

ORDINANCE NO. 1046

AN ORDINANCE OF THE CITY COUNCIL OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING AMENDING CHAPTER 17.04 DEFINITIONS; ADOPTING NEW DEFINITIONS IN CHAPTER 17.04 FOR ATTACHED DWELLING, FOUR-PLEX DWELLING, TRI-PLEX DWELLING, COMMERCIAL ENTERTAINMENT, HEAVY EQUIPMENT, ESSENTIAL PUBLIC FACILITIES, GOVERNMENT ADMINISTRATIVE OFFICE, KENNEL, MARINA, MARINE SALES AND SERVICE, SKILLED NURSING FACILITY, COMMERCIAL PARKING LOT, PARKS, PERSONAL SERVICES, PRODUCT SERVICES LEVEL 1, PRODUCT SERVICES LEVEL 2, ANCILLARY SALES, HIGHER EDUCATIONAL SCHOOL, PRIMARY SCHOOL, SECONDARY SCHOOL, TAVERN, UTILITIES, VEHICLE WASH AND YACHT CLUB: ADDING NEW SECTIONS 17.04.287, 17.04.289, 17.04.301, 17.04.326, 17.04.327, 17.04.328, 17.04.400, 17.04.431, 17.04.548, 17.04.552, 17.04.630, 17.04.645, 17.04.653, 17.04.657, 17.04.677, 17.04.678, 17.04.708, 17.04.716, 17.04.717, 17.04.718, 17.04.795, 17.04.860, 17.04.873 AND 17.04.878, AND AMENDING SECTION 17.15.010; ALSO REDEFINING EXISTING LODGING-TYPE DEFINITIONS INTO NEW DEFINITIONS FOR LODGING LEVEL 1, LODGING LEVEL 2 AND LODGING LEVEL 3: ADDING NEW SECTIONS 17.04.444, 17.04.445 AND 17.04.446 AND REPEALING SECTIONS 17.04.110, 17.04.103, 17.04.415, 17.04.600; ALSO COMBINING INDUSTRIAL-TYPE USES DEFINED IN TITLE 17 INTO NEW DEFINITIONS FOR INDUSTRIAL LEVEL 1 AND INDUSTRIAL LEVEL 2 AND MARINE INDUSTRIAL: ADDING NEW SECTIONS 17.04.424, 17.04.425 AND 17.04.551; ALSO COMBINING RESTAURANT-TYPE USES DEFINED IN TITLE 17 INTO NEW DEFINITIONS FOR RESTAURANT 1, RESTAURANT 2 AND RESTAURANT 3, INCORPORATING EXISTING RESTAURANT-TYPE DEFINITIONS INTO NEW DEFINITIONS: ADDING NEW SECTIONS 17.04.702, 17.04.703, 17.04.704 AND REPEALING SECTION 17.04.268; ALSO ADDING DEFINITIONS FOR SALES LEVEL 1, SALES LEVEL 2, SALES LEVEL 3, MARINE BOAT SALES LEVEL 1 AND MARINE BOAT SALES LEVEL 2 TO COMBINE SALES-TYPE USES DEFINED IN TITLE 17: ADDING NEW SECTIONS 17.04.549, 17.04.550, 17.04.709, 17.04.710 AND 17.04.711; ALSO AMENDING THE DEFINITIONS OF ACCESSORY APARTMENT, ANIMAL CLINIC, COMMERCIAL FAMILY DAY CARE FACILITY, COFFEE HOUSE, HOME OCCUPATION, HOSPITAL, VOCATIONAL/TRADE SCHOOL, MINISTORAGE, MUSEUMS AND TWO-FAMILY DWELLINGS FOR THE PURPOSE OF SIMPLIFICATION AND CONSISTENCY:

AMENDING SECTIONS 17.04.015, 17.04.050, 17.04.240, 17.04.265, 17.04.410, 17.04.412, 17.04.555, 17.04.602, AND REPEALING SECTIONS 17.04.310 AND 17.04.873 AND ADDING NEW SECTIONS 17.04.288 AND 17.04.719; ALSO REPEALING THE DEFINITIONS OF DAY NURSERY AND RETIREMENT COMPLEX SINCE THESE TERMS ARE NO LONGER USED IN TITLE 17: REPEALING SECTIONS 17.04.630 AND 17.04.704; ALSO AMENDING THE DEFINITIONS OF ADULT FAMILY HOME AND DAY CARE – FAMILY DAY CARE TO BE CONSISTENT WITH THE REVISED CODE OF WASHINGTON: AMENDING SECTIONS 17.04.025 AND 17.04.264; AMENDING THE DEFINITION OF SINGLE-FAMILY DWELLING, SECTION 17.04.300, TO BE CONSISTENT WITH THE REVISED CODE OF WASHINGTON AND CLARIFY AND SIMPLIFY THE DEFINITION; ALSO AMENDING THE DEFINITIONS OF CLUBS, MULTIPLE-FAMILY DWELLING, PROFESSIONAL OFFICE OR SERVICE AND PUBLIC FACILITY TO CLARIFY BROAD DEFINITIONS AND PROVIDE ADDITIONAL DESCRIPTIONS: AMENDING SECTIONS 17.04.220, 17.04.290, 17.04.680 AND 17.04.690; ALSO AMENDING THE DEFINITION OF DRIVE-IN RESTAURANT TO INCLUDE ALL TYPES OF DRIVE-THROUGH FACILITIES, SECTION 17.04.285; ALSO REPLACING THE DEFINITION OF GASOLINE SERVICE STATION WITH A NEW DEFINITION OF AUTOMOTIVE FUEL DISPENSING FACILITY: ADDING NEW SECTION 17.04.087 AND REPEALING SECTION 17.04.400; ALSO REPLACING THE DEFINITION OF OUTDOOR RECREATION WITH A NEW DEFINITION OF OUTDOOR COMMERCIAL RECREATION: ADDING NEW SECTION 17.04.693 AND REPEALING SECTION 17.04.692; ALSO REPLACING THE DEFINITION OF RECREATIONAL BUILDING WITH A NEW DEFINITION OF INDOOR COMMERCIAL RECREATION: ADDING NEW SECTION 17.04.692 AND REPEALING SECTION 17.04.693; ALSO REPLACING THE DEFINITION OF ACCESSORY USE WITH A NEW DEFINITION OF ACCESSORY USES AND STRUCTURES: ADDING NEW SECTION 17.04.017 AND REPEALING SECTION 17.04.860

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

WHEREAS, some, but not all, of the specified uses of GHMC Title 17 and the Land Use Matrix, Chapter 17.14 GHMC, which was adopted in Ordinance No. 1045 are defined in Chapter 17.04, GHMC; and

WHEREAS, the following uses and structures exist in the City, but are not defined in Chapter 17.04, GHMC and the City desires to add definitions for these terms: attached dwelling, four-plex dwelling, tri-plex dwelling, commercial entertainment, heavy equipment, essential public facilities, government administrative offices, kennel, marina, marine sales and services, skilled nursing facility, commercial parking lots, parks, personal services, product services level 1 and 2, ancillary sales, higher educational school, primary school, secondary school, tavern, utilities and vehicle wash; and

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

WHEREAS, many of the separately defined uses in Title 17 of the Gig Harbor Municipal Code can be grouped into categories of uses that are similar in nature and impact; and

WHEREAS, certain uses defined in Title 17 are similar in nature and impact and for ease of use, the City desires to combine industrial-type uses defined in Title 17 into industrial levels 1 and 2 and marine industrial categories and add definitions for these categories, with industrial level I being the least intense; and

WHEREAS, certain uses defined in Title 17 are similar in nature and impact and for convenience, consistency, enforcement and ease of subsequent revision, the City desires to redefine the definitions for the following lodging uses: boardinghouse, bed and breakfast, hotel/motel and motel/hotel, into lodging levels 1, 2 and 3 categories, with lodging level 1 being the least intense, and add definitions for these categories: and

WHEREAS, certain uses defined in Title 17 are similar in nature and impact and for convenience, consistency, enforcement and ease of subsequent revision, the City desires to combine restaurant-type uses defined in Title 17 into restaurants 1 through 3 categories, with restaurant 1 being least intense, and add definitions for these levels, incorporating the definition for delicatessen into the definition of restaurant 1; and

