

ORDINANCE NO. 1045

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING A NEW CHAPTER 17.14 IN THE GIG HARBOR MUNICIPAL CODE TO INCLUDE A LAND USE MATRIX THAT SPECIFIES PERMITTED AND CONDITIONALLY PERMITTED USES IN EACH ZONING DISTRICT OF THE CITY; ALSO REPEALING THE EXISTING PERMITTED AND CONDITIONALLY PERMITTED USE LISTS IN EACH INDIVIDUAL ZONING DISTRICT CHAPTER OF TITLE 17: REPEALING SECTIONS 17.15.020; 17.15.030; 17.16.020; 17.16.030; 17.17.020; 17.17.030; 17.20.020; 17.20.030; 17.21.020; 17.21.030; 17.24.020; 17.24.030; 17.28.020; 17.28.030; 17.30.020; 17.30.030; 17.31.020; 17.31.030; 17.32.020; 17.36.020; 17.36.030; 17.40.020; 17.40.030; 17.40.040; 17.45.020; 17.45.030; 17.46.020; 17.46.030; 17.48.020; 17.48.030; 17.50.020; 17.50.030; 17.54.020; 17.54.025; 17.56.020; 17.91.020; 17.91.030; ALSO ADDING NEW SECTIONS TO EACH ZONING DISTRICT CHAPTER TO REFERENCE A NEW LAND USE MATRIX CHAPTER: ADDING NEW SECTIONS 17.15.020; 17.15.030; 17.16.020; 17.16.030; 17.17.020; 17.17.030; 17.20.020; 17.20.030; 17.21.020; 17.21.030; 17.24.020; 17.24.030; 17.28.020; 17.28.030; 17.30.020; 17.30.030; 17.31.020; 17.31.030; 17.32.020; 17.36.020; 17.36.030; 17.40.020; 17.40.040; 17.41.020; 17.45.020; 17.45.030; 17.46.020; 17.46.030; 17.48.020; 17.48.030; 17.50.030; 17.50.020; 17.54.020; 17.56.020; 17.91.020; 17.91.030; ALSO AMENDING THE PERFORMANCE STANDARDS OF SOME CHAPTERS OF TITLE 17 TO INCORPORATE EXISTING PERFORMANCE STANDARDS FOUND IN USE LISTS OF SOME ZONING DISTRICT CHAPTERS: AMENDING SECTIONS 17.28.090; 17.40.120; 17.45.040 AND ADDING SECTION 17.54.025; ALSO AMENDING SOME SECTIONS OF TITLE 17 TO SUBSTITUTE EXISTING USE TERMS WITH NEW USE TERMS SHOWN IN A NEW LAND USE MATRIX CHAPTER: AMENDING SECTIONS 17.46.050; 17.46.090; 17.48.035; 17.56.030; 17.58.040; 17.60.020; 17.72.050; 17.91.040.

WHEREAS, Title 17 of the Gig Harbor Municipal Code specifies both permitted uses and conditionally permitted uses in each chapter of Title 17 pertaining to zoning districts throughout the City; and,

WHEREAS, many of the uses defined in the various chapters of Title 17 have been incorporated into the code over time and under differing, and sometimes contradicting terms; and

WHEREAS, the multiple terms in Title 17 of the Gig Harbor Municipal Code defining the same or similar use has been confusing to the public and to City staff responsible for administering the code; and

WHEREAS, many of the separately defined uses in Title 17 of the Gig Harbor Municipal Code can be grouped into categories of uses that are similar in nature and impact, thereby simplifying development of a list of permitted or conditionally permitted uses; and

WHEREAS, the City Community Development Director has made administrative interpretations on uses allowed in some zones and the City desires to incorporate these interpretations into the Gig Harbor Municipal Code; and

WHEREAS, the City desires to incorporate permitted and conditionally permitted uses into a single matrix under a new chapter rather than calling out such uses in individual chapters of Title 17, for purposes of convenience, consistency and ease of subsequent revision; and

WHEREAS, the existing permitted and conditionally permitted use lists in each individual chapters of Title 17 must be repealed with the addition of the land use matrix; and

