

## ORDINANCE NO. 1213

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO RESTAURANT 1 USES; AMENDING THE DEFINITION OF RESTAURANT 1 USES TO ALLOW BEER AND WINE SALES IN ESTABLISHMENTS THAT DO NOT EXCEED 1,200 SQUARE FEET IN SIZE; EXTENDING THE HOURS OF OPERATION OF RESTAURANT 1 USES IN THE WATERFRONT MILLVILLE DISTRICT TWO HOURS UNTIL 9:00PM; AMENDING SECTIONS 17.04.702 AND 17.48.035 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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WHEREAS, the City currently has three levels of restaurant uses: Level 1, the lowest level use most similar to a deli or coffee shop, through Level 3, the highest level use most similar to a full service sit down restaurant; and

WHEREAS, Restaurant 1 uses are the only types of restaurants allowed in the City's mixed use zoning districts: RB-1, RB-2, B-1 and WM; and

WHEREAS, the current definition of Restaurant 1 uses in the Gig Harbor Municipal Code does not allow for the service of alcoholic beverages in order to reduce the impact to surrounding residents in mixed use zones; and

WHEREAS, furthermore, Restaurant 1 uses are limited in the Waterfront Millville (WM) district to the operating hours of 7:00AM to 7:00PM. Restaurant 1 is the only level of restaurant allowed in the WM district; and

WHEREAS, the City desires to allow the service of beer and wine in Restaurant 1 uses to provide more opportunities to business owners to help with business retention; and

WHEREAS recognizing the increased impacts to residents that alcohol-serving restaurants have in mixed use neighborhoods, the City desires to mitigate that impact by prohibiting hard alcohol service and limiting the size of Restaurant 1 uses which serve beer and wine to 1,200 square feet; and

WHEREAS, the City also desires to extend the evening hours of operation of Restaurant 1 uses in the WM district by two hours to 9:00PM to allow for service through the dinner hour, helping with business retention and vitality; and

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on April 11, 2011, pursuant to RCW 36.70A.106, and was granted expedited review on May 3, 2011; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on May 4, 2011; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on May 23, 2011; and

WHEREAS, on June 13, 2011, the City Council held a second reading during a regular City Council meeting; Now, therefore,

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

Section 1. Section 17.04.702 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.04.702 Restaurant 1.**

"Restaurant 1" means an establishment that serves food and nonalcoholic beverages and operates without a grill or deep-fat fryer. Beer and wine may be served in a Restaurant 1 establishment provided the Restaurant 1 use does not exceed 1,200 square feet in size.

Section 2. Section 17.48.035 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.48.035 Hours of operation.**

A. The following uses shall be limited to operating between the hours of 7:00 a.m. to 7:00 p.m., daily:

1. ~~A.~~ Sales, level 1;

~~B.~~ Restaurant 1;

2. ~~C.~~ Boat construction;

3. ~~D.~~ Clubs.

B. Restaurant 1 uses shall be limited to operating between the hours of 7:00 a.m. to 9:00 p.m., daily.

Section 3. 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 4. 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 13th day of June, 2011.

CITY OF GIG HARBOR

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Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

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Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

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Angela S. Belbeck

FILED WITH THE CITY CLERK: 05/18/11  
PASSED BY THE CITY COUNCIL: 06/13/11  
PUBLISHED: 06/22/11  
EFFECTIVE DATE: 06/27/11  
ORDINANCE NO: 1213