

Ordinance Table

550	Amends § 15.04.040, 15.04.060 and 15.04.070, flood hazard construction standards (15.04)	579	Annexation (Special)
551	Rezone (Special)	580	Annexation (Special)
552	Amends § 13.32.010 and 13.32.060, sewer rates and charges (13.32)	581	Amends § 10.04.010, traffic code (10.04)
553	Water and sewer revenue bonds (Special)	582	Adds § 9.36.040, miscellaneous crimes (9.36)
554	Continuation of zoning approval; adds Ch. 17.30 and § 17.04.185, 17.04.305, 17.04.322, 17.04.392 and 17.04.441; amends Ch. 17.58, zoning (17.30, 17.58)	583	Adds § 13.02.195 and 13.04.015; amends § 13.04.030, water and sewers (13.02, 13.04)
555	Rezone (Special)	584	Relocates Ch. 8.29 to Ch. 3.28, city dock moorage fees, and amends said chapter (3.28)
556	Rezone (Special)	585	Adds § 17.80.070, zoning (17.80)
557	Amends § 6 of Ord. 553, water and sewer revenue bonds (Special)	586	Amends § 9.06.010, crimes relating to animals (9.06)
558	Amends § 17.80.020(6), 17.80.030(A)(1)(d)(ii), 17.80.040(D)(4) and 17.80.060(10), zoning (17.80)	587	Adds § 3.26.015 and 3.26.100; amends § 3.26.010(C) and 3.26.020, real estate excise tax (3.26)
559	Rezone (Special)	588	Adds § 12.06.010 and 13.24.095; amends § 13.08.030 and 16.44.090, relating to road and utility construction and land clearing (12.06, 13.08, 13.24, 16.44)
560	Amends § 13.32.060, sewer connection fees (13.32)	589	Street vacation (Special)
561	Amends § 6.04.040, dogs (6.04)	590	Adds Ch. 3.40, land use development application fee schedule (3.40)
562	Adds subsection C to § 9.01.060, public peace, morals and welfare (9.01)	591	Franchise to Peninsula Light Company, Inc. (Special)
563	Adds § 15.32.011, 15.32.012 and Ch. 15.34; amends § 15.06.015, 15.06.035, 15.06.037, 15.08.015, 15.10.010, 15.12.020, 15.12.060, 15.18.010 and 15.32.010; repeals § 15.06.025 and 15.06.040, buildings and construction (15.06, 15.12, 15.18, 15.32, 15.34)	592	Hotel/motel excise tax (3.27)
564	Final assessment roll for ULID No. 2 (Special)	593	Adopts 1991 budget (Special)
565	Adds § 15.06.020, 15.08.020, 15.10.015, 15.12.025, 15.32.020, and 15.34.020, buildings and construction (15.06, 15.08, 15.10, 15.12, 15.32, 15.34)	594	(Pending)
566	Cable television franchise (Not codified)	595	Budget emergency (Special)
567	1990 budget (Special)	596	Tax levy (Special)
568	Budget emergency (Special)	597	State building code adoption; repeals § 15.06.015, 15.08.015, 15.10.010 and 15.12.020 (Repealed by 623)
569	Tax levy (Repealed by 571)	598	Rezone; adds § 17.04.265, 17.04.268, 17.32.045, Ch. 17.45, 17.40.065, 17.50.020(9, 10, 11), 17.50.040(10)(A)(B), 17.68.090 and 17.68.040(G); amends § 17.12.010, 17.32.050, 17.32.060, 17.32.070, 17.46.040, 17.50.030 and 17.68.040, zoning; repeals Chs. 17.44, 17.48, 17.52, 17.56 (17.04, 17.12, 17.32, 17.40, 17.46, 17.48, 17.50, 17.68)
570	Adds § 2.04.030; amends § 2.28.010, administration and personnel (2.04, 2.28)	599	Fire permit and inspection fees; adds § 3.40.020, advertising fees; amends § 3.40.010(Q), special inspection and permit fees (3.40)
571	1990 tax levy; repeals Ord. 569 (Special)	600	Adds Ch. 10.14, miscellaneous traffic provisions (10.14)
572	Street vacation (Special)	601	Amends § 17.04.080, 17.04.890, 17.04.900, 17.04.910, 17.28.050(J) and 17.96.020(B), zoning (17.04, 17.28, 17.96)
573	Adds Chs. 17.01, 17.31, 17.46, 17.50, 17.60, 17.66, 17.78, 17.88, 17.90, 17.96 and 17.100; amends § 17.60.020; repeals and replaces Chs. 17.04, 17.12, 17.16, 17.20, 17.24, 17.28, 17.36, 17.40, 17.64, 17.68, 17.72 and 17.84, zoning (17.01, 17.04, 17.12, 17.16, 17.20, 17.24, 17.28, 17.31, 17.36, 17.40, 17.46, 17.50, 17.60, 17.64, 17.66, 17.68, 17.72, 17.78, 17.84, 17.89, 17.90, 17.96, 17.100)	602	Amends paragraph F of Ord. 597, state building code (Repealed by 623)
574	Repeals Ch. 10.16 and Ord. 249, truck traffic (Repealer)	603	Adds Ch. 2.18, city attorney/legal counsel (2.18)
575	Adds § 9.14.060, controlled substances; § 9.22.030, frauds (9.14, 9.22)	604	Bond issue (Special)
576	Rezone (Special)	605	Adds Ch. 5.06 and repeals 17.01.040(B), private use of public property (5.06, 17.01)
577	Amends § 10.04.010, vehicles and traffic regulations (10.04)	606	Amends § 3 and 6 of Ord. 604, bond issue (Special)
578	Tax levy (Special)	607	Adds Ch. 8.30, skateboards (8.30)
		608	Repeals and replaces Ch. 16.40, short subdivisions (16.40)
		609	Adds § 3.16.031, business license issuance (3.16)

CITY OF GIG HARBOR

ORDINANCE NO. 573

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING CERTAIN CHAPTERS OF TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE HAVING TO DO WITH ZONING DISTRICT, ENACTING NEW CHAPTERS TO TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the current city zoning code was initially adopted in 1968 and has been subject to numerous revisions since that date, resulting in a fragmented ordinance, and;

WHEREAS, the present trend of development substantially differs from that of the late 1960's, upon which the current zoning code was based, and;

WHEREAS, the Planning Commission, following several public meetings and public hearings, has developed a revised zoning code which is a substantial update of the current code, and;

WHEREAS, the Planning Commission has recommended adoption of the revised and updated Title 17, and;

WHEREAS, the revised zoning code furthers the goals and objectives of the Comprehensive Plan and promotes the public's health, safety, and welfare,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. The following chapters of Title 17 of the Gig Harbor Municipal Code are hereby repealed: 17.04, 17.12, 17.16, 17.20, 17.24, 17.28, 17.36, 17.40, 17.64, 17.68, 17.72, and 17.84.

Section 2. The following chapters are hereby enacted:

CHAPTER 17.01

GENERAL PROVISIONS

SECTIONS

17.01.010 Title

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- 17.01.020 Purpose
- 17.01.030 Conformity With Regulations Required
- 17.01.040 Public Uses
- 17.01.050 Interpretation and Application of Provisions
- 17.01.060 Conflict with Other Regulations
- 17.01.070 Public Hearings

17.01.010 Title. This Title shall be known and cited as the Zoning Ordinance of the City of Gig Harbor, Washington, as passed and adopted by Ordinance #573, approved on February 26, 1990.

17.01.020 Purpose.

- A. The purpose of this Title is to regulate the use of land and improvements by districts in accordance with the City of Gig Harbor Comprehensive Plan. These zoning regulations are designed to provide for orderly development, to lessen street congestion, to promote fire safety and public order, to protect the public health and general welfare, to prevent overcrowding, and to stimulate the systematic development of transportation, water, sewer, schools, parks, storm drainage, and other public facilities.
- B. It is further intended that any financial responsibility of the developer for work to be done on city streets bounding, in close proximity to and/or giving access to the development, which arises out of the provisions of this chapter, be made the subject of a contractual agreement between the developer and the city, and that such contractual agreement shall contain provisions to effectuate other sections of this chapter.

17.01.030 Conformity With Regulations Required. No building or land within the City of Gig Harbor shall hereafter be occupied or used and no building or part thereof shall be erected, moved, or altered unless in conformity with applicable provisions specified in this Title.

17.01.040 Public Uses.

- A. Approved Required to Insure Conformity. To insure that public uses and structures conform to the general community pattern and to the regulations governing private uses and development, agencies of the Federal Government, the State of Washington and its political subdivisions, including the City of Gig Harbor, shall submit plans and receive approvals in conformity with the regulations outlined herein when any activity covered by this Title is contemplated in the City of Gig Harbor.
- B. Private Use of Public Property.
1. When private use is made of any public land or public structures, such private use shall fully conform to the regulations set forth in this Title.
 2. Commercial uses of public land shall require written approval from the Planning Director and the Public Works Director. Said written approval to be terminated with thirty (30) days written notice from the City Administrator to the private user.
 3. Commercial user shall obtain insurance, with limits, and coverages as required by the City Administration. The City of Gig Harbor shall be named as additional insured in respect to all coverages.
 4. No commercial use of public property to occur prior to conditions B1, B2 and B3 being met.

17.01.050 Interpretation and Application of Provisions.

The provisions of this Title shall be the minimum regulations and shall apply uniformly within each District and each class or kind of building, structure, land, or water area, except as hereinafter specifically provided.

17.01.060 Conflict With Other Regulations. Whenever the regulations of this Title are at variance with the requirements of any other lawfully adopted rule or regulation or ordinance of the City of Gig Harbor, then the most restrictive of these provisions, or the

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provision imposing the highest standards as the case may be, shall apply.

17.01.070 Public Hearings.

A. When required. A public hearing is required whenever action is to be taken on the following:

A project which requires a conditional use permit;
A project for which a site plan is required;
A project or activity for which a variance permit is required;
Appeals as allowed in Chapter 17.10; and
Amendments to this Title or the Comprehensive Plan.

B. Public Hearing By Whom. Public hearings shall be held by the Hearing Examiner on all the subjects set forth in Section 17.01.080A, above, except in the case of appeals. Public hearings on appeals shall be by the City Council only.

C. Procedure.

1. Upon receipt of an application or petition for an action on any of the subjects, excepting appeals, requiring a public hearing, the Planning Director shall set a date for a public hearing before the Hearing Examiner.
2. The Hearing Examiner shall forward in writing the results of its public hearing to the City Council. Upon receipt of the Hearing Examiner's report, the City Council, at a regular meeting, shall set a time and place for a public hearing for its consideration of the subject.
3. Upon receipt of an appeal, the Planning Director shall set a date for a public hearing before the City Council.
4. The Planning Director shall give notice at least ten days in advance of the public hearings by publication in a local newspaper of general circulation.
5. In addition to the above notices, if an action which is subject to a public hearing affects the use of a particular real property, or properties, individual written notice, by the U.S. Postal Service, shall be given to all owners of properties within 300 feet of the exterior boundaries of particular real property, or properties, whose use will be affected.

Those owners to whom individual written notice will be given shall be those who are shown on the tax rolls.

6. In addition to the above notices, if an action which is subject to a public hearing affects the use of a particular real property, or properties, written notices shall be posted as follows:
 - a. At a prominent location and easily viewed by the public, on the subject property and in a manner so as to be weather resistant until the date of the public hearing.
 - b. In the lobby of the City Hall in a prominent location and easily viewed by the public.
7. All notices shall state as follows:
 - a. Reference to the authority under which such matters are being considered;
 - b. The general nature of the matters to be considered and issues involved, and;
 - c. The time and place of said hearing, and the manner in which interested persons may present their views thereon.
8. The Planning Director shall also inform the following persons of the time, place and substance of such hearing:
 - a. Members of the City Council or Planning Commission, as the case may be;
 - b. The applicant or his agent; and
 - c. Property owner (s) whose property is under consideration.

17.01.090 Curbs and Sidewalks. Concrete sidewalks having a width of six (6) feet (measured from the face of the curb) shall be provided along the street side(s) of any development, along with concrete curbs and gutters and street paving to connect the new walk to the adjacent street.

17.01.100 Underground Utilities. All utilities shall be run underground to each structure from the nearest utility service.

CHAPTER 17.04

DEFINITIONS


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- 17.04.060 Apartment
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- 17.04.900 Yard, Rear

17.04.910 Yard, Side

17.04.010 General Interpretation. For the purposes of this ordinance, certain usages and words herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense;
- B. The singular number includes the plural;
- C. The word person includes a legal entity as well as an individual;
- D. The word lot includes the words plot, parcel, and tract;
- E. The word shall signifies a requirement;
- F. The words used and occupy as applied to any building or land include the words intended, arranged, or designed to be used or occupied;
- G. The word may signifies permission and desire..

17.04.020 Administrative Official. An Administrative Official is a municipal official appointed by the Mayor to administer and enforce this Title and all other laws, statutes, rules and regulations applicable within the City of Gig Harbor.

17.04.030 Alley. An alley is a public thoroughfare which allows motor vehicular use, and affords a second means of access to abutting property.

17.04.040 Alteration. An alteration is any change, addition, or modification in the construction, location, occupancy, or use classification of any building or land.

17.04.050 Animal Clinic. An animal clinic is a stationary facility that is under the direction of a veterinarian licensed by the State of Washington and is established to perform examination, diagnostic, prophylactic, and medical services on small animals not requiring confinement or supervised care and which are normally kept as pets. Animal clinics shall not tend to poisonous reptiles or animals normally kept as farm animals.

17.04.055 Antennae. A metallic device used for the transmission or reception of electromagnetic waves. This definition does not include satellite dish

antennae.

17.04.060 Apartment. An apartment is any portion of a building that is designed, built, rented, leased, let, or hired out to be occupied as an independent housekeeping unit with its own cooking facilities and that is contained within a multiple-family dwelling (see Section 17.04.290).

17.04.070 Area, Building. The building area is the total ground coverage of a building or structure and is measured from the outside of the building's or structure's external walls.

17.04.080 Area, Site. The area of a site is all the area within the boundaries of a site excluding public right-of-ways dedicated to the State of Washington, County of Pierce, or City of Gig Harbor, for use as thoroughfares, and private right-of-ways established for motor vehicular thoroughfares; also excluding any area excluding easements granted for purposes other than public access or thoroughfare.

17.04.100 Basement. A basement is a story having at least fifty percent of its volume below grade.

17.04.103 Bed and Breakfast. A bed and breakfast is a single family residence which provides overnight lodging for guests and which is limited to five (5) guest rooms.

17.04.110 Boarding House. A boarding house is a dwelling in which not more than six (6) roomers or boarders are housed and where lodging with or without meals is provided for compensation on other than a day-to-day basis.

17.04.120 Boat House. A boat house is a building that provides shelter for a boat or boats.

17.04.130 Building. A building is any structure built for the support or enclosure of persons, animals, chattels, or property of any kind.

17.04.140 Building, Accessory. An accessory building is a detached building the use of which is appropriate, subordinate, and customarily incidental to the principal building or the principal use of the land and is located on the same lot as the principal building or principal use of the land. A building shall not be accessory and

shall be considered to be part of the principal building when joined to the principal building by a common wall at least four feet long or when connected to the principal building by a breezeway that is eight feet or less in length.

17.04.150 Building, Existing. An existing building is a building erected before the effective date of this Title or one for which application for a building permit was made before the effective date of this Title.

17.04.160 Building Height. The building height is the vertical distance measured from the highest elevation of the natural grade of the property where the footprint of the building will be located to the highest point of the roof, excluding chimneys and antennae.

17.04.170 Building Line. The building line is the surface of that face or corner of the part of the building nearest the property line.

17.04.180 Building, Principal. The principal building is the building that contains the principal use of a lot.

17.04.190 Building, Setback. Building setback is the distance between the building line and the nearest boundary to the site or lot, measured at right angles to the boundary.

17.04.200 Business. Business is an activity involving the wholesale or retail sale or the rental of any article or substance or commodity, including but not limited to building materials and vehicles, or involving the provision of commercial services.

17.04.210 Clinic. A clinic is a building designed and used for the medical and surgical diagnosis and treatment of human patients under the care of doctors and nurses or other licensed health professionals.

17.04.220 Club. A club is an incorporated or unincorporated association of persons organized for social, educational, or charitable purposes.

17.04.230 Coverage. Coverage is that percentage of the area of a lot or site that is built on or occupied by buildings parking areas and other impervious surfaces.

17.04.250 Comprehensive Plan. A comprehensive plan is an officially adopted document of texts, charts, graphics, maps or any combination thereof that is designed to portray a general long-range proposal for the arrangement of land uses and the development of an economic base of human resources and that is intended primarily to guide government policy toward achieving the orderly and coordinated development of the entire community.

17.04.260 Conditional Use. A conditional use is a use listed among those classified in any given zone but permitted only after a public hearing by the City Council and the granting of a conditional use permit imposing such performance standards as will make the use compatible with other permitted uses in the same district.

17.04.264 Day Care. The supervised non-medical care of people for periods of less than 24 hours. The care of up to six children under the age of 12 years and supervised by the occupants of the residence is regarded as an accessory use, requiring no permits under this title.

17.04.270 Detached Buildings. A detached building is a building surrounded on all sides by open space and not connected to another building or structure except by utilities.

17.04.280 Dock. A dock is a place or structure that connects with the shore and provides access to a boat vessel from the land.

17.04.285 Drive-In Restaurant. A drive-in restaurant is any eating establishment that contains the following characteristics:

- A. An outside service window; and
- B. The provision of services to patrons who are in automobiles on the premises of the eating establishment.

17.04.290 Dwelling, Multiple-Family. A multiple-family dwelling is a residential building that is designed for or occupied by three or more families living independently of each other in separate dwelling units.

17.04.300 Dwelling, Single-Family. A single-family dwelling is a detached building that is constructed on a

permanent foundation, is designed for long-term human habitation exclusively by one family, and constitutes one dwelling unit. For the intent and purpose of this ordinance, a factory built dwelling is classified as single-family dwelling. A mobile/manufactured dwelling is not a single-family dwelling.

17.04.305 Dwelling, Mobile/Manufactured. A residential unit on one or more chassis for towing to the point of use and designed to be used as a dwelling unit on a year-round basis, and if to be installed, one which bears an insignia by a state or federal regulatory agency indicating that the mobile/manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development's definition of a manufactured home.

17.04.310 Dwelling, Two Family. A two-family dwelling is a detached building that is designed for and occupied by two families living independently of each other in separate units.

17.04.320 Dwelling Unit. A dwelling unit is one or more rooms with at least one kitchen, that is designed as a unit for occupancy by not more than one family for sleeping and living purposes.

17.04.325 Dwelling, Factory-Built. A structure constructed in a factory of factory assembled parts and transported to the building site in whole or in units which meets the requirements of the Uniform Building Code. The completed structure is not a mobile/manufactured home. It is a detached building that is designed for long-term human habitation exclusively by one family, has complete living facilities, and constitutes one dwelling unit.

17.04.330 Family. A family is any number of individuals related by blood or marriage or an unrelated group of not more than five persons living together in a dwelling unit.

17.04.240 Fence. A fence is a barrier that is constructed of one or more of the following materials or a combination thereof: wood, metal, plastics, and masonry materials.

17.04.350 Fence Height. Fence height is the vertical distance from grade directly under the fence to the highest point of the fence above the point of

measurement.

17.04.360 Floor Area. The floor area is the sum of the horizontal area of the several floors of a building or buildings measured from the exterior faces of exterior walls and from center lines of division walls. The floor area includes basement space, the elevator shafts and stairwells at each floor, mechanical equipment rooms, finished attics with a headroom of seven and one-half feet or more, penthouse floors, interior balconies and mezzanines, and enclosed porches. The floor area shall not include accessory water tank and cooling towers, mechanical equipment, unfinished attics regardless of headroom, nor areas constructed for and designated as a garage area.

17.04.370 Garage. A garage is a building or a portion thereof in which motor vehicles are stored, repaired, or maintained.

17.04.380 Garage, Motor Vehicle Repair. A motor vehicle repair garage is a garage that is available to the public, is operated for gain, and is used for the storage, repair, rental, greasing, washing, servicing, adjusting, or equipping of motor vehicles.

17.04.390 Garage, Private. A private garage is an accessory building or any portion of a principal building that is used in connection with residential purposes as a garage.

17.04.400 Gasoline Service Stations. A gasoline service station is any area of land, including the structures thereon, that is used for the sale of gasoline or other motor fuels, oil, lubricants, and auto accessories, and that may or may not include washing, lubricating and other minor servicing but painting, body work, or major engine overhaul or activities are not allowed.

17.04.405 Grade. The grade is the finished surface of the ground after grading for development.

17.04.415 Hotel/Motel. A hotel or motel is any building or group of building in which there are guest rooms designed or intended to be used for the purpose of offering lodging to the general public on a day-to-day basis with or without food.

17.04.420 Impervious Surface. An impervious surface is a surface practically incapable of being penetrated by water.

17.04.430 Junk Yard. A junk yard is any lot or portion of any lot used for the storage or keeping, of junk or waste material including worn-out or wrecked motor vehicles, scrap, partially or fully discarded tangible materials, combinations of materials or items such as machinery, metal, rags, rubber, paper, plastics, chemicals, and building materials that cannot, without further alteration or reconditioning, be used for their original purpose. A junk yard may include an auto-wrecking yard.

17.04.432 Legal Interest. The owner of record for the parcel and/or the duly authorized agent for the owner of record.

17.04.434 Light Assembly. The assembly of pre-fabricated materials or components into a finished product. Included in this definition is product wholesaling and material storage.

17.04.436 Light Manufacturing. Any premise devoted to the production of a finished or semi-finished product and which has minimal nuisance factors such as, but not limited to, noise, light, glare, odors, particulate emission and hazardous wastes.

17.04.440 Loading Berth. A loading berth is an off-street space or berth that is on the same lot with the building it serves, is used for the parking of a vehicle while loading or unloading material or items.

17.04.450 Lot. A lot is an area of land that is described by metes and bounds, or recorded plat and is to be used, developed, or built upon as a single unit of land.

17.04.455 Lot of Record. A lot, tract, or parcel which is defined by a deed recorded with the Pierce County Auditor and assigned a tax number prior to the effective date of the City of Gig Harbor subdivision ordinance or short plat ordinance or which has been defined by a survey recorded pursuant to Washington State survey or platting laws or parcels which have been recognized by resolution of the Gig Harbor City Council, prior to the effective date of the City of Gig Harbor subdivision

ordinance or short plat ordinance, in conformance with Chapter 58.17.

17.04.460 Lot Area. The area of a lot is all the area within the boundaries of a lot excluding right-of-ways, etc. (see 17.04.080).

17.04.470 Lot, Corner. A corner lot is a lot situated at the junction of and bordering on two intersecting public right-of-ways. On a corner lot, the front lot line is the shorter lot line adjacent to a public street; the longer lot line adjacent to a public street is a side lot line.

17.04.480 Lot, Depth of. The depth of a lot is the average distance from the front lot line to the rear lot line measured horizontally from the mid-point of the front lot line to the mid-point of the rear lot line.

17.04.490 Lot, Interior. An interior lot is any lot other than a corner lot.

17.04.500 Lot Line. A lot line is a portion of the boundary of a lot dividing it from other lots or parcels of land.

17.04.510 Lot Line, Front. The front lot line of an interior lot is the lot line adjacent to a public street or the total line first crossed when gaining access to the lot from a public street. See section 17.04.470 for the definition of the front lot line of a corner lot.

17.04.520 Lot Line, Rear. The rear lot line is the lot line opposite and most distant from the front lot line, and in the case of an irregularly, triangularly, or triangular-shaped lot, the rear lot line will be determined by the Planning Director.

17.04.530 Lot Line, Side. A side lot line is any lot line that is not the front lot line or the rear lot line.

17.04.540 Lot, Through. A thorough lot is an interior lot fronting on two streets. A thorough lot has two front lot lines and no rear lot line.

17.04.550 Lot Width. The lot width is the horizontal dimension of the front lot line or, in an irregularly shaped lot, the horizontal dimension across the lot at

the building setback line.

17.04.555 Mini-Warehousing. Fully enclosed commercial storage facilities, available to the general public, and used solely for the storage of personal property.

17.04.560 Mobile/Manufactured Home. A mobile/manufactured dwelling is a residential unit on one or more chassis for towing to the point of use and designed to be used as a dwelling unit on a year-round basis, and if to be installed, one which bears an insignia by a state or federal regulatory agency indicating that the mobile/manufactured home complies with all applicable construction standards of the U.S. Department of Housing and Urban Development's definition of a manufactured home.

17.04.570 Mobile/Manufactures Home Park. A track of land under single ownership or control upon which two or more mobile/manufactured homes occupied as dwellings may be located.

17.04.580 Mobile/Manufactured Home Subdivision. A mobile/manufactured home subdivision is two or more mobile/manufactured homes on separate lots developed under the supervision of the provisions of Title 16 and the conditional use procedures of this Title and where mobile/manufactured homes are permanently installed for residential use on individually owned lots.

17.04.590 Moorage. Moorage is a space occupied by a vessel or boat when secured in place by anchor (s) or lines to shore or dock or float.

17.04.600 Motel/Hotel. A motel or hotel is any building or group o of buildings in which there are guest rooms designed or intended to be used for the purpose of offering lodging to the general public on a day-to-day basis with or without food.

17.04.605 Natural Grade. That local soil or rock on the property that has existed legally on such property unmoved by natural or unnatural forces for a period of not less than 60 months prior to submittal of an application for a building permit.

17.04.610 Natural Resource Extraction. Natural resource extraction in commercial or industrial operations involving the removal of natural resources,

excluding fish or wildlife

17.04.620 Nonconformity. A nonconformity is any lot, structure, use of land, use of structure, or characteristic of use that does not conform to the terms of this Title or its future amendments, but that was lawful before the effective date of the Title or its future amendments.

17.04.625 Nursery, Agricultural. An agricultural nursery is a place where plants are grown. Sales are restricted to those items grown on the premises.

17.04.630 Nursery, Day. A day nursery is a commercial enterprise where more than six children are supervised for a period less than 24 hours. This can include a pre-school and/or a kindergarten but not first year school grades and above.

17.04.635 Parking Off-Street. Parking on privately owned property.

17.04.640 Parking, Public. Public parking is a structure or an open area that is other than a street, alley, or other right-of-way, is adequate for parking an automobile, has room for opening doors on both sides of an automobile, and has adequate maneuvering room on a parking lot with access to a public street or alley.

17.04.660 Planned Unit Development. A planned unit development is a development in a district on a parcel of land under single ownership, in a manner that makes possible greater variety and diversification in the relationships between building, open space, and uses, in order to encourage the conservation and retention of historical and natural topographic features, while meeting the purposes and objective of the Comprehensive Plan.