WHEREAS, the performance standards of some chapters must be amended to incorporate existing performance standards that are found in some, but not all, of the permitted and conditionally permitted use lists in each chapter and cannot be incorporated into the land use matrix; and

WHEREAS, some existing use terms must be substituted with new use terms shown in the land use matrix; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed amendments on December 21, 2005 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 December 21, 2005 pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on March 2, 2006 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council held a first public hearing and considered this Ordinance at first reading on April 10, 2006; and

WHEREAS, the Gig Harbor City Council and Planning Commission held a joint work-study session and considered this Ordinance on May 1, 2006; and

WHEREAS, the Gig Harbor City Council held a second public hearing and considered this Ordinance at a first reading on May 22, 2006; and

WHEREAS, the Gig Harbor City Council voted to approve this Ordinance during the second reading on June 12, 2006; Now, Therefore,

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

Section 1. A new chapter 17.14 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**Chapter 17.14
LAND USE MATRIX**

Sections:

17.14.010 Interpretation of land use matrix.

17.14.020 Land use matrix.

17.14.010 Interpretation of Land Use Matrix.

A. The land use matrix in this chapter identifies uses permitted in each individual zoning district. The zoning district is located on the vertical column and the use is located on the horizontal row of this matrix.

B. If a dash appears in the box at the intersection of the column and the row, the use is not permitted in that district.

C. If the letter "P" appears in the box at the intersection of the column and the row, the use is permitted in that district.

D. If the letter "C" appears in the box at the intersection of the column and the row, the use is conditionally permitted subject to the conditional use permit review procedures and criteria specified in Chapter 17.64 GHMC.

E. If a footnote appears in the box at the intersection of the column and the row, the use may be permitted subject to the appropriate review process indicated above and the specific conditions indicated by the corresponding footnote.

F. All applicable requirements shall govern a use whether or not they are cross-referenced in the matrix. To determine whether a particular use is allowed in a particular zoning district and location, all relevant regulations must also be consulted in addition to this matrix.

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	WMI	WC	PCD-BP	PCD-NB	MUD
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, Tri-plex	-	-	-	-	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, Four-plex	-	-	-	-	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
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
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	P	P	P	P	P	P	P	C	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
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	-	-	-	-	-	-	-
Community Recreation Hall	P	-	P	C	P	C	C	C	C	P	C	C	P	P	-	-	-	P	P	-
Yacht Club	-	-	-	-	-	C	C	C	C	-	C	C	P	-	-	C	P	-	-	-
Clubs and Lodges	-	-	P	C	P	C	C	C	C	P	C	C	P	P	-	-	-	P	P	-

	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	WMM	WC	PCD-BP	PCD-NB	MUD
Uses																				
Parks	P	P	P	P	P	P	P	P	P	P	C	C	P	P	P	P	P	P	P	P
Essential Public Facilities	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities	P	C	P	C	P	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Lodging Level 1	-	C	-	C	-	P	P	P	P	P	C	C	-	-	C	C	C	-	-	P
Lodging Level 2	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	-	-	P
Lodging Level 3	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	-	-	P
Personal Services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Professional Services	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	P
Product Services Level 1	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product Services Level 2	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	P ¹⁶
Sales Level 1	-	-	-	-	-	-	C ^{7,8}	-	P	P	P	P	P	-	-	-	P	-	P ¹³	P
Sales Level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Sales Level 3	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Sales, Ancillary	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	-	P	P	-	-
Commercial Child Care	-	-	C	-	C	-	C	C	C	-	-	P	-	C	-	-	-	-	-	-
Recreation, Indoor Commercial	-	-	-	-	-	-	C	C	P	-	P	P	P	C	-	-	-	-	-	P
Recreation, Outdoor Commercial	-	-	-	-	-	-	C	C	C	-	P ¹⁰	P	P	C	-	-	-	-	-	P
Entertainment, Commercial	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	-	-	P
Automotive Fuel Dispensing Facility	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	-	P	-
Vehicle Wash	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
Parking Lot, Commercial	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C ¹⁹	-	-	-
Animal Clinic	-	-	-	-	-	-	-	-	P ⁹	-	P	P	-	P	-	-	-	P	-	P
Kennel	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Adult Entertainment Facility ³	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
Restaurant 1	-	-	-	-	-	-	C ⁸	P	P	P	P	P	P	-	-	C ¹²	P	-	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	P	-	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	P	-	P	P
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-
Drive-through Facility	-	-	-	-	-	-	-	-	C	-	C	C	P	-	-	-	-	-	-	-
Marina	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-