WHEREAS, for the purpose of convenience, consistency, enforcement and ease of subsequent revision, the City desires to combine sales-type uses defined in Title 17 into sales level 1, 2 and 3 categories and marine boat sales levels 1 and 2, with level 1 being least intense, and add definitions for these levels; and

WHEREAS, the City desires to simplify the following definitions for the purposes of convenience, consistency and enforcement: accessory apartment, animal clinic, commercial family day care facility, coffee house, home occupation,

hospital, vocational/trade school, mini-storage, museum and two-family dwellings (duplexes); and

WHEREAS, the City desires to remove the definitions for day nursery and retirement complex as they are no longer in use in Title 17; and

WHEREAS, the City desires to amend the definitions of day care - family day care and adult family home to be consistent with the definitions in Revised Code of Washington; and

WHEREAS, the City desires to amend the definition for single-family dwelling to be consistent with the Revised Code of Washington by removing all references to factory-built, mobile and manufactured dwelling and amending the definition to clarify and simplify the language for ease of use; and

WHEREAS, the City desires to amend the definitions for clubs, multiple-family dwelling, professional office or service and public facility to simplify broad definitions and provide additional description and give examples of specific uses included in the definition; and

WHEREAS, the City desires to amend the definition of drive-in restaurant to include all types of drive-through facilities because the impacts and nature of drive-through facilities such as those at banks, coffee carts, restaurants and pharmacies, are similar; and

WHEREAS, the City desires to replace the definition of gasoline service station with a definition of automotive fuel dispensing facility and simplify the definition for ease of use and enforcement; and

WHEREAS, the City desires to replace the definition of outdoor recreation with a definition of outdoor commercial recreation to distinguish the use from the new parks definition and modify the definition to remove the limitation that a commercial outdoor recreation use must be privately owned and managed; and

WHEREAS, the City desires to replace the definition of recreational building with a definition of indoor commercial recreation for purposes of consistency and ease of use and modify the definition to provide examples of possible commercial indoor recreation uses; and

WHEREAS, the City desires to replace the definition of accessory use with a definition of accessory uses and structures to clarify a broad definition and provide a list of specific uses and structures that are considered accessory; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed amendments on December 21, 2005 pursuant to WAC 197-11-350; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on December 21, 2005 pursuant to RCW 36.70A.106; and

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

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

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

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

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

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

Section 1. Section 17.04.015 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.015 Accessory apartment.

"Accessory apartment" means a residential unit of up to 600 square feet with a functional kitchen, bath, and outside entrance, ~~of up to 600 square feet, attached to or on the same parcel as a single-family residence in an R-1 (single-family) in a residential zone.~~ Accessory apartments shall be under the same ownership as the primary residential unit ~~on the same parcel~~ with the owner living on-site in either unit. Accessory apartments shall not be condominiumized or otherwise sold separately.

Section 2. A new Section 17.04.017 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.017 Accessory uses and structures.

"Accessory uses and structures" means care taker dwelling units associated with non-residential uses, residential garages, sheds, similar outbuildings associated with the principal residential uses on the site and temporary buildings for and during construction.

Section 3. Section 17.04.025 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.025 Adult family home.

"Adult family home" is means a facility licensed pursuant to Chapter 70.128 RCW ~~or the regular family abode of a person or persons who are providing personal care, room and board to one adult not related by blood or marriage to the person providing the services~~ and is defined by RCW 70.128.010 as a residential home in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services.

Section 4. Section 17.04.050 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.050 Animal clinic.

"Animal clinic" means a ~~stationary facility that is under the direction of a veterinarian licensed by the state of Washington and is established to perform examination, diagnostic, prophylactic and medical services on small animals not requiring confinement or supervised care and which are normally kept as pets. Animal clinics shall not tend to poisonous reptiles or animals normally kept as farm animals~~ medical and surgical services on animals. Overnight indoor confinement related to medical and surgical services is allowed.

Section 5. A new Section 17.04.087 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.087 Automotive fuel dispensing facility.