17.04.670 Parsonage. A parsonage is the permanent place of residence of the pastor of a church whose total income is derived from the church.

17.04.680 Profession. A profession is an occupation or calling requiring the practice of a learned art or specialized knowledge based upon a degree issued by an institute of higher learning, e.g., a doctor of medicine, an engineer, or a lawyer.

17.04.690 Property Line. A property line is a portion of the boundary of a parcel of land dividing it from other parcels of land.

17.04.700 Residential. Residential means activity involving the human occupation of a building for living, cooking, sleeping, and recreation.

17.04.710 Satellite Dish Antennae. A ground mounted circular or parabolically-shaped device of solid or mesh construction, designed and erected for receiving telecommunication signals.

17.04.720 Setback. Building setback is the distance between the building line and the nearest boundary to the site or lot, measured at right angles to the boundary.

17.04.730 Sign. A sign is any device, flag, light, figure, picture, letter, work, message, symbol, plaque, poster, or building face that is visible from outside the lot on which it is located and that is designed to inform or attract the attention of the public through visual communication, excluding murals or architectural designs that do not advertise a business, product, or service. Signs are subject to all regulations specified in subsection 17.05.090 of this Chapter.

17.04.740 Sign Area. The sign area is the entire area within a single continuous perimeter enclosing the extreme limits of a sign but excluding any structural elements not forming an integral part of the display.

17.04.750 Story. A story is that portion of a building between any floor and the next floor above except that the topmost story shall be that portion of a building between the topmost floor and the ceiling or roof above it. If the finished floor level directly above a basement, cellar, or unused floor space is more than six feet above the grade for more than fifty percent of the total perimeter of the building or is more than twelve feet above the grade at any one point, then such basement, cellar, or unused floor space shall be considered a story. A story as used here shall not exceed 15 feet in height.

17.04.760 Street. A street is a public thoroughfare that is permanently opened to general use and that affords the principal means of access to abutting

property. A street includes an avenue, a place, a drive, a boulevard, a highway, and any other similar public thoroughfare except an alley as defined herein.

17.04.765 Street Classification. Major arterials, which are defined as transportation arteries which connect the focal points of traffic interest within a city; arteries which provide communications with other communities and the outlying areas; or arteries which have relatively high traffic volume compared with other streets within the City;

Secondary arterials are defined as routes which serve lesser points of traffic interest within a city; provide communication with outlying districts in the same degree or serve to collect and distribute traffic from the major arterials to the local streets;

Access streets are defined as land service streets and are generally limited to providing access to abutting property. They are tributary to the major and secondary arterials and generally discourage through traffic.

17.04.770 Structure. A structure is a combination of materials that is constructed or erected, either on or under the ground, or that is attached to something having a permanent location on the ground, excluding residential fences, retaining walls, rockeries, and similar improvements of a minor character the construction of which is not regulated by the Building Code of the City of Gig Harbor.

17.04.780 Structural Alteration. A structural alteration is any change, other than an incidental repair, in the load or stress of a structural element of a building or structure, or the replacement of an element of a building or structure which is essential to its structural stability.

17.04.790 Tank Farm. A tank farm is a lot that has one or more tanks the aggregate volume of which is 10,000 gallons or more and that contain something other than water.

17.04.800 Tract. A tract is a parcel of land in single ownership that has not been subdivided into lots in conformance with the applicable laws of the State of Washington, County of Pierce, or City of Gig Harbor.

17.04.830 Travel Trailer. A motor vehicle or portable vehicular structure that is capable of being towed on the highways by a motor vehicle, is designed or intended for casual or short-term human occupancy for travel, recreational, or vacation uses, is identified by a model number, serial number, or vehicle registration number.

17.04.835 Truck Garden. A truck garden is a farm producing vegetables for sale.

17.04.840 Use. A use how land or a building is arranged, designed, occupied, or maintained.

17.04.850 Use, Principal. A principal use is the primary use of land or a building as distinguished from a secondary or minor use.

17.04.860 Use, Accessory. An accessory use is a use that is customarily incidental or subordinate to the principal use of the land, building or structure and is located on the same lot or parcel or tract of land as the principal use.

17.04.870 Variance. A variance is a relaxation of the requirements of this ordinance with respect to building setback, building height, the size of signs, coverage, or parking, (but not with respect to use) approved by the City Council upon the recommendation of the Hearing Examiner.

17.04.880 Yard. A yard is a required open space that is on the same lot with the principal use and is unoccupied or unobstructed by any portion of a structure, provided however, that paved terraces, fences, walls, poles, posts, ornaments, furniture, and other customary yard accessories may be permitted in any yard subject to height limitations and requirements limiting the obstruction of visibility at intersections.

17.04.890 Yard, Front. A front yard is a yard extending the full length of the front lot line and its depth is measured horizontally at right angles to the front lot line from mid-point of the front lot line to the mid-point of the front building line.

17.04.900 Yard, Rear. A rear yard is a yard extending the full length of the rear lot line and its depth is measured horizontally at right angles to the rear lot line from mid-point of the rear lot line to mid-point of

the rear building line.

17.04.910 Yard, Side. A side yard is a yard extending from the front yard to the rear yard and its depth is measured horizontally at right angles to the side lot line from the mid-point of the side lot line to the mid-point of the side building line except roof eaves may extend up to eighteen (18) inches into the yard.

CHAPTER 17.12

ZONING MAP AND DISTRICT BOUNDARIES

SECTIONS

- 17.12.010 Districts Established
- 17.12.020 Zoning Map
- 17.12.030 Map Changes
- 17.12.040 Map Replacement
- 17.12.050 District Boundary - Interpretation When Uncertainty Exists
- 17.12.060 District Boundary - Interpretation When Street or Alley is Vacated or Abandoned

17.12.010 Districts Established. The City of Gig Harbor is divided into the following use districts:

- A. Single Family Residential (R-1)
- B. Medium Density Residential (R-2)
- C. Multi-family Residential (R-3)
- D. Residential Business 1 (RB-1)
- E. Residential Business 2 (RB-2)
- F. Downtown Business (DB)
- G. General Business (B-1)
- H. General Business (B-2)
- I. General Commercial (C-1)
- J. Westside Commercial (WSC)
- K. Waterfront District (W-1)
- L. Waterfront Use District A (W-2)
- M. Waterfront Use District B (W-3)

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N. General Service Use District (GS)

17.12.020 Zoning Map. The use Districts described herein are bound and defined on an official zoning map or maps that deal with the distinct areas of the City of Gig Harbor and are entitled Zoning Map of the City of Gig Harbor, Washington. Copies of the zoning map are on file in the office of the Planning Director. These maps are incorporated as a part of this Title as if the districts were described in detail and written descriptions in the Title.

17.12.030 Map Changes.

- A. No changes of any nature shall be made in the official zoning maps or matters shown thereof except in conformity with the procedures set forth in Chapter 17.100 of this Title.
- B. Regardless of the existence of purported copies of the official zoning maps that may from time to time be made or published, the official zoning maps shall be located in the office of the Planning Director and shall be final authority as to the current zoning of lands, water areas, building, and other structures within the City of Gig Harbor.

17.12.040 Map Replacement. In the event that one or more of the official zoning maps becomes damaged, destroyed, lost, mutilated, or difficult to interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new official zoning map, which shall supersede the prior official zoning map.

17.12.050 District Boundary - Interpretation When Uncertainty Exists. When uncertainty exists as to the boundaries of districts as shown on an official zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;
- B. Boundaries indicated as following platted outlines shall be construed to follow the lot lines in effect at the time the applicable zoning district was approved;
- C. Boundaries indicated as following public land survey section or section subdivision lines shall be construed as following such section or section

- subdivision lines;
- D. Boundaries indicated as approximately following City Limits shall be construed as following City Limits;
 - E. Boundaries indicated as following shorelines shall be construed as following the mean high water line at the shore and, in the event of a change in the shoreline, shall be construed as moving with the mean high water line of the actual shoreline;
 - F. Boundaries indicated as following approximately the centerline of streams shall be construed as following such centerlines;
 - G. In unsubdivided property, the location of any district boundary, unless the same is indicated by dimensions shown on the official zoning map, shall be determined by the use of the scale appearing on the official zoning map;
 - H. Boundaries indicated as parallel to or extension of features indicated in Subsections A through G above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the official zoning map.

17.12.060 District Boundary - Interpretation When Street or Alley Vacated or Abandoned. When any public street or alley is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to the portion of such street or alley added to the parcel by such vacation or abandonment.

CHAPTER 17.16

SINGLE FAMILY RESIDENTIAL (R-1)

SECTIONS

- 17.16.010 Intent
- 17.16.020 Permitted Principal Uses and Structures
- 17.16.030 Conditional Uses
- 17.16.040 Prohibited Uses and Structures
- 17.16.050 Site Plans
- 17.16.060 Minimum Lot Size

17.16.070 Development Standards

17.16.080 Maximum Height of Structures

17.16.010 Intent.

An R-1 District is intended to provide for low density, single-family residential development, for certain community services and facilities while preserving the character of the existing single-family residential areas.

17.16.020 Permitted Principal Uses and Structures.

The following principal uses and structures are permitted in an R-1 District:

1. Single-family dwelling;
2. Agricultural uses including nurseries and truck gardens as long as objectionable odors or dust are not created.
3. Publicly owned and operated parks and playgrounds;
4. Temporary buildings for and during construction;
5. Family Day Care Centers serving six (6) or fewer children in a home.
6. Uses and structures that are necessary or desirable adjuncts to permitted uses and structures and are under the management and control of the person, organization, or agency responsible for the permitted principal use or structure.

17.16.030 Conditional Uses.

Subject to the requirements of Chapter 17.64 and the standards and procedures for conditional uses as set forth in the Title, the following uses may be permitted in an R-1 District:

1. Child care facilities serving more than six (6) children outside of a home in an institution.
2. Public utilities and public service uses such as libraries, electric substations, telephone exchanges, and police, fire, and water facilities;
3. Schools, including playgrounds and athletic fields incidental thereto;
4. Houses of religious worship, rectories, and parish houses;
5. Home occupations;
6. Bed and Breakfast establishments.

17.16.040 Prohibited Uses and Structures.

The following uses and structures are prohibited in an R-1 District:

1. Those not listed under B. Permitted Uses and Structures, and C. Conditional Uses; and
2. The storage of mobile homes; and
3. Any use including permitted and conditional uses, that causes or may reasonable be expected to cause excessive noise, vibration, odor, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat, or glare at or beyond any lot line of the lot on which the use is located. The word excessive is defined for these purposes as a degree exceeding that generated by the customary manner of operation of the uses permitted in the District or as a degree injurious to the public health, safety, welfare, or convenience.
4. Dwelling, mobile/manufactured.

17.16.050 Site Plans.

Before a building permit will be issued for a nonresidential use or structure in an R-1 District, the site plan review process as specified in this chapter shall be followed.

17.16.060 Minimum Lot Size.

12,000 square feet for new divisions of land. Undersized lots shall qualify as a building site if such lot is a legal lot of record. Maximum density is 3.5 dwelling units per gross acre.

17.16.070 Development Standards.

1. Minimum lot area per building site in square feet	12,000
2. Minimum Lot Width	70'
3. Minimum Front Yard Setback*	25'
4. Minimum Rear Yard Setback	30'
5. Minimum Side Yard Setback	8'
6. Maximum Impervious Lot Coverage	40%
7. Minimum Street Frontage	20'

* In the case of a corner lot, the owner of such

lot may elect any property line abutting on a street as the front property line, provided such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties in the opinion of the Planning and Public Works Directors.

The other property line abutting a street shall be deemed the side property line. An undersized lot or parcel shall qualify as a building site if such lot is a lot on record.

17.16.080 Maximum Height of Structures.

In an R-1 District, all buildings and structures shall have a maximum height of 16 feet except as provided for under Section 17.62 (Height Overlay District).

CHAPTER 17.20

MEDIUM DENSITY RESIDENTIAL (R-2)

SECTIONS

- 17.20.010 Intent
- 17.20.020 Permitted Uses
- 17.20.030 Conditional Uses
- 17.20.040 Minimum Lot Size/Maximum Density
- 17.20.050 Development Standards
- 17.20.060 Maximum Height of Structures

17.20.010 Intent.

An R-2 District is intended to allow for a moderate density of land use that is greater than is permitted in an R-1 District but less than is permitted in an R-3 District, where suitable facilities such as streets, water, sewer, and storm drainage are available. An R-2 District provides a transition between a higher density residential district in order to preserve the primarily residential character of existing residential areas.

17.20.020 Permitted Uses.

1. Single family detached dwellings
2. Two family dwellings (duplexes)
3. Public parks and playgrounds
4. Temporary buildings for and during construction
5. Family day care centers, serving six (6) or fewer children in a home
6. Accessory structures and uses
7. Home occupations subject to Chapter

17.20.030 Conditional Uses.

Subject to the requirements of Chapter 17.64 and the standards and procedures for conditional uses as set forth in the Title, the following uses may be permitted in an R-2 District:

1. Child care facilities, serving more than six (6) children outside of a home, in an institution
2. Public utilities and public service uses such as libraries, electric substations, telephone exchanges and municipal service facilities
3. Schools, public and private, including accessory playgrounds and athletic fields
4. House of religious worship, rectories and accessory buildings
5. Bed and breakfast establishments
6. Nursing and retirement homes
7. Recreational buildings and community centers

17.20.040 Minimum Lot Size/Maximum Density.

The minimum lot areas for residential uses are: Two family homes, 14,000 square feet and single family homes, 7,000 square feet. Maximum density is six (6) dwelling units per acre.

17.20.050 Development Standards.

	Single Family Dwell.	Duplex Dwell.	Non-Res.
	7,000-12,000	12,000+	
1. Minimum lot area per building site in square feet		14,000	12,000

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2. Minimum lot width	50'	70'		70'
3. Minimum Front Yard Setback*	25'	25'	25'	25'
4. Minimum Rear Yard	25'	25'	25'	30'
5. Minimum Interior Side Yard Setback	7'	8'	8'	10'
6. Maximum Impervious Lot Coverage	40%	40%	45%	50%
7. Minimum Street Frontage		20'	20'	20'

* In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties in the opinion of the Planning and Public Works Directors.

An undersized lot shall qualify as a building site if such lot is a lot of record.

17.20.060 Maximum Height of Structures.

In an R-2 District all buildings and structures shall have a maximum height of 16 feet except as provided for under Section 17.62 (Height Overlay District).

CHAPTER 17.24

MULTIPLE-FAMILY RESIDENTIAL (R-3)

SECTIONS

- 17.24.010 Intent
- 17.24.020 Permitted principal Uses and Structures
- 17.24.030 Conditional Uses
- 17.24.040 Site Plans
- 17.24.050 Development Standards

17.24.060 Maximum Height of Structures

17.24.010 Intent.

An R-3 District is intended to provide areas suitable for multiple-family dwellings and to serve as a buffer and transition between more intensively developed areas and residential properties of a lower density. An R-3 district is suitable in areas which are served by municipal services and in areas readily accessible to freeway access.

17.24.020 Permitted Principal Uses and Structures.

The following principal uses and structures are permitted in an R-3 District:

1. Duplexes and Multiple-family dwellings;
2. Bed and breakfast establishments;
3. Nursing and retirement homes subject to the basic density requirements of the district;
4. Family day care centers serving six (6) or fewer children in a home
5. Publicly owned parks and playgrounds; and
6. Accessory uses and structures such as:
 - a. Temporary buildings for and during construction; and
 - b. Uses and structures that are normal, necessary, or desirable adjuncts to permitted uses.

17.24.030 Conditional Uses.

Subject to the requirements of Chapter 17.64 and the standards and procedures for conditional uses as set forth in the Title, the following uses may be permitted in an R-3 District:

1. Child care facilities serving six (6) or more children outside of a home, in an institution
2. Public utilities and public services uses such as libraries, electrical substations, telephone exchanges, and police, fire, and water facilities;
3. Recreational buildings and community centers;
4. Schools, public and private;
5. Houses of religious worship, rectories, and parish houses; and
6. Private non-profit clubs
7. Parking lots
8. Single-family

17.24.040 Site Plans.

Before a building permit will be issued in an R-3 District, the site plan review process as specified in this chapter shall be followed.

17.24.050 Development Standards.

In an R-3 District, the minimum lot requirements are as follows:

	Single Family Dwell. (as a conditional use)	Duplex Dwell.	3 or more units	Non- Res.
1. Minimum lot area per building site in square feet	7,000	14,000	20,000	12,000
2. Minimum lot width	70'	70'	70'	70'
3. Minimum Front Yard Setback*	25'	25'	25'	25'
4. Minimum Rear Yard Setback	25'	25'	15'	30'
5. Minimum Interior Side Yard Setback	8'	8'	8'	10'
6. Maximum Impervious Lot Coverage	40%	40%	65%	50%
7. Minimum Street Frontage	20'	20'	50'	50'

* In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties in the opinion of the Planning and Public Works Directors.

An undersized lot shall qualify as a building site if such lot is a lot of record. The maximum density in an R-3 District is eight (8) dwelling units per acre.

17.24.060 Maximum Height of Structures.

In an R-3 District, all buildings and structures shall have a maximum height of 16 feet except as provided for under Section 17.62 (Height Overlay District).

RESIDENTIAL AND BUSINESS DISTRICT (RB-1)

SECTIONS

- 17.28.010 Intent
- 17.28.020 Permitted Uses and Structures
- 17.28.030 Conditional Uses
- 17.28.040 Site Plan
- 17.28.050 Minimum Development Standards
- 17.28.060 Maximum Height of Structures
- 17.28.070 Parking and Loading Facilities
- 17.28.080 Signs
- 17.28.090 Performance Standards

17.28.010 Intent.

An RB-1 District is intended to provide a mix of residential uses with certain specified business, personal, and professional services. It is also intended to serve as a buffer between high intensity commercial and lower density residential uses. The regulations and restrictions in an RB-1 District are intended to protect and preserve residential uses while permitting business uses characterized principally by professional and consultive services or executive and administrative offices, compatible with single family residential development.

17.28.020 Permitted Uses and Structures.

The following principal uses and structures are permitted in an RB-1 District:

1. All uses permitted in the R-1 District;
2. Bed and breakfast establishments;
3. Business and professional offices;
4. Publicly owned parks and playgrounds;
5. Temporary buildings for and during construction;
6. Uses and structures that are necessary or desirable adjuncts to permitted uses and

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- structures and are under the management and control of the person, organization, or agency responsible for the permitted principal use or structure;
7. Uses which complement or facilitate permitted uses such as parking facilities or public plazas; and
 8. Pharmacies solely incidental to medical offices.

17.28.030 Conditional Uses.

Subject to the requirements of Chapter 17.76 and the standards and procedures for conditional uses as set forth in this Title, the following uses may be permitted in an RB-1 District:

1. Nursing homes and retirement facilities;
2. Child care facilities containing more than six children;
3. Public utilities and public service uses such as libraries, electrical substations, telephone exchanges, and police, fire, and water facilities;
4. Recreational buildings and community centers;
5. Schools, public and private;
6. Houses of religious worship, rectories, and parish houses; and
7. Food stores or delicatessens provided:
 - a. situated on the street level in an apartment or office building;
 - b. Not to exceed 800 square feet;
 - c. No outside sales or storage; and
 - d. Hours of operation limited to 16 hours per day.

17.28.040 Site Plan.

Before a building permit will be issued in the RB-1 District, the site plan review process as specified in Chapter 17.88 shall be followed.

17.28.050 Minimum Development Standards.

	Single Family	Non- Residential
1. Lot Area (sq. ft.)	12,000	12,000
2. Lot Width (feet)	70'	70'

3. Non-Residential yards

Front	--	20
Side	--	10
Rear	--	15
4. Abutting R-1/R-2 Dist.: 30 feet, with dense vegetative screening
5. Residential Yards: Same as setbacks in R-3 District.
6. Maximum Impervious Cov.: 50% 60%
7. Minimum Street Frontage: 20' 50'
8. More than one principal structure may be allowed on a single lot in an RB-1 District.
9. An undersized lot of record shall qualify as a building lot provided it cannot be combined with another lot and provided further that compliance with the setback and coverage requirements are met.
10. Parking is not permitted in setback areas.

17.28.060 Maximum Height of Structures.

In an RB-1 District, all buildings and structures shall have a maximum height of 16 feet except as provided for under Section 17.62 (Height Overlay District).

17.28.070 Parking and Loading Facilities.

In an RB-1 District, parking and loading on private property shall be provided in connection with any permitted or conditional use as specified in Section 17.72.

17.28.080 Signs.

In an RB-1 District, signs may be allowed in conjunction with any permitted use and are subject to the provisions of Section 17.80

17.28.090 Performance Standards.

1. Exterior Mechanical Devices: Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
2. Landscaping is required and shall be installed in conformance with Chapter 17.78 by this Title

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and/or by conditions of approval of discretionary applications required by this Title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

3. Outdoor Storage of Materials: The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture is permitted as an incidental or accessory activity of a Permitted Use or the principal feature of a Conditional Use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.
4. Outdoor Lighting: Within one hundred feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Said lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the 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.)
5. Trash Receptacles: Trash receptacles shall be screened from view. Screening shall be complimentary to building design and materials.

CHAPTER 17.31

DOWNTOWN BUSINESS (DB)

SECTIONS

- 17.31.010 Intent
- 17.31.020 Permitted Principal Uses and Structures
- 17.31.030 Conditional Uses

- 17.31.040 Site Plans
- 17.31.050 Minimum Lot Requirements
- 17.31.060 Minimum Building Setback Requirements
- 17.31.070 Maximum Coverage by all Buildings
- 17.31.080 Maximum Height of Structures
- 17.31.090 Parking/Loading
- 17.31.100 Signs
- 17.31.110 Performance Standards (See B-2)

17.31.010 Intent.

The purpose of this district is to: 1) provide for an area that offers a broad range of goods and services for the citizens of Gig Harbor; 2) promote and enhance services and activities which cater to visitors to the city, and 3) maintain the traditional scale and character of downtown Gig Harbor.

The standards for development in this chapter are intended to allow uses which are: 1) primarily conducted within enclosed buildings except for parking, dining areas, and newsstands; 2) protect views; and 3) allow for commercial developments which do not adversely affect residences through excessive noise or bothersome activities.

17.31.010 Permitted Principal Uses and Structures.

The following principal uses and structures are permitted in this district:

1. Retail sales
2. Banks and financial institutions
3. Restaurants
4. Guest accommodations
5. Business and professional offices *
6. Commercial recreation (theaters, bowling alleys, etc.)
7. Gasoline service stations
8. Personal services
9. Art galleries
10. Uses and structures customarily accessory to the permitted uses.

- * Veterinary clinics shall have all activities conducted indoors.

17.31.030 Conditional Uses.

Subject to the requirements of Chapter 17.64 and standards and procedures for conditional uses set forth in this Title, the following uses may be allowed:

1. Hospitals and clinics;
2. Retirement homes;
3. Child care centers;
4. Public utilities and public service uses such as libraries, electrical substations, telephone exchanges, and police, fire, and water facilities.
5. Recreational buildings and community centers;
6. Schools (public and private), including playgrounds and athletic fields;
7. Wholesale sales and distributor establishments;
8. Light manufacturing and assembling;
9. Taverns;
10. Religious institutions;
11. Private clubs and lodges; and
12. Residential uses.
13. Uses conducted outside buildings.

17.31.040 Site Plans.

Before a building permit will be issued in a DB District, the site plan review process as specified in Chapter 17.96 shall be followed.

17.31.050 Minimum Lot Requirements.

In a DB District, the minimum lot area is 6,000 square feet, and the minimum lot width is fifty feet.

17.31.060 Minimum Building Setback Requirements.

In a DB District, there are no minimum requirements for front, side and rear building setbacks. Setback dimensions may be determined as part of the site plan reviews of Chapter 17.96. Provided, however, that where a DB District abuts a residential district, a building setback shall be required as specified below, and the space so created shall be landscaped to screen the commercial uses from the abutting residential district. Such building setbacks shall be a minimum of twenty feet.

17.31.070 Maximum Coverage by all Buildings.

In the DB District, the maximum impervious coverage is

eighty percent (80%).

17.31.080 Maximum Height of Structures.

In the DB District, all buildings and structures shall have a maximum building height of 16 feet except as provided for under Section 17.62 (Height Overlay District).

17.31.090 Parking/Loading.

In the DB District, parking and loading facilities on private property shall be provided in connection with any permitted or conditional use as specified in Section 17.72, off-street parking and loading facilities.

17.31.100 Signs.

In the DB District, signs may be allowed in conjunction with any permitted use and are subject to the provisions of Section 17.80.

17.31.110 Performance Standards.

1. Exterior Mechanical Devices: Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
2. Landscaping is required and shall be installed in conformance with Chapter 17.78 by this Title and/or conditions of approval of discretionary applications required by this Title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.
3. Outdoor Storage of Materials: The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture is permitted as an incidental or accessory activity of a Permitted Use or the principal feature of a Conditional Use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.
4. Outdoor Lighting: Within one hundred feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the

bottom edge of the shield shall be below the light source. Said lighting shall be shielded so that the 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.)

5. Trash Receptacles: Trash receptacles shall be screened from view. Screening shall be complimentary to building design and materials.

CHAPTER 17.36

GENERAL BUSINESS DISTRICT (B-2)

SECTIONS

- 17.36.010 Intent
- 17.36.020 Permitted Uses
- 17.36.030 Conditional Uses
- 17.36.040 Other Uses
- 17.36.050 Site Plans
- 17.36.060 Minimum Building Setback Requirements
- 17.36.070 Maximum Impervious Coverage
- 17.36.080 Maximum Height of Buildings
- 17.36.090 Parking Requirements
- 17.36.100 Signs
- 17.36.110 Off-Street Loading Facilities
- 17.36.120 Performance Standards

17.36.010 Intent.

The purpose of this district is to provide areas that offer wide range of consumer goods and services. It is further intended to group buildings and business establishments in a manner that creates convenient, attractive and safe development. The products and services shall primarily be for sale on the premises only. All business shall be conducted within enclosed building, except for approved outdoor storage, display and dining areas.

17.36.020 Permitted Uses.

The following uses and structures are permitted in a B-2 District:

1. Retail and wholesale sales (excluding motorized vehicles, trailers, and boats).
2. Business and professional offices.
3. Banks and other financial institutions.
4. Restaurants, cocktail and associated lounges and taverns (indoor dining - no drive through).
5. Commercial recreation, excluding drive-in theaters.
6. Gasoline service stations and car washes.
7. Personal and professional services.

17.36.030 Conditional Uses.

Subject to the requirements of Chapter 17.64 and the standards and procedures for conditional uses as set forth in this Title, the following uses may be permitted in a B-2 District:

1. Utilities and public service uses such as libraries, electrical substations, water storage facilities, etc.
2. Light manufacturing and assembly.
3. Mini warehouses.
4. Recreational buildings and community centers.
5. Drive-in restaurants.
6. Radio and television transmission towers.

