

ORDINANCE NO. 1231

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO ZONING; AMENDING THE OFF-STREET PARKING REGULATIONS TO ALLOW FOR OFF-SITE PARKING LOTS UP TO 500 FEET AWAY FROM THE BUSINESS THE LOT IS SERVING; AMENDING THE OFF-STREET PARKING REGULATIONS FOR THE DOWNTOWN BUSINESS (DB), WATERFRONT COMMERCIAL (WC), WATERFRONT MILLVILLE (WM), GENERAL BUSINESS (B-2), COMMERCIAL (C-1) AND RESIDENTIAL AND BUSINESS (RB-1) DISTRICTS ABUTTING HARBORVIEW DRIVE AND NORTH HARBORVIEW DRIVE AND WITHIN THE VIEW BASIN NEIGHBORHOOD DESIGN AREA TO ALLOW THE NONRESIDENTIAL USE OF AN EXISTING BUILDING TO CHANGE WITHOUT THE REQUIREMENT TO PROVIDE ADDITIONAL OFF-STREET PARKING SPACES; AMENDING THE OFF-STREET PARKING REGULATIONS FOR THE DOWNTOWN BUSINESS (DB), WATERFRONT COMMERCIAL (WC), GENERAL BUSINESS (B-2), COMMERCIAL (C-1) AND RESIDENTIAL AND BUSINESS (RB-1) DISTRICTS ABUTTING HARBORVIEW DRIVE AND NORTH HARBORVIEW DRIVE AND WITHIN THE VIEW BASIN NEIGHBORHOOD DESIGN AREA TO ALLOW JOINT USE OF PARKING SPACES BETWEEN TWO USES WHICH HAVE DIFFERENT PEAK PERIODS OF USE; REPEALING SECTION 17.72.070; AMENDING SECTIONS 17.72.020, 17.72.060 AND 17.72.075 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on May 23, 2011, the City of Gig Harbor City Council passed an interim ordinance (ORD 1208) which allowed existing buildings in the Downtown Business District to change use without having to provide additional parking, regardless of the use; and

WHEREAS, the Council developed a work plan for the interim amendments, directing the Gig Harbor Planning Commission to review the interim amendment in the fall of 2011 and provide a recommendation to the Council by January 19, 2011; and

WHEREAS, the Council also directed the Planning Commission to look at off-street parking availability regulations in the view basin, primarily commercial zones in the view basin; and

WHEREAS, the Planning Commission held work study sessions on the interim zoning regulations and proposed downtown parking regulation amendments on October 6th, October 20th and November 17th, 2011; and

WHEREAS, the Planning Commission held an open house on November 3rd, 2011 to seek opinions, ideas and experiences from business owners, property owners and interested citizens to help shape the parking regulations; and

WHEREAS, the Planning Commission held a public hearing on the interim zoning regulations and proposed downtown parking regulation amendments on December 1st, 2011 and after the public hearing recommended the Council approve permanent amendments to the parking regulations downtown; and

WHEREAS, the Council finds that the proposed changes to the parking regulations for private properties in the downtown commercial areas will help remove barriers to economic development; and

WHEREAS, the Council finds that the proposed amendments balance the need for economic development downtown with the need to maintain the character and quality of life of Gig Harbor and its residents; and

WHEREAS, the Council finds that the proposed amendments will allow the downtown to continue to grow and evolve while limiting impacts to residents; and

WHEREAS, the proposed text amendments are consistent with the following goals and policies in the Comprehensive Plan:

3.2.3. *Limit asphalt areas.* *Allow and encourage shared parking between developments.*

3.16.4. *Minimize asphalt coverage along waterfront.* *Standard parking requirements have prompted removal of structures characteristic of Gig Harbor's historical development and have encouraged bleak expanses of asphalt along the waterfront. To counter this trend consideration should be given to: (a) Revised parking standards for waterfront districts.*

3.17.1. *Encourage retention and adaptive reuse of older buildings with the following types of incentives:* *(a) Zoning incentives, e.g., setback and height standards which allow for restoration/renovation or expansion of existing structures.*

3.20.2. *Develop downtown parking standards.* *Standards should address downtown parking needs while avoiding asphalt encroachment into historic business areas.*

6.2.2. *Property revitalization* *Assist with special planning and development efforts to reuse older buildings, redevelop vacant properties, and revitalize older commercial and business districts within the city. Help structure local marketing efforts, physical improvements programs, parking and building improvements and special management organizations; and*

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on December 13, 2011, pursuant to RCW 36.70A.106, and were granted expedited review on January 9, 2012; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for this Ordinance on January 19, 2012; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on February 13, 2012; and

WHEREAS, on February 27, 2012, the City Council held a second reading during a regular City Council meeting; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during a regular Council meeting on March 12, 2012; Now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Subsection 17.72.020(B) in the Off-Street Parking and Loading Requirements chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.72.020 Off-street parking design standards.