	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	PCD-BP	PCD-NB	MUD
Uses																				
Marine Sales and Service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine Boat Sales Level 1	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P	P	-	-	-
Marine Boat Sales Level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Ministorage	-	-	-	-	-	-	-	C	-	-	C	C	P	C	-	-	-	-	-	P
Industrial Level 1	-	-	-	-	-	-	-	C	C	-	C	P	-	P	-	-	-	P	-	P
Industrial Level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	P	-	-
Marine Industrial	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P ¹¹	C	-	-	-
Wireless Communication Facility ⁴	C	C	C	C	C	C	P	P	C	P	C	P	P	P	C	C	C	P	P	-
Accessory Uses and Structures	P	P	P	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 tri-plex dwelling or one four-plex 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.

Section 2. Section 17.15.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. A new Section 17.15.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.15.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the PI district.

Section 4. Section 17.15.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 5. A new Section 17.15.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.15.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the PI district.

Section 6. Section 17.16.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 7. A new Section 17.16.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.16.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the R-1 district.

Section 8. Section 17.16.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 9. A new Section 17.16.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.16.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the R-1 district.

Section 10. Section 17.17.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 11. A new Section 17.17.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.17.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the RLD district.

Section 12. Section 17.17.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 13. A new Section 17.17.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.17.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the RLD district.

Section 14. Section 17.20.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 15. A new Section 17.20.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.20.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the R-2 district.

Section 16. Section 17.20.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 17. A new Section 17.20.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.20.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the R-2 district.

Section 18. Section 17.21.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 19. A new Section 17.21.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.21.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the RMD district.

Section 20. Section 17.21.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 21. A new Section 17.21.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.21.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the RMD district.

Section 22. Section 17.24.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 23. A new Section 17.24.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.24.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the R-3 district.

Section 24. Section 17.24.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 25. A new Section 17.24.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.24.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the R-3 district.

Section 26. Section 17.28.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 27. A new Section 17.28.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.28.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the RB-1 district.

Section 28. Section 17.28.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 29. A new Section 17.28.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.28.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the RB-1 district.

Section 30. A new Subsection 17.28.090(G) is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.28.090 Performance standards. In an RB-1 district, the performance standards are as follows:

* * *

G. Restaurant 1 and Food Stores. In addition to all other performance standards, Restaurant 1 and food store uses shall be situated on the

street level in an office building and not exceed 800 square feet in floor area. No outside sales or storage are allowed. The hours of operation are limited to 16 hours per day.

Section 31. Section 17.30.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 32. A new Section 17.30.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.30.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the RB-2 district.

Section 33. Section 17.30.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 34. A new Section 17.30.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.30.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses permitted in the RB-2 district.

Section 35. Section 17.31.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 36. A new Section 17.31.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.31.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the DB district.

Section 37. Section 17.31.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 38. A new Section 17.31.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.31.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the DB district.

Section 39. Section 17.32.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 40. A new Section 17.32.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.32.020 Permitted and conditional uses.

Refer to Chapter 17.14 GHMC for uses permitted and conditionally permitted in the B-1 district.

Section 41. Section 17.36.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 42. A new Section 17.36.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.36.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the B-2 district.

Section 43. Section 17.36.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 44. A new Section 17.36.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.36.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the B-2 district.

Section 45. Section 17.40.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 46. A new Section 17.40.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.40.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the C-1 district.

Section 47. Section 17.40.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 48. Section 17.40.040 of the Gig Harbor Municipal Code is hereby repealed.

