

ORDINANCE NO. 1194

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 TITLE 16 AND 17; REPEALING SECTIONS 17.01.100 AND 17.32.045; ADDING NEW SECTION 17.04.797; AND AMENDING SECTIONS 16.01.030, 16.04.005, 16.06.005, 17.01.090, 17.04.510, 17.12.010, 17.12.050, 17.14.020, 17.15.060, 17.16.070, 17.16.100, 17.17.040, 17.20.040, 17.20.060, 17.20.070, 17.21.040, 17.24.050, 17.24.060, 17.24.070, 17.28.050, 17.28.060, 17.30.030, 17.30.070, 17.31.060, 17.32.080, 17.36.060, 17.36.080, 17.40.100, 17.41.030, 17.45.040, 17.46.060, 17.46.090, 17.48.060, 17.48.090, 17.50.060, 17.50.090, 17.54.030, 17.56.030, 17.62.040, 17.68.020, 17.80.110, 17.91.040, 17.99.030, 17.99.160, 17.99.170, 17.99.240, 17.99.290, 17.99.300, 17.99.380, 17.99.420, 17.99.490, 17.99.510 AND 17.99.540 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City has documented numerous land use code amendments necessary to correct errors and omissions and reduce the need for interpretations by the planning department; 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 and remove conflicting provisions in Titles 16 and 17; and

WHEREAS, the provisions for allowing temporary construction and office trailers are out-of-date and need to be updated to reflect current bonding process; and

WHEREAS, the City desires to relocate and reorganize the provisions for combining legally nonconforming lots, lot of record status, and horizontal building façade modulation to aid in implementation of the zoning code; and

WHEREAS, the City desires to clarify the definition of front lot line and add a definition of tenant-specific alteration to aid in implementation of the zoning code; and

WHEREAS, certain zoning districts adopted by the City are not listed as established zoning districts in Chapter 17.12 and the zoning district boundary interpretation provisions do not reflect modern GIS mapping capabilities; and

WHEREAS, the City desires to establish the omitted zoning districts in Chapter 17.12 and update interpretation language to reflect GIS mapping capabilities; and

WHEREAS, the City desires to include a reference to the Design Manual height standards in each zoning district and standardize reference language; and

WHEREAS, the City desires to codify the current policy to apply the single-family design standards to duplexes and update the design manual reference in each zoning district chapter accordingly; and

WHEREAS, the City desires to clarify that the dense vegetative buffer required in our mixed use zone between uses is only required when a nonresidential use abuts a residential use, not when a residential use abuts a residential use; and

WHEREAS, the City desires to remove multiple impervious surface limitations in the B-1 zoning district; and

WHEREAS, the Design Manual inadvertently requires zone transition across SR16, where Enhancement Corridor standards already require buffering and the City desires to clarify that that zone transition does not occur across SR16; and

WHEREAS, the City desires to clarify the use of ground-faced CMU block and better define the masonry façade option for nonresidential buildings; and

WHEREAS, the Design Manual has a minimum roof pitch allowance of 6/12 in the Historic District; however, shed dormers are allowed to have a less steep pitch. The manual does not limit the amount of a roof that can be a dormer. The City desires to limit dormers to 50% of the roof plane length; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on May 5, 2010; and

WHEREAS, a copy of this Ordinance was forwarded to the Washington State Department of Commerce on April 10, 2010, pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on July 12, 2010; and

WHEREAS, on July 26, 2010, 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 16.01.030 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.01.030 Final plat.

“Final plat” is the final drawing of the subdivision and dedication prepared for filing of record with the Pierce County auditor, and containing all elements and requirements set forth in Chapter ~~16.09~~ 16.06 GHMC.

Section 2. Section 16.04.005 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.04.005 Construction of improvements.

An approved short plat shall not be filed for record until the applicant has constructed or bonded for all improvements required by the director in the final decision on the short plat, pursuant to GHMC ~~16.04.001(F)~~ 16.08.001(F).

