

## ORDINANCE NO. 710

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, MAKING ADJUSTMENTS TO THE CODE TO PERMIT FAMILY DAY CARE AND ADULT FAMILY HOMES IN RESIDENTIAL DISTRICTS, PERMITTING MANUFACTURED/MOBILE HOME SUBDIVISIONS AND PARKS IN RESIDENTIAL ZONES, REVISING THE PARKING STANDARDS TO ALLOW SHARED PARKING IN THE DOWNTOWN BUSINESS DISTRICT, DEFINING COMPLETE APPLICATION AND PERMIT TYPE FOR VARIANCES, CONDITIONAL USE AND SPECIAL USE PERMITS AND AMENDING SECTIONS 17.12.020, 17.16.020, 17.16.030, 17.16.040, 17.16.070, 17.16.080, 17.20.010, 17.20.020, 17.20.030, 17.20.050, 17.20.060, 17.20.070, 17.24.020, 17.24.030, 17.24.050, 17.24.060, 17.28.010, 17.28.020, 17.28.030, 17.28.060, 17.28.070, 17.30.020, 17.30.050, 17.30.070, 17.30.110, 17.30.030, 17.31.080, 17.31.110, 17.32.010, 17.32.020, 17.32.030, 17.32.040, 17.32.050, 17.26.020, 17.36.030, 17.36.080, 17.36.120, 17.40.020, 17.40.030, 17.40.040, 17.40.050, 17.40.070, 17.40.080, 17.40.100, 17.46.020, 17.46.040, 17.46.060, 17.46.040, 17.48.060, 17.50.040, 17.50.050, 17.50.060, 17.62.010, 17.62.020, 17.62.030, 17.66.020, 17.68.010, 17.68.040, 17.68.050, 17.72.020, 17.72.030, 17.78.020, 17.78.050, 17.28.070, 17.78.080, 17.78.090, 17.78.110, 17.84.030, 17.89.020, 17.89.030, 17.89.030, 17.89.070, 17.89.120, 17.89.130, 17.90.010, 17.80.020, 17.90.020, 17.90.030, 17.90.040, 17.90.060, 17.90.070, 17.90.080, 17.96.030, 17.96.050, 17.96.080, 17.100.020, 17.100.025, 17.100.030, 17.100.040; ADDING NEW SECTIONS 17.16.080, 17.24.070, 17.32.033, 17.32.035, 17.36.060, 17.40.055, 17.40.075, 17.62.040, 17.64.015, 17.64.045, 17.66.015, 17.66.025, 17.72.060, 17.72.060, 17.72.070, 17.100.035; REPEALING SECTIONS 17.16.060, 17.16.040, 17.64.090, 17.102.010 AND 17.100.050 OF THE GIG HARBOR MUNICIPAL CODE.

---

WHEREAS, the Growth Management Act requires that local government planning under the act must adopt development regulations which implement comprehensive plans; and,

WHEREAS, the State Regulatory Reform Act of 1995 requires local governments planning under RCW 36.70A to consolidate permit processes to meet the requirements of the act; and,

WHEREAS, the current zoning code, which was last updated in 1991, is in need of refinement to reflect current state law; and,

WHEREAS, updating the zoning code is in the public's health, interest, welfare and safety as it implements the goals and policies of the amended City of Gig Harbor Comprehensive Plan of November, 1994; and,

WHEREAS, there are many policy areas relevant to administrative procedures which should be amended to increase the efficiency of land use permit processing within the city; Now, Therefore,

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

Section 1. Section 17.12.010 of the Gig Harbor Municipal Code is hereby amended as to read as follows:

**17.12.010 Districts established.** The city is divided into the following use districts:

- A. Single-family residential (R-1);
- B. Medium density residential (R-2);
- C. Multiple-family residential (R-3);
- D. Residential business 1 (RB-1);
- E. Residential business 2 (RB-2);
- F. Downtown business (DB);
- G. General business Neighborhood Commercial (B-1);
- H. General business (B-2);
- I. General commercial (C-1);
- J. ~~Westside commercial (WSC)~~Public-Institutional (PI);
- K. Waterfront residential (WR);
- L. Waterfront Millville (WM);
- M. Waterfront commercial (WC).
- N. Employment District (ED)

