

ORDINANCE NO. 1030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, CONDITIONALLY PERMITTING INDEPENDENT LIVING FACILITIES IN THE GENERAL BUSINESS DISTRICT (B-2); AMENDING SECTION 17.36.030 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, currently, independent living facilities are not permitted or conditionally permitted in the General Business District (B-2); and

WHEREAS, residences and hospitals, clinics and establishments for people convalescing from illness or operation are conditionally permitted uses in the General Business District (B-2) and independent living facilities are comparable to these uses; and

WHEREAS, independent living facilities are permitted or conditionally permitted in these other commercial/ industrial zones: Residential and Business Districts (RB-1 and RB-2), Downtown Business District (DB), Commercial District (C-1), Employment District (ED), Planned Community Development Commercial zone (PCD-C) and Neighborhood Commercial District (B-1); and

WHEREAS, the intent of the General Business District (B-2) is to provide areas that offer a wide range of consumer goods and services.

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed amendments on November 23, 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 October 31, 2005 pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on January 5, 2006 and made a recommendation of approval to the City Council; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of January 23, 2006 and February 13, 2006; Now, Therefore,

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

Section 1. Section 17.36.030 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.36.030 Conditional uses.

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

- A. Utilities and public service uses such as libraries, electrical substations, water storage facilities, etc.;
- B. Light manufacturing and assembly;
- C. Miniwarehouses;
- D. Recreational buildings and community centers;
- E. Drive-in restaurants;
- F. Radio and television transmission towers;
- G. Residences; and
- H. Hospitals, clinics and establishments for people convalescing from illness or operation;
- I. Independent living facilities.**

Section 3. 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 4. 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 13th day of February, 2006.

APPROVED:

MAYOR, CHARLES L. HUNTER

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: 1/18/06
PASSED BY THE CITY COUNCIL: 2/13/06
DATE PUBLISHED: 2/22/06
DATE EFFECTIVE: 2/27/06