"Automotive fuel dispensing facility" means any facility that is used for the sale of gasoline or other motor fuels, oil, lubricants and auto accessories, and may or may not include washing, lubricating and other minor services. Painting and/or body work activities are not allowed.

Section 6. Section 17.04.103 of the Gig Harbor Municipal Code is hereby repealed.

Section 7. Section 17.04.110 of the Gig Harbor Municipal Code is hereby repealed.

Section 8. Section 17.04.220 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.220 Clubs and lodges.

"Clubs and lodges" means an ~~incorporated or unincorporated association of persons organized for social, educational or charitable purposes.~~ a

building or group of buildings where members of an association or fraternal, cultural, or religious organization hold their meetings and may contain rooms available for temporary rental, and may contain a restaurant as allowed in the zone.

Section 9. Section 17.04.240 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.240 Commercial ~~family day~~ child care facility.

~~"Commercial family day~~ child care facility" means a state licensed business that provides child care ~~for more than 12 children~~ on a daily basis outside of the provider's dwelling.

Section 10. Section 17.04.264 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.264 ~~Day care~~ – Family day-care provider.

"Family day-care provider" means a state licensed day care provider as defined in RCW 74.15.020, who regularly provides day care for not more than 12 children in the provider's home in the family living quarters.

Section 11. Section 17.04.265 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.265 Coffee house.

~~"Coffee house" means an establishment serving food and nonalcoholic beverages that operates without a grille or deep-fat fryer~~ a restaurant 1 use that serves primarily coffee, tea and other nonalcoholic beverages.

Section 12. Section 17.04.268 of the Gig Harbor Municipal Code is hereby repealed.

Section 13. Section 17.04.285 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.285 ~~Drive-in restaurant.~~ Drive-through facility.

~~"Drive-in restaurant" means any food or beverage service establishment that contains the following characteristics:~~

~~A. An outside (drive-through) service window;~~

~~or~~

~~B. The provision of services to patrons who are in automobiles on the premises of the eating establishment.~~ "Drive-through facility" means an establishment, as allowed in the zone, that permits customers to receive services or products while remaining in their vehicles.

Section 14. A new Section 17.04.287 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.287 Dwelling, attached.

"Attached dwelling" means a dwelling that is connected to one or more dwellings by common vertical walls, horizontal floor, or a continuous roof structure.

Section 15. A new Section 17.04.288 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.288 Dwelling, duplex.

"Duplex dwelling" means a residential structure with two attached dwelling units and is constructed on a permanent foundation.

Section 16. A new Section 17.04.289 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.289 Dwelling, four-plex.

"Four-plex dwelling" means a residential structure with four attached dwelling units and is constructed on a permanent foundation.

Section 17. Section 17.04.290 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.290 Dwelling, multiple-family

"Multiple-family dwelling" means a residential building that is designed for or occupied by three or more families living independently of each other in separate but attached dwelling units and is constructed on a permanent foundation.

Section 18. Section 17.04.300 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.300 Dwelling, single-family

"Single-family dwelling" means ~~a detached building that is~~ a residential structure with one dwelling unit that is constructed on a permanent foundation, is designed for long-term human habitation exclusively by one family and constitutes one dwelling unit. For the intent and purpose of this title, a "factory-built dwelling" is classified as a single-family dwelling. A "mobile/manufactured dwelling" is not a single-family dwelling. Single-family dwellings are detached from other single-family dwellings except that accessory apartments may be attached to a single family dwelling.

Section 19. A new Section 17.04.301 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.301 Dwelling, tri-plex.

"Tri-plex Dwelling" means a residential structure with three attached dwelling units and is constructed on a permanent foundation.

Section 20. Section 17.04.310 of the Gig Harbor Municipal Code is hereby repealed.

Section 21. A new Section 17.04.326 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.326 Entertainment, commercial.

"Commercial entertainment" means any passive recreational activities including but not limited to movie theaters, performing arts theaters, concert halls, and arcades.

Section 22. A new Section 17.04.327 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.327 Equipment, heavy.

"Heavy equipment" means vehicles or machines capable of lifting or altering heavy objects, moving large quantities of earth and/or stone, extracting natural resources, harvesting, planting or maintaining agricultural/forest products, and other vehicles or machines performing large-scale work tasks. Heavy equipment includes, but is not limited to cranes, bulldozers, earth scrapers, tractors over 80 horsepower, and equipment of a similar nature.

