

## ORDINANCE NO. 1011

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, SPECIFYING THAT THE REGULATIONS APPLICABLE TO NONCONFORMING STRUCTURES AND USES OF LAND IN THE ZONING CODE APPLY TO NONCONFORMING DEVELOPMENT AND USES WITHIN THE JURISDICTION OF THE CITY'S SHORELINE MASTER PROGRAM ONLY TO THE EXTENT THAT THEY ARE CONSISTENT, OTHERWISE THE SHORELINE MASTER PROGRAM CONTROLS, ADDING A NEW SECTION 17.68.015 TO THE GIG HARBOR MUNICIPAL CODE, AND REPEALING SECTION 17.68.090.**

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WHEREAS, the City's Shoreline Master Program includes regulations relating to nonconforming uses and nonconforming developments within the shoreline jurisdiction; and

WHEREAS, the City also has a chapter in the Zoning Code relating to Nonconformities; and

WHEREAS, the City Council wishes to clarify its intent that the regulations in the Zoning Code relating to Nonconformities only apply within the area regulated under the City's Shoreline Master Program to the extent that the two are consistent, otherwise, the Shoreline Master Program controls; and

WHEREAS, this ordinance was sent to the Department of Community, Trade and Development at least 60 days prior to adoption, pursuant to RCW 36.70A; and

WHEREAS, the Gig Harbor SEPA Responsible Official has reviewed this Ordinance and determined that it is exempt from SEPA, pursuant to WAC 197-11-800(20);

WHEREAS, the Planning Commission held a public hearing on this Ordinance on July 21, 2005, and recommended that the City Council approve the Ordinance; and

WHEREAS, the City Council considered the Planning Commission's recommendation and this Ordinance during its regular meeting of August 8, 2005; NOW, THEREFORE,

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

Section 1. A new Section 17.68.015 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**17.68.015. Applicability to property regulated under the Shoreline Master Program.** This chapter shall apply to property within the jurisdiction of the Shoreline Management Act and regulated under the City's Shoreline Master Program, but only to the extent that it is consistent with the City's Shoreline Master Program. In the event that there is a conflict, the provisions of the Shoreline Master Program shall apply.

Section 2. Section 17.68.090 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of a summary, consisting of the title.

PASSED by the Gig Harbor City Council and the Mayor of the City of Gig Harbor this 22nd day of August, 2005.

CITY OF GIG HARBOR

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GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

By: \_\_\_\_\_  
CAROL A. MORRIS, CITY ATTORNEY

FIRST READING: 8/3/05

DATE PASSED: 8/22/05

DATE OF PUBLICATION: 9/28/05

EFFECTIVE DATE: 10/3/05