Section 2. Section 17.16.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.16.020 Permitted principal uses and structures.** The following principal uses and structures are permitted in an R-1 district:

- A. Single-family dwelling;
- B. Agricultural uses including nurseries and truck gardens as long as objectionable odors or dust are not created; Adult family homes
- C. Publicly owned and operated parks and playgrounds;
- D. Temporary buildings for and during construction;
- E. Family day care and adult family homes;
- F. Uses and structures that are necessary or desirable adjuncts to permitted uses and structures and are under the management and control of the person, organization or agency responsible for the permitted principal use or structure.
- I. Manufactured housing in approved manufactured housing subdivisions.
- J. Home occupations subject to chapter 17.84.

Section 3. Section 17.16.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.16.030 Conditional uses.** Subject to the requirements of Chapter 17.64 GHMC and the standards and procedures for conditional uses as set forth in this title, the following uses may be permitted in an R-1 district:

- A. ~~Child care facilities serving more than six children outside of a home in an institution;~~
- A. B. Public utilities and public service uses such as libraries, electric substations, telephone exchanges and police, fire and water facilities;
- B. Schools, including playgrounds and athletic fields incidental thereto;
- C. Houses of religious worship, rectories and parish houses;
- E. ~~Home occupations;~~
- D. ~~F.~~ Bed and breakfast establishments;
- E. G. Accessory apartment which meet the criteria as established under Section 17.64.045. When reviewing a conditional use request for an accessory apartment, the hearing examiner shall consider the following guidelines:
  - 1. ~~The required parking space for the accessory apartment is placed behind the primary structure or is paved with grass block pavers to avoid an expansive area of hard surface;~~
  - 2. ~~The accessory apartment is attached to or placed at least six feet behind the primary structure,~~

3. The design of the accessory apartment is incorporated into the primary unit's design with matching materials, colors, window style and roof design;
4. The entrance to the accessory apartment is oriented away from the view of the street or is designed to appear as a secondary entrance to the primary unit (e.g., garage entrance or service porch entrance);
5. Utilities for the accessory apartment shall be metered separate from the primary dwelling unit;
6. The accessory apartment and the primary unit conforms to all other building and zoning code requirements.

Section 4. Section 17.16.040 of the Gig Harbor Municipal Code is hereby repealed.

Section 5. Section 17.16.060 of the Gig Harbor Municipal Code is hereby repealed.

Section 6. Section 17.16.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.16.0760 Development standards.** In an R-1 district, the minimum lot requirements are as follows:

A. <sup>1</sup> Minimum lot area per building site <u>for short plats</u>	12,000 square feet
B. <sup>1</sup> Minimum lot width	70'
C. <sup>2</sup> Minimum front yard setback	25'
D. Minimum rear yard setback	30'
E. Minimum side yard setback	8'
F. Maximum impervious lot coverage	40%
G. Minimum street frontage	20'
<u>H. Maximum Density</u>	<u>3 dwelling units/acre</u>

<sup>1</sup>A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7% of the lot area, in lineal feet.

<sup>2</sup>In 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 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.

---

<sup>2</sup> A maximum density of up to 4 dwelling units per acre may be permitted within a planned residential development, pursuant to Chapter 17.89 of the GHMC.

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 ~~or~~ of record.

Section 7. Section 17.16.080 of the Gig Harbor Municipal Code shall be amended to read as follows:

**17.16.0870 Maximum height of structures.** In an R-1 district, all buildings and structures shall not exceed ~~have a maximum height of 16-35 feet except as provided for under Chapter 17.62 GHMC, height overlay district restriction area~~

Section 8. A new Section 17.16.080 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.16.080 Height Variance for Single Family Dwellings

---

The maximum height of a single family dwelling may be increased, subject to the requirements established in Section 17.66.025 of this Title. Requests for a height variance is a Type II application and shall be processed in accordance with the procedures in Title 19 of the GHMC.

