

ORDINANCE NO. 1209

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PARKING FOR RESTAURANTS; AMENDING SECTION 17.72.030 OF THE GIG HARBOR MUNICIPAL CODE TO ALLOW PARKING FOR RESTAURANTS TO BE DETERMINED BY THE NUMBER OF CUSTOMER SEATS WITHIN THE RESTAURANT RATHER THAN THE MAXIMUM OCCUPANCY OF THE BUILDING AS DETERMINED BY THE INTERNATIONAL BUILDING CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Section 17.72.030 of the Gig Harbor Municipal Code presently requires that the amount of parking for restaurants and taverns be based upon the maximum occupancy as determined by the International Building Code; and

WHEREAS, the current and proposed parking requirement is one parking space for every three seats in a restaurant or tavern; and

WHEREAS, in certain circumstances the maximum occupancy as determined by the International Building Code exceeds the amount of seating that can be physically placed in a restaurant; and

WHEREAS, requiring more parking spaces than necessary to meet the parking demand of a restaurant is expensive for the owner and results in more impervious surface than needed; and

WHEREAS, in addition to determining required parking, the occupancy determination for restaurants and taverns also establishes the number of water and sewer ERU's for the building as well as traffic mitigation fees; and

WHEREAS, when the maximum capacity calculated by using the International Building Code results in a occupancy determination that is higher than the number of restaurant seats the associated business owners pay more for water and sewer hook-ups and traffic mitigation than necessary; and

WHEREAS, the Planning Director should be given the authority to determine the reasonable seating capacity of restaurants based upon a seating plan and if the business decides to add seats at a later date, the Director shall require additional parking spaces at a ratio of one parking space for every three seats. If additional seats are proposed after the initial approval of a restaurant, concurrency review under Chapter 19.10 GHMC may also be required if the additional seats generate any new p.m. peak hour trips, require additional sewer capacity or generates additional water consumption; and

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on March 11, 2011, pursuant to RCW 36.70A.106, and was granted expedited review on March 29, 2011; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on April 14, 2011; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on May 9, 2011 and

WHEREAS, on, the City Council held a second reading during a regular City Council meeting on May 23, 2011; Now, therefore,

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

Section 1. Section 17.80.110 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.72.030 Number of off-street parking spaces.

The following is the number of off-street parking spaces required for each of the uses identified below:

Use	Required Parking
Dwelling, single-family	Two off-street parking spaces per dwelling unit.
Dwelling, duplex	Two off-street parking spaces per dwelling unit.
Dwelling, triplex	One off-street parking space for each studio unit, 1.5 off-street parking spaces for each one bedroom unit, and two off-street parking spaces for units with two or more bedrooms.
Dwelling, fourplex	One off-street parking space for each studio unit, 1.5 off-street parking spaces for each one bedroom unit, and two off-street parking spaces for units with two or more bedrooms.
Dwelling, multiple-family	One off-street parking space for each studio unit, 1.5 off-street parking spaces for each one bedroom unit, and two off-street parking spaces for units with two or more bedrooms.
Accessory apartment	One off-street parking space per accessory apartment in addition to parking required for primary dwelling unit.
Family day care provider	Two off-street parking spaces.
Home occupation	One off-street parking space in addition to parking required for any other use; two parking

Use	Required Parking
	spaces shall be required if the occupation requires customers or clients to visit the premises at any time.
Adult family home	Two off-street parking spaces.
Independent living facility	One off-street parking space for every four beds based on maximum capacity as determined by the International Building Code. ¹
Assisted living facility	One off-street parking space for every four beds based on maximum capacity as determined by the International Building Code. ¹
Skilled nursing facility	One off-street parking space for every four beds based on maximum capacity as determined by the International Building Code. ¹
Hospital	One off-street parking space for every two beds based on maximum capacity as determined by the International Building Code.
School, primary	One off-street parking space for every five seats in the main auditorium or assembly room.
School, secondary	One off-street parking space for every four seats in the main auditorium or assembly room, or three off-street parking spaces for every classroom plus one additional off-street parking space for each staff member or employee, whichever is greater.
School, higher educational	One off-street parking space for every possible four seats in the classrooms based on maximum capacity as determined by the International Building Code.
School, vocational/trade	One off-street parking space for every possible four seats in the classrooms based on maximum capacity as determined by the International Building Code.
Government administrative office	One off-street parking space for every 300 square feet of gross floor area.
Public/private services	For libraries: One off-street parking space for every 1,000 square feet of gross floor area; for police stations and fire stations: one off-street parking space for every 300 square feet of gross floor area; for maintenance and storage facilities: one off-street parking space for every 1,000 square feet of gross floor area.
Religious worship, house of	One off-street parking space for every four fixed seats in the facility's largest assembly area. For a fixed seat configuration consisting of pews or benches, the seating capacity shall be computed upon not less than 18 linear inches of pew or bench length per seat. For a flexible configuration consisting of moveable chairs, each seven square feet of the gross floor area to be occupied by such chairs shall be considered as a seat.
Museum	One off-street parking space for every 1,000 square feet of gross floor area.
Community recreation hall	One off-street parking space for every possible four seats in the auditorium(s) and assembly room(s) based on maximum capacity as determined by the International

