

ORDINANCE NO. 975

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, REPEALING GIG HARBOR MUNICIPAL CODE SECTIONS 17.98.010, 17.98.030, 17.98.035, 17.98.040, 17.98.050, 17.98.060, and 17.98.070; ADOPTING NEW SECTIONS 17.98.010, 17.98.030, 17.98.035, 17.98.040, 17.98.050, 17.98.060, 17.98.080 WHICH INCLUDE PROCEDURES FOR REVIEW OF APPLICATIONS REQUESTING DESIGN REVIEW APPROVAL, DEFINE THE PROPER APPLICATION OF DESIGN MANUAL REGULATIONS; ALLOW FOR A FINAL ADMINISTRATIVE APPROVAL OF ALL DESIGN REVIEW APPLICATIONS MEETING THE SPECIFIC REQUIREMENTS OF THE DESIGN MANUAL REGULATIONS; ALLOW FOR A PUBLIC MEETING AND DESIGN REVIEW BOARD RECOMMENDATION PROCESS FOR ALL DESIGN REVIEW APPLICATIONS NOT MEETING THE SPECIFIC REQUIREMENTS OF THE DESIGN MANUAL REGULATIONS; ADOPT DESIGN REVIEW GOALS; ADOPT PROCEDURES AND CRITERIA FOR DESIGN REVIEW VARIANCES; ADOPT PROCEDURES FOR APPEALS OF DESIGN REVIEW DECISIONS TO BE CONSISTENT WITH TITLE 19 GHMC; AND ADOPT AN EXPIRATION DATE FOR DESIGN REVIEW DECISIONS; ALSO AMENDING SECTION 17.98.020 TO REPEAL ALL DESIGN MANUAL STANDARDS EXCEPT FOR COMMON AREA REQUIREMENTS AND TO REFERENCE AMENDED DESIGNS STANDARDS THAT WILL BE INCORPORATED INTO THE GIG HARBOR MUNICIPAL CODE; ALSO, AMENDING THE FOLLOWING SECTIONS OF THE GIG HARBOR MUNICIPAL CODE TO ELIMINATE INCONSISTENCIES BETWEEN SAID SECTIONS AND THE CITY'S DESIGN MANUAL STANDARDS: 17.15.060; 17.15.090; 17.16.060; 17.16.070; 17.17.040; 17.20.060; 17.21.040; 17.24.060; 17.28.050; 17.28.060; 17.28.090; 17.30.070; 17.31.060; 17.31.080; 17.31.110; 17.32.033; 17.32.080; 17.36.060; 17.36.080; 17.36.120; 17.40.080; 17.40.100; 17.40.120; 17.41.030; 17.45.040; 17.46.040; 17.46.060; 17.48.040; 17.48.060; 17.48.090; 17.50.040; 17.50.060; 17.50.090; 17.54.030; 17.56.030; 17.60.020; 17.62.030; 17.78.050; 17.78.060; 17.78.070; 17.78.080; 17.78.090; 17.78.120; 17.91.040; ALSO AMENDING SECTION 17.98.020 TO REPEAL ALL OF EXISTING DESIGN MANUAL EXCEPT FOR COMMON AREA STANDARDS; ALSO ADDING TO THE GIG HARBOR MUNICIPAL CODE THE FOLLOWING NEW SECTIONS: 17.16.090; 17.20.070; 17.28.085; 17.32.050;

**17.32.100; 17.32.120; 17.46.090; 17.98.080; 17.98.090 ALSO
REPEALING SECTION 17.32.050;**

WHEREAS, The City of Gig Harbor's Comprehensive Plan Design Element, adopted November 28, 1994, on pages 18 – 34 includes several goals and policies relating to community design and states on page 18 that more specific guidelines must be developed to achieve said goals; and,

WHEREAS, the City adopted by reference a Design Manual on August 26, 1996 under Ordinance 735, which adopted Chapter 17.98, Design standards & Review; and

WHEREAS, the adoption of the Design Manual resulted in inconsistencies between zoning code standards and Design Manual standards; and

WHEREAS, the City is in the process of amending its design standards and incorporating them into the Gig Harbor Municipal Code; and

WHEREAS, incorporating the Design Manual into the Municipal Code will require repeal of multiple sections of Chapter 17.98, which adopted the Design Manual by reference as a separate document; and

WHEREAS, incorporating the design manual into the municipal code requires sections of Chapter 17.98 to reflect the adoption of the Design Manual as a new chapter in the Municipal Code and also to define the procedures for the process of applications for design review; and

WHEREAS, the City's SEPA Responsible Official issued a determination of Non-significance for the proposed amendments on June 4, 2004, 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 June 4, 2004, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on July 1, 2004, and made a recommendation of approval to the City Council; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of October 25, 2004 and held a public hearing on November 8, 2004; Now, Therefore,

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

Section 1. Section 17.98.010 of the Gig Harbor Municipal Code is hereby repealed:

Section 2. Section 17.98.030 of the Gig Harbor Municipal Code is hereby repealed:

Section 3. Section 17.98.035 of the Gig Harbor Municipal Code is hereby repealed:

Section 4. Section 17.98.040 of the Gig Harbor Municipal Code is hereby repealed:

Section 5. Section 17.98.050 of the Gig Harbor Municipal Code is hereby repealed:

Section 6. Section 17.98.060 of the Gig Harbor Municipal Code is hereby repealed:

Section 7. Section 17.98.070 of the Gig Harbor Municipal Code is hereby repealed:

Section 8. A new Section 17.998.010 is hereby adopted, to read as follows:

17.98.010 Intent.

A. This chapter and the design manual chapter 17.99 are intended to implement the goals and policies established in the design element of the city's comprehensive plan by providing design standards and procedures for the review of projects described in GHMC 17.98.030 to determine compliance with design standards contained in Chapter 17.99.

B. Gig Harbor's design review goals are to:

1. Encourage design and site planning that:
 - a. Complements the existing character of

Gig Harbor.

b. Relates visually and physically to surrounding development.

c. Promotes pedestrian usage.

2. Provide options in project design.

3. Facilitate dialogue between project proponents and the City's Design Review Board in a public meeting setting.

4. Increase public awareness of design issues and design options.

5. Provide an objective basis for decisions

which affect both individual projects and the City of Gig Harbor as a whole.

6. Ensure that the intent of goals and objectives contained within the City of Gig Harbor's comprehensive plan are met.

C. The design review process is not intended to determine the appropriateness of any given use on a given site or to address technical requirements, which are otherwise reviewed under the site plan review process. It is intended to protect the general health, safety and welfare of the citizens by protecting property values; protecting the natural environment; promoting pedestrian activities; promoting community pride; protecting historical resources; preserving the aesthetic qualities which contribute to the city's small town characteristics which have attracted residents, businesses and customers; and promoting the economic viability of the community by preserving and creating well designed commercial districts which attract customers and businesses. The design review process provides an opportunity for new development to enhance Gig Harbor's character more effectively than through application of standard zoning regulations.

Section 9. Section 17.98.020 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.020 Design manual.

The city's design standards are contained in Chapter 17.99, Design Manual

In those cases where provisions of this chapter or Chapter 17.99 are different than or contradict standards contained in other chapters of Title 17, the standards in this chapter and Chapter 17.99 shall prevail.

Section 10. Section 17.98.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

~~The City's design standards are primarily contained in the design manual which is hereby adopted by the City. The 1996 Design Manual adopted by the City in Ordinance 735 is hereby repealed, with the exception of pages 31 through 34 of the 1996 Design Manual, which shall remain effective. A copy of pages 31 through 34 of the 1996 Design Manual is on file with the city clerk. In those cases where the design manual is found to be in conflict with performance standards of the zoning code, the standards in the design manual shall prevail. The design manual shall be reviewed by the planning commission two years after the date of the adoption of Ordinance No. 787 to evaluate its effectiveness.~~

Section 11. Section 17.98.030 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.98.030 Design Manual Chapter applicability.

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

building permit, clearing and grading permit, or which are part of a project or development requiring a site plan, conditional use permit or utility extension agreement.

B. Applicability and Review of Historic District Design Standards. The historic district design Standards of the Chapter 17.99 shall apply to all activities described in subsection A of this section in the entire historic district, except that in the R-1 ~~zone~~ district within the historic district, at the option of the property owner, development shall conform strictly to either the setback standards contained in Section 2.9.01 of Chapter 17.99 GHMC and the height standards contained in Section 3.14.02 of Chapter 17.99 GHMC, or, alternatively, the setback and height standards of Chapter 17.16 GHMC Section 17.16.090 GHMC, and height standards contained in the Design Manual Chapter 17.99. Exercise of this option by the property owner shall not affect the city's ability to require compliance with all other applicable codes. Exercise of this option precludes a property owner, or any subsequent property owner, from applying any of the setback and height standards contained in Chapter 17.99 on any structure or development on the site unless all existing structures or development not conforming to the setback and height standards of Chapter 17.99 are removed.