Section 23. A new Section 17.04.328 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.328 Essential public facilities.

"Essential public facilities" include those facilities identified in RCW 36.70A.200 that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

Section 24. Section 17.04.400 of the Gig Harbor Municipal Code is hereby repealed

Section 25. A new Section 17.04.400 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.400 Government administrative office.

"Government administrative office" means a facility for the executive, legislative, judicial, administrative, and regulatory activities of local, state, federal, and international governments that may perform public services and work directly with citizens. Typical facilities include courthouses, human and social service offices, health offices, and government offices.

Section 26. Section 17.04.410 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.410 Home occupation.

"Home occupation" means any activity conducted for financial gain or profit in a dwelling unit by persons residing therein, and which activity is not generally or customarily characteristic of activities for which dwelling units are intended or designed. ~~§ and~~ such activity is clearly incidental or secondary to the residential use of a dwelling unit, ~~and is conducted only by persons residing in the dwelling units.~~

Section 27. Section 17.04.412 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.412 Hospital.

"Hospital" means a 24-hour, ~~emergency care and inpatient institution, in which sick or injured persons can receive medical or~~ and surgical treatment facility.

Section 28. Section 17.04.415 of the Gig Harbor Municipal Code is hereby repealed.

Section 29. A new Section 17.04.424 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.424 Industrial level 1.

"Industrial level 1" means the assembly, production, or storage of finished or semi-finished materials or components into a finished or semi-finished product. Acceptable uses must have minimal nuisance factors such as, but not limited to, noise, light, glare, odors, particulate emissions and hazardous waste. Examples of acceptable uses include contractor's office and/or shop, light assembly, light manufacturing, mailing and packaging facilities, warehousing, cinematography and video production facilities, linen, diaper and similar supply services and laundry facilities.

Section 30. A new Section 17.04.425 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.425 Industrial level 2.

"Industrial level 2" means the assembly, production, or storage of finished, semi-finished, or raw materials or components into a finished or semi-finished product. Acceptable uses may have moderate nuisance factors such as, but not limited to, noise, light, glare, odors, particulate emissions and hazardous waste. Examples of such uses include all Industrial Level 1 uses plus uses such as contractor's yards, moving companies, distribution facilities, frozen food lockers, commercial greenhouses and processing of raw materials, except that refining and smelting are not allowed.

Section 31. A new Section 17.04.431 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.431 Kennel.

"Kennel" means a commercial establishment in which domesticated animals are housed, groomed, bred, boarded, trained, or sold.

Section 32. A new Section 17.04.444 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.444 Lodging level 1.

"Lodging level 1" means a single-family residence which provides overnight lodging for guests, and may provide meals for overnight guests, not to exceed five guest rooms.

Section 33. A new Section 17.04.445 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.445 Lodging level 2.

"Lodging level 2" means an establishment providing sleeping accommodations with a majority of all guest rooms having direct access to the outside without the necessity of passing through the main lobby of the building, with or without food services, and may include conference facilities.

Section 34. A new Section 17.04.446 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.446 Lodging level 3.

"Lodging level 3" means an establishment providing sleeping accommodations with a majority of all guest rooms having direct access through the main lobby of the building, with or without food services, and may include conference facilities.

Section 35. Section 17.04.550 of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.542.

Section 36. Section 17.04.551 of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.544.

Section 37. Section 17.04.553 of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.546.

Section 38. A new Section 17.04.548 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.548 Marina.

"Marina" means a water-dependent facility consisting of a system of piers, buoys or floats which provides moorage and may include related services.

Section 39. A new Section 17.04.549 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.549 Marine boat sales level 1.

"Marine boat sales level 1" means a boat sales brokerage offering services to buyers and sellers, but without on-site outdoor, dry land storage and/or display yard.

Section 40. A new Section 17.04.550 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.550 Marine boat sales level 2.

"Marine boat sales level 2" means a boat sales brokerage offering services to buyers and sellers, with on-site outdoor display yard.

Section 41. A new Section 17.04.551 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.551 Marine industrial.

