

**Topic:** Affordable Housing; Incentive Zoning  
**Resource Type:** Regulations  
**State:** Washington  
**Jurisdiction Type:** Municipal  
**Municipality:** City of Bainbridge Island  
**Year (adopted, written, etc.):** 1997  
**Community Type - applicable to:** Urban; Suburban  
**Title:** City of Bainbridge Island Affordable Housing Ordinance  
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### ***Abstract***

Chapter 18.90 of the Bainbridge Island Municipal Code describes the purpose, procedures, and zoning incentives related to the creation of affordable housing.

### ***Resource***

Bainbridge Island Municipal Code, Title 18, Chapter 18.90.

### **Chapter 18.90 AFFORDABLE HOUSING**

Sections:

**18.90.010 Purpose.**

**18.90.020 General provisions relating to optional affordable housing.**

**18.90.030 Optional residential density bonus for affordable housing.**

**18.90.040 Review process.**

**18.90.060 Repealed.**

#### **18.90.010 Purpose.**

The purpose of this chapter is to implement the policies contained in the housing element of the comprehensive plan by providing an optional program for the construction of affordable housing in new single-family and multifamily residential developments. The Growth Management Act (GMA) requires the city to make adequate provisions for existing and projected housing needs of all economic segments of the community as determined by the housing needs assessment, contained in the housing element. The housing element reflects the city's goal of dispersing affordable housing throughout all geographic and economic segments of the community, and providing a mixture of housing types to discourage the development of economic enclaves. The city recognizes that the marketplace is the primary supplier of adequate housing for those in the upper economic groups, but that some combination of appropriately zoned land, regulatory incentives and

innovative planning techniques will be necessary to make adequate provisions for the needs of households whose incomes are at or below middle income (as those terms are defined in BIMC 18.06.565). (Ord. 2005-08 § 3, 2005: Ord. 2001-03 § 1, 2001: Ord. 97-15 § 4, 1997)

### **18.90.020 General provisions relating to optional affordable housing.**

A. Rounding of Fractions in Affordable Housing Calculations. In calculating the number of dwelling units or residential building lots that are permitted to be constructed pursuant to BIMC 18.90.030, fractions of one-half or greater shall be rounded up to the nearest whole number.

B. Siting of Affordable Dwelling Units or Residential Building Lots. The affordable units constructed under the provisions of this chapter shall be included within the parcel of land for which the density bonus is granted. Segregation of affordable housing units within the development from market rate housing units shall be avoided whenever practical.

C. Duration of Affordability.

1. Rental Units. Affordable rental housing units created as a result of the provisions of this chapter shall remain affordable for a period of 30 years from the time of first occupancy and shall be secured by recorded agreement and covenant running with the land, binding all the assigns, heirs and successors of the applicant.

2. Home Ownership Units. All affordable homeownership units created as a result of the provisions of this chapter shall be initially sold to income-qualified households and thereafter subject to a mechanism that is specified in an appropriate administrative procedure adopted by resolution by city council allowing the city to capture a share of the appreciation when the unit is sold at market rate. The city's share of the proceeds shall be placed in its housing trust fund.

3. A unit that is owned or sponsored by a public or private nonprofit agency that already restricts benefit and resale is exempt from the provisions of subsections C.1 and C.2 of this section.

D. Required Documentation. Prior to the final approval of any land use application to which BIMC 18.90.030 is applicable, the owner of the affected parcels shall deliver to the city a duly executed covenant running with the land, in a form approved by the city attorney, identifying the units or parcels and acknowledging their obligation under this section. The applicant shall be responsible for the cost and recording of the covenant.

E. Construction of Affordable Units. When dwelling units subject to this chapter will be constructed in phases, or over a period of more than 12 months, a proportional amount of affordable housing units must be completed at or prior to completion of the related market rate dwellings, or as approved by the director.

F. Phased Development. If a project is to be phased, the proportion of affordable units or residential building lots to be completed with each phase shall be determined as part of the phasing plan approved by the director.

G. Unimproved Lots to Be Sold. In subdivisions where the applicant intends to sell the individual unimproved lots, it is the responsibility of the applicant to arrange for the affordable units to be built.

H. Attached Housing. In single-family developments where there are two or more affordable units, side yard setbacks may be waived to allow for attached housing units for

affordable units only. The placement and exterior design of the attached units must be such that the units together resemble as closely as possible a single-family dwelling.

I. Definition of Benefit. Where the code limits benefits to households whose incomes are at or below a specified income, the purpose is to include all categories of income, as defined in BIMC 18.06.565, below the category specified. For example, if the benefit limit is, "to those households whose incomes are at or below low-income," households who are extremely low-income, very-low income and low-income may benefit. (Ord. 2005-08 § 4, 2005: Ord. 2001-03 § 2, 2001: Ord. 97-15 § 4, 1997)

### **18.90.030 Optional residential density bonus for affordable housing.**

A. Applicability. This section applies to all land use applications, except the following: (1) the construction of one single-family dwelling on one lot that can accommodate only one dwelling based upon the underlying zoning designation, (2) the Mixed Use Town Center and the High School Road districts (provisions for these zones are contained in BIMC 18.40.040), (3) neighborhood service centers (NSCs) (affordable housing provisions for NSCs are contained in Chapter 18.66 BIMC), and (4) the critical areas overlay districts identified in the comprehensive plan, which are not eligible for density bonuses.

B. Residential Density Bonus for the Development of Rental Affordable Housing. Density for land subject to the provisions of this section may be increased by up to a maximum of 50 percent above the underlying base density when each of the additional units is provided for households whose incomes are at or below low-income.

C. Residential Density Bonus for the Development of For-Purchase Affordable Housing. Density for land subject to the provisions of this section may be increased above the base density by the following amounts:

1. Up to a maximum of 50 percent above the underlying base density when each of the additional units or residential building lots are provided for households whose incomes are at or below low-income.

2. Up to a maximum of 40 percent above the underlying base density when each of the additional units or residential building lots are provided for households whose incomes are at or below moderate-income.

3. Up to a maximum of 20 percent above the underlying base density when the first 10 percent of the housing units are affordable to households with incomes at or below moderate-income. The remaining 10 percent may be affordable to households whose incomes are at or below middle-income.

Affordable Housing – Optional

	For Purchase	For Rent
Affordable Housing - Optional	<p>Up to 50% density bonus if each of the bonus units are affordable to households whose incomes are at or below low-income.</p> <p>Up to a 40% density bonus if each of the bonus units are affordable to households whose incomes are at or below moderate-income.</p> <p>Up to a maximum of 20% above the underlying base density when the first 10% of the housing units are affordable to households with incomes at or below moderate-income. The remaining 10% may be affordable to households whose incomes are at or below middle-income.</p>	<p>Up to 50% density bonus when each of the bonus units are affordable to households with incomes at or below low-income.</p>

(Ord. 2005-08 § 6, 2005: Ord. 2001-03 § 3, 2001: Ord. 97-15 § 4, 1997. Formerly 18.90.040)

**18.90.040 Review process.**

A. A preapplication conference will be required for any land use application that includes a proposal for density bonus.

B. Residential density bonus proposals will be reviewed concurrently with the primary land use application.

All land use applications for which the applicant is seeking to include the area of a wetland in the density calculation shall satisfy the requirements of BIMC 16.20.090. (Ord. 2005-08 § 6, 2005: Ord. 2001-03 § 5, 2001: Ord. 97-15 § 4, 1997. Formerly 18.90.050)

**18.90.060 Alternative mechanism.**

Repealed by Ord. 2005-08. (Ord. 2000-40 § 1, 2000)