Section 12. A new Section 17.98.035 is hereby adopted, to read as follows:

17.98.035 Design review criteria.

All sections of this chapter or Chapter 17.99 which provide criteria for DRB design review shall be considered criteria for design review approval. Design exceptions shall be processed in accordance with the criteria and procedures set forth in GHMC 17.98.060. General and administrative variances are processed as set forth in Chapter 17.66 GHMC.

Section 13. A new Section 17.98.040 is hereby adopted, to read as follows:

17.98.040 Design review application requirements.

Projects which require design review in one or more of the categories listed under subsections A through E of this section shall be reviewed under one application addressing each category under review, or under a separate application for each individual category. To be considered complete, a completed application form along with required design review fees must be submitted to the city community development department. The application must identify the requested categories of design review. In addition, the following information must be submitted with applications for each category of requested design review.

A. Site Plan Review.

1. Site Plan. A site plan, drawn to scale no smaller than one inch equals 30 feet showing location and size of all structures, buffer areas, yards, open spaces, common areas or plazas, walkways, and vehicle areas.
 2. Vegetation Plan. A significant vegetation plan which accurately identifies the species, size and location of all significant vegetation within the buildable area and within five feet of all setback lines.
 3. Landscape Plan. A preliminary landscape plan showing the species, size and location of all significant natural vegetation to be retained.
 4. Site Section Drawings. Section drawings which illustrate existing and proposed grades in specified areas of concern that may be identified by the staff. Alternatively, a topographic map of the property, delineating contours, existing and proposed, at no greater than five-foot intervals and which locates existing streams, marshes and other natural features may be submitted.
 5. Grading and Drainage Plan. An accurate grading and drainage plan which indicates all cuts, fills and required areas of disturbance necessary to construct all retaining walls and structures.
 6. Utilities Plan. A utilities plan showing location of utilities in relation to landscape and buffer areas, including, but not limited to, the size and capacity of all vaults, transformers, and any on-site fixtures, structures or supports related to the utility, and the location of all lines, pipes or linear conductors or transporters, and the width of the area of disturbance required to install and maintain said utilities (utility plan must be consistent with proposed areas of nondisturbance).
- B. Landscaping and Paving Review.
1. Final Landscape Plan. A final landscape plan showing type, size, species, and spacing of all retained and new vegetation.
 2. Irrigation Plan. Showing irrigation of all domestic vegetation.
 3. Paving Materials. Description of all pedestrian and vehicular paving materials. Descriptions must specify type, color and texture.
- C. Architectural Design Review.
1. Elevation Drawings. Complete elevation drawings of all buildings showing all trim details, dimensions and proposed materials including roofing, siding, windows and trim.
 2. Sign Plan. A master sign plan or individual sign plans showing the location of signage on buildings, consistent with Chapter 17.80 GHMC.
 3. Architectural Lighting Details. Details on all lighting proposals which affect architectural detailing (e.g., indirect lighting), or which are for architectural enhancement.
 4. Screening Details. Details on how all mechanical and utility equipment will be screened.
- D. Color and Material Review.
1. Color Palette. A color palette of the building's exterior including roof, siding, trim.
 2. Material Samples. Sample colors of all factory finished materials including roofing and masonry materials.
 3. Fencing Details. Color, type and specification of all fencing materials.
- E. Outdoor Lighting and Accessories Review.
1. Light Fixture Details. The type, model, color, location, height, wattage and area of illumination for all outdoor light fixtures.
 2. Accessory Details. The type, model, color, and location of all outdoor furniture, trash receptacles and accessories.

Section 14. A new Section 17.98.050 is hereby adopted, to read as follows:

17.98.050 Design review and project approval.

The applicant shall choose one of the following application review paths, based upon whether or not the application strictly conforms to the specific design standards of Chapter 17.99:

A. ~~Director's Review.~~ Administrative Approval. A design review application may be processed by the director as follows:

1. The application shall be reviewed for compliance with the specific requirements of Chapter 17.99 and all other applicable codes. The director shall issue a ~~final~~ decision approving the application or portions thereof if he/she finds that the application or portions of the application satisfy the strict requirements of Chapter 17.99 design standards. The director shall not approve any application or portion thereof that does not comply with applicable codes.
2. An applicant may choose to submit an application for review by the director on a single category or multiple categories from GHMC 17.98.040. If an applicant chooses to submit fewer than all categories from GHMC 17.98.040, the director shall only provide preliminary decisions on each category. Once the city has received a complete application (~~meaning that all information has been submitted for processing of all categories listed in GHMC 17.98.040~~), for all categories from GHMC 17.98.040, the director shall issue a final decision on the entire application those portions of the application submitted for administrative approval. The preliminary decisions made by the director on each category may be different from the final decision on ~~the entire application, with regard to each category.~~
3. A notice of complete application shall not be issued until the city has received a complete application (as described in GHMC 17.98.040). A notice of application shall be issued for any complete application processed under this subsection A, as set forth in GHMC Title 19 for a Type III project permit application. The complete application shall otherwise be processed as a Type II project permit application, and a final decision shall be issued on a complete application before the deadline established in GHMC 19.05.009. If the final decision is appealed, the appeal shall be considered in an open record hearing, as described in GHMC Title 19.

B. ~~Design Review Board Review~~ Recommendation. A design review application may be processed ~~for review by the design review board~~ as follows:

1. The board shall review an application or that portion of an application which does not strictly conform to the specific requirements of Chapter 17.99 design standards under the following criteria:
 - (i) whether the alternative design presented by the application represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying specific requirements; and
 - (ii) whether the alternative design meets the intent of the general requirements of the Design Manual Chapter 17.99. The design review board shall not review or make a recommendation on any application or portion of an application that does not satisfy all other applicable codes.
2. The board's processing of an application or portion of an application under this subsection is exempt from project permit processing in GHMC Title 19. If an applicant chooses to submit an application for review by the board, it shall

submit a written waiver acknowledging that the application or portion thereof will not be processed under GHMC Title 19, except to the extent described in this subsection B.

3. If an applicant chooses to submit fewer than all categories from GHMC 17.98.040, the board shall only provide preliminary recommendations on each category. Once the city has received a complete application (~~meaning that all information has been submitted for processing of~~ for all categories listed in GHMC 17.98.040), the board shall issue a final recommendation on ~~the entire application~~ those portions of the application submitted for Design Review Board review. This recommendation may be different from the preliminary recommendation provided on each of the categories listed in GHMC 17.98.040 with regard to each category.

4. A notice of complete application shall be issued on the application once the city has received a complete application (as described in GHMC 17.98.040). A notice of application shall be issued for any complete application processed under this subsection, as set forth in GHMC Title 19 for a Type III project permit application.

5. An application for the board's review of a category listed in GHMC 17.98.040 or a complete application shall proceed as follows:

- a. The planning staff shall send notice of a public meeting to property owners within 300 feet of the subject property.
- b. The public meeting shall be scheduled to be held in the same manner as a public hearing, as set forth in GHMC 19.03.003.
- c. The board shall hold a public meeting on the application or the portion of the application.
- d. After the public meeting, the city staff shall draft the board's preliminary recommendation or recommendation on the application or portion thereof.
- e. Once a complete application has received a recommendation from the board, an open public hearing before the hearing examiner shall be scheduled for the application or both the application and the underlying permit application.
- f. Notice of the public hearing shall be sent as provided in GHMC 19.03.003.

Section 15. A new Section 17.98.060 is hereby adopted, to read as follows:

17.98.060 Exceptions.

A. Processing. An exception requested under this section shall be processed in conjunction with a design review application, and shall follow the procedures for permit processing by the board as set forth in GHMC 17.98.050(B). An exception is used in those situations in which an applicant does not provide an alternative design to the requirements of the Design Manual Chapter 17.99.

B. The requirements for a complete design exception application are:

1. Submittal of a complete design review application as set forth in GHMC 17.98.040.
2. A written statement describing the requested exception.
3. A written statement justifying the granting of the requested exception pursuant to the criteria of subsection D of this section.

C. Board Action. The board shall issue a recommendation to the hearing examiner on an exception application.

D. Criteria for Approval. All of the following circumstances must be shown to exist for approval of a design exception:

1. Special conditions and circumstances exist which render a specific requirement of the Chapter 17.99 design standards unnecessary, given the location and intended use of the proposed development;

2. The special conditions and circumstances are characteristic of the proposed general use of a site and not of a specific tenant;
3. The special conditions and circumstances are not representative of typical retail, professional office or residential type development which may be allowed within the zoning district;
4. The requested exception is based upon functional consideration rather than economic hardship, personal convenience or personal design preferences;
5. Architectural changes in the project design as a result of the exception have been sufficiently compensated by other architectural embellishments, and site plan changes as a result of the exception have been sufficiently compensated by other site amenities; and
6. The requested exception will not result in a project which is inconsistent with the intent and general scope of the Design Manual standards of Chapter 17.99.

Section 16. A new Section 17.98.070 is hereby adopted, to read as follows:

17.98.070 Recommendations, decisions and appeals.

A. The decision rendered by the director or the recommendation by the design review board shall be in writing. The design review board chair shall sign the recommendation to be forwarded to the hearing examiner.

