

ORDINANCE NO. 2023-25

AN ORDINANCE of the City of Bainbridge Island, Washington, repealing Ordinance No. 2022-25 that placed a moratorium on new inns in Neighborhood Center zones, and amending BIMC Table 18.09.020 and Section 18.09.030 to add new *Use Specific Standards* for inns in Neighborhood Center zones.

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, Policy 9.8 of the Land Use Element of the City’s Comprehensive Plan states that Neighborhood Centers achieve a mix of neighborhood-scale businesses, public uses, and housing which are compatible with the scale and intensity of the surrounding residential neighborhood, and which minimizes the impact of noise, odor, lighting, fire safety, and transportation on the neighborhood; and

WHEREAS, in accordance with the City of Bainbridge Island Municipal Code (“BIMC”), “inns” are defined in BIMC 18.36.030, in relevant part, as “a building or group of buildings containing up to 15 guest rooms, where, for compensation, lodging is provided for transient visitors. . . . An inn is not a hotel, motel or bed and breakfast lodging as defined and regulated elsewhere in this title;” and

WHEREAS, the City Council is concerned about the manner in which the City is interpreting and implementing some of the City’s regulations regarding inns, particularly in situations in which a common owner and/or operator may own or operate more than one inn on abutting properties, or properties that are in near proximity, and thereby create a situation in which although each inn may contain 15 or fewer guest rooms on a particular lot or parcel, a “group of buildings” is created on those lots or parcels in near proximity that exceeds the limit of 15 guest rooms, and such a use functionally creates a combination of lots or parcels that could operate as a hotel rather than as individual inns, and the impacts from the combined use exceed what is intended by the City’s regulations; and

WHEREAS, the City possesses land use jurisdiction and regulatory authority over the City’s incorporated lands; and

WHEREAS, the City Council enacted a one-year moratorium under RCW 35A.63.220 and RCW 36.70A.390 by approving Ordinance No. 2022-25 on December 13, 2022 providing the City Council with additional time to review the City’s land use regulations and Comprehensive Plan related to this issue and, if necessary, adopt amendments accordingly; and

WHEREAS, pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council held a public hearing on January 24, 2023, within 60 days of adoption of Ordinance No. 2022-25; and

WHEREAS, the City Council discussed options for updating regulations for inns in Neighborhood Center areas at the May 9, 2023 City Council meeting, and after consideration of the potential land use issues that could be created by allowing an unlimited number of inns in Neighborhood Center areas, the City proposes to update the regulations to limit the total number of inns in each neighborhood centers; and

WHEREAS, the Planning Commission considered draft Ordinance No. 2023-25 on August 24, 2023, and

WHEREAS, the Planning Commission held a public hearing on Ordinance No. 2023-25 on September 28, 2023, and after closing the public hearing, made a recommendations of XXX on Ordinance No. 2023-25; and

WHEREAS, notice was given on September 14, 2023, to the Office of Community Development at the Washington State Department of Commerce in conformance with RCW 36.70A.106; and

WHEREAS, on XXX, 2023 the City Council heard from the Planning Commission recommendation on Ordinance No. 2023-25; and

WHEREAS, on XXXX, 2023, the City Council continued discussion on Ordinance No. 2023-25 and XXXX; and

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

Section 1. Moratorium Repealed. As authorized by the police powers of the City as set forth, for example, in Article XI, Section 11, of the Washington State Constitution, and pursuant to statutory authority set forth, for example, in RCW 36.70A.390 and RCW 35A.63.220, the City hereby repeals the temporary moratorium on new inns in Neighborhood Center areas that was approved by Ordinance No. 2022-25.

Section 2. Table 18.09.020 of the Bainbridge Island Municipal Code is hereby amended as shown in Exhibit A.

Section 3. Section 18.09.030.D. of the Bainbridge Island Municipal Code is hereby amended to read as follows:

D. Commercial Sales and Service.

1. Inns. Inns in Neighborhood Center zones must meet the following standards:
Repealed by Ord. 2021-03.

- a. The Rolling Bay and Island Center Neighborhood Center zones are limited to no more than 2 inns each. The Lynwood Center Neighborhood Center zone is limited to no more than 3 inns.
- b. New inns may not be located contiguous or adjacent to properties with existing inns.
- c. New inns within a Neighborhood Center zone shall be separately owned and operated.

Section 4. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. 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 XXX day of XXX, 2023.

APPROVED by the Mayor this XXX day of XXX, 2023.

Brenda Fantroy-Johnson, Mayor

ATTEST/AUTHENTICATE:

Christine Brown, MMC, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NUMBER:

2023-25

Exhibit A to Ordinance No. 2023-25

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-I	Use-Specific Standards BIMC 18.09.030
USE CATEGORY/TYPE											CC	MA	EA	Gate	Ferry [1]					
COMMERCIAL SALES AND SERVICE																				
Note: Commercial Sales and Service uses may be subject to additional requirements in BIMC 16.12.040.D, Commercial Development.																				
Accommodation																				
Bed and Breakfast (3+ bedrooms)	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P			
Inn											P	P	P	P	P	P				D.1
Hotel																P				