17.36.040 Other Uses.

Other uses similar to either permitted or conditional uses which are consistent with the intent of the district may be allowed. The determination of consistency and classification of use whether permitted or conditional shall be made by the Planning Director.

17.36.050 Site Plans.

Before a building permit will be issued, the site plan review process as specified in Chapter 17.96 shall be followed.

17.36.060 Minimum Building Setback Requirements.

Front Yard - 20 feet
Rear Yard - 20 feet
Side Yard - Interior yards - 5 feet
 Flanking street - 10 feet
Any yard abutting residential development - 30 feet with dense vegetative screening.

17.36.070 Maximum Impervious Coverage.

Seventy percent (70%).

17.36.080 Maximum Height of Buildings and Structures.

Maximum height is 16 feet except as provided for under Section 17.62 (Height Overlay District).

17.36.090 Parking.

In a B-2 District, parking on private property shall be provided in connection with any permitted or conditional use as specified in Section 17.72.

17.36.100 Signs.

In a B-2 District, signs may be allowed in conjunction with any permitted use and are subject to the provisions of Section 17.80.

17.36.110 Loading.

In a B-2 District, off-street loading facilities shall be provided in accordance with the provisions of Section 17.72.

17.36.120 Performance Standards.

1. Exterior Mechanical Devices: Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
2. Landscaping is required and shall be installed in conformance with Chapter 17.78 by this Title and/or by conditions of approval of discretionary applications required by this Title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

3. Outdoor Storage of Materials: The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture is permitted as an incidental or accessory activity of a Permitted Use or the principal feature of a Conditional Use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.
4. Outdoor Lighting: Within one hundred feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Said lighting shall be shielded so that the 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.)
5. Trash Receptacles: Trash receptacles shall be screened from view. Screening shall be complimentary to building design and materials.

CHAPTER 17.40

COMMERCIAL DISTRICT (C-1)

SECTIONS

- 17.40.010 Intent
- 17.40.020 Permitted Uses
- 17.40.030 Permitted Accessory Uses
- 17.40.040 Conditional Uses
- 17.40.050 Prohibited Uses
- 17.40.060 Site Plans

- 17.40.070 Minimum Lot Requirements
- 17.40.080 Minimum Setback Requirements
- 17.40.090 Maximum Coverage
- 17.40.100 Maximum Height
- 17.40.110 Parking and Loading Facilities
- 17.40.120 Performance Standards

17.40.010 Intent.

A C-1 District is intended to provide for uses that though not necessarily hazardous or offensive, are different from direct sales and services to customers or residential developments. These uses include light manufacturing, sales, storage, maintenance, and processing. The regulations for a C-1 District are intended to allow the efficient use of the land while making the District attractive and compatible with a variety of uses within the District and in surrounding Districts.

17.40.020 Permitted Principal Uses and Structures.

The following principal uses and structures are permitted in a C-1 District:

1. All uses permitted in a B-2 District;
2. Repair shops for appliances, automobiles, and small equipment;
3. The production, processing, cleaning, servicing, testing, and repair of materials, goods, and products except that junk yards, auto wrecking yards, garbage dumps, and any activity that emits smoke, excessive noise, dirt, vibration, or glare or is otherwise offensive or hazardous are prohibited;
4. Indoor amusement establishments;
5. Animal hospitals, clinics with overnight confinement, and pounds;
6. The sale of motor vehicles, cars, trailers, and vehicle services such as car washes, garages, tire, and battery service facilities;
7. Boat sales and show rooms;
8. Building material sales;
9. Cartage and express facilities and trucking;
10. Contractors' offices and shops;

11. Fishing equipment supplies and repairs;
12. Frozen food lockers;
13. Fuel and ice sales;
14. Commercial greenhouses;
15. Linen towel, diaper, and similar supply services and laundry facilities;
16. Storage, warehousing, and wholesaling establishments;
17. Light manufacturing; and
18. All permitted uses of the waterfront.

17.40.030 Permitted Accessory Uses and Structures.

The following accessory uses and structures are permitted in a C-1 District:

1. Temporary buildings for and during construction; and
2. Uses and structures that are necessary or desirable adjuncts to permitted uses and structures and are under the management and control of the person, organization, or agency responsible for the permitted principal use or structure.

17.40.040 Conditional Uses.

Subject to the requirements of Chapter 17.64 and the standards and procedures for conditional uses as set forth in this Title, the following uses may be permitted in a C-1 District:

1. Hospitals, clinics, and establishments for people convalescing from illness or operation;
2. Homes for the aged;
3. Day nursery schools;
4. Public utilities and public service uses such as libraries, electrical substations, telephone exchanges, and police, fire, and water facilities;
5. Recreational buildings and community centers;
6. Seasonal Christmas tree sales;
7. Schools, including playgrounds and athletic fields incidental thereto;
8. Houses of religious worship, rectories, and parish houses;
9. Private and not-for-profit clubs;
10. Planned unit developments;
11. Home occupations;
12. Mini-storage facilities;
13. Drive-in restaurants; and
14. Residential uses.

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17.40.050 Prohibited Uses and Structures.

The following uses and structures are prohibited in a C-1 District:

1. Those not listed under B. Permitted Principal Uses and Structures, C. Permitted Accessory Uses and Structures, and D. Conditional Uses; and
2. The storage of mobile homes; and
3. Any use including permitted and conditional uses, that causes or may reasonably be expected to cause noise, vibration, odor, smoke, dust or other particulate matter, toxic or noxious matter, humidity, heat, or glare at or beyond any lot line of the lot on which the use is located. The word excessive is defined for these purposes as a degree exceeding that generated by the customary manner of operation of the uses in the District or as a degree injurious to the public health, safety, welfare, or convenience.

17.40.060 Site Plans.

Before a building permit will be issued in a C-1 District, the site plan review process as specified in Chapter 17.96 shall be followed.

17.40.070 Minimum Lot Requirements.

In a C-1 District, the minimum lot area is 6,000 square feet, and the minimum lot width is fifty feet.

17.40.080 Minimum Building Setback Requirements.

In a C-1 District, there are no minimum requirements for front, side, and rear building setbacks. Setback dimensions shall be determined as part of the site plan reviews of Chapter 17.96. Provided, however, that where a C-1 District abuts a residential district, the minimum yard shall be 30 feet, with a dense vegetative screen.

17.40.090 Maximum Coverage by all Buildings.

In a C-1 District, the maximum coverage is eighty percent.

17.40.100 Maximum Height of Structures.

In a C-1 District, all buildings shall have a maximum height of 16 feet, except as provided for under Section 17.62.

17.40.110 Parking and Loading Facilities.

In a C-1 District, parking on private property shall be provided in connection with any permitted or conditional use as specified in Section 17.72.

17.40.120 Performance Standards.

1. **Exterior Mechanical Devices:** Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
2. Landscaping is required and shall be installed in conformance with Chapter 17.78 by this Title and/or by conditions of approval of discretionary applications required by this Title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.
3. **Outdoor Storage of Materials:** The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture is permitted as an incidental or accessory activity of a Permitted Use or the principal feature of a Conditional Use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.
4. **Outdoor Lighting:** Within one hundred feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Said lighting shall be shielded so that the 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.)
5. **Trash Receptacles:** Trash receptacles shall be screened from view. Screening shall be complimentary to building design and materials.

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CHAPTER 17.46

WATERFRONT RESIDENTIAL

SECTIONS

- 17.46.010 Intent
- 17.46.020 Permitted Uses
- 17.46.030 Conditional Uses
- 17.46.040 Development Standards
- 17.46.050 Site Plans
- 17.46.060 Maximum Height
- 17.46.070 Parking and Loading Requirements
- 17.46.080 Signs

17.46.010 Intent

This district recognizes those areas of the shoreline that are characterized by single family residences. It is intended that development occur that is respectful of the shoreline and surrounding properties while permitting a limited mix of residential structure types.

17.46.020 Permitted Uses.

1. Single Family and Duplex Dwellings
2. Accessory structures clearly incidental to the residential use of the lot
3. Public owned and operated parks and shoreline viewing facilities
4. Home Occupation
5. Family Day Care

17.46.030 Conditional Uses.

Subject to the requirements, standards and procedures for conditional uses set forth in Section 17.64 of this Title, the following uses may be permitted in a waterfront residential district:

1. Public Facilities
2. Utilities

3. Bed and Breakfast establishments.

17.46.040 Development Standards.

	Single Family	7,000 to	less than Duplex	
Non-Res.				
	Dwell.	12,000	7,000 Dwell.	
1. Minimum lot area per building site in square feet	12,000			15,000
2. Minimum lot width	70'	50'	50'	70'
3. Minimum Front Yard Setback*	20'	20'	15'	20'
4. Minimum Rear Yard Setback if Tidelands not owned	20'	20'	15'	20'
5. Minimum Rear and/or Side Yard Setback to owned abutting tidelands	0	0	0	0
6. Minimum Interior Side Yard Setback	8'	5'	5'	8'
7. Minimum Street Side Yard Setback	10'	10'	8'	10'
8. Maximum Impervious Coverage	40%	45%	50%	45%
9. Minimum Street Frontage	20'			20'

10. An undersized lot shall qualify as a building site for a detached single family dwelling if the lot is of record at time this chapter became effective. Recognizing the existence of such parcels, the development standards are adjusted to grant relief as to minimum lot size only to the owners of smaller lots.

- * In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line, provided such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties in the opinion of the Planning and Public Works Directors.

An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

17.46.050 Site Plans.

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

17.46.060 Height.

Maximum building height is 16 feet, except as provided for under Section 17.62.

17.46.070 Parking/Loading.

Parking and loading facilities on private property shall be provided in connection with any permitted or conditional use as specified in Section 17.72

17.46.080 Signs.

Signs may be allowed in conjunction with any permitted or conditional use subject to the provisions of Section 17.80.

CHAPTER 17.50

WATERFRONT COMMERCIAL

SECTIONS

- 17.50.010 Intent
- 17.50.020 Permitted Uses
- 17.50.030 Conditional Uses
- 17.50.040 Development Standards
- 17.50.050 Site Plans
- 17.50.060 Maximum Height

17.50.070 Parking and Loading Facilities

17.50.080 Signs

17.50.090 Performance Standards

17.50.010 Intent

It is the intent of this district to provide a wide range of uses and activities on the shorelines of Gig Harbor located within the area proximate to the downtown business district. Development should be water oriented and maintain the scale of existing structures. Highest priority will be accorded to those uses that are water dependent. Other uses that provide a high degree of physical access to the waterfront have the next priority. Those activities that are not water dependent but maintain or enhance views and the character of the area may also be permitted.

17.50.020 Permitted Uses

1. Marinas and boat launch facilities
2. Piers, docks, wharfs and associated buildings
3. Boat repair and sales facilities
4. Marine related sales and offices
5. Delicatessens
6. Public park and access facilities
7. Yacht clubs
8. Wholesale and retail sales of fisheries products for human consumption

17.50.030 Conditional Uses

1. Residential development - up to four plexes
2. Guest accommodations
3. Public facilities
4. Parking lots for related shoreline uses
5. Restaurants, taverns and lounges
6. Processing of fisheries products for off-premise human consumption
7. Boat construction

17.50.040 Development Standards

	Single Family	Multi-family (duplex-fourplex)	Non-Resi- dential
1. Min. lot area	12,000	15,000-21,000	12,000

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2. Min. lot width	70'	100'	100'
3. Min. front setback	20'	20'	20'
4. Min. rear setback if Tidelands not owned	15'	15'	15'
5. Min. rear and/or side yard setback to owned abutting Tidelands	0	0	0
6. Min. int. side setback	8'	8'	10'
7. Min. street side setback	10'	10'	10'
8. Max. Impervious coverage	50%	55%	60%
9. An undersized lot shall qualify as a building site if such lot is a lot of record at the time this chapter became effective. Recognizing the existence of such parcels, the development standards are adjusted to grant relief as to minimum lot size and minimum lot width only.			

17.50.050 Site Plans

Before a building permit will be issued in a WC zone, the site plan review process specified in Chapter 17.96 shall be followed. Residential projects containing three or fewer dwelling units are exempt from this provision.

17.50.060 Height

The maximum building height is 16 feet, except as provided for under Section 17.62.

17.50.070 Parking and Loading Facilities

Parking and loading facilities on private property shall be provided in accordance with the requirements of Section 17.72

17.50.080 Signs

All signs shall comply with the provisions of Section 17.80.

17.50.090 Performance Standards

1. Exterior Mechanical Devices: Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
2. Landscaping is required and shall be installed

in conformance with Chapter 17.78 by this Title and/or by conditions of approval of discretionary applications required by this Title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

3. Outdoor Storage of Materials: The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture is permitted as an incidental or accessory activity of a Permitted Use or the principal feature of a Conditional Use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.
4. Outdoor Lighting: Within one hundred feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Said lighting shall be shielded so that the 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.)

Chapter 17.60

TRANSITIONAL USES

SECTIONS:

- 17.60.010 Intent
17.60.020 Permitted Uses

17.60.010 Intent. To provide for uses of land at the borderlines between residential and other districts,

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which would not have an adverse effect on the uses in either district, but would serve as a more gradual transition to use changes.

17.60.020 Permitted Uses.

- A. In an R-1 zone, a lot which abuts upon or is located across the street or alley from property in a nonresidential zone, may be used for:
1. Two-family dwellings, provided that such lot is at fourteen thousand (14,000) square feet in size;
 2. A parking lot for a business within one hundred (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 the entrance to the parking lot is at least thirty (30) feet from the nearest residential lot and the lot is landscaped and screened.
- B. In R-2 zones, a lot adjacent to a nonresidential zone may be used for a parking lot for a business within one hundred (100) feet, if solely for cars for customers or employees, and provided that the parking lot entrance is at least thirty (30) feet from the nearest residential lot, and the lot is landscaped and provided with a dense vegetative screen.

CHAPTER 17.64

CONDITIONAL USES

SECTIONS

- 17.64.010 Intent
17.64.020 Procedure
17.64.030 Investigation
17.64.040 Granting or Denial
17.64.050 General Conditions

- 17.64.060 Review Criteria
- 17.64.070 Expiration
- 17.64.080 Transfer of Permit
- 17.64.090 Revocation of Permit
- 17.64.100 Appeal of Examiners Decision
- 17.64.110 General Criteria

17.64.010 Intent. Certain uses, because of their unusual size, infrequent occurrence, special requirements, possible safety hazards or detrimental effect on surrounding properties are classified as conditional uses. These uses may be allowed in certain use districts by a Conditional Use Permit granted by the Hearing Examiner, subject to the procedures established in Section 17.10.

17.64.020 Procedure. Any use that requires a conditional use permit shall be processed in accordance with the following procedures:

- A. Application. An application for a conditional use permit may be filed by the property owner, lessee of the property with more than a month-to-month tenancy, or authorized agent of the property owner. The application shall be submitted in writing and be accompanied by the required plans and data. These applications shall be submitted to the Planning Department for transmittal to the Hearing Examiner with analysis and recommendation.
- B. Investigation. The Planning Director shall make an investigation to determine whether a proposed conditional use would be in accordance with the comprehensive plan, and this chapter, whether the use would be injurious to the public health, safety, or welfare, and whether the use would be detrimental to other properties in the vicinity.
- C. Granting or Denial. The decision may include special restrictions or conditions deemed necessary or desirable in furthering the intent of the ordinance pertaining to the proposed development.

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D. The conditions may:

1. Stipulate the exact location of uses or structures as a means of minimizing hazards or property damage.
2. Require special structural features, equipment or site treatment.
3. Increase requirements; standards or criteria over the minimum established by this title

17.64.030 General Conditions. In considering whether to grant conditional uses, the Hearing Examiner shall be satisfied that the minimum standards set for uses specified in this chapter will be met. In addition, the Examiner shall consider the criteria listed in this section and the standards as set forth in this chapter. The Examiner may require the applicant to submit whatever reasonable evidence may be needed and may stipulate additional conditions to protect the public interest. The burden of proof rests with the applicant.

17.64.040 Review Criteria. Each determination granting a conditional use permit shall be supported by written findings of fact showing specifically wherein all of the following conditions are met.

- A. That the use for which the conditional use permit is applied for is specified by this title as being conditionally permitted within, and is consistent with the description and purpose of the zone district in which the property is located.
- B. That the granting of such conditional use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare; will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;
- C. That the proposed use is properly located in relation to the other land uses and to transportation and service facilities in the vicinity; and, further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets;

- D. That the site is of sufficient size to accommodate the proposed use and all yards, open spaces, walls and fences, parking, loading, landscaping and other such features as are required by this title or as needed in the opinion of the Examiner.

17.64.050 Expiration. Any conditional use permit granted by the Hearing Examiner shall expire if not exercised within one (1) year of the date of approval. If a use or activity authorized by such permit is abandoned or discontinued for a continuous period of one (1) year, it may not be reestablished unless authorized in accordance with the provisions of this chapter. A request for extension of the one (1) year time limit may be considered by the Hearing Examiner, providing that the request is in writing and is received no less than 30 days prior to the expiration date. No additional extensions shall be granted. An extension shall be valid for a period not to exceed one year.

17.64.060 Transfer of a Conditional Use Permit. A conditional use permit shall be transferable provided that the transferee complies with the conditions of the permit. If at any time the conditional use no longer complies with the conditions of the permit, the owner shall be declared in violation of this title and shall be subject to its penalties

17.64.070 Revocation of a Conditional Use Permit. Following a public hearing by the Hearing Examiner, a conditional use permit may be revoked for one or more of the following reasons:

1. That the approval was obtained by fraud or that erroneous information was presented by the applicant.
2. That the use for which approval was granted has not been exercised.
3. That use is being exercised contrary to the conditions of approval, or in violation of any statute, ordinance, law or regulation.

17.64.080 Appeal of the Examiner's Decision on a Conditional Use Permit. Any aggrieved person may file a request for reconsideration or appeal in accordance with the procedures established pursuant to Section 17.10.150/.160.

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17.64.090 General Criteria. Notwithstanding the development criteria contained in this section, the Hearing Examiner shall have the authority to impose conditions and safeguards deemed necessary to protect the health, safety, and welfare of the surrounding area.

CHAPTER 17.66

VARIANCES, INTERPRETATIONS, APPEALS

SECTIONS

- 17.66.010 Intent
- 17.66.020 Variances
- 17.66.030 General Variances
- 17.66.040 Interpretations and Appeals

17.66.010 Intent

This chapter is intended to provide review procedures and criteria for those special situations where the dimensional, bulk or spacing provisions of this title may be relaxed. Variances are not intended to be used as a means of circumventing individually inconvenient regulations.

17.66.020 VARIANCES

A. Administrative Variances.

Upon the filing of a proper application, the Planning Director shall have the authority to grant, with conditions if necessary, an administrative variance from the following property development standards:

1. A decrease of not more than twenty percent (20%) of the required width of a side, front or rear yard or yard between buildings.
2. An increase of not more than ten percent (10%) of the permitted projection of cornices, sills, eave projection, unenclosed awnings, and unenclosed and uncovered decks into a required front, side or rear yard.

3. An increase of not more than ten percent (10%) in the maximum permitted height of buildings, fences or structures, or maximum permitted lot coverage.
4. A decrease of not more than ten percent (10%) in the number of required parking spaces.

B. Required Findings To Grant.

1. Each administrative variance granted shall be supported by written findings showing an affirmative determination of the variance review criteria contained in Section 17.66.

C. Planning Director Action.

Upon the filing of a properly completed application, the Director shall, within fifteen (15) working days, act to approve, modify or deny said application. If approved, the Director shall send notice of the decision to the owners of all adjacent properties. The decision shall become final fifteen (15) working days after taking an action on the application unless an appeal is filed with the Planning Department prior to the fifteenth (15) day. Any appeal of an administrative variance shall be considered by the Hearing Examiner.

17.66.030 GENERAL VARIANCES

- A. The Hearing Examiner shall have the authority to grant a variance from the requirements of this ordinance, except as identified in Section 17.66, Administrative Variances, after considering the matter at a public hearing.
- B. Before any variance can be granted, the Examiner shall make findings of fact setting forth and showing that the following circumstances exist:
 1. The proposed variance will not amount to a rezone nor authorize any use not allowed in the district.
 2. That special conditions and circumstances exist which are peculiar to the land such as size, shape, topography or location, not applicable to other land in the same district and that literal interpretation of the provisions of this ordinance would deprive the property owner of rights commonly enjoyed by other properties

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- similarly situated in the same district under the terms of this ordinance.
3. That the special conditions and circumstances do not result from the actions of the applicant.
 4. That granting of the variance requested will not confer a special privilege that is denied other lands in the same district.
 5. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.
 6. The Hearing Examiner shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land.
 7. The decision of the Hearing Examiner shall be final. Appeals of the Examiner's decision may be made to the City Council in accordance with the appeal procedures established under Section 17.10.160.

17.66.040 Time Limits

Any variance granted by the Hearing Examiner or Planning Director shall become null and void if not exercised within one year of the date of approval. Upon written request by a property owner, prior to the date of expiration, the Director may grant an extension of time up to but not exceeding one year. Any extension of time shall be based upon a finding that there has been no material change of circumstances applicable to the property since the granting of the variance.

17.66.050 INTERPRETATIONS AND APPEALS

Interpretation - Planning Director. The Planning Director shall review and determine any questions involving the proper interpretation or application of the provisions of this title that may be requested by any property owner, tenant, government officer, department, board, council or commission. The Planning Director's decision shall be in keeping with the spirit and intent of this title and of the Comprehensive Plan.

Recognizing that there may be uses not specifically

mentioned in this title, either because of advancing technology or any other reason, the Planning Director may permit such use to be established if it is clearly evident that the use is in conformity with the designated principal uses of the use district in which it is to be located. When there is doubt as to the proper classification of a use, the Hearing Examiner shall rule on the matter.

Appeals from Administrative Decision. Appeals may be taken to the Hearing Examiner by any person aggrieved or by any officer, department, board, council or commission of the city affected by any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this title or any amendment thereto. Such appeals shall be filed in writing, in duplicate, with the Hearing Examiner with twenty (20) days of the date of the action being appealed.

Upon the filing of such an appeal, the Hearing Examiner shall set the time and place at which the matter will be considered. At least ten (10) days notice of such time and place shall be given to the adverse parties of record in the case and to the official whose decision is being appealed. The officer from whom the appeal is being taken shall forthwith transmit to the Hearing Examiner all of the records pertaining to the decision being appealed, together with such additional written report as he deems pertinent.

In exercising the powers granted herein, the Hearing Examiner may, in conformity with this chapter, reverse or affirm, wholly or in part, or may modify the order, requirements, decision or determination appealed from and may make such order, requirement, decision or determination as should be made, and, to that end, shall have all the powers of the officer from whom the appeal is being taken, insofar as the decision on the particular issue is concerned.

CHAPTER 17.68

NONCONFORMITIES

SECTIONS

17.68.010 Intent

- 17.68.020 Nonconforming Lots of Record
- 17.68.030 Nonconforming Uses of Land
- 17.68.040 Nonconforming Structures
- 17.68.050 Repairs and Maintenance
- 17.68.060 Uses Permitted Under Conditional Uses Provisions
- 17.68.070 Nonconforming Parking, Loading, Signs, and Other Characteristics of Use
- 17.68.080 Continuity of Prior Conditions and Variances

17.68.010 Intent. Within the zoning Districts established by this Title or any amendment that may later be adopted, there may exist lots, structures, uses of land and structures, and characteristics of use that were lawful before the effective date of the applicable regulations, but that would be prohibited, regulated, or restricted under the terms of Chapter 17.04 of this Title or a future amendment thereof. This Chapter 17.68 is intended to permit these nonconformities to continue until they are removed but not to encourage their perpetuation. It is further intended that nonconformities shall not be enlarged upon, expanded, extended, or be used as grounds for adding other structures or uses prohibited elsewhere in the same District.

Because nonconformities do not conform to the requirements of the regulations within their zoning Districts, they are declared by this Chapter to be incompatible with the permitted uses in the Districts involved. A nonconforming use of land in combination shall not be extended or enlarged after passage of this Chapter by the addition of other uses. To avoid undue hardship, nothing in this Chapter shall be deemed to require a change in the plans, construction, or designated use of any building for which application for a building permit was made prior to the effective date of the adoption or an amendment of this Title.

17.68.020 Nonconforming Lots of Record. In any District, notwithstanding limitations imposed by other provisions of Chapter 17.04, permitted principal uses

and structures and customary accessory buildings may be erected on any lot that is of record at the effective date of the adoption or of an amendment of the applicable regulations. This provisions shall apply, even though such lot fails to meet the requirements for area or width, or both, that are applicable in the District. Such permitted principal uses and structures and accessory buildings shall be erected on such a nonconforming lot so that all dimensional requirements of the Zoning Ordinance including minimum yard requirements, the maximum height of structures, and the maximum coverage by all buildings are complied with.

17.68.030 Nonconforming Uses of Land. When, before the effective date of the adoption or an amendment of the applicable regulations, a lawful use of land existed that would not be permitted by the regulations thereafter imposed by Chapter 17.04 or amendments thereof, the use may be continued so long as it remains otherwise lawful, and shall be deemed a nonconforming use, provided however, that

- A. No such nonconforming use shall be enlarged in size or increased in size or extended to occupy a greater area of land than was occupied at the effective date of the adoption or an amendment of such applicable regulations;
- B. No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such use at the effective date of the adoption or an amendment of such applicable regulations;
- C. If any such nonconforming use of land ceases for any reason for a period of more than one (1) year, any subsequent use of land shall conform to the regulations specified by this Title for the District in which such land is located;
- D. No additional structure not conforming to the requirements of this Title shall be erected in connection with such nonconforming use of land.

17.68.040 Nonconforming Structures. When a lawful structure existed at the effective date of the adoption or an amendment of the applicable regulations and could not be built under the terms of the current regulations set forth in Section 17 or amendments thereof by reason of the restrictions on area, lot size or dimension, coverage, height, yards, and the location on the lot or other requirements concerning the structure, such

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structure may be continued so long as it remains otherwise lawful and shall be subject to the following provisions:

- A. No such nonconforming structure may be altered in any way that increases its nonconformity or enlarges any of its dimensions, but any structure or portion thereof may be altered to decrease its nonconformity;
- B. Should such nonconforming structure or nonconforming portion of a structure be damaged by any means it may be replaced to its original dimensions, and this replacement must occur within one (1) year of the time of damage or not at all and shall comply with all applicable building codes in force at the time of replacement;
- C. If no structural alterations are made, any nonconforming use of a structure and premises may be changed to another nonconforming use, after approval by the Hearing Examiner, and provided that the Hearing Examiner finds that the proposed use is more appropriate for the District than the existing nonconforming use, and in permitting such a change, the Hearing Examiner may require appropriate conditions and safeguards, and these conditions and safeguards may be made without public hearing;
- D. Any structure and premises in or on which a nonconforming use is superceded by a permitted use shall thereafter conform to the use regulations for the District in which they are located, and the nonconforming use may not thereafter be resumed;
- E. When a nonconforming use of a structure and premises is discontinued or abandoned for one (1) year, the structure and premises shall not thereafter be used except in conformity with the regulations of the District in which it is located; and
- F. When a structure and premises have a nonconforming use status, the removal or destruction of the structure shall eliminate the nonconforming status, and destruction for the purposes of this subsection is defined as damage causing loss value greater than fifty percent (50%) of the replacement cost at the time of destruction.

