

ORDINANCE NO. 1307

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, CORRECTING ERRORS AND OMISSIONS, AND CLARIFYING PROVISIONS TO AID IN INTERPRETATION AND IMPLEMENTATION OF TITLES 16, 17 AND 19; ALLOWING TOPOGRAPHY APPROVED THROUGH A FINAL PLAT TO BE CONSIDERED NATURAL GRADE; ALLOWING INDOOR FITNESS CENTERS UP TO 20,000 SQUARE FEET AND INDOOR PET GROOMING SALONS AS A PERSONAL SERVICE USES; CODIFYING THE 1996 DESIGN MANUAL COMMON AREA STANDARDS; CODIFYING AN INTERPRETATION ON INDUSTRIAL BUILDING EXEMPTIONS; ADDING PERFORMANCE STANDARDS IN RESIDENTIAL ZONES FOR NONRESIDENTIAL USES; REQUIRING FUNCTIONAL WATER AND SEWER CONVEYANCE SYSTEMS FOR MODEL HOMES; REQUIRING PARKING STALLS TO BE UNENCUMBERED AND AVAILABLE AT ALL TIMES; REPEALING SECTION 17.04.245; ADDING NEW SECTIONS 17.04.235 AND 17.04.706; AMENDING SECTIONS 16.02.004, 16.05.006, 16.05.007, 16.07.002, 16.07.004, 16.11.004, 17.04.160, 17.04.431, 17.04.605, 17.04.657, 17.04.692, 17.04.880, 17.04.890, 17.04.900, 17.04.910, 17.05.030, 17.05.040, 17.12.010, 17.16.060, 17.16.100, 17.17.040, 17.20.040, 17.20.070, 17.21.040, 17.24.050, 17.24.070, 17.28.050, 17.30.050, 17.36.055, 17.36.060, 17.40.055, 17.40.080, 17.41.030, 17.46.090, 17.48.090, 17.50.040, 17.50.090, 17.56.030, 17.60.020, 17.68.038, 17.68.070, 17.72.020, 17.78.080, 17.78.120, 17.80.060, 17.89.080, 17.89.120, 17.90.080, 17.90.120, 17.91.040, 17.98.030, 17.99.030, 17.99.040, 17.99.260, 17.99.280, 17.99.300, 17.99.320, 17.99.510, 17.99.590, 19.02.008 AND 19.03.001; AND RENUMBERING SECTIONS 17.04.264, 17.04.265, 17.04.271, 17.04.670, 17.04.755, 17.04.756, 17.04.757 AND 17.04.758 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City has documented land use and processing code amendments necessary to correct errors and omissions, reduce the need for interpretations and improve implementation of the regulations by the City; and

WHEREAS, the City desires to correct these errors and omissions and clarify the code to reduce interpretation and improve customer service; and

WHEREAS, the City desires to correct and update references, alphabetize lists, and remove conflicting provisions in Titles 16, 17 and 19; and

WHEREAS, the definition of natural grade should be amended to recognize approved topography recorded through a final plat; and

WHEREAS, the terms “commercial” and “nonresidential” have been used interchangeably in the Zoning Code depending on the date of the ordinance and the City desires to clarify the use of those terms to match intent and past interpretations of the code; and

WHEREAS, the definition of personal services include “exercise facilities” and the definition of indoor commercial recreation includes “fitness center” and the city desires to clarify these definitions by allowing indoor fitness centers up to 20,000 square feet under personal services. Indoor fitness centers greater than 20,000 square feet are included in indoor commercial recreation; and

WHEREAS, the definition of personal services includes “spa services” and the City has allowed indoor pet grooming salons under the personal service definition. The City desires to amend the definition to personal service to clarify that allowance; and

WHEREAS, the definition of kennel includes “grooming, housing and boarding” and the City desires to clarify that pet day care centers meets the definition of kennel; and

WHEREAS, The City desires to insert into the current Design Manual, Chapter 17.99, the 1996 Common Area Standards that were only reference when Chapter 17.99 was created in 2004; and

WHEREAS, many of the requirements for a complete application and the criteria for approval for multiple project permits need to be updated to meet current policies and procedures; and

WHEREAS, The City desires to codify a 2006 formal administrative interpretation related to when a project is eligible for an Industrial Building Exemption in the Design Manual; and

WHEREAS, some performance standards for nonresidential uses are not consistent throughout similar commercial zones and there are currently no performance standards for nonresidential uses in residential zones. The City desires to add and provide appropriate performance standards for trash receptacles, outdoor lighting, exterior mechanical devices, outdoor storage of materials to all zones; and

WHEREAS, the City desires to clarify that road alignment changes that are not substantial in nature may qualify for a minor preliminary plat revisions; and

WHEREAS, to ensure that adequate infrastructure is provided for model homes built prior to final plat, the approval requirements need to be updated to require a functional water and sewer conveyance system; and

WHEREAS, the City desires to update the nonconformities chapter to allow architectural details under characteristics of use and to amend the discontinuance section to be consistent with case law; and

WHEREAS, the City currently requires an affidavit of posting for public notice boards and the City instead desires to require a declaration of posting as a declaration is a stronger statement than a notarized signature; and

WHEREAS, the City desires to include language in the parking standards to require that parking stalls be unencumbered and available at all times in order to ensure that parking necessary for customers and employees is not blocked by storage of materials or gates; and

WHEREAS, staff has interpreted that the front setback for a house is also the setback for accessory structures and the City desires to codify this interpretation; and

WHEREAS, the City desires to amend the definitions of yards so that they are consistent with the definition of building setback and to clarify that retaining walls, rockeries and at-grade stairs are allowed in a yard even if they meet the definition of a structure; and

WHEREAS, the proposed amendments were forwarded to the Washington State Department of Commerce on October 10th, 2014, pursuant to RCW 36.70A.106, and were granted expedited review on October 28th, 2014; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on November 5, 2014; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on November 24, 2014; and

WHEREAS, on December 8, 2014, the City Council held a second reading during a regular City Council meeting; Now, therefore,

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

Section 1. Section 16.02.004 in the General Provisions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.02.004 Scope.

Any division, redivision, platting or subdivision, or any division of land containing a dedication of any part thereof to any public purpose (such as a public street or a highway) shall comply with the provisions of this title.

Section 2. Section 16.05.006 in the Preliminary Plats chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.05.006 Revisions to an approved preliminary plat.

Approved preliminary plats may be revised prior to recording of the final plat as follows:

A. Minor revisions to an approved preliminary plat, which do not change the plat boundaries, do not change the conditions of preliminary plat approval, do not substantially alter road alignments or connections, and do not increase the number of lots by more than five percent or five lots, whichever is less, shall be processed in accordance with the procedures established under GHMC Title 19 for a Type I project permit application. The director shall approve an application for minor preliminary plat revision only if all of the following criteria are met:

1. The revision will not be inconsistent or cause the subdivision to be inconsistent with the findings, conclusions, or decision of the hearing examiner or city council;
2. The revision will not cause the subdivision to violate any applicable city policy or regulation;
3. A subdivision may be developed if the intent of its original conditions is not altered.

B. Revisions which are not classified as minor revisions in subsection A of this section shall be processed as a new preliminary plat application in accordance with the procedures established under GHMC Title 19 for a Type III project permit application.

Section 3. Subsection 16.05.007(A) in the Preliminary Plats chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.05.007 Model homes.

A. Eligibility. Any applicant who has received preliminary plat approval may apply for building permits for model homes, up to the number authorized under subsection C of this section. Prior to the issuance of model home permit(s), the applicant must demonstrate that the following criteria are met:

1. The applicant has submitted and received all required permits and approvals required of the preliminary plat approval; and
2. All required retention and detention facilities necessary for the areas of the subdivision serving the model homes are in place and functional, and in accordance with the civil permit approved by the city of Gig Harbor; and

3. All critical areas upon or immediately adjacent to the areas of the subdivision serving the model home(s) have been protected or mitigated, in accordance with adopted critical areas regulations and preliminary plat approval; and

4. The model home(s) shall meet the access and fire protection requirements of GHMC Title 15; and

5. All areas of the subdivision serving the model home(s) have installed frontage improvements including, but not limited to, curb, gutter and sidewalk, street illumination, and landscaping as required by the preliminary plat approval or this code; and

6. All proposed streets serving the model homes shall be adequately marked with street signs conforming to the current MUTCD standards; and

7. Water and sewer conveyance systems are installed and functional to each lot proposed for model homes, in accordance with the approved civil permit; and

8. Lot property corners of all lots proposed to be used for the model home complex have been set by a licensed, professional land surveyor in accordance with the preliminary plat lot configuration; and

9. All impact fees for model homes shall be paid prior to issuance of a building permit for the model homes; and

10. Fire protection features including access, hydrants, and fire flow must be provided in accordance with GHMC Title 15 and the approved civil plans prior to any combustible construction on any lot within the development. Such fire protection may be installed in a phased manner provided that they are in place and approved as prescribed by code for each individual parcel within the plat prior to issuance of a building permit for said parcel; and

11. Any model home utilized as an office space shall meet all applicable requirements for such use as provided for in GHMC Title 15.

