](#) BIMC.

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	
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	P			B-3	
Live/Work Units																		P		B-4	
Affordable Housing Development on Property Owned or Controlled by a Religious Organization	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	18.21.050	
Group Living																					

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USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]					
Inn												P	P	P	P	P	C			D-1
Hotel																P				
Animal Sales and Service																				
Equestrian Facility	C																	P		
Kennel, Indoor	C											P	P	P	P	P	P	P		
Kennel, Outdoor	C																	C		
Veterinarian Clinic or Office	C	C	C	C	C	C	C	C	C	P		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-5
Craft Food and Beverage												P	P	P	P	P	P	P		D-4
Offices and Services																				
Personal Service												P	P	P	P	P	P			D-6
Professional Service												P	P	P	P	P	P	P		D-7
Retail																				
Commuter-Oriented Retail Sales															P					D-8
Open-Air Sales for Garden Supply	C	C	C														P			
Retail Sales												P	P	P	P		P	P	A	D-9
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
Ferry Commuter Parking												P			P	P				E-3
Gasoline Service Station																C	C			
Motor Vehicle Sales																C				E-4

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USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]						
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	P			
Transport and Delivery Service																P	C	P		E-8	
Motor Vehicle-Related Services, Not Including Retail and Not Otherwise Listed																C					
UTILITY AND TELECOMMUNICATIONS																					
Note: Utility and telecommunications uses may be subject to additional requirements in BIMC 16.12.030 .C.7.																					
Monopole or Lattice Tower	C	C	C	C	C	C	C	C	C	C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	F-4	
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	
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/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	F-4	
Wireless Communication Facilities, Facility II	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	F-4	
All Other Wireless Communication Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	F-4	
Small Wireless Facilities	P* C**	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	B-5	
* When proposed location has existing poles at time of application. ** When proposed location does not have existing poles at time of application.																					
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	

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USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]					
Research and Development																	P	P		
Waste and Salvage																				
Recycling Center	C	C									C				C		C	C		G-2
Waste Transfer Facility	C																			G-3
Warehouse and Freight Movement																				
Commercial Moving and Freight Terminal																		C		
Self-Service Storage Facility																				18.30.020
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 16.2.050.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	
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																				
Accessory Agricultural Education	A	A	A	A	A	A	A										A			I-1

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USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [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	
Accessory Rain Garden/Swale	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	I-9	
Accessory Security Residence																	P		I-10	
Accessory Small Wind Energy Generator	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		
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	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			I-12	
Major Home Occupations	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA	CA			I-13	

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USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]					
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	
TEMPORARY USES																				
Temporary Construction Building	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-1	
Temporary Construction Staging	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-2	
Temporary Container Storage	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-3	
Temporary Commercial Parking											T	T	T	T	T				J-4	
Temporary Public Events or Gatherings	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		J-5	
Temporary Ferry Commuter Parking											T			T	T				J-6	
Temporary Noncommuter Parking															T				J-7	
Temporary Seasonal Sales	T	T	T								T				T	T	T	T	J-8	
Temporary Homeless Encampment	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-9	
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.																				

(Ord. 2024-21 § 3 (Exh. A), 2024; Ord. 2023-25 § 2 (Exh. A), 2023; Ord. 2022-09 § 5 (Exh. A), 2022; Ord. 2022-02 § 1 (Exh. A), 2022; Ord. 2021-03 § 9 (Exh. A), 2021; Ord. 2020-34 § 1 (Exh. A), 2020; Ord. 2020-03 § 2 (Exh. B), 2020; Ord. 2019-24 § 3 (Exh. B), 2019; Ord. 2018-13 § 3 (Exh. A), 2018; Ord. 2017-14 § 2 (Exh. A), 2017; Ord. 2017-02 § 1, 2017; Ord. 2015-10 § 1 (Exh. A), 2015; Ord. 2014-14 § 1 (Exh. A), 2014; Ord. 2014-26 § 1 (Exh. A), 2014; Ord. 2013-25 § 4 (Exh. A), 2013; Ord. 2012-12 § 1, 2012; Ord. 2011-17 § 1, 2011; Ord. 2011-02 § 2 (Exh. A), 2011)

18.09.030 Use-specific standards.

Regardless of whether a use is allowed as a permitted (“P”) use or as a conditional (“C”) use and regardless of the zoning district in which the use is located there may be additional standards that are applicable to the use, and the use must comply with such standards except as authorized by this code. The existence of these use specific standards is noted in the column headed “Use Specific Standards” in Table 18.09.020, which cross-references the section of the code that imposes the additional standard.

A. Agricultural. The purpose of agriculture is to provide for all forms of the keeping of livestock and crop-related activities, e.g., crop growing and processing, for commercial and noncommercial agricultural ventures. All agricultural uses are subject to compliance with

the critical area regulations in Chapter [16.20](#) BIMC. To the extent possible, agriculture shall be treated as a preferred use in the zones in which it is a permitted use.

1. Agriculture, Animal.

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

Table 18.09.030: Maximum Animal Densities

	Large Livestock [1]	Small Livestock [1]	Poultry [3]
Minimum parcel size	20,000 square feet	N/A	N/A
Maximum number if the management standards in subsection A.1.b of this section are not met	1 per 2 gross acres of open space available for grazing and pasturing of the animals [2]	1 per gross acre of open space available for grazing and pasturing of the animals [2]	20 per gross acre of land
Maximum number if the management standards in subsection A.1.b of this section are met	3 per gross acre of open space available for grazing and pasturing of the animals [2]	5 per gross acre of open space available for grazing and pasturing of the animals [2]	50 per gross acre of land

[1] Nursing young are not counted against permitted animal densities.

[2] Space available for grazing and pasturing animals shall not include critical areas or their buffers where agriculture is prohibited per Chapter [16.20](#) BIMC or areas within the shoreline jurisdiction as defined by Chapter [16.12](#) BIMC.

[3] The keeping of roosters is only permitted on lots outside of the Mixed Use Town Center.

