

ORDINANCE NO. 1208

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADOPTING INTERIM ZONING CODE AMENDMENT RELATING TO PARKING; ALLOWING THE USE OF AN EXISTING BUILDING IN THE DOWNTOWN BUSINESS DISTRICT (DB) TO CHANGE 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; ADDING SECTION 17.72.075 TO THE GIG HARBOR MUNICIPAL CODE; ADOPTING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY, EXPIRATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor is authorized to impose moratoria and interim land use controls pursuant to RCW 36.70A.390 and RCW 35A.63.220; and

WHEREAS, existing development regulations require that new uses provide additional parking spaces on-site or within 100-feet of the site if additional parking is required. Conversions from retail/office to restaurant uses typically require the most additional parking spaces; and

WHEREAS, in the past, business owners have expressed a desire to invest in our downtown by converting downtown retail and office spaces to restaurant uses, but have indicated that they cannot make the conversion due to the need to provide additional parking spaces on already constrained sites; and

WHEREAS, the citizens of Gig Harbor have expressed a desire for more restaurant uses in the downtown; and

WHEREAS, allowing the reuse of existing buildings in the historic downtown is important to help maintain the character of the downtown; and

WHEREAS, parking regulations which do not allow for this reuse and conversion could lead to the destruction of historic structures; and

WHEREAS, Gig Harbor City Council feels it is important to consider allowing the change of use of existing buildings without requiring additional parking spaces in order to help preserve historic structures and remove barriers to economic investment in the downtown; however, the Gig Harbor Planning Commission's work program will not allow the review of a final text amendment until the fall, after the summer tourist season; and

WHEREAS, the Gig Harbor City Council has determined that the adoption of an interim parking regulation allowing the change of use of existing buildings in the downtown business district is needed prior to the summer season; and

WHEREAS, the interim land use controls may be effective for up to one year if a work plan is developed for related studies providing for such longer period pursuant to RCW 36.70A.390 and RCW 35A.63.220; and

WHEREAS, the Gig Harbor City Council is 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 19th; and

WHEREAS, the Gig Harbor SEPA Responsible Official issued a Determination of Nonsignificance for this interim ordinance on March 30, 2011; and

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

WHEREAS, on May 23, 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. Findings. The City Council hereby adopts the recitals expressed above as findings in support of this ordinance.

Section 2. Interim Addition of GHMC Section 17.72.075, Special provisions for existing buildings in the Downtown Business District (DB). A new section 17.72.075 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.72.075 Special provisions for existing buildings in the Downtown Business District (DB).

Notwithstanding any other provisions of this chapter, the use of an existing building may change 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 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 3. Planning Commission Work Plan. The City of Gig Harbor Planning Commission is hereby directed to review the interim amendments in the fall of 2011 and to make a recommendation on whether said amendments, or some modification thereof, should be permanently adopted. The Gig Harbor Planning Commission is directed to

complete its review, to conduct such public hearings as may be necessary or desirable, and to forward its recommendation to the Gig Harbor City Council by January 19, 2012.

Section 4. Copy to Commerce Department. Pursuant to RCW 36.70A.106(3), the City Clerk is directed to send a copy of this ordinance to the State Department of Commerce for its files within ten (10) days after adoption of this ordinance.

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 Period for Amendment. The interim Zoning Code amendments adopted by this ordinance shall remain in effect until one year from the effective date and shall automatically expire unless the same are extended as provided in RCW 36.70A.390 and RCW 35A.63.220 prior to that date, or unless the same are repealed or superseded by permanent amendments prior to that date.

Section 7. 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
PASSED BY THE CITY COUNCIL: 05/23/11
PUBLISHED: 06/01/11
EFFECTIVE DATE: 06/06/11
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