"Marine industrial" means the assembly, production, or storage of finished or semi-finished materials or components into a finished or semi-finished marine product, and includes the production or sale of fishing equipment and supplies, boat construction and dry land boat storage, sales of fisheries products for human consumption, and commercial fishing operations.

Section 42. A new Section 17.04.552 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.552 Marine sales and service.

"Marine sales and service" means marine related sales of items such as boating equipment, fishing equipment, hardware and supplies, fisheries products for human consumption, bait sales and boat repair.

Section 43. Section 17.04.555 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.555 Ministorage.

"Ministorage" means fully enclosed commercial storage facilities, available to the general public and used solely for the storage of personal property (~~see also "Warehousing"~~).

Section 43. Section 17.04.600 of the Gig Harbor Municipal Code is hereby repealed.

Section 45. Section 17.04.602 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.602 Museum.

~~A "museum" is an institution owned and operated by a nonprofit organization, tribal government, agency of local government, public facility district, or public development authority for which the primary purpose is the procurement, preservation, study, and display of objects of lasting interest or value, and the interpretation of history, heritage art, or culture. Such institutions may also include a museum store, food service, instruction rooms and assembly hall consistent with the mission and purpose of the institution.~~ "Museum" means a building or place for the acquisition, conservation, study, assembly and public display and/or exhibition, and educational interpretation of objects having historical, cultural, scientific, or artistic value.

Section 46. Section 17.04.630 of the Gig Harbor Municipal Code is hereby repealed.

Section 47. A new Section 17.04.630 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.630 Nursing facility, skilled.

"Skilled nursing facility" means a care facility or a distinct part of a facility licensed or approved as a skilled nursing facility or nursing home, infirmary unit of a retirement complex, or a governmental medical institution.

Section 48. A new Section 17.04.645 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.645 Parking lot, commercial.

"Commercial parking lot" means an off-street parking area, a majority of which is available to the public, and such parking is the primary use of the site.

Section 49. A new Section 17.04.653 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.653 Parks.

"Parks" mean land used for active and passive recreation including, but not limited to, local and regional parks, playgrounds, ballfields, water access facilities and non-mechanical boat launches.

Section 50. A new Section 17.04.657 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.657 Personal services.

"Personal services" means an establishment engaged in providing services involving non-medical 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, photography studios, dance schools, karate schools, exercise facilities, postal services, financial institutions, and photocopying services.

Section 51. A new Section 17.04.677 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.677 Product services level 1.

"Product services level 1" means businesses engaged in servicing, repair or maintenance of small personal items such as shoes, small appliances, computers, watches and clocks, jewelry, and clothing, etc.

Section 52. A new Section 17.04.678 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.678 Product services level 2.

"Product services level 2" means all product services level 1 uses plus large appliance repair, auto repair, boat repair and garden equipment repair.

Section 53. Section 17.04.680 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.680 Professional office or services.

~~"Professional office or services" is the use of a facility or structure for the provision of a specialized service or skill. Professional offices or services are not involved in the sale or lease of a product or merchandise on-site~~

means specialized services or skills provided in an office setting, such as lawyers, licensed health care providers, architects, engineers, consultants, accountants and financial advisors.

Section 54. Section 17.04.690 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.04.690 Public facility /private services.

"Public facility /private services" means a structure or grouping of structures or use of land which is owned or operated by a public institution, either city, county, state or federal uses such as libraries, fire stations, police stations, government and school maintenance and storage facilities, and public parking lots.

Section 55. Section 17.04.692 of the Gig Harbor Municipal Code is hereby repealed.

Section 56. A new Section 17.04.692 is hereby added to the Gig Harbor Municipal Code, which shall 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, bowling, skating, and swimming.

Section 57. Section 17.04.693 of the Gig Harbor Municipal Code is hereby repealed.

Section 58. A new Section 17.04.693 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.693 Recreation, outdoor commercial.

"Outdoor commercial recreation" means any outdoor active recreational use, including but not limited to tennis, golf, outdoor fitness centers, skating and swimming.

Section 59. A new Section 17.04.702 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.702 Restaurant 1.

"Restaurant 1" means an establishment that serves food and nonalcoholic beverages and operates without a grill or deep-fat fryer.