17.68.050 Repairs and Maintenance. Repairs may be made to any nonconforming structure or any portion of a structure containing a nonconforming use, provided they are restricted to the repairs or replacement of structural elements, fixtures, wiring, and plumbing

required so as to protect occupants and public safety. The need for such repairs or replacements shall be confirmed by the Building Official.

Nothing in this Chapter shall be deemed to prevent the strengthening or restoration to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety and upon the order of such official.

17.68.060 Uses Permitted Under Conditional Use Provisions. A use that existed before the effective date of the adoption or an amendment of the applicable regulations and that is permitted as a conditional use in the District in which it is located under the terms of this Title shall not be deemed a nonconforming use. Such a use shall be considered to exist as a conditional use. The scope of the conditional use shall be governed by the provisions of this Chapter unless modified by the Hearing Examiner in accordance with Chapter 17.64.

17.68.070 Nonconforming Parking, Loading, Signs, and Other Characteristics of Use. If the characteristics of a use such as signs, off-street parking, off-street loading, lighting, or other matters required by this Title in relation to specific uses of land, structures, or premises are not in accordance with the requirements of this Title, no change that increases the nonconformity with such requirements shall be made in such characteristics of use. Any change that decreases the nonconformity to the requirements of this Title shall be permitted.

17.68.080 Continuity of Prior Conditions and Variances. Any valid conditional use or variance granted prior to the enactment of this Title shall be permitted to continue in accordance with such use or variance.

CHAPTER 17.72

OFF-STREET PARKING AND LOADING REQUIREMENTS.

SECTIONS

17.72.010 Intent

17.72.020 Off-Street Parking Design Standards

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- 17.72.030 Parking Spaces Required
- 17.72.040 Off-Street Loading Design
- 17.72.050 Off-Street Loading Berth

17.72.010 Intent.

Off-street parking is parking on privately owned property. The regulations concerning off-street parking 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. All parking space requirements set forth in this Section shall be met prior to the occupancy of buildings and shall be satisfactorily maintained for each use listed in this section.

To avoid damage to the streets and hazards to the pedestrians and congestion on the streets, it is required that spaces in the form of off-street loading berths be provided on the same lot as the building to be served by the delivery or loading of goods, and that such berths be adequate in size and number to provide the service needed without affecting adjacent properties, public streets or public rights-of-way.

17.72.020 Off-Street Parking Design Standards.

1. The off-street parking required for the uses specified herein shall be for use only by the automobiles of the residents, employees, and customers of the activity served by the off-street parking.
2. Off-street parking requirements shall be met on the same lot as the building served by the off-street parking or on a lot that is within one hundred (100) feet of the building or facility served by the off-street parking and is specially reserved for the service of such building. Notwithstanding the above, off-street parking facilities for independent and separate buildings and uses may be provided collectively on a common lot, if these facilities are not less than the total requirements of the independent and separate

uses, and if all other requirements are met.

3. All off-street parking spaces shall be at least nine (9) feet in width and at least nineteen (19) feet in length, both exclusive of access drives, yards, and ramps. Such spaces shall have a vertical clearance of at least seven (7) feet.
4. Off-street parking spaces may be located in any required yard unless otherwise indicated in Chapter 17.
5. All off-street parking spaces and access areas shall be surfaced with portland cement concrete or asphaltic concrete paving, to the standards established by the City of Gig Harbor.
6. All open parking area with four or more parking spaces shall be effectively screened by a wall, a fence, or landscaping from any institutional or public building and from any property in a residential district.

17.72.030 Number of Off-Street Parking Spaces Required.
The following is the number of off-street parking spaces required:

1. For single-family dwellings, two off-street parking spaces for each dwelling unit;
2. For multiple-family dwellings, two (2) off-street parking spaces for each dwelling unit.
3. For medical care facilities, as follows:
 - a. For hospitals, one off-street parking space for every two beds based on maximum capacity;
 - b. For medical and dental clinics, one off-street parking space for every two hundred and fifty (250) square feet of floor area;
 - c. For sanitariums, nursing homes, convalescent homes, and similar institutions, one off-street parking space for every four (4) beds as based on maximum capacity; and
 - d. For facilities for the elderly, disabled, and handicapped, the area set aside for off-street parking shall be in compliance

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with Paragraph C.3.c., above, provided that, if the facility is used exclusively for the housing of the elderly, disabled, or handicapped, the City Council may allow a portion of the area required for off-street parking to be reserved as a landscaped area, if the Council finds that the required off-street parking is not immediately required and is in the best interest of the neighborhood.

4. For libraries, art galleries, and museums, two (2) off-street parking spaces for every one thousand (1,000) square feet of floor area.
5. For business, professional, and governmental offices, one off-street parking space for every three hundred (300) square feet of floor area;
6. For auditoriums, houses of religious worship, dance halls, exhibition halls, community centers, skating rinks, theaters, and other places of public assembly, one (1) off-street parking space for every possible four (4) seats in the auditoriums and assembly rooms. The maximum seating capacity shall be determined under the provisions of the Uniform Building Code;
7. For schools, as follows:
 - a. For elementary and junior high schools, one (1) off-street parking space for every five (5) seats in the main auditorium or assembly room; and
 - b. For high schools, one (1) off-street parking space for every four (4) seats in the main auditorium or assembly room, or three (3) off-street parking spaces for every classroom plus one (1) additional off-street parking space for each staff member or employee, whichever is greater.
8. For private clubs and lodges, one (1) off-street parking space for every two (2) beds plus one (1) space for each four (4) persons of the building's maximum seating capacity as determined by the Uniform Building Code.
9. For gasoline service stations and repair

garages, four (4) off-street parking spaces for each service bay or one (1) off-street parking space for every two (2) full pumps if service bays are not provided.

10. For bowling alleys, five (5) off-street parking spaces for each alley;
11. For restaurants, bars, cafeterias, and other eating and drinking establishments, one (1) off-street parking space for every three (3) seats based upon the maximum seating capacity as determined by the provisions of the Uniform Building Code.
12. For furniture and appliance stores, establishments selling motor vehicles, wholesale stores, repair shops for household equipment, and establishments selling or repairing radios and televisions and machinery, one (1) off-street parking space for every four hundred (400) square feet of floor area.
13. For retail sales, stores, personal service establishments, shoe repair establishments, barber and beauty shops, etc., one (1) off-street parking space for every three hundred (300) square feet of floor area.
14. For hotels and motels, one and one-quarter (1-1/4) off-street parking spaces for each room to rent.
15. For establishments producing, manufacturing, cleaning, servicing, testing, or repairing materials or commodities and for warehousing or storage buildings, one (1) off-street parking space for every five hundred (500) square feet of building floor area.
16. For motor freight companies, one (1) off-street parking space for every four (4) employees plus one (1) additional space for each of the vehicles in use, at any time, in the conduct of the business.
17. For marinas, moorages, and docks:
 - a. Moorages/slips less than forty-five (45) feet - one space for every two (2) berths;

- b. Moorages/slips forty-five (45) feet or longer - one space for every berth;
 - c. All moorage facilities shall provide a minimum of two (2) parking spaces;
 - d. If 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.
18. For home occupations, a minimum of one (1) additional off-street parking space shall be provided above those off-street spaces provided to accommodate the owner's or operator's parking space (s). If the occupation requires any customers or clients to visit the premises at any time, at least two (2) off-street parking spaces shall be provided in addition to the owner's or operator's parking space (s).
 19. For any other use not specifically mentioned or provided for, the Planning 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.

17.72.040 Off-Street Loading Design Requirements.

1. Off-street loading berths shall be provided on the same lot as the use the berths serve and shall not occupy the front yard of the lot.
2. No loading berth shall be located closer than twenty-five (25) feet to a residential lot line unless screened by shrubbery or a fence or a combination thereof, any one of which must be approved by the Planning Director.
3. Each loading berth shall be designed with access to a street or alley in a manner that does not permit undue interference with traffic movement on the public street or alley.
4. Each required loading berth shall be at least ten (10) feet by twenty-five (25) feet in size and eighteen (18) feet in height and shall provide eighty-five (85) feet of direct access uninterrupted by any change in horizontal or vertical direction between the loading dock and the street.
5. Each loading berth surface and access area

shall be improved with portland cement concrete or asphaltic concrete paving to the standards established by the City of Gig Harbor Public Works Director.

6. Areas set aside for off-street loading berths shall not be considered as satisfying the requirements for off-street parking space and shall not be used for vehicle repairs or servicing.
7. No approach to loading docks shall exceed a seven percent (7%) slope.
8. All or part of the off-street loading requirements may be met by loading facilities within the buildings.

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:

1. Public Uses. One berth required for each twenty-five thousand (25,000) square feet of building floor space;
2. Commercial Uses. One berth required for each ten thousand (10,000) square feet of wholesale commercial building floor space;
3. Professional Office Uses. One berth required for each twenty-five thousand (25,000) square feet of building floor space;
4. Industrial Uses. One berth required for each ten thousand (10,000) square feet of building floor space;
5. Residential Activities. One berth required for any residential facility occupying more than fifty thousand (50,000) square feet.

CHAPTER 17.78

LANDSCAPING AND SCREENING

SECTIONS

17.78.010 Intent

17.78.020 Application

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- 17.78.030 Landscape Plans
- 17.78.040 Overlapping Requirements
- 17.78.050 Preservation of Significant Trees
- 17.78.060 Requirements for Residential Landscaping
- 17.78.070 Requirements for Commercial Landscaping
- 17.78.080 Parking Lot Landscaping and Screening
- 17.78.090 Screening/Buffering from SR-16
- 17.78.100 Alternative Landscape Plans
- 17.78.110 Performance Assurance
- 17.78.120 Maintenance

17.78.010 Intent. The intent of this chapter is to establish standards for landscaping and screening; to maintain or replace existing vegetation, provide physical and visual buffers between differing land uses, lessen environmental and improve aesthetic impacts of development and to enhance the overall appearance of the city. Notwithstanding any other provision of this chapter, trees and shrubs planted pursuant to the provisions of this chapter shall be types and ultimate sizes at maturity that will not impair scenic vistas.

17.78.020 Applicability. The standards as required by this chapter shall apply to all non-residential and non-agricultural uses of land, and to the construction or location of any residential building or development in which more than two (2) attached dwelling units would be contained, and where practicable, to changes in the use of land or structures.

17.78.030 Landscape Plans. A plan of the proposed landscaping and screening shall be provided as an adjunct to or incorporated into plans submitted for site plan review or Hearing Examiner review. The plans shall be drawn to scale and contain the following:

- Identification of existing trees and tree canopies in the project.

- Significant trees and vegetation to remain.
- Parking and vehicle use areas, driveways and walkways.
- Buildings or structures (existing and proposed).
- Soil mix and amendments.
- New landscaping - location, species, diameter or size of materials using both botanical and common names. Drawings shall reflect the ultimate size of plant materials.
- Identification of tree protection techniques.

17.78.040 Overlapping Requirements. In the event of a conflict between the standards for individual uses and other general requirements of this chapter, the more stringent shall apply. Determination of the appropriate standards shall be made by the Planning Director.

17.78.050 Preservation of Significant Trees.

- A. Applicability. In required perimeter landscaping area, applicants shall retain all significant trees. The city encourages retention of trees on the remaining portions of the project sites as well. Significant trees are those which possess one or more of the following characteristics:
1. Contribute to the character of the area and do not constitute a safety hazard, or
 2. Form a continuous canopy or dense buffer.
 3. If the grade level adjoining a tree to be retained is to be raised to a degree that would endanger the viability of a tree or trees, then the applicant shall construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be capable of protecting the tree. Proof of professional design may be required.
 4. The applicant may install impervious or compactable surface within the area defined by the drip line of any tree to be retained if it is demonstrated that such activities will not endanger the tree or trees.

Retention of other existing vegetation for landscaping is strongly encouraged, however, it must be equal to or better than available nursery stock.

17.78.060 Requirements for Residential Landscaping.

- A. Perimeter Areas. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways, and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be at least the depth of the required yard or setback area. Areas to be landscaped shall be covered with live plant materials which will ultimately cover seventy-five percent (75%) of the ground area, within three (3) years. One deciduous tree a minimum of two (2) inch caliper or one six (6) foot evergreen or three (3) shrubs which should attain a height of three and one-half (3-1/2) feet within three (3) years shall be provided for every five hundred (500) square feet of the area to be landscaped. A minimum of forty percent (40%) of the required plantings shall be evergreen trees a minimum of six (6) feet in height for properties located within the boundaries of the Height Overlay District referenced in City Ordinance #537, Section 17.62. Trees shall be of a species that will ultimately grow to the height of the planned building. In the selection of trees and shrubs, consideration should be given to overall aesthetic impacts at maturity.
- B. Buffer Areas. Where a development subject to these standards is contiguous to a zoning district of less intensive land uses, then that required perimeter area shall have a dense vegetative screen which is opaque to a height of six (6) feet and broken to a height of twenty (20) feet. The screening may be achieved through any one or a combination of the following methods:
- A solid row of evergreen trees or shrubs.
 - A solid row of evergreen trees and shrubs be planted on an earthen berm an average of three and one-half (3-1/2) feet high along its midline.
 - A combination of trees or shrubs and fencing where the amount of fence does not exceed fifty percent (50%) of the lineal distance of the side to be buffered as well as other plant materials, planted so that the ground will be covered within three (3) years.

- C. Parking Areas. Parking areas shall be landscaped subject to the standards for parking lots found in Section 17.72 of this chapter.

17.78.070 Requirements for Commercial Uses.

- A. Perimeter Areas. Notwithstanding other regulations found in this chapter, perimeter areas not covered with buildings, driveways and parking and loading areas shall be landscaped. The required width of perimeter areas to be landscaped shall be the required yard or setback area. Areas to be landscaped shall be covered with live plant materials which will ultimately cover seventy-five percent (75%) of the ground area within three (3) years and provide one (1) deciduous tree of a minimum of two (2) inch caliper or one (1) six (6) foot high evergreen tree or three (3) shrubs which will attain a height of three and one-half (3-1/2) feet within three (3) years shall be provided for every three hundred (300) square feet of area to be landscaped.

A minimum of forty percent (40%) of the required plantings shall be evergreen trees a minimum of six feet in height for properties located within the boundaries of the Height Overlay District referenced in City Ordinance #537, Section 17.62. Trees shall be of a species that will ultimately grow to the height of the planned building.

- B. Buffer Areas. Where a development subject to these standards is contiguous to a residential zoning district or areas of residential development, then that required perimeter area shall be landscaped the full width of the setback areas as follows:
- A solid screen of evergreen trees or shrubs.
 - A solid screen of evergreen trees and shrubs be planted on an earthen berm an average of three (3) feet high along its midline.
 - A combination of trees or shrubs and fencing where the amount of fence does not exceed fifty percent (50%) of the lineal distance of the side to be buffered as well as other plant materials, planted so that the ground will be covered within three (3) years.

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- C. Areas Without Setbacks. In those areas where there is no required setback or where buildings are built to the property line, development subject to this chapter shall provide a street tree at an interval of one every twenty (20) feet or planter boxes at the same interval or some combination of trees and boxes, or an alternative.

Street trees shall be a minimum caliper of two (2) inches and be a species approved by the city and installed to city standards. Planter boxes shall be maintained by the property owners and shall be of a type approved by the city.

- D. Parking Area. Parking areas shall be landscaped subject to the standards for parking lots found in Section 17.72 of this chapter.

17.78.080 Parking Lot Landscaping and Screening. The standards of this section shall apply to public and private parking lots, residential parking areas providing spaces for more than ten (10) cars and all non-residential uses of land and development.

- A. Perimeter Landscaping. In order to soften the visual effects or separate one parking area from another, or from other uses, the following standards apply:

1. Adjacent to a street or road, the minimum width shall be equal to the required yard for the underlying land use or a strip ten (10) feet wide whichever is greater. On all other perimeters the depth shall be a minimum of five (5) feet.
2. Visual screening through one or any of a combination of the following methods:
 - a. Planting of living ground cover as well as shrubs or small trees which will form a solid vegetative screen at least three (3) feet in height. OR
 - b. Construction of a barrier fence or wall to a height of three (3) feet combined with low planting or wall clinging plant

materials. Materials should be complementary to building design. OR

c. Earth mounding or berms having a minimum height of three (3) feet and covered with shrubs and trees.

3. Other Landscaping Required. In addition to the screening required above, deciduous trees shall be provided at intervals no greater than thirty (30) feet and shall be a minimum of two (2) inch caliper.

B. Buffer Areas. Where a development subject to these standards is contiguous to a residential zoning district or areas of residential development, then that required perimeter area shall be landscaped as follows:

- A solid screen of evergreen trees or shrubs.
- A solid screen of evergreen trees and shrubs be planted on an earthen berm an average of three (3) feet high along its midline.
- A combination of trees or shrubs and fencing where the amount of fence does not exceed fifty percent (50%) of the lineal distance of the side to be buffered as well as other plan materials, planted so that the ground will be covered within three (3) years.

C. Downtown Parking Lots. For parking lots located within the downtown area, the following standards apply:

1. Provision of a minimum of five (5) foot wide landscaping strip intended to screen and soften the visual impacts of parking lots. Screening may be accomplished through any of the methods described under Section "A.2" above. In addition to screening, street trees, a minimum of two (2) inch caliper shall be provided at twenty (20) foot intervals.
2. In those instances where parking areas are bordered by more than one street, the strip required in "1" above shall only apply to the longest side. All other sides must be screened with a wall, fence, vegetative buffer or combination of these elements at a minimum

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height of three and one-half (3-1/2) feet. The street tree requirements will pertain.

3. In order to protect vision clearances, areas around driveways and other access points are not required to comply with the full screening height standards. The specific horizontal distance exempt from this standard shall be determined after consultation with the Public Works Department.

D. Interior Parking Lot Landscaping. All parking lots that contain twenty (20) or more parking spaces or are larger than six thousand (6,000) square feet in area shall have interior lot landscaping as follows:

1. Landscaped Area. Parking lots that contain twenty (20) or more parking stalls or are six thousand (6,000) to thirty thousand (30,000) square feet in area shall have five (5) square feet of landscaped area per one hundred (100) square feet of vehicle use area, or fraction thereof. Parking lots larger than thirty thousand (30,000) square feet shall have seven (7) square feet of landscaped area per one hundred (100) square feet of vehicle use area or fraction thereof. Vehicle use area shall include driveways.
2. Minimum Area. The minimum area of required landscaping shall be sixty-four (64) square feet in order to provide a proper plant environment.
3. Maximum Contiguous Area. To encourage the proper distribution of landscaping throughout parking areas, no required landscaped areas shall be larger than three hundred-fifty (350) square feet in parking lots that are less than thirty thousand (30,000) square feet in area; and one thousand five hundred (1,500) square feet in larger lots. Larger landscaped areas may be provided when the excess over the minimum requirement exceeds the total area requirement for the entire lot. Interior lot landscaping may be peninsular or island in shape and may accent pedestrian ways.
4. Trees Required. Trees are required at a ratio

of at least one (1) per sixty-four (64) square feet of landscaped area or fraction thereof. They shall have a clear trunk to a height of at least five (5) feet above the ground. Trees shall be planted no closer than four (4) feet from pavement edges where vehicles overhang planted areas.

5. Shrubs and Ground Cover. Required landscaped areas remaining after three planting shall be planted in shrubs and/or ground cover. The distribution of plants shall be adequate to ultimately achieve seventy-five percent (75%) ground coverage within three (3) years of plantings.
6. Vehicle Overhang. Parked vehicles may overhang landscaped areas up to two (2) feet by wheel stops or curbing.

17.78.090 Screening/Buffering from SR-16 and SR-16 Interchanges.

All development of properties adjacent to SR-16 and SR-16 Interchange ramps shall be required to leave a buffer between the property line and any development. This buffer shall be a minimum of twenty-five (25) feet in depth. Along SR-16 outside of the defined interchange areas, this buffer shall be adequate to totally screen development from views from SR-16. If existing vegetation is not adequate to accomplish this, then additional evergreen vegetation with a minimum height of four (4) to six (6) feet shall be planted.

Adjacent to SR-16 interchange ramps landscape buffering shall be done according to the standards for perimeter landscaping for residential and commercial areas in the height overlay district. The buffer area shall be covered with live plant materials which will ultimately cover seventy-five percent (75%) of two (2) inch caliper or one six (6) foot evergreen or three (3) shrubs which will attain a height of three and one-half (3-1/2) feet within three (3) years shall be provided for every five hundred (500) square feet of the area to be landscaped. Forty percent (40%) of the required planting shall be evergreen trees a minimum of six (6) feet in height and of a species that will grow to the height of the buildings in the development. If possible, evergreen trees shall be retained to meet this requirement.

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17.78.100 Alternative Landscaping Plans. The Planning Director may authorize modification of the landscape requirements when alternative plans comply with the intent of this chapter and:

- A. The proposed landscaping represents a superior result than that which would be achieved by strictly following requirements of this section. OR
- B. Incorporates the increased retention of significant trees and naturally occurring undergrowth. OR
- C. Incorporates unique, historic or architectural features such as fountains, sculptures, structures and the like. OR
- D. The proposed landscaping provides additional waterview and/or harbor access opportunities in a WC zone

17.78.110 Performance Assurance.

- A. Landscaping required pursuant to an approved site plan shall be installed prior to the issuance of Certificate of Occupancy or final inspection, unless the property owner submits a performance assurance device committing to install the landscaping within one year.
- B. Performance Assurance devices shall take the form of one of the following.:
 - 1. A surety bond executed by a surety company authorized to transact business in the state in a form approved by the City Attorney.
 - 2. Cash.
 - 3. A letter of credit approved by the City Attorney from a financial institution stating that the money is held for the purpose of development of the landscaping.
 - 4. Assigned savings pursuant to an agreement approved by the City Attorney.
- C. If a performance assurance device is employed, the property owner shall provide the City with a non-revocable notarized agreement granting the City

and its agents the right to enter the property and perform any required work remaining undone at the expiration of the assurance device.

- D. If the developer/property owner fails to carry out provisions of the agreement and the City has incurred costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit is less than the cost and expense incurred by the city, the developer shall be liable to the city for the difference. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the City, the remainder shall be released.

17.78.120 Maintenance. Whenever landscaping is required under the provisions of this Chapter, shrubs and trees in the landscaping and planting areas shall be maintained in a healthy growing condition. Planting beds shall not be located over impervious surfaces. All landscaped areas shall be provided with sprinkler systems or hose bibs within seventy-five (75) feet of plantings. Dead or dying trees or shrubs shall be replaced immediately, and the planting area shall be maintained reasonable free of noxious weeds and trash.

Similarly, if necessary, the trees or shrubs shall receive pruning or removal to avoid the creation of a safety hazard or nuisance through excessive shading, overhanging adjacent properties, or to preserve a view or scenic vista

CHAPTER 17.84

HOME OCCUPATIONS

SECTIONS

- 17.84.010 Intent
17.84.020 Definition
17.84.030 General Requirement

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17.84.010 Intent.

It is the purpose of this section to:

1. Protect residential areas from potential adverse impact of activities defined as home occupations.
2. Permit residents of the community a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal/family income.
3. Establish criteria and development standards for the use of residential structures or dwelling units for home occupations.

17.84.020 Definition.

1. Home Occupation. Any activity conducted for financial gain or profit in a dwelling unit, and which activity is not generally or customarily characteristic of activities for which dwelling units are intended or designed.
2. Such activity is clearly incidental or secondary to the residential use of a dwelling unit, and is conducted only by persons residing in the dwelling unit plus no more than one (1) non-resident assistant or employee. Persons engaged in building trades or similar fields, using their dwelling unit or residential premises as an office for business activities carried on off the premises may have more employees than the limitation set forth in this section if they are not employed on the premises.
3. The occupation may include such uses as personal, business or professional services, offices and repair shops for household items; however, home occupations shall emit no noise, air pollutants, waste products or other effects detrimental to the environment or the neighborhood beyond those normally emanating from residential use.

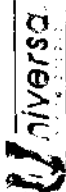
17.84.030 General Requirements.

1. Home occupations shall occupy not more than

thirty percent (30%) of the total floor area of the residence.

2. The occupation shall be carried on entirely within a residence by the occupant thereof.
3. The occupation shall be conducted in such a manner as to give no outward appearance nor manifest any characteristics of a business, in the ordinary meaning of the term, that would infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes.
4. Retail sales are generally discouraged. Limited stock in trade may be sold or displayed within the structure on the premises, and no equipment or material shall be stored on any exterior portion of the premises.
5. Parking of customers' or clients' vehicles shall create no hazard or unusual congestion. The home occupation shall not generate traffic volumes greater than what would normally be expected in a residential neighborhood. Parking shall be provided in conformance with Chapter 17.72.
6. Any signs utilized in the home occupation shall be limited to one (1) flush-mounted sign on the main residential structure which shall not exceed two (2) square feet in area. Such sign shall be unlit and shall use nonflashing, nonrelective materials; and the legend shall show only the name of the occupant and type of occupation. Colors shall be subdued and consistent with residential character.
7. Home occupations shall comply with all other local, state or federal regulations pertinent to the activity pursued, and the requirements or permission granted or implied by this section shall not be construed as an exemption from such regulations.
8. A home occupation permit issued to one person shall not be transferable to any other person; nor shall a home occupation permit be valid at any address other than the one appearing on the

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permit.

9. Any person engaging in a home occupation shall register as a business under Section 5 of the Gig Harbor Municipal Code.

CHAPTER 17.88

PLANNED RESIDENTIAL DEVELOPMENT ZONE (PRD)

SECTIONS

- 17.88.010 Intent
- 17.88.020 Where Permitted
- 17.88.030 Permitted Uses
- 17.88.040 Who May Apply
- 17.88.050 Relationship of Chapter to Other Ordinances
- 17.88.060 Minimum Site Area
- 17.88.070 Procedure for Approval
- 17.88.080 Contents of Application
- 17.88.090 Development/Design Standards
- 17.88.100 Density Bonus
- 17.88.110 Open Space
- 17.88.120 Expiration/Extensions
- 17.88.130 Minor/Major Adjustments to Final Plan
- 17.88.140 Parties Bound

17.88.010 Intent

The intent of the PRD zone is to provide for greater site design and flexibility and, thus, more creative and imaginative projects than generally possible under conventional zoning regulations. It is further intended

to preserve unique or sensitive physical features, such as steep slopes, views, retention of natural vegetation, and to provide more open space and recreational amenities than would be available under conventional land development practices. Additionally, it is intended to promote more economical and efficient use of land and a unified design concept for residential development.