B. The decision/recommendation shall describe the facts surrounding the application, the applicable Design Manual provisions triggered by the application, include an analysis of the facts and applicable design manual provisions to the facts, and shall include conclusions supporting the approval, denial or recommendation for approval or denial under the design manual.

C. A decision of the director may be appealed as set forth in GHMC Title 19 for a Type II project permit application. A recommendation of the design review board on an application or exception will be acted upon by the hearing examiner in an open record hearing either on the design review application or the underlying project permit application.

Section 17. A new Section 17.98.080 is hereby adopted, to read as follows:

17.98.080 Design Review Decision Chart

Design Review Decision Chart				
	Categorical Review		Full Review	
	Admin ¹	DRB ²	Admin.	DRB
Notice of Complete Application	No	NO	Yes	Yes
Notice of Application	No	No	Yes	Yes
Public Meeting	No	Yes	No	Yes
Preliminary Recommendation	Yes	Yes	No	No

Final Recommendation	No	No	No	Yes (To HEX ³)
Preliminary Decision	Yes	No	No	No
Final Decision	No	No	Yes	Yes (By HEX)
Appealable Decision	No	No	Yes (To HEX)	Yes (To Superior Court)
¹ DRB = Design Review Board Recommendation Option ² Admin. = Administrative Approval Option ³ HEX = Hearing Examiner				

Section 18. A new Section 17.98.020 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.98.090 Duration of Approval

Construction on projects that receive design approval must commence within 24 months from the date of final design approval; otherwise, the approval of the project becomes null and void.

Section 19. Section 17.15.060 of the Gig Harbor Municipal Code is hereby amended 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, except as provided for under Chapter 17.62 GHMC, Height restriction area, and except as provided under Section 3.3.01(1)(c) of Chapter 17.99 GHMC. (Ord. 706 § 1, 1996).

Section 20. Section 17.15.090 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.15.090 Performance standards.

In a PI district, the performance standards are as follows:

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

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC and/or conditions of approval of discretionary applications required by this title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.

D. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the provisions of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that the 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.

E. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary

to building design and materials. (Ord. 706 § 1, 1996).

F. Design. All design and development standards contained in Chapter 17.99 GHMC are applicable in the PI district.

Section 21. Section 17.16.060 of the Gig Harbor Municipal Code is hereby amended as follows:

17.16.060 Development standards.

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

A. Minimum lot area per building site

for short plats¹ 12,000 sq. ft.

B. Minimum lot width¹ 70'

C. Minimum front yard setback² ~~25'~~

D. Minimum rear yard setback² ~~30'~~

E. Minimum side yard setback² ~~8'~~

F. Maximum impervious lot coverage 40%

G. Minimum street frontage 20'

H. Maximum density³ 3 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.~~

As defined in Section 2.6 and 2.9 of Chapter 17.99 GHMC

³A maximum density of up to four dwelling units per acre may be permitted within a planned residential development, pursuant

to Chapter 17.89 GHMC. (Ord. 710 § 6, 1996; Ord. 573 § 2, 1990. Formerly 17.16.070).

Section 22. Section 17.16.070 of the Gig Harbor Municipal Code is hereby amended as follows:

17.16.070 Maximum height of structures.

In an R-1 district, all buildings and structures shall not exceed 35 feet except as provided for under Chapter 17.62 GHMC, Height restriction area, and as provided under Sections 3.3.01(1)(c), 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 7, 1996; Ord. 573 § 2, 1990. Formerly 17.16.070).

Section 23. A new Section 17.16.090 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.16.090 Alternative setback and height standards for R-1 District within Historic District.

In an R-1 district located within the historic district, the following alternative setback and height provisions may be applied in lieu of the height and setback standards contained in Chapter 17.99:

A. Minimum front yard setback 25'

B. Minimum rear yard setback 30'

C. Minimum side yard setback 8'

D. Maximum building height, 16 feet above the highest point of natural grade as measured along or within the building footprint.

Section 24. Section 17.16.090 of the Gig Harbor Municipal Code is hereby amended as follows:

17.16.90 Design of structures.

All structures shall conform to the design standards for single-family dwellings as defined in Section 3.13 and 3.14 of Chapter 17.99 GHMC, as well as all other provisions of Chapter 17.99 applicable to single family development.

Section 25. Section 17.17.040 of the Gig Harbor Municipal Code is hereby amended as follows:

17.17.040 Performance standards.

A. Density. Maximum base density is four dwelling units per gross acre. Additional density may be allowed using either of the following options:

1. Bonus Density Option. A bonus density

of up to 30 percent over the base may be permitted, based upon the following allocations:

a. Thirty percent of the development site

is common open space, which must be contiguous or larger than one acre in area (plus five percent).

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

c. A minimum 35 percent of the required

common open space is improved as an active recreational area (plus 10 percent). Active recreational areas shall include, but not be limited to:

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

ii. Recreation center or community facility.

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

2. Density Credit Transfers. A transfer of density credits may be applied from one residential district within the PCD district to the RLD district up to a maximum of seven dwelling units per acre. Density credit transfers shall be as provided for in the density credit transfer section, in

Chapter 17.59 GHMC. Density credit transfers may be used in conjunction with bonus density options to achieve the maximum allowable density of seven dwelling units per acre.

B. General.

1. Maximum density is four dwelling units per structure in attached single-family dwellings.
2. Each unit must have individual private yards or courts enclosed by a wall, berm or dense landscaping.
3. Private easements shall be required for all zero lot line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.
4. Minimum yards (from the property 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. As defined in Section 2.6 of Chapter 17.99.
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. The maximum height is 35 feet.
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 Chapter 17.78 GHMC.
10. 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.~~ single-family structures, attached or detached, shall comply with the design standards defined in Section 3.13 of Chapter 17.99.
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. (Ord. 747 § 1, 1997).

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

Section 26. Section 17.20.060 of the Gig Harbor Municipal Code is hereby amended as follows:

17.20.060 Maximum height of structures.

In an R-2 district, all buildings and structures shall not exceed 35 feet, except as provided for under Chapter 17.62 GHMC, Height restriction area and as provided for under Section 3.3.01(1)(c), 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 14, 1996; Ord. 573 § 2, 1990).

Section 27. A new Section 17.20.070 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.20.70 Design.

All structures shall conform to the design standards defined for single-family dwellings as provided in Section 3.13 of Chapter 17.99 GHMC. Non-residential development shall conform to all non-residential design standards defined in Chapter 17.99.

Section 28. Section 17.21.040 of the Gig Harbor Municipal Code is hereby amended as follows:

17.21.040 Performance standards.

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

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

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

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

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

i. Clearly defined athletic fields

and/or activity courts.

ii. Recreation center or community facility.

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

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

B. General.

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

2. Minimum yards (from the property line):

Multi-family 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:

As defined in Section 2.6 of Chapter 17.99 GHMC.

3. Maximum Height. The maximum height is 45 feet, except as provided under Section 3.3.01(1)(c) of Chapter 17.99 GHMC.

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

5. Landscaping. Landscaping shall comply with the requirements of Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC.

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 ~~residential structures of four or more attached dwelling units and all nonresidential structures~~ development shall comply with the standards of ~~the city of Gig Harbor design manual~~ Chapter 17.99 GHMC.
8. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC. (Ord. 747 § 2, 1997).

Section 29. Section 17.24.060 of the Gig Harbor Municipal Code is hereby amended as follows:

17.24.060 Maximum height of structures. In an R-3 district, all buildings and structures shall not exceed 35 feet in height except as provided for under Chapter 17.62 GHMC, Height restriction area and as provided under Sections 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 18, 1996; Ord. 573 § 2, 1990).

Section 30. A new Section 17.24.070 is hereby added to the Gig Harbor Municipal Code, 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 non-residential development shall conform to all applicable design standards of Chapter 17.99 GHMC.

Section 31. Section 17.28.050 of the Gig Harbor Municipal Code is hereby amended as follows:

17.28.050 Minimum development standards.

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

	Residential	Nonresidential
A. Minimum lot area (sq. ft.)	12,000	15,000
B. Minimum lot width	70'	70'
C. Minimum front yard setback ¹	20'	20'
D. Minimum rear yard setback ¹	25'	15'
E. Minimum side yard setback ¹	7'	10'
F. Maximum impervious lot coverage	50%	60%
G. Minimum street frontage	20'	50'
H. Maximum density 3 dwelling units/acre		
I. Maximum gross floor area N/A 5,000 sq. ft. per lot		

¹If the RB-1 district is located in the Historic District defined in Chapter 17.99 GHMC, the setbacks defined in Sections 2.8 and 2.9 of Chapter 17.99 shall apply. Single family dwellings in any RB-1 district outside the historic district are subject to the setback standards of Section 2.6 of Chapter 17.99 GHMC.

J. Any yard abutting a single-family residence shall be required to maintain a 30-foot-wide dense vegetated screen. (Ord. 716 § 3, 1996; Ord. 710 § 21, 1996; Ord. 601 § 1, 1991; Ord. 573 § 2, 1990).

