ORDINANCE NO. 949

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, DELETING THE REFERENCE TO SIGNS IN THE GENERAL NONCONFORMING USE CHAPTER OF THE ZONING CODE TO ELIMINATE CONFUSION AND ENSURE THAT THE REGULATIONS RELATING TO NON-CONFORMING SIGNS IN THE SIGN CHAPTER OF THE ZONING CODE WILL BE APPLIED TO NONCONFORMING SIGNS, AMENDING GIG HARBOR MUNICIPAL CODE SECTION 17.68.070.

WHEREAS, the City adopted chapter 17.68, "Nonconformities," of the Gig Harbor Municipal Code in 1990, and amended it last in 1996; and

WHEREAS, GHMC Section 17.68.070 includes a reference to non-conforming signs; and

WHEREAS, the City amended chapter 17.80 GHMC "Signs," in 1998; and

WHEREAS, at the time the City amended chapter 17.80, a section specifically addressing nonconforming signs was added (GHMC Section 16.80.130); and

WHEREAS, GHMC Section 17.68.070 states that "any change that decreases the nonconformity to the requirements of this title shall be permitted," (meaning Title 17); and

WHEREAS, GHMC Section 17.80.130 is also in Title 17, and GHMC Section 17.80.130 does not automatically allow a nonconforming sign to be changed, as long as the change "decreases the nonconformity to the requirements of this title;" and

WHEREAS, it appears that GHMC Section 17.68.070 should have been amended to delete all references to signs when the City subsequently adopted a specific chapter on the subject of signs and a specific provision on the subject of nonconforming signs (GHMC Section 17.80.130); and

WHEREAS, the City Council desires to eliminate the reference to signs in the general chapter of the Zoning Code dealing with nonconformities to eliminate any confusion and to ensure that GHMC Section 17.80.130 applies to nonconforming signs;

WHEREAS, the City SEPA Responsible Official determined that this ordinance was categorically exempt from SEPA under WAC 197-11-800(20); and

WHEREAS, the Planning Commission held a public hearing on this ordinance on November 6, 2003, and made a recommendation of approval to the City Council; and

WHEREAS, on October 14, 2003 a copy of this Ordinance was sent to the Office of Trade and Community Development; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of November 24, 2003; Now, Therefore,

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

Section 1. Section 17.68.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.68.070 Nonconforming parking, loading~~,~~ ~~signs~~ and other characteristics of use.

If the characteristics of a use such as ~~signs,~~ off-street parking, off-street loading, lighting or other matters required by this title in relation to specific uses of land, structures or premises, <u>with the exception of signs,</u> are not in accordance with the requirements of this title, no change the increases the nonconformity with such requirements shall be made in such characteristics of use. Any change that decreases the nonconformity to the requirements of this title shall be permitted. <u>Nonconforming signs are regulated under GHMC Section 17.80.130.</u>

Section 2. <u>Severability.</u> 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 3. <u>Effective Date.</u> This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig

Harbor this 12th day of January, 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: 11/21/03
PASSED BY THE CITY COUNCIL: 1/12/04
PUBLISHED: 1/21/04
EFFECTIVE DATE: 1/26/04
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