

ORDINANCE NO. 1066

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE DEFINITION OF CLUBS AND LODGES IN THE ZONING CODE TO CLARIFY THE ALLOWANCE FOR SPACE RENTAL AND FOOD SERVICE, ELIMINATING LODGES FROM THE DEFINITION, INCLUDING YACHT CLUBS IN THE DEFINITION OF CLUBS; REPEALING THE DEFINITION OF YACHT CLUBS; AMENDING THE LAND USE MATRIX IN CHAPTER 17.14 TO REQUIRE CONDITIONAL USE PERMITS FOR CLUBS IN THE RLD, RMD AND PCD-NB ZONES, TO PERMIT CLUBS OUTRIGHT IN THE DB, B-2 AND C-1 ZONES AND TO LIMIT THE TYPE OF FOOD AND BEVERAGES SERVED IN CLUBS IN THE WM ZONE; LIMITING THE HOURS OF OPERATION OF CLUBS IN THE WM ZONE; AMENDING THE PARKING REQUIRED FOR CLUBS TO BE CONSISTENT WITH THE DEFINITION; AMENDING SECTIONS 17.04.220, 17.14.020, 17.48.035 AND 17.72.030 AND REPEALING SECTION 17.04.878 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, Title 17 of the Gig Harbor Municipal Code defines “clubs and lodges” and “yacht clubs” separately and a yacht club use is included in the definition of “clubs and lodges”; and,

WHEREAS, the definitions of both “clubs and lodges” and “yacht clubs” include the allowance for room rental and restaurant use; and

WHEREAS, clubs often include an element of food service and space rental and the City desires to allow clubs to retain food service and space rental as accessory uses to a club; and

WHEREAS, clubs with food service and space rental uses often hold large parties and member events which can include food service, music and late night events and the City is concerned that the long hours, traffic and noise related to these uses may not be compatible in certain residential and neighborhood business zones; and

WHEREAS, clubs are permitted in the RLD and RMD zones, but restaurants, lodging and similar food service/space rental uses are not allowed in these zones; and

WHEREAS, clubs are permitted in the PCD-NB zone and the zone is intended for businesses serving the everyday needs of the neighboring residents. Some clubs are regionally focused and do not provide neighborhood level services as intended by the zone; and

WHEREAS, the City desires to require conditional use permits for clubs in the RLD, RMD and PCD-NB zones so that the City can determine if the club is compatible with a specific site and intent of the zone through criteria of approval, a public hearing process and imposed conditions; and

WHEREAS, in order to be consistent with restaurant uses allowed in the WM zone, clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.

WHEREAS, in order to be consistent with similar uses allowed in the WM zone which can result in high traffic and/or noise, such as restaurant, sales and boat construction, clubs in the WM zone shall be limited to operating between the hours of 7:00a.m. and 7:00p.m., daily; and

WHEREAS, within the DB, B-2 and C-1 zones, the City desires to allow clubs as permitted uses because the normal activities of clubs are consistent with the intent of these zones and compatible with business and commercial uses allowed in these zones; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed amendments on October 11, 2006 pursuant to WAC 197-11-350, which was not appealed; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development on October, 11, 2006 pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on October 5, 2006 to receive public testimony and no public testimony was given; and

WHEREAS, the City Planning Commission held a work-study session on this Ordinance on October 19, 2006 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on January 08, 2007; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the second reading on January 22, 2007; and

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

Section 1. Section 17.04.220 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

Clubs and lodges.

"Clubs and lodges" means a building or group of buildings where members of an association or fraternal, cultural, or religious organization hold their meetings. A club may contain rooms space available for temporary rental, and a kitchen facility to serve members and guests restaurant as allowed in the zone.