Section 49. A new Section 17.40.040 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.40.040 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the C-1 district.

Section 50. A new Subsection 17.40.120(G) is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.40.120 Performance standards. In a C-1 district, performance standards are as follows:

* * *

G. Offensive Activities. Activities in the C-1 zone shall not emit smoke, excessive noise, dirt, vibration or glare, or be otherwise offensive or hazardous.

Section 51. Section 17.41.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 52. A new Section 17.41.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.41.020 Permitted and conditional uses.

Refer to Chapter 17.14 GHMC for uses permitted and conditionally permitted in the PCD-C district.

Section 53. Section 17.45.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 54. A new Section 17.45.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.45.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the ED district.

Section 55. Section 17.45.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 56. A new Section 17.45.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.45.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the ED district.

Section 57. A new Subsection 17.45.040(M) is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.45.040 Performance standards. All uses in the employment district shall be regulated by the following performance standards:

* * *

M. Planned Unit Developments. A minimum of 65% of the site of a planned unit development shall consist of an employment based use.

Section 58. Section 17.46.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 59. A new Section 17.46.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.46.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the WR district.

Section 60. Section 17.46.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 61. A new Section 17.46.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.46.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the WR district.

Section 62. Section 17.46.050 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.46.050 Site plans.

Before a building permit will be issued in the waterfront residential district, the site plan review process as specified in Chapter 17.96 GHMC shall be followed, except in the case of a building permit for single ~~or two~~-family dwelling or duplex dwelling.

Section 63. Section 17.46.090 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.46.090 Design.

Development in the WR district shall conform to the design and development standards contained in Chapter 17.99 GHMC. ~~Two-family dwellings (duplexes)~~ Duplex dwellings shall conform to the design standards defined for single-family dwellings in Chapter 17.99 GHMC.

Section 62. Section 17.48.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 63. A new Section 17.48.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.48.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the WM district.

Section 64. Section 17.48.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 65. A new Section 17.48.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.48.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the WM district.

Section 66. 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 7:00 a.m. to 7:00 p.m., daily:

- A. Sales 1;
- B. ~~Delicatessens~~ Restaurant 1;
- C. Boat Construction.
- D. ~~Coffee houses.~~

Section 67. Section 17.50.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 68. A new Section 17.50.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.50.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the WC district.

Section 69. Section 17.50.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 70. A new Section 17.50.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.50.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the WC district.

Section 71. Section 17.54.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 72. A new Section 17.54.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.54.020 Permitted and conditional uses.

Refer to Chapter 17.14 GHMC for uses permitted and conditionally permitted in the PCD-BP district.

Section 73. Section 17.54.025 of the Gig Harbor Municipal Code is hereby repealed.

Section 74. A new Section 17.54.025 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.54.025 Category of uses.

A. Category I Uses.

1. Primary schools
2. Secondary schools
3. Higher educational schools
4. Vocational/trade schools
5. Public/private services
6. Parks
7. Utilities
8. Industrial level 1
9. Industrial level 2
10. Hospital
11. Community recreation hall
12. Clubs and lodges

B. Category II Uses.

1. Family child care
2. Adult family home
3. Government administrative offices
4. Personal services
5. Professional services
6. Product services level 1
7. Animal clinic
8. Ancillary sales

Section 75. Section 17.56.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 76. A new Section 17.56.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.56.020 Permitted and conditional uses.

Refer to Chapter 17.14 GHMC for uses permitted and conditionally permitted in the PCD-NB district.

Section 77. Subsection 17.56.030(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.56.030 Performance standards.

* * *

B. Hours of Operation. The following hours of operation apply:

Facility	Hours of Operation
Gasoline <u>Automotive Fuel</u> Dispensing with Convenience Store	6:00 a.m. – 10:00 p.m.
Grocery Stores	6:00 a.m. – 10:00 p.m.
Delicatessens <u>Restaurant 1</u>	6:00 a.m. – 10:00 p.m.

* * *

Section 78. Subsection 17.58.040(A)(5) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.58.040 Separation requirements.