* * *

Section 4. Subsection 16.07.002(A) in the Plat Vacation and Alteration chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.07.002 Type of application and criteria for approval of a plat vacation.

A. Type of Application. A plat vacation is a Type III application and shall be processed as set forth in GHMC Title 19. The hearing examiner shall render the final decision, ~~which is appealable to the city council.~~

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Section 5. Subsection 16.07.004(A) in the Plat Vacation and Alteration chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.07.004 Type of and criteria for approval of a plat alteration.

A. Type of Application. A plat alteration is a Type III application and shall be processed as set forth in GHMC Title 19. The hearing examiner shall render the final decision, ~~which is appealable to the city council.~~

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Section 6. Subsection 16.11.004(B) in the Binding Site Plans chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.11.004 Criteria for approval of binding site plan.

* * *

B. Approval of Binding Site Plans in Residential Single-Family (R-1) Zones. In addition to all other criteria for approval, a binding site plan may only be approved in an R-1 zone if all of the following additional criteria are satisfied:

1. The proposed use shall be consistent with GHMC 17.16.020;
2. The minimum lot area per building site shall be one dwelling unit per ~~12,000~~ 7,200 square feet of lot area;
3. The minimum lot width per building site shall be 70 feet;
4. The minimum front yard setback shall be: ~~25 feet;~~ house/accessory structure - 20 feet, porch - 12 feet, garage - 26 feet;
5. The minimum rear yard setback shall be 30 feet;
6. The minimum side yard setback shall be eight feet;
7. The minimum setback between principal structures on a building site shall be eight feet;
8. The maximum impervious lot coverage is 40 percent;
9. The minimum street frontage is 20 feet;
10. The maximum density is ~~three~~ four dwelling units per acre (~~up to four dwelling units per acre may be allowed with a PRD under Chapter 17.89 GHMC~~); and
11. The maximum height shall be as allowed in GHMC 17.16.070.

* * *

Section 7. Section 17.04.160 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.160 Building height.

“Building height” means the vertical distance measured from the highest elevation of the natural grade ~~of the property where the footprint of~~

~~the building will be located at the point on the property allowed by GHMC 17.99.370(D) to the highest point of the roof, excluding chimneys and antennas.~~

Section 8. A new section 17.04.235 is hereby added to the Definitions Chapter of Gig Harbor Municipal Code, which shall read as follows:

17.04.235 Commercial.

“Commercial” means a business or activity at a scale greater than a home occupation involving retail or wholesale sale or provision of goods and services. Examples of commercial uses include, but are not limited to, restaurants, business services, professional services, personal services, product services, commercial recreation and sales.

Section 9. Section 17.04.245 in the Definitions chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 10. Section 17.04.264 in the Definitions chapter of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.268.

Section 11. Section 17.04.265 in the Definitions chapter of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.223.

Section 12. Section 17.04.271 in the Definitions chapter of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.274.

Section 13. Section 17.04.431 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.431 Kennel.

“Kennel” means a commercial establishment in which domesticated animals are housed, groomed, bred, boarded, trained, or sold. This includes long-term and short-term daycare facilities for pets.

Section 14. Section 17.04.605 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.605 Natural grade.

“Natural grade” means 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, or in the case of properties that are part of a final plat approval that is still in effect per GHMC 16.06.006 the grade approved by the civil permit.

Section 15. Section 17.04.657 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.657 Personal services.

“Personal services” means an establishment engaged in providing services involving nonmedical care of a person and/or his or her personal goods or apparel. Examples of such uses include: laundromats, drycleaners, barbers, hairstyling salons, spa services, indoor pet grooming salons, photography studios, dance schools, karate schools, and exercise facilities indoor fitness centers no more than 20,000 square feet in size.

Section 16. Section 17.04.670 in the Definitions chapter of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.654.

Section 17. Section 17.04.692 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.692 Recreation, indoor commercial.

“Indoor commercial recreation” means any indoor active recreational use, including but not limited to tennis centers, fitness centers greater than 20,000 square feet in size, bowling, skating, and swimming.

Section 18. A new section 17.04.706 is hereby added to the Definitions Chapter of Gig Harbor Municipal Code, which shall read as follows:

17.04.706 Retail structure.

“Retail Structure” refers to a type of structure or portion of a structure which is used primarily for wholesale or retail sale or trade of products not manufactured on the site. Professional services (GHMC 17.04.680) and manufacturing (GHMC 17.04.436) are excluded from this definition.

Section 19. Section 17.04.755 in the Definitions chapter of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.876.

Section 20. Section 17.04.756 in the Definitions chapter of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.877.

Section 21. Section 17.04.757 in the Definitions chapter of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.878.

Section 22. Section 17.04.758 in the Definitions chapter of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.879.

Section 23. Section 17.04.880 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.880 Yard.

“Yard” means 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, except roof eaves, bump-out windows, fireplace chimneys and decks/balconies may extend up to 18 inches into the yard; ~~provided however, that~~ In addition, paved terraces, fences, walls, retaining walls, rockeries, at-grade stairs, 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.

Section 24. Section 17.04.890 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.890 Yard, front.

“Front yard” means a yard extending the full length of the front lot line and its depth is measured from the building line to the front lot line at right angles to the lot line, ~~horizontally at right angles to the front lot line from midpoint of the front lot line to the midpoint of the front building line,~~ except roof eaves, bump-out windows, fireplace chimneys and decks/balconies may encroach up to a maximum of 18 inches into the yard.

Section 25. Section 17.04.900 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.900 Yard, rear.

“Rear yard” means a yard extending the full length of the rear lot line and its depth is measured from the building line to the rear lot line at right angles to the lot line, ~~horizontally at right angles to the rear lot line from midpoint of the rear lot line to midpoint of the rear building line,~~ except roof eaves, bump-out windows, fireplace chimneys and decks/balconies may encroach up to a maximum of 18 inches into the yard.

Section 26. Section 17.04.910 in the Definitions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.910 Yard, side.

“Side yard” means a yard extending ~~from the front yard to the rear yard~~ the full length of the side lot line and its depth is measured from the building line to the side lot line at right angles to the lot line, ~~horizontally at right angles to the side lot line from the midpoint of the side lot line to the midpoint of the side building line~~ except roof eaves, bump-out windows,

~~fireplace chimneys and decks/balconies may extend up to 18 inches into the yard.~~

Section 27. Section 17.05.030 in the Density in Residential Zones chapter of the Gig Harbor Municipal Code are hereby amended, to read as follows:

17.05.030 Calculations.

When determining the allowed density for any given lot in the city, the net buildable land area of the site is used. Net buildable land area, for the purpose of determining the allowed dwelling units for a site, shall be calculated by subtracting areas where building is prohibited or subject to significant restrictions from the gross lot area. The area remaining after these exclusions from the gross lot area represents the net buildable land area. The following shall be deducted from the gross lot area to determine net buildable land area:

A. Sensitive areas including: Type I, II, III and IV wetlands, ravine sidewalls, and bluffs.

B. Public rights-of-way, streets, private streets roadways, and access corridors, and private driveways for two dwelling units; except as excluded under GHMC 17.05.040.

C. Tidelands. The area of waterfront lots is considered to be the area landward of the line of the ordinary high water mark, regardless of the extent of ownership, or the area landward of the ordinary high water mark along streams.

Section 28. Section 17.05.040 in the Density in Residential Zones chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.05.040 Exclusions.

The following shall not be deducted from the gross lot area when calculating net buildable land area:

A. Required setbacks;

B. Buffers, landscape areas, and screening required by ~~design manual standards~~ Title 17 and the Shoreline Master Program;

~~C. Buffers and screening required by zoning performance standards;~~

~~D. C.~~ Alleys; and

~~E. D.~~ Wetland Critical area buffers.

Section 29. Section 17.12.010 in the Zoning Map and District Boundaries chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.12.010 Districts established.

The city is divided into the following use districts:

A. Single-family residential (R-1);

B. Medium density residential (R-2);

C. Multiple-family residential (R-3);

- D. Residential business 1 (RB-1);
- E. Residential business 2 (RB-2);
- F. Downtown business (DB);
- G. Neighborhood commercial (B-1);
- H. General business (B-2);
- I. General commercial (C-1);
- J. Public-institutional (PI);
- K. Waterfront residential (WR);
- L. Waterfront Millville (WM);
- M. Waterfront commercial (WC);
- N. Employment district (ED);
- O. Planned community development low density residential (RLD);
- P. Planned community development medium density residential (RMD);
- Q. Planned community development commercial (PCD-C);
- R. Planned community development business park district (PCD-BP);
- S. Planned community development neighborhood business district (PCD-NB);
- T. Mixed use district overlay (MUD);
- U. Planned Residential Development (PRD);
- V. Planned Unit Development (PUD).

