

ORDINANCE NO. 1888

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FIFE, PIERCE COUNTY, WASHINGTON AMENDING FIFE MUNICIPAL CODE SECTIONS 19.44.020, 19.44.040 19.46.020 AND 19.46.040 RELATED TO RESTAURANTS AND BARS, TAVERNS, AND NIGHTCLUBS

WHEREAS, from time to time, it is appropriate to review development regulations as deemed necessary, and improve the efficiency of the regulations and the development review process; and

WHEREAS, the City received a text amendment request pertaining to restaurants in the Regional Commercial zone and the distinction between restaurants with dancing, live stage or similar entertainment activities and those without; and,

WHEREAS, an amendment to the City of Fife Zoning Code related to restaurants with dancing, live stage and similar entertainment has been determined to be appropriate; and

WHEREAS, in reviewing the text amendment request, a code conflict pertaining to bars, taverns and nightclubs was identified; and

WHEREAS, in accordance with RCW 36.70A.106 the proposed development regulation amendment was sent to and received by State agencies on August 26, 2014 for review and comment; and

WHEREAS, in accordance with RCW 36.70A.106 (3)(b), the City of Fife requested 14-day expedited review from State agencies with said expedited review having been granted and no comments from State agencies received; and

WHEREAS, the City of Fife Planning Commission held a public hearing on the proposed amendments on September 8, 2014, and recommended approval of certain amendments; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) was issued on August 28, 2014 and no appeal filed; and

WHEREAS, on September 23, 2014, the Fife City Council held a public hearing on the proposed amendments; and

WHEREAS, the City of Fife has fulfilled all procedural requirements for the adoption of the development regulations; now therefore

THE CITY COUNCIL OF THE CITY OF FIFE, WASHINGTON DO ORDAIN AS FOLLOWS:

**Section 1.** Fife Municipal Code section 19.44.020 entitled "Permitted uses" in the "Regional Commercial" zone is hereby amended as follows,

**19.44.020 Permitted uses.**

Permitted uses in the RC district are:

- A. Single-family dwelling;
- B. Duplex dwelling;
- C. Multifamily structure consisting of retirement home located within 500 feet of a transit line permitted through a planned residential development (PRD);
- D. Mixed use structure only if permitted through a planned residential development (PRD), and where all residential units are located on the upper floors of a mixed use structure with nonresidential uses on the first floor, and meeting the design requirements of Chapter 19.60 FMC;
- E. Adult or child day-care center;
- F. General group home;
- G. Manufactured home park through a planned residential development (PRD);
- H. Agricultural use, including plant nursery, feed and seed store, livestock (see Chapter 19.68 FMC) and roadside stand for the sale of agricultural goods;
- I. Professional office;
- J. Veterinary clinic, with treatment and storage of animals within an enclosed building;
- K. Retail sales store including, but not limited to, the sale or rental of the following items: antiques, appliances, art, automobiles, baked goods, bicycles, boats, books, carpets, clothing, convenience goods, fabrics, flowers, food, furniture, garden supply, gifts, glass (artistic or commercial use), hardware, hobby supplies, jewelry, lumber, motorcycles, newspapers, office equipment or supplies, paint, pets or pet supplies, pharmaceuticals, photography supplies, pottery, secondhand merchandise, shoes, sporting goods, stationery, textile, tile, toys, vehicle parts (new/remanufactured), videos and wallpaper;
- L. Retail sales office and lot including, but not limited to, automobile, boat, manufactured home (sales only), recreational vehicle and truck sales;
- M. Commercial service including, but not limited to, advertising, ambulance (private), auction (indoor), banking, beauty and hair care, cleaning, consulting, construction contracting, copying, decorating, dry cleaning, employment, funeral, glass (repair, replacement, studios), financial, gasoline (station), health (club), insurance, kennel (indoor), laundry, locksmithing, masonry, newspapers, paging, parcel delivery, pet grooming, plumbing, printing (small-scale), studio photography, real estate sales, repair of products listed in subsection (K) of this section, roofing, security, signs, tailoring,

telecommunication sales, title, upholstery, vehicle detailing, vehicle painting and vehicle washing;

N. Indoor entertainment facility including, but not limited to, arcade, billiard room, bowling alley, movie or stage theater, miniature golf course, skating/skateboard facility, racquetball court and tennis court. Excludes shooting range;

O. Commercial instruction including, but not limited to, airline, art, barber, beauty, business, computer, dance, driving, gaming dealers, language, music, photography, self defense and trade;

P. Public and quasi-public use and facility including, but not limited to, community center, court, fire station, governmental office, museum, parking facility, park, police station, pool, post office, public works facility, senior center, school, substation, utility and well facility;