Section 2. Section 17.04.878 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. Section 17.14.020 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.14.020 Land use matrix

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	MUD	PCD-NB	PCD-BP	
Dwelling, single-family	-	P	P	P	P	C	P	P	C	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P	
Dwelling, duplex	-	-	-	P	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P	
Dwelling, triplex	-	-	-	-	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, fourplex	-	-	-	-	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, multiple-family	-	-	-	-	P	P ⁶	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	-	-	-	-	P ¹⁴	P
Accessory apartment ¹	-	C	P	-	P	-	C	C	C	P ¹⁴	C	C	P ¹⁴	-	-	-	P	-	P ¹⁴	P	
Family day care provider	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	P	P	P	P
Home occupation ²	-	P	P	P	P	P	P	P	C	P	-	C	-	-	P	P	P	-	-	-	-
Adult family home	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	P	P	P	P
Living facility, independent	-	-	-	C	-	P	C	C	C	P	-	C	P	C	-	-	-	-	-	P	
Living facility, assisted	-	-	-	C	-	P	C	C	C	P	-	C	P	C	-	-	-	-	-	P	
Nursing facility, skilled	-	-	-	C	-	P	C	C	C	P	C	C	P	C	-	-	-	-	-	P	
Hospital	-	-	-	-	-	-	-	-	C	-	C	C	-	C	-	-	-	C	-	-	-
School, primary	P	C	P	C	P	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-	-
School, secondary	P	C	P	C	P	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-	-
School, higher educational	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-	-
School, vocational/trade	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-	-
Government administrative office	P	C	P	C	P	C	C	C	P	P	P	P	P	P	C	P	P	P	P	P	P
Public/private services	P	C	-	C	-	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P	P
Religious worship, house of	-	C	P ⁵	C	P ⁵	C	C	C	C	P	-	C	P	C	-	-	-	-	P/C ¹⁵		
Museum	P	-	-	-	-	-	-	-	-	-	-	C	C	P	-	-	-	-	-	-	-

		MUD	PCD-NB	PCD-BP	WC	WM	WR
Uses	PI						
Community recreation hall	P	-	P	C	P	C	C
Yacht club	-	-	-	-	C	C	C
Clubs and lodges	-	-	PC	C	PC	C	C
Parks	P	P	P	P	P	P	P
Essential public facilities	C	-	-	-	-	-	-
Utilities	P	C	P	C	P	C	C
Lodging, level 1	-	C	-	C	P	P	C
Lodging, level 2	-	-	-	-	C	P	C
Lodging, level 3	-	-	-	-	C	P	C
Personal services	-	-	-	-	P	P	P
Professional services	-	-	-	-	P	P	P
Product services, level 1	-	-	-	-	P	P	P
Product services, level 2	-	-	-	-	-	P	P
Sales, level 1	-	-	-	-	C ^{7,8}	-	P
Sales, level 2	-	-	-	-	-	P	-
Sales, level 3	-	-	-	-	-	P	-
Sales, ancillary	-	-	-	-	P	P	P
Commercial child care	-	-	C	-	C	C	C
Recreation, indoor commercial	-	-	-	-	C	C	C
Recreation, outdoor commercial	-	-	-	-	C	C	C
Entertainment, commercial	-	-	-	-	P	P	P
Automotive fuel-dispensing facility	-	-	-	-	P	P	P
Vehicle wash	-	-	-	-	-	P	P
Parking lot, commercial	-	-	-	-	C	-	C ¹⁹
Animal clinic	-	-	-	-	P ⁹	-	P
Kennel	-	-	-	-	-	P	-
Adult entertainment facility ³	-	-	-	-	-	P	-
Restaurant 1	-	-	-	-	C ⁸	P	P
Restaurant 2	-	-	-	-	-	P	P
Restaurant 3	-	-	-	-	-	P	P
Tavern	-	-	-	-	-	P	-

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WM	WR	MUD
																	PCD-NB
																	PCD-BP
Drive-through facility	-	-	-	-	-	-	-	-	C	-	C	C	P	-	-	-	-
Marina	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	-
Marine sales and service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	-
Marine boat sales, level 1	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	P	-
Marine boat sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	-
Ministorage	-	-	-	-	-	-	-	-	C	-	-	C	C	P	C	-	-
Industrial, level 1	-	-	-	-	-	-	-	-	C	C	-	C	P	-	P	-	P
Industrial, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	P
Marine industrial	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P ¹¹	C
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

¹ Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.

² Home occupations are subject to Chapter 17.84 GHMC.

³ Adult entertainment facilities are subject to Chapter 17.58 GHMC.