Use	Required Parking
	Building Code.
Clubs	One off-street parking space for each four persons of the building's maximum seating capacity as determined by the International Building Code.
Parks	Director shall determine the standards to be applied for parking using as a guide the uses listed in this section that most closely resemble the uses proposed.
Essential public facilities	Parking required as per underlying use.
Utilities	Director shall determine the standards to be applied for parking using as a guide the uses listed in this section that most closely resemble the use proposed.
Cemetery	Off-street parking spaces are required for only office, chapel and indoor assembly areas. For office space: one off-street parking space for every 300 square feet of gross floor area. For chapel and indoor assembly areas: one off-street parking space for every four fixed seats. For a fixed seat configuration consisting of pews or benches, the seating capacity shall be computed upon 18 linear inches of pew or bench length per seat. For a flexible configuration consisting of moveable chairs, each seven square feet of the gross floor area to be occupied by such chairs shall be considered as a seat.
Lodging, level 1	One and one-quarter off-street parking spaces for each room to rent in addition to two off-street parking spaces for the single-family residence.
Lodging, level 2	One and one-quarter off-street parking spaces for each room to rent.
Lodging, level 3	One and one-quarter off-street parking spaces for each room to rent.
Personal services	One off-street parking space for every 300 square feet of gross floor area.
Business services	One off-street parking space for every 300 square feet of gross floor area.
Professional services	One off-street parking space for every 300 square feet of gross floor area except for medical and dental offices. For medical and dental offices, one off-street parking space for every 250 square feet of gross floor area.
Ancillary services	One off-street parking space for every 300 square feet of gross floor area.
Product services, level 1	One off-street parking space for every 300 square feet of gross floor area.
Product services, level 2	One off-street parking space for every 400 square feet of gross floor area, except for auto repair. For auto repair, four off-street parking spaces for each service bay.
Sales, level 1	One off-street parking space for every 300 square feet of gross floor area.
Sales, level 2	One off-street parking space for every 400 square feet of gross floor area.
Sales, level 3	One off-street parking space for every 400 square feet of gross floor area.

Use	Required Parking
Ancillary sales	One off-street parking space for every 300 square feet of gross floor area.
Commercial child care	One off-street parking space for every five possible seats in the main auditorium or assembly rooms.
Commercial recreation, indoor	One off-street parking space for every possible four seats in the auditoriums and assembly rooms based on maximum capacity as determined by the International Building Code; for bowling alleys, five off-street parking spaces for each alley.
Commercial recreation, outdoor	Director shall determine the standards to be applied for parking using as a guide the uses listed in this section that most closely resemble the uses proposed.
Commercial entertainment	One off-street parking space for every possible four seats in the auditorium(s) and assembly room(s) based on maximum capacity as determined by the International Building Code.
Automotive fuel-dispensing facility	One off-street parking space for every two fuel pumps, if service bays are not provided. If service bays are provided, four off-street parking spaces for each service bay.
Vehicle wash	Two off-street parking spaces per service bay plus one space for every two employees. In addition, a stacking lane or lanes capable of accommodating a minimum of 10 percent of the projected maximum hourly throughput of vehicles for the vehicle wash shall be provided near the entrance to the wash bay(s). One car length within the stacking lane shall be equal to the length of a standard parking space.
Commercial parking lot	None required.
Animal clinic	One off-street parking space for every 250 square feet of gross floor area.
Kennel	One off-street parking space for every 300 square feet of gross floor area.
Adult entertainment facility	Parking required as per underlying use.
Restaurant 1	<p>One off-street parking space for every three seats based on <u>maximum capacity as determined by the International Building Code a seating plan submitted to the Planning Director showing a reasonable seating capacity for the dining area. If at a later date, the business desires to add more seating than shown on the seating plan, additional off-street parking will be required at one off-street parking space for every three additional seats.</u></p> <p><u>Concurrency review under Chapter 19.10 GHMC may also be required if the additional seats generate any new p.m. peak-hour trips, require additional sewer capacity, or increase water consumption.</u></p>
Restaurant 2	<p>One off-street parking space for every three seats based on <u>maximum capacity as determined by the International Building Code a seating plan submitted to the Planning Director showing a reasonable seating capacity for the dining area. If at a later date, the</u></p>