17.88.020 Where Permitted.

Planned Residential Development may be permitted in the following zoning districts consistent with the development and design standards of this chapter.

1. All residential districts (R-1, R-2, R-3);
2. Waterfront residential.

17.88.030 Types of Uses Permitted.

1. All single family detached dwellings, as defined in Section 17.04 in R-1 Districts.
2. All single family and multifamily dwellings as defined in Section 17.04 in R-2 and R-3 Districts.
3. Accessory uses.
4. Uses that may be allowed by conditional use permits in the underlying zoning subject to the requirements of Section 17.64.

17.88.040 Who May Apply

An application for approval of a PRD may be filed by a person having a legal interest in the property to be included in the PRD.

17.88.050 Relationship of this Chapter to Other Ordinance Provisions.

1. The lot size, lot width, setbacks, building and development coverage, height limits and other dimensional requirements of the underlying use district may be superceded.
2. Platting Requirements.
When any parcel of land in a PRD is intended for sale or individual ownership, the platting requirements of the Gig Harbor Subdivision Ordinance and applicable state laws pertaining to subdivisions shall be followed.

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Applications for plat approval should be submitted and processed concurrently with an application for PRD approval.

3. Public Hearing Required.
Prior to the approval of a PRD, the Hearing Examiner shall hold a public hearing in accordance with the procedures of Section 17.10 of the Gig Harbor Zoning Ordinance.

17.88.060 Minimum Site Area

The minimum site area for PRD shall be two (2) acres.

17.88.070 Procedure for Approval of a Planned Residential Development Projects

1. Approval of a PRD shall be considered an amendment to the official zoning map and except as provided by this chapter, shall be processed as any other amendment with respect to notice, hearing and appeals. Prior to making application, the proponent may meet with the city staff for an initial discussion of the proposal and applicable policies, ordinances and standards.
2. The preliminary development plan shall be reviewed by the Hearing Examiner. The action of the Examiner shall constitute a recommendation to the City Council. The Hearing Examiner shall not recommend approval of the PRD unless it is determined that said plan complies with the policies of the Comprehensive Plan, the requirements of the Gig Harbor Zoning Ordinance Title 17 and the intent and provisions of this Section. The Examiner may recommend terms and conditions of approval. The approved preliminary plan or subsequent revision thereto, shall be binding as to the general intent and layout of roads, buildings, use of land and open spaces.
3. Within three (3) years of the date of the preliminary development plan approval, the applicant shall submit a final development plan for the proposed development for approval by the City Council. After finding that the final development plan has been completed in accordance with the provisions of the approved

preliminary development plan, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the City are fully protected, the City Council shall approve the final development plan, accepting the dedications and easements which are included thereon. The final development plan shall consist of a final plat, binding site plan, or any combination thereof.

4. If a proposed PRD is to be developed in phases, the entire project shall be portrayed on the preliminary development plan, and each phase shall individually receive final development plan review.

17.88.080 Preliminary Approval Contents of Application.
Each application for preliminary development plan approval shall contain the following information:

1. An environmental checklist or impact statement, as may be applicable, pursuant to Title 18 of the Gig Harbor Municipal Code.
2. The title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant.
3. A written description addressing the scope of the project, the nature and size in gross floor area of each use, and the total amount of square feet to be covered by impervious surfaces.
4. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site.
5. A topographic map delineating contours, existing and proposed, at five (5) foot intervals and which locates existing streams, marshes, steep slopes and other natural features.
6. Site plans drawn to a scale no smaller than one

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inch equals thirty (30) feet showing the location and size of proposed uses, buildings, buffer areas, yards, open spaces and landscaped areas.

7. A circulation plan drawn to a scale acceptable to the Public Works Director illustrating all access points for the site and the size and location of all driveways, streets and roads, parking and loading areas, and existing and proposed pedestrian circulation system.
8. A utility, drainage and stormwater runoff plan.
9. A plot plan of all proposed landscaping including the types of plants and screening to be used.
10. Any other information deemed pertinent by the City staff.

17.88.090 Development and Design Standards

1. Lot area and width requirements may be reduced where the site plan is such that light, air and privacy are provided.
2. Building and development coverage of individual parcels may exceed the percentage permitted by the underlying zone, provided that overall coverage of the project does not exceed the percentage permitted by the underlying zone.
3. Building height may exceed the maximum permitted by ordinance, provided that the project design protects the views and privacy of properties inside and outside of the project but in no case shall the maximum height exceed 35 feet in R-1 and R-2 districts.
4. Structures located on the perimeter of the PRD shall be setback in accordance with front yard setbacks of the underlying zone.
5. For perimeter buildings exceeding the maximum height of the underlying zone, the distance between such buildings and the perimeter of the PRD shall not be less than the front yard setback of the underlying zone plus five (5) feet for each foot of excess height.

17.88.100 Density Bonus

Increases in density over that permitted in the underlying zone are permitted as follows:

1. Provisions for open space, as identified in subsection K: Ten percent increase (+10%).

2. Preservation of a natural feature such as, but no limited to, a wetland, stream corridor, unique geological feature, substantial overstory vegetation, etc.: Ten percent increase (+10%)
3. Preservation of a scenic vista corridor (s) within and off-site: Ten percent increase (+10%).
4. Unique landscaping throughout the project site: Ten percent increase (+10%).
5. Additional open space: One percent (1%) increase in density for each one percent (1%) increase in open space over the minimum required.

The total, allowable maximum density increase shall not exceed 30%.

17.88.110 Open Space

1. Common open space shall comprise at least thirty percent (30%) of the gross area of the PRD, and shall be used as a recreational, park or environmental amenity for collective enjoyment by occupants of the development. Common open space shall not include public or private streets, driveways, parking areas, or the required yards for buildings or structures; provided, however, that up to thirty percent (30%) of the required open space may be composed of open space on contiguous privately owned properties reserved by easement or covenant to assure that the open space will be permanent.
2. Common open space areas may not be computed to include any submerged.
3. At least fifty percent (50%) of the common open space area must be usable for active or passive recreation, and which is also not utilized as a utility improvement or structure.
4. Common open space may contain such structures and improvements as are necessary and appropriate for the out-of-doors enjoyment of the residents of the PRD.
5. The developer shall provide a bond or other financial assurance acceptable to the City Council that any improvements made in the common open space will be completed. The City shall release the bond or other assurance when

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- the improvements have been completed in accordance with the development plan.
6. Before approval of the final development plan may be granted, the developer shall submit to the city covenants, deeds and/or homeowners' association by-laws and other documents guaranteeing maintenance, construction and common fee ownership, if applicable, of open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and approved by the city attorney to insure that they comply with the requirements of this chapter prior to approval of the final development plan by the city. Such documents and conveyances shall be recorded, with the County Auditor as a condition of any final development plan approval.
 7. All common open space shall be landscaped in accordance with the landscaping plan submitted by the applicant and approved by the city. Natural landscape features which are to be preserved, such as existing trees, drainage ways, etc., may be accepted as part of the landscaping plan.

17.88.120 Expiration and Extensions

1. If a final development plan is not approved within three (3) years of the date of preliminary development plan approval, and an extension of time has not been granted, the PRD approval shall expire.
2. Knowledge of the expiration date and initiation of a request for an extension of time is the responsibility of the applicant. Requests for an extension of time must be submitted to the Planning Department at least thirty (30) days prior to the expiration of PRD approval. The Planning Department shall schedule the request for extension for public hearing before the Hearing Examiner. One extension is the maximum to be granted and it shall be for no more than two (2) years and the PRD may be subject to any new or amended regulations, requirements, policies or standards which are adopted after the original date of approval, unless there has been substantial on site work completed.

17.88.130 Minor and Major Adjustment of the Final Plan

1. Minor adjustments may be made and approved when a building permit is issued. Any such alteration must be approved by the Planning Director. Minor adjustments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks), but which do not affect the basic character or arrangement and number of buildings approved in the plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than ten percent (10%) from the original.
2. Major amendments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the final plan. When a change constitutes a major amendment, no building or other permit shall be issued without prior review and recommendation by the Hearing Examiner, and approval by the City Council, of such amendment.

17.88.140 Parties Bound

Once the development plan is approved, all persons and parties, their successors, heirs or assigns, who own, have or will have, by virtue of purchase, inheritance or assignment, any interest in the real property within the proposed PRD, shall be bound by the conditions of approval of the development and these shall be recorded as a covenant to any deed with the land.

CHAPTER 17.90

PLANNED UNIT DEVELOPMENT

SECTIONS

- 17.90.010 Intent
- 17.90.020 Approval (Council Action)
- 17.90.030 Parcel Characteristics

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- 17.90.040 Requirements
- 17.90.050 Findings
- 17.90.060 Approval
- 17.90.070 Application Available
- 17.90.080 Duration of Approval

17.90.010 Intent

The intent of Planned Unit Developments is to allow and make possible greater variety and diversification in the relationships between buildings, open spaces, and uses, and to encourage the conservation and retention of historical and natural topographic features, while meeting the purposes and objectives of the comprehensive plan. To accomplish this purpose the underlying district regulations such as, but not limited to, setback lines, density, uses, and height and bulk of buildings, may be varied. Provided, however, such variances shall not conflict with the comprehensive plan and existing uses, nor create adverse environmental affects. A planned unit development may be allowed in any district.

17.90.020 Approval of Planned Development

The City Council, after receiving recommendations from the Hearing Examiner, shall approve, approve with conditions, or disapprove proposed planned unit developments, subject to a public hearing and the provisions of this Chapter. Changes in a proposed planned unit development including use, expansion of continuation of site area, or alteration of structures shall not be allowed unless all regulations in this Chapter are complied with including this approval procedure.

17.90.030 Parcel Characteristics

No planned unit development application shall be made for an area of less than two (2) acres unless the City makes the following findings:

1. An unusual physical or topographical feature of importance, exists on the site or in the neighborhood, which can be conserved and still leave the applicant equivalent use of the land by the use of a planned unit development.

2. The property or its neighborhood has a historical character of importance to the community that will be protected by use of a planned unit development.
3. The property is adjacent to or across the street from property which has been developed or redeveloped under a planned unit development, and a planned unit development will contribute to the maintenance of the amenities and values of the neighboring planned unit development.

17.90.040 Requirements

The use of a planned unit development shall be as follows:

1. All private roads and drives and/or vehicle maneuvering area shall have an unobstructed width consistent with traffic loads and overall design of the planned unit development, and shall be constructed so that the roadway pavement structure meets City standards. The configuration and design of such facilities shall be approved by the Public Works Director.
2. All provisions for vehicle parking shall be in designated parking areas.
3. Uses at variance with the underlying district shall be compatible with, and no more detrimental than, those uses specifically listed for a district. Mixed uses may be allowed.
4. No open area may be accepted as common open space within a planned unit development, unless it meets the following requirements:
 - a. The location, shape, size, and character of the common open space is suitable for the planned unit development.
 - b. The common open space is for preservation of natural flora and fauna, amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected

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- population, topography, and the number and type of dwelling provided.
- c. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space.
 - d. Land shown in the final development plan as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:
 - i. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and by-laws, and adopt and improve a declaration of covenants and restrictions on the common open space that are acceptable to the City, in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved to the City as well as the owners.
 - ii. A public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.

17.90.050 Findings

In approving the preliminary development plans, conditionally or otherwise, the Hearing Examiner shall first find that all of the following conditions exist:

1. That the site of the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking loading, landscaping, and other features necessary to ensure compatibility with and not inconsistent with the underlying district.
2. That the site for the proposed use relates to streets, adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate public utilities are available to serve the proposal.
3. That the proposed use will have no significant adverse effect on existing uses or permitted uses.
4. That the establishment maintenance and/or conducting of the uses for which the development plan review is sought will not, under the circumstances of the particular case be detrimental to the public welfare, injurious to the environment, nor shall the use be inconsistent with or injurious to the character of the neighborhood or contrary to its orderly development.

17.90.060 Approval

1. The following information shall be submitted for Hearing Examiner and City Council review of the preliminary development plans:
 - a. A copy of the site plan drawn to scale, showing the proposed layout.
 - b. A landscape plan drawn to scale, showing the location of landscape areas.
 - c. A written statement by the landowner or his agent setting forth the reasons why this planned unit development would be consistent with the goals and policies of the comprehensive plan.
2. The following information shall be submitted for Hearing Examiner and City Council review and approval of the final development plan:
 - a. Environmental checklist or environmental impact statement, if required.
 - b. Seven copies of a site plan drawn to scale and dimensioned, showing the existing topography at five (5) foot contour intervals, the proposed layout of structures, off-street parking and loading

- areas, landscape areas, pedestrian walks, driveways, ornamental lighting, screening, fences, and walls.
- c. Seven copies of a landscape plan, drawn to scale and dimensioned, showing the location of proposed landscape areas, together with varieties and size of plant materials to be used, together with the method of maintenance, also, other landscape features such as screening, fences, lighting, and signing shall be indicated.
 - d. Copies of architectural drawings or sketches, drawn to scale, including floor plan and elevation indicating types of materials and colors to be used may be required.
 - e. A schedule showing the proposed time and sequence within which the applications for final approval of all sections of the planned unit development are intended to be filed.
3. Within 3 years following the approval of the development plan, the applicant shall file with the City Council a final development plan containing in final form the information required in the preliminary plan. The City Council may extend the period up to a maximum of one year. If the City Council finds that the final development plan is consistent with the preliminary development plan approval, and that all conditions of the preliminary development plan approval have been satisfied, it may approve the final development plan in total, or in phases.
 4. In granting any planned unit development, the City Council may require adequate guarantees of compliance with the final development plan. Such guarantee may be a performance bond or other form of security in an amount sufficient to assure compliance, and may provide that such security be reduced as stages of construction are completed. Alternatively, or in addition to the security, conditions may be imposed requiring other adequate assurances that the structures and improvements will be completed, subject to review and approval as to form by the City Attorney, or that the City may, in the event of the applicant's failure to comply, take the steps necessary to assure compliance,

including performing the construction or maintenance itself, and levy a lien for all costs thereof against the property.

17.90.070 Application to be Available for Public Inspection. From the time of the filing of the application until the time of final action by the City Council, the application together with all plans and data submitted shall be available for public inspection in the office of the Planning Director.

17.90.080 Duration of Approval. Construction on the project must commence within twelve (12) months from the date of final Council action; otherwise, the approval of the application becomes null and void.

CHAPTER 17.96

SITE PLANS

SECTIONS

- 17.96.010 Intent
- 17.96.020 Applicability
- 17.96.030 Site Plans and Review
- 17.96.040 Preliminary Site Plan Conference
- 17.96.050 Contents of Application
- 17.96.060 Application Open for Public Inspection
- 17.96.070 Duration of Approval
- 17.96.840 Amendments to a Site Plan

17.96.010 Intent. This Chapter is intended to provide procedures for the review of site plan applications. Site plan review is intended to insure that development projects carried out in given zoning districts are executed in a manner consistent with existing ordinances concerning public utilities, traffic, facilities, and services and provide unified site design, access,

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landscaping, screening, building placement, and parking lot layout. The site plan review process is not intended to review and determine the appropriateness of a given use on a given site. It is intended to insure that development of a site will provide the features necessary to protect the health, safety, and general welfare of the citizens of the City of Gig Harbor.

17.96.020 Applicability. Site plan review and approval shall be required prior to issuance of a building permit when provided under this section.

- A. Site plan review and approval shall be required for all non-residential uses, or for the location of any building or multi-family development in which more than two (2) dwelling units would be contained, and shall apply throughout the City of Gig Harbor.. Planned unit developments and divisions of land of four (4) lots or less are exempted from review.
- B. The expansion of a building or development exceeding twenty percent (20%) of the existing floor or site area, or any one thousand (1,000) square foot addition, thereto, whichever is the lessor.
- C. The change of use or occupancy of any existing building or development, as defined per the Uniform Building Code.

17.96.030 Site Plans and Review. Any use that is subject to the requirements for a site plan review prior to issuance of building permits shall be processed in accordance with the following procedures:

- A. Application. An application for site plan approval may be filed by the property owner, lessee of the property with more than a month-to-month tenancy, or authorized agent of the property owner. These shall be submitted to the Planning Director for transmittal to the Hearing Examiner with Analysis and recommendation.
- B. Hearing Examiner Review. The Planning Director shall assign a date no earlier than two (2) weeks after the date of application for a public hearing before the Hearing Examiner. The site plans will be forwarded to the Examiner who shall consider the approval of the site plans with specific attention to the following:

1. Compatibility with the City's Comprehensive Plan;
2. Compatibility with the surrounding buildings' occupancy and use factors; and
3. All relevant statutory codes, regulations, ordinance, and compliance with the same.

The review and decision of the Examiner shall be in accordance with the provisions of Chapter 17.10.

17.96.040 Preliminary Site Plan Conference. Prior to applying for site plan review, a developer may present to city staff, a preliminary site plan, which shall contain a rough and approximate manner all of the information required on the site plan application. The purpose of the conference is to enable the developer to obtain the advice of city staff as to the intent, standards and provisions of this chapter with regard to the proposed plan. Information presented for preliminary site plan discussion shall be considered confidential.

17.96.050 Contents of Application. Each application for site plan review shall contain the following information:

- A. An environmental checklist when required.
- B. The title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant.
- C. A written description addressing the scope of the project, the nature and size in gross floor area of each use, and the total amount of square feet to be covered by impervious surfaces.
- D. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site.
- E. A topographic map delineating contours, existing and proposed, at five (5) foot intervals and which locates existing streams, marshes and other natural

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features.

- F. Site plans drawn to a scale no smaller than one inch equals thirty (30) feet showing location and size of uses, buffer areas, yards, open spaces and landscaped areas and any existing structures, easements and utilities.
- G. A circulation plan drawn to a scale acceptable to the Public Works Director illustrating all access points for the site, the size and location of all driveways, streets and roads with proposed width and outside turning radius, the location, size and design of parking and loading areas, and existing and proposed pedestrian circulation system.
- H. A drainage and storm water runoff plan.
- I. A utility plan.
- J. A plot plan of all proposed landscaping including the treatment and materials used for open spaces, and the types of plants and screening to be used.
- K. Typical building elevation and architectural style.
- L. Any other information deemed pertinent by the city staff.

17.96.060 Application Open for Public Inspection. From the time of the filing of the application until the time of final action by the City, the application together with all plans and data submitted shall be available for public inspection at the Planning Department.

17.96.070 Duration of Approval. Construction on the project must commence within twenty-four (24) months from the date of final council action; otherwise, the approval of the project becomes null and void.

17.96.840 Amendments to a Site Plan.

- A. Minor adjustments may be made and approved when a building permit is issued. Any such alteration must be approved by both the Planning Director and the Public Works Director. Minor adjustments are those which may affect the precise dimensions or siting of building (i.e., lot coverage, height, setbacks), but which do not affect the basic character or

arrangement and number of buildings approved in the plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than ten percent (10%) from the original, but shall not exceed the standards of the applicable district.

- B. Major amendments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the site plan. When a change constitutes a major amendment, no building or other permit shall be issued without prior review and recommendation by the Hearing Examiner, and approval by the City Council, of such amendment.

CHAPTER 17.100

AMENDMENTS

SECTIONS

- 17.100.010 Authority to Amend
- 17.100.020 Manner of Initiation
- 17.100.030 Report to the City Council
- 17.100.040 Hearing Prior to Amendment
- 17.100.050 Amendment Determination
- 17.100.060 Amendment Recording
- 17.100.070 Amendment Procedure

17.100.010 Authority to Amend. Whenever the public health, safety, general welfare, modifications to the Comprehensive Plan, or good zoning practice requires, the City Council may amend, supplement, modify, repeal, or otherwise change these regulations and the boundaries of the Districts in conformity with the provisions of this Chapter and in accordance with the Comprehensive Plan.

17.100.020 Manner of Initiation. Changes in this Title

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2.1.28

Universal

may be initiated in the following manner:

A. Source.

1. The City Council upon its own motion may initiate changes in this title.
2. The Planning Commission upon its own motion may initiate changes in this Title.
3. Any individual, corporation, or agency other than those listed above may initiate changes in this Title subject to the following:
 - a. For a zoning map amendment, the initiating individual, corporation, or agency must be the owners or owner of a majority of the land in the petition area; and
 - b. For an amendment to the text of this Title, the initiating individual, corporation, or agency must be an owner of real property within the City of Gig Harbor.

B. Form. An application for a change in the boundary of a District or the text of this section shall be filed with the Planning Department and shall be accompanied by such data and information as are necessary to assure the fullest practicable presentation of the facts. It shall set forth reasons and justification for proposing a change.

C. Minimum Area. Except for the extension of existing District boundaries, no change in any use District, classification, or official zoning map shall be considered, if it contains fewer than two (2) acres as measured without including streets or alley rights-of-way.

D. The City Council shall not consider any proposed amendment to the zoning map that is substantially the same as any other proposed amendment submitted within the previous twelve (12) months which was disapproved.

17.100.030 Public Hearing and Notification. Public hearings and notifications related thereto shall be accomplished in accordance with the procedures and requirements established pursuant to Section 17.01.080, except that for amendments to the text of the Title, a public hearing shall be conducted by the Planning

Commission. The Planning Commission's action shall be a recommendation to the City Council.

17.100.040 Report to the City Council. The City Council shall consider the report and recommendation of the Hearing Examiner or Planning Commission on any proposed change or amendment regardless of the manner in which such change is initiated. Such report shall base its conclusion on the following criteria:

- A. That the request for reclassification furthers the goals, policies, and objectives of the Comprehensive Plan.
- B. That there has been a change in conditions upon which the existing zoning classification is based, sufficient to demonstrate that the current classification does not meet the public's interest. A changed condition constitutes a substantial and material change which was not anticipated nor foreseen since the adoption of the Comprehensive Plan or the last area zoning.
- C. That the requested classification will further the public's health, safety, and general welfare.

17.100.050 Amendment Determination. The City Council shall consider a recommendation for change in the boundary of a District or any other recommendation proposing a change in this Title together with the report of the Planning Director and the Hearing Examiner or Planning Commission at the City Council's next regular meeting after the receipt of such report, and if, from the facts presented by the findings of the report, it is determined that the public health, safety, and general welfare would be preserved, and change or amendment is in keeping with the spirit and intent of the Comprehensive Plan, the City Council, by ordinance, shall approve such amendment, supplemental change, or reclassification.

17.100.060 Amendment Recording. All changes of the District boundaries shall be filed within the office of the City Clerk and shall be noted on the appropriate official zoning map.

17.100.070 Amendment Procedure. Amendments to this Title or District boundaries shall comply with the requirements of Title 1, Chapter 1.08 Ordinance Passing Procedure, of the Gig Harbor Municipal Code.

Section 3. The following chapter of the Gig Harbor Municipal

Code is hereby modified as follows:

17.60.020 Permitted Uses.


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

1. Two-family dwellings, provided that such lot is at least ~~fifteen~~ fourteen thousand square feet in size;...


Section 4. If any section, sentence, clause, or phrase of this ordinance, or the statutes adopted herein by reference, should be 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, sentence, clause, or phrase of this ordinance.

Section 5. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 26th day of February, 1990.


Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 12/12/89
Passed by city council: 2/26/90
Date published: 3/28/90
Date effective: 4/2/90

CITY OF GIG HARBOR

ORDINANCE NO. 574

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO TRUCK TRAFFIC IN THE CITY.

WHEREAS, the City of Gig Harbor adopted Ordinance No. 249 in 1977 establishing certain regulations relative to motor truck traffic in the city, and

WHEREAS, Ordinance No. 249 has resulted in various interpretations of intent, and

WHEREAS, a truck traffic committee was created to examine and discuss truck traffic concerns and come up with specific recommendations for corrective measures, and

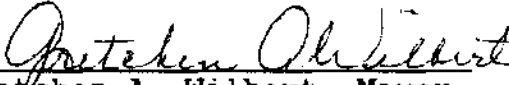
WHEREAS, the truck traffic committee presented to the city council on December 11, 1989, a number of recommendations to the city council including the repeal of Ordinance No. 249;

NOW, THEREFORE, the City Council of the City of Gig harbor ORDAINS as follows:

Section 1. Chapter 10.16 (Ordinance No. 249) of the Gig Harbor Municipal Code is hereby repealed.

Section 2. This ordinance shall be in force and take effect five (5) days after its publication according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 12th day of February, 1990.


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 1/19/90
Passed by city council: 2/12/90
Date published: 3/14/90
Date effective: 3/19/90

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CITY OF GIG HARBOR

ORDINANCE NO. 575

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING SECTIONS 9.14.060 AND 9.22.030 TO THE GIG HARBOR MUNICIPAL CODE TO ADOPT THE STATE STATUTES BY REFERENCE GOVERNING THE POSSESSION OF STEROIDS AND DEFRAUDING A PUBLIC UTILITY; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Gig Harbor City Council finds that the state statutes prohibiting the possession of steroids and defrauding a public utility should be adopted by reference, and

WHEREAS, the Gig Harbor City Council finds that this ordinance is in the interest of the public health, safety, and welfare,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. There is hereby added to the Gig Harbor Municipal Code a new section 9.14.060 to read as follows:

9.14.060 Steroids.

The following statutes of the State of Washington, including all future amendments, are adopted by reference as if set forth in full herein:

RCW 69.41.300
RCW 69.41.320

Definitions.
Practitioners -
Restricted use -
Medical Records.

RCW 69.41.070(7)
and (8a)

Penalties.

Section 2. There is hereby added to the Gig Harbor Municipal Code a new section 9.22.030 to read as follows:

9.22.030 Defrauding a Public Utility.

The following statutes of the State of Washington including all future amendments, are adopted by reference as if set forth in full herein:

Steroid Ordinance

Page Two

RCW 9A.61.010

RCW 9A.61.020

RCW 9A.61.050

RCW 9A.61.060

Definitions.

Defrauding a Public
Utility.

Defrauding a Public
Utility in the
Third Degree.

Restitution and
Costs.

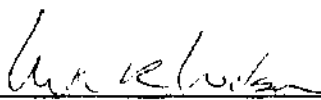
Section 3. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or constitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 4. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 12th day of February, 1990.


Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 1/20/90
Passed by city council: 2/12/90
Date published: 3/14/90
Date effective: 3/19/90

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CITY OF GIG HARBOR

ORDINANCE NO. 576

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF GIG HARBOR TO CHANGE THE ZONING DESIGNATION ON CERTAIN REAL PROPERTY FROM R-3 (HIGH DENSITY RESIDENTIAL) TO RB-1 (RESIDENTIAL BUSINESS) AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Hearing Examiner at a public hearing held September 28, 1988, considered the following amendment to the Official Zoning Map of the city and made his findings and recommendations which were forwarded to the City Council, and

WHEREAS, the City Council at a public meeting on December 12, 1988, reviewed the recommendations of the Hearing Examiner and at the conclusion of said public meeting determined that the proposed rezone should be approved, and

WHEREAS, the City Council has reviewed the findings of fact and conclusions of the Hearing examiner, together with the recommended conditions for approval of the proposed rezone and adopts said findings, conclusions, and conditions, and

WHEREAS, the City Council finds this ordinance necessary to protect the public health, safety, and general community welfare,

NOW, THEREFORE, the City Council of Gig Harbor, Washington, ORDAINS as follows:

Section 1. The Official Zoning Map of the City of Gig Harbor, as adopted by Section 17.12.020 of the Gig Harbor Municipal Code, is hereby amended by changing the zoning classification of certain property legally described below, from R-3 (High Density Residential) to RB-1 (Residential Business). The legal description of the property rezoned is as follows:

Lots 3 and 4, as shown on Short Plat No. 8702090392 and subsequent revisions filed with the Pierce County Auditor, in Pierce County, Washington.

Section 2. The written findings of the Hearing Examiner on this subject dated November 8, 1988, are hereby adopted by the City Council as the basis for the zoning map change

Wollochet Investors Rezone Ordinance
Page 2


effectuated by this ordinance subject to the following:

Building permits for the property must be secured within two (2) years of the approval of this ordinance, or the property shall revert to an R-3 zoning designation. A request for a time extension may be considered if submitted prior to thirty days before the expiration date.

Section 3. The Planning Director is hereby instructed to effectuate the necessary amendments to the Official Zoning Map of the City of Gig Harbor pursuant to this ordinance.

Section 4. This ordinance shall be in full force and effect five (5) days after passage and publication by posting as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 12th day of March, 1990.


Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 2/21/90
Passed by city council: 3/12/90
Date published: 3/21/90
Date effective: 3/26/90

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CITY OF GIG HARBOR

ORDINANCE NO. 577

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING SECTION 10.04.010 OF THE GIG HARBOR MUNICIPAL CODE TO ADOPT BY REFERENCE THE STATE STATUTES GOVERNING MANDATORY AUTOMOBILE LIABILITY INSURANCE; CONTAINING A SEVERABILITY CLAUSE; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Gig Harbor City Council finds that the recently enacted state statutes regarding mandatory automobile liability insurance should be adopted by the city for more effective traffic law enforcement, and

WHEREAS, this Ordinance is in the interest of the public health, safety, and welfare,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. Section 10.04.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

10.04.010 Statutes Adopted by Reference. The following statutes of the State of Washington, including all future amendments thereto, are hereby adopted by reference:

RCW 16.24.065;
RCW 16.24.070;
RCW 46.04.010 through 46.04.680 except
RCW 46.04.440 and 46.04.070;
RCW 46.30.020; and
RCW 46.30.040.

Section 2. The City Clerk is directed to authenticate and record a copy of the state statutes adopted by reference in this ordinance and to make a copy of the same available for use and examination by the public as provided by RCW 35A.12.150.

Section 3. If any section, sentence, clause or phrase of this ordinance, or the statutes adopted herein by reference, should be 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, sentence, clause or phrase of this ordinance.

Section 4. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.


Ordinance Governing Automobile Insurance
Page 2

PASSED by the City Council of the City of Gig Harbor, Washington,
and approved by its Mayor at a regular meeting of the council
held on this 9th day of April, 1990.



Gretchen A. Wilbert, Mayor


ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 3/23/90
Passed by city council: 4/9/90
Date published: 4/25/90
Date effective: 4/30/90

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CITY OF GIG HARBOR

ORDINANCE NO. 578

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING A SPECIAL EXCISE TAX OF TWO PERCENT (2%) ON THE SALE OR CHARGE MADE FOR THE FURNISHING OF LODGING BY HOTEL, ROOMING HOUSE, TOURIST COURT, MOTEL, OR TRAILER CAMP; DESIGNATING A SPECIAL FUND WHEREBY THE MONIES COLLECTED BY IMPOSING SUCH TAX SHALL BE ACCUMULATED FOR THE PURPOSES PERMITTED BY CHAPTER 67.28 OF THE REVISED CODE OF WASHINGTON, AND PROVIDING PENALTY FOR VIOLATION THEREOF.

WHEREAS, Section 67.28.180 of the Revised Code of Washington provides that cities may be authorized to levy and collect a special excise tax of not to exceed two percent (2%) on the sale of or the charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property as distinguished from the renting or leasing of real property; and,

WHEREAS, Section 67.28.210 of the Revised Code of Washington provides that such taxes shall be levied only for the purpose of paying all or any part of the costs of acquisition for the construction or operation of stadium convention, performing arts, visual arts, or other such facilities, or for the purpose of paying for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourism expansion; and

WHEREAS, the City Council of the City of Gig Harbor, Washington desires to establish and levy such an excise tax for purposes provided by statute,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. Pursuant to Section 67.28.180 of the Revised Code of Washington, there is hereby levied a special excise tax of two percent (2%) on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property; provided that it shall be presumed that the occupancy of real property for a continuous period of one (1) month or more constitutes a

Lodging Excise Tax Ordinance
Page 2

rental or lease of real property and not a mere license to use or enjoy the same.

Section 2. The definition of "selling price", "seller", "buyer", "consumer", and all other definitions are as now contained in Section 82.08.010 of the Revised Code of Washington and subsequent amendment thereto are hereby adopted as the definitions for the tax levied herein.

Section 3. The tax herein levied shall be in addition to any license fee or any tax imposed or levied under any law or any other ordinance of the City of Gig Harbor, Washington; provided, however, that pursuant to Sections 67.08.290 of the Revised Code of Washington, such tax shall be deducted from the amount of tax the seller would otherwise be required to collect and to pay to the State Tax Commission under Chapter 82.08 of the Revised Code of Washington.

Section 4. There is hereby created a special fund in the treasury of the City of Gig Harbor, Washington; that all such taxes collected herein shall be placed in such fund for the purpose of paying all or any part of the costs of acquisition, construction, or operation of stadium, convention center, performing arts center, visual arts center facilities, or any other such facilities, or to pay or secure the payment of all or any portion of the general obligation bonds or revenue bonds issued for such purpose, or purposes provided for in Chapter 67.28 of the Revised Code of Washington, and amendment thereto, or to pay for advertising, publicizing or otherwise distributing information for the purpose of attracting visitors and encouraging tourism expansion, or for such other uses as may from time to time be authorized for such taxes pursuant to statute.

Section 5. For the purposes of the tax levied herein, it is further ordained as follows:

- A. That the Department of Revenue of the State of Washington is hereby designated as the agent of the City of Gig Harbor, Washington, for the purposes of collection and administration.
- B. That the administrative provisions contained in Sections 82.08.050 through 82.08.070 of the Revised Code of Washington, and in Chapter 82.32 of the Revised Code of Washington shall apply with respect to administration and collection by the Department of

Lodging Excise Tax Ordinance
Page 3

Revenue.

- C. That all rules and regulations adopted by the Department of Revenue for the administration of chapter 82.08 of the Revised Code of Washington are hereby adopted.
- D. That the Department of Revenue is hereby authorized to prescribe and utilize such special forms and reporting procedures as the Department may deem necessary and appropriate.

Section 6. Any person, firm, or corporation violating or failing to comply with the provisions of this ordinance or any lawful rule or regulation adopted pursuant hereto shall upon conviction be punished by a fine in a sum not to exceed five hundred dollars (\$500.00). Each day of violation will be considered a separate offense.

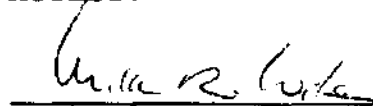
Section 7. If any section, subsection, clause, phrase, or word of this ordinance or of the statutes adopted by reference herein is, for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or any provisions adopted by reference herein.

Section 8. This ordinance shall be in full force and effect five days after passage and publication as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 23rd day of April, 1990.


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator, Clerk

Filed with city clerk: 3/14/90
Passed by city council: 4/23/90
Date published: 5/9/90
Date effective: 5/14/90

CITY OF GIG HARBOR

ORDINANCE NO. 579

AN ORDINANCE ANNEXING TO AND INCORPORATING WITHIN THE CITY OF GIG HARBOR CERTAIN UNINCORPORATED TERRITORY LYING CONTIGUOUS TO THE CITY OF GIG HARBOR.

WHEREAS, it has been determined that the best interest and general welfare of the City of Gig Harbor would be served by the annexation of certain real property described as follows:

The north 798.5 feet of the west 330 feet of the southeast quarter of the southeast quarter, Section 6, Township 21 North, Range 2 east of the Willamette Meridian, Pierce County, Washington.

WHEREAS, the annexation of the property is a reasonable extension of the city boundary in this area, and;

WHEREAS, the annexation proposal is consistent with the criteria for annexations in accordance with Chapter 36.93.180 as the property is bordered on three sides by the city's boundary, all accesses and utilities serving the property come from property to the south which is within the city, the annexation would result in the adjustment of an impractical boundary, and the area is urban in character, and;

WHEREAS, the proposed annexation is in compliance with the Urban Area Agreement as entered into between Pierce County and the City of Gig Harbor, and;

WHEREAS, the proposed zoning designation of R-1 (low density single family) is consistent with the City of Gig Harbor Comprehensive Plan which designates this ex-urban planning area as urban low density residential, and,:

WHEREAS, the petitioners agree to assume their pro-rata share of the City's bonded indebtedness.

NOW, THEREFORE, the city council of the City of Gig Harbor ORDAINS as follows:

Section 1. The real property described in this ordinance is

Tarabochia Annexation Ordinance
Page 2

area as urban low density residential, and,:

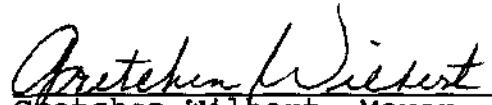
WHEREAS, the petitioners agree to assume their pro-rata share of the City's bonded indebtedness.

NOW, THEREFORE, the city council of the City of Gig Harbor ORDAINS as follows:


Section 1. The real property described in this ordinance is hereby annexed into the city of Gig Harbor and is accorded a zoning designation of R-1 (low density single family residential).

Section 2. This ordinance shall be in full force and take effect five (5) days after publication, according to law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council on this 14th Day of May, 1990.


Gretchen Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator

Filed with the city clerk: 4/27/90
Passed by the city council: 5/14/90
Date published: 6/13/90
Effective Date: 6/18/90
Amended: 8/27/90

CITY OF GIG HARBOR

ORDINANCE NO. 580

AN ORDINANCE ANNEXING TO AND INCORPORATING WITHIN THE CITY OF GIG HARBOR CERTAIN UNINCORPORATED TERRITORY LYING CONTIGUOUS TO THE CITY OF GIG HARBOR.

WHEREAS, it has been determined that the best interest and general welfare of the City of Gig Harbor would be served by the annexation of certain real property described as follows:

A portion of the north half of Section 7, Township 21 North, Range 2 East of the W.M., Pierce County, Washington, more specifically described as follows:

Beginning at the southwest corner of Lot 2, Pierce County Short Plat Subdivision 77-188; thence northerly along the western boundary of said short plat subdivision 666.90 feet to the northwest corner of said subdivision; thence easterly along the northern boundary of said subdivision to the southwest corner of the east half of the southeast quarter of the northwest quarter of the northwest quarter of the aforementioned Section 7; thence northerly along the west line of said east half to the northwest corner of said east half; thence easterly along the northerly line of said east half and the north line of the south half of the northeast quarter of the northwest quarter of said section 7 to the north-south centerline of said section; thence northerly along said centerline to the south line of the north 660 feet of the west half of the west half of the northwest quarter of the northeast quarter of said section 7; thence easterly along said south line to the east line of the aforementioned west half of the west half; thence southerly along said east line to the north line of Pierce County short plat 77-141; thence easterly along the north line of said short plat and that line extended to the westerly right of way line of a state highway; thence southeasterly along said westerly right of way to the easterly extension of the south line of the north half of the southwest quarter of the northeast quarter of said section 7; thence westerly along said line extended and said line to the north-south centerline of said section

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said section 7; thence south along said centerline to the south line of the north half of the southeast quarter of the northwest quarter of the aforementioned said section 7, said line also being the south line of Pierce County large lot subdivision 87-01-28-0291; thence westerly along the south line of said large lot subdivision to the southeast corner of Lot 2 of Pierce County short plat 77-188; thence westerly along the south line of said lot 2 to the point of beginning.

WHEREAS, the annexation of the property is a reasonable extension of the city boundary in this area, and;

WHEREAS, the annexation proposal is consistent with the criteria for annexations in accordance with Chapter 36.93.180 as the property is contiguous to the city boundary and the annexation are logically preserves neighborhoods, as the area is urban in character, and;

WHEREAS, the proposed annexation is in compliance with the Urban Area Agreement as entered into between Pierce County and the City of Gig Harbor, and;

WHEREAS, the proposed zoning designation of R-1 (low density single family) is consistent with the City of Gig Harbor Comprehensive Plan which designates this ex-urban planning area as urban low density residential, and,;

WHEREAS, the petitioners agree to assume their pro-rata share of the City's bonded indebtedness.

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington do ORDAIN as follows:


Section 1.

The real property described in this ordinance is hereby annexed into the city of Gig Harbor and is accorded a zoning designation of R-1 (low density single family residential).

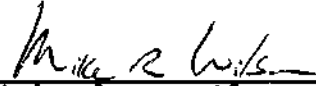
Section 2. This ordinance shall become effective upon final review and acceptance of the Pierce County Boundary Review Board and its adoption and publication as provided by law.

Ross Annexation Ordinance
Page 3

PASSED, this 29th Day of May, 1990.


Gretchen A. Wilbert, Mayor

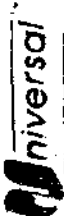
ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with the city clerk: 4/27/90
Passed by the city council: 5/29/90
Date published: 6/13/90
Effective Date: 6/18/90

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CITY OF GIG HARBOR

ORDINANCE NO. 581

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING SECTION 10.04.010 OF THE GIG HARBOR MUNICIPAL CODE TO ADOPT THE NEW LAW ENACTED BY THE WASHINGTON STATE LEGISLATURE WHICH PROHIBITS THE DISPLAY AND POSSESSION OF CERTAIN DRIVER'S LICENSES OR IDENTICARDS; AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Gig Harbor City council recognizes that the Washington State Legislature amended RCW 46.20.336 to delete the criminal offense of displaying or possessing a cancelled, revoked or suspended driver's license or identicard and created a new section which provides that this offense is now a traffic infraction; and

WHEREAS, the gig Harbor City Council finds that the new traffic infraction law should be adopted by reference,

NOW, THEREFORE, the City Council of the City of Gig Harbor ORDAINS as follows:

Section 1. Section 10.04.010 of the Gig Harbor Municipal Code is hereby amended to add the adoption by reference of Chapter 210, Section 4 of the Laws of 1990.

Section 2. If any section, sentence, clause or phrase of this ordinance should be 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, sentence, clause or phrase of this ordinance.

Section 3. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.


Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 6/22/90
Passed by city council: 7/9/90
Date published: 7/25/90
Date effective: 7/30/90

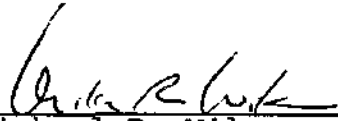
CITY OF GIG HARBOR
SUMMARY OF ORDINANCE NO. 581

On the 9th day of July, 1990, the City Council of the City of Gig Harbor, passed Ordinance No. 581. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING SECTION 10.04.010 OF THE GIG HARBOR MUNICIPAL CODE TO ADOPT A NEW LAW ENACTED BY THE WASHINGTON STATE LEGISLATURE WHICH PROHIBITS THE DISPLAY AND POSSESSION OF CERTAIN DRIVER'S LICENSES OR IDENTICARDS; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance is available for review at City Hall during normal business hours.

Dated this 13th day of July, 1990.



Michael R. Wilson
City Administrator/Clerk

TOP-LOAD
2-28

Universal

CITY OF GIG HARBOR

ORDINANCE NO. 582

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW SECTION 9.36.030 TO THE GIG HARBOR MUNICIPAL CODE TO ADOPT BY REFERENCE THE STATE LAW PROHIBITING THE FAILURE TO STOP A VESSEL UPON THE REQUEST OF A LAW ENFORCEMENT OFFICER; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Gig Harbor City Council recognizes that the Washington State Legislature created a new crime of failing to stop a vessel "when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer," and

WHEREAS, the Gig Harbor City Council finds that the adoption of this new law will promote water-traffic safety,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. There is hereby added to the Gig Harbor Municipal Code a new section 9.36.030 to read as follows:

9.36.030 Failure to stop vessel.

- A. Chapter 235, Section 1, Laws of 1990, including all future amendments thereto, is hereby adopted by reference.
- B. Violation of this section constitutes a gross misdemeanor, punishable by a maximum fine of \$5,000.00 and one year in jail.

Section 2. If any section, sentence, clause or phrase of this ordinance should be 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, sentence, clause or phrase of this ordinance.

CITY OF GIG HARBOR

SUMMARY OF ORDINANCE NO. 582

On the 9th day of July, 1990, the City Council of the City of Gig Harbor, passed Ordinance No. 582. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, ADDING A NEW SECTION 9.36.030 TO THE GIG HARBOR MUNICIPAL CODE TO ADOPT BY REFERENCE THE STATE LAW PROHIBITING THE FAILURE TO STOP A VESSEL UPON THE REQUEST OF A LAW ENFORCEMENT OFFICER; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance is available for review at City Hall during normal business hours.

Dated this 13th day of July, 1990.



Michael R. Wilson
City Administrator/Clerk

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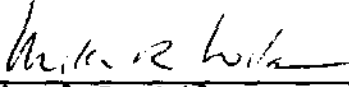
Universal

Motor Boat Code Amendment Ordinance
Page 2

Section 3. This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 6/22/90
Passed by city council: 7/9/90
Date published: 7/25/90
Date effective: 7/30/90

CITY OF GIG HARBOR

ORDINANCE NO. 583

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE MUNICIPAL WATER SYSTEM: PROVIDING MODIFICATION TO THE WATER SERVICE CHARGES.

WHEREAS, the city does not presently charge for direct standby fire protection service provided to water utility customers; and

WHEREAS, standby fire protection service is a critical and invaluable service to city water utility customers,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. A new section 13.04.015 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

"13.04.015 Fire Protection Service Rates. The monthly service for private fire protection service shall be set at the following amounts:

A. Fire lines

The charges for such fire protection services shall be set at \$3.00 per month per inch of water service size.

B. Fire Hydrant Services

<u>Customer Class</u>	<u>Monthly Rate</u>
Schools	\$12.00 per hydrant
Private Service	24.00 per hydrant

Section 2. A new section 13.02.195 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

"13.02.195 Private Fire Protection Service. Services for fire protection must be metered or detector checked at the expense of the owner and fitted with such fixtures only as needed for fire protection and must be entirely disconnected from those used for other purposes. In no case will any tap be made upon any pipe used for fire service purposes or any tank connected therewith, nor shall the use of any water be permitted through any fire service or through any pipes, tanks or any fixtures therewith connected for any purposes except the extinguishing of fire on such premises or testing flows for fire control purposes."

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Universal

Municipal Water System Ordinance
Page 2

Section 3. Section 13.04.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

"Section 13.04.030 Outside Water Service. Water service extended outside the city limits shall be charged at 1.5 times the city rate established in Sections 13.04.010, 13.04.015, and 13.04.020.

Section 4. This ordinance shall take effect and be in full force five (5) days after passage and publication as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 13th day of August, 1990.


Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 7/20/90
Passed by city council: 8/13/90
Date published: 9/19/90
Date effective: 9/24/90

CITY OF GIG HARBOR

ORDINANCE NO. 584

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON CHANGING THE FEES IMPOSED FOR MOORAGE AT THE GIG HARBOR CITY DOCK.

Section 1. Chapter 3.28 of the Gig Harbor Municipal Code is hereby amended to read as follows:

Chapter ~~3.29~~ 3.28

CITY DOCK MOORAGE FEES

Sections:

~~3.29.010~~ 3.28.010 Rates established.

~~3.29.020~~ 3.28.010 Penalty.

~~3.29.010~~ 3.28.010 Rates established.

There are established the following rates to be assessed against boats and other watercraft moored overnight at the Gig Harbor City Dock moorage facility:

\$0.25 per foot per day

For the purpose of this chapter, each day constitutes a period of twenty-four hours commencing at the time the watercraft is registered and payment made or from the time the watercraft is tied up, whichever first occurs.

~~3.29.020~~ 3.28.020 Penalty.


Violations of the moorage daily fee shall constitute an infraction punishable by a fine of fifty one hundred dollars for each day the moorage fee has not been paid.

Section 2.

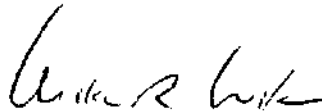
This ordinance shall be in full force and effect five (5) days after its passage by the Gig Harbor City Council and publication, as required by law.

City Dock Moorage Fees Ordinance
Page 2

PASSED by the Gig Harbor City Council and approved by its Mayor at a regular, open meeting this 13th day of August, 1990.


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 7/13/90
Passed by city council: 8/13/90
Date published: 9/19/90
Date effective: 9/24/90

CITY OF GIG HARBOR

ORDINANCE NO. 585

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO AND REGULATING THE INSTALLATION AND MAINTENANCE OF SIGNS: AMENDING SECTION 17.80.070 OF THE GIG HARBOR MUNICIPAL CODE PERTAINING TO ADMINISTRATION AND ENFORCEMENT PROVISIONS.

WHEREAS, the existing sign code does not adequately regulate the enforcement of the unauthorized installation and placement of certain types of signs, and

WHEREAS, it is the interest of the city council to have the sign code equitably and effectively administered and enforced,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. Section 17.80.070 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

"17.80.070 Administration and Enforcement. The code administrator shall be responsible for enforcing the provisions of this code.

A. Removal of Signs. The Code Administrator may order the removal of any sign erected, installed or maintained in violation of this ordinance. He/she shall give written notice specifying the violation to the holder to the sign permit, or the owner of the property where the sign is erected, to correct said violation or remove the sign within thirty (30) days. In the event the violation is not corrected within thirty (30) days, a citation shall be issued to the owner of the sign or the owner of the property where the sign is located. If, in the opinion of the code administrator, the condition of the sign presents an immediate threat to the safety of the public, the enforcing officer may cause immediate removal of the sign at cost to the owner of the premises. A sidewalk/sandwich board sign placed in non-compliance of this code shall be subject to removal by order of the city's code enforcement officer after providing a two (2) day written notice. Failure to remove any non-complying sidewalk/sandwich board sign(s) located within the city's right-of-way after order and notice from the code enforcement officer shall subject such non-complying sign(s) to immediate removal by the city in addition to civil

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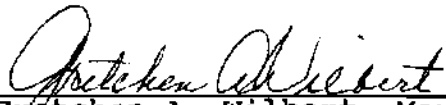
Ordinance regarding Sign Code Enforcement
Page 2

penalties as provided under the code. Such confiscated signs may be reclaimed by the owner from the city after paying a fifty dollar (\$50) fee.

...


Section 2. This ordinance shall be and is hereby declared to be in full force and effect five (5) days after official publication of the ordinance.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 27th day of August, 1990.



Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 7/18/90
Passed by city council: 8/27/90
Date published: 9/19/90
Date effective: 9/24/90

CITY OF GIG HARBOR

ORDINANCE NO. 586

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING NEW SECTION 9.06.010 OF THE GIG HARBOR MUNICIPAL CODE TO ADD THE ADOPTION BY REFERENCE OF THE STATE LAW PROHIBITING THE USE OF DOMESTIC DOGS AND CATS AS BAIT FOR THE PURPOSE OF TRAINING OTHER ANIMALS; CONTAINING A SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.

WHEREAS, the Gig Harbor City Council recognizes that the Washington State Legislature created new crimes prohibiting the use of "domestic dogs or cats as bait, prey, or targets for the purpose of training dogs, or other animals to track, fight, or hunt, in such a fashion as to torture, torment, deprive of necessary sustenance, cruelly beat, or mutilate such animals," and

WHEREAS, the Gig Harbor City Council finds that the adoption by reference of this new law is in the interest of public health, safety, and welfare,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington ORDAIN as follows:

Section 1. Section 9.06.010 of the Gig Harbor Municipal Code is hereby amended to add the adoption by reference of:

Chapter 226, Section 1, Laws of 1990 - Use of Domestic Dogs and Cats and Bait.

Section 2. If any section, sentence, clause, or phrase of this ordinance should be 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, sentence, clause, or phrase of this ordinance.

Section 3. This ordinance shall take effect and be in full force five (5) days after publication.

TOP-LOAD
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Universal

Prohibiting Domestic Dogs & Cats as Bait Ordinance
Page 2

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its mayor at a regular meeting
of the council held on this 27th day of August, 1990.


Gretchen Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 7/20/90
Passed by city council: 8/27/90
Date published: 9/19/90
Date effective: 9/24/90

CITY OF GIG HARBOR

ORDINANCE NO. 587

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, AMENDING SECTION 3.26.010(C) OF THE GIG HARBOR MUNICIPAL CODE TO AMEND THE USE OF THE ONE QUARTER OF ONE PERCENT EXCISE TAX ON REAL ESTATE SALES; ADDING A NEW SECTION 3.26.015 TO IMPOSE AN ADDITIONAL EXCISE TAX OF ONE QUARTER OF ONE PERCENT OF THE SELLING PRICE; AMENDING SECTION 3.26.020 RELATING TO PAYMENT OF THE COSTS OF COLLECTION; ADDING A NEW SECTION 3.26.100 TO CREATE A CAPITAL IMPROVEMENT FUND NO. 306 AND SETTING AN EFFECTIVE DATE.

WHEREAS, the legislature has enacted Chapter 17, Laws of 1990, First Extraordinary Session, which in Section 38 of said statute, authorizes the city to impose an additional excise tax in the amount of one quarter of one percent of the selling price, and

WHEREAS, the legislature has also amended RCW 82.46.010 regarding the use of excise tax proceeds,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington ORDAINS as follows:

Section 1. Section 3.26.010(C) of the Gig Harbor Municipal Code is hereby amended to read as follows:

- C. Use of Proceeds. All proceeds from the tax imposed by this section shall be placed by the City Treasurer in a capital improvement fund and shall be used primarily for financing capital projects specified in a capital facilities plan element of a comprehensive plan approved by the City Council and for other purposes as authorized by law. Provided, however, revenues committed prior to July 1, 1990 to a capital project may continue to be used for that purpose until the project is completed.