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

i. Compliance with Stormwater Regulations. All agricultural uses shall comply with those stormwater regulations in Chapter [15.20](#) BIMC.

ii. Access to Streams. Large livestock access to streams and their buffers is limited to stream crossing and water points that comply with Kitsap Conservation District specifications. Fencing must be used, as necessary, to prevent livestock access to streams except at those defined points. Bridges may be used instead of stream crossings; provided, that piers and abutments are not placed waterward of the ordinary high water mark or top of bank, whichever is greater. Bridges and fences must be designed to allow free flow of floodwaters and must not diminish the flood carrying capacity of the stream. A hydraulic project approval permit through the Washington State Department of Fish and Wildlife may be required.

iii. Grazing Areas. Grazing areas may extend to the property line except as noted in this subsection A.1.b. Grazing areas shall maintain a vegetative buffer from any wetland or from Type F and N streams pursuant to Chapter [16.20](#) BIMC.

iv. Accessory Buildings and Heavy Use Areas. The property may contain a heavy use area and/or accessory building subject to the following conditions. No heavy use area and no accessory building or structure used to house, confine, or feed livestock other than swine shall be located (A) closer than 25 feet to any boundary property line (not including internal property lines under same ownership) or (B) closer than 35 feet to any residence on adjacent property that is existing when the accessory building or structure is built or the heavy use area is established. No heavy use area and no accessory building or structure used to house, confine, or feed swine shall be located (A) closer than 50 feet to any boundary property line (not including internal property lines under same ownership), or (B) closer than 100 feet to any residence on adjacent property that is existing when the accessory building or structure is built or the heavy use area is established. Those minimum setbacks can be reduced if the applicant establishes and maintains a hedgerow planting that complies with the standards in the Natural Conservation Resource Service's Conservation Practice Standard on Hedgerow Planting (Code 422, March 2008), which will be included or cross-referenced in the administrative manual. If a conflict exists between the city and a property owner regarding where the boundaries of a heavy use area are defined, a third party, mutually agreed on by the city and the landowner, can be utilized to help define the boundaries.

v. Manure Management. Management of manure shall follow Kitsap County health district requirements. Manure shall be stored in locations that (A) avoid having runoff from the manure enter streams or wetlands, and (B) maintain the required buffers listed in Chapter [16.20](#) BIMC (Critical Areas). Surface flows and roof runoff shall be diverted away from manure storage areas.

vi. Egg-Laying Facility. All egg-laying facilities must comply with all applicable governmental standards and guidelines, including those established by the U.S. Department of Agriculture, the U.S. Environmental Protection Agency, the Washington State Department of Ecology, and the Kitsap County health district, including without limitation those addressing treatment of wastes, water discharge, odor control, and setbacks from natural features and surrounding properties.

c. Farm Management Plan. Variations from the limits on maximum numbers of large or small livestock or poultry set forth in subsection A.1.a of this section, or from the management standards in subsection A.1.b of this section, are only permitted through the approval of a farm management plan approved by the city, its designee, or a qualified third party as approved by the director.

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

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

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.

B. Residential.

1. Single-Family Dwellings.

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

b. In the Mixed Use Town Center district, existing single-family dwellings are subject to R-4.3 zoning development standards.

2. Multifamily Dwellings.

a. In the R-1 and R-2 districts, multifamily dwellings in the Fort Ward historic overlay district are permitted ("P") uses if they comply with BIMC [18.06.080](#) and [18.24.110](#).

b. In the R-8SF overlay district, multifamily dwellings are not allowed.

c. In the NC district, multifamily dwellings must be in accordance with zoning in the R-2 district, except that bonus densities may be obtained if applicable under BIMC [18.12.020](#) and [18.12.030](#).D.

d. In the NC district, residential units must be located above the ground floor if the building is located on a collector or secondary arterial or higher road classification; however, for mixed use projects, if the building fronts on a local or private street, residential units can be located on the ground floor.

e. Properties with frontage along Winslow Way between Madison Avenue and State Route 305, excepting flag lots, must include a retail and/or commercial component. Solely residential development is not allowed in this area.

3. Commercial/Residential Mixed Use Development. Principal and accessory uses shall comply with all applicable standards of this title.

In the NC district, residential units must be located above the ground floor if the building is located on a collector or secondary arterial or higher road classification; however, for mixed use projects, if the building fronts on a local or private street, residential units can be located on the ground floor. Density for mixed use projects in the NC district shall be calculated pursuant to BIMC [18.12.030](#).D.

4. Live/Work Units. Live/work units are allowed in the B/I zoning district, and are a building use that combines business activities within the same structure as a residential living space. In addition, such units can provide affordable work and housing space, meet the needs of special groups such as artists, and serve to incubate new businesses.

- a. A live/work unit is limited to 3,000 square feet in gross floor area. The residential portion is limited to 40 percent of the live/work unit's area, not including any internal stairs.
- b. The nonresidential use portion must be located on the first floor of the unit or, if parking is on the first floor, the unit's main floor area.
- c. Living space shall be physically integrated into the live/work unit and not be rented, leased, sold, or occupied separately.
- d. Access to outdoor open space shall be provided for the live/work units, such as a balcony or patio. The open space may be exclusive to the unit or shared with adjacent live/work units or businesses.
- e. The live/work unit shall be occupied and used only by the owner of the business or manufacturing activity, or the owner's employee, and that person's household.
- f. The business may employ up to three persons who do not reside in the live/work unit. Additional parking spaces may be required to be developed, assigned, or designated to accommodate such employees, pursuant to BIMC Table 18.15.020-1.
- g. On-premises sales of goods shall be limited to those produced within the live/work unit or related to the permitted business activity, and comply with the standards outlined in subsection D of this section.
- h. A valid business license associated with the business or manufacturing activity must be obtained from the city.
- i. Other restrictions may apply subject to the requirements of the adopted International Building Code.
- j. A site plan and design review permit may be required pursuant to BIMC [2.16.040.B](#) prior to any other city approval of business licenses or other required permits.
- k. The live/work unit and its related business operations shall conform to the performance standards listed in BIMC [18.06.050.B](#).
- l. The live/work unit shall meet the requirements of the Kitsap Public Health District.

5. Small Wireless Facilities. Small wireless facilities are prohibited on any property containing a residential use in the residential zones except where allowed under BIMC [18.10A.040.E.13](#).