Section 3. Subsection 16.06.005(D) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

16.06.005 Criteria for approval.

A final plat application shall be approved if the subdivision proposed for approval:

* * *

D. Director’s Decision. If the application conforms to all of the above criteria, the director shall approve or conditionally approve the ~~short~~ final plat. Any subdivision submitted to the city for approval shall contain the following certificates. The property owner and the land surveyor shall execute their respective certificates prior to the director’s final decision. The certificates to be executed by city and county officials and employees shall be executed after final plat approval, if granted.

1. Mayor. A signature block and statement for the approval of the final plat;

2. City Clerk. A signature block and statement that the city clerk finds that there are no delinquent assessments outstanding on the property subject to this final plat approval;

3. City Engineer. A signature block and statement that the short plat complies with the applicable provisions of the city of Gig Harbor public works construction standards;

4. Planning Director. A signature block and statement that the subdivision complies with the city’s development regulations under GHMC Titles 16 and 17.

* * *

Section 4. Section 17.01.090 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.01.090 Construction Temporary trailers—Temporary uses.

~~A. Applications for the temporary use of construction trailers are Type 1 project permit applications as defined under GHMC Title 19 and shall be processed accordingly. These permits are available for those who are in the process of constructing a building or buildings, which shall be subject to renewal, to locate a construction trailer or similar portable office on the building lot during the course of construction of the building or buildings. Such permit shall not be issued until after a building permit has been obtained.~~

~~B. Construction trailers or portable offices may be used as caretaker's quarters at various job sites which are controlled by other permits of limited time duration. All other types of caretaker quarters must meet the requirements for dwellings.~~

A. Temporary trailers are portable trailers used for a construction office, sales office, or caretaker's quarters during the course of construction of building(s) in a plat or site plan. Temporary trailers shall be located on a lot within the site plan or plat.

B. Prior to the use of a temporary trailer on any site, a temporary use permit shall be obtained. Temporary use permits are a Type I project permit application and shall be processed as set forth in GHMC Title 19.

~~C. Construction Temporary trailers or portable offices used for temporary uses must have an approval on approved sewage disposal system, water supply, and electrical connection.~~

~~D. A temporary use permit may be issued by the planning/building department for a period not to exceed one year; provided, the department, for good cause shown, may renew the permit for an additional six-month period, at which time the temporary use (construction trailer or portable office) trailer and all appurtenances thereto shall be removed from the property.~~

E. As a condition Performance Assurance. Prior to the issuance of a temporary use permit under the provisions of this section, the property owner shall deposit in trust with the city, in cash or its equivalent, an amount as established under the City's Fee Schedule Resolution, to be deposited in a special fund created by this chapter and identified as the "construction trailer or portable office deposit fund," and shall enter into an agreement with the city. submit a performance surety bond equal to not less than the 110 percent of the cost to remove the temporary trailer and all appurtenances thereto. The performance surety bond shall be executed by a surety company authorized to transact business in the state in a form approved by the city attorney. Such agreement shall provide, at a minimum, as follows:

1. The applicant agrees to pay to the city all fees, costs, and/or expenses, legal or otherwise, which the city may incur in causing the

~~removal of the construction trailer or portable office, and all its appurtenances left in place beyond the time period approved by the city or used or installed in violation of the ordinances of the city;~~

~~2. The applicant agrees that all such fees, costs and/or expenses incurred by the city shall be deducted from the deposit;~~

~~3. The applicant agrees to pay to the city such fees, costs, and/or expenses incurred by the city which are in excess of the deposit;~~

~~4. The city agrees to refund the deposit at the time of expiration of the permit, in total; provided the city does not incur such fees, costs, and/or expenses, or shall refund the remainder of the deposit after deduction of such fees, costs, and/or expenses; and~~

~~5. The city agrees to provide to the applicant a complete and accurate accounting of all such fees, costs, and/or expenses, if any, incurred by the city.~~

1. The property owner shall provide the city with a nonrevocable notarized agreement granting the city and its agents the right to enter the property and remove the temporary trailer and all appurtenances thereto.

2. If the property owner fails to remove the temporary trailer and appurtenances thereto and the city has incurred costs or expenses to remove such, the city shall call on the bond for reimbursement. If the amount of the bond is less than the cost and expense incurred by the city, the property owner shall be liable to the city for the difference. If the amount of the bond exceeds the cost and expense incurred by the city, the remainder shall be released.