Section 30. Section 17.16.060 in the Single-Family Residential (R-1) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.16.060 Development standards.

In an R-1 district, the minimum lot requirements are as follows:

- A. Minimum lot area per building 7,200 sq. ft.
site for short plats¹
- B. Minimum lot width¹ 70'
- C. Minimum front yard setback^{2, 4, 5} House: 20'
Porch: 12'
Garage: 26'
- D. Minimum rear yard setback^{2, 3} 30'
- E. Minimum side yard setback^{2, 3} 8'

¹A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7 percent of the lot area, in lineal feet.

²Development in the historic district shall comply with the setbacks defined in GHMC 17.99.310 and 17.99.320.

³ Garages may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

⁴ For uses which require site plan review under GHMC 17.96, the minimum front yard setback shall be 20 feet.

⁵ Accessory structures shall meet the minimum front yard setback for a house.

Section 31. Section 17.16.100 in the Single-Family Residential (R-1) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.16.100 Design of structures. Performance Standards.

In the R-1 district, performance standards are as follows:

A. Design. All development shall conform to the applicable design standards contained in Chapter 17.99 GHMC.

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained for the life of the project. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Off-Street Parking. Off-street parking and loading areas meeting the requirements of Chapter 17.72 GHMC shall be provided.

D. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC.

E. Additional Performance Standards for Site Plan Review. Projects requiring site plan review under Chapter 17.96 shall also meet the following performance standards:

1. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

2. Outdoor Lighting. Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting and light projection above the horizontal plane are prohibited between midnight and sunrise.

3. Outdoor Storage of Materials. Outdoor storage of materials and supplies shall be completely screened from adjacent properties and public rights-of-way.

4. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

Section 32. Section 17.17.040 in the Planned Community Development Low Density Residential (RLD) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.17.040 Performance standards.

A. Density. The minimum density is four dwelling units per net acre and the maximum density is four dwelling units per gross acre. Additional density may be allowed using either of the following options:

1. Bonus Density Option. A bonus density of up to 30 percent over the base may be permitted, based upon the following allocations:

a. Thirty percent of the development site is common open space, which must be contiguous or larger than one acre in area (plus five percent).

b. A pedestrian trail system is provided within the common open space area, consistent with the adopted trails plan per the land use map (plus 10 percent).

c. A minimum 35 percent of the required common open space is improved as an active recreational area (plus 10 percent). “Active recreational areas” shall include, but not be limited to:

- i. Clearly defined athletic fields and/or activity courts.
- ii. Recreation center or community facility.

d. Additional common open space is provided between the development and adjacent residential zones, uses or developments (plus five percent bonus maximum at a ratio of one percent density bonus per five percent open space increase).

2. Density Credit Transfers. A transfer of density credits may be applied from one residential district within the PCD district to the RLD district up to a maximum of seven dwelling units per acre. Density credit transfers shall be as provided for in the density credit transfer section in Chapter 17.59 GHMC. Density credit transfers may be used in conjunction with bonus density options to achieve the maximum allowable density of seven dwelling units per acre.

B. General.

1. Maximum density is four dwelling units per structure in attached single-family dwellings.

2. Each unit must have individual private yards or courts enclosed by a wall, berm or dense landscaping.

3. Private easements shall be required for all zero lot line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.

4. Minimum yards (from the property lines):

- a. Front yard setback House/Accessory
 Structures: 20'
 Porch: 12'
 Garage: 26'
- b. Rear yard setback 30'
- c. Side yard setback 8'

d. Garages may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

e. For uses which require site plan review under GHMC 17.96, the minimum front yard setback shall be 20 feet.

5. Minimum Lot Area. The minimum lot size is 10,000 square feet for divisions of land of four or less lots. A minimum parcel size is not specified for divisions of land of five or more lots.

6. Minimum Lot Width. Minimum lot width is 0.7 percent of the lot area, in lineal feet.

7. Maximum Height of Structures. All buildings and structures shall not exceed a height of 35 feet as provided for in GHMC 17.99.370(D), except as increased under GHMC 17.99.390(A)(3).

8. Maximum lot area coverage: Forty-five percent, excluding residential driveways, private walkways and similar impervious surfaces.

9. Landscaping. Landscaping shall comply with the requirements of Chapters 17.78 and 17.99 GHMC.

10. ~~Design. Development in the RLD district shall conform to the design and development standards contained in Chapter 17.99 GHMC.~~
Off-Street Parking. Off-street parking and loading areas meeting the requirements of Chapter 17.72 GHMC shall be provided.

11. Circulation/Roads/Streets. Residential development which provides pedestrian linkages to and within common open space trails systems may be waived from the provisions of public sidewalks, curbs and gutters within the residential development, in whole or in part, upon approval of the public works director.

12. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC.

13. Additional Performance Standards for Site Plan Review. Projects requiring site plan review under Chapter 17.96 shall also meet the following performance standards:

a. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

b. Outdoor Lighting. Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting and light projection above the horizontal plane are prohibited between midnight and sunrise.

c. Outdoor Storage of Materials. Outdoor storage of materials and supplies shall be completely screened from adjacent properties and public rights-of-way.

d. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

C. Design. Development in the PCD-RLD district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

D. Site Plans. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.

Section 33. Section 17.20.040 in the Medium-Density Residential (R-2) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.20.040 Development standards.

In an R-2 district, the minimum requirements are as follows:

Single- Family and Duplex Dwellings	Other Residential and Nonresidential
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A. Minimum lot area for short plats ¹	7,000 sq. ft./dwelling unit
B. Minimum lot width ¹	50' 50'
C. Minimum front yard ^{3,4}	House: 20' 25' Porch: 12' Garage: 26'
D. Minimum side yard ^{2, 3}	8' 7'
E. Minimum rear yard ^{2, 3}	30' 25'
F. Maximum impervious lot coverage	60% of the total lot area
G. Minimum density	4 dwelling units/acre
H. Maximum density	6 dwelling units/acre

¹A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7 percent of the lot area, in lineal feet.

²Development in the historic district shall comply with the setbacks defined in GHMC 17.99.310 and 17.99.320.

³Garages accessory to single-family and duplex dwellings may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

⁴Accessory structures to single-family and duplex dwellings shall meet the minimum front yard for a house.

Section 34. Section 17.20.070 in the Medium-Density Residential (R-2) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.20.070 Design Performance Standards.

In the R-2 district, performance standards are as follows:

A. Design. All development shall conform to the applicable design standards contained in Chapter 17.99 GHMC.

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained for the life of the project. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Off-Street Parking. Off-street parking and loading areas meeting the requirements of Chapter 17.72 GHMC shall be provided.

D. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC.

E. Additional Performance Standards for Site Plan Review. Projects requiring site plan review under Chapter 17.96 shall also meet the following performance standards:

1. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

2. Outdoor Lighting. Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light

source. Ground mounted floodlighting and light projection above the horizontal plane are prohibited between midnight and sunrise.

3. Outdoor Storage of Materials. Outdoor storage of materials and supplies shall be completely screened from adjacent properties and public rights-of-way.

4. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

Section 35. Section 17.21.040 in the Planned Community Development Medium Density Residential (RMD) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.21.040 Performance standards.

A. Density. The minimum base density is five and the maximum is eight dwelling units per acre. Additional density may be allowed using either of the following options:

1. Bonus Density Option. A bonus density of up to 30 percent over the base may be permitted, based upon the following allocations:

a. Thirty percent of the development site is common open space, which must be contiguous or greater than one acre in area (plus five percent).

b. A pedestrian trail system is provided within the common open space area, consistent with the adopted trails plan per the land use map (plus 10 percent).

c. A minimum 35 percent of the required common open space is improved as an active recreational area (plus 10 percent). Active recreational areas shall include, but not be limited to:

i. Clearly defined athletic fields and/or activity courts.

ii. Recreation center or community facility.

d. Additional common open space is provided between the development and adjacent residential zones, uses or developments (plus five percent bonus maximum at a ratio of one percent density bonus per five percent open space increase).

2. Density Credit Transfers. A transfer of density credits may be applied from one residential district within the PCD to the residential medium district up to a maximum of 16 dwelling units per acre. Density credit transfers shall be as provided for in the density credit transfer section, in Chapter 17.59 GHMC. Density credit transfers may be used in conjunction with bonus density options to achieve the maximum allowable density of 16 dwelling units per acre.

