

**ORDINANCE NO. 708**

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE STANDARDS AND ZONING, ADDING NEW CHAPTER 17.65 TO THE GIG HARBOR MUNICIPAL CODE, CREATING A NEW PROCEDURE FOR THE APPLICATION, PROCESSING, REVIEW, AND CONDITIONING OF SPECIAL USE PERMITS.

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WHEREAS, the Growth Management Act requires that local government planning under the act must adopt development regulations which implement comprehensive plans, and

WHEREAS, the current zoning code, which was last updated in 1991, is in need of refinement to reflect current state law, and

WHEREAS, updating the zoning code to provide a special use permits section is in the public's health, interest, welfare and safety as it implements the goals and policies of the amended City of Gig Harbor Comprehensive Plan of November, 1994 and provides greater flexibility in the administration of the city land use code, now, therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. A new chapter 17.65 is hereby added to the Gig Harbor Municipal Code, to read as follows:

Chapter 17.65  
SPECIAL USE PERMITS

Sections:

- 17.65.010 Intent.
- 17.65.020 Procedure.
- 17.65.030 General conditions.
- 17.65.040 Review criteria.
- 17.65.050 Expiration.
- 17.65.060 Transfer of a special use permit.
- 17.65.070 Revocation of a special use permit.
- 17.65.080 Appeal of the administrator's decision on a special use permit.
- 17.65.090 General criteria.

**17.65.010 Intent.** Certain uses, because of their infrequent occurrence and temporary nature, are classified as special uses. These types of uses are temporary in nature, of limited duration and may be associated with special events or promotions. These uses may be allowed in certain zoning districts by a special use permit granted by the administrator.

**17.65.020 Criteria for a Complete Application.** A special use permit is a Type 1 permit application and shall be subject to the following review procedures and requirements:

A. Complete Application. In addition to the requirements in Section 19.02.002, the following requirements must be met for a complete application:

1. Signed and dated application form for a Special Use Permit.
2. Written statement of justification for approval of the Special Use Permit which meets the criteria in Section 17.65.040
3. A map showing the proposed location of the requested use.
4. The original and three copies of all documents.

**17.65.030 Procedure**

A. Investigation. The planning director shall make an investigation to determine whether a proposed special use is consistent with the criteria in Section 17.65.050 of the GHMC. For uses proposed on City streets or City property, the requirements and procedures of chapter 12.02 shall apply.

B. 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 use.

C. Conditions. The conditions may:

1. Stipulate the exact location of the use as a means of minimizing potential hazards, nuisances or property damage;
2. Require special structural features, equipment or site treatment, as necessary;
3. Limit the duration, hours of operation and timing of the use.

**17.65.040 General conditions.** In considering whether to grant special uses, the Director shall be satisfied that the minimum standards set for uses specified in this title will be met. In addition, the Director shall consider the criteria listed in this chapter and

the standards as set forth in this chapter. The Director 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.

**17.65.050 Review criteria.** Each determination granting a special use permit shall assure that the following conditions are met:

- A. That the type of use for which the special use permit is applied for is permitted in the applicable zoning district and is consistent with the description and purpose of the zone district in which the property is located;
- B. That the granting of the special 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 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;
- E. The maximum occupied site area shall not exceed 28 square feet in area;
- F. The special use may not operate more than 7 events during the authorized period. An event is equal to one 12-hour period per day;
- G. A request for more than two special use permits per calendar year or any use which occupies more than 28 square feet in area shall not be considered as a special use and may only be authorized as a conditional use, subject to the requirements in Chapter 17.64.

**17.65.060 Expiration.** Any special use permit granted by the Director is valid for a period of up to thirty (30) consecutive days.

**17.65.070 Transfer of a special use permit.** A special use permit shall not be transferable to any other person, firm or corporation.

**17.65.080 Revocation of a special use permit.** A special use permit may be revoked for one or more of the following reasons:

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

**17.65.090 Appeal of the Director's decision on a special use permit.** Appeals may be filed in accordance with the procedures established pursuant to Title 19 of the GHMC.

**17.65.100 Exemptions.** The following activities or uses are exempt from obtaining a special use permit:

- 1. Annual Christmas tree and fireworks sales.
- 2. Community wide events such as annual art fairs, street fairs, etc.
- 3. Events approved for use at a city park or facility.

Section 2. Severability. 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. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:

CITY Director, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK: 1/8/96  
PASSED BY THE CITY COUNCIL: 1/22/96  
PUBLISHED: 1/31/96  
EFFECTIVE DATE: 2/5/96  
ORDINANCE NO. 708

## **SUMMARY OF ORDINANCE NO. 708**

of the City of Gig Harbor, Washington

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On the 22nd day of January 1996, the City Council of the City of Gig Harbor, passed Ordinance No. 708. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE STANDARDS AND ZONING, ADDING NEW CHAPTER 17.65 TO THE GIG HARBOR MUNICIPAL CODE, CREATING A NEW PROCEDURE FOR THE APPLICATION, PROCESSING, REVIEW, AND CONDITIONING OF SPECIAL USE PERMITS.

The full text of this Ordinance will be mailed upon request.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1996.

CITY ADMINISTRATOR, MARK HOPPEN