⁴ Wireless communication facilities are subject to Chapter 17.61 GHMC.

⁵ Houses of religious worship shall be limited to parcels not greater than 5 acres.

⁶ Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.

⁷ Sales, level 1 uses shall be limited to food stores in the RB-1 district.

⁸ See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.

⁹ Animal clinics shall have all activities conducted indoors in the DB district.

¹⁰ Drive-in theaters are not permitted in the B-2 district.

¹¹ Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.

¹² Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.

¹³ Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.

¹⁴ Residential uses shall be located above a permitted business or commercial use.

¹⁵ Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.

¹⁶ Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.

¹⁷ Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.

¹⁸ Planned unit developments (PUDs) are conditionally permitted in the ED district.

¹⁹ Commercial parking lots in the WC district shall be related to shoreline uses.

²⁰ Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.

²¹ Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.

Section 4. Section 17.48.035 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.035 Hours of operation.

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

- A. Sales, level 1;
- B. Restaurant 1;
- C. Boat construction;
- D. Clubs.

Section 5. Section 17.72.030 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 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.

Use	Required Parking (Continued)
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 floor area.
Public/private services	For libraries: One off-street parking space for every 1,000 square feet of floor area; For police stations and fire stations: one off-street parking space for every 300 square feet of floor area; For maintenance and storage facilities: one off-street parking space for every 500 square feet of 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 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 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 Building Code.
Yacht club	One off-street parking space for every two beds plus one space for each four persons of the building's maximum seating capacity as determined by the International Building Code.
Clubs and lodges	One off-street parking space for every two beds plus one 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.
Lodging, level 1	One and one-quarter off-street parking space 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 space for each room to rent.
Lodging, level 3	One and one-quarter off-street parking space for each room to rent.
Personal services	One off-street parking space for every 300 square feet of floor area.
Product services, level 1	One off-street parking space for every 300 square feet of floor area.
Product services, level 2	One off-street parking space for every 400 square feet of floor area, except for auto repair. For auto repair, four off-street parking spaces for each service bay.
Professional services	One off-street parking space for every 300 square feet of floor area except for medical and dental offices. For medical and dental offices, one off-street parking space for every 250 square feet of floor area.

Use	Required Parking (Continued)
Sales, level 1	One off-street parking space for every 300 square feet of floor area.
Sales, level 2	One off-street parking space for every 400 square feet of floor area.
Sales, level 3	One off-street parking space for every 400 square feet of floor area.
Ancillary sales	One off-street parking space for every 300 square feet of floor area.
Commercial child care	One off-street parking space for every 5 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 floor area.
Kennel	One off-street parking space for every 300 square feet of floor area.
Adult entertainment facility	Parking required as per underlying use.
Restaurant 1	One off-street parking space for every three seats based on maximum capacity as determined by the International Building Code.
Restaurant 2	One off-street parking space for every three seats based on maximum capacity as determined by the International Building Code.
Restaurant 3	One off-street parking space for every three seats based on maximum capacity as determined by the International Building Code.
Tavern	One off-street parking space for every three seats based on maximum capacity as determined by the International Building Code.
Drive-through facility	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.
Marina	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

Use	Required Parking (Continued)
Marine sales and service	One off-street parking space for every 300 square feet of floor area except for boat sales and repair. For boat sales and repair, one off-street parking space for every 400 square feet of floor area.
Marine boat sales, level 1	One off-street parking space for every 300 square feet of floor area.
Marine boat sales, level 2	One off-street parking space for every 400 square feet of floor area.
Ministorage	One off-street parking space for every 500 square feet of floor area.
Industrial, level 1	One off-street parking space for every 500 square feet of floor area.
Industrial, level 2	One off-street parking space for every 500 square feet of 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 500 square feet of floor area.
Wireless communication facility	None Required
Accessory uses and structures	Parking required as per underlying use.
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.	

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 5. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, 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 City Council and approved by the Mayor of the City of Gig Harbor this 22nd day of January, 2007.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 01/03/07
PASSED BY THE CITY COUNCIL: 01/22/07
PUBLISHED: 01/31/07
EFFECTIVE DATE: 02/05/07
ORDINANCE NO: 1066