Q. Vehicle Repair, Minor or Major. A vehicle for repair shall not be located in the front yard for more than one week. On-site storage of vehicles not actively being repaired or used by the facility shall be prohibited;

R. Radio station;

S. Hotel;

T. Supermarket;

U. Shopping center;

V. Restaurant;

W. Espresso stand;

X. Liquor store, located at least 500 feet from the closest property line of any public school or park;

Y. Bar, tavern and nightclub, located greater than 500 feet from the closest property line of any public or private children's school, public park, adult use business, residential use and residential zoning district;

Z. Religious institution;

AA. Civic, labor, social or fraternal organization;

BB. Technological use including, but not limited to, scientific research, testing and experimental development laboratory (excludes biotechnology);

CC. Attached wireless communication facility (WCF) on nonresidential attachment structure (see Chapter 19.72 FMC);

DD. An off-site parking lot located within 500 feet of the associated use lot; provided, that the off-street parking lot is legally encumbered to serve the associated use;

EE. Mini-storage;

FF. Electric vehicle infrastructure;

GG. Mobile food units subject to the requirements of FMC 19.68.075.

**Section 2.** Fife Municipal Code section 19.44.040 entitled "Conditional uses" in the "Regional Commercial" zone is hereby amended as follows,

**19.44.040 Conditional uses.**

Uses permitted subject to the granting of a conditional use permit by the hearing examiner are:

- A. Residential accessory structure which exceeds the gross floor area and/or height limit listed in FMC 19.44.030(F);
- B. Home occupation exceeding the gross floor area requirements listed in Chapter 19.68 FMC;
- C. Veterinary hospital;
- D. Outdoor entertainment and recreation including, but not limited to, amusement park, fairground, horse riding arena, miniature golf course, racquetball court, skating/skateboard facility, sports stadium and tennis court. Excludes shooting range;
- E. Recreational vehicle park;
- F. Machine shop;
- G. Adult use business (see Chapter 19.76 FMC);
- H. Monopole or lattice WCF with a height less than or equal to 100 feet (see Chapter 19.72 FMC);
- I. Lumber yard;
- J. Go-kart facility (indoor);
- K. Wholesale sales facility;
- L. Bar, tavern and nightclub, located at least 500 feet away from the closest property line of any public or private children's school, public park, or adult use business, and located within 500 feet of a residential use or residential zoning district;
- M. Commercial parking garage, excluding long-term parking or storage of vehicles;
- N. Essential public facility (see Chapter 19.68 FMC);
- O. Gambling premises, located at least 500 feet from the closest property line of any public school, park, adult use business, residential use and residential zoning district;
- P. A use not listed above which is not listed in another district as a permitted use or conditional use, is similar in nature to the above list of permitted and conditional uses, is consistent with the purpose and intent of this zoning district, and is compatible with the uses on adjoining properties.

**Section 3.** Fife Municipal Code section 19.46.020 entitled "Permitted uses" in the "Business Park" zone is hereby amended as follows,

**19.46.020 Permitted uses.**

Permitted uses in the BP district are:

- A. Professional office;
- B. Retail sales store, including but not limited to the sale/rental of the following items: antiques, appliances, art, baked goods, bicycles, books, carpets, clothing, convenience goods, electronic equipment and supplies, fabrics, florists, food, furniture, garden supply, gifts, glass (artistic or commercial use), hardware, heating and plumbing equipment and supplies, hobby supplies, jewelry, motorcycles, newspapers, office equipment and supplies, paint, pets and pet supplies, pharmaceuticals, photography, pottery, shoes, sporting goods, stationery, textile, tile, toys, vehicle parts (new/remanufactured), videos, and wallpaper;

C. Commercial service including but not limited to: advertising, ambulance (private), banking, beauty and hair care, cleaning, consulting, construction contracting, copying, decorating, dry cleaning, electric motor repair, employment, funeral, glass (repair, replacement, studios), financial, fitness (club), insurance, laundry, locksmithing, masonry, newspaper (small-scale), paging, pet grooming, plumbing, printing (small-scale), studio photography, real estate sales, repair of products listed in subsection (B) of this section, roofing, secondhand stores, security, signs, tailoring, telecommunication sales, title, and upholstery;

D. Storage, Warehouse or Wholesale Distribution Facility. A business park shall not exceed an average of 4,000 square feet per storage/warehouse/distribution use. This average includes both principal and accessory storage/warehouse/distribution uses. A storage/warehouse/distribution use shall not exceed 15,000 square feet;

E. Manufacturing. A business park shall not exceed an average of 4,000 square feet per manufacturing use. A manufacturing use shall not exceed 15,000 square feet. Excludes distilling, fermenting, canning, slaughtering, rendering, curing, tanning, paint manufacturing, and tire manufacturing;

