

ORDINANCE NO. 2019-09

AN ORDINANCE of the City of Bainbridge Island, Washington, relating to accessory dwelling units, tiny homes, and recreational vehicles, and amending Section 18.09.030.I.5 and Section 18.36.030 of the Bainbridge Island Municipal Code.

WHEREAS, the City has permitted and regulated accessory dwelling units as an accessory use to single-family residences for many years; and

WHEREAS, accessory dwelling units are recognized as a type of affordable housing; and

WHEREAS, the City is aware of a limited number of property owners who have turned an accessory dwelling unit into a condominium pursuant to Chapter 64.34 RCW, and some of those units may have been sold to a person other than the owner of the single-family residence (primary dwelling unit); and

WHEREAS, given the high real estate prices on Bainbridge Island, the sales price of an accessory dwelling unit sold as a condominium is unlikely to meet the definition of “affordable housing” as it relates to an income qualified household earning a middle-income or below, which is generally defined by Chapter 18.21 BIMC and BIMC 18.36.030.16 as one-hundred and twenty percent (120%) or below of the Department of Housing and Urban Development median income levels for the Bremerton-Silverdale metropolitan statistical area; and

WHEREAS, the City Council desires to maintain the affordability of accessory dwelling units by limiting the ability to sell them separately from the primary dwelling unit; and

WHEREAS, in addition to considering issues related to accessory dwelling unit ownership, the City Council has considered issues related to allowing tiny homes, with or without wheels, as well as related to recreational vehicles, to be considered as permanent residences as a way to increase affordable housing options.

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

Section 1. Section 18.09.030.I.5 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

c. Only one accessory dwelling unit may be created per parcel, except that in the R-5, R-4.3, R-3.5, R-2.9, R-2, R-1 and R-0.4 zones, a parcel is allowed to have two tiny homes, two recreational vehicles, or one of each per parcel in addition to a primary dwelling unit.

e. Sale or ownership of an accessory dwelling unit separate from the primary single-family dwelling is prohibited. This prohibition does not apply to an accessory dwelling unit that is owned in the condominium form of ownership prior to the effective date of this ordinance. Further, this prohibition does not apply to an accessory dwelling unit that was lawfully in existence prior to the effective date of this ordinance, or an accessory dwelling unit for which a complete building permit application has been submitted for that accessory dwelling unit prior to the effective date of this ordinance.

ef. One off-street parking space shall be provided in addition to off-street parking that is required for the primary dwelling.

fg. 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.

gh. 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.

hi. 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.~~

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. Accessory dwelling units are excluded for the purposes of calculating lot coverage requirements on lots smaller than 40,000 square feet.

Section 2. Section 18.36.030 of the Bainbridge Island Municipal Code is hereby amended to add the following:

18.36.030 Definitions

220. “Recreational vehicle, permanent” means a recreational vehicle that is providing permanent housing. Recreational vehicles can be on a foundation or on wheels.

260. “Tiny home” means a dwelling less than 400 square feet in size that provides independent living facilities with provisions for sleeping, eating, cooking, and sanitation and is constructed to meet the requirements of the International Residential Code. Tiny homes can be on a foundation or on wheels.

Section 3. This ordinance shall take effect and be in force five (5) days from its passage and publication as required by law.

PASSED BY THE CITY COUNCIL this _____ day of _____, 2019.

APPROVED BY THE MAYOR this _____ day of _____, 2019.

Kol Medina, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, City Clerk

FILED WITH THE CITY CLERK:	July 19, 2019
PASSED BY THE CITY COUNCIL:	
PUBLISHED:	
EFFECTIVE DATE:	
ORDINANCE NUMBER:	2019-09