Section 9. Section 17.20.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.20.010 Intent.** A R-2 district is intended to allow for a moderate density of land use that is greater than is permitted in an R-1 district but less than is permitted in an R-3 district, where suitable facilities such as streets, water, sewer and storm drainage are available. An R-2 district provides a transition between a higher density residential district in order to preserve the primarily residential character of existing lower density residential areas.

Section 10. Section 17.20.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

H.G. Home occupations subject to Chapter 17.84 GHMC.

I. Manufactured housing in approved manufactured housing subdivisions or parks.

J. Home occupations

---

Section 10. Section 17.20.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.20.030 Conditional uses.** Subject to the requirements of Chapter 17.64 GHMC and the standards and procedures for conditional uses as set forth in this title, the following uses may be permitted in an R-2 district:

A. Child care facilities serving more than six children outside of a home in an institution;  
A.B. Public utilities and public service uses such as libraries, electric substations, telephone exchanges, and municipal service facilities;  
B.C. Schools, public and private, including accessory playgrounds and athletic fields;  
C.D. Houses of religious worship, rectories and accessory buildings;  
D.E. Bed and breakfast establishments;  
E.F. Nursing and retirement homes;  
F.G. Recreational buildings and community centers.

Section 11. Section 17.20.040 of the Gig Harbor Municipal Code is hereby repealed.

Section 12. Section 17.20.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.20.050 040 Development standards.** In a R-2 district, the minimum lot requirements are as follows:

	7000- to 12000	Single Family Dwelling 12000+	Duplex Dwelling	Nonresidential
Minimum lot area per building site in square feet		12000	14000	12000
Minimum lot width	50'	70'		70'
Minimum front yard setback	25'	25'	25'	25'
Minimum rear yard	25'	25'	25'	30'

Minimum interior side yard	7'	8'	8'	10'
Maximum impervious lot coverage	40%	40%	45%	50%
Minimum street frontage	20'	20'	20'	20'

A.	Minimum lot area for short plats: 7000 square feet/dwelling unit
B.	<sup>1</sup> Minimum lot width: 50 feet
C.	<sup>1</sup> Minimum front yard: 25 feet
D.	Minimum side yard: 7 feet
E.	Minimum rear yard: 25 feet
F.	Maximum site coverage: 40 % of the total lot area.
G.	<sup>2</sup> Maximum density: 6 dwelling units per acre

<sup>1</sup>A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7% of the lot area, in lineal feet.

<sup>2</sup>In 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 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 on record.

<sup>2</sup> A maximum density of up to 7.8 dwelling units per acre may be permitted within a planned residential development, pursuant to Chapter 17.89 of the GHMC.

Section 13. Section 17.20.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.20.060 Maximum height of structures.** In an R-2 district, all buildings and structures shall not exceed have a maximum height of 16-35 feet except as provided for under Chapter 17.62 GHMC, height overlay district restriction area

Section 14. Section 17.24.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.24.020 Permitted principal uses and structures.** The following principal uses and structures are permitted in an R-3 district:

- A. Duplexes and multiple-family dwellings up to eight attached dwelling units per structure;
- B. Bed and breakfast establishments;
- C. Nursing and retirement homes subject to the basic density requirements of the district;
- D. Adult family homes;
- E. Family day care;
- F. Publicly owned parks and playgrounds; and
- G. Accessory uses and structures such as:
  - 1. Temporary buildings for and during construction, and
  - 2. Uses and structures that are normal, necessary or desirable adjuncts to permitted uses.
- I. Manufactured housing in approved manufactured housing subdivisions or parks.
- J. Home occupations as established in chapter 17.84.

Section 15. Section 17.24.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.24.030 Conditional uses.** Subject to the requirements of Chapter 17.64 GHMC and the standards and procedures for conditional uses as set forth in this title, the following uses may be permitted in an R-3 district:

- A. Child care facilities serving six or more children outside of a home in an institution;
- B. Public utilities and public services uses such as libraries, electrical substations, telephone exchanges and police and fire and water facilities;
- C. Recreational buildings and community centers;
- D. Schools, public and private;
- E. Houses of religious worship, rectories and parish houses;
- F. Private nonprofit clubs;
- G. Parking lots; and
- H. Single-family dwellings.