~~F. A temporary use permit will be issued by the planning/building department. The fee imposed for the permit is in addition to all other required permits for electrical, plumbing and sewage disposal systems.~~

Section 5. Section 17.01.100 of the Gig Harbor Municipal Code is hereby repealed.

Section 6. Section 17.04.510 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.510 Lot line, front.

“Front lot line” of an interior lot means the lot line adjacent to a public street, ~~or~~ If the interior lot does not have a lot line adjacent to a public street, the front lot line shall be the total line first crossed when gaining access to the lot from a public private street or access easement. See GHMC 17.04.470 for the definition of the front lot line of a corner lot.

Section 7. A new section 17.04.797 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.797 Tenant-specific alteration.

"Tenant-specific alteration" means an exterior improvement made to the façade of a completed building by or for a single tenant which does not substantially modify the approved architecture.

Section 8. Section 17.12.010 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)

Section 9. Section 17.12.050 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.12.050 District boundary – Interpretation when uncertainty exists.

When uncertainty exists as to the boundaries of districts as shown on an official zoning map, the following rules shall apply:

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

E. Boundaries indicated as following shorelines shall be construed as following the mean high water line at the shore and, in the event of a change in the shoreline, shall be construed as moving with the mean high water line of the actual shoreline;

F. Boundaries indicated as following approximately the centerline of streams shall be construed as following such centerlines;

G. In unsubdivided property, the location of any district boundary, unless the same is indicated by dimensions shown on the official zoning map, shall be determined by the use of the scale appearing on the official zoning map;

H. Boundaries indicated as parallel to or extension of features indicated in subsections A through G above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the official zoning map.

I. Shorelands shall be considered to be within the same zone as the abutting upland.

J. Where boundaries do not show a zoning district extending into a public right-of-way, alley, private road, or other easement, the zone boundary and district immediately abutting shall extend to the center of the right-of-way, alley, road, or easement. It is the intent of this statement that all lands in the City are zoned and are subject to the provisions of this title.

Section 10. Section 17.14.020 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.14.020 Land use matrix

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁵
Uses																				
Dwelling, single-family	-	P	P	P	P	C	P	P	C	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, duplex	-	-	-	P	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, triplex	-	-	-	C	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, fourplex	-	-	-	C	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, multiple-family	-	-	-	-	P	P ⁶	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	-	-	-	P ¹⁴	P
Accessory apartment ¹	-	C	P	-	P	-	C	C	C	P ¹⁴	C	C	P ¹⁴	-	-	-	P	-	P ¹⁴	P
Family day care provider	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	-	P	P
Home occupation ²	-	P	P	P	P	P	P	P	C	P	-	C	-	-	P	P	P	-	-	-
Adult family home	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	-	P	P
Living facility, independent	-	-	-	C	-	P	C	C	C	P	C	C	P	C ²²	-	-	-	-	-	P