Section 60. A new Section 17.04.703 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.703 Restaurant 2.

"Restaurant 2" means an establishment that prepares and serves food and nonalcoholic beverages.

Section 61. Section 17.04.704 of the Gig Harbor Municipal Code is hereby repealed.

Section 62. A new Section 17.04.704 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.704 Restaurant 3.

"Restaurant 3" means an establishment that prepares and serves food and alcoholic beverages.

Section 63. Section 17.04.705 of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.712.

Section 64. Section 17.04.706 of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.713.

Section 65. A new Section 17.04.708 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.708 Sales, ancillary.

"Ancillary sales" means sales directed towards the employees or patrons of a primary permitted use with no exterior signage.

Section 66. A new Section 17.04.709 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.709 Sales level 1.

"Sales level 1" means general sales including grocery stores, hardware stores, variety stores, nurseries, pharmacies, bakeries, flower shops, and similar general retail uses.

Section 67. Section 17.04.710 of the Gig Harbor Municipal Code is hereby renumbered to Section 17.04.715.

Section 68. A new Section 17.04.710 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.710 Sales level 2.

"Sales level 2" means automobiles, trucks, motorcycles, recreational vehicles, boats and trailer sales.

Section 69. A new Section 17.04.711 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.711 Sales level 3.

"Sales level 3" means heavy equipment sales and rentals, and including outdoor bulk sales of building and landscaping supplies.

Section 70. A new Section 17.04.716 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.716 School, higher educational.

"Higher educational school" means a public or private post secondary educational facility.

Section 71. A new Section 17.04.717 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.717 School, primary.

"Primary school" means a public or private Washington State accredited K-8 school, including accessory playgrounds and athletic fields.

Section 72. A new Section 17.04.718 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.718 School, secondary.

"Secondary school" means a public or private Washington State accredited 9-12 school, including athletic fields

Section 73. A new Section 17.04.719 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.719 School, vocational/trade.

"Vocational/trade school" means a public or private educational facility teaching skills that prepare students for jobs in a trade or occupation.

Section 74. A new Section 17.04.795 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.795 Tavern.

"Tavern" means an establishment that serves alcoholic beverages as its primary use.

Section 75. Section 17.04.860 of the Gig Harbor Municipal Code is hereby repealed.

Section 76. A new Section 17.04.860 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.860 Utilities.

"Utilities" includes public or private domestic water systems, storm and sanitary sewer systems, electric distribution systems, telephone systems, and water storage facilities, excluding wireless communication facilities.

Section 77. Section 17.04.873 of the Gig Harbor Municipal Code is hereby repealed.

Section 78. A new Section 17.04.873 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.873 Vehicle wash.

"Vehicle wash" means an area of land and/or a structure used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

Section 79. A new Section 17.04.878 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.04.878 Yacht club.

"Yacht club" means a building or group of buildings where members of a boating association hold their meetings and may contain rooms and/or dwelling units available for temporary rental, and may contain a restaurant as allowed in the zone.

Section 80. Section 17.15.010 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.15.010 Intent and definitions

A. The public-institutional district is intended provide for the siting and maintenance of publicly owned facilities and institutions which could not be reasonably sited in any other district.

B. "Public facilities" are defined in RCW 36.70A.030(12) as streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities and schools. The term "public facilities," as used in this chapter, shall mean any use, activity or facility which is owned and operated by the city of Gig Harbor, the Peninsula School District, Pierce County or any incorporated city within Pierce County and the state of Washington, including any office of the state of Washington.

~~C. "Essential public facilities" are defined in RCW 36.70A.200 as those facilities are typically difficult to site, such as airports, state educational facilities and state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities~~

~~including substance abuse facilities, mental health facilities and group homes.~~

D C. For existing facilities, the PI district shall be applied accordingly. For new facilities, the PI district shall be applied in conjunction with an application for site plan review.

Section 81. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 82. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 12th day of June, 2006.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 5/17/06
PASSED BY THE CITY COUNCIL: 6/12/06
PUBLISHED: 6/21/06
EFFECTIVE DATE: 6/26/06
ORDINANCE NO: 1046