Section 32. Section 17.28.060 of the Gig Harbor Municipal Code is hereby amended as follows:

17.28.060 Maximum height of structures. In an RB-1 district, all buildings and structures shall not exceed 35 feet in height except as provided for under Chapter 17.62 GHMC, Height restriction area and as provided under Sections 3.3.01(1)(c), 3.14.02(1)(b), and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 22, 1996; Ord. 573 § 2, 1990).

Section 33. Section 17.28.085 of the Gig Harbor Municipal Code is hereby amended as follows:

17.28.085 Design.

Development in the RB-1 district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 34. Section 17.28.090 of the Gig Harbor Municipal Code is hereby amended as follows:

17.28.090 Performance standards.

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

- A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
- B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC, and/or conditions of approval of discretionary applications required by this title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.
- C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.
- D. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that the 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.~~
- E. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials. (Ord.
- F. Design. Development in the RB-1 district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 35. Section 17.30.070 of the Gig Harbor Municipal Code is hereby amended as follows:

17.30.070 Maximum building height.

In an RB-2 district, all buildings and structures shall not exceed 35 feet except as provided for under Chapter 17.62 GHMC, Height restriction area and as provided under Sections 3.3.01(1)(c), 3.14.02(1)(b), and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 27, 1996; Ord. 554 § 1G, 1989).

Section 36. Section 17.30.110 of the Gig Harbor Municipal Code is hereby amended as follows:

17.30.110 Performance standards.

In an RB-2 district, performance standards are as follows:

- A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
- B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and as provided under Section 2.2.01 of Chapter 17.99 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.
- C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.
- D. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that the 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.
- E. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials. (Ord. 710 § 28, 1996; Ord. 554 § 1K, 1989).
- F. Design. Development in the RB-2 district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 37. Section 17.31.060 of the Gig Harbor Municipal Code is hereby amended as follows:

17.31.060 Minimum building setback requirements.

In a DB district, ~~there are no minimum requirements for front, side and rear building setbacks.~~ Setback dimensions may be determined as part of the site plan reviews of Chapter 17.96 GHMC the setbacks defined in Sections 2.8 and 2.9 of Chapter 17.99 GHMC apply; provided, however, that where a DB district abuts a residential district, a building setback shall be ~~required as~~

~~specified below 20 feet minimum~~, and the space so created shall be landscaped to screen the commercial uses from the abutting residential district. ~~Such building setbacks shall be a minimum of 20 feet.~~ (Ord. 573 § 2, 1990).

Section 38. Section 17.31.080 of the Gig Harbor Municipal Code is hereby amended as follows:

17.31.080 Maximum height of structures.

In the DB district, ~~all buildings and structures shall have a maximum height of 16 feet.~~ (Ord. 710 § 29, 1996; Ord. 573 § 2, 1990). the height provisions of Section 3.14.02 in Chapter 17.99 GHMC apply.

Section 39. Section 17.31.110 of the Gig Harbor Municipal Code is hereby amended as follows:

17.31.110 Performance standards.

In a DB district, performance standards are as follows:

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

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC ~~by this title~~ and/or conditions of approval of discretionary applications required by this title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets

D. Outdoor Display of Merchandise. The outdoor display of merchandise is limited to the area immediately along the building frontage a maximum distance of 12 feet from the building. Outdoor displays of merchandise on public sidewalks or rights-of-way shall be regulated per Chapter 12.02 GHMC.

E. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Section 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that the 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.

F. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials. (Ord. 710 § 30, 1996; Ord. 573 § 2, 1990).

G. Design. Development in the DB district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 40. Section 17.32.033 of the Gig Harbor Municipal Code is hereby amended as follows:

17.32.033 General standards.

The following general standards shall apply:

- A. Minimum lot area: 5,000 sq. ft.
- B. Minimum lot width: 50 feet
- C. Minimum front yard¹: 20 feet
- D. Minimum side yard¹: 10 feet
- E. Minimum rear yard¹: 25 feet
- F. Maximum site impervious coverage: 80% G. Maximum residential density: 4 dwelling units per acre (Ord. 710 § 34, 1996).

¹If the B-1 district is located in the Historic District defined in Chapter 17.99 GHMC, the setbacks defined in Sections 2.8 and 2.9 of Chapter 17.99 shall apply.

Section 41. Section 17.32.050 of the Gig Harbor Municipal Code is hereby repealed.

Section 42. A new Section 17.32.050 is hereby adopted, to read as follows:

17.32.050 Design.

Development in the B-1 district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 43. Section 17.32.080 of the Gig Harbor Municipal Code is hereby amended as follows:

17.32.080 Building height.

Building height regulations shall be the same as those provided in GHMC 17.16.080. (Ord. 231, 1976; Ord. 109A § 7.7, 1968). In a B-1 district, all buildings and structures shall not exceed a height of 35 feet, except as provided for under Chapter 17.62 GHMC, Height restriction area, and as provided for under Sections 3.3.01(1)(c), 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99 GHMC.

Section 44. A new Section 17.32.100 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.32.110 Outdoor lighting.

Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground-mounted flood lighting or light projection above the horizontal plane is prohibited between midnight and sunrise.

Section 45. A new Section 17.32.120 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.32.120 Landscaping.

Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained for the life of the project. In no event shall such landscaped areas be used for storage of materials, merchandise or parking of vehicles.

Section 46. Section 17.36.060 of the Gig Harbor Municipal Code is hereby amended as follows:

17.36.060 Minimum building setback requirements.

- A. Front yard, 20 feet¹;
- B. Rear yard, 20 feet¹;
- C. Side Yard¹.
 - 1. Interior yards, 5 feet,
 - 2. Flanking street, 10 feet;
- D. Separation between structures, 20 feet;
- E. Any yard abutting residential development, 30 feet with dense vegetative screening. (Ord. 710 § 40, 1996; Ord. 573 § 2, 1990).

¹ If the B-2 district is located in the Historic District as defined in Chapter 17.99 GHMC, the setbacks defined in Sections 2.8 and 2.9 of Chapter 17.99 shall apply.

Section 47. Section 17.36.080 of the Gig Harbor Municipal Code is hereby amended 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, except as provided for under Chapter 17.62 GHMC, Height restriction area, and as provided under Sections 3.3.01(1)(c), 3.14.02(1)(b), and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 41, 1996; Ord. 573 § 2, 1990).

Section 48. Section 17.36.120 of the Gig Harbor Municipal Code is hereby amended as follows:

17.36.120 Performance standards.

In a B-2 district, performance standards are as follows:

- A. Exterior Mechanical Devices. Air conditioners, heating, cooling and ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
- B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained for the life

of the project. In no event shall such landscaped areas be used for storage of materials, merchandise or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.

D. Outdoor Display of Merchandise. The outdoor display of merchandise is limited to the area immediately along the building frontage a maximum distance of 12 feet from the building. Outdoor displays of merchandise on public right-of-way or sidewalks shall be regulated under the provisions of Chapter 12.02 GHMC.

E. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that the 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.

F. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials. (Ord. 710 § 42, 1996; Ord. 573 § 2, 1990).

G. Design. Development in the B-2 district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 49. Section 17.40.080 of the Gig Harbor Municipal Code is hereby amended as follows:

17.40.080 Minimum building setback requirements.

In a C-1 district, there are no minimum requirements for front, side and rear building setbacks, except that C-1 districts located in the historic district defined in Chapter 17.99 GHMC are subject to the setbacks defined in Sections 2.8 and 2.9 of Chapter 17.99 GHMC. Outside the historic district, ~~setback~~ Setback dimensions shall be determined as part of the site plan reviews of Chapter 17.96 GHMC. Where a C-1 district abuts a residential district, the minimum yard shall be 30 feet with a dense vegetative screen located on the commercial property. The minimum separation between commercial structures on the same site shall be 20 feet. (Ord. 710 § 49, 1996; Ord. 573 § 2, 1990).

Section 50. Section 17.40.100 of the Gig Harbor Municipal Code is hereby amended 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, except as provided for under Chapter 17.62 GHMC, Height restriction area, and as provided under Sections 3.3.01(1)(c), 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99 GHMC. (Ord. 710 § 50, 1996; Ord. 573 § 2, 1990).

Section 51. Section 17.40.120 of the Gig Harbor Municipal Code is hereby amended as follows:

17.40.120 Performance standards.

In a C-1 district, performance standards are as follows:

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

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.

D. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Such lighting shall be shielded so that the 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.

E. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials. (Ord. 573 § 2, 1990).

F. Design. Development in the C-1 district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 52. Section 17.41.030 of the Gig Harbor Municipal Code is hereby amended as follows:

17.41.030 Performance standards.

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

	Contiguous Parcel Situation	Lot Width	Front Side	Rear	Street Frontage
Commercial/ Commercial	75	20	05	20	20
Commercial/ Residential	75	20	30	30	20

B. Landscaping. ~~All uses shall conform to the landscaping requirements established in Chapter 17.78 GHMC.~~ All required yards developed parcels shall be landscaped in accordance with the landscaping requirements of Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC.