Section 16. Section 17.24.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.24.050 Development standards.** In an R-3 district, the minimum lot requirements are as follows:

Single Family Dwelling	Duplex Dwelling	Three or more units	Nonresidential
------------------------	-----------------	---------------------	----------------

<u>Minimum lot area per building site in square feet</u>	7000	14000	20000	12000
<u>Minimum lot width</u>	70'	70'	70	70'
<u>Minimum front yard setback</u>	25'	25'	25'	25'
<u>Minimum rear yard</u>	25'	25'	15'	30'
<u>Minimum interior side yard</u>	8'	8'	8'	10'
<u>Maximum impervious lot coverage</u>	40%	40%	65%	50%
<u>Minimum street frontage</u>	20'	20'	20'	20'

A.	<u><sup>1</sup>Minimum area for short plats:</u>	<u>5400 square feet/dwelling unit</u>
B.	<u><sup>1</sup>Minimum lot width:</u>	<u>50 feet</u>
C.	<u><sup>2</sup>Minimum front yard:</u>	<u>20 feet</u>
D.	<u>Minimum side yard:</u>	<u>7 feet</u>
E.	<u>Minimum rear yard:</u>	<u>25 feet</u>
F.	<u>Maximum site coverage:</u>	<u>60 % of the total lot area.</u>
G.	<u><sup>3</sup>Maximum Density</u>	<u>8 dwelling units per acre</u>

<sup>1</sup>A minimum lot area is not specified for subdivisions of five or more lots. The minimum lot width shall be 0.7% of the lot area, in lineal feet.

<sup>2</sup>In 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~~ as determined by the planning and public works directors. ~~An undersized lot shall qualify as a building site if such lot is a lot of record. The maximum density in an R-3 district is eight dwelling units per acre.~~

<sup>3</sup> A maximum density of up to 10.4 dwelling units per acre may be permitted within a planned residential development, pursuant to Chapter 17.89 of the GHMC.

Section 17. Section 17.24.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.24.060 Maximum height of structures.** In an R-3 district, all buildings and structures shall not exceed ~~have a maximum height of 16-35 feet in height except as provided for under Chapter 17.62 GHMC, height overlay district restriction area~~

Section 18. Section 17.28.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.28.010 Intent.** An RB-1 district is intended to provide a mix of residential uses with certain specified business, personal and professional services. It is also intended to serve as a buffer between high intensity commercial and lower density residential uses. The regulations and restrictions in an RB-1 district are intended to protect and preserve residential uses while permitting business uses characterized principally by professional and consultive services or executive and administrative offices, compatible with single-family residential development. To this extent, non-residential structures should be limited in total gross floor area per lot in order to minimize the impact of bulk and scale to residential neighborhoods.

Section 19. Section 17.28.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.28.020 Permitted uses and structures.** The following principal uses and structures are permitted in an RB-1 district:

- A. All uses permitted in the R-1 district;
- B. Bed and breakfast establishments;
- C. ~~Business and Professional offices and personal services;~~
- D. Publicly owned parks and playgrounds;
- E. Temporary buildings for and during construction;
- F. ~~Uses and structures that are necessary or desirable adjuncts to permitted uses and structures and are under the management and control of the person, organization or agency responsible for the permitted principal use or structure;~~
- G. ~~F.~~ Uses which complement or facilitate permitted uses such as parking facilities or public plazas; and
- H. G. Pharmacies solely incidental to medical offices.
- I. Mobile/Manufactured home parks or subdivisions.
- J. Family Day Care
- K. Adult Family Homes

Section 20. Section 17.28.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.28.030 Conditional uses.** Subject to the requirements of Chapter 17.64 GHMC and the standards and procedures for conditional uses as set forth in this title, the following uses may be permitted in an RB-1 district:

- A. Nursing homes and retirement facilities;
- B. Child care facilities ~~containing more than six children~~;
- C. Public utilities and public service uses such as libraries, electrical substations, telephone exchanges and police, fire and water facilities;
- D. Recreational buildings and community centers;
- E. Schools, public and private;
- F. Outdoor recreational activities.
- G. Houses of religious worship

