

CITY OF BAINBRIDGE ISLAND

CITY COUNCIL AGENDA BILL



PROCESS INFORMATION

Subject: Ordinance No. 2014-14, Zoning Regulations for Temporary Commercial Parking Lots and Temporary Storage	Date: August 11, 2014
Agenda Item: 2 nd Reading/ Public Hearing	Bill No.: 14-019
Proposed By: Planning Director Kathy Cook, Special Project Planner Jennifer Sutton	

BUDGET INFORMATION

Depart/Fund:

Expenditure Req: Budgeted? ☐ Yes ☐ No Budget Amend. Req? ☐ Yes ☐ No

REFERRALS/REVIEW

Planning Commission: June 12, 2014	Recommendation: Schedule Public Hearing for August 12, 2014
City Council: July 28, 2014	
City Manager ☒ Yes ☐ No ☐ N/A	Legal ☒ Yes ☐ No N/A Finance ☐ Yes ☐ No ☒ N/A

DESCRIPTION/SUMMARY

Action Item:

Hold Public Hearing on Ordinance No. 2014-14, Modifying Zoning Regulations for Temporary Commercial Parking Lots and Temporary Storage.

Background:

In the spring of 2014, the City Council pass two interim (6-month) ordinances related to commercial development and construction in the Winslow area. Ordinance No. 2014-08 was approved on February 19th and adopted interim zoning regulations governing temporary parking for commercial businesses (other than ferry commuter parking and non-commuter ferry parking). Ordinance No. 2014-13 was approved on March 24th and adopted interim zoning regulations addressing temporary construction-related storage.

Draft Ordinance No. 2014-14 integrates the changes approved by the two interim ordinances into the permanent zoning regulations for temporary commercial parking lots and construction related storage. The existing regulations for "Temporary Contractor Parking" (BIMC Section 18.15.020.I) have been combined into the new use category "Temporary Commercial Parking" in Ordinance 2014-14.

The City Council held 1st Reading on Ordinance No. 2014-14 on July 28, 2014, and confirmed the above changes to the City's temporary parking and storage regulations.

RECOMMENDED ACTION

Motion:

I move that the City Council approve Ordinance 2014-14 Modifying Zoning Regulations for Temporary Commercial Parking Lots and Temporary Storage.

ORDINANCE NO. 2014-14

AN ORDINANCE of the City of Bainbridge Island, Washington, revising zoning regulations governing temporary parking for commercial businesses and commercial parking as a primary use, other than ferry commuter parking and noncommuter ferry parking, and providing for temporary construction-related storage.

WHEREAS, the City of Bainbridge Island's current parking regulations for commercial businesses, found in Section 18.15.020 BIMC, contain restrictions regarding the location, size, and design of such parking lots which are prohibitive of businesses constructing or using existing parking lots to satisfy temporary parking needs; and

WHEREAS, local businesses have expressed a need for temporary commercial business parking lots to serve customer, employees and construction workers where the business is either remodeling or undertaking a construction project that impacts the available parking or where the business has outgrown its original parking accommodations and is in the process of seeking a permanent solution; and

WHEREAS, the City Council adopted Ordinance No. 2014-08, establishing emergency interim regulations that address this issue on February 19, 2014; and

WHEREAS, the City Council understands that businesses needing to take advantage of the interim temporary parking regulations due to construction activities will also likely need to store construction-related equipment, materials, and supplies to support the construction activities; and

WHEREAS, current regulations relating to temporary storage containers, found in BIMC 18.09.030.J.2, contain restrictions regarding the number of containers, length of time in which they may be placed at a property, and the location on a property upon which they may be placed which are prohibitive of commercial businesses using storage containers for purposes of temporary construction storage; and

WHEREAS, the City Council adopted Ordinance No. 2014-13, amending Ordinance No. 2014-08 to establish emergency interim regulations addressing the construction storage issue on March 24, 2014; and

WHEREAS, there are likely to be businesses within the City in the future with a need to procure temporary parking lots to accommodate customers and/or employees due to the circumstances described above; and

WHEREAS, the City Council desires to provide flexibility in accommodating commercial parking needs for businesses in these limited circumstances, necessitating the adoption of permanent regulations for temporary parking; and

WHEREAS, the Planning Commission conducted study sessions on March 27 and April 24, 2014, and

WHEREAS, the Planning Commission conducted a public hearing on June 12, 2014 and forwarded their recommendation to the City Council; and

WHEREAS, the City Council conducted a public hearing on temporary commercial parking and storage related uses on August 11, 2014; and

WHEREAS, notice was given on May 30, 2014 to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106;

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

Section 1. Section 18.09.020 of the Bainbridge Island Municipal Code is amended as shown in Exhibit A.