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁵
Uses																				
Living facility, assisted	-	-	-	C	-	P	C	C	C	P	-	C	P	C	-	-	-	-	-	P
Nursing facility, skilled	-	-	-	C	-	P	C	C	C	P	C	C	P	C	-	-	-	-	-	P
Hospital	-	-	-	-	-	-	-	-	C	-	C	C	-	C	-	-	-	C	-	-
School, primary	P	C	P	C	P	C	C	C	C	P	-	C	P	-	-	-	-	-	-	-
School, secondary	P	C	P	C	P	C	C	C	C	P	-	C	P	-	-	-	-	-	-	-
School, higher educational	P	C	-	C	-	C	C	C	C	P	-	C	P	-	-	-	-	P	-	-
School, vocational/trade	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	P	-	-
Government administrative office	P	C	P	C	P	C	C	P	P	P	P	P	P	P	C	P	P	P	P	P
Public/private services	P	C	-	C	-	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Religious worship, house of	-	C	P ⁵	C	P ⁵	C	C	C	C	P	-	C	P	C	-	-	-	C	-	P/C ¹⁵
Museum	P	-	-	-	-	-	-	-	-	-	C	C	P	-	-	-	-	-	-	-
Community recreation hall	P	-	P	C	P	C	C	C	C	P	C	C	P	-	-	-	-	P	P	-
Clubs	-	-	C	C	C	C	C	C	P	P	P	P	P	C	-	C ²¹	P	P	C	-
Parks	P	P	P	P	P	P	P	P	P	P	C	C	P	-	P	P	P	P	P	P
Essential public facilities	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Utilities	P	C	P	C	P	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P
Cemetery	-	-	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Lodging, level 1	-	C	-	C	-	P	P	P	P	P	C	C	-	-	C	C	C	-	-	P
Lodging, level 2	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	-	-	P
Lodging, level 3	-	-	-	-	-	-	-	C	P	-	P	P	P	-	-	-	C	P	-	P
Personal services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Business services	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Professional services	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	P	P	P	P	P
Ancillary services	P	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product services, level 1	-	-	-	-	-	-	P	P	P	P	P	P	P	P	-	P	P	P	P	P
Product services, level 2	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	P ¹⁶
Sales, level 1	-	-	-	-	-	-	C ^{7,8}	-	P	P	P	P	P	C ²³	-	-	P	C ²⁴	P ¹³	P
Sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C ²³	-	-	-	-	-	-
Sales, level 3	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	-	-	-	-	-
Sales, ancillary	-	-	-	-	-	-	P	P	P	-	P	P	P	P	-	-	P	P	-	-

	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	C-1 ²⁰	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁵
Uses																				
Commercial child care	-	-	C	-	C	-	C	C	C	-	-	P	-	C	-	-	-	C	-	-
Recreation, indoor commercial	-	-	-	-	-	-	C	C	P	-	P	P	P	C	-	-	-	C	-	P
Recreation, outdoor commercial	-	-	-	-	-	-	C	C	C	-	P ¹⁰	P	P	C	-	-	-	C	-	P
Entertainment, commercial	-	-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	C	-	P
Automotive fuel-dispensing facility	-	-	-	-	-	-	-	-	P	-	P	P	P	C	-	-	-	C	P	-
Vehicle wash	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
Parking lot, commercial	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-	C ¹⁹	-	-	-
Animal clinic	-	-	-	-	-	-	-	-	P ⁹	-	P	P	-	P	-	-	-	P	-	P
Kennel	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-
Adult entertainment facility ³	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-
Restaurant 1	-	-	-	-	-	-	C ⁸	P	P	P	P	P	P	P	-	C ¹²	P	P	P	P
Restaurant 2	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	-	P	C ²⁴	P	P
Restaurant 3	-	-	-	-	-	-	-	-	P	-	P	P	P	C ²³	-	-	P	C ²⁴	P	P
Tavern	-	-	-	-	-	-	-	-	C	-	P	P	P	-	-	-	P	-	-	-
Drive-through facility	-	-	-	-	-	-	-	-	C	-	C	C	P	-	-	-	-	-	-	-
Marina	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine sales and service	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	P	P	-	-	-
Marine boat sales, level 1	-	-	-	-	-	-	-	-	-	-	P	P	-	P	-	P	P	-	-	-
Marine boat sales, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	C ²³	-	P	P	-	-	-
Ministorage	-	-	-	-	-	-	-	C	-	-	C	C	P	C	-	-	-	-	-	P
Industrial, level 1	-	-	-	-	-	-	-	C	C	-	C	P	-	P	-	-	-	C	-	P
Industrial, level 2	-	-	-	-	-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-
Marine industrial	-	-	-	-	-	-	-	-	-	-	-	P	-	C	-	P ¹¹	C	-	-	-
Wireless communication facility ⁴	C	C	C	C	C	C	P	P	C	P	C	P	P	P	C	C	C	P	P	-
Accessory uses and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

¹ Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.

² Home occupations are subject to Chapter 17.84 GHMC.

³ Adult entertainment facilities are subject to Chapter 17.58 GHMC.

⁴ Wireless communication facilities are subject to Chapter 17.61 GHMC.