#### **17.28.050 - Minimum Development Standards**

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

	<u>Single</u>	<u>Non-</u>
	<u>Family</u>	<u>residential</u>
A. Lot area (square feet)	12,000	12,000
B. Lot width (feet)	70'	70'
C. Nonresidential yards:		
1. Front	20	20
2. Side	10	10
3. Rear	15	15
Abutting R-1/R-2 district	30 feet, with dense vegetative screening	
E. Residential yards	Same as setbacks in R-3 district	
F. Maximum impervious coverage	50%	60%
G. Minimum street frontage	20'	50'
	<u>Residential</u>	<u>Non-residential</u>
A. Minimum lot area (square feet)	12,000	15,000
B. Minimum lot width	70'	70'
C. Minimum front yard setback	20'	20'
D. Minimum rear yard setback	25'	15'
E. Minimum side yard setback	7'	10'
F. Maximum impervious lot coverage	50%	60%
G. Minimum street frontage	20'	50'
H. Maximum Density	3 dwelling units/acre	

I. More than one principal structure may be allowed on a single lot in an RB-1 district. Any yard abutting a single family residence shall be required to maintain a 30' wide dense vegetated screen.

I. An undersized lot of record shall qualify as a building lot provided it cannot be combined with another lot and; provided further, that compliance with the setback and coverage requirements are met.

J. Parking is not permitted in the side yards. Parking in front and rear yards is permitted, provided that a minimum landscape buffer of 10 feet is provided. In rear yards, a dense vegetative screen shall be provided between the parking area and any adjacent residence.

Section 21. Section 17.28.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.28.060 Maximum height of structures.** In an RB-1 district, all buildings and structures shall not exceed have a maximum height of 16-35 feet in height except as provided for under Chapter 17.62 GHMC, height overlay district restriction area.

Section 22. Section 17.28.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.28.070 Parking and loading facilities.** In an RB-1 district, parking and loading on private property shall be provided in connection with any permitted or conditional use as specified in Chapter 17.72 GHMC. Parking is not permitted in the side yards. Parking in front and rear yards is permitted, provided that a minimum landscape buffer of 10 feet is provided. In rear yards, a dense vegetative screen shall be provided between the parking area and any adjacent residence.

Section 23. Section 17.30.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.30.020 Permitted uses and structures.** The following uses and structures are permitted in an RB-2 district:

- A. Multiple-family dwellings;
- B. Bed and breakfast accommodations;
- C. Business and Professional offices or services as described in GHMC 17.28.020;
- D. Retail uses clearly accessory to the principal office use of a structure;

- E. Day care centers containing six or fewer children; Family Day Care
- E. F. Publicly owned parks and playgrounds; and
- F. G. Banking institutions.
- G. Mobile/Manufactured home parks and subdivisions.
- H. Adult Family Homes

Section 24. Section 17.30.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

\* \* \*

I. Hotels and motels

Section 25. Section 17.30.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.30.050 Development standards.** In an RB-2 district, development standards shall be satisfied for all new and redeveloped uses requiring site plan review:

- A. Minimum lot area: 12,000 square feet;
- B. Minimum lot width: 70 feet;
- C. Front yard setback: 20 feet;
- D. Side yard setback: 8 feet;
- E. Rear yard setback: 15 feet;
- F. Any yard abutting an existing residential use or zone: 40 feet with dense vegetative screening. Easements not having dense vegetative screening are not included
- G. Maximum Density: Eight dwelling units per acre permitted outright; 12 dwelling units per acre ~~maximum~~ allowed as a conditional use.

Section 26. Section 17.30.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.30.070 Maximum building height.**

~~Maximum building height in an RB-2 district shall be limited as follows:~~

- ~~A. Twenty eight feet within the first 100 feet of an existing residential use or zone;~~
- ~~B. Thirty five feet for structures located more than 100 feet from an existing residential use or zone. In an RB-2 district, all buildings and structures shall not exceed have a maximum height of 16-35 feet except as provided for under Chapter 17.62 GHMC, height overlay district restriction area~~

Section 27. Section 17.30.110 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.30.110 ~~Supplemental standards. Performance standards. In an RB-2 district, the development standards set forth in GHMC 17.58.060 through 17.58.110 shall be applicable to this chapter.~~

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/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. 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.