C. Lot Area. There is no minimum lot area for this district.

D. Height. Structures within 100 feet of a residential low density zone shall not exceed 35 feet in height, except as provided under Section 3.3.01(1)(c) of Chapter 17.99. Structures within 100 feet of a residential medium density zone shall not exceed 45 feet in height. The building height shall be determined as defined in GHMC 17.04.160. 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 code.

E. Lot Coverage. There is no maximum lot area coverage except as needed to meet setback, open space and landscaping requirements.

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

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

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

I. Outdoor Lighting. ~~Within 100 feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of the light shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. 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.

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

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.

L. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC. (Ord. 747 § 3, 1997).

Section 53. Section 17.45.040 of the Gig Harbor Municipal Code is hereby amended as follows:

17.45.040 Performance standards.

All uses in the employment district shall be regulated by the following performance standards:

- A. Setbacks. No structure shall be closer than 0 feet to any residential zone or development or closer than 20 feet to any street or property line. Parking shall not be located any closer than 35 feet adjacent to a residential zone or development, or any closer than five feet to any interior lot.
- B. Open Space. A minimum of 15 percent of the site, excluding setbacks, shall remain in open space, with either retained natural vegetation or new landscaping.
- C. Landscaping. ~~All uses shall conform to the landscaping requirements established in Chapter 17.78 GHMC.~~ All required yards developed sites shall be landscaped in accordance with the landscaping requirements of Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC. Yards adjacent to residential zones or development shall include a 35-foot-wide dense vegetative screen.
- D. Lot Area. There is no minimum lot area for this district.
- E. Height. The maximum height of a building shall not exceed 35 feet, except as permitted under Section 3.3.01(1)(c) of Chapter 17.99 GHMC.
- F. Lot Coverage. There is no maximum lot area coverage except as needed to meet setback, open space and landscaping requirements.
- G. Off-Street Parking. Off-street parking and loading areas meeting the requirements of Chapter 17.72 GHMC shall be provided.
- H. Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical/ electrical devices shall be screened from view from all public right-of-way.

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

J. Outdoor Lighting. ~~Within 100 feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of the light shield shall be below the light source. Outdoor lighting shall conform to the standards of Section 2.12 and 3.10 of Chapter 17.99 GHMC.~~ Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Outdoor lighting shall be shielded so as not be directly visible from SR-16. 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.~~

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

L. Design. ~~The requirements of the city of Gig Harbor design guidelines manual shall apply to all development, as required. (Ord. 753 § 2, 1997; Ord. 707 § 1, 1996).~~ Development in the ED district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

Section 54. Section 17.46.040 of the Gig Harbor Municipal Code is hereby amended as follows:

17.46.040 Development standards.

A minimum lot area for new subdivisions is not specified. The minimum lot requirements are as follows:

	Single- Family	Duplex	Nonresidential
A. Minimum lot area (sq. ft.) ¹	7,000	14,000	12,000
B. Minimum lot width	70'	50'	50'
C. Minimum front yard²	20'	20'	20'
D. Minimum side yard	10'	10'	10'
E. Minimum rear yard	25'	25'	25'
C. Minimum front yard²			
D. Minimum side yard²			
E. Minimum rear yard²			

F. Minimum yard abutting tidelands 0' 0' 0'

G. Maximum site impervious coverage 40% 45% 50%

H. Maximum density³ 3 dwelling units per acre

¹An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

~~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.~~

²The setbacks of Section 2.8 and 2.9 of Chapter 17.99 GHMC are applicable in the WR district.

³Density bonus of up to 30 percent may be granted subject to the requirements of Chapter 17.89 GHMC, Planned residential district. (Ord. 725 § 3, 1996; Ord. 710 § 52, 1996; Ord. 598 § 3, 1991; Ord. 573 § 2, 1990).

Section 55. Section 17.46.060 of the Gig Harbor Municipal Code is hereby amended as follows:

17.46.060 Maximum height of structures. In a WR district, all buildings and structures shall not exceed a height of 35 feet, ~~except as provided for under Chapter 17.62 GHMC. (Ord. 710 § 53,~~

~~1996; Ord. 573 § 2, 1990). the height limits defined in Section 3.14.02(1)(b) of Chapter 17.99 GHMC.~~

Section 56. A new Section 17.46.090 is hereby added to the Gig Harbor Municipal Code, 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. Two-family dwellings (duplexes) shall conform to the design standards defined for single-family development in Chapter 17.99 GHMC.

Section 57. Section 17.48.040 of the Gig Harbor Municipal Code is hereby amended as follows:

17.48.040 Development standards.

A minimum lot area for new subdivisions is not specified. The minimum development standards are as follows:

	Single-Family Dwelling	Attached up to 4 units	Non-residential
A. Minimum lot area (sq. ft.)	1 6,000	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. Minimum front yard ²	20'	20'	20'
D. Minimum side yard	8'	10'	10'
E. Minimum rear yard	25'	25'	25'
C. Minimum front yard ²			
D. Minimum side yard ²			
E. Minimum rear yard ²			

F. Minimum yard abutting tidelands 0' 0' 0'

G. Maximum site impervious coverage 50% 55% 70%

H. Maximum density³ 3.5 dwelling units per acre

I. Maximum gross floor area N/A N/A 3,500 sq. ft. per lot

¹An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

~~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 in the opinion of the planning and public works directors.~~

² The setbacks of Section 2.8 and 2.9 of Chapter 17.99 GHMC are applicable in the WM district.

³Density bonus of up to 30 percent may be granted subject to the requirements of Chapter 17.89 GHMC (Planned residential district). (Ord. 725 § 4, 1996; Ord. 716 § 4, 1996; Ord. 710 § 54, 1996; Ord. 598 § 2, 1991).

Section 58. Section 17.48.060 of the Gig Harbor Municipal Code is hereby amended as follows:

17.48.060 Height.

~~A. Structures shall not exceed 16 feet in height. Additional height increase of up to eight feet maximum may be permitted for each structure if one additional waterview and one access opportunity are provided per structure per lot and the following criteria are met:~~

~~1. The structure shall not exceed two stories~~

or floors in height.

2. Each story or floor shall be less than or equal to 10 feet in height as measured from the top of the first floor to the top of the second floor.

3. There shall be no occupancy of the attic space.

4. The pitch of the roof shall have a minimum slope of 2:1 (6:12 pitch) and a maximum slope of 1:1 (12:12 pitch).

5. The proposal is reviewed in accordance with the site plan review criteria and procedure as established in Chapter 17.96 GHMC.

B. The two waterview/access opportunities are in addition to the waterview/access opportunities provided for increased impervious coverage, pursuant to GHMC 17.48.090(E). (Ord. 710 § 55, 1996; Ord. 598 § 2, 1991). In the WM district, buildings and structures shall not exceed the height limits defined in Sections 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99 GHMC

Section 59. Section 17.48.090 of the Gig Harbor Municipal Code is hereby amended as follows:

17.48.090 Performance standards. .

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

B. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC by this title and/or by conditions of approval of discretionary applications required by his title, such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets. Fishing-related equipment is exempt from this standard.

D. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Said lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or 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.)

E. Waterview Opportunity and Waterfront Access.

1. Maximum impervious lot coverage may be increased up to a maximum of 80 percent upon execution of a written agreement with the city and the property owner and provided further that the agreement is filed with the county auditor as a covenant with the land, when the development provides for waterview opportunities and/or waterfront access opportunities in conjunction with commercial uses or for increased height, as follows:

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

2. Waterview/Harbor Access Opportunities a. Waterview opportunity, by means of public view corridors measuring 20 frontage feet along the street or 20 percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public rights-of-way. Parking shall not be allowed in view corridors. Fences or railings shall not be allowed in view corridors except where required by the city building code.

b. Waterview opportunity, by means of a five-foot-wide public pathway along the property perimeter down one side line of the property to mean higher high water or a bulkhead or to the waterside face of structure, whichever is further waterward, then across the waterside face of the property or structure and back to the street along the other side line.

c. Waterview opportunity, by means of a public viewing platform at the highest level of any structure on the property. Minimum area of the platform shall be 50 square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.

d. Harbor access opportunity, by means of a public fishing pier extending out to the mean lower low water and connected by a minimum five-foot-wide public pathway to the frontage street. A minimum of 10 feet of open water shall surround the fishing pier.

e. Harbor access opportunity, by means of a public small boat landing available for transient use by rowboats, canoes, dinghies, etc., extending out to mean lower low water and connected by a five-foot-wide public pathway to the frontage street. A minimum of 10 feet of open water shall surround the small boat landing.

f. Harbor access opportunity, by means of a public transient moorage for up to two 30-foot boats and which must have a minimum water depth of eight feet and which must be easily accessible to visiting boats and posted with signage which can be read at a distance of 100 feet. (Ord. 598 § 2, 1991).