- ⁵ Houses of religious worship shall be limited to parcels not greater than 5 acres.
- ⁶ Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.
- ⁷ Sales, level 1 uses shall be limited to food stores in the RB-1 district.
- ⁸ See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.
- ⁹ Animal clinics shall have all activities conducted indoors in the DB district.
- ¹⁰ Drive-in theaters are not permitted in the B-2 district.
- ¹¹ Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.
- ¹² Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.
- ¹³ Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.
- ¹⁴ Residential uses shall be located above a permitted business or commercial use.
- ¹⁵ Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.
- ¹⁶ Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.
- ¹⁷ Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.
- ¹⁸ Planned unit developments (PUDs) are conditionally permitted in the ED district.
- ¹⁹ Commercial parking lots in the WC district shall be related to shoreline uses.
- ²⁰ Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.
- ²¹ Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.
- ²² Independent living facilities are conditionally allowed in the ED zone only when in combination with assisted living facilities, skilled nursing facilities or hospitals in the same site plan or binding site plan.
- ²³ See GHMC Section 17.45.040 for specific performance standards of sales and restaurant uses in the ED zone.
- ²⁴ See GHMC Section 17.54.030 for specific performance standards of sales and restaurant uses in the PCD-BP zone.
- ²⁵ Permitted and conditional uses in the MUD district overlay are subject to the minimum parcel size and location requirements contained in GHMC 17.91.040(A).

Section 11. Section 17.15.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.15.060 Maximum height of structures.

In a PI district, all buildings and structures shall not exceed a height of 35 feet as provided for in GHMC 17.99.370(D), except as provided for restricted under Chapter 17.62 GHMC, Height Restriction Area, and except as provided under GHMC 17.99.390(A)(3), 17.99.510(A)(2) and 17.99.510(B).

Section 12. Section 17.16.070 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.16.070 Maximum height of structures.

In an R-1 district, all buildings and structures shall not exceed a height of 35 feet as provided for in GHMC 17.99.370(D) except as ~~provided for~~ restricted under Chapter 17.62 GHMC, Height Restriction Area, and as provided under GHMC 17.99.390(A)(3), 17.99.510(A)(2) and 17.99.510(B).

Section 13. Section 17.16.100 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.16.100 Design of structures.

All ~~structures development~~ shall conform to the applicable design standards ~~for single-family dwellings as defined in GHMC 17.99.490 and 17.99.510, as well as all other provisions of contained in~~ Chapter 17.99 GHMC applicable to single-family development.

Section 14. Subsection 17.17.040(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.17.040 Performance standards.

* * *

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: 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).

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. ~~The maximum~~ All buildings and structures shall not exceed a height is 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. ~~All residential single-family structures, attached or detached, shall comply with the design standards defined in GHMC 17.99.490.~~ Development in the RLD district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

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.

* * *

Section 15. Section 17.20.040 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
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 ^{2,3}	House: 20' Porch: 12' Garage: 26'	25'
D. Minimum side yard ^{2,3,4}	8'	7'
E. Minimum rear yard ^{2,3,4}	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.

~~²In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line; provided, such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties as determined by the planning and public works directors. The other property line abutting a street shall be deemed the side property line. An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.~~

³Development in the historic district shall comply with the setbacks defined in GHMC 17.99.310 and 17.99.320.

⁴Garages 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).

Section 16. Section 17.20.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.20.060 Maximum height of structures.

In an R-2 district, all buildings and structures shall not exceed a height of 35 feet as provided for in GHMC 17.99.370(D), except as ~~provided for restricted~~ under Chapter 17.62 GHMC, Height Restriction Area, and as provided for under GHMC 17.99.390(A)(3), 17.99.510(A)(2) and 17.99.510(B).

Section 17. Section 17.20.070 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.20.070 Design.

All development shall conform to the applicable design standards contained in Chapter 17.99 GHMC. ~~Duplex dwellings shall conform to the design standards for single-family dwellings as provided in GHMC 17.99.490 and 17.99.510.~~

Section 18. Subsection 17.21.040(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.21.040 Performance standards.

* * *

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).

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: 15'

Porch: 12'

Garage: 15'

b. Rear yard setback 15', except that garages may be within three feet of an alley easement.

c. Side yard setback 5'

3. Maximum Height of Structures. ~~The maximum~~ All buildings and structures shall not exceed a height is of 45 feet as provided for in GHMC 17.99.370(D), 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.