C. Public and Institutional. Applications to locate uses categorized as educational facilities, governmental facilities, religious facilities, health care facilities, cultural facilities, or clubs in Table 18.09.020 in residential zones shall be processed as major conditional use permits pursuant to BIMC [2.16.110](#).

1. Educational Facilities.

- a. *Repealed by Ord. 2018-13.*
- b. *Repealed by Ord. 2018-13.*
- 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.
- e. Lot coverage for private educational facilities in residential zones is reduced by 50 percent of the allowable lot coverage in the zone where the private educational facility is located. See Table 18.12.020-2 for lot coverage standards in residential zones.
- f. Lot coverage for public educational facilities in the R-0.4 zoning district can be increased from 10 percent up to 15 percent. Public educational facilities in all other residential zoning districts shall be allowed 100 percent of the lot coverage established in the underlying zoning district where the public educational facility is located, unless conditions are required to limit the lot coverage to mitigate impacts of the use. See Table 18.12.020-2 for lot coverage standards in residential zones.

2. Governmental Facilities.

- a. In the WD-I district, governmental facilities are a conditional ("C") use. Conference centers with overnight accommodations are not permitted.
- b. In the ferry terminal overlay district, governmental facilities are only allowed south of Winslow Way.

c. Lot coverage for governmental facilities in the R-0.4 zoning district can be increased from 10 percent up to 15 percent. Governmental facilities in all other residential zoning districts shall be allowed 100 percent of the lot coverage established in the underlying zoning district where the governmental facility is located, unless conditions are required to limit the lot coverage to mitigate impacts of the use. See Table 18.12.020-2 for lot coverage standards in residential zones.

3. Religious Facilities.

a. In the WD-I district, religious facilities are a conditional ("C") use. Conference centers with overnight accommodations are not permitted.

b. In the ferry terminal overlay district, religious facilities are only allowed south of Winslow Way.

c. Lot coverage for religious facilities in residential zones is reduced by 50 percent of the allowable lot coverage in the zone where the religious facility is located. See Table 18.12.020-2 for lot coverage standards in residential zones. This lot coverage reduction does not apply to affordable housing development on properties owned or controlled by religious organizations, as described in BIMC [18.21.050](#).

4. Community Gardens. The keeping of poultry pursuant to the density standards listed in subsection A.1 of this section is allowed as an accessory use to community gardens. The keeping of roosters is only allowed on parcels outside of the Mixed Use Town Center.

5. Day Care Centers.

a. A day care center is subject to site plan and design review pursuant to BIMC [2.16.040](#).

b. A sight-obscuring fence of at least four feet in height as approved by the city shall be provided, separating any outside area designated for use in relation to the day care center from abutting lots; and

c. Day care centers located in residential zones shall conform to all required standards in subsection C.5 of this section as well as any additional requirements placed by the city after public comments are considered.

d. A day care center shall not be located within 300 feet of another day care center, except for any day care center that is an accessory use in a community service facility.

e. No day care center shall be located in a private family residence unless the portion of the residence where the people receiving care have access is used exclusively for the people receiving care during the hours the center is in operation, or is separate from the usual living quarters of the family.

f. Decision Criteria. Facilities providing day care shall meet the following provisions:

i. Structure(s) shall meet building, sanitation, health, traffic safety and fire code requirements; and

ii. A minimum of one off-street parking space shall be provided for each on-shift employee plus one space per 12 persons served; and

iii. An on-site vehicle turn-around or separate entrance and exit points, and an on-site passenger loading area, must be developed according to plans approved by the city engineer. The city shall consider the location and appearance of the proposed turn-around or access in determining compatibility with surrounding uses; and

iv. Meet state child or adult care licensing requirements; and

v. Conform to the lot size, building size, setback and lot coverage requirements of the underlying zones and/or applicable subdivision; and vi. Comply with all business licensing requirements; and

vii. Structural or decorative alteration shall not be included in a residential zone if that alteration changes the residential character of an existing residential structure or would be incompatible with surrounding residences; and

viii. Day care activities shall not be conducted before 5:00 a.m. or after 9:00 p.m. in residential zones; and

ix. Structured area for active play or play structures shall not be located in front setbacks in residential zones; and

x. Landscaping must exist or be installed on the site in a manner compatible with abutting residences in residential zones according to a plan approved by the department.

6. Family Day Care Home. A family day care home shall be permitted in all residential zoning districts.

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

7. Health Care Facilities.

- a. In the ferry overlay district, health care facilities are only allowed south of Winslow Way.
- b. Lot coverage for health care facilities in residential zones is reduced by 50 percent of the allowable lot coverage in the zone where the health care facility is located. See Table 18.12.020-2 for lot coverage standards in residential zones.

8. Clubs. Lot coverage for clubs in residential zones is reduced by 50 percent of the allowable lot coverage in the zone where the club is located. See Table 18.12.020-2 for lot coverage standards in residential zones.

9. Cultural Facilities. Lot coverage for cultural facilities in residential zones is reduced by 50 percent of the allowable lot coverage in the zone where the cultural facility is located. See Table 18.12.020-2 for lot coverage standards in residential zones.

D. Commercial Sales and Service.

1. Inns. Inns in Neighborhood Center zones must meet the following standards:

- a. The Rolling Bay and Island Center Neighborhood Center zones are limited to no more than one inn each. The Lynwood Center Neighborhood Center zone is limited to no more than three inns.
- b. New inns may not be located contiguous or adjacent to properties with existing inns.
- c. New inns within a Neighborhood Center zone shall be separately owned and operated.