B. General.

1. Single-family attached dwelling units must have individual private yards or courts enclosed by a wall, berm or dense landscaping. Easements shall be required for all zero lot line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.

2. Minimum Yards (From the Property Line). Nonresidential, M multifamily or multiple units of single-family on one parcel:

- a. Front, 10 feet.
- b. Side, 30 feet.
- c. Rear, 30 feet.

Single-family on individual parcels:

- a. Front yard setback House/Accessory Structures: 15'
Porch: 12'
Garage: 15'
- b. Rear yard setback 15', except that garages may be within 3' of an alley easement.
- c. Side yard setback 5'

3. Maximum Height. The maximum height is 45 feet, except as provided under GHMC 17.99.390(A)(3).

4. Maximum Lot Area Coverage. Sixty-five percent, excluding driveways, private walkways and similar impervious surfaces. Impervious surface coverage of individual parcels may exceed the 65 percent maximum when included within a subdivision; provided, that the overall impervious surface coverage of the subdivision does not exceed 65 percent.

5. Landscaping. Landscaping shall comply with the requirements of Chapters 17.78 and 17.99 GHMC, except that buffer dimensions shall be reduced to 10 feet when the proposed use is adjacent to a similar use or zone which includes a platted buffer of equal or greater width.

6. Circulation/Roads/Streets. Residential development which provides pedestrian linkages to and within common open space trails systems may be waived from the requirements in the city's public works standards for public sidewalks, curbs and gutters within the residential development, in whole or in part, upon approval of the public works director.

7. Design. All development shall comply with the standards of Chapter 17.99 GHMC.

8. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC.

9. Off-Street Parking. Off-street parking and loading areas meeting the requirements of Chapter 17.72 GHMC shall be provided.

910. Site Plans. The site plan review process established under Chapter 17.96 GHMC shall apply to all uses and development within this district.

11. Additional Performance Standards for Site Plan Review. Projects requiring site plan review under Chapter 17.96 shall also meet the following performance standards:

a. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

b. Outdoor Lighting. Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting and light projection above the horizontal plane are prohibited between midnight and sunrise.

c. Outdoor Storage of Materials. Outdoor storage of materials and supplies shall be completely screened from adjacent properties and public rights-of-way.

d. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

Section 36. Section 17.24.050 in the Multiple-Family Residential (R-3) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.24.050 Development standards.

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

	Single-Family and Duplex Dwellings	Other Residential and Nonresidential
A. Minimum lot area for short plats ¹	5,400 sq. ft./dwelling unit	
B. Minimum lot width ¹	50'	50'
C. Minimum front yard ³	House: 20' Porch: 12' Garage: 26'	20'
D. Minimum side yard ²	8'	7'
E. Minimum rear yard ²	30'	25'
F. Maximum site coverage	60% of the total lot area	
G. Maximum density	8 dwelling units/acre	

¹A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7 percent of the lot area, in lineal feet.

²Garages accessory to single-family and duplex dwellings may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

³Accessory structures to single-family and duplex dwellings shall meet the minimum front yard for a house.

Section 37. Section 17.24.070 in the Multiple-Family Residential (R-3) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.24.070 Design Performance Standards.

In the R-3 district, performance standards are as follows:

A. Design. All development shall conform to the applicable design standards contained in Chapter 17.99 GHMC.

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained for the life of the project. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Off-Street Parking. Off-street parking and loading areas meeting the requirements of Chapter 17.72 GHMC shall be provided.

D. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC.

E. Additional Performance Standards for Site Plan Review. Projects requiring site plan review under Chapter 17.96 shall also meet the following performance standards:

1. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

2. Outdoor Lighting. Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting and light projection above the horizontal plane are prohibited between midnight and sunrise.

3. Outdoor Storage of Materials. Outdoor storage of materials and supplies shall be completely screened from adjacent properties and public rights-of-way.

4. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

Section 38. Section 17.28.050 in the Residential and Business District (RB-1) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.28.050 Minimum development standards.

In an RB-1 district, the minimum lot requirements are as follows:

	Single-Family Dwellings	Other Residential	Nonresidential
A. Minimum lot area (sq. ft.)	7,200	7,200	15,000
B. Minimum lot width	70'	70'	70'

C. Minimum front yard setback ^{1,3}	House: 20' Porch: 12' Garage: 26'	20'	20'
D. Minimum rear yard setback ^{1, 2}	30'	25'	15'
E. Minimum side yard setback ^{1, 2}	8'	7'	10'
F. Maximum impervious lot coverage	50%	50%	60%
G. Minimum street frontage	20'	20'	50'
H. Density	4 dwelling units/acre	4 dwelling units/acre	
I. Maximum gross floor area	N/A	N/A	5,000 sq. ft. per structure
J. Separation between structures	20'	20'	20'

¹If the RB-1 district is located in the historic district defined in Chapter 17.99 GHMC, the setbacks defined in GHMC 17.99.310 and 17.99.320 shall apply.

²Garages accessory to single-family and duplex dwellings may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

³Accessory structures to single-family shall meet the minimum front yard setback for a house.

K. Any yard abutting a single-family residence shall be required to maintain a 30-foot-wide dense vegetated screen. This requirement does not apply to single-family dwellings in the RB-1 district.

Section 39. Section 17.30.050 in the Residential and Business District (RB-2) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.30.050 Development standards.

In an RB-2 district, development standards shall be satisfied for all new and redeveloped uses:

	Single-Family and Duplex Dwellings	Other Residential and Nonresidential
A. Minimum lot	12,000 sq. ft.	12,000 sq. ft.

area

B. Minimum lot width 70' 70'

C. Front yard² setback House: 20' 20'
Porch: 12'
Garage: 26'

D. Side yard setback¹ 8' 8'

E. Rear yard setback¹ 30' 15'

F. Any nonresidential yard abutting an existing residential use or zone: 40 feet with dense vegetative screening. Easements not having dense vegetative screening are not included;

G. Maximum density: Eight dwelling units per acre permitted outright; 12 dwelling units per acre allowed as a conditional use.

¹Garages accessory to single-family and duplex dwellings may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

²Accessory structures to single-family and duplex dwellings shall meet the front yard setback for a house.

Section 40. Section 17.36.055 in the General Business District (B-2) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.36.055 Maximum gross floor area.

The maximum gross floor area per ~~commercial~~ retail structure is 35,000 square feet, with the following exceptions:

A. In the Olympic Village Activity Center and the Westside general business (B-2) district¹ the maximum gross floor area per ~~commercial~~ retail structure is 65,000 square feet.

B. In the B-2 district abutting North Harborview Drive (the area commonly known as Finholm Market) the maximum gross floor area per building is 6,000 square feet. Multiple buildings on the same site shall be separated by a nonpenetrated fire wall as defined in the International Fire Code except that a single six-foot opening in the fire wall separating structures is permissible; provided, that each structure has an outside customer entrance accessible to the street. Each structure shall be designed to stand independent of other structures on the site (i.e., the addition or removal of any one building on a site will not require structural attachments or modifications to any other building on the site).

C. In the B-2 district near the intersection of Harborview Drive and North Harborview Drive (the intersection commonly known as Borgen's Corner), the maximum gross floor area per building is 6,000 square feet with a minimum separation of 20 feet between buildings.

Section 41. Section 17.36.060 in the General Business District (B-2) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.36.060 Minimum building setback requirements.

	Single-Family and Duplex Dwellings	Other Residential and Nonresidential
A. Front yard*	House: 20' Porch: 12' Garage: 26'	20'
B. Rear yard*	30'	20'
C. Side yard*	8'	Interior yards, 5' Flanking street, 10'
D. Separation between structures	20'	20'
E. Any yard abutting residential development, 30 feet with dense vegetative screening. This requirement does not apply to single-family and duplex dwellings in the B-2 district.		

* If the B-2 district is located in the historic district as defined in Chapter 17.99 GHMC, the setbacks defined in GHMC 17.99.310 and 17.99.320 shall apply. The front yard for accessory structures to single-family and duplex dwellings shall meet the minimum front yard for a house.

Section 42. Section 17.40.055 in the Commercial District (C-1) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.40.055 Maximum gross floor area.

The maximum gross floor area per ~~commercial-retail~~ structure is 65,000 square feet, except that in the C-1 district abutting Harborview Drive the maximum gross floor area per building is 35,000 square feet with a minimum separation of 20 feet between buildings.

Section 43. Section 17.40.080 in the Commercial District (C-1) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.40.080 Minimum building setback requirements.

	Single-Family and Duplex Dwellings	Other Residential and Nonresidential
A. Front yard ^{1,2}	House: 20' Porch: 12' Garage: 26'	Front, side and rear building setbacks shall be determined as part of site plan review, Chapter 17.96 GHMC.
B. Rear yard ¹	30'	
C. Side yard ¹	8'	
D. Separation between structures	N/A	20'

E. Any yard associated with a nonresidential development abutting residential district shall be 30 feet with a dense vegetative screen located on the nonresidential property.