Section 19. Section 17.24.050 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 ²	House: 20' Porch: 12' Garage: 26'	20'
D. Minimum side yard ^{3,2}	8'	7'
E. Minimum rear yard ^{3,2}	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.

~~²In the case of a corner lot, the owner of such lot may elect any property line abutting on a street as the front property line; provided, such choice does not impair corner vision clearance for vehicles and shall not be detrimental to adjacent properties as determined by the planning and public works directors.~~

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).

Section 20. Section 17.24.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.24.060 Maximum height of structures.

In an R-3 district, all buildings and structures shall not exceed a height of 35 feet in height as provided for in GHMC 17.99.370(D), except as ~~provided for restricted~~ under Chapter 17.62 GHMC, Height Restriction Area, and as provided under GHMC 17.99.390(A)(3), GHMC 17.99.510(A)(2) and 17.99.510(B).

Section 21. Section 17.24.070 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.24.070 Design.

~~All single-family and duplex structures shall conform to the design standards defined for single-family development in Chapter 17.99 GHMC. All multifamily and nonresidential development shall conform to all the applicable design standards of Chapter 17.99 GHMC.~~

Section 22. Subsection 17.28.050(K) 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:

* * *

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 23. Section 17.28.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.28.060 Maximum height of structures.

In an RB-1 district, all buildings and structures shall not exceed a height of 35 feet in height as provided for in GHMC 17.99.370(D), except

as ~~provided for~~ restricted under Chapter 17.62 GHMC, Height Restriction Area, and as provided under GHMC 17.99.390(A)(3), 17.99.510(A)(2) and 17.99.510(B).

Section 24. Section 17.30.030 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.30.030 Conditional uses.

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

Section 25. Section 17.30.070 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.30.070 Maximum building-height of structures.

In an RB-2 district, all buildings and structures shall not exceed a height of 35 feet as provided for in GHMC 17.99.370(D), ~~except as provided for~~ restricted under Chapter 17.62 GHMC, Height Restriction Area, and as provided under GHMC 17.99.390(A)(3), ~~and~~ 17.99.510(A)(2) and 17.99.510(B).

Section 26. Section 17.31.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.31.060 Minimum building setback requirements.

In a DB district, the setbacks defined in GHMC 17.99.310 and 17.99.320 apply; provided, however, that where a DB district abuts a residential district, ~~a~~ the nonresidential building setback shall be 20 feet minimum, and the space so created shall be landscaped to screen the ~~commercial~~ nonresidential uses from the abutting residential district.

Section 27. Section 17.32.045 of the Gig Harbor Municipal Code is hereby repealed.

Section 28. Section 17.32.080 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.32.080 ~~Building~~ Maximum height of structures.

In a B-1 district, all buildings and structures shall not exceed a height of 35 feet as provided for in GHMC 17.99.370(D), ~~except as provided for~~ restricted under Chapter 17.62 GHMC, Height Restriction Area, and as provided under GHMC 17.99.390(A)(3), ~~and~~ 17.99.510(A)(2) and 17.99.510(B).

Section 29. Subsection 17.36.060(E) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.36.060 Minimum building setback requirements.

* * *

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.

Section 30. Section 17.36.080 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.36.080 Maximum height of structures.

In a B-2 district, all buildings and structures shall not exceed a height of 35 feet as provided for in GHMC 17.99.370(D), except as ~~provided for~~ restricted under Chapter 17.62 GHMC, Height Restriction Area, and as provided under GHMC 17.99.390(A)(3), 17.99.510(A)(2) and 17.99.510(B).

Section 31. Section 17.40.100 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.40.100 Maximum height of structures.

In a C-1 district, all buildings and structures shall not exceed a height of 35 feet as provided for in GHMC 17.99.370(D), except as ~~provided for~~ restricted under Chapter 17.62 GHMC, Height Restriction Area, and as provided under GHMC 17.99.390(A)(3), ~~and~~ 17.99.510(A)(2) and 17.99.510(B).

