

ORDINANCE NO. 937

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, CHANGING THE PARKING REQUIREMENTS FOR HOUSES OF RELIGIOUS WORSHIP FROM A CALCULATION BASED ON ALL ASSEMBLY AREAS OF A FACILITY TO ONLY THE LARGEST ASSEMBLY AREA OF A FACILITY, AND DELETING THE ZONING CODE DEFINITION OF PUBLIC PARKING, AMENDING GIG HARBOR MUNICIPAL CODE SECTION 17.72.030(f) AND REPEALING SECTION 17.04.640.

WHEREAS, the City of Gig Harbor's parking standards are intended to reduce the need for parking on streets and the traffic congestion and hazards caused thereby, and to provide for off-street parking adequate to each type of development, both in terms of amount and location; and

WHEREAS, the parking requirement for houses of religious worship is defined in Section 17.72.030(F), which requires one off-street parking space for every four possible seats in the auditoriums and assembly rooms; and

WHEREAS, houses of religious worship can include multiple types of assembly rooms that are typically not used simultaneously and therefore do not result in a greater occupancy of the building than can be contained in the main assembly room, chapel or sanctuary; and

WHEREAS, in previous reviews of churches, the City has applied the requirements of GHMC Section 17.72.030(F) to only the largest assembly area rather than to all assembly areas of the churches, expecting that there would not be concurrent use of all assembly areas of the churches, and

WHEREAS, there have been no demonstrated shortages of parking as a result of the City's application of GHMC Section 17.72.030(F) to only the largest assembly areas of churches, and

WHEREAS, the City Attorney has determined that the parking standard for houses of religious worship as defined in GHMC Section 17.72.030(F) must be interpreted literally and should therefore apply to all assembly areas of churches and other houses of religious worship, and

WHEREAS, a literal interpretation and application of GHMC Section 17.72.030(F) will result requiring more parking than that which was proven

adequate in the past and therefore result in more parking than is necessary for houses of religious worship; and

WHEREAS, in order to avoid excessive parking for houses of religious worship, a new parking standard is needed; and

WHEREAS, a request for an amendment to the City Zoning Code parking standards for houses of religious worship has been submitted by Chapel Hill Presbyterian Church, to be applicable to all houses of religious worship; and

WHEREAS, the downtown area of the City of Gig Harbor is characterized by sites that are developed with little or no on-site parking, resulting in a need for street parking where it is practicably available; and

WHEREAS, the City adopted special parking provisions for development in the downtown business district under GHMC Section 17.72.070 that allows for the use of public parking that is "practicably available" within 200 feet of the site that provides parking for those downtown uses that have no practical means of providing on-site parking; and

WHEREAS, the definition of "public parking" in GHMC Section 17.04.640 precludes parking on streets, alleys or other right-of-way, meaning that the special provisions effectively apply only to parking on City-owned parcels that are not part of the right-of-way or on private land; and

WHEREAS, there are no city-owned parcels with parking in the downtown area that are practicably available for uses other than uses developed on said city-owned parcels, and private land with surplus parking available for off-site use is too limited to effectively implement the special parking provisions of GHMC Section 17.72.070; and

WHEREAS, the City has received an application from Mr. Robert Buttorff to eliminate the definition of *public parking* so that city street parking may be considered under the special parking provision standards of GHMC Section 17.72.070; and

WHEREAS, eliminating the definition of public parking would not affect any section of Title 17 of the Gig Harbor Municipal Code except for GHMC Section 17.72.070, which describes special provisions for parking in the downtown, and would allow the special parking provisions to be applied according to the strict language contained in GHMC Section 17.72.070; and

WHEREAS, the City's SEPA Responsible Official issued a determination of Non-significance for the proposed parking amendments on May 14, 2003 pursuant to WAC 197-11-350; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on May 14, 2003, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on June 19, 2003, and made a recommendation of approval to the City Council; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of July 28, 2003; Now, Therefore,

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

Section 1. 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 required.

The following is the number of off-street parking spaces required:

...

F. For auditoriums, ~~houses of religious worship~~, dance halls, exhibition halls, community centers, skating rinks, theaters and other places of public assembly, one off-street parking space for every possible four seats in the auditoriums and assembly rooms. The maximum seating capacity shall be determined under the provisions of the Uniform Building Code;

...

U. For houses of religious worship, one off-street 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.

Section 2. Gig Harbor Municipal Code Section 17.04.640, which defines public parking, is hereby repealed.

Section 3. 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 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 City Council and approved by the Mayor of the City of Gig Harbor this 11th day of August, 2003.

CITY OF GIG HARBOR




GRETCHEN WILBERT, 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: 7/23/03
PASSED BY THE CITY COUNCIL: 8/11/03
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