Section 28. Section 17.31.080 of the Gig Harbor Municipal Code is hereby amended to read 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 ~~except as provided for under Chapter 17.62 GHMC, height overlay district.~~

Section 29. Section 17.31.110 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.31.110 Performance standards.** In a DB district, performance standards are as follows:

\* \* \*

**D. Outdoor Display of Merchandise.** The outdoor display of merchandise is limited to the area immediately along the building frontage a maximum distance of twelve feet from the building. Out door displays of merchandise on public sidewalks or right-of-ways shall be regulated per Chapter 12.02 of the Gig Harbor Municipal Code.

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

Section 30. Section 17.32.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.32.010 Intent.** This district is intended to provide shopping facilities close to residential areas for the convenience of nearby residences in satisfaction of only daily or frequent shopping needs, while reducing the hazards of local traffic by limiting the kinds of retail activities to those suitable for stores of 10,000 5,000 square feet of floor area or less per parcel, such as groceries, bakeries or drugstores. Residential uses, subordinate to the principal commercial use, are suitable for this district. The protective standards for site development contained in this chapter are intended to minimize any adverse effect of such development on nearby property values, and to provide for safe and efficient use of the development itself. Submission of a site development plan is intended to serve as a guide to the city council and planning commission for the evaluation of the application in terms of the public interest. Such information is further intended to substantiate a finding that the proposed development will promote the general welfare of the city. It is further intended that any financial responsibility of the developer for work to be done on city streets bounding or giving access to the development, which arises out of the provisions of this chapter, be made the subject of a contractual agreement between the developer and the city, and that

such contractual agreement may contain provisions to effectuate any other Chapter of this chapter. The principles or guidelines to be applied are as follows:

A. All business establishments shall be retail or service establishments dealing directly with consumers, and only those goods shall be produced that are sold on the premises. Residential uses are allowed, if they are subordinate to the principal commercial use on the site and providing that they do not occupy the groundfloor of the structure.

B. The maximum gross floor area for a non-residential structure occupied by any business establishment shall not exceed 10,000 5,000 square feet per lot, exclusive of required parking.

C. All business shall be conducted within completely enclosed buildings., no Open or drive-in establishments being permitted are not permitted.

Section 31. Section 17.32.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.32.020 Permitted uses.** Subject to the regulations of GHMC 17.32.030, the following uses are permitted in a B-1 district:

A. All uses permitted in an R-2 district, with the exception of detached single family dwellings;

B. Barbershops and beauty parlors;

C. Drugstores;

D. Drycleaning and laundry receiving establishments, processing not to be done on the premises;

E. Food stores, such as grocery stores, meat markets, bakeries and delicatessen stores;

F. Hardware stores;

G. Laundries, of the automatic, self-service type;

H. Shoe repair stores;

I. Variety stores;

J. Temporary buildings for and during construction;

K. Relating to storage uses, such establishments may be permitted to conduct business outside of enclosed buildings for the purposes of storage of wheeled vehicles, trailers and other wheeled implements. Any such business conducted outside of enclosed buildings shall be within the confines of an area properly secured, fenced and screened, and shall be allowed only after completion of site plan review as specified in GHMC 17.32.030; Residences located above the ground floor of a commercial establishment.

L. Light manufacturing;

M. Bowling alleys;

N. Restaurants, cocktail lounges and taverns.

Section 32. Section 17.32.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.32.030 Site plans.** The procedures established under Chapter 17.96 shall apply to development within this district.

A. Before a building permit will be issued in this zone, except a single family residence or duplex, a minimum of triplicate site plans shall be submitted to the city clerk for transmittal to the city building inspector.

B. Site plans will be drawn to scale of no smaller than one inch equals 30 feet and shall include the following:

1. Location and arrangement of proposed building on lot;
2. Three contiguous property lines of adjacent property owners;
3. Location and size of off street parking to include ingress and egress as well as internal traffic circulation and service facilities;
4. Proposed landscaping to include drainage and permanent landscaping or screening which is feasible for the property within the proposed development;
5. A separate scale drawing of the exterior of the building(s) to include siding material, signs, and screening design and material;
6. A city of Gig Harbor environmental work sheet.