2. Formula Take-Out Restaurants.

- a. Any formula take-out food restaurant may not exceed 4,000 square feet and must be in a building that is shared with at least one other business that is not a formula take-out food restaurant. Only one formula take-out food restaurant is permitted per parcel, lot or tract on which all or a portion of a building is located. No drive-through facilities are allowed.
- b. In District I of the HSR zone, formula take-out food restaurants are permitted east of SR 305 only.
- c. The building and site design shall meet the design guidelines set forth in BIMC [18.18.030](#).
- d. Outdoor storage areas, mechanical equipment, and utility vaults shall not be visible from abutting streets and pedestrian walkways.
- e. Site services shall be located on the least visible side of a building or site or within interior building spaces to the maximum extent feasible.
- f. All signs shall use natural materials such as wood, metal, masonry or stone.
- g. There shall be no exterior vending machines such as soft drink dispensers, ice cube freezers, and the like.
- h. Trash receptacles shall be placed at the entrances to any building containing formula take-out food restaurants, and shall be maintained by those businesses. Exterior receptacles shall not exhibit logos, company colors/contours, or advertising.

3. Food Service Establishment. In the B/I district, food service establishments must meet the following standards:

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

4. Craft Food and Beverage.

- a. Retail activity is limited primarily to items manufactured or assembled on site, pursuant to subsection D.9 of this section.

- b. Retail and on-site tasting or consumption areas shall be limited to 40 percent of the gross floor area or 4,000 square feet, whichever is less. A craft food and beverage business is not a restaurant; however, in zoning districts where restaurants are permitted, a craft food and beverage business may include a restaurant, such as a brewpub type of use.
- c. The business shall meet the requirements of the Kitsap Public Health District, including the requirements to obtain a food establishment permit when applicable.
- d. A site plan and design review permit may be required pursuant to BIMC [2.16.040.B](#) prior to any other city approval of business licenses or other required permits.

5. Mobile Retail Food Establishment. Mobile retail food establishments must meet the following standards:

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

6. Personal Services.

- a. In the ferry terminal overlay district, personal services may be located anywhere south of Winslow Way.
- b. In the ferry terminal overlay district, north of Winslow Way, personal services are permitted only along Winslow Way, within 100 feet north of Winslow Way. Buildings shall have customer entrances on Winslow Way.

7. Professional Services.

- a. In the ferry terminal overlay district, professional services may be located anywhere south of Winslow Way.
- b. In the ferry terminal overlay district, north of Winslow Way, professional services are permitted only along Winslow Way, within 100 feet north of Winslow Way. Buildings shall have customer entrances on Winslow Way.

8. Commuter-Oriented Retail Sales.

- a. Commuter-oriented retail sales must not exceed 2,000 square feet, and must not require customer parking.
- b. In the ferry terminal overlay district, north of Winslow Way, commuter-oriented retail is permitted only along Winslow Way, within 100 feet north of Winslow Way. Buildings shall have customer entrances on Winslow Way.
- c. In the ferry terminal overlay district, commuter-oriented retail may be located anywhere south of Winslow Way.
- d. For new buildings greater than one story, a residential component must be included in the building.

9. Retail Sales.

- a. In the NC district:

- i. Retail buildings with a footprint up to 5,000 square feet are a permitted ("P") use.
 - ii. Retail buildings with a footprint greater than 5,000 square feet but less than 10,000 square feet are a conditional ("C") use.
 - iii. Businesses shall screen all outdoor storage in accordance with BIMC [18.06.050](#).B.10, except for outdoor storage for agricultural produce sales or landscaping retail sales.
- b. In the HSR II district:
- i. Retail buildings are a permitted ("P") use up to 5,000 square feet.
 - ii. Retail buildings with a footprint between 5,000 square feet and 14,400 square feet are permitted through a conditional use permit.
 - iii. Businesses shall screen all outdoor storage.
- c. In the central core, retail development exceeding 5,000 square feet per building footprint is allowed only on Winslow Way and Madison Avenue. Drive-through retail businesses are not permitted.
- d. In the Madison Avenue, Ericksen Avenue, gateway, High School Road I and II, and central core districts, drive-through businesses are not permitted.
- e. In the Mixed Use Town Center, retail businesses with screened outdoor storage are not allowed.
- f. In the Madison Avenue and Ericksen Avenue districts, new retail buildings of more than one story must be accompanied with residential development.
- g. In the B/I district, on-site retail sales to the general public must comply with the following standards:
- i. Sales are 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. *Repealed by Ord. 2018-13.*
 - iv. There shall be no additional on-site parking allowed beyond what is required for the primary use.

E. Private Motor- and Vehicle-Related.

1. Auto Repair Services. In the B/I district, auto repair services are a permitted ("P") use, unless the business will be primarily out-of-doors. If primarily out-of-doors, then auto repair services are 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.
2. Commercial Parking, Surface. Commercial Parking is subject to the parking standards in BIMC [18.15.020](#).G.
3. Ferry Commuter Parking.
 - a. Ferry commuter parking is limited to the 1,201 commuter parking spaces in the gateway, ferry terminal overlay and central core districts, as shown in Figure 6.2 and Table 6-3 of the Winslow master plan. The rights to these spaces may be bought, sold, traded, leased or otherwise exchanged between the properties.
 - b. Temporary ferry commuter parking is subject to the parking standards in BIMC [18.15.020](#).F.
4. Motor Vehicle Sales. All business shall be conducted wholly within an enclosed building.
5. Noncommuter Ferry Parking. Permanent noncommuter ferry parking is permitted in accordance with the parking regulations set forth in BIMC [18.15.020](#).E.1.
6. Park and Ride Facility/Lot. All park and ride lots will be limited to locations adjoining arterial or collector streets and shall provide auto access only from arterial or collector (not local) streets.
7. Park and Ride Lot, Shared Use. Shared park and ride lots shall comply with all use standards for park and ride lots.

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

F. Utility and Telecommunications.

1. Small Wind Energy Generator. A small wind energy generator is a permitted use in NC, B/I, and WD-I zone districts if it complies with height and width setback requirements of the zone district, and will be a conditional use in the NC, B/I, and WD-I zone districts if it does not comply with height and width setback requirements.

2. Utility, Primary.

a. Primary utility facilities and equipment are subject to standards in BIMC [16.12.030](#).C.7, Utilities (Primary and Accessory), and Chapter [16.20](#) BIMC, Critical Areas.

b. Replacement, maintenance or upgrade of existing poles and equipment within or adjacent to an existing utility corridor or right-of-way is considered a permitted ("P") use. A new pole added along an existing distribution or transmission line that is within 20 feet of the existing infrastructure and does not exceed the height of both adjacent poles is considered part of an upgrade to that utility corridor. New distribution or transmission line poles that exceed the height of both adjacent poles require minor conditional use approval.

i. Replacement, maintenance or upgrade of a distribution utility pole or a transmission utility pole exceeding the height established in Table 18.12.020-2 and Table 18.12.020-3 or moving more than 20 feet from the original location shall require minor conditional use approval prior to installing the pole.

