

ORDINANCE NO. 2020-34

AN ORDINANCE of the City of Bainbridge Island, Washington, amending BIMC Table 18.09.020, 18.09.030.G and 18.30.020 related to prohibiting new self-service storage facilities and adding provisions for expansion of existing self-service storage facilities.

WHEREAS, within the express terms of the Growth Management Act, the Washington State Legislature has specifically conferred upon the governing bodies of Washington cities the right to establish and adopt moratoria related to land uses; and

WHEREAS, the City Council of the City of Bainbridge Island (“City”) updated the City’s Comprehensive Plan in February of 2017; and

WHEREAS, self-service storage facilities are currently a permitted use in the Business/Industrial (B/I) and a conditional use in Neighborhood Center (NC) districts within the City; and

WHEREAS, only 109.23 acres of land on Bainbridge Island are within the B/I district, which constitutes 0.63% of the total acreage of land on Bainbridge Island; and

WHEREAS, Policy 1.5 of the Economic Element of the City’s Comprehensive Plan states that “[i]n order to provide opportunities for business enterprise, adequate space must be provided for efficient use of existing developed areas near public transportation (e.g., ferry, bus service) and for growth that recognizes and protects the Island’s valued natural amenities, its limits of land and water and the quality of its residential neighborhoods”; and

WHEREAS, given the limited amount of land within the B/I district, the City Council has a significant interest in ensuring that the use of such land provides the best opportunities for business enterprise within the City; and

WHEREAS, the City Council has significant concerns regarding further development of self-service storage facilities within the B/I district under current regulations in the context of the vision and goals of the City’s Comprehensive Plan; and

WHEREAS, the City Council has significant concerns regarding whether self-storage facilities create family wage jobs as compared to other possible permitted uses within the B/I district; and

WHEREAS, the City Council has similar concerns regarding self-service storage facilities located in the NC district as it does with such facilities located in the B/I district; and

WHEREAS, based on these and related concerns, the City Council requires additional time to review the regulations and policies at issue to ensure that the vision and goals of the City's Comprehensive Plan are being met to the Council's satisfaction; and

WHEREAS, on November 26, 2019 the City Council approved Ordinance 2019-40 imposing a temporary six-month moratorium on the acceptance of building permit or land use permit applications for new self-service storage facilities in the B/I NC zoning districts; and

WHEREAS, at its April 28, 2020 meeting, the City Council considered options related to this moratorium and decided to set a public hearing for May 12, 2020 to accept public comment and consider this ordinance to extend the moratorium for another six months; and

WHEREAS, at that April 28, 2020 meeting, the City Council, based on public comment and Council discussion, directed the City Manager to amend the moratorium to exempt projects that are partially constructed and/or at some point built because the Council did not intend for the moratorium to apply to such projects, and this ordinance includes an exemption to meet the Council's intent in that regard; and

WHEREAS, on May 12, 2020, the City Council conducted a public hearing on Ordinance 2020-12 and after considering public comment, the City Council adopted this ordinance to extend the self-service storage facility moratorium for six months, to November 26, 2020, unless the Council terminates the moratorium earlier, and to otherwise amend the moratorium as stated in this ordinance; and

WHEREAS, on September 8, staff presented research on the City's existing self-service storage facilities and how this use is regulated in other west Sound jurisdictions, and after discussing the information, the City Council directed staff to begin work on an ordinance to prohibit new self-service storage facilities and allow for expansion of existing self-service storage facilities; and

WHEREAS, the Planning Commission discussed the topic of self-storage facilities on September 24, 2020; and

WHEREAS, the Planning Commission continued discussion of self-storage facilities on October 8, 2020, considering the text of the draft ordinance and setting a public hearing for October 29; and

WHEREAS, after holding and closing a public hearing on October 29, 2020, the Commission recommended of approval of Ordinance 2020-34 to the City Council; and

WHEREAS, notice was given on XXXX, 2020, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, the City Council considered Ordinance 2020-34 at its meeting on XXXX, 2020; and

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

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

Section 2. Section 18.09.030.G of the Bainbridge Island Municipal Code is hereby amended to read as follows:

~~4. Self-Service Storage Facilities. In the NC district, self-service storage facilities are a permitted (“P”) use; provided, that no outdoor storage is visible from abutting properties and public rights-of-way.~~

Section 3. Section 18.30.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

A nonconforming use of land may be continued; provided, that:

A. The use is not enlarged, increased, or extended to occupy a greater area of land or structure than was occupied on the date of adoption of this code; except for self-service storage facilities in existence prior to the effective date of Ordinance No. 2020-34, expansion up to the current lot coverage is allowed. This expansion would be subject to all other required permits and standards of the BIMC, including requiring a site plan and design review, if applicable; and

Section 4. 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 XX day of XXX, 2020.

APPROVED by the Mayor this XX day of XXX, 2020.

Leslie Schneider, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, CMC, City Clerk

FILED WITH THE CITY CLERK:	XXX, 2020
PASSED BY THE CITY COUNCIL:	XXX, 2020
PUBLISHED:	XXX, 2020
EFFECTIVE DATE:	XXX, 2020
ORDINANCE NUMBER:	2020-34

EXHIBIT A

Excerpt 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-	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE												CC	MA	EA	Gate	Ferry [1]			
Warehouse and Freight Movement																			
Self-Service Storage Facility																	C	P	G-4