F. Low-intensity amusement, entertainment and recreational facility, including but not limited to: billiard room, gallery, stage theater (indoor), miniature golf course (indoor), and skating/skateboard arena (indoor). Excludes shooting ranges;

G. Commercial instruction, including but not limited to: airline, art, barber, beauty, business, computer, dance, driving, gaming dealers, language, music, photography, self defense, and trade;

H. Technological uses including scientific research, testing and experimental development laboratories;

I. Public and quasi-public use or facility, including but not limited to: community center, court, fire station, governmental office, parking facility, park, police station, pool (indoor), post office, public works facility, senior center, substation, and utilities;

J. Shopping center;

K. Restaurant, including drive-thru;

L. Espresso stand, including drive-thru;

M. Civic, labor, social or fraternal organization;

N. Liquor store located at least 500 feet from the closest property line of any public or private children's school or park;

O. Bar, tavern or nightclub, located greater than 500 feet from the closest property line of any residential use, residential zoning district, adult use business, public or private children's school, and public park;

P. Wholesale sales store;

Q. Religious institution;

R. Adult or child day-care center. For child day-care center, a designated and fenced recreational area is required;

S. Veterinary clinic, with treatment and storage of animals within an enclosed building;

T. Assembly of commercial, professional and household electronic components, products and equipment, including but not limited to appliances, communication devices, computers and related accessories, stereo equipment, telecommunications equipment and televisions;

U. Saw and filing shop;

V. Machine shop. A business park shall not exceed an average of 4,000 square feet per machine shop use. A machine shop use shall not exceed 15,000 square feet;

W. Printing establishment;

X. Attached wireless communication facility (WCF) on an attachment structure (see Chapter 19.72 FMC);

Y. Electric vehicle infrastructure;

Z. Mobile food units subject to the requirements of FMC 19.68.075.

**Section 4.** Fife Municipal Code section 19.46.040 entitled "Conditional Uses" in the "Business Park" zone is hereby amended as follows,

**19.46.040 Conditional uses.**

Uses permitted subject to the granting of a conditional use permit by the hearing examiner are:

A. Storage, warehouse or wholesale distribution principal or accessory use which exceeds 15,000 square feet in area. A use approved under this provision may be considered exempt from the business park average of 4,000 square feet per storage/warehouse/distribution use;

B. Commercial parking garage; provided, that no long-term storage or parking of vehicles is permitted;

C. Supermarket;

D. Bar, tavern or nightclub, located at least 500 feet away from the closest property line of any public or private children's school, public park, or adult use business, and located within 500 feet of a residential use or residential zoning district;

E. Gambling premises. Located at least 500 feet from the closest property line of any public school, park, adult use business, residential use and residential zoning district;

F. Auctioneering (indoor);

G. High-intensity amusement, entertainment and recreational facility, including but not limited to: bowling alley, and movie theater (indoor). Excludes shooting ranges;

H. A business park with dock-high doors, greater than one per 100,000 square feet gross floor area;

I. Monopole or lattice WCF with a height less than or equal to 100 feet (see Chapter 19.72 FMC);

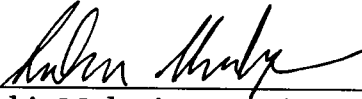
J. A use not listed above which is not listed in another district as a permitted use or conditional use, is similar in nature to the above list of permitted and conditional uses, is consistent with the purpose and intent of this zoning district, and is compatible with the uses on adjoining properties."

**Section 5.** Each and every provision of this Ordinance shall be deemed severable. If any provision of this ordinance should be deemed to be unconstitutional or otherwise contrary to law by court of competent jurisdiction, then it shall not affect the validity of the remaining sections so long as the intent of the Ordinance can be fulfilled without the illegal section.

**Section 6.** This Ordinance shall be in full force and effect five (5) days after publication as required by law. A summary of this Ordinance may be published in lieu of the entire Ordinance, as authorized by State law.

Introduced the 14<sup>th</sup> day of Oct, 2014.

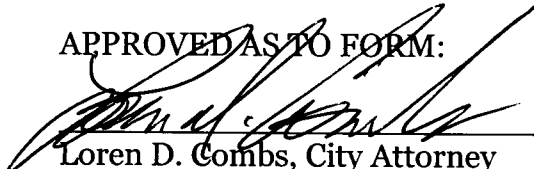
Passed by the City Council on the 14<sup>th</sup> day of Oct, 2014.

  
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Subir Mukerjee, Interim City Manager

ATTEST:

  
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Carol Etgen, City Clerk

APPROVED AS TO FORM:

  
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Loren D. Combs, City Attorney

Published: Oct 16 2014  
Effective Date: Oct 21, 2014