¹If the C-1 district is located in the historic district as defined in Chapter 17.99 GHMC, the setbacks defined in GHMC 17.99.310 and 17.99.320 shall apply.

²The front yard for accessory structures to single-family and duplex dwellings shall meet the minimum front yard for a house.

Section 44. Subsection 17.41.030(A) in the Commercial District (C-1) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.41.030 Performance standards.

A. Yard Requirements. The following minimums (in feet) apply:

ContiguousParcelSituation	LotWidth	Front	Side	Rear	StreetFrontage
Commercial/Commercial <u>Nonresidential/Nonresidential</u>	75	20	5	20	20
Commercial/Residential <u>Nonresidential/Residential</u>	75	20	30	30	20

* * *

Section 45. Section 17.46.090 in the Waterfront Residential (WR) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.46.090 Design Performance Standards.

In the WR district, performance standards are as follows:

A. Design. All development in the WR district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained for the life of the project. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Additional Performance Standards for Site Plan Review. Projects requiring site plan review under Chapter 17.96 shall also meet the following performance standards:

1. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

2. Outdoor Lighting. Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting and light projection above the horizontal plane are prohibited between midnight and sunrise.

3. Outdoor Storage of Materials. Outdoor storage of materials and supplies shall be completely screened from adjacent properties and public rights-of-way.

4. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

Section 46. Section 17.48.090 in the Waterfront Millville (WM) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.090 Performance standards.

* * *

E. Waterview Opportunity and Waterfront Access.

1. Maximum impervious lot coverage may be increased up to a maximum of 80 percent upon execution of a written agreement with the city 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 waterview opportunities and/or waterfront access opportunities in conjunction with ~~commercial~~ nonresidential uses or for increased height, as follows:

Maximum Imp. Coverage	Number of Waterview/ Access Opportunities
----------------------------------	--

- a. 50/55/70 0
- b. +10% 1
- c. +10% 2
- d. +10% 3

2. Waterview/Harbor Access Opportunities.

a. Waterview opportunity, by means of public view corridors measuring 20 frontage feet along the street or 20 percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public rights-of-way. 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.

b. Waterview 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.

c. 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 50 square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.

d. 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 10 feet of open water shall surround the fishing pier.

e. 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 10 feet of open water shall surround the small boat landing.

f. Harbor access opportunity, by means of a public transient moorage for up to two 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 100 feet.

F. Design. All development in the WM district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

G. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.

Section 47. Subsection 17.50.040(K) in the Waterfront Commercial (WC) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.50.040 Development standards.

* * *

K. 1. Maximum impervious lot coverage may be increased up to a maximum of 80 percent upon execution of a written agreement with the city 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 waterview opportunities and/or waterfront access opportunities in conjunction with ~~commercial~~ nonresidential uses, as follows:

	Maximum Imp. Coverage	Number of Waterview/ Access Opportunities
a.	50/55/70	0
b.	+10%	1
c.	+10%	2
d.	+10%	3

2. Waterview/Harbor Access Opportunities.

a. Waterview opportunity, by means of public view corridors measuring 20 frontage feet along the street or 20 percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public rights-of-way. 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 10 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.

b. Waterview 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.

c. 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 50 square feet. Railings around the platform may exceed

the maximum height permitted for the structure. The platform shall be open to the public.

d. 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 10 feet of open water shall surround the fishing pier.

e. 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 10 feet of open water shall surround the small boat landing.

f. Harbor access opportunity, by means of a public transient moorage for up to two 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 100 feet.

Section 48. Section 17.50.090 in the Waterfront Commercial (WC) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.50.090 Performance standards.

In a waterfront commercial district, performance standards are as follows:

A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC 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.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipes, 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.

D. Outdoor Lighting. Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. 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~~ and light projection above the horizontal plane ~~is~~ are prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

E. Design. All development in the WC district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

F. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to the building design and materials.

Section 49. Subsection 17.56.030(C) in the Planned Community Development Neighborhood Business District (PCD-NB) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.56.030 Performance standards.

* * *

C. Yard Requirements. Minimum yard requirements are as follows:

Contiguous Parcel Situation	Minimum Lot				
	Width	Front	Side	Rear	Street Frontage
Commercial/Commercial <u>Nonresidential/Nonresidential</u>	75	10	0	20	20
Commercial <u>Nonresidential/Residential</u>	75	20	30	30	20

The side yard must be at least 20 feet plus 10 feet for each story above two. Except when adjacent to a residential use or zone, the side yard must be at least 30 feet plus 10 feet for each story above two.

* * *

Section 50. Section 17.60.020 in the Transitional Uses chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.60.020 Permitted uses.

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

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

B. In R-2 zones, a lot adjacent to a nonresidential zone may be used for a parking lot for a business within 100 feet, if solely for cars for customers or employees, and provided that the parking lot entrance is at

least 30 feet from the nearest residential lot, and the lot is landscaped and provided with a dense vegetative screen.

Section 51. Section 17.68.033 in the Nonconformities chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.68.038 Discontinuance of nonconforming uses and structures.

~~A. A use is considered discontinued when:~~

- ~~1. A permit to change the use of the nonconforming lot or nonconforming structure was issued and acted upon;~~
- ~~2. The structure, or a portion of the structure, is not being used for the nonconforming use allowed by the most recent permit;~~
- ~~3. The structure is vacant, or the portion of the structure formerly occupied by the nonconforming use is vacant. The use of the structure shall be considered discontinued even if materials from the former use remain or are stored on the property. A multifamily structure with one or more vacant dwelling units is not considered vacant and the use is not considered to be discontinued unless all units in the structure are vacant;~~
- ~~4. If a complete application for a permit that would allow the nonconforming use to continue, or that would authorize a change to another nonconforming use, has been submitted before the structure has been vacant for 12 consecutive months, the nonconforming use shall not be considered discontinued unless the permit lapses or the permit is denied.~~

Any nonconforming use or structure which is idle, unoccupied or vacant for 12 consecutive months or more is conclusively deemed discontinued, abandoned and terminated, and shall lose its nonconforming rights. Any future uses and structures shall be in compliance with the regulations of the district in which it exists. If a complete application for a permit that would allow the nonconforming use or structure to continue, or that would authorize a change to another nonconforming use, has been submitted before the structure has been idle, unoccupied or vacant for 12 consecutive months or more, the nonconforming use or structure shall not be considered discontinued unless the permit lapses or the permit is denied.

Section 52. Section 17.68.070 in the Nonconformities chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.68.070 Nonconforming parking, loading and other characteristics of use.

If the characteristics of a use such as off-street parking, off-street loading, lighting, architectural details, or other matters required by this title in relation to specific uses of land, structures or premises, with the exception of signs, 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. Nonconforming signs are regulated under GHMC 17.80.130.

Section 53. Subsection 17.72.020(A) in the Off-Street Parking and Loading Requirements chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.72.020 Off-street parking design standards.

A. 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. Required off-street parking spaces shall be unencumbered and available at all times, except in cases of joint use specifically allowed by this Chapter.

* * *

Section 54. Subsection 17.78.080(C) in the Landscaping and Screening chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.080 Parking lot and service area landscaping and screening.

* * *

C. Downtown Parking Lots. In addition to the standards of subsection B of this section, parking lots located within the ~~downtown area~~ DB zoning district and the portion of the WC zoning district abutting the DB zoning district shall conform to the following:

1. Provision of a minimum of five-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 subsection (A)(2) of this section. In addition to screening, street trees a minimum of two-inch caliper shall be provided at 20-foot intervals.

2. In those instances where parking areas are bordered by more than one street, the strip required in subsection (C)(1) of this section 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 height of three and one-half 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 as established in the city of Gig Harbor public works standards.

* * *

Section 55. Subsection 17.78.120(A) in the Landscaping and Screening chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.120 Maintenance.

A. 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. Dead or dying trees or shrubs shall be replaced immediately, and the planting area shall be maintained reasonably free of noxious weeds and trash.

* * *

Section 56. Subsection 17.80.060(A) in the Sign Code chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.80.060 General regulations.

A. Motion Signs Prohibited. No sign or any part of a sign shall be designed or constructed to be moving by any means, and shall not contain items such as banners, ribbons, streamers and spinners. These devices, when not part of any sign, are also prohibited. Balloons may be permitted on signs if they conform to the provisions of GHMC 17.80.110(F) (G). Limited use of thematic flags, banners and pennants which are complementary to a specific location or structure may be permitted upon approval of the director. This waiver is not intended to permit the use of numerous types of devices which as a result of wind pressure may move to a point of attracting attention of vehicular and pedestrian traffic.