Section 32. Subsections 17.41.030(D and K) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.41.030 Performance standards (PCD-C)

* * *

D. Maximum Height of structures. Structures within 100 feet of a residential low density zone shall not exceed 35 feet in height, ~~except as provided under GHMC 17.99.390(A)(3).~~ Structures within 100 feet of a residential medium density zone shall not exceed 45 feet in height. ~~The building~~ Structure height shall be determined as ~~defined~~ provided for in ~~GHMC 17.04.160-17.99.370(D)~~, except as provided under GHMC 17.99.390(A)(3). The maximum building height shall also be limited by the city building and fire codes. Definitions within the city building and fire codes shall be used to determine height for compliance with the applicable building and fire codes.

* * *

K. Design. ~~All residential structures of four or more attached dwelling units and all nonresidential structures shall comply with the standards of~~

~~the city of Gig Harbor design manual. All development in the PCD-C district shall conform to the design and development standards contained in Chapter 17.99 GHMC.~~

* * *

Section 33. Subsection 17.45.040(E) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.45.040 Performance standards.

* * *

E. ~~Maximum Height of structures.~~ The maximum height of a All buildings and structures shall not exceed a height of 35 feet as provided for in GHMC 17.99.370(D), except as restricted under Chapter 17.62 GHMC, Height Restriction Area, and as permitted provided under GHMC 17.99.390(A)(3).

* * *

Section 34. Section 17.46.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.46.060 Maximum height of structures.

In a WR district, all buildings and structures shall not exceed the height limits defined in GHMC 17.99.510(A)(2) and 17.99.510(B).

Section 35. Section 17.46.090 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.46.090 Design.

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

Section 36. Section 17.48.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.060 Maximum Height of structures.

In the WM district, all buildings and structures shall not exceed the height limits defined in GHMC 17.99.510(A)(2) and 17.99.510(B).

Section 37. Subsection 17.48.090(F) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.090 Performance standards.

* * *

F. Design. All development in the WM district shall conform to the design and development standards contained in Chapter 17.99 GHMC. ~~Two-family dwellings (duplexes) shall conform to the design standards defined for single-family development in Chapter 17.99 GHMC.~~

Section 38. Section 17.50.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.50.060 Maximum height of structures.

In a ~~waterfront commercial~~ the WC district, ~~all the maximum buildings and structures height~~ shall not exceed the height limits defined in GHMC 17.99.510(A)(2) and 17.99.510(B).

Section 39. Subsection 17.50.090(E) 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:

* * *

E. Design. All development in the WC district shall conform to the design and development standards contained in Chapter 17.99 GHMC. ~~Two-family dwellings (duplexes) shall conform to the design standards defined for single-family dwellings in Chapter 17.99 GHMC.~~

Section 40. Subsection 17.54.030(F) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.54.030 Performance standards.

* * *

F. Maximum Height of structures. Structures within 100 feet of a residential low density zone shall not exceed 35 feet in height ~~except as provided under GHMC 17.99.390(A)(3)~~. Structures within 100 feet of a residential medium density zone shall not exceed 45 feet in height. ~~The building~~ Structure height shall be calculated as ~~defined provided for in GHMC 17.04.160-17.99.370(D)~~, except as provided under GHMC 17.99.390(A)(3). The maximum building height shall also be limited by the city building and fire codes. Definitions within the city building and fire codes shall be used to determine height for compliance with the applicable building and fire codes.

* * *

Section 41. Subsection 17.56.030(D) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.56.030 Performance standards.

* * *

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

* * *

Section 42. Section 17.62.040 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.62.040 Amendment to height restriction area map.

Amendments to the height restriction area map are a Type IV ~~III~~ permit procedure. The procedures established under Chapter 17.10 GHMC and GHMC Title 19 for the consideration of amendments to the zoning district map shall be followed for amendments to the height restriction area map. The criteria for approval shall be as follows:

A. That the request to amend the height restriction area map furthers the goals, policies and objectives of the comprehensive plan;

B. The property or area proposed for exclusion from the height restriction area map does not currently possess a view of Gig Harbor Bay, Mt. Rainier or the Puget Sound Narrows;

C. The gradient of the land within 100 feet of the property or area does not have a slope of five percent or greater toward Gig Harbor Bay, Mt. Rainier or the Puget Sound Narrows;

D. That views from adjacent properties will not be adversely affected.

Section 43. Section 17.68.020 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.68.020 Nonconforming lots of record.