Section 2. Subsections 18.09.030.J.2 and .3 of the Bainbridge Island Municipal Code, Use Specific Standards, are amended to read as follows:

J. Temporary Uses

2. 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 thirty (30) calendar days in a single calendar year, with ~~one~~ 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 eighteen 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. ~~b.~~ 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.

3. Temporary ~~Contractor~~ Commercial Parking

Temporary ~~contractor~~ commercial parking lots shall comply with the provisions of BIMC 18.15.020.I.

Section 3. Section 18.15.020.I of the Bainbridge Island Municipal Code, Parking and Loading, is amended to read as follows:

I. Temporary ~~Contractor~~ Commercial Parking,

This section does not apply to Commuter or Noncommuter Ferry Parking. Temporary ~~contractor~~ commercial parking lots are permitted in the Mixed Use Town Center and High School Road districts under the following conditions:

1. A land use application for property located within the Mixed Use Town Center or High School Road Districts and anticipated construction activities related to the project will reduce availability of existing parking spaces for customers and employees and/or create a need for construction ~~working~~ parking; or the parking needs of the commercial business have increased and, having outgrown its original parking accommodations, the commercial business is in the process of seeking a permanent solution.
2. ~~Site Plan and Design Review pursuant to BIMC 2.16.040 shall be required prior to issuance of clearing and/or grading permits related to the temporary contractor parking lot.~~ The application 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 Title 2. Clearing or grading permits may be required if a new surface lot is being created or expanded. The city shall request assurances that all significant trees are retained and remain protected during any clearing or grading, pursuant to subsection (6).
3. ~~All parking must be designated as reserved, and not available to the general public.~~
4. ~~All temporary contractor parking lots shall be surfaced with pervious material, to the satisfaction of the City Engineer, except that any existing paved or gravel area that is to be utilized as a temporary contractor parking lot may retain its impervious surface.~~
3. Temporary commercial business parking lots shall comply with the design and construction requirements of this chapter, except that:
 - a. Temporary commercial business parking lots shall be exempt from the landscaping requirements of subsection J.3.a of this section and BIMC Sections 18.15.010 and BIMC 18.15.030;
 - b. Temporary commercial business parking lots may be surfaced with gravel, provided, that all drainage requirements are met; and
 - c. Temporary commercial business parking lots shall be exempt from the requirements of subsections C.2.c and D.5 of this section.
4. ~~5.~~ Approval of the a temporary ~~contractor~~ commercial parking lot shall expire upon completion of the specified project or within eighteen months ~~three years~~ of the lot's ~~site plan review~~ building permit approval, whichever comes first. To

prevent serial use of a property as a temporary ~~contractor~~ commercial parking lot, a property shall not be utilized for such parking for more than three years within a 10-year period. The department may grant one extension of a permit authorizing temporary commercial business parking for a period not to exceed 180 days if:

a. A request for an extension is received by the department no later than 30 days prior to the expiration of the permit;

b. Termination of the permit would result in an unreasonable hardship to the applicant, and the applicant is not responsible for the delay in securing permanent parking spaces; and

c. An extension of the permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.

5. 6. A temporary ~~contractor~~ commercial parking lot shall meet the requirements of BIMC 15.20 (Surface and Stormwater Management); except that any existing parking lot being used as a temporary commercial business parking lot shall not be required to be improved to meet current standards BIMC 18.15.020.D.5 (Setbacks); and BIMC 18.15.010.F. Dust shall be controlled during construction of and use of a temporary commercial parking lot.

6. 7. All temporary ~~contractor~~ commercial parking lots shall be designed to retain all significant trees, as defined in BIMC 18.36, except when removal of hazardous trees is permitted pursuant to BIMC ~~15.08.040~~ 16.20.040 (Critical Areas) or 18.15.010.C.1. (Tree Retention, Protection and Replacement). This significant tree retention provision applies to all temporary contractor parking lots, including those proposed for properties in the Central Core or Ferry Terminal Overlay Districts. For those significant trees impacted by construction activity within their driplines, the applicant shall submit a retention plan, meeting the requirements of BIMC Section 18.15.010.C.4, prepared by a certified arborist addressing the impact of construction activity to the trees and the likelihood for five-year survivability. The director may authorize removal of significant trees to facilitate construction of a temporary contractor parking lot if the applicant can adequately demonstrate that provisions a, b, and c, below have been satisfied.

a. Alternative layouts are not possible because the tree locations preclude meeting required driving aisle and parking stall dimensions; and

b. The lack of nearby, on-street parking prevents reduction of proposed parking spaces; and

c. Site characteristics related to access points, topography, and critical areas preclude alternative layouts that would allow retention of the trees

d. Removal of hazardous trees, as provided in BIMC ~~15.08.040~~, shall not be precluded by these significant tree retention provisions.