C. If the city clerk and the city building inspector find the plans lacking in any respect, or that the proposed development would not meet the regulations of the district for which they are designed, the city clerk or the city building inspector will return same to the applicant(s) with a notation as to where they are deficient. When corrected, they will be again placed in the hands of the city clerk and the city building inspector for review and transmittal to the planning commission.

D. If the city clerk and the city building inspector find a variance, a conditional use permit or a rezone would be a necessary adjunct to the carrying out of the proposed plans, the applicant (s) shall be so notified, that they may make application for such variance, conditional use permit or zone change coincident with the application for site plan approval, if so desired.

E. The city clerk shall assign public hearing dates for the applicant for both the planning commission and city council and forward the site plans to the planning commission which shall, at its earliest possible regular meeting, consider approval of the plans with special attention to:

1. Compatibility with the city's comprehensive plan;
2. Compatibility with surrounding buildings, occupancy, and use factors;
3. All relevant statutory codes, regulations and ordinances and compliance with same.

F. Upon completion of its study of the site plans the planning commission shall transmit same to the city council together with a letter of approval or rejection of the plans. Should approval be recommended the letter may include recommendations for any special

~~restrictions or regulations deemed necessary or desirable in furthering the intent of the code pertaining to this proposed development.~~

~~G. The city council, upon receipt of the site plans, shall hold an advertised public hearing and accept or reject, with or without special restrictions or regulations, the site plans submitted.~~

~~H. The city council may require suitable performance bonds to assure compliance with all city ordinances, the amount and nature of same shall be set by the city council, and the city clerk shall arrange for same.~~

~~I. All site plans submitted shall become property of the city and shall be considered an integral part of the building permit when issued.~~

~~J. Upon approval by the city council, the city building inspector is authorized to issue permits for the proposed building(s) and/or development.~~

Section 33. A new Section 17.32.033 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.32.033 General Standards. The following general standards shall apply:

A.	Minimum lot area:	5,000 square feet
B.	Minimum lot width:	50 feet
C.	Minimum front yard:	20 feet
D.	Minimum side yard:	10 feet
E.	Minimum rear yard:	25 feet
F.	Maximum site impervious coverage:	80 %
G.	Maximum Residential Density:	4 dwelling units per acre

Section 34. A new Section 17.32.035 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.32.035 Maximum District Area. The maximum area of a B-1 district shall not exceed 3 acres. A B-1 district may not be located within one-half mile of another commercial district.

Section 35. Section 17.32.090 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.32.090 Off-street loading.** One off-street loading berth shall be provided, in accordance with Chapter 17.72 GHMC. ~~for 10,000 square feet or more of floor area up to 20,000 square feet, and one additional berth provided for each 20,000 square feet of floor area over 20,000 square feet.~~

Section 36. Section 17.32.100 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.32.100 Off-street parking.**

~~A. Off street parking shall be provided for residences on the basis of one space for each dwelling unit.~~

~~B. Off street parking shall be provided for all other uses, in accordance with the off street parking requirements of Chapter 17.72 GHMC. Off-street parking and loading shall comply with the standards of Chapter 17.72.~~

Section 37. Section 17.36.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.36.020 Permitted uses.** The following uses and structures are permitted in a B-2 district:

A. Retail and wholesale sales, excluding motorized vehicles, trailers and boats;

B. Business and professional offices;

C. Banks and other financial institutions;

D. Restaurants, cocktail and associated lounges and taverns (indoor dining - no drive-through);

E. Commercial recreation, excluding drive-in theaters;

F. Gasoline service stations and car washes; and

G. Personal and professional services.

H. Adult family homes

I. Family day care

J. Hotels and motels

Section 38. Section 17.36.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

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

A. Utilities and public service uses such as libraries, electrical substations, water storage facilities, etc.;

B. Light manufacturing and assembly;

C. Ministorage warehouses;

D. Recreational buildings and community centers;

E. Drive-in restaurants; and

F. Radio and television transmission towers.

Section 39. Section 17.36.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.36.060 Minimum building setback requirements.**

- A. Front yard 20 feet
- B. Rear yard 20 feet
- C. Side Yard:
  - 1. Interior yards 5 feet
  - 2. Flanking street 10 feet
- D. Separation Between Structures 20 feet
- D.E. Any yard abutting residential development, 30 feet with dense vegetative screening.