* * *

B. Off-street parking requirements shall be met on the same lot as the building served by the off-street parking or on a lot that is within 400 500 feet of the building or facility served by the off-street parking and is specially reserved for the service of such building. Notwithstanding the above, off-street parking facilities for independent and separate buildings and uses may be provided collectively on a common lot if these facilities are not less than the total requirements of the independent and separate uses, and if all other requirements are met.

* * *

Section 2. Section 17.72.060 in the Off-Street Parking and Loading Requirements chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.72.060 Joint use of required parking spaces for the Downtown Business (DB), and the Waterfront Commercial (WC) districts, General Business (B-2), Commercial (C-1) and Residential and Business (RB-1) districts abutting Harborview Drive and North

Harborview Drive and within the View Basin Neighborhood Design Area

A. One parking area may contain required spaces for several different uses. Except as otherwise provided in this chapter, the required space assigned to one use may not be credited to any other use which will require parking space simultaneously.

B. To the extent that developments that wish to ~~make joint use of the same parking spaces operate at different times, the spaces may be credited to both uses~~ ~~share required spaces for two different uses, the spaces may be assigned to both uses provided one of the uses is a daytime peak use and the other is a nighttime peak use as defined below.~~

1. For the purposes of this section, the following uses may be considered daytime uses: government administrative office; financial institutions; professional services; retail stores (sales level 1); industrial level 1 uses; restaurants that the planning director determines have principal operating hours during the day; and similar primarily daytime uses as determined by the planning director.

2. For the purposes of this section, the following uses may be considered nighttime uses: house of religious worship; clubs; commercial entertainment; restaurants that the planning director determines have principal operating hours during the night; taverns; and similar primarily nighttime uses as determined by the planning director.

3. Some uses are a daytime and nighttime peak user. These uses are not eligible for sharing of required parking spaces.

C. Joint use of parking as specified under this ~~chapter section~~ shall be by written agreement between the developments using the parking facilities. The agreement shall be subject to the approval of the city. Said agreement shall be filed with the Pierce County auditor as a covenant running with the land and is deemed binding between the assenting parties. The parking agreement shall have a minimum term of five years and shall specifically provide that the party whose parking will be eliminated or reduced (the "affected party") by the agreement's termination shall notify the city at least six months prior to such termination. The affected party shall secure off-street parking sufficient to meet the code-required parking for the use.

Section 3. Section 17.72.070 in the Off-Street Parking and Loading Requirements chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 4. Section 17.72.075 in the Off-Street Parking and Loading Requirements chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

Special provisions for existing buildings with existing nonresidential uses in the Downtown Business (DB) districts, Waterfront Commercial (WC), Waterfront Millville (WM), General Business (B-2),

**Commercial (C-1) and Residential and Business (RB-1) districts
abutting Harborview Drive and North Harborview Drive and within the
View Basin Neighborhood Design Area.**

Notwithstanding any other provisions of this chapter, the nonresidential use of an existing building existing as of January 1, 2012, or a building for which the first certificate of occupancy has been issued at least three years previously, may change to another nonresidential use without the requirement to provide additional off-street parking spaces; provided, that any existing off-street parking spaces allocated to the existing building are not removed or reduced. The existing building may be expanded or reconstructed; provided, that the number of off-street parking spaces for that expansion or reconstruction are provided consistent with GHMC 17.72.030 and all other applicable requirements of the Gig Harbor Municipal code.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 6. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 12th day of March, 2012

CITY OF GIG HARBOR

Mayor Pro Tem Ekberg

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela S. Belbeck

FILED WITH THE CITY CLERK: 02/22/12
PASSED BY THE CITY COUNCIL: 03/12/12
PUBLISHED: 03/21/12
EFFECTIVE DATE: 03/26/12
ORDINANCE NO: 1231