* * *

Section 57. Subsection 17.89.080(B) in the Planned Residential Development (PRD) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.89.080 Criteria for approval of final PRD application.

* * *

B. The applicant shall provide a bond or other financial assurance acceptable to the ~~hearing examiner~~ planning director to ensure that any improvements made in the common open space will be completed. The city shall release the bond or financial assurance when the improvements have been completed in accordance with the preliminary PRD.

* * *

Section 58. Section 17.89.120 in the Planned Residential Development (PRD) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.89.120 Minor and major amendments of the final plan.

A. Minor Amendments.

1. A minor amendment to the final PRD is a Type I permit application and shall be processed as provided in GHMC Title 19.

2. Minor amendments 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 final PRD, nor the density of the development or the amount and quality of open space and landscaping.

3. In addition to the permit application requirements set forth in GHMC 19.02.002, a complete application for a minor amendment shall consist of the following:

a. All plan sheets or pages, or document sheets or pages which reflect changes proposed, or that are affected by such changes; and,

b. A written statement addressing consistency with GHMC 17.89.120(A)(2); and,

c. A written statement addressing consistency with the final PRD; and,

B. Major Amendments.

1. Major amendments are Type III-A permit applications and shall be processed in accordance with GHMC Title 19.

2. Major amendments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the site plan.

3. In addition to the permit application requirements set forth in GHMC 19.02.002, a complete application for a major amendment shall consist of the following:

a. A complete application packet as required under GHMC ~~17.96.050~~ 17.89.040; and,

b. A complete application packet as required by GHMC 17.98.040 and the design manual; and,

c. An amended environmental checklist, and addendums to all environmental documents affected by the proposed change including the traffic impact analysis; if applicable; and,

d. A written statement addressing consistency with and/or changes to the final PRD; and,

e. A written statement addressing the criteria for approval set forth in GHMC 17.89.070.

C. Concurrent Processing of Applications. A minor PRD application may be processed concurrent with a building permit application. If an application for a major amendment is submitted, no building or other permit associated with such major PRD amendment shall issue until all review proceeding required under GHMC Title 19 for a major PRD amendment are completed and all necessary approvals obtained.

Section 59. Subsection 17.90.080(B) in the Planned Unit Development chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.90.080 Criteria for approval of final PUD application.

* * *

B. The applicant shall provide a bond or other financial assurance acceptable to the ~~city council~~ planning director to ensure that any improvements made in the common open space will be completed. The city shall release the bond or financial assurance when the improvements have been completed in accordance with the development plan.

* * *

Section 60. Section 17.90.120 in the Planned Unit Development chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.90.120 Minor and major amendments of the final PUD.

A. Minor Amendments.

1. A minor amendment to the final PUD is a Type I permit application, and shall be processed as provided in GHMC Title 19.
2. Minor amendments 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 final PUD, nor the density of the development or the amount and quality of open space and landscaping.
3. In addition to the permit application requirements set forth in GHMC 19.02.002, a complete application for a minor amendment shall consist of the following:
 - a. All plan sheets or pages, or document sheets or pages which reflect changes proposed, or that are affected by such changes; and,
 - b. A written statement addressing consistency with GHMC 17.90.120(A)(2); and,
 - c. A written statement addressing consistency with the final PUD; and,

B. Major Amendments.

1. A major amendment to the final PUD is a Type III permit application, and shall be processed as provided in GHMC Title 19.
2. Major amendments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the final PUD and site plan.
3. In addition to the permit application requirements set forth in GHMC 19.02.002, a complete application for a major amendment shall consist of the following:

- a. A complete application packet as required under GHMC ~~17.96.050~~ 17.90.040; and,
- b. A complete application packet as required by GHMC 17.98.040 and the design manual.
- c. An amended environmental checklist, and addendums to all environmental documents affected by the proposed change including the traffic impact analysis, if applicable; and,
- d. A written statement addressing consistency with and/or changes to the final PUD; and,
- e. A written statement addressing the criteria for approval set forth in GHMC 17.90.070.

C. Concurrent Processing of Applications. A minor PUD amendment application may be processed concurrent with a building permit application. If an application for a major amendment is submitted, no building or other permit associated with such major PUD amendment shall issue until all review proceedings required under GHMC Title 19 for the major PUD amendment are completed and all necessary approvals obtained.

Section 61. Subsection 17.91.040(A) in the Mixed Use District Overlay (MUD) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.91.040 Site development and performance standards.

A. Minimum Development Parcel Size. To promote efficient and compatible groupings of uses within a mixed use district, the following minimum development parcel sizes shall apply:

- 1. No parcel less than 10 acres shall be developed with residential uses, except where the parcel is contiguous to a developed or planned residential area.
- 2. No parcel less than 10 acres shall be developed with ~~commercial or business~~ nonresidential uses, except where the parcel is contiguous to a developed or planned business or commercial area.
- 3. Where phased development is proposed for a parcel of 10 acres or greater and where the first phase is less than 10 acres, the remaining portion of the parcel reserved for future development shall be committed to residential or ~~commercial~~ nonresidential uses.
- 4. Where residential and nonresidential uses are developed on the same parcel or site, the parcel size requirements may be waived where it is found that the intent of the mixed use zone is otherwise met.

* * *

Section 62. Subsection 17.98.030(A) in the Design Standards and Review chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.030 Design manual chapter applicability.

A. General Applicability. Chapter 17.99 GHMC, Design Manual, applies to all proposals to subdivide land under the provisions of GHMC Title 16 and to all proposals to build, locate, construct, remodel, alter or modify any facade on any structure or building or other visible element of the facade of the structure or building or site, including, but not limited to: landscaping, parking lot layout, signs, outdoor furniture in public or commercial locations, outdoor lighting fixtures, fences, walls and roofing materials (hereafter referred to as outdoor proposals), as described in Chapter 17.99 GHMC, Design Manual. Design review approval is required for all outdoor proposals which require a building permit, or which are part of a project or development requiring a site plan, ~~short plat~~, subdivision, conditional use permit or utility extension agreement.

* * *

Section 63. Section 17.99.030 in the Design Manual chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.030 Design review options.

The design standards of this chapter shall be observed for building and site design within the city of Gig Harbor. Design standards include both GENERAL REQUIREMENTS and SPECIFIC REQUIREMENTS. "General requirements" include all **BOLD UNDERLINED** text in this chapter. "Specific requirements" include the more detailed text which immediately follows general requirements. This differentiation allows proponents to select from the design review options described in Chapter 17.98 GHMC, including:

* * *

C. MINOR ADJUSTMENTS TO HEARING EXAMINER DECISIONS

The planning director may review minor adjustments to a final, approved hearing examiner decision prior to building permit issuance as described in GHMC 17.98.056. The minor adjustment process can be used only after the design review board has made a recommendation and the hearing examiner has ruled on the recommendation. The director can approve a minor adjustment if all of the criteria set forth in GHMC ~~17.99~~17.98.056(B) are met.

D. ADMINISTRATIVE REVIEW OF ALTERNATIVE DESIGNS

The planning director will review alternative design solutions to SPECIFIC REQUIREMENTS, as described in GHMC 17.99.058, for single-family (detached only) and duplex dwelling building permit applications for remodel and construction as well as ~~tenant-specific~~ tenant-specific

alterations. The director can approve alternative designs for such application if all of the criteria set forth in GHMC 17.-9998.058(B) are met.

E. EXCEPTIONS

An exception is used in those situations when a project does not meet the SPECIFIC REQUIREMENTS and the applicant does not provide an alternative design solution. A request for an exception is reviewed by the design review board and the board issues a recommendation to the ~~hearing examiner~~ planning director. The DRB can recommend approval of an exception if the board finds that all of the criteria set forth in GHMC 17.98.060(D) are met.

Section 64. Section 17.99.040 in the Design Manual chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.040 Industrial building exemption (IBE).

A. There are numerous standards throughout this chapter that are not practical for industrial development within defined areas of the city. Accordingly, any building, structure or site that is principally used for the uses set forth in subsection B of this section is eligible for the industrial building exemptions described in subsection C of this section ~~as long as it~~ if the following are true:

- ~~1. Is located outside the city's historic district;~~
 - ~~2. Is not visible within 800 feet of any public right-of-way outside the city's employment district; and~~
 - ~~3. Is not visible within 800 feet of any defined parkway or enhancement corridor as described in GHMC 17.99.110 through 17.99.140 and GHMC 17.99.150 and 17.99.160, respectively.~~
1. The building, structure or site is not located in the city's historic district; and,
 2. If the building, structure or site is in the employment district (ED), one of the following must be true:
 - a. The building, structure or site is more than 800 feet from a parkway or the defined right-of-way within an enhancement corridor as described in GHMC 17.99.110 and GHMC 17.99.150, respectively; or,
 - b. The building, structure or site is within 800 feet from a parkway or the defined right-of-way within an enhancement corridor and is not visible from such right-of-way; or,
 3. If the building, structure or site is not within the employment district (ED), one of the following must be true:
 - a. The building, structure or site is more than 800 feet from a public right-of-way; or
 - b. The building, structure or site is within 800 feet from a public right-of-way and is not visible from such right-of-way.

