

**CITY OF BAINBRIDGE ISLAND**

**ORDINANCE NO. 2009-01**

**(Formerly Ordinance Nos. 2008-04 and 2007-10 and a portion of Ordinance No. 2006-22)**

**AN ORDINANCE** of the City of Bainbridge Island, Washington, relating to temporary contractor parking; amending Section 18.40.020 of BIMC Chapter 18.40; and adding Section 18.06.912 to BIMC Chapter 18.06 and Section 18.81.058 to BIMC Chapter 18.81.

**WHEREAS**, the City Council is authorized to modify the City code in accordance with Washington State laws; and

**WHEREAS**, the City desires to add temporary parking lots as permitted uses in various zones of the Winslow area to accommodate the parking needs of construction workers and business employees related to the construction activity resulting from the implementation of the Winslow Tomorrow effort and its anticipated increase in density; and

**WHEREAS**, the parking lots facilitated by this ordinance would be temporary. The City desires to retain a portion of a site's significant trees for possible incorporation into future development and therefore applies the significant tree retention provisions found in BIMC Section 18.85.060 to the establishment of such parking lots in mixed use districts, including the Central Core and the Ferry Terminal Overlay Districts; and

**WHEREAS**, notice was given on November 12, 2008, to the Office of Community Development in conformance with RCW 36.70A.106; and

**WHEREAS**, the Planning Commission conducted public hearings on the proposed amendments on March 8, 2007 and May 24, 2007; and

**WHEREAS**, the Planning Commission recommended approval of the ordinance on May 24, 2007; and

**WHEREAS**, the City Council held second readings on the proposed amendments on January 23, 2008, and February 25, 2009, during which public comments were received; now, therefore,

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

**Section 1.** A new Section 18.06.912 is added to Chapter 18.06 of the Bainbridge Island Municipal Code to read as follows:

**“18.06.912 Temporary contractor parking lot.**

“Temporary contractor parking lot” means a lot established to accommodate parking of vehicles for construction-related workers or for business employees displaced by on-site construction activities.”

**Section 2.** Section 18.40.020 of BIMC Chapter 18.40 is amended to read as follows:

**“18.40.020 Land uses.**

No use is allowed except as indicated in the following table:

Permitted Uses: Uses designated by the letter “P” are permitted on any lot in the zones indicated, subject to all applicable regulations and the design guidelines contained in Chapter 18.41 BIMC.

Conditional Uses: Uses designated by the letter “C” may be authorized as conditional uses, in accordance with the provisions of this title and the design guidelines contained in Chapter 18.41 BIMC.

Uses Not Allowed: Uses not allowed in a particular zone or overlay district are designated by the letters “NP”.

**Uses Table**

Uses	Mixed Use Town Center					High School Road Districts I and II
	Central Core	Madison Avenue	Ericksen Avenue	Gateway <sup>1</sup>	Ferry Terminal <sup>10, 11</sup>	
<b>Commercial</b>						
Retail, except drive-through businesses	P <sup>2</sup>	P (with residential) <sup>3</sup>	P (with residential) <sup>3</sup>	P	NP	P <sup>j</sup> /C <sup>4</sup>
Retail, with screened outdoor storage	NP	NP	NP	NP	NP	P/C <sup>4</sup>
Uses which service the automobile (e.g., gasoline service station, car wash, auto repair shops)	NP	NP	NP	NP	NP	C
Commuter-Oriented Retail <sup>3</sup>	NP	NP	NP	NP	P <sup>5</sup>	NP
Office Business	P	P	P	P	P	P
Personal Services	P	P	P	P	P <sup>6</sup>	P
Professional Service	P	P	P	P	P	P

Entertainment	P	NP	NP	NP	NP	P (in Mixed Use)
Hotels, Motels and Inns	P	NP	NP	C	P <sup>12</sup>	P
Bed and Breakfasts	P	P	P	P	P	P
Formula Take-Out Food Restaurant	NP	NP	NP	NP	NP	P (in District I, east of SR 305 only) <sup>7</sup>
Agricultural Processing	NP	NP	NP	P	NP	P
Ferry Terminal and associated docks, ramps, walkways, trails, waiting rooms and holding areas	NP	NP	NP	NP	P	NP
Ferry Commuter Parking <sup>8</sup>	P	NP	NP	P	P	NP
Temporary Ferry Commuter Parking (Reference BIMC 18.81.054)	C	NP	NP	C	C	NP
<u>Temporary Contractor Parking Lot</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Noncommuter Ferry Parking (Reference BIMC 18.81.052)	NP	NP	NP	NP	P/C <sup>13</sup>	NP
Commercial Parking (Reference BIMC 18.81.056)	P/C	NP	NP	P	NP	NP
Marinas, Boardwalks, Public Piers	P	NP	NP	NP	P	NP
Day Care	P	P	P	C	P	P
Miscellaneous						

Government, Educational, Cultural and Religious Institutions	P	P	P	C	C <sup>12</sup>	P
Health Care Facilities	P	P	C	C	C <sup>12</sup>	P
Utilities	C	C	C	C	C	C
Park and Ride Lots	NP	NP	NP	NP	NP	C
Home Occupations	P	P	P	P	P	P
Parks	P	P	P	P	P	P
<b>Residential</b>						
Multifamily Dwellings	P	P	P	P	P	P
Single-Family Dwellings	P <sup>9</sup>	P <sup>9</sup>	P <sup>9</sup>	NP	NP	NP

P = permitted use C = conditional use NP = use not permitted

<sup>1</sup>Any development in the gateway district shall include provisions for a public trails system within the ravine and/or pedestrian links to the ferry terminal.