Section 2. A new section 3.26.015 is hereby added to the Gig Harbor Municipal Code to read as follows:

3.26.015 Additional One Quarter Percent Excise Tax on Real Estate Sales.

Real Estate Excise Tax Ordinance
Page 2

- A. Pursuant to Section 38 of Chapter 17, Laws of 1990, First Extraordinary Session, there is imposed an excise tax on each sale of real property constituting a taxable event as defined in RCW Chapter 82.45 and occurring within the corporate limits of the City of Gig Harbor. The tax imposed under this section shall be collected from persons who are taxable by the state under RCW Chapter 82.45 and such tax shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under RCW Chapter 82.45.
- B. Rate of Tax. The rate of tax imposed by Section 3.06.015(A) shall be one quarter of one percent of the selling price of all real property upon which this tax is imposed by subsection A.
- C. Use of Proceeds. Revenues generated from the tax imposed by this section shall be used solely for the financing of capital projects specified in a capital facilities plan element of a comprehensive plan approved by the City Council.

Section 3. Section 3.26.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

3.26.020 County to Collect Payment. The County Treasurer shall place one percent of the proceeds of the taxes imposed by Section 3.06.010 in the county current expense fund to defray costs of collection. The remaining proceeds from city taxes imposed by this chapter shall be distributed to the city monthly.

Section 4. A new section 3.26.100 is hereby added to the Gig Harbor Municipal Code to read as follows:

3.26.100 Fund Created. There is created a new fund called the Capital Improvement Fund No. 305. Monies received by the city pursuant to the tax imposed by Section 3.26.015 shall be placed in this fund which shall be expended as provided by law.

Section 5. If any section, sentence, clause, or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall no affect the

Real Estate Excise Tax Ordinance
Page 3

validity or constitutionality of any other section,
sentence, clause or phrase of this ordinance.


Section 6. This ordinance shall take effect and be in full
force five (5) days after publication.

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved its Mayor at a regular meeting of
the council held on this 27th day of August, 1990.



Gretchen Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 7/20/90
Passed by city council: 8/27/90
Date published: 9/19/90
Date effective: 9/24/90

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CITY OF GIG HARBOR

ORDINANCE NO. 588

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO MODIFYING MAINTENANCE AND CONSTRUCTION BOND REQUIREMENTS FOR CONSTRUCTION OF ALL PUBLIC ROADS AND UTILITY SYSTEMS AND IMPOSING STRONGER PENALTIES FOR UNAUTHORIZED LAND CLEARING.

WHEREAS, the City of Gig Harbor is interested in ensuring quality constructed roads and utilities; and

WHEREAS, the city is concerned about protecting against unauthorized land clearing;

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington ORDAINS as follows:

Section 1. A new section 12.06.010 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

"12.06.010 Construction and Maintenance Bonds.

1. CONSTRUCTION BOND. Each developer or contractor shall provide a bond in form acceptable to the City Attorney, conditioned for the performance within the period of time limited by the city Public Works Director, of the construction and installation of all roads and utilities, including construction outside the limits of such property being developed which may be required to hook up to existing water, sewer, and storm sewer installations, in the amount of the fair cost estimate thereof as determined by the city Public Works Director. When the Director sets forth the amount of bond for each improvement, that portion of the bond may be released by the Public Works Director when such utility has been finally inspected and accepted by the city.
2. MAINTENANCE BOND. Each developer or contractor shall provide a maintenance bond, either in cash or with good and sufficient surety, conditioned for the guarantee of the workmanship and materials, paving, curbs, sidewalks, storm sewer, sanitary sewer, and water lines for a period of

Construction and Maintenance Bond Ordinance
Page 2

two years from the date upon which all such improvements have been tested and accepted by the city for the city. Such bond shall be in the amount of 15 percent of the fair cost estimate for all of such utilities constructed on or in the developer's property as determined by the city."

Section 2. A new section 13.24.095 of the Gig Harbor Municipal Code is hereby enacted to read as follows:

"13.24.095 Construction and Maintenance Bond.

The developer or contractor shall post construction and maintenance bonds as required and set forth under Section 12.06.010 of the Gig Harbor Municipal Code."

Section 3. Section 13.08.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

"13.08.030 Construction and Maintenance Bond.

The developer or contractor shall post ~~a one-year ten percent maintenance bond (five hundred dollars minimum)~~ construction and maintenance bonds as required and set forth under Section 12.06.010 of the Gig Harbor Municipal Code."

Section 4. Section 16.44.090 of the Gig Harbor Municipal Code is hereby amended to read as follows:

"16.44.090 Violation - Penalty. Violations of this chapter, excepting unauthorized land clearing, are an infraction and subject to a penalty of five hundred dollars as provided in Section 1.16.010D. If civil proceeding are commenced to stop a violation of this chapter, such proceedings may be commenced in either the Municipal Court or Superior Court as the city determines. Any person, firm, or corporation which has engaged in land clearing that has not been approved by the city's code official shall incur a civil penalty in an amount not to exceed five thousand dollars (\$5,000) based on the nature and severity of the violation as determined and assessed by the code enforcement officer and shall be enforced in accordance with the procedures established under Chapter 15.18 of this code."

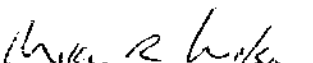
Construction and Maintenance Bond Ordinance
Page 3

Section 5. This ordinance shall take effect and be in force five (5) days after passage and publication as provided by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 27th day of August, 1990.


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 8/10/90
Passed by city council: 8/27/90
Date published: 9/19/90
Date effective: 9/24/90

CITY OF GIG HARBOR

ORDINANCE NO. 589

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, VACATING THE PORTION OF GOODMAN AVENUE, LYING SOUTH OF HALL STREET AND NORTH OF SELLERS STREET.

WHEREAS, the referenced portion of right-of-way is undeveloped; and

WHEREAS, the referenced portion of right-of-way is not necessary to the street and circulation plans of the city; and

WHEREAS, the City Council passed Resolution No. 290 initiating the procedure for the vacation of the referenced street and setting a hearing date; and

WHEREAS, after the required public notice had been given, the City Council conducted a public hearing on the matter on August 27, 1990, and at the conclusion of such hearing determined that the aforementioned right-of-way should be vacated.

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. The portion of the street currently known as Goodman Avenue, originally platted at Chahalis Street in Gig Harbor, which lies south of the street currently known as Hall Avenue and originally platted as Ash Street and north of Sellers Street, originally platted as Oak Street, as shown on the plat files on August 20, 1890, denominated as the Town of Artena, Pierce County, Washington, except the westerly twenty-two feet (22') of Goodman (Chehalis) extending north of Sellers (Oak) Street one hundred and forty feet (140') to Parcel #02-21-5-2-087 which shall be preserved as public access to Parcels #02-21-5-2-087 and 02-21-5-2-075, attached hereto as Exhibit 1 and incorporated by this reference as if set forth in full, is hereby vacated.

Ordinance Vacating Goodman Avenue

Page 2

The City of Gig Harbor shall retain a utility easement of 15 feet in the above-referenced property for construction and maintenance purposes of city utilities, centered on center line.

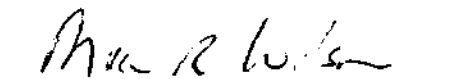
Section 2. The City Clerk is hereby directed to record a certified copy of this ordinance with the office of the Pierce County Auditor and the Clerk of the County Council.

Section 3. This ordinance shall take effect five days after passage and publication as required by law and payment of one-half of the appraised value. Upon such payment, the City Clerk shall record a notice that such amount has been paid with the Office of the Pierce County Auditor and the Clerk of the County Council.

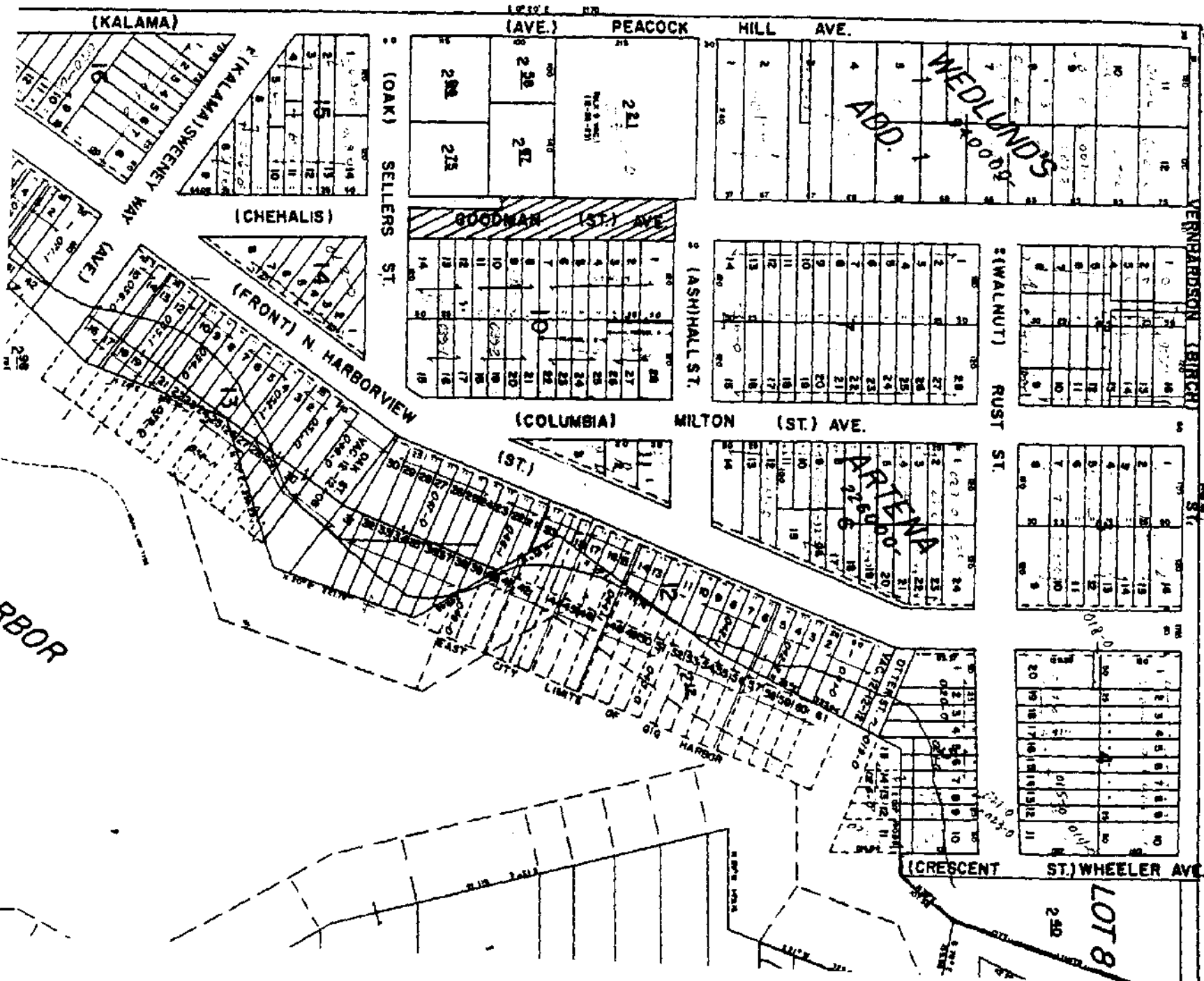
PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 10th day of September, 1990.


Gretchen A. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 8/10/90
Passed by city council: 9/10/90
Date published: 9/26/90
Date effective: 10/1/90



SEE PAGE 1 OF REPORT 81
 SEE PAGE 2 OF REPORT 81
 SEE PAGE 3 OF REPORT 81
 SEE PAGE 4 OF REPORT 81

EXHIBIT 1

CITY OF GIG HARBOR

ORDINANCE NO. 590

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, WHICH ESTABLISHES DEVELOPMENT FEES FOR LAND USE APPLICATIONS AND PERMITS RELEVANT TO ANNEXATIONS, BUILDING PERMITS, ENCROACHMENT PERMITS, REZONES, CONDITIONAL USES, VARIANCES, SITE PLAN REVIEWS, SUBDIVISIONS, SHORT PLATS, SHORELINE MANAGEMENT PERMITS, UTILITY EXTENSION REQUESTS, ENVIRONMENTAL REVIEW AND APPEALS BEFORE THE HEARING EXAMINER AND THE CITY COUNCIL.

WHEREAS, the City of Gig Harbor has adopted application fees for various land use development permits, and;

WHEREAS, current fees are established in various ordinances relevant to the specific application, and;

WHEREAS, the current fees were established greater than ten years ago and are considered out of date, and;

WHEREAS, it is deemed to be more administratively efficient to establish all development fees under one ordinance as opposed to several,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. A new Chapter 3.40 is hereby enacted to read as follows:

Chapter 3.40

3.40.010 LAND-USE DEVELOPMENT APPLICATION FEE SCHEDULE. The following land-use development fees are hereby established:

<u>Item</u>	<u>Fee</u>
A. Rezones	\$425
B. Planned Residential District	\$100
C. Conditional Use Permit	\$100
D. Variance	\$100

Community Development Fee Schedule Ordinance
Page 2

E. Site Plan Review/Binding Site Plan

<u>Value</u>	
0 - \$24,999	\$100
\$25,000 - \$49,999	\$150 for first \$25,000 plus \$4 for each additional \$1,000.
\$50,000 - \$499,000	\$250 for first \$50,000 plus \$0.75 for each additional \$1,000.
\$500,000 +	\$475 for first \$500,000 plus \$0.50 for each additional \$1,000.

F. Subdivisions

1. Preliminary Plat \$300 + \$15 for each lot over eight.
2. Final Plat \$15 per lot.

G. Short Subdivisions

1. Preliminary Plat \$100 plus \$15 per lot.
2. Final Plat \$50

H. Boundary Line Adjustment \$20

Community Development Fee Schedule Ordinance
Page 3

I.	Shoreline Management Permits	
	1. Substantial Development	\$200
	2. Conditional Use	\$250
	3. Variance	\$250
	4. Revision to Permit	\$75
J.	Environmental Review	
	1. SEPA Checklist Review	\$75
	2. Environmental Impact Statement	
	a. Prepared by staff	\$1,000 plus \$35 per hour.
	b. Prepared by private party and reviewed by city staff	\$250 plus \$35 per hour.
K.	Appeal to Hearing Examiner	\$50
L.	Request for Reconsideration before the Hearing Examiner	\$50
M.	Appeal of Hearing Examiner's decision before the City Council	\$100
N.	Appeal to Building Code Advisory Board	\$100
O.	Building, Plumbing and Mechanical	Per most recent codes adopted pursuant to G.H.C.C.
P.	Encroachment Permits	\$15
Q.	Special Inspections	

Community Development Fee Schedule Ordinance
Page 4

Building \$50

R. Annexation/Utility Extension Requests \$150

Section 2. For those applications which require a notice of public hearing to be published in a newspaper of general circulation, the applicant shall bear the costs of all advertising.


Section 3. This ordinance supersedes all other sections relevant to land-use development application fees established under Section 16 and Section 17, excluding Section 17.80.

Section 3. This ordinance shall take effect and be in full force five (5) days after publication as required by law.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its Mayor at a regular meeting of the council held on this 8th day of October, 1990.


Gretchen Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with the city clerk: 9/7/90
Passed by city council: 10/8/90
Date published: 10/17/90
Date effective: 10/22/90

University

CITY OF GIG HARBOR

ORDINANCE NO. 591

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, GRANTING TO PENINSULA LIGHT COMPANY, INC., A WASHINGTON CORPORATION, A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE, AND MAINTAIN ELECTRICAL POWER LINES AND CABLES FOR THE PURPOSE OF MAINTAINING AND OPERATING AN ELECTRICAL TRANSMISSION AND DISTRIBUTION SYSTEM ON, UNDER, ALONG, OVER, AND ACROSS THE PUBLIC STREETS AND ALLEYS OF THE CITY OF GIG HARBOR, WASHINGTON.

WHEREAS, RCW 35A.47.040 authorizes code cities to issue non-exclusive franchises for use of public streets and rights-of-way; and

WHEREAS, this ordinance has been introduced more than five (5) days prior to its passage by the City Council; and

WHEREAS, this ordinance has been submitted to the City Attorney and has received at least a majority vote of the entire City Council;

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. Franchise Approval.

Peninsula Light Company, Inc., a Washington corporation (hereafter referred to as "Peninsula Light"), its successors or assigns, are hereby given and granted by the City of Gig Harbor (hereinafter referred to as "City") the non-exclusive right and franchise to construct, operate, and maintain aerial and underground electrical transmission and distribution power lines, cables, and appurtenances for an electrical system under, along, across, and over all of the City streets and alleys as now existing or whether hereafter constructed, dedicated, or incorporated.

Such franchise encompasses all existing electrical lines, including those serving the City's traffic signals and street lights, and authorizes construction and maintenance of such new overhead electrical power lines and underground electric cables as may hereafter be constructed by Peninsula Light for electric power transmission to substations and for

Peninsula Light Franchise Ordinance
Page 2

electric distribution to provide electrical service to private citizens, public bodies, or any other entities.

Section 2. General Construction Limitations and Conditions.

- A. Peninsula Light's facilities shall be so located or relocated and so erected so as not to unreasonably interfere with traffic or with such streets, avenues, highways, bridges, and other public places and egress, ingress to abutting property; provided, however, Peninsula Light shall not break up, block or disturb any streets or other public thoroughfare without prior written permission from the City. All such construction and installation work, whenever such work crosses any of the public properties, shall be done under the supervision of and upon the inspection of the City, and Peninsula Light shall timely submit to the City, prior to any such work, detailed plans and specifications of any proposed work. The location of any franchise property in a street or other public area shall be subject to the approval of the City and approval shall be given in writing, and Peninsula Light shall be subject to all applicable ordinances, regulations, permits, or licenses as provided by the ordinances of the City as they now exist or as they are amended.
- B. During any period of construction, all surface structures, if any, shall be erected and used in such places and positions within the public right-of-way and other public properties so as not to unreasonably interfere with the free passage of traffic and the free use of adjoining property, and Peninsula Light shall at all times post and maintain proper barricades during any period of construction as is required by the laws and statutes of the State of Washington and the City of Gig Harbor. Any portion of the streets so excavated shall within a reasonable time as quickly as possible after said excavation be restored and replaced by Peninsula Light at its sole cost and expense in at least as good condition as it was immediately prior to the time of such excavation and to be performed in accordance with the applicable rules and regulations of the City.

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Section 3. Temporary Removal and Relocations by Peninsula Light.

Peninsula Light agrees and covenants, at its sole cost and expense, to temporarily protect, support, disconnect, relocate or remove from any street or other public property any of its installation when so required by the City by reason of traffic condition, public safety, street vacation, dedications of new rights-of-way and the establishment or improvement thereof, including widening, freeway construction, change or establishment of street grade or the construction of any public improvement or structure by any governmental agency acting in a governmental capacity. Peninsula Light shall in all such cases have the privilege to temporarily bypass or permanently relocate, in the authorized portion of the same street or right-of-way upon approval by the City, any section of its lines or appurtenances to be so temporarily disconnected or removed.

Section 4. Raising and Moving Wires.

If the raising or moving of wires is required by any party other than the City, at any time to enable use of the streets, or other public rights-of-way or properties, such party shall make written application at least five days in advance of such required use, and Peninsula Light shall raise or move said cable, wires and/or other equipment at the expense of the applicant, payable in advance. If the request is made by and for the benefit of the City, Peninsula Light shall raise or move the same at no charge to the City.

Section 5. Non-waiver of Rights.

The City of Gig Harbor, in the granting of this franchise, does not waive any rights which it now holds or hereafter may acquire to regulate the use and control of the City streets and alleys covered by this franchise.

Section 6. Hold Harmless, Indemnify.

Peninsula Light shall indemnify, defend, and hold harmless the City of Gig Harbor, its officers, agents, and employees from any and all claims, suits, demands, and judgments for damages, costs, and reasonable attorney's fees incurred or alleged to have been incurred by any person, including Peninsula Light's own employees, and alleged to have arisen

Peninsula Light Franchise Ordinance
Page 4

directly or indirectly, in whole or in part, from any act or omission on the part of Peninsula Light, its officers, agents, contractors, and employees related to Peninsula Light's electrical facilities, including, without limitation, the placement, maintenance, repair of electrical poles, appurtenances, wires, and other equipment, regardless of whether it is also alleged the City of Gig Harbor, its officers, agents, and employees caused or contributed to the placement, maintenance, repair of electrical poles, appurtenances, wires, and other equipment; provided, however, this indemnity shall not apply if said damages result from the sole negligence of the City of Gig Harbor, its officers, agents, and employees.

Section 7. Relocation of Facilities.

If at any time the City of Gig Harbor shall change the width, grade, or location of its streets and alleys, or install or change its underground utilities or install or change its open drainage facilities, Peninsula Light shall upon request of the City, upon thirty (30) days written notice, or longer if needed, due to the nature of the work as agreed to by the City, at its sole expense relocate its facilities maintained pursuant to this franchise in the manner and at the location as directed by the City.

Section 8. Non-exclusive Franchise.

This franchise is non-exclusive and does not divest the City of Gig Harbor of the power to grant other franchises for the same or other purposes upon the streets and alleys of the City.

Section 9. Public Liability Insurance.

Peninsula Light shall maintain in full force and effect during the life of this franchise issued pursuant to this ordinance public liability insurance naming the City, its officials, employees, and agents as additional insureds, and requiring thirty (30) days written notice to the City of any cancellation thereof, with an insurance company authorized to do business in the State of Washington, in amounts to be mutually agreed upon by the City and Peninsula Light Company.

A certificate or certificates evidencing the effectiveness of such policy(s), authenticated by the insurance carrier or carriers shall be filed with the City Clerk and likewise

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authenticated proof of renewals shall be filed showing the mutually agreed upon coverage for the duration of the franchise.

Section 10. Utilities Placement, Clearance Standards.

Where new electrical power poles are placed upon the streets and alleys of the City, they shall be placed and located, unless otherwise permitted by the City authority, centered six feet from the right-of-way line. And unless otherwise permitted by such authority the minimum vertical clearance for new or rebuilt overhead electrical power lines upon said streets and alleys shall be as follows:

<u>Voltage of Power Line</u>	<u>Electric Power Lines Crossing Streets & Alleys</u>	<u>Electric Power Lines Not Crossing Streets & Alleys</u>
0 to 750 Volts & Guy Wires	18 feet	18 feet
751 to 15,000 Volts	20 feet	20 feet
15,001 to 50,000 Volts	21 feet	21 feet
50,001 to 115,000 Volts	24 feet	24 feet

The measurement to be from the high point of the street or alley for crossing lines and from ground level on non-crossing lines.

Section 11. Underground Utilities.

Where underground cables and appurtenances are installed or constructed by Peninsula Light under the streets and alleys of the City, Peninsula Light shall, unless otherwise permitted by the authority of the City, install and construct the same as follows:

- A. Underground electric cables shall cross said streets or alleys at a minimum depth of 48 inches below the surface of the finished roadway. Said cables shall be in metal or schedule 80 PVC conduit under said finished roadway. When trenches are cut for placement of above, the cut roadway shall be patched with a like roadway surface material.
- B. Underground electric cables placed longitudinally on the streets or alleys shall be confined on a five foot wide strip abutting the right-of-way line. Said cables shall be buried a minimum depth

Peninsula Light Franchise Ordinance
Page 6

of 30 inches below the ground (street) line, except where physical protection for the cables occurs, the minimum depth may be reduced according to the Washington Electrical Construction Code or the National Electrical Safety Code, whichever is more stringent at the time of installation.

Section 12. Franchise Term.

The term of this franchise shall be for twenty-five (25) years, commencing the 22nd day of October, 1990, and ending the 22nd day of October, 2015, conditioned upon the acceptance in writing thirty (30) days by Peninsula Light of the terms and conditions herein imposed.

Section 13. Revocation. Peninsula Light covenants and agrees, for itself, its successors and assigns, that in the event of any neglect, failure, refusal or omission to comply with any of the terms, conditions, and regulations of any franchise and the rules and ordinances of the City, that the City may give notice of such default, and if such default has not been corrected or the conditions of the franchise have not been complied with within thirty (30) days after receipt of such a notice, then any franchise and all rights accruing thereunder shall be immediately subject to forfeiture and termination, at the option of the City subject to public hearing.

Section 14. Validity.

If any section, sentence, clause, or phrase of this ordinance should be 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, sentence, clause, or phrase of this ordinance.

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Peninsula Light Franchise Ordinance
Page 7


Section 15. Effective Date.

This ordinance shall take effect and be in full force five (5) days after publication of the attached summary which is hereby approved.



Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 9/7/90
Passed by city council: 10/8/90
Date published: 10/17/90
Date effective: 10/22/90

CITY OF GIG HARBOR

ORDINANCE NO. 592

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING AN ADDITIONAL SPECIAL EXCISE TAX OF TWO PERCENT (2%) ON THE SALE OR CHARGE MADE FOR THE FURNISHING OF LODGING BY HOTEL, ROOMING HOUSE, TOURIST COURT, MOTEL OR TRAILER CAMP; TO BE DEPOSITED IN A SPECIAL FUND AND ACCUMULATED FOR THE PURPOSES PERMITTED BY CHAPTER 67.28 OF THE REVISED CODE OF WASHINGTON, AND PROVIDING PENALTY FOR VIOLATION THEREOF.

WHEREAS, Section 67.28.182 of the Revised Code of Washington provides that the legislative body of Pierce County and the councils of cities in Pierce County are each authorized to levy and collect a special excise tax of not to exceed two percent (2%) on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property and the legislation adopted by Pierce County includes a provision allowing a credit against the county tax for the full amount of any city tax imposed under this section upon the same taxable event; and,

WHEREAS, Section 67.28.210 of the Revised Code of Washington provides that such taxes shall be levied only for the purpose of paying all or any part of the costs of acquisition for the construction or operation of stadium, convention, performing arts, visual arts, or other such facilities, or for the purpose of paying for advertising, publicizing or otherwise distributing information for the purpose of attracting visitors and encouraging tourism expansion; and

WHEREAS, the City Council of the City of Gig Harbor, Washington desires to establish and levy such an excise tax for purposes provided by statute,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

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Hotel/motel additional 2 excise tax ordinance

Page 2

Section 1. Pursuant to Section 67.28.182 of the Revised Code of Washington, there is hereby levied a special excise tax of two percent (2%) on the sale of or charge made for the furnishings of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property; provided that it shall be presumed that the occupancy of real property for a continuous period of one (1) month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

Section 2. The definition of "selling price", "seller", "buyer", "consumer", and all other definitions are as now contained in Section 82.08.010 of the Revised Code of Washington and subsequent amendment thereto are hereby adopted as the definitions for the tax levied herein.