B. The industrial building exemption described in subsection A of this section applies only to buildings principally used for any of the following uses:

- Research and development facilities;
- Light assembly and warehousing;
- Light manufacturing;
- Distribution facilities;
- Contractor's yards and related on-site offices;
- Mini-storage facilities;
- Service and retail uses which support on-site and are ancillary to any of the above stated uses; Auto body/detail shops.

C. Industrial building exemptions are identified by the acronym IBE. The IBE acronym will be shown at the end of any general requirement that qualifies for an industrial building exemption.

Section 65. Subsection 17.99.260(A) in the Design Manual chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.260 Primary walkway standards (IBE).

A primary walkway is the main pedestrian walkway which connects a building's entrance to the public right-of-way. Primary walkways are required for all nonresidential development.

A. Link commercial nonresidential buildings to their fronting street with primary walkways.

All primary structures must be served by primary walkways which directly link the building's main entrance to the street on which the building is located.

* * *

Section 66. Section 17.99.280 in the Design Manual chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.280 Outdoor common area standards.

~~Outdoor common area standards are contained on pages 31 through 34 of the city of Gig Harbor's 1996 Design Manual, on file with the city clerk.~~

A common area is a designed outdoor space which encourages outdoor activities and leisure in outdoor spaces associated with nonresidential development. Required common areas must be provided on-site, unless otherwise allowed by GHMC 17.99.280(B)(5), but may be enlarged and extended into city right-of-ways to connect with the sidewalk, subject to City Public Works Department approval.

A. Provide common area of a size proportionate to development.

Nonresidential development greater than 2,000 square feet in floor area shall include common areas equal to 10% of the gross floor area of the building to which they apply, excluding garages, warehouses, and similar unheated support structures.

B. Choose type of common area best suited to development.

Common areas must include trash receptacles and casual seating and/or tables. Common areas must be one of (or a combination of) the following:

1. BALCONY, TERRACE OR COVERED COLONNADE - providing a minimum walking width of 8 feet and which also incorporates seating areas.

2. PLAZA - with colored or textured pavement surface, e.g., brick, stone, exposed aggregate concrete or colored and textured concrete. To provide pattern and enhance the texture of the pavement, concrete surfaces shall be scored or otherwise divided into smaller sections.

3. POCKET PARK - developed between or in front of buildings which include landscaped areas of grass, trees, shrubbery and flowers, combined with limited paths and pavement areas for casual tables and/or seats.

4. SHORELINE VIEWING PLATFORM - consistent with both the Shoreline Master Program requirements and these design standards. Viewing platforms intended for public access shall be identified with signage located at the edge of the public right-of-way.

5. OFF-SITE COMMON AREAS - For structures with less than 5000 square feet of floor area, any of the above common areas which are within 250 feet of the subject site and are at least as large as the required common area for the subject site meet common area requirements and do not have to be repeated. This does not imply that the off-site common area must be accessible for the subject site's use. It merely develops an appropriate density for outdoor common areas in a given district. Off-site common areas do not qualify for on-site parking credits allowed by GHMC 17.99.280(F).

C. Locate common areas in view corridors.

Where view corridors occur on a site, common areas shall be located within the view corridor. Use care in the selection of landscape plantings so as to preserve views.

D. Provide direct access to common areas with pedestrian walkways.

Common areas (or outdoor stairs leading to common areas) shall be easily accessible to customers from the public right-of-way by either primary or secondary walkways.

E. Provide outdoor seating where people want to sit.

Pedestrian seating is encouraged in locations which allow enjoyment of sun and protection from wind and rain. Locate seating so that users can observe the activities of the street or enjoy a scenic view.

F. Take advantage of Common Area Credits.

Common areas invite pedestrian activity. Therefore, it is expected that impacts from automobile traffic will be lessened. Additionally, a well-designed common area provides the same visual amenity as pervious coverage landscaping. Provision of common areas may therefore be counted toward parking and impervious coverage requirements as follows:

1. REDUCED PARKING. Required on-site parking may be reduced by one parking stall for every 200 square feet of *required* common area.

2. INCREASED IMPERVIOUS COVERAGE. *Required* common areas may be counted as pervious when calculating impervious coverage allowances. (Drainage system design must incorporate all impervious surfaces).

G. Consider allowed activities in common areas.

To assure full use and benefit of common areas to the property owner, the following activities are allowed in common areas:

1. FOOD OR FLOWER CARTS - limited to one portable food or flower handcart, provided such cart does not impede pedestrian flow. Common areas larger than 2,000 square feet may have two carts. Carts shall be on private paved common area, subject to owner approval and health department permit requirements. Carts must be portable and be stored away after hours.

2. TEMPORARY ART DISPLAYS - allowed in private common areas, subject to owner approval, and subject to City permit requirements.

3. OUTDOOR SALES - (e.g., farmers market) allowed one day per week.

4. OUTDOOR DINING - up to one seat per 20 square feet of common area is allowed as a bonus (in addition to seating regulated by parking requirements), provided such seating does not impede pedestrian flow.

5. TRANSIT STOP - Common areas may double as a transit stop if it conforms to both transit stop and common area requirements.

Section 67. The graphic set forth in Subsection 17.99.300(B) is hereby deleted.

Section 68. Subsection 17.99.320(A) in the Design Manual chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.320 A. Conform to residential setback requirements.

1. FRONT SETBACK MINIMUM House/Accessory Structures – 20 feet; in Waterfront Millville – 12 feet
Garage – 26 feet; in Waterfront Millville – 18 feet
Porches – 12 feet; in Waterfront Millville – 6 feet

2. SIDE SETBACK/VIEW CORRIDOR MINIMUM**

a. For site with one building - On a 50-foot-wide lot, 20 feet of combined side yard setback/view corridor is required and may be allotted as desired except that a minimum of five feet on any one side is required. For every additional foot of lot width beyond 50 feet, an additional one-quarter foot of side yard setback/view corridor is required. On sites with less than 50 feet of width, one-quarter foot of side yard setback/view corridor shall be eliminated for every foot of lot width less than 50 feet; provided that a minimum of 5 feet of setback/view corridor shall be provided on all side yards.

b. For sites with multiple buildings – Side yard setbacks/view corridors shall be provided in an amount equivalent to 20 feet for the first 50 feet of lot width. For every additional foot of lot width beyond 50 feet, an additional one-quarter foot of side yard setback/view corridor shall be provided. On sites with less than 50 feet of width, one-quarter foot of side yard setback/view corridor shall be eliminated for every foot of lot width less than 50 feet. The side yard setbacks/view corridors may be allotted in one of the following ways:

i. The total of the required side yard setback/view corridor shall be provided adjacent and parallel to the side property lines along the entire length of the property provided that a minimum of five feet of setback/view corridor shall be provided on all sides; or

ii. If the lot is 100 feet or more in width, a minimum side yard setback/view corridor of five feet shall be provided adjacent to abutting properties and setback/view corridor(s) a minimum of 20-foot wide shall be provided between buildings on the subject site. Lots narrower than 100 feet wide are not eligible for this provision.

c. View Corridors – In waterfront zoning districts, view corridors shall be provided perpendicular to a designated parkway or parallel to the side property lines along the entire length of the property. In all other zoning districts, view corridors shall be provided parallel to the side property lines along the entire length of the property. All required view corridors shall be open from the ground to the sky except that appurtenances allowed by the definitions of “yard” in Section 17.04.880 GHMC and “yard, side” in Section 17.04.910 GHMC may be located within the corridor.

3. REAR SETBACK MINIMUM** – As defined for each underlying zone in the Gig Harbor Municipal Code, or 25 feet, whichever is less.

4. OVERWATER STRUCTURE SETBACK:
Setbacks for overwater structures shall be governed by the Gig Harbor Shoreline Master Program and shall be exempt from this section.

** See additional setback provisions in subsection C of this section.

* * *

Section 69. Subsections 17.99.510(A and B) in the Design Manual chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.510 Building massing and height – Historic district

* * *

A. Incorporate characteristic roof lines and massing into residential structures.

Historic structures in Gig Harbor are characterized by similar roof lines and massing. All residential structures within the historic district must meet the following criteria:

- 1. MINIMUM ROOF PITCH.
Roof pitches shall be minimum 6/12 and maximum 12/12 on all portions of the roof except for (a) shed dormers, (b) porches, (c) the lower pitched roof portion on a saltbox-style structure, and (d) steeples, bell towers, and similar accentuated structures.

