

## ORDINANCE NO. 953

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE DEFINITIONS IN 17.04 AND THE STANDARDS FOR SPECIAL USES IN SECTION 17.65. CHANGES INCLUDE ADDING A DEFINITION FOR SPECIAL USES; A NEW PURPOSE STATEMENT AND REVISING THE INTENT STATEMENT IN 17.65.010 GHMC; THE APPLICATION CRITERIA, REVIEW CRITERIA AND EXPIRATION SECTIONS (17.65.020 AND 17.65.060 GHMC) ARE BEING REVISED TO CLARIFY THE PERMITTING PROCEDURE FOR SPECIAL USES; SECTION 17.65.030 GHMC PROCEDURE, SECTION 17.65.040 GHMC GENERAL CONDITIONS, AND SECTION 17.65.080 REVOCATION OF A SPECIAL USE PERMIT ARE DELETED; SECTION 17.65.100 EXEMPTIONS IS REVISED TO INCLUDE A STATEMENT THAT OTHER PERMITS MAY BE REQUIRED.**

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WHEREAS, The City made the last update to Chapter 17.65 Special Uses GHMC in 1996; and,

WHEREAS, The City now desires to amend the Zoning Code to define special uses; and,

WHEREAS, The City wishes to clarify the permitting procedure for special uses; and,

WHEREAS, The City's State Environmental Policy Act (SEPA) Responsible Official issued a Determination of Nonsignificance (DNS) under the State Environmental Policy Act Rules (Chapter 197-11-WAC) on May 23, 2003; and

WHEREAS, The Community Development Director forwarded a copy of this ordinance to the Washington State Office of Community Development on May 23, 2003, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on December 18, 2003, 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 February 9<sup>th</sup> and 23<sup>rd</sup>, 2004, Now, Therefore,

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

Section 1. Section 17.04.742 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

**17.04.742 Special uses**

are uses permitted under chapter 17.65 that are permitted or conditionally permitted in the underlying zone, but which are temporary and infrequent in nature, lasting seven days or less and occurring not more than twice in any calendar year by any given applicant or at any given site. Special uses include events or promotions which occur outdoors or in temporary structures, often siting in fields, plazas or parking areas.

Section 2. Section 17.65.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.65.010 Purpose and Intent.**

~~A special use permit is a mechanism by which the City may permit a use to locate within the City on an interim basis for specified periods of time. Because of the limited time allowance special uses can be compatible with, or have limited impacts to neighboring properties and the general community. This chapter is intended to provide flexibility to accommodate these temporary uses. Certain uses, because of their infrequent occurrence temporary nature, are classified as special uses. These types of uses are temporary in nature, of limited duration and may be associated with special events or promotions. These uses may be allowed in certain zoning districts by a special use permit granted by the administrator.~~

Section 3. Section 17.65.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.65.020 Criteria for a complete application.**

A special use permit is a Type I permit application and shall be subject to the following review procedures and requirements:

- A. Complete Application. In addition to the requirements in GHMC 19.02.002, the following requirements must be met for a complete application:
  1. Signed and dated application form for a special use permit;
  2. Written statement of justification for approval of the special use permit which meets the criteria in GHMC 17.65.050;
  3. A map site plan showing the proposed location of the requested use, and any existing development on the site. The site plan shall indicate locations of any proposed temporary structures and include a circulation plan showing all access points for the site, all driveways, streets or roads and parking areas.

4. ~~The original and three~~ Four copies of all documents. (Ord. 725 § 6, 1996; Ord. 708 § 1, 1996).

Section 4. Section 17.65.030 of the Gig Harbor Municipal Code is hereby repealed.

Section 5. Section 17.65.040 of the Gig Harbor Municipal Code is hereby repealed.

Section 6. Section 17.65.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.65.050 Review criteria.**

- A. Every applicant for a special use permit shall demonstrate that all of the following criteria have been met. Each determination granting a special use permit shall assure that the following conditions are met:
- ~~A.~~ 1. That the type of use for which the special use permit is applied ~~for~~ is permitted or conditionally permitted in the applicable zoning district and is consistent with the description and purpose of the zone district in which the property is located;
  - ~~B.~~ 2. That the granting of the special use permit will not be detrimental to the public health, safety, comfort, convenience and general welfare, will not adversely affect the established character of the surrounding neighborhood, and will not be injurious to the property or improvements in such vicinity and/or zone in which the property is located;
  - ~~C.~~ 3. That the proposed use is properly located in relation to the other land uses in the vicinity; and further, that the use can be adequately served by such public facilities and street capacities without placing an undue burden on such facilities and streets;
  - ~~D.~~ 4. That the site is of sufficient size to accommodate the proposed use;
  - ~~E.~~ 5. The special use may not operate more than seven events during the authorized period. An event is equal to one 12-hour period per day;
  - ~~F.~~ 6. A request for more than two special uses per calendar year by any given applicant or for any given site shall not be considered as a special use and may only be authorized through the site plan approval process, as a conditional use, subject to the requirements in Chapter 17.64 GHMC.
- B. The Director shall determine whether the criteria have been satisfied, and shall approve, approve with conditions or deny the application. The Director may attach conditions pertaining to traffic congestion, parking, or any other public health/safety concerns, to ensure compatibility with adjacent uses and compliance with the above criteria. (Ord. 725 § 7, 1996; Ord. 708 § 1, 1996).

Section 7. Section 17.65.080 of the Gig Harbor Municipal Code is hereby repealed.

Section 8. Section 17.65.100 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.65.100 Exemptions.**

The following activities or uses are exempt from ~~obtaining the requirement of a special use permit, but other permits or approvals may be required:~~

- A. Annual Christmas tree and fireworks sales;
- B. Community wide events such as annual art fairs, street fairs, ~~etc. operating under a special event license~~ ;
- C. Events approved ~~for use~~ at a city park or facility. (Ord. 708 § 1, 1996).

Section 10. 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 11. 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 23<sup>rd</sup> day of February, 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: 2/9/04  
PASSED BY THE CITY COUNCIL: 2/23/04  
PUBLISHED: 3/3/04  
EFFECTIVE DATE: 3/8/04  
ORDINANCE NO: 953

**SUMMARY OF ORDINANCE NO. 953  
of the City of Gig Harbor, Washington**

On February 23, 2004, the City Council of the City of Gig Harbor, Washington, approved Ordinance No. 953, the summary of text of which is as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE DEFINITIONS IN 17.04 AND THE STANDARDS FOR SPECIAL USES IN SECTION 17.65. CHANGES INCLUDE ADDING A DEFINITION FOR SPECIAL USES; A NEW PURPOSE STATEMENT AND REVISING THE INTENT STATEMENT IN 17.65.010 GHMC; THE APPLICATION CRITERIA, , REVIEW CRITERIA AND EXPIRATION SECTIONS (17.65.020 AND 17.65.060 GHMC) ARE BEING REVISED TO CLARIFY THE PERMITTING PROCEDURE FOR SPECIAL USES; SECTON 17.65.030 GHMC PROCEDURE, SECTION 17.65.040 GHMC GENERAL CONDITIONS, AND SECTION 17.65.080 REVOCATION OF A SPECIAL USE PERMIT ARE DELETED; SECTION 17.65.100 EXEMPTIONS IS REVISED TO INCLUDE A STATEMENT THAT OTHER PERMITS MAY BE REQUIRED.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GIG HARBOR:

The full text of this ordinance will be mailed upon request.

APPROVED by the City Council at their regular meeting of February 23, 2004.

BY: \_\_\_\_\_  
MOLLY M. TOWSLEE, CITY CLERK