A. An adult entertainment facility shall not be permitted to locate in any zoning district other than the general business district (B-2) and commercial district (C-1). Within the B-2 or C-1 district, an adult entertainment facility shall not be permitted to locate within 500 feet of any of the following zones or uses whether such zones or uses are located within or outside of the city limits:

1. A single-family residential zone (R-1);
2. A medium density residential zone (R-2);
3. A multiple-family residential zone (R-3);
4. A residential and business district zone (RB-1, RB-2);
5. A commercial ~~family day~~ child care facility;
6. A public or private preschool or nursery school;
7. A public or private primary or secondary school;
8. A public park;
9. A church, temple, mosque, synagogue, chapel or other similar religious facility; and
10. Other adult entertainment establishments.

* * *

Section 79. Subsection 17.60.020(A)(1) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.60.020 Permitted uses.

A. In an R-1 zone, a lot which abuts on or is located across the street or alley from property in a nonresidential zone, may be used for:

1. ~~Two-family dwellings~~ Duplex dwellings; provided, that such lot is at least 14,000 square feet in size;
2. A parking lot for a business within 100 feet of the lot, solely for the customers and employees of the business to which it is accessory, for the use of automobiles only, and provided that:
 - a. The entrance to the parking lot is at least 30 feet from the nearest residential lot;
 - b. The lot is landscaped as per parking lot landscaping requirements in GHMC 17.78.080 and 17.99.330(E); and
 - c. The parking lot and its associated commercial development complies with all zone transition standards of GHMC 17.99.180.

* * *

Section 80. Subsection 17.72.050(C) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.72.050 Off-street loading berth requirements. Off-street loading berths for passengers and freight shall be provided as given below and shall be on the same lot as the activity served unless the nature of the activities allows several owners to share a common location:

* * *

C. Professional ~~Office~~ Services Uses. One berth required for each 25,000 square feet of building floor area.

* * *

Section 81. Section 17.91.020 of the Gig Harbor Municipal Code is hereby repealed.

Section 82. A new Section 17.91.020 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.91.020 Permitted uses.

Refer to Chapter 17.14 GHMC for uses permitted in the MUD district overlay.

Section 83. Section 17.91.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 84. A new Section 17.91.030 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.91.030 Conditional uses.

Refer to Chapter 17.14 GHMC for uses conditionally permitted in the MUD district overlay.

Section 85. Subsection 17.91.040(F)(9) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.91.040 Site development and performance standards.

* * *

F. Performance Standards.

1. Minimum yards (from the property line):
 - a. Front, 15 feet.
 - b. Side, five feet. At least 20 feet is required on the opposite side of a lot having a zero lot line.
 - c. Rear, 15 feet.
2. Maximum Height. The maximum height of a structure shall not exceed 35 feet.
3. Maximum lot area coverage: Forty-five percent, excluding driveways, private walkways and similar impervious surfaces.
4. Landscaping. Landscaping shall comply with the requirements of Chapter 17.78 GHMC and GHMC 17.99.250.
5. Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from all public rights-of-way.
6. Outdoor Storage of Materials. Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public rights-of-way.
7. Outdoor Lighting. Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.
8. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.
9. Design. Development in the MUD district shall conform to the design and development standards contained in Chapter 17.99 GHMC. ~~Two-family dwellings (duplexes)~~ Duplex dwellings shall conform to the design standards defined for single-family dwellings in Chapter 17.99 GHMC.
10. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC.

Section 86. 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 87. 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 12th day of June, 2006.

CITY OF GIG HARBOR



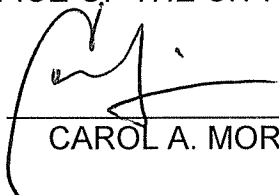
CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: 

MOLLY FOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

CAROL A. MORRIS

FILED WITH THE CITY CLERK: 5/17/06
PASSED BY THE CITY COUNCIL: 6/12/06
PUBLISHED: 6/21/06
EFFECTIVE DATE: 6/26/06
ORDINANCE NO: 1045