Use	Required Parking
	<p><u>business desires to add more seating than shown on the seating plan, additional off-street parking will be required at one off-street parking space for every three additional seats.</u> <u>Concurrency review under Chapter 19.10 GHMC may also be required if the additional seats generate any new p.m. peak-hour trips, require additional sewer capacity, or increase water consumption.</u></p>
Restaurant 3	<p>One off-street parking space for every three seats based on <u>maximum capacity as determined by the International Building Code</u> <u>a seating plan submitted to the Planning Director</u> showing a reasonable seating capacity for the dining area. If at a later date, the business desires to add more seating than shown on the seating plan, additional off-street parking will be required at one off-street parking space for every three additional seats. <u>Concurrency review under Chapter 19.10 GHMC may also be required if the additional seats generate any new p.m. peak-hour trips, require additional sewer capacity, or increase water consumption.</u></p>
Tavern	<p>One off-street parking space for every three seats based on <u>maximum capacity as determined by the International Building Code</u> <u>a seating plan submitted to the Planning Director</u> showing a reasonable seating capacity for the dining area. If at a later date, the business desires to add more seating than shown on the seating plan, additional off-street parking will be required at one off-street parking space for every three additional seats. <u>Concurrency review under Chapter 19.10 GHMC may also be required if the additional seats generate any new p.m. peak-hour trips, require additional sewer capacity, or increase water consumption.</u></p>
Drive-through facility	<p>One off-street space for every two employees assigned to the drive-through service area. In addition, a stacking lane or lanes capable of accommodating a minimum of 10 percent of the projected maximum hourly throughput of vehicles for the drive-through facility shall be provided near the drive-through service area. One car length within the stacking lane shall be equal to the length of a standard parking space.</p>
Marina	<p>For moorages/slips less than 45 feet, one off-street parking space for every two berths; for moorages/slips 45 feet or longer, one space for every berth. All moorage facilities shall provide a minimum of two parking spaces. If a commercial or residential development is to be combined with a watercraft usage requiring parking, the usage which generates the larger number of spaces shall satisfy the requirements of the other usage.²</p>
Marine sales and service	<p>One off-street parking space for every 300 square feet of gross floor area except for boat sales and repair. For boat sales and repair, one off-street parking space for every 400 square feet of gross floor area.</p>
Marine boat sales, level 1	<p>One off-street parking space for every 300 square feet of gross floor area.</p>
Marine boat sales,	<p>One off-street parking space for every 400 square feet of gross floor area.</p>

Use	Required Parking
level 2	
Ministorage	Two off-street parking spaces located near the office. Parking for loading and unloading purposes is allowed in front of individual storage units unless prohibited by the fire marshal.
Industrial, level 1	One off-street parking space for every 1,000 square feet of gross floor area.
Industrial, level 2	One off-street parking space for every 1,000 square feet of gross floor area, except for moving companies and distribution facilities. For moving companies and distribution facilities, one off-street parking space for each vehicle in use, at any time, in the conduct of business.
Marine industrial	One off-street parking space for every 1,000 square feet of gross floor area.
Wireless communication facility	None required.
Accessory uses and structures	Parking required as per underlying use.
<p>For any other use not specifically mentioned or provided for, the director shall determine the standards to be applied for parking using as a guide the uses listed above that most closely resemble the uses proposed.</p> <p><u>In instances when the calculation of the required off-street parking spaces for new or modified uses results in a fractional parking space, the number of parking spaces required shall be rounded up to the nearest whole number.</u></p>	

¹ If the facility or home is used exclusively for the housing of the elderly, disabled or handicapped, the decisionmaker may allow a portion of the area required for off-street parking to be reserved as a landscaped area if the decisionmaker finds that the required off-street parking is not immediately required and is in the best interest of the neighborhood.

² See GHMC 17.48.070 for additional requirements for parking and loading facilities in the WM district.

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 23rd day of May, 2011.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela S. Belbeck

FILED WITH THE CITY CLERK: 05/04/11
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