3. Public Communications Tower. A public communications tower is a permitted ("P") use in R-0.4, R-1, and B/I zone districts. In all other zones, a public communications tower is allowed as an accessory use to existing governmental facilities. Additions to existing public communications towers are permitted in all zones. A public communications tower is exempt from site plan and design review pursuant to BIMC [2.16.040](#). A building permit is required for a public communications tower. A conditional use permit shall be required for a public communications tower to be constructed between 71 feet and 120 feet above grade. A public communications tower shall not exceed 120 feet in height.

4. In accordance with Chapter [18.10](#) BIMC, the department of planning and community development may grant permit approval for:

a. A facility I or II, or a monopole or lattice tower located in a nonresidential zone that does not exceed the maximum height of the zone; or

b. A facility I or II in a multifamily, business, commercial, or town center zone on an existing building or structure; provided, that the facility is no higher than 15 feet above the existing building or structure or the permitted height for the zone, whichever is higher; or

c. A facility I or II in a residential zone on a nonresidential building or structure; provided, that the facility is no higher than 15 feet above the permitted height in the zone.

d. All other WCFs require conditional use permit review and approval by the city hearing examiner.

e. For the purposes of this subsection and Table 18.09.020, the terms "facility I," "facility II," "lattice tower," "monopole," "WCF," and "wireless communication facility" shall have the same meaning as defined in Chapter [18.10](#) BIMC.

G. Industrial Uses.

1. Mining and Quarrying.

a. No mining or quarrying activities shall be conducted within 500 feet of a property zoned R-2.9 through R-14.

b. All mining and quarrying operations shall maintain a full screen landscaped buffer meeting the standards of BIMC [18.15.010](#).D.4.a and at least 50 feet wide around each area of mining or quarrying activity. The width of the buffer may be increased up to 100 feet by the planning director through the same standards that apply to B/I district buffers found in BIMC [18.06.050](#).B.10.

c. All mining and quarrying operations shall comply with all applicable performance standards in BIMC [18.06.070](#).B (performance standards for the WD-I zone district).

d. All mining and quarrying operations shall comply with all applicable requirements of Chapter [78.44](#) RCW and Chapter [332-18](#) WAC (Surface Mining Act) and Chapter [78.56](#) RCW (Metal Mining and Milling Act).

- e. All mining and quarrying shall comply with all applicable performance standards in BIMC [16.28.030](#).
- f. All mining and quarrying operations within the shoreline jurisdiction shall comply with the requirements in BIMC [16.12.040](#).G.
- g. Reclamation for mining and quarrying operations shall be required pursuant to Chapter [78.44](#) RCW.

2. Recycling Center.

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

3. Waste Transfer Facility.

- a. No waste transfer facility operation shall be conducted within 500 feet of a property located in any zone district other than the R-0.4 zone district.
- b. All waste transfer facility operations shall maintain a full screen landscaped buffer meeting the standards of BIMC [18.15.010](#).D.4.a and at least 50 feet wide around each waste transfer facility operation. The width of the buffer may be increased up to 100 feet by the planning director through the same standards that apply to B/I district buffers.
- c. All waste transfer facility operations and operators shall comply with all applicable requirements of Chapter [70.95](#) RCW (Solid Waste Management), Chapter [173-350](#) WAC (Solid Waste Handling Standards), and Chapter [173-351](#) WAC (Criteria for Municipal Solid Waste Landfills), including the requirement to obtain and maintain a current solid waste permit and to comply with all conditions attached to that permit.

H. Ferry- and Waterfront-Related.

- 1. Barge Moorage and Off-Load Slips. In the WD-I district, barge moorage and off-load slips are conditional ("C") uses for property located on the south shore of Eagle Harbor.
- 2. Boat Building. In the WD-I district, boat building is a permitted ("P") use for property located on the north shore of Eagle Harbor. For property south of Eagle Harbor, boat building is a conditional ("C") use. 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 are a permitted ("P") use, unless the business will be primarily out-of-doors. If primarily out-of-doors, then boat repair facilities are a conditional ("C") use in the B/I district. Boat repair facilities are subject to standards in BIMC [16.12.040](#).C.
- 4. Ferry Slips and Repair Facilities. In the WD-I district, ferry slips and repair facilities are permitted ("P") for property located on the north shore of Eagle Harbor only.

I. Accessory Uses.

- 1. Accessory Agricultural Education. Accessory agricultural education that generates more than 36 round trips per day on average must be reviewed through an agricultural conditional use permit pursuant to BIMC [2.16.050](#).E.
- 2. Accessory Agricultural Retail, Minor.
 - a. A permitted or approved conditional agricultural use may have any number of accessory agricultural-related events such as agricultural tourism.
 - b. Parking shall be provided on-site that accommodates the anticipated traffic volumes and does not adversely impact sensitive areas or water quality.
 - c. The use must comply with all applicable local, county, state and/or federal requirements.
- 3. Accessory, Agricultural Retail, Major.
 - a. Major accessory agricultural retail activities must meet the same standards applicable to minor accessory agricultural retail activities, except that (i) the limitation on agricultural special events does not apply, and (ii) the provisions of

subsections 1.3.b and c of this section apply.

b. All applicants for major agricultural retail must apply for and obtain an agricultural retail plan through the agricultural conditional use procedure in BIMC [2.16.050](#).

c. The activity may continue as long as the use continues to comply with the criteria that were in effect at the time of original approval. If the activity ceases operation for more than one year (four consecutive seasons) it shall be required to reapply.

4. Accessory Agricultural Special Event.

a. A permitted or approved conditional agricultural use may have any number of agricultural-related special events.

b. A permitted or approved conditional agricultural use may have a maximum of four nonagricultural special events (such as weddings, conferences or parties) per year. A special event can last up to a maximum of two consecutive days. If the special event lasts longer than two consecutive days, each additional period of up to two days shall be considered a separate special event.

c. An agricultural special event shall be reviewed through the agricultural retail process.