7. 8. An application for the a temporary ~~contractor~~ commercial parking lot shall include a restoration plan addressing revegetation and removal of newly created parking surfaces. An assurance device, guaranteeing completion of

restoration, shall be posted with the city prior to issuance of clearing and/or grading permits. ~~Site restoration shall be completed within six months of the application's stated term of the parking lot or upon discontinuance of the parking use, whichever occurs first.~~ Temporary commercial parking that was newly created through this permit shall be removed and site restoration complete within 30 days after the permit expires. This provision will not apply if another commercial business will begin to use the parking lot within 60 days.

8. An application for a temporary commercial parking lot shall include a plan for prohibiting parking for ferry commuter and noncommuter use and shall demonstrate how restriction of spaces for general public/customer and/or employee use will be enforced. Failure to enforce shall subject the owner to the provisions of Chapter 1.26 BIMC.
9. A portion of a temporary commercial business parking lot developed to accommodate employees and/or the general public during construction activities may be utilized to store or park construction-related equipment, materials, and supplies if it does not create a safety hazard for pedestrians and vehicles utilizing the parking lot. Construction-related equipment, materials, and supplies shall be stored in appropriate containers or bins to the extent feasible or on the ground in well-stacked, neat piles. The temporary construction storage containers and bins shall be exempt from the requirements of BIMC 18.09.030.J.2. Large construction equipment may be parked in parking spaces. As a condition of application approval, the commercial business planning to use a portion of the parking lot to store or park construction-related equipment, materials, and supplies must include a plan to alert employees and the general public using the parking lot to the presence of such items.
10. All applicable provisions of BIMC Chapters 16.12 (Shoreline Master Program) and Chapter 16.20 (Critical Areas), must be met in the design and use of any temporary commercial parking lot.
11. The use of any temporary commercial parking lot shall comply with the Air Quality Emissions Performance Standards of BIMC Section 18.06.030.B.2.
9. ~~A temporary contractor parking lot shall not be utilized as a construction yard. Specifically, the parking lot shall not be used as a storage area for construction materials or as a parking area for construction equipment.~~

Section 4. The definition of “Temporary Contractor Parking Lot” in Section 18.36.030 of the Bainbridge Island Municipal Code, Definitions, is amended to read as follows:

240. “Temporary ~~Contractor~~ Commercial Parking Lot” means a temporary surface parking lot established to accommodate parking of vehicles or construction-related storage for a commercial business ~~construction-related workers or for business employees displaced by on-site construction activities.~~

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, the invalidity or

unconstitutionality does not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. Effective Date. This ordinance shall take effect August 23, 2014 and be published as required by law.

PASSED BY THE CITY COUNCIL this ____ day of August, 2014.

APPROVED BY THE MAYOR this ____ day of August, 2014.

Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:	July 23, 2014
PASSED BY THE CITY COUNCIL:	August ____, 2014
PUBLISHED:	August ____, 2014
EFFECTIVE DATE:	August 23, 2014
ORDINANCE NUMBER:	2014-14

Table 18.09.020 Use Table

"P" = Permitted Use

"A" = Accessory Use

"C" = Conditional Use

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

Blank = Prohibited Use

"CA" = Conditional Accessory Use

"T" = Temporary Use

ZONING DISTRICT USE CATEGORY / TYPE	R-0.4	R-1	R-2	R-2.9	R-3.5	R-4.3	R-5	R-6	R-8	R-14	Winslow Mixed Use Town Center					HSR I and II	NSC	B/I	WD-I	Use Specific Standards 18.09.030
											CC	MA	EA	Gate	Ferry [1]					
PRINCIPAL USES																				
PRIVATE MOTOR VEHICLE RELATED																				
Note: Private Motor Vehicle Related uses may be subject to additional requirements in BIMC 16.12.270 Transportation facilities																				
Commercial Parking Structure												C								
Commercial Parking, Surface												P			P					E-2
Ferry Commuter Parking												P			P	P				E-3
Non-commuter Ferry Parking															C					E-5
TEMPORARY USES																				
Temporary Construction Building	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-1
Temporary Container Storage	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	J-2
Temporary Contractor Commercial Parking												T	T	T	T	T				J-3
Temporary Ferry Commuter Parking												T			T	T				J-5
Temporary Non-Commuter Parking																T				J-6

[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.