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 60. Section 17.50.040 of the Gig Harbor Municipal Code is hereby amended as follows:

17.50.040 Development standards.

In a waterfront commercial district, the minimum development requirements are as follows:

	Single-Family Dwelling	Attached up to 4 units	Non-residential
A. Minimum lot area (sq. ft.)	1 6,000	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. Minimum front yard²	20'	20'	20'
D. Minimum side yard	8'	10'	10'
E. Minimum rear yard	25'	25'	25'
C. Minimum front yard²			
D. Minimum side yard²			
E. Minimum rear yard²			
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum site impervious coverage	50%	55%	70%
H. Maximum density	3.5 dwelling units per acre		

¹An undersized lot shall qualify as a building site if such lot is a lot of record at the time this chapter became effective.

~~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.~~

2 The setbacks of Sections 2.8 and 2.9 of Chapter 17.99 GHMC are applicable in the WC district.

I. 1. Maximum impervious lot coverage may be increased up to a maximum of 80 percent upon execution of a written agreement with the city and the property owner, and provided further, that the agreement is filed with the county auditor as a covenant with the land, when the development provides for waterview opportunities and/or waterfront access opportunities in conjunction with commercial uses, as follows:

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

2. Waterview/Harbor Access Opportunities. a. Waterview opportunity, by means of public view corridors measuring 20 frontage feet along the street or 20 percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public rights-of-way. Parking shall not be allowed in view corridors. Fences or railings shall not be allowed in view corridors except where required by the city building code. Shrubbery in view corridors shall not exceed a height of three feet and trees shall have no branches lower than 10 feet above the level of the frontage sidewalk. A waiver on tree branch height may be granted by the city council for a defined growth period.

b. Waterview opportunity, by means of a five-foot-wide public pathway along the property perimeter down one side line of the property to mean higher high water or a bulkhead or to the waterside face of structure, whichever is further waterward, then across the waterside face of the property or structure and back to the street along the other side line.

c. Waterview opportunity, by means of a public viewing platform at the highest level of any structure on the property. Minimum area of the platform shall be 50 square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.

d. Harbor access opportunity, by means of a public fishing pier extending out to the mean lower low water and connected by a minimum five-foot-wide public pathway to the frontage street. A minimum of 10 feet of open water shall surround the fishing pier.

e. Harbor access opportunity, by means of a public small boat landing available for transient use by rowboats, canoes, dinghies, etc., extending out to mean lower low water and connected by a five-foot-wide public pathway to the frontage street. A minimum of 10 feet of open water shall surround the small boat landing.

f. Harbor access opportunity, by means of a public transient moorage for up to two 30-foot boats and which must have a minimum water depth of eight feet and which must be easily accessible to visiting boats and posted with signage which can be read at a distance of 100 feet. (Ord. 725 § 5, 1996; Ord. 710 § 56, 1996; Ord. 598 § 3, 1991; Ord. 573 § 2, 1990).

Section 61. Section 17.50.060 of the Gig Harbor Municipal Code is hereby amended as follows:

17.50.060 Maximum height of structures. In a waterfront commercial district, the maximum building height shall not exceed ~~46 feet~~ the height limits defined in Sections 3.14.02(1)(b) and 3.14.02(2) of Chapter 17.99. (Ord. 710 § 58, 1996; Ord. 573 § 2, 1990).

Section 62. Section 17.50.090 of the Gig Harbor Municipal Code is hereby amended as follows:

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

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

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

C. Outdoor Storage of Materials. The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, is permitted as an incidental or accessory activity of a permitted use or the principal feature of a conditional use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets.

D. Outdoor Lighting. ~~Within 100 feet of any residential zone or use, outdoor lighting and aerial-mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. Said lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground-mounted floodlighting or 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. (Ord. 573 § 2, 1990).

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 63. Section 17.54.030 of the Gig Harbor Municipal Code is hereby amended as follows:

17.54.030 Performance standards.

All uses in the business park zone shall be regulated by the following performance standards:

A. General. Uses which create a risk of hazardous waste spills must provide hazardous waste containment provisions that meet building code, fire code and health and environmental regulations to prevent air, ground and surface water contamination.

B. Setbacks. No structure shall be closer than 150 feet to any residential zone or development or closer than 50 feet to any street or property line. Parking shall not be located any closer than 30 feet to a property line.

C. Open Space. A minimum of 20 percent of the site, excluding setbacks, shall remain in open space, with either retained natural vegetation or new landscaping.

D. Landscaping. All uses shall conform to the landscaping requirements established in Chapter 17.78 GHMC and Section 2.2.01 of Chapter 17.99 GHMC. All required yards shall be landscaped in accordance with the landscaping requirements of Chapter 17.78 GHMC.

E. Lot Area. There is no minimum lot area for this district.

F. Height. Structures within 100 feet of a residential low density zone shall not exceed 35 feet in height except as provided under 3.3.01(1)(c) of Chapter 17.99 GHMC. Structures within 100 feet of a residential medium density zone shall not exceed 45 feet in height. The building height shall

be calculated as defined in GHMC 17.04.160. 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 code.

G. Lot Coverage. There is no maximum lot area coverage except as needed to meet setback, open space and landscaping requirements.

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

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

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

K. Outdoor Lighting. ~~Within 100 feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of the light shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. 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.

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

M. 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.~~ Development in the PCD-BP district shall conform to the design and development standards contained in Chapter 17.99 GHMC.

N. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC. (Ord. 747 § 4, 1997).

Section 64. Section 17.56.030 of the Gig Harbor Municipal Code is hereby amended as follows:

17.56.030 Performance standards. A. General. All uses in the neighborhood business zone are subject to the following conditions:

1. All business, service, or repair must be conducted within an enclosed building except for outside restaurant sitting, flower and plant display and fruit/vegetable stands appurtenant to a grocery store.
2. Any goods produced in the neighborhood business zone shall be sold on the premises where produced.
3. Processes, equipment and goods shall not emit odor, dust, smoke, cinders, gas, noise, vibrations, or waste which would be unreasonably affect adjacent residential area. The neighborhood business districts shall not be greater than three acres in total land area nor may an NBD be located within one mile of any other NBD.

B. Hours of Operation. The following hours of operation apply:

Facility Hours of Operation

Gasoline Dispensing with Convenience Store 6:00 a.m. – 10:00 p.m. Grocery Stores 6:00 a.m. – 10:00 p.m. Delicatessens 6:00 a.m. – 10:00 p.m.

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

Contiguous

Parcel Situation	Minimum Lot Width	Front	Side	Rear	Street Frontage
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Commercial/ Commercial	75	10	0	20	20
Commercial/ Residential	5	20	30	30	20

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

D. Height. Maximum height shall not exceed 35 feet for all structures except as provided under Section 3.3.01(1)(c) of Chapter 17.99 GHMC.

E. Lot Area. No minimum lot size is specified except as required to accommodate landscaping and open space requirements.

F. Lot Coverage. A maximum lot coverage is not specified except as needed to meet setback and open space requirements.

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

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

I. Outdoor Storage of Materials. Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public right-of-way. J. Outdoor Lighting. ~~Within 100 feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of the light shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. 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.

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

~~L. 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. M. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC. (Ord. 747 § 5, 1997). Development in the PCD-NB district shall conform to the design and development standards contained in Chapter 17.99 GHMC.~~

Section 65. Section 17.60.020 of the Gig Harbor Municipal Code is hereby amended as follows:

17.60.020 Permitted uses.

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

1. Two-family dwellings, provided that such lot is at least 14,000 square feet in size;
2. A parking lot for a business within 100 feet of the lot, solely for the customers and employees of the business to which it is accessory, for the use of automobiles only, ~~and provided that the entrance to the parking lot is at least 30 feet from the nearest residential lot, and the lot is landscaped and screened.~~ and provided that: (a) the entrance to the parking lot is at least 30 feet from the nearest residential lot; (b) the lot is landscaped as per parking lot landscaping requirements in Section 17.72.080 GHMC and Section 2.10.01(5) of Chapter 17.99 GHMC; and

(c) the parking lot and it's associated commercial development complies with all zone transition standards of Section 1.4 of Chapter 17.99 GHMC.

B. In R-2 zones, a lot adjacent to a nonresidential zone may be used for a parking lot for a business within 100 feet, if solely for cars for customers or employees, and provided that the parking lot entrance is at least 30 feet from the nearest residential lot, and the lot is landscaped and provided with a dense vegetative screen. (Ord. 573 §§ 2, 3, 1990).

Section 66. Section 17.62.030 of the Gig Harbor Municipal Code is hereby amended as follows:

17.62.030 Standards. The maximum height for structures shall be 16 feet, except that in the historic district defined in Chapter 17.99 GHMC, structures shall not exceed the height limits defined in Sections 3.14.02(1)(b), and 3.14.02(2) of Chapter 17.99 GHMC, and except as otherwise may be provided in a planned unit development or a planned residential development. (Ord. 710 § 61, 1996; Ord. 537 § 1, 1988).

Section 67. Section 17.78.050 of the Gig Harbor Municipal Code is hereby amended as follows:

17.78.050 Preservation of significant trees.

A. ~~Applicability.~~ Retention. In the required perimeter landscaping area, applicants shall retain all significant ~~trees~~ vegetation as defined in Chapter 17.99 GHMC. The city encourages retention of trees on the remaining portions of the project sites as well.