5. Accessory Dwelling Unit.

a. An accessory dwelling unit (ADU) 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 Chapter [16.12](#) BIMC 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 900 square feet of floor area or less. However, if the accessory dwelling unit will be located within a building existing as of the approval date of Ordinance No. 2015-16 (for example, in a basement) the city may allow an increased size in order to efficiently use all floor area. 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 900-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 not 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 Chapter [15.28](#) BIMC 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](#).S.

6. Accessory Agricultural Processing and Livestock or Poultry Slaughtering.

a. Accessory agricultural processing and livestock or poultry slaughtering must comply with all applicable governmental standards and guidelines, including those established by the U.S. Department of Agriculture, the U.S. Environmental Protection Agency, the Washington State Department of Ecology, the Washington State Department of Agriculture, and the

Kitsap County health district, including without limitation those addressing treatment of wastes, water discharge, odor control, and setbacks from natural features and surrounding properties.

b. If the livestock or poultry to be slaughtered are not raised on the property but are transported onto the property for slaughtering, an agricultural retail plan shall be required to be approved through the agricultural conditional use process in BIMC [2.16.050](#), and the activity shall be required to comply with the terms of that agricultural retail plan once approved.

c. If slaughtering activities take place outdoors and are located within 100 feet of any residence on adjacent property that was existing when the slaughtering activity began, they shall be screened by permanent or temporary structures so that slaughtering activities cannot be seen from adjacent residential properties.

7. Accessory On-Site Treatment and Storage Facilities for Hazardous Wastes. This use is subject to the state siting criteria of Chapter [70.105](#) RCW.

8. Accessory Outdoor Storage.

a. In the NC district, outdoor storage is subject to the performance standards of BIMC [18.06.050](#).B.10.

b. In the WD-I district:

i. Outdoor storage that does not exceed 1,000 square feet in area and is associated with an outright permitted use is a permitted ("P") use; and

ii. Outdoor storage greater than 1,000 square feet in area and associated with an outright permitted use is a conditional ("C") use.

9. Accessory Rainwater Harvesting Barrels. Accessory rainwater harvesting barrels are a permitted accessory structure in all zone districts.

10. Accessory Security Residence. In the B/I district, a single residential unit for security and/or insurability of the premises is permitted. No other residential uses are allowed. The accessory security residence shall comply with the applicable development standards and performance standards of the B/I district.

11. Accessory Small Wind Generator System. Accessory small wind generator systems are subject to the height and setback requirements of each district, including modifications pursuant to BIMC [18.12.040](#).

12. Accessory Utilities. Accessory utilities structures within fish and wildlife habitat conservation areas will be subject to utility standards in BIMC [16.20.130](#).C.11. They are also subject to BIMC [18.12.040](#), permitted modifications.

13. Minor Home Occupations. Minor home occupations shall meet all of the following criteria:

a. The business, including operations and storage, shall occupy no more than half of the residential gross floor area, which includes all accessory buildings. If the business occupies an accessory building, the square footage of that building shall not be larger than the primary residential building; and

b. The business shall be conducted wholly within a residence or an accessory building and is clearly subordinate to the residence; and

c. No more than one person who is not a resident of the dwelling shall be employed on site in the home occupation; and

d. The appearance of the property shall not be visibly altered so as to look like a business premises rather than a dwelling unit. No expansion of the parking area is allowed beyond that required for the residence. No parking in the setbacks or buffers is allowed; and

e. With the exception of home-based teaching, the use shall not generate more than five round trips per day related to the home occupation. If the home-based teaching business is located on property that abuts and has direct access to a secondary and/or primary arterial street as designated on the adopted street classification map, the business is allowed unlimited student-related trips. If not, the home-based teaching business shall be allowed up to 24 student-related trips per day; and

f. No outdoor storage or other exterior indication of the business shall be visible beyond the subject property; and

g. Commercial vehicles shall not be used for the home occupation or stored on the premises, other than that normally used by the applicant or an employee; and

h. A business license from the city shall be obtained as required in BIMC Title [5](#); and

i. No portion of the dwelling may be separately rented, leased, sold, or occupied as a commercial space for any person not living in the premises; and

j. No noise, vibration, emissions, dust, odor, heat or glare that would exceed what is normally associated with a dwelling shall be produced by the business beyond the subject property; and

k. No structural or decorative alteration or display is permitted related to the home occupation; however, a two-square-foot wooden sign is permitted; and

l. Delivery service shall neither restrict traffic circulation nor overload public or private roads; and

m. Minor home occupations shall be permitted to continue as long as the use continues to comply with the criteria that were in effect at the time of original approval and as long as the business complies with local and state regulations, such as renewing business licenses as required by ordinance; and

n. The addition of a new home occupation is not a change of use and does not require site plan review; and

o. The owner of the home occupation shall be a resident of the premises.

14. Major Home Occupations. Major home occupations shall comply with all use standards for minor home occupations and shall also meet the following requirements:

a. The building official shall determine the maximum occupancy load of the structure(s) in which the home occupation is proposed; the city shall consider this number along with all other pertinent facts and comments in determining the maximum number of employees allowed on the premises to work in the home occupation at any one time; and

b. The subject property shall not be altered except to install screening or buffers. No parking in setbacks and buffers shall be allowed; and

c. No more than three vehicles shall be parked on or in the vicinity of the property as a result of the business at any one time; and

d. On-site sales shall be limited to items produced on the premises or incidental to the major home occupation; and

e. Access ways shall be accessible to emergency vehicles.