A. Building on Nonconforming Lots of Record. In any district, notwithstanding limitations imposed by other provisions of Chapter 17.01 GHMC, permitted principal uses and structures and customary accessory buildings may be erected on any lot that is of record at the effective date of the adoption or of an amendment of the applicable regulations. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are applicable in the district. Such permitted principal uses and structures and accessory buildings shall be erected on such a nonconforming lot so that all dimensional requirements of the zoning title including minimum yard requirements, the maximum height of structures and the maximum coverage by all buildings are complied with.

B. Combination of Legally Nonconforming Lots. A property owner of two or more lots that are legally nonconforming as to lot area may request that the lots be combined into one larger lot, even if the resulting lot does not satisfy the existing lot area requirements in the underlying zone, as

long as the director determines that the property owner has submitted sufficient evidence to demonstrate that the original lots are legally nonconforming. In addition, the lot combination shall satisfy the requirements of and be processed according to the procedures in Chapter 16.03 GHMC, with the exception of GHMC 16.03.003(B). This section does not apply in any overlay district to allow the combination of any lots created through the mixed use overlay district (MUD), a planned unit development (PUD) or planned residential district (PRD).

C. Dedication of Property to the Public. That portion of a lot remaining after dedication or sale of a portion of the lot to the city or state for street or highway purposes shall be a separate building site, as long as the area of the remaining lot is at least 3,000 square feet.

Section 44. Subsection 17.80.110(E) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.80.110 Temporary signs.

* * *

E. Signs Advertising a Public Event. Maximum duration shall be from one month before the event to five days after the event. Because public events are allowed on a limited time basis and on sites not normally associated with the event, public event signs may be located off-premises within the city right-of-way, subject to the provisions of Chapter 12.02 GHMC, ~~Right-of-Way Use~~ Encroachment Permits, or within the windows of buildings, subject to the building owner's approval and all other window sign requirements. Signs shall be removed by the promoters of the event, or the city will remove such signs at the promoter's expense.

* * *

Section 45. Subsection 17.91.040(F) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.91.040 Site development and performance standards.

* * *

F. Performance Standards.

1. Minimum yards (from the property line):
 - a. Front, 15 feet.
 - b. Side, five feet. At least 20 feet is required on the opposite side of a lot having a zero lot line.
 - c. Rear, 15 feet.
2. ~~Maximum Height of structures. The maximum~~ All buildings and structures shall not exceed a height of a structure shall not exceed 35 feet as provided for in GHMC 17.99.370(D), except as provided under GHMC 17.99.390(A)(3).

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

4. Landscaping. Landscaping shall comply with the requirements of Chapter 17.78 GHMC.

5. Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from all public rights-of-way.

6. Outdoor Storage of Materials. Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public rights-of-way.

7. Outdoor Lighting. Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.

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

9. Design. ~~Development in the MUD district shall conform to the design and development standards contained in Chapter 17.99 GHMC. Duplex dwellings shall conform to the design standards defined for single-family dwellings in Chapter 17.99 GHMC.~~ Development in the MUD overlay shall conform to the design and development standards contained in Chapter 17.99 GHMC.

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

Section 46. The following sections and subsections of the Gig Harbor Municipal Code are hereby amended as set forth in Exhibit A attached to this Ordinance:

Subsections 17.99.030(D and E); Subsections 17.99.160(A, B, and C); Section 17.99.170; Subsection 17.99.240(D)(3); Section 17.99.290; Subsection 17.99.300(B); Subsection 17.99.380(B); Subsections 17.99.420 (A and B); Section 17.99.490; Subsection 17.99.510(A)(3); Subsection 17.99.540(A)

Section 47. 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 48. 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 26th day of July, 2010.

CITY OF GIG HARBOR

Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:

Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Angela S. Belbeck

FILED WITH THE CITY CLERK: 07/07/10
PASSED BY THE CITY COUNCIL: 07/26/10
PUBLISHED: 08/04/10
EFFECTIVE DATE: 08/09/10
ORDINANCE NO: 1194