

ORDINANCE NO. 1154

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE CALCULATION FOR REQUIRED PARKING FOR MIXED USE DEVELOPMENTS IN THE RB-2, B-1, B-2, C-1, DB, PCD-C, PCD-BP, PCD-NB, ED AND MUD ZONING DISTRICTS; ALLOWING SHARED PARKING SPACES AND REDUCING THE REQUIRED PARKING SPACES IN THOSE ZONES WHEN MIXED USE DEVELOPMENTS INCLUDE BOTH DAYTIME AND NIGHTTIME PEAK USES AND PROVIDE COMMON PARKING AREAS; ADDING A NEW DEFINITION FOR MIXED USE DEVELOPMENT; ADDING SECTIONS 17.04.558 AND 17.72.080 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, Goal 3.2.3 of the Gig Harbor Comprehensive Plan states: **Limit asphalt areas.** Allow and encourage shared parking between developments; and

WHEREAS, the City believes that shared parking, when appropriately applied will be beneficial to the City. Property can be used more efficiently and as a result, less land will be consumed by impervious surface and stormwater ponds and more trees can be retained; and

WHEREAS, allowing shared parking and reducing the number of required parking spaces will help reduce commercial sprawl and prevent parking lots from dominating the urban setting which are goals of the City; and

WHEREAS, the City desires to reduce the required parking spaces for mixed use developments which include uses which experience different peak uses times; and

WHEREAS, the City desires to limit the reduction of required parking spaces in mixed use developments to 50% of parking required for either the daytime peak uses or the nighttime peak uses, whichever is smaller, in order to ensure that adequate parking spaces are provided at all hours of the day; and

WHEREAS, the City desires to allow mixed use development joint use parking in all zoning districts which allow a mix of daytime and nighttime uses, with the exception of the waterfront zones and RB-1 zone; and

WHEREAS, the City does not want to apply this provision to the waterfront zones as the City is currently in the process of updating its Shoreline Master Program and related development regulations; and

WHEREAS, on November 13, 2008, a copy of this Ordinance was sent to the Washington Department of Community, Trade and Economic Development, pursuant to RCW 36.70A.106; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on December 10, 2008 which was not appealed; and

WHEREAS, the City Planning Commission held work study sessions on the joint use parking in mixed use developments on October 2, 2008; October 16, 2008, November 6, 2008; January 7, 2009; and, January 15, 2009; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on January 7, 2009 and made a recommendation of approval to the City Council on January 15, 2009; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on February 9, 2009; and

WHEREAS, the City Council decided at its February 23, 2009 meeting that this provision should not apply to the RB-1 zone as the zone is intended to serve as a buffer between high intensity commercial and lower density residential uses and a shared parking provision would be incompatible with surrounding single-family zoning, and

WHEREAS, on February 23, 2009, the City Council adopted this Ordinance at 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. A new Section 17.04.558 of the Gig Harbor Municipal Code is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.04.558 Mixed use development

"Mixed use development" means a building or group of buildings that includes more than one type of use in the same site plan or binding site plan. Mixed use developments may include a combination of uses such as restaurant, retail (sales level 1), office (government administration office, financial institutions, professional services), commercial entertainment and/or residential.

Section 2. A new Section 17.72.080 of the Gig Harbor Municipal Code is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.72.080 Joint use of required parking spaces for mixed use developments within the RB-2, B-1, B-2, C-1, DB, PCD-C, PCD-BP, PCD-NB, ED and MUD zoning districts.

A. Mixed use developments that provide common parking areas may share required spaces for several different uses when those uses include both daytime and nighttime peak uses as defined below. When calculating the total required parking for the mixed use development, the parking required for either the daytime peak uses or the nighttime peak uses, whichever is smaller, may be reduced by 50 percent.

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. All uses do not have to be categorized as a daytime or nighttime peak use. No reduction applies to uses that experience peak levels during both the daytime and nighttime.

B. When the use or uses change within a mixed use development and additional parking spaces are required as a result, it is unlawful and a violation of this chapter to begin or maintain such use until such time as the required off-street parking provisions of this chapter are met.

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 February, 2009.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela Belbeck, City Attorney

FILED WITH THE CITY CLERK: 02/04/09
PASSED BY THE CITY COUNCIL: 02/23/09
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