~~B. Significant Trees. Significant trees are those which possess one or more of the following characteristics:~~

~~1. Contribute to the character of the area and do not constitute a safety hazard; or~~

~~2. Form a continuous canopy or dense vegetated screen; or~~

~~3. If the grade level adjoining a tree to be retained is to be altered to a degree that would endanger the viability of a tree or trees, then the applicant shall construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be capable of protecting the tree. Proof of professional design may be required; or~~

~~4. B. Encroachment into drip line. The applicant may install impervious or compactable surface within the area defined by the drip line of any tree to be retained if it is demonstrated by a qualified arborist that such activities will not endanger the tree or trees. (See definition of "drip line" in Chapter 17.99 glossary).~~

C. Other Existing Vegetation. Retention of other existing vegetation for landscaping is strongly encouraged; however, it must be equal to or better than available nursery stock.

D. Areas of native vegetation which are designated as landscape or buffers areas, or which are otherwise retained under the provisions of Chapter 17.99 GHMC, shall be subject to a 10-foot-wide no-construction zone and shall be protected by a ~~temporary perimeter fence~~ protective barricade as defined in Section 2.1.01(6) of Chapter 17.99 GHMC. Clearing, grading or contour alteration is not permitted within this no-construction area unless a qualified arborist provides written documentation that proposed construction activity within the 10-foot setback will not harm existing vegetation within the designated landscape or buffer area. (Ord. 710 § 76, 1996; Ord. 573 § 2, 1990).

Section 68. Section 17.78.060 of the Gig Harbor Municipal Code is hereby amended as follows:

17.78.060 Requirements for residential landscaping.

A. Perimeter Areas.

1. Notwithstanding other regulations found in this chapter, perimeter areas ~~not covered with buildings, driveways and parking and loading areas~~ shall be landscaped. The required width of perimeter areas to be landscaped shall be at least the depth of the required yard or setback area. Areas to be landscaped shall be covered with live plant materials which will ultimately cover 75 percent of the ground area, within three years. One deciduous tree a minimum of two-inch caliper or one six-foot evergreen or three shrubs which should attain a height of three and one-half feet within three years shall be provided for every 500 square feet of the area to be landscaped. 2. A minimum of 40 percent of the required plantings shall be evergreen trees a minimum of six feet in height for properties located within the boundaries of the height overlay district referenced in Chapter 17.62 GHMC. Trees shall be of a species that will ultimately grow to the height of the planned building. In the selection of trees and shrubs, consideration should be given to overall aesthetic impacts at maturity.

B. Buffer Areas. All residential plats shall have a minimum 25-foot buffer consisting of a dense vegetated screen, shall be required along the perimeters of the plat, and the buffer shall be established as a covenant on the final plat. The screening may be achieved through any one or a combination of the following methods:

1. A solid row of evergreen trees or shrubs;
2. A solid row of evergreen trees and shrubs be planted on an earthen berm;
3. A combination of trees or shrubs and fencing where the amount of fence does not exceed 50 percent of the lineal distance of the side to be buffered as well as other plant materials, planted so that the ground will be covered within three years;
4. Use of existing native vegetation which meets the definition of dense vegetative screen.

C. Parking Areas. Parking areas shall be landscaped subject to the standards for parking lots found in Chapter 17.72 GHMC and subject to the standards of Section 2.10.01 of Chapter 17.99. (Ord. 652 § 6, 1993; Ord. 573 § 2, 1990).

Section 69. Section 17.78.070 of the Gig Harbor Municipal Code is hereby amended as follows:

17.78.070 Requirements for ~~commercial~~ non-residential uses.

A. Perimeter Areas.

1. Notwithstanding other regulations found in this chapter, perimeter areas ~~not covered with buildings, driveways and parking and loading areas~~ shall be landscaped. The required width of perimeter areas to be landscaped shall be the required yard or setback area or a total area equivalent to the required yards. Areas to be landscaped shall be covered with live plant materials which will ultimately cover 75 percent of the ground area within three years. One deciduous tree of a minimum of two-inch caliper or one six-foot high evergreen tree or three shrubs which will attain a height of three and one-half feet within three years shall be provided for every 300 square feet of area to be landscaped.

2. A minimum of 40 percent of the required plantings shall be evergreen trees a minimum of six feet in height for properties located within the boundaries of the height overlay district referenced in Chapter 17.62 GHMC. Trees shall be of a species that will ultimately grow to the height of the planned building.

B. Buffer Areas. Where a development subject to these standards is contiguous to a residential zoning district or areas of residential development, the zone transition standards of Section 1.4 of Chapter 17.99 GHMC shall be met. Where a non-residential development abuts a residential development in the same zone, then that required perimeter area shall be landscaped the full width of the setback areas as follows:

1. A solid screen of evergreen trees or shrubs;
2. A solid screen of evergreen trees and shrubs be planted on an earthen berm an average of three feet high along its midline;
3. A combination of trees or shrubs and fencing where the amount of fence does not exceed 50 percent of the lineal distance of the side to be buffered as well as other plant materials, planted so that the ground will be covered within three years.

C. Areas Without Setbacks.

1. In those areas where there is no required front yard setback or where buildings are built to the property line, development subject to this chapter shall provide a street tree at an interval of one every 20 feet or planter boxes at the same interval or some combination of trees and boxes, or an alternative.
2. Street trees shall be a minimum caliper of two inches and be a species approved by the city and installed to city standards. Planter boxes shall be maintained by the property owners and shall be of a type approved by the city.

D. Parking Area. Parking areas shall be landscaped subject to the standards for parking lots found in Chapter 17.72 Section 17.78.080 GHMC, and subject to the standards of Section 2.10.01 of Chapter 17.99 GHMC. (Ord. 710 § 77, 1996; Ord. 573 § 2, 1990).

Section 70. Section 17.78.080 of the Gig Harbor Municipal Code is hereby amended as follows:

17.78.080 Parking lot landscaping and screening.

The standards of this section shall apply to public and private parking lots, residential parking areas providing spaces for more than 10 cars and all nonresidential uses of land and development.

A. Perimeter Landscaping. In order to soften the visual effects or separate one parking area from another or from other uses, the following standards apply:

1. Adjacent to a street or road, the minimum width shall be equal to the required yard for the underlying land use or a strip 10 feet wide, whichever is greater. On all other perimeters the depth shall be a minimum of five feet.
2. Visual screening through one or any of a combination of the following methods:
 - a. Planting of living ground cover as well as shrubs or small trees which will form a solid vegetative screen at least three feet in height, or
 - b. Construction of a barrier fence or wall to a height of three feet combined with low-planting or wall-clinging plant materials. Materials should be complementary to building design, or
 - c. Earth mounding or berms having a minimum height of three feet and covered with shrubs and trees.

~~3. B. Other Landscaping Required. In addition to the screening required above, deciduous trees shall be provided at intervals no greater than 30 feet and shall be a minimum of two inch caliper.~~

~~B. Buffer Areas. Where a development subject to these standards is contiguous to a residential zoning district or areas of residential development, then that required perimeter area shall be landscaped as follows:~~

- ~~1. A solid screen of evergreen trees or shrubs;~~

~~2. A solid screen of evergreen trees and shrubs be planted on an earthen berm an average of three feet high along its midline;~~

~~3. A combination of trees or shrubs and fencing where the amount of fence does not exceed 50 percent of the lineal distance of the side to be buffered as well as other plant materials, planted so that the ground will be covered within three years. non-residential parking lots shall conform to the landscape standards of Section 2.10.01 of Chapter 17.99 GHMC.~~

~~C. Downtown Parking Lots. For In addition to the standards of Section 2.10.01 of Chapter 17.99 GHMC, parking lots located within the downtown area, the following standards apply shall conform to the following:~~

~~1. Provision of a minimum of five-foot wide landscaping strip intended to screen and soften the visual impacts of parking lots. Screening may be accomplished through any of the methods described under subdivision 2 of subsection A of this section. In addition to screening, street trees a minimum of two-inch caliper shall be provided at 20-foot intervals.~~

~~2. In those instances where parking areas are bordered by more than one street, the strip required in subdivision 1 of this subsection shall only apply to the longest side. All other sides must be screened with a wall, fence, vegetative buffer or combination of these elements at a minimum height of three and one-half feet. The street tree requirements will pertain.~~

~~3. In order to protect vision clearances, areas around driveways and other access points are not required to comply with the full screening height standards. The specific horizontal distance exempt from this standard shall be as established in the city of Gig Harbor public works standards.~~

~~4. Trees Required. Trees are required at a ratio of at least one per 64 square feet of landscaped area or fraction thereof. They~~

~~D. Tree size and placement. Trees required under the provisions of Section 2.10.01 of Chapter 17.99 GHMC shall have a clear trunk to a height of at least ~~five~~ six feet above the ground at maturity planting unless otherwise specified. Trees shall be planted no closer than four feet from pavement edges where vehicles overhang planted areas.~~

~~D. Interior Parking Lot Landscaping. All parking lots that contain 20 or more parking spaces or are larger than 6,000 square feet in area shall have interior lot landscaping as follows:~~