15. Nonagricultural Accessory Uses and Structures (Not Otherwise Listed).

a. In the B/I district, customary accessory uses such as administrative offices, parking lots, outdoor storage of supplies or manufactured products, employee lunch and recreation rooms, limited on-site sales of products and a single residential unit for security and/or insurability of the premises are a permitted ("P") use if the primary use is a permitted use, or conditional ("C") use if the primary use is a conditional use.

b. In the residential zone districts, the keeping of up to five poultry is allowed as an accessory use. The keeping of roosters is only permitted on lots outside of the Mixed Use Town Center. Additional chickens are an accessory use to agriculture and are allowed only in districts where that use is permitted.

c. Accessory structures are allowed on a lot without a primary use, subject to the following criteria:

i. The lot was contiguous to a lot under the same ownership as of the date of construction of the accessory structure; and

ii. The size of the accessory structure, if constructed after November 9, 2011 (date of adoption of the ordinance codified in this section), shall not exceed 800 square feet; and

iii. A boundary line adjustment or plat that separates an existing accessory structure from a primary structure shall not require demolition of the accessory structure, regardless of size.

d. The demolition of a primary structure shall not require the demolition of an accessory structure on the same lot and/or contiguous lot; however, the primary structure must be constructed within two years. This time limit can be extended by the director pursuant to BIMC [2.16.020.O](#) upon request of the property owner.

J. Temporary Uses.

1. Temporary Construction Building.

- a. Temporary construction buildings may not be erected or moved on a site before a building permit for the primary building has been issued, and must be removed no later than 30 days after a certificate of occupancy for the primary building has been issued;
- b. A building permit for the primary building must be issued and valid;
- c. The temporary structure, manufactured home or recreational vehicle must not be permanently affixed to the lot;
- d. Potable water and sanitation facilities must be available on the site;
- e. Approval from the department must be obtained in writing authorizing such construction living quarters; provided, that approval shall be granted for one year, which may be extended for a six-month period if substantial progress is made on the construction of the principal building; and
- f. The temporary construction building must meet setback requirements for the zone in which it is situated.
- g. All requirements set forth in Chapters [16.12](#) and [16.20](#) BIMC must also be met.

2. Temporary Construction Staging.

- a. A temporary construction staging permit must be issued by the department of planning and community prior to staging activities commencing. Staging on publicly owned property, such as property owned by the city or the Bainbridge Island metropolitan park and recreation district, is exempt from the staging permit requirement.
- b. For construction that requires a development permit, such as a grading or building permit, the temporary construction staging permit cannot be issued until all related development permits are issued. Temporary construction staging shall be exempt from site plan and design review pursuant to BIMC [2.16.040](#). The application shall be processed as an administrative approval under BIMC [2.16.020](#), including noticing requirements.
- c. The staging area and the access to the temporary construction staging property must comply with any applicable regulations of the BIMC and the design and construction standards manual in order to minimize the inconvenience to neighboring properties, and to protect public health, safety, and the environment.
- d. Any temporary structures must not be permanently affixed to the lot.
- e. Temporary construction staging shall not interfere with public nonmotorized pathways including sidewalks.
- f. Temporary construction staging may not exceed nine months. This time limitation does not apply to publicly owned properties or public construction projects. To prevent serial use of a property as temporary construction staging, a property shall not be utilized for temporary construction staging for more than 18 months within a five-year period. The department may grant one extension of a permit authorizing temporary construction staging for a period not to exceed 180 days if:
 - i. A request for an extension is received by the department no later than 30 days prior to the expiration of the permit;
 - ii. Termination of the permit would result in an unreasonable hardship to the applicant; and
 - iii. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.
- g. Temporary construction staging shall be removed and the property restored to pre-construction conditions to the satisfaction of the city within 30 days after related construction is complete. The city may request that the applicant submit a restoration surety to ensure compliance.
- h. The use of any temporary construction staging shall comply with the air quality emissions performance standards of BIMC [18.06.030](#).B.2.

3. Temporary Container Storage.

- a. In residential zones, temporary container storage units may be placed on or at a property for a period not to exceed 30 calendar days in a single calendar year, with two portable storage units allowed at a site at a time. There are two allowances per calendar year.
- b. In commercial and mixed use zones, temporary container storage units may be placed on or at a property for the duration of the specific development project or within 18 months of the development approval, whichever comes first. In those zones, it is encouraged to co-locate such temporary storage on available current or temporary commercial parking lots.

c. Temporary container storage units shall be placed in the driveway or other paved or gravel surface. The unit shall not be placed within any public right-of-way including sidewalks. In residential zones, the unit shall not be placed within a required setback area. At the discretion of the city, the unit may be placed in an alternative location; provided, that the alternative location does not create an unsafe condition.

4. Temporary Commercial Parking. Temporary commercial parking lots shall comply with the provisions of BIMC [18.15.020](#).I.

5. Temporary Public Events or Gatherings. Such uses shall be allowed up to three consecutive days. Four events are allowed per year.

6. Temporary Ferry Commuter Parking. Temporary ferry commuter parking lots shall comply with the provisions of BIMC [18.15.020](#).F.

7. Temporary Noncommuter Parking. Temporary noncommuter ferry parking is permitted only with a conditional use permit pursuant to BIMC [2.16.050](#), and is subject to the parking standards in BIMC [18.15.020](#).E.2.

8. Temporary Seasonal Sales.

a. Temporary outdoor sales are permitted in any zone district subject to compliance with this section.

b. A temporary use permit for temporary outdoor sales shall not exceed a term of 30 consecutive days, and only two permits within a calendar year may be granted for each principal permitted or approved conditional use.

c. All temporary outdoor sales activity shall comply with the following requirements:

i. The location of the temporary sales activity shall allow customers to drive into an existing off-street parking area. No temporary outdoor sales may interrupt the flow of traffic on public streets or access ways into a shopping area.

ii. The applicant shall demonstrate there will be adequate parking for the existing use as well as the temporary outdoor sales. The director may modify this requirement if the applicant can otherwise demonstrate that adequate parking for the existing and proposed uses will be provided.

iii. The fire department shall approve all proposals for temporary outdoor sales from a tent.

iv. The area occupied by the temporary sales activity, plus any adjacent clear area required by the fire code, shall occupy no more than 20 percent of any required off-street parking spaces or area.

v. In the MUTC, HSR, NC, and B/I districts, all trucks or tents and associated parking shall be located on asphalt, concrete, permeable pavement, or an equivalent surface unless the applicant demonstrates no adverse effect on drainage, access, or the intent of this code, as determined by the director.