Section 3. The tax herein levied shall be in addition to any license fee or any tax imposed or levied under any law or any other ordinance of the City of Gig Harbor, Washington; provided, however, the deduction from state taxes under Section 67.28.190 of the Revised Code of Washington does not apply to taxes imposed under Section 67.08.182 of the Revised Code of Washington.

Section 4. All such taxes collected herein shall be placed in such fund for the purpose of paying all or any part of the costs of acquisition, construction, or operation of stadium, convention center, performing arts center, visual arts center facilities, or any other such facilities, or to pay or secure the payment of all or any portion of the general obligation bonds or revenue bonds issued for such purpose, or purposes provided for in Chapter 67.28 of the Revised Code of Washington, and amendment thereto, or to pay for advertising, publicizing or otherwise distributing information for the purpose of attracting visitors and encouraging tourism expansion, or for such other uses as may from time to time be authorized for such taxes pursuant to statute.

Section 5. For the purposes of the tax levied herein, it is further ordained as follows:

- A. That the Department of Revenue of the State of Washington is hereby designated as the agent of the City of Gig Harbor, Washington, for the purposes of collection and administration.

Hotel/motel additional 2 excise tax ordinance

Page 3

- B. That the administrative provisions contained in Sections 82.08.050 through 82.08.070 of the Revised Code of Washington, and in Chapter 82.32 of the Revised Code of Washington shall apply with respect to administration and collection by the Department of Revenue.
- C. That all rules and regulations adopted by the Department of Revenue for the administration of Chapter 82.08 of the Revised Code of Washington are hereby adopted.
- D. That the Department of Revenue is hereby authorized to prescribe and utilize such special forms and reporting procedures as the Department may deem necessary and appropriate.

Section 6. Any person, firm or corporation violating or failing to comply with the provision of this ordinance of any lawful rule or regulation adopted pursuant hereto shall upon conviction be punished by a fine in a sum not to exceed five hundred dollars (\$500.00). Each day of violation will be considered a separate offense.

Section 7. If any section, subsection, clause, phrase or word of this ordinance or of the statues adopted by reference herein is, for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or any provisions adopted by reference herein.

Section 8. This ordinance shall be in full force and effect five days after passage and publication as provides by law.

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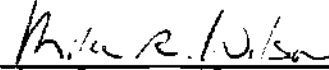
Hotel/motel additional 2 excise tax ordinance
Page 4

PASSED by the City Council of the City of Gig Harbor.
Washington, and approved by its Mayor at a regular meeting
of the council held this 13th day of November, 1990.



Gretchen A. Wilbert, Mayor

ATTEST:



Michael R. Wilson,
City Administrator, Clerk


Filed with city clerk: 10/11/90
Passed by city council: 11/13/90
Date published: 12/26/90
Date effective: 12/31/90

SUMMARY OF ORDINANCE NO. 592

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, LEVYING AN ADDITIONAL SPECIAL EXCISE TAX OF TWO PERCENT (2%) ON THE SALE OR CHARGE MADE FOR THE FURNISHING OF LODGING BY HOTEL, ROOMING HOUSE, TOURIST COURT, MOTEL OR TRAILER CAMP; TO BE DEPOSITED IN A SPECIAL FUND AND ACCUMULATED FOR THE PURPOSES PERMITTED BY CHAPTER 67.28 OF THE REVISED CODE OF WASHINGTON, AND PROVIDING PENALTY FOR VIOLATION THEREOF.

This ordinance which was passed by the City Council of Gig Harbor, Washington on November 13, 1990, levies an additional special excise tax of two percent (2%) on the sale or charge made for the furnishing of lodging by hotel, rooming house, tourist court, motel or trailer camp.

The full text of this ordinance may be inspected and copies obtained during normal business hours Monday through Friday at Gig Harbor City Hall, 3105 Judson Street.



Michael R. Wilson
City Administrator

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CITY OF GIG HARBOR

ORDINANCE NO.593

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON, FOR THE 1991 FISCAL YEAR.

WHEREAS, the mayor of City of Gig harbor, Washington completed and placed on file with the city administrator/ clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of said city for the 1991 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 13 and 26, 1990 at 7:00 p.m., in the council chambers in the city hall for the purpose of making and adopting a budget for 1991 and giving taxpayers an opportunity to be heard on the budget; and

WHEREAS, the said city council did meet at the established time and place and did consider the matter of the 1991 proposed budget; and

WHEREAS, the 1991 proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Gig Harbor for the purposes set forth in the budget, and the estimated expenditures set forth in the budget being all necessary to carry on the government of Gig Harbor for 1991 and being sufficient to meet the various needs of Gig Harbor during 1991.

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. The budget for the City of Gig Harbor, Washington, for the year 1991 is hereby adopted in its final form and content as set forth in the document entitled City of Gig Harbor 1991 Budget, three (3) copies of which are on file in the office of the city administrator/clerk.

Section 2. Estimated resources, including fund balances or working capital for each separate fund of the City of Gig Harbor, and aggregate totals (net of transactions between funds) for all funds combined, for the year 1991 are set forth in summary form below, and are hereby appropriated for expenditure during the year 1991 as set forth below:

1991 Budget Ordinance
Page 2

<u>Fund</u>	<u>Department</u>	<u>Amount</u>
General (001)	Legislative	\$ 11,600
	Municipal Court	111,515
	Administration/Finance	170,585
	Legal Services	26,500
	Police	557,900
	Hearing Examiner	13,500
	Planning & Community Devel.	149,400
	Parks and Recreation	70,390
	Building	30,300
	Non-departmental	923,540
	Ending Fund Balance	130,160
	<u>Total General Fund</u>	<u>\$2,195,390</u>
Streets Operating Fund (101)		693,905
Risk Management (103)		185,040
Trust Fund - Misc. (Performance Pay) (104)		20,670
Drug Investigation Fund (105)		8,800
Kimball/Hunt Construction (106)		1,106,500
Hotel/Motel Tax (107)		2,200
G.O. Fire - Debt Service (200)		20,020
G.O. Sewer - Debt Service (201)		83,625
G.O. P.W. Bldg. - Debt Service (202)		29,325
G.O. Sewer Bond Redemption (203)		541,320
Kimball/Hunt LID (206)		1,051,175
General Gov't Capital Asset Fund (301)		520,000
Capital Improvement Fund (305)		40,000
Water Operating Fund (401)		488,635
Sewer Operating Fund (402)		652,850
Sewer Capital Replacement (404)		213,000
Storm Drainage Operating Fund (411)		297,460
Utility Bond Redemption Fund (408)		390,700
ULID No. 2 Construction (409)		43,750
Sewer Capital Asset Fund (410)		789,560
Utility Reserve (407)		390,960
Advanced Refunding Bond Redemption (413)		197,120
Water Capital Asset Fund (420)		319,500
Trust - Lighthouse Maintenance (605)		4,300
	<u>Total All Funds</u>	<u>\$10,285,805</u>

Section 3. Attachment "A" is adopted as the 1991 personnel salary schedule.

Section 4. The city administrator/clerk is directed to transmit a certified copy of the 1991 budget hereby adopted to the Division of Municipal Corporations in the Office of

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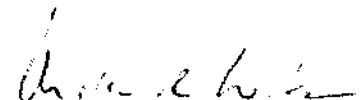
the State Auditor and to the Association of Washington
Cities.

Section 5. This ordinance shall be in force and take effect
five (5) days after its publication according to law.

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular meeting
of the council held on this 10th day of December, 1990.


Gretchen A. Wilbert, Mayor

ATTEST:

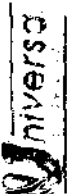

Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/8/90
Passed by city council: 12/10/90
Date published: 12/26/90
Date effective: 12/31/90

1991 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$ 3,660	\$ 4,570
Public Works Director	3,320	4,150
Chief of Police	3,100	3,875
Finance Officer	2,460	3,070
Planning Director	2,560	3,195
Police Sergeant	2,590	3,235
Public Works Supervisor	2,660	3,320
Fire Marshal/Building Official	2,215	2,765
Police Officer	2,250	2,810
Sewer Plant Supervisor	2,360	2,950
Public Works Foreman	2,215	2,765
Sewer Plant Operator	2,150	2,685
Equipment Operator	2,100	2,625
Administrative Assistant	1,870	2,335
Planning/Building Technician	1,870	2,335
Maintenance Worker	2,000	2,500
Engineering Technician	1,740	2,170
Laborer	1,665	2,080
Court Clerk	1,540	1,920
Police Clerk	1,540	1,920
Accounting Clerk	1,540	1,920
Utility Clerk	1,540	1,920
Office Clerk	1,400	1,750
Administrative Receptionist	1,400	1,750
Police/Court Assistant Clerk	1,400	1,750

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CITY OF GIG HARBOR
ORDINANCE NO. 593

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF GIG HARBOR, WASHINGTON, FOR THE 1991 FISCAL YEAR.

WHEREAS, the mayor of City of Gig harbor, Washington completed and placed on file with the city administrator/ clerk a proposed budget and estimate of the amount of the moneys required to meet the public expenses, bond retirement and interest, reserve funds and expenses of government of said city for the 1991 fiscal year, and a notice was published that the Gig Harbor City Council would meet on November 13 and 26, 1990 at 7:00 p.m., in the council chambers in the city hall for the purpose of making and adopting a budget for 1991 and giving taxpayers an opportunity to be heard on the budget; and

WHEREAS, the said city council did meet at the established time and place and did consider the matter of the 1991 proposed budget; and

WHEREAS, the 1991 proposed budget does not exceed the lawful limit of taxation allowed by law to be levied on the property within the City of Gig Harbor for the purposes set forth in the budget, and the estimated expenditures set forth in the budget being all necessary to carry on the government of Gig Harbor for 1991 and being sufficient to meet the various needs of Gig Harbor during 1991.

NOW, THEREFORE, the City Council of the City of Gig Harbor DO ORDAIN as follows:

Section 1. The budget for the City of Gig Harbor, Washington, for the year 1991 is hereby adopted in its final form and content as set forth in the document entitled City of Gig Harbor 1991 Budget, three (3) copies of which are on file in the office of the city administrator/clerk.

Section 2. Estimated resources, including fund balances or working capital for each separate fund of the City of Gig Harbor, and aggregate totals (net of transactions between funds) for all funds combined, for the year 1991 are set forth in summary form below, and are hereby appropriated for expenditure during the year 1991 as set forth below:

1990 Budget Ordinance

Page 2

<u>Fund</u>	<u>Department</u>	<u>Amount</u>
General (001)	Legislative	\$ 11,600
	Municipal Court	111,515
	Administration/Finance	170,585
	Legal Services	26,500
	Police	557,900
	Hearing Examiner	13,500
	Planning & Community Devel.	149,400
	Parks and Recreation	70,390
	Building	30,300
	Non-departmental	923,540
	Ending Fund Balance	130,160
	Total General Fund	\$2,195,390
Streets Operating Fund (101)		693,905
Risk Management (103)		185,040
Trust Fund - Misc. (Performance Pay) (104)		20,670
Drug Investigation Fund (105)		8,800
Kimball/Hunt Construction (106)		1,106,500
Hotel/Motel Tax (107)		2,200
G.O. Fire - Debt Service (200)		20,020
G.O. Sewer - Debt Service (201)		83,625
G.O. P.W. Bldg. - Debt Service (202)		29,325
G.O. Sewer Bond Redemption (203)		541,320
Kimball/Hunt LID (206)		1,051,175
General Gov't Capital Asset Fund (301)		520,000
Capital Improvement Fund (305)		40,000
Water Operating Fund (401)		488,635
Sewer Operating Fund (402)		652,850
Sewer Capital Replacement (404)		213,000
Storm Drainage Operating Fund (411)		297,460
Utility Bond Redemption Fund (408)		390,700
ULID No. 2 Construction (409)		43,750
Sewer Capital Asset Fund (410)		789,560
Utility Reserve (407)		390,960
Advanced Refunding Bond Redemption (413)		197,120
Water Capital Asset Fund (420)		319,500
Trust - Lighthouse Maintenance (605)		4,300
Total All Funds		\$10,285,805

Section 3. Attachment "A" is adopted as the 1991 personnel salary schedule.

Section 4. The city administrator/clerk is directed to transmit a certified copy of the 1991 budget hereby adopted to the Division of Municipal Corporations in the Office of

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1990 Budget Ordinance
Page 3

the State Auditor and to the Association of Washington
Cities.

Section 5. This ordinance shall be in force and take effect
five (5) days after its publication according to law.

PASSED by the City Council of the City of Gig Harbor,
Washington, and approved by its Mayor at a regular meeting
of the council held on this _____ day of November, 1990.

Gretchen A. Wilbert, Mayor

ATTEST:

Michael R. Wilson
City Administrator/Clerk

Filed with city clerk: 11/8/90
Passed by city council: 11/8/90
Date published:
Date effective:

1991 SALARY SCHEDULE

<u>POSITION</u>	<u>RANGE</u>	
	<u>Minimum</u>	<u>Maximum</u>
City Administrator	\$ 3,945	\$ 4,930
Public Works Director	3,535	4,475
Chief of Police	3,340	4,175
Finance Officer	2,535	3,470
Planning Director	2,655	3,315
Police Sergeant	2,670	3,340
Public Works Supervisor	2,655	3,320
Fire Marshal/Building Official	2,405	3,005
Police Officer	2,325	2,915
Sewer Plant Supervisor	2,310	2,890
Public Works Foreman	2,310	2,885
Sewer Plant Operator	2,100	2,625
Equipment Operator	2,100	2,620
Maintenance Worker/Inspector	2,100	2,620
Administrative Assistant	2,040	2,550
Planning/Building Technician	2,010	2,510
Maintenance Worker	1,995	2,495
Engineering Technician	1,950	2,440
Laborer	1,735	2,170
Court Clerk	1,705	2,130
Police Clerk	1,615	2,020
Accounting Clerk	1,615	2,020
Utility Clerk	1,615	2,020
Office Clerk	1,450	1,810
Administrative Receptionist	1,450	1,810
Police/Court Assistant Clerk	1,450	1,810

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CITY OF GIG HARBOR

ORDINANCE NO. 594

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING CERTAIN CHAPTERS OF TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE HAVING TO DO WITH THE ZONING CODE, ENACTING A NEW CHAPTER TO TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE, AMENDING A PORTION OF TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE AND AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF GIG HARBOR AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor City Council directed the City of Gig Harbor Planning Commission to conduct subarea meetings throughout the City in the furtherance of the refinement and implementation of the City of Gig Harbor Comprehensive Plan of 1986, and;

WHEREAS, the City of Gig Harbor Planning Commission conducted numerous work sessions in 1989 and 1990, four subarea meetings in April and May of 1990, a public hearing on June 19, 1990 and three work sessions in July and August of 1990 regarding proposed changes to Title 17 of the City of Gig Harbor Municipal Code in respect to text amendments and revisions to the zoning district map, and;

WHEREAS, the City of Gig Harbor Planning Commission in its Findings, Conclusions and Recommendations of August 1990 to the City Council did recommend twenty-eight changes to the zoning district map, two amendments to the Comprehensive Plan map and four revisions to the zoning code text, Title 17 of the City of Gig Harbor Municipal Code, and;

WHEREAS, the adoption of the revised zoning code and zoning district map furthers the goals and objectives of the 1986 City of Gig Harbor Comprehensive Plan and promotes the public's health, safety and welfare,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. The following chapters of Title 17 of the Gig Harbor Municipal Code are hereby repealed: 17.44 (Waterfront District 1), 17.48 (Waterfront District 2), 17.52 (Waterfront District 3) and 17.56 (General Services).

SECTION 2. The following chapters are hereby enacted:

CHAPTER 17.48

WATERFRONT MILLVILLE (WM)

SECTIONS

- 17.48.010 Intent
- 17.48.020 Permitted Uses
- 17.48.030 Conditional Uses
- 17.48.035 Hours of Operation
- 17.48.037 Prohibited Uses
- 17.48.040 Development Standards
- 17.48.050 Site Plans
- 17.48.060 Maximum Height
- 17.48.070 Parking and Loading Requirements
- 17.48.080 Signs
- 17.48.090 Performance Standards
- 17.48.010 Intent

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. Development should maintain the scale of existing structures. Highest priority will be accorded to those uses that are water dependent. Other uses that provide a high degree of physical access to the waterfront have the next priority. Those activities that are not water dependent but maintain or enhance views and the character of the area may also be permitted.

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17.48.020 Permitted Uses

1. Single family and two-family (duplex) structures.
2. Marinas and boat launch facilities.
3. Boat Repair and sales facilities
4. Marine related sales.
5. Delicatessens.
6. Public park and access facilities.
7. Professional offices.
8. Wholesale and retail sales of fisheries products for human consumption.
9. Parking lots.
10. Live bait sales.
11. Piers, docks, wharfs and associated buildings.
12. Commercial fishing net sheds.

17.48.030 Conditional Uses

Subject to the standards and procedures for conditional uses as set forth in Section 17.64, the following uses may be authorized in this district:

1. Triplex and fourplex residential structures.
2. Yacht Clubs.
3. Bed and Breakfasts.
4. Public utilities and services.
5. Boat construction, not to exceed one boat per calendar year.
6. Coffee houses, not to exceed 1,000 square feet in total size.

17.48.035 Hours of Operation

The following uses shall be limited to operating between the hours of 7:00 am to 7:00 pm, daily:

1. Sales.
2. Delicatessens.
3. Boat construction.
4. Coffee houses.

17.48.037 Prohibited Uses

The following uses are prohibited in this district:

1. Outdoor public telephones.

17.48.040 Development Standards

	Single Family	Multi-family (duplex-fourplex)	Non-Residential
1. Min. lot area	12,000	15,000-21,000	12,000
2. Min. lot width	70'	100'	100'
3. Min. front setback	20'	20'	20'
4. Min. rear and/or side yard abutting Tidelands	0	0	0
5. Min. int. side setback	8'	8'	10'
6. Min. street side setback	10'	10'	10'
7. Max. Impervious coverage	50%	55%	75%
8. An undersized lot shall qualify as a building site if such lot is a lot of record at the time this chapter became effective. Recognizing the existence of such parcels, the development standards are adjusted to grant relief as to minimum lot size and minimum lot width only.			

17.48.050 Site Plans

Before a building permit will be issued in a WM zone, the site plan review process specified in Chapter 17.96 shall be followed. Residential projects containing three or fewer dwelling units are exempt from this provision.

17.48.060 Height

The maximum building height is 16 feet, except as provided for under Section 17.62. The maximum building height may be increased to a maximum of twenty-eight (28) feet if two additional water view/access opportunities are provided and the following criteria are met:

1. The structure shall not exceed two stories or floors in height.

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2. Each story or floor shall be less than or equal to ten feet in height as measured from the top of the first floor to the top of the second floor.
3. There shall be no occupancy of the attic space.
4. The pitch of the roof shall be equal to or steeper than one-to-one (1:1).

The two water view/access opportunities are in addition to the water view/access opportunities provided for increased impervious coverage, pursuant to section 17.48.090, 5A and 5B.

17.48.070 Parking and Loading Facilities

Parking and loading facilities on private property shall be provided in accordance with the requirements of Section 17.72, except that where there are properties serving multiple uses, parking shall be provided for the combined total of the individual uses.

17.48.080 Signs

All signs shall comply with the provisions of Section 17.80.

17.48.090 Performance Standards

1. Exterior Mechanical Devices: Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
2. Landscaping is required and shall be installed in conformance with Chapter 17.78 by this Title and/or by conditions of approval of discretionary applications required by this Title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.
3. Outdoor Storage of Materials: The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums,

machinery or furniture is permitted as an incidental or accessory activity of a Permitted Use or the principal feature of a Conditional Use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.

4. Outdoor Lighting: Within one hundred feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source. Said lighting shall be shielded so that the 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.)

- 5A. Maximum impervious lot coverage may be increased up to a maximum of ninety (90) percent upon execution of a written agreement with the City of Gig Harbor and the property owner and provided further that the agreement is filed with the County Auditor as a covenant with the land, when the development provides for water view opportunities and/or waterfront access opportunities in conjunction with commercial uses, as follows:

Maximum Imp. Coverage	Number of Water View /Access Opportunities
a. 50/55/70	-0-
b. +10%	1
c. +10%	2
d. +10%	3

- 5B. Waterview/Harbor Access Opportunities

- i. Waterview opportunity, by means of public view corridors measuring twenty frontage feet

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along the street or twenty percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public right-of-ways. Parking shall not be allowed in view corridors. Fences or railings shall not be allowed in view corridors except where required by the City Building Code. Shrubbery in view corridors shall not exceed a height of three feet and trees shall have no branches lower than ten feet above the level of the frontage sidewalk. A waiver on tree branch height may be granted by the City Council for a defined growth period.

- ii. Water view opportunity, by means of a five-foot wide public pathway along the property perimeter down one side line of the property to mean higher high water or a bulkhead or to the waterside face of structure, whichever is further waterward, then across the waterside face of the property or structure and back to the street along the other side line.
- iii. Waterview opportunity, by means of a public viewing platform at the highest level of any structure on the property. Minimum area of the platform shall be fifty (50) square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.
- iv. Harbor access opportunity, by means of a public fishing pier extending out to the mean lower low water and connected by a minimum five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the fishing pier.
- v. Harbor access opportunity, by means of a public small boat landing available for transient use by rowboats, canoes, dinghies, etc., extending out to mean lower low water and connected by a five foot wide public

pathway to the frontage street. A minimum of ten feet of open water shall surround the small boat landing.

- vi. Harbor access opportunity, by means of a public transient moorage for up to two, thirty (30) foot boats and which must have a minimum water depth of eight feet and which must be easily accessible to visiting boats and posted with signage which can be read at a distance of one hundred (100) feet.

Section 3. The following chapters of the Gig Harbor Municipal Code are modified as follows:

...

17.04 Definitions

...

17.04.265 Coffee House - Establishment serving food and non-alcoholic beverages that operates without a grille or deep fat fryer.

17.04.268 Delicatessen - Establishment serving food and non-alcoholic beverages that operates without a grille or deep fat fryer.

...

17.12.010 Districts Established

- K. Waterfront Residential District (~~W-1~~) WR
- L. Waterfront Millville Use District A (~~W-2~~) WM
- M. Waterfront Commercial Use District B (~~W-3~~) WC
- N. General Service Use District (~~GS~~)

17.32.045 Impervious Coverage

The maximum impervious coverage in a B-1 district shall be 70 percent.

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17.32.050 Front Yard

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Commercial uses shall provide a minimum yard of thirty feet adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

17.32.060 Rear Yard

...

Commercial uses shall provide a minimum yard of thirty feet adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

17.32.070 Side Yard

...

Commercial uses shall provide a minimum yard of thirty feet adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

...

17.46.040 Development Standards

—Single	7000-	less than	Duplex	Non-
—Family	12,000	7,000		Res.

<p>4. Minimum Rear Yard Setback if Tidelands Not Owned</p>	<p>— 20' — 20' — 15' — 20' — 30' —</p>
<p>5. Minimum Rear and/or Side Yard Setback to Owned-Abutting Tidelands.</p>	<p>0 0 0 0 0</p>

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17.50.020 Permitted Uses

- 9. Restaurants, taverns and lounges
- 10. Professional Offices
- 11. Residential, up to a fourplex
- 12. General Retail Sales

...

17.50.030 Conditional Uses

- ~~1. Residential development, up to a fourplex.~~
- 2-1. Guest accommodations
- 3-2. Public facilities
- 4-2. Parking lots for related shoreline uses
- 5-4. Restaurants, taverns and lounges
- 6-5. Processing of fisheries products for off-premise human consumption.
- 7-6. Boat construction

...

17.50.040 Performance Standards

10A. Maximum impervious lot coverage may be increased upon execution of a written agreement with the City of Gig Harbor and the property owner and provided further that the agreement is filed with the County Auditor as a covenant with the land, when the development provides for water view opportunities and/or waterfront access opportunities in conjunction with commercial uses, as follows:

	<u>Maximum Imp. Coverage</u>	<u>Number of Waterview Access</u>
	<u>Opportunities</u>	
a.	<u>50/55/70</u>	<u>-0-</u>
b.	<u>+10%</u>	<u>1</u>
c.	<u>+10%</u>	<u>2</u>
d.	<u>+10%</u>	<u>3</u>

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10B. Waterview / Harbor Access Opportunities

- i. Waterview opportunity, by means of public view corridors measuring twenty frontage feet along the street or twenty percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public right-of-ways. Parking shall not be allowed in view corridors. Fences or railings shall not be allowed in view corridors except where required by the City Building Code. Shrubbery in view corridors shall not exceed a height of three feet and trees shall have no branches lower than ten feet above the level of the frontage sidewalk. A waiver on tree branch height may be granted by the City Council for a defined growth period.
- ii. Water view opportunity, by means of a five-foot wide public pathway along the property perimeter down one side line of the property to mean higher high water or a bulkhead or to the waterside face of structure, whichever is further waterward, then across the waterside face of the property or structure and back to the street along the other side line.
- iii. Waterview opportunity, by means of a public viewing platform at the highest level of any structure on the property. Minimum area of the platform shall be fifty (50) square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.
- iv. Harbor access opportunity, by means of a public fishing pier extending out to the mean lower low water and connected by a minimum five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the fishing pier.

- v. Harbor access opportunity, by means of a public small boat landing available for transient use by rowboats, canoes, dinghies, etc., extending out to mean lower low water and connected by a five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the small boat landing.
- vi. Harbor access opportunity, by means of a public transient moorage for up to two, thirty (30) foot boats and which must have a minimum water depth of eight feet and which must be easily accessible to visiting boats and posted with signage which can be read at a distance of one hundred (100) feet.

Section 4. The Comprehensive Plan Map, Graphic 9 of the Comprehensive Plan, is hereby amended as follows:

The commercial area on Burnham Drive, inclusive of the Elks Club property, and at the Burnham Drive/North

Harborview intersection, is re-designated from urban residential to commercial/business.

The commercial area bordering SR-16 to the east, northwest of the Olympic Village Shopping Center and which is west of Soundview Drive is redesignated from urban residential to commercial-business.

Section 5. The official zoning district map for the City of Gig Harbor is hereby modified as indicated on the attached Exhibit "A".

Section 6. Those properties in the City of Gig Harbor so affected by zoning district changes established under this ordinance shall not be considered for any additional zoning district change for a period of twelve (12) months from the date of adoption of this ordinance, pursuant to Section 17.100.020 (D).

Section 7. If any section, sentence, clause or phrase of

this ordinance, or the statutes adopted herein by reference,

should be 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, sentence, clause or phrase of this ordinance.

Section 8. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its mayor at a regular meeting of the Council held on this 10th day of December, 1990.

Vetoed 12/30/90

Gretchen A. Wilbert, Mayor
Gretchen Wilbert

ATTEST:

Michael R. Wilson

Michael R. Wilson
City Administrator/Clerk

Filed with the City Clerk: 10/8/90
Passed by City Council: 12/10/90
Date effective: 12/20 /90