<sup>2</sup>Retail development in the central core district exceeding 5,000 square feet per building footprint is allowed only on Winslow Way and Madison Avenue.

<sup>3</sup>For new buildings of more than one story, retail has to contain a residential component.

<sup>4</sup>In the H.S. Rd. II district, retail use up to 5,000-square-foot building footprint is permitted and between 5,000 and 14,400-square-foot building footprint per building is permitted through a conditional use permit.

<sup>5</sup>In the 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. Commuter-oriented retail may be located anywhere south of Winslow Way.

<sup>6</sup>In the district north of Winslow Way, personal and professional services are permitted only along Winslow Way, within 100 feet north of Winslow Way. Buildings shall have customer entrances on Winslow Way. Personal and professional services may be located anywhere south of Winslow Way.

<sup>7</sup>The footnote is revised and added as BIMC 18.41.050.B.1, formula take-out restaurant design guidelines.

<sup>8</sup>Limited to the 1,121 commuter parking spaces in the ferry terminal and core districts, and the 173 commuter parking spaces in the gateway district, as shown on Figure 18 of Exhibit B of Ordinance 98-11, the Winslow Master Plan. The rights to these spaces may be bought, sold, traded, leased or otherwise exchanged between the properties.

<sup>9</sup>Only single-family dwellings that were in existence and being used as such prior to the enactment of the ordinance codified in this chapter. R-4.3 zoning shall apply to such single-family dwellings.

<sup>10</sup>All development shall include at least 10 percent of landscaped or naturally vegetated open space. Parking may be located under the open space.

<sup>11</sup>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.

<sup>12</sup>South of Winslow Way only.

<sup>13</sup>Permanent noncommuter ferry parking is permitted in accordance with BIMC 18.81.052.A. Temporary non commuter ferry parking is permitted only with a conditional use permit, in accordance with BIMC 18.81.052.B.”

**Section 3.** A new Section 18.81.058 is added to BIMC Chapter 18.81 to read as follows:

**“18.81.058 Temporary contractor parking lot standards.**

Temporary contractor parking lots are permitted in the Mixed Use Town Center and High School Road Commercial Zones subject to the following provisions:

- A. A land use application is being submitted or has been submitted 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 employees and/or create a need for construction worker parking.
- B. Review, as outlined in BIMC Chapter 18.105 Site Plan and Design Review (site plan review), shall be required prior to issuance of clearing and/or grading permits related to the temporary contractor parking lot.
- C. All parking must be designated as reserved, and not available to the general public.
- D. 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.
- E. Approval of the temporary contractor parking lot shall expire upon completion of the specified project or within three years of the lot’s site plan review approval, whichever comes first. To prevent serial use of a property as a temporary contractor parking lot, a property shall not be utilized for such parking for more than three years within a 10-year period.
- F. A temporary contractor parking lot shall meet the following requirements: BIMC Chapter 15.20 Surface and Stormwater Management; BIMC 18.81.100 Setback requirements; and BIMC 18.81.120 Screening.

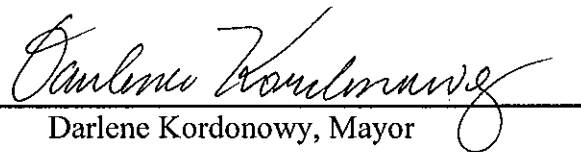
- G. Except as specified below, a temporary contractor parking lot shall be designed to retain all significant trees, as defined in BIMC 18.85.010. This significant tree retention provision applies to all temporary contractor parking lots, including those proposed for properties designated as Central Core or Ferry Terminal Overlay Districts. For those significant trees impacted by construction activity within their driplines, the applicant shall submit a retention plan 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 i, ii, and iii below have been satisfied.
- i. Alternate layouts are not possible because the tree locations preclude meeting required driving aisle and parking stall dimensions; and
  - ii. The lack of nearby, on-street parking prevents reduction of proposed parking spaces; and
  - iii. Site characteristics related to access points, topography, and critical areas preclude alternative layouts that would allow retention of the trees.
- Removal of hazardous trees, as provided in BIMC 15.18.040, shall not be precluded by these significant tree retention provisions.
- H. An application for the temporary contractor parking lot shall include a restoration plan addressing revegetation and removal of 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 the application's stated term of the parking lot or upon discontinuance of the parking use, whichever occurs first.
- I. 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. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 5. Effective Date.** This ordinance shall take effect and be in force five (5) days after its passage, approval, and publication as required by law.

PASSED by the City Council this 11<sup>th</sup> day of March, 2009.

APPROVED by the Mayor this 11<sup>th</sup> day of March, 2009.

  
Darlene Kordonowy, Mayor

ATTEST/AUTHENTICATE:

Rosalind D. Lassoff  
Rosalind D. Lassoff, CMC, City Clerk

FILED WITH THE CITY CLERK:  
PASSED BY THE CITY COUNCIL: March 11, 2009  
PUBLISHED: March 20, 2009  
EFFECTIVE DATE: March 25, 2009  
ORDINANCE NUMBER: 2009-01