9. Temporary Homeless Encampment. An application for a temporary homeless encampment permit will be reviewed and decided upon by the director of planning and community development (hereafter "director"), and must meet the following standards:

a. A temporary homeless encampment is only allowed on property in conjunction with a religious facility. An application for a homeless encampment must include a religious facility or other community-based organization as a sponsor or managing agency.

b. The applicant shall submit an irrevocable, signed, and notarized statement granting the city permission to summarily abate the temporary use and all physical evidence of that use if it is not removed by the applicant within the period specified as part of the permit, and agreeing to reimburse the city for any expenses incurred by the city in abating the temporary use.

c. The encampment shall meet all setbacks for the zoning districts described in BIMC [18.12.020](#). The encampment shall be located a minimum of 20 feet from the property line of abutting properties containing residential uses.

d. The director may require a sight-obscuring fence around the perimeter of the homeless encampment unless it is determined that there is sufficient vegetation, topographic variation, or other site conditions such that fencing would not be needed.

e. Exterior lighting for the homeless encampment must meet the requirements of BIMC [18.15.040](#).

f. The maximum number of residents within a homeless encampment is 100.

g. Parking for five vehicles shall be provided.

h. The applicant shall submit a transportation plan which shall include provision of transit services. The homeless encampment shall be located within one-half mile of transit service.

i. No children under 18 are allowed in the homeless encampment. If a child under the age of 18 attempts to stay at the homeless encampment, the managing agency shall immediately contact Child Protective Services.

j. No animals shall be permitted in encampments except for service animals.

k. The applicant shall submit a code of conduct for the encampment and describe how it is to be enforced by the managing agency. The code shall contain the following as a minimum:

i. No drugs or alcohol.

ii. No weapons.

iii. No violence.

iv. No open flames.

v. No loitering in the surrounding neighborhood.

vi. Quiet hours.

l. The managing agency shall ensure compliance with Washington State and city codes concerning but not limited to drinking water connections, human waste, solid waste disposal, electrical systems, and fire-resistant materials. The city shall coordinate review of the temporary homeless encampment permit with the Kitsap Public Health District and Bainbridge Island fire department. The managing agency shall permit daily inspections by the city and/or health department to check compliance with the standards for homeless encampments.

m. The managing agency shall take all reasonable and legal steps to obtain verifiable identification from prospective encampment residents and use the identification to obtain sex offender and warrant checks from the appropriate agency. All requirements by the city of Bainbridge Island police department related to identified sex offenders or prospective residents with warrants shall be met.

n. Homeless encampments may be approved for a time period not to exceed 92 days.

o. The city may grant a temporary use permit only if it finds that the proposed temporary use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity.

p. There is no administrative appeal of the director's decision for a temporary use permit. The action of the city in granting or denying an application under this chapter may be reviewed pursuant to the standards set forth in RCW [35.70C.130](#) in the Kitsap County Superior Court. The land use petition must be filed within 21 calendar days of the issuance of the final land use decision of the city. For more information on the judicial process for land use decisions, see Chapter [36.70C](#) RCW.

K. Marijuana-Related Uses.

1. The production, processing and retailing of marijuana is and remains illegal under federal law. Nothing herein or as provided elsewhere in the ordinances of the city of Bainbridge Island is an authorization to circumvent federal law or to provide permission to any person or entity to violate federal law. Only Washington State licensed marijuana producers, processors, and marijuana retailers may locate in the city of Bainbridge Island and then only pursuant to a license issued by the state of Washington. The purposes of these provisions is solely to acknowledge the enactment by Washington voters of Initiative 502 and state licensing procedures to permit, but only to the extent required by state law, marijuana processors, marijuana producers and marijuana retailers to operate in designated zones of the city.

2. In addition to any other applicable remedy and/or penalty, any violation of this section is declared to be a public nuisance per se, and may be abated by the city attorney under the applicable provisions of this code or state law, including but not limited to the provisions of Chapters [1.24](#), [1.26](#) and [9.40](#) BIMC.

3. Marijuana Retailer. Marijuana retailing is a permitted use in the business/ industrial zoning district. A site plan and design review permit may be required, pursuant to BIMC [2.16.040](#).B, Site Plans and Design Review Applicability.

4. Marijuana Processors. Marijuana processing is a permitted use in the business/industrial zoning district. A site plan and design review permit is required and must be approved prior to any city approval of business licenses or other required permits.

5. Marijuana Producers. Indoor marijuana production is a permitted use in the business/industrial zoning district subject to the following conditions:

a. A site plan and design review permit is required and must be approved prior to any city approval of business licenses or other required permits;

b. The business must integrate a system that reuses at least 25 percent of wastewater within two years of initial crop planting;

i. The city may request documentation or a monitoring report to ensure that the water reuse standards are being met.

6. No marijuana-related uses are allowed on city-owned property. (Ord. 2024-04 § 6, 2024; Ord. 2023-25 § 3, 2023; Ord. 2022-09 §§ 6, 7, 2022; Ord. 2022-02 § 3, 2022; Ord. 2021-03 § 10, 2021; Ord. 2020-34 § 2, 2020; Ord. 2020-03 § 3 (Exh. C), 2020; Ord. 2019-24 § 4 (Exh. C), 2019; Ord. 2019-03 § 7, 2019; Ord. 2018-13 §§ 4 – 10, 2018; Ord. 2017-14 § 3, 2017; Ord. 2017-02 § 1, 2017; Ord. 2016-28 § 10, 2016; Ord. 2015-16 § 1, 2015; Ord. 2015-23 § 3, 2015; Ord. 2015-10 § 2, 2015; Ord. 2014-14 § 2, 2014; Ord. 2014-26 § 2, 2014; Ord. 2014-05 § 1, 2014; Ord. 2013-25 § 5, 2013; Ord. 2012-12 § 2, 2012; Ord. 2011-02 § 2 (Exh. A), 2011)

Home

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The Bainbridge Island Municipal Code is current through Ordinance 2025-05, passed February 25, 2025.

Disclaimer: The City Clerk's Office has the official version of the Bainbridge Island Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.bainbridgewa.gov/>

City Telephone: (206) 842-2545

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