~~1. Landscaped Area. Parking lots that contain 20 or more parking stalls or are 6,000 to 30,000 square feet in area shall have five square feet of landscaped area per 100 square feet of vehicle use area, or fraction thereof. Parking lots larger than 30,000 square feet shall have seven square feet of landscaped area per 100 square feet of vehicle use area or fraction thereof. Vehicle use area shall include driveways.~~

~~2. Minimum Area. The minimum area of required landscaping shall be 64 square feet in order to provide a proper plant environment. 3. Maximum Contiguous Area. To encourage the proper distribution of landscaping throughout parking areas, no required landscaped areas shall be larger than 350 square feet in parking lots that are less than 30,000 square feet in area; and 1,500 square feet in larger lots. Larger landscaped areas may be provided when the excess over the minimum requirement exceeds the total area requirement for the entire lot. Interior lot landscaping may be peninsular or island in shape and may accent pedestrian ways.~~

~~4. Trees Required. Trees are required at a ratio of at least one per 64 square feet of landscaped area or fraction thereof. They shall have a clear trunk to a height of at least five feet above the ground. Trees shall be planted no closer than four feet from pavement edges where vehicles overhang planted areas.~~

~~5. E. Shrubs and Ground Cover. Required landscaped areas remaining after tree planting shall be planted in shrubs and/or ground cover. The distribution of plants shall be adequate to ultimately achieve 75 percent ground coverage within three years of plantings.~~

~~6. F. Vehicle Overhang. Parked vehicles may overhang landscaped areas up to two feet by wheel stops or curbing. (Ord. 710 § 78, 1996; Ord. 573 § 2, 1990).~~

Section 71. Section 17.78.090 of the Gig Harbor Municipal Code is hereby amended as follows:

17.78.090 Screening/buffering from SR-16, the Tacoma City Light right-of-way and SR-16 interchanges.

A. All development of properties adjacent to SR-16, the Tacoma City Light right-of-way and SR-16 interchange ramps shall be required to leave a buffer between the property line and any development. This buffer shall be a minimum of ~~25~~ 30 feet in depth and shall conform to all Enhancement Corridor standards defined in Section 1.3.03 of Chapter 17.99 GHMC. ~~Along SR-16 and the Tacoma City Light right-of-way outside of the defined interchange areas, this buffer shall be adequate to totally screen development from views from SR-16. If existing vegetation is not adequate to accomplish this, then additional evergreen vegetation with a minimum height of four to six feet shall be planted.~~

B. Adjacent to SR-16 interchange ramps landscape buffering shall be done according to the standards for perimeter landscaping for residential and ~~commercial areas in the height overlay district~~ non-residential development. The buffer area shall be covered with live plant materials which will ultimately cover 75 percent of the ground cover within three years. One deciduous tree of a minimum of two-inch caliper or one six-foot evergreen or three shrubs which will attain a height of three and one-half feet within three years shall be provided for every 500 square feet of the area to be landscaped. Forty percent of the required planting shall be evergreen trees a minimum of six feet in height and of a species that will grow to the height of the buildings in the development. ~~If possible, evergreen trees shall be retained to meet this requirement.~~ All significant vegetation as defined in Chapter 17.99 GHMC shall be retained. (Ord. 710 § 79, 1996; Ord. 573 § 2, 1990).

Section 72. Section 17.78.120 of the Gig Harbor Municipal Code is hereby amended as follows:

17.78.120 Maintenance.

A. Whenever landscaping is required under the provisions of this chapter, shrubs and trees in the landscaping and planting areas shall be maintained in a healthy growing condition. Planting beds shall not be located over impervious surfaces. All landscaped areas shall be provided with ~~sprinkler systems or hose bibs within 75 feet of plantings~~ mechanical automatic underground sprinkler systems designed to provide full coverage of landscaped areas. Dead or dying trees or shrubs shall be replaced immediately, and the planting area shall be maintained reasonably free of noxious weeds and trash.

B. Similarly, if necessary, the trees or shrubs shall receive pruning or removal to avoid the creation of a safety hazard or nuisance through excessive shading, overhanging adjacent properties or to preserve a view or scenic vista, subject to the provisions of Sections 2.1.01 and 2.2.01 of Chapter 17.99 GHMC. (Ord. 573 § 2, 1990).

Section 73. Section 17.91.040 of the Gig Harbor Municipal Code is hereby amended as follows:

17.91.040 Site development and performance standards.

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

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

B. Density. Maximum residential density is four dwelling units per acre. Minimum parcel size is not specified. Bonus densities of up to 30 percent over the base may be permitted, based upon the following allocations:

1. Thirty percent of the development site is common open space, which must be contiguous to or greater than one acre in area (plus five percent).
2. A pedestrian trail system is provided within the common open space area, consistent with the adopted trails plan per the land use map (plus 10 percent).
3. A minimum 35 percent of the required common open space is improved as an active recreational area (plus 10 percent). Active recreational areas shall include, but not be limited to:
 - a. Clearly defined athletic fields and/or activity courts.
 - b. Recreation center or community facility. Additional common open space is provided between the development and adjacent residential zones, uses or developments (plus five percent bonus maximum at a ratio of one percent density bonus per five percent open space increase).

C. General.

1. The maximum residential density is four dwelling units per structure in townhouse or zero lot line developments.
2. Each unit must have individual private yards or courts enclosed by a wall, berm or dense landscaping.
3. Townhouse units adjacent to a single-family residence within the same development shall have a front yard equal to or exceeding the single-family dwelling and a minimum side yard of 25 feet if adjacent to a single-family lot.
4. Easements shall be required for all zero lot line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.

D. Separation of Uses/Transition Buffers. To assure that different land uses are adequately separated, the following transition buffers and setbacks shall be used:

1. Buffers Separating New Businesses from Existing Residential Uses. A business or ~~commercial~~ non-residential use must meet the following standards where it is adjacent to property which is either developed or planned for residential use in addition to the zone transition standards defined in Section 1.4 of Chapter 17.99 GHMC:

- a. A minimum 35-foot setback from any property shared with a residential site.
- b. Landscaping forming a dense vegetative screen or retention of existing native vegetation within required buffer areas equal to the minimum setback.
- c. No parking shall occur within a required buffer.

2. Buffers Separating New Residential Use from Existing ~~Commercial~~ Non-residential Uses. A residential use must meet the following standards where it is adjacent to property which is either developed or planned for ~~commercial~~ non-residential or business use:

a. A minimum 35-foot setback from any property shared with a ~~commercial~~ non-residential site. b. Landscaping forming a dense vegetative screen or retention of existing native vegetation within required buffer areas equal to the minimum setback.

3. Buffers Separating New Multifamily Dwellings from Existing Single-Family Dwellings. ~~A In addition to the zone transition standards in Section 1.4 of Chapter 17.99 GHMC,~~ multifamily use must meet the following standards where it is adjacent to property which is developed as single-family residential:

a. A minimum setback of 25 feet from all street rights-of-way common to both uses. b. A minimum setback of at least 25 feet from any property line shared with a single-family use. c. Landscaping within required buffer areas equal to minimum width of the buffer. Parking areas shall not occupy the required buffer area.

4. Buffers Separating Single-Family Dwellings from Existing Multifamily Dwellings. Where adjacent property is developed or planned for single-family residential use, a multifamily residential development must meet the following standards:

a. A minimum setback of 25 feet from all street rights-of-way common to both uses. b. A minimum setback of at least 25 feet from any property line shared with a single-family use. c. Landscaping within required buffer areas equal to minimum width of the buffer.

E. Mixed Use Occupancies Within the Same

Structure. Residential units and retail business or office uses shall be permitted within the same structure, subject to the following standards:

1. The nonresidential use must have access by way of a business arterial and shall front directly on an adjacent sidewalk or pedestrian walkway, or on a front or side yard from which vehicles are excluded.

2. Where a business or residential portion of the building is located on different floors, business uses shall occupy the floors below the residential uses.

3. Business and residential portions of a building must be separated by soundproof walls, floors, equipment, utilities or other suitable architectural features or appurtenances.

4. Allocation of uses shall be consistent with the city of Gig Harbor comprehensive plan.

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. The maximum height of a structure shall not exceed 35 feet. 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 and Section 2.2.01 of Chapter 17.99 GHMC.

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

7. Outdoor Lighting. ~~Within 100 feet of any residential use or zone, outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner so that the bottom edge of~~

~~the light shield shall be below the light source.~~ Outdoor lighting shall conform to the standards of Sections 2.12 and 3.10 of Chapter 17.99 GHMC. 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. ~~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.~~ Development in the MUD 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.

10. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC. (Ord. 747 § 7, 1997)

Section 74. 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 75. 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 8 day of November, 2004.

CITY OF GIG HARBOR




GRETCHEN WILBERT, 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: 10/20/04
PASSED BY THE CITY COUNCIL: 11/8/04
PUBLISHED: 11/17/04
EFFECTIVE DATE: 11/22/04
ORDINANCE NO: 975