- 2. MAXIMUM HEIGHT – DB ZONE SOUTH OF ROSEDALE STREET and THE PORTION OF THE WC ZONE ABUTTING THE DB ZONE.
A building shall not exceed 27 feet above natural and finished grade as measured from the building footprint except as allowed for stepped-down buildings as follows:

On sloped sites, the elevations of buildings may be stepped-down and those stepped down sections may exceed the 27-foot maximum provided that the uphill and downhill facades do not exceed 27 feet above natural and finished grade as measured from the building footprint and that the amount of elevation above 27 feet does not exceed the amount of elevation below 27 feet as shown in Figure A below. Safety rails surrounding roof top patios or gardens that are stepped back from the most forward front face of perimeter cornice are not included in the elevation provided the safety rail meets the design requirements of balustrades in GHMC 17.99.540(B) and provide a minimum of 60% transparency.

[Note: Retain graphic at this location]

3. MAXIMUM HEIGHT – ALL OTHER ZONES.

Each residential lot is allowed a building height of up to 18 feet from any point within the buildable area and within 50 feet of the building's footprint; provided, that no portion of the structure exceeds 27 feet above natural and finished grade. In the Waterfront Millville (WM) zone, the point at which the 18-foot maximum is measured may be at the highest point within the lot along the street right-of-way. Additionally, one BASIC STRUCTURE measuring 25 feet wide by 40 feet deep by 27 feet high may be incorporated into the building design based upon the following criteria:

- a. The height of the basic structure shall be measured from the lowest elevation point at the setback lines. Height shall be measured from natural grade.
- b. The ridge of the basic structure shall be perpendicular to the shoreline or "point" to a significant view.
- c. No structures other than chimneys shall extend beyond the area defined by the gable or hip, i.e., no structure shall extend above the common rafter extending from the top wall plate to the ridge unless it is within the underlying 18-foot height envelope.
- d. The minimum roof pitch is 8/12. Equal pitches are used on the remaining portion of the house.
- e. A full-width front porch shall be included on the front side of the basic structure unit and windows on the entire structure shall be true-divided light windows if a grid pattern is desired.
- f. All other setback and height requirements are complied with.

[Note: Retain graphic at this location]

4. INTERSECTING GABLES OR DORMERS.

- a. To avoid expansive roof planes, fascia boards may not exceed 35 feet in length without an intersecting gable, dormer or similar architectural element incorporated into the roof plane above the fascia board on pitched roofs.
- b. The total width of all dormers, gables, and similar architectural elements shall not exceed 50 percent of the width of the roof plane on which those elements are located.
- c. This requirement does not apply to BASIC STRUCTURES defined under subsection (A)(2) of this section.

B. Conform to height standards for nonresidential structures.

Historic commercial structures were typically flat-roofed buildings with projecting cornices, sometimes with an extended parapet on the front. Pitched roof commercial buildings were also common. To allow similarly designed buildings, all nonresidential structures within the historic district shall conform to the following height and roof pitch standards:

1. DOWNTOWN BUILDING HEIGHTS

In the portion of the Downtown Business (DB) district south of Rosedale Street and the abutting portion of the Waterfront Commercial (WC) district, the building height limitations of this subsection 1 apply as do the requirements of subsection 5 below. In all other zones, the requirements of subsection 2 through 5 apply.

A building shall not exceed 27 feet above natural and finished grade as measured from the building footprint except as allowed for stepped-down buildings as follows:

On sloped sites, the elevations of buildings may be stepped-down and those stepped down sections may exceed the 27-foot maximum provided that the uphill and downhill facades do not exceed 27 feet above natural and finished grade as measured from the building footprint and that the amount of elevation above 27 feet does not exceed the amount of elevation below 27 feet as shown in Figure B below. Safety rails surrounding roof top patios or gardens that are stepped back from the most forward front face of perimeter cornice are not included in the elevation provided the safety rail meets the design requirements of balustrades in GHMC 17.99.540(B) and provide a minimum of 60% transparency.

[Note: Retain graphic at this location]

2. MAXIMUM UPHILL HEIGHT

No portion of a building shall exceed 16 feet for a flat roofed building, or 18 feet for a pitched roof building, as measured from the highest

point within the buildable area and within 50 feet of the building footprint.

3. MAXIMUM DOWNHILL HEIGHT

No building shall exceed a height of 24 feet as measured from finished grade at the lowest point of the building footprint, except that additional height is allowed for roof planes, gables and dormer windows, not to exceed the uphill height limits.

4. MAXIMUM HEIGHT ABOVE GRADE

Buildings may not exceed a height of 27 feet above natural and finished grade at any given point within the building footprint.

5. PITCHED ROOFS

Pitched roofs shall have a minimum roof pitch of 6/12 and a maximum pitch of 12/12 on all portions of the roof except for (a) shed dormers, (b) porches, (c) the lower pitched roof portions on a saltbox-style structure, which may all have lesser pitched roofs, and steeples and bell towers, which may have greater pitched roofs. The ridge of a pitched roof shall run perpendicular to (pointing toward) the view of the bay as seen from the street nearest the front setback line of the subject site, unless the ridge is within the flat roof height limits.

* * *

Section 70. Section 17.99.590 in the Design Manual chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.590 Definitions.

* * *

Prominent Facade Prominent facades include all building facades visible from waterways, public rights-of-way, or from any customer or client parking or pedestrian area within a defined activity center. Prominent facades also include facades which face the road(s) providing ~~primary~~ primary access to the building's site.

* * *

Section 71. Section 19.02.008 in the Type I – IV Project Permit Processing chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.02.008 Duration of permit approval and expiration of permits.

A. Duration of Permit Approval. A land use permit shall expire three years from the date a permit is approved, except as specified in subsection C of this section.

B. When a project includes more than one land use permit, the expiration date of the land use permit with the longest permit approval

duration shall govern all land use permits included in a project, except final plats, short plats, map amendments, and Type V decisions.

C. The duration of approval, expiration and extension of the following land use permits shall not be governed by this section, except that subsection B of this section shall apply:

1. Shoreline permits shall be governed by the city of Gig Harbor shoreline master program and WAC 173-27-090;

2. Subdivisions, short plats, binding site plans and boundary line adjustments shall be governed by GHMC Title 16 and Chapter 58.17 RCW;

3. Land use permits governed by a development agreement shall be pursuant to the development agreement;

4. Special use permits, land clearing permits, planned residential developments, planned unit development and temporary trailer permits shall be governed by the provisions in the specific zoning code chapter regulating those permits-;

5. Zoning district map amendments and height restriction area map amendments.

* * *

Section 72. Subsection 19.03.001(A) in the Public Notice chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

19.03.001 Public notice of application.

In addition to the notice of application for project permits required by GHMC 19.02.004, the director shall also provide public notice of Type II, Type III and Type IV site-specific project permit applications by posting the property, publication in the city's official newspaper, and mailing. Public notice of non-site-specific project permit applications shall be by publication in the city's official newspaper. Public notice shall be provided within the timelines provided for in GHMC 19.02.004(B).

A. Posted Notice. Posting of the property for site-specific proposals shall consist of one or more notice boards as follows:

1. The posted notice shall contain at least the project location, description, type of permit(s) required, comment period dates, and a location where the complete application and notice of application may be reviewed.

2. A single notice board shall be placed by the applicant:

a. At the midpoint of the street fronting the site or as otherwise directed by the director for maximum visibility;

b. Five feet inside the street property line, except when the board is structurally attached to an existing building; provided, that no notice board shall be placed more than five feet from the street without approval of the director;

c. So that the top of the notice board is between five and six feet above grade; and

d. Where it is completely visible to pedestrians.

3. Additional notice boards may be required when:

a. The site does not abut a public road;

b. A large site abuts more than one public road; or

c. The director determines that additional notice boards are necessary to provide adequate public notice.

4. Notice boards shall be maintained in good condition by the applicant during the department review period.

5. Removal of the notice board prior to the end of the department review period shall be cause for discontinuance of the department review until the notice board is replaced and remains in place for the specified time period.

6. An affidavit declaration of posting shall be submitted to the director by the applicant at least 10 days prior to the hearing or final comment date. If an affidavit is not filed as required, any scheduled hearing or date by which the public may comment on the application shall be postponed until there is compliance with the notice requirement.

7. Notice boards shall be constructed and installed in accordance with specifications promulgated by the director.

* * *

Section 73. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 74. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 8th day of December, 2014.

CITY OF GIG HARBOR



Mayor Jill Guernsey

ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Angela G. Summerfield

FILED WITH THE CITY CLERK: 11/19/14
PASSED BY THE CITY COUNCIL: 12/08/14
PUBLISHED: 12/10/14
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ORDINANCE NO: 1307