Section 40. Section 17.36.080 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.36.080 Maximum height of structures.** In a B-2 district, all buildings and structures shall not exceed a maximum height of ~~16~~ 35 feet except as provided for under Chapter 17.62 GHMC, height ~~overlay district~~ restriction area.

Section 41. Section 17.36.120 of the Gig Harbor Municipal Code is hereby amended to read 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/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained for the life of the project 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 twelve feet from the building. Out door displays of merchandise on public right-of-way or sidewalks shall be regulated under the provisions of Chapter 12.02 of the Gig Harbor Municipal Code.

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

Section 42. Section 17.40.020 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

**17.40.020 Permitted principal uses and structures.** The following principal uses and structures are permitted in a C-1 district:

- A. All uses permitted in a B-2 district;
- B. Repair shops for appliances, automobiles and small equipment;
- C. The production, processing, cleaning, servicing, testing, and repair of materials, goods and products, except that junkyards, auto wrecking yards, garbage dumps and any activity that emits smoke, excessive noise, dirt, vibration or glare, or is otherwise offensive or hazardous, is prohibited;
- D. Indoor amusement establishments;
- E. Animal hospitals, clinics with overnight confinement and pounds;
- F. The sale of motor vehicles, cars and trailers, and vehicle services such as carwashes, garages, tire and battery service facilities;
- G. Boat sales and show rooms;
- H. Building material sales;
- I. Cartage and express facilities and trucking;
- J. Contractors' offices and shops;
- K. Fishing equipment supplies and repairs;
- L. Frozen food lockers;
- M. Fuel and ice sales;
- N. Commercial greenhouses;

- O. Linen towel, diaper and similar supply services and laundry facilities;
- P. Storage, warehousing and wholesaling establishments;
- Q. Light assembly or manufacturing; and
- R. All permitted uses of the waterfront.
- S. Child day nursery care facilities schools
- T. Family day care adult family homes

Section 43. Section 17.40.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.40.030 Permitted accessory uses and structures.** The following accessory uses and structures are permitted in a C-1 district:

- A. Temporary portable buildings for and during construction; and
- ~~B. Uses and structures that are necessary or desirable adjuncts to permitted uses and structures and are under the management and control of the person, organization or agency responsible for the permitted principal use or structure.~~

Section 44. Section 17.40.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.40.040 Conditional uses.** Subject to the requirements of Chapter 17.64 GHMC and the standards and procedures for conditional uses as set forth in this title, the following uses may be permitted in a C-1 district:

- A. Hospitals, clinics and establishments for people convalescing from illness or operation;
- B. Homes for the aged;
- ~~C. Day nursery schools;~~
- ~~D. Public utilities and public service uses such as libraries, electrical substations, telephone exchanges and police, fire and water facilities;~~
- ~~E. Recreational buildings and community centers;~~
- ~~F. Seasonal Christmas tree sales;~~
- ~~G. Schools, including playgrounds and athletic fields incidental thereto;~~
- ~~H. Houses of religious worship, rectories and parish houses;~~
- ~~I. Private and not-for-profit clubs;~~
- ~~J. Planned unit developments;~~
- ~~K. Home occupations;~~
- ~~L. Ministorage facilities;~~
- ~~M. Drive-in restaurants; and~~
- ~~N. Residential uses.~~

Section 45. Section 17.40.050 of the Gig Harbor Municipal Code is hereby repealed.

Section 46. Section 17.40.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.40.070 Minimum lot requirements.** In a C-1 district, the minimum site development lot area is 6,000 square feet, and the minimum lot width is 50 feet.

Section 47. A new Section 17.40.075 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.40.075 Maximum Residential Density.** The maximum residential density is 7 dwelling units per acre.

Section 48. Section 17.40.080 of the Gig Harbor Municipal Code is hereby amended to read 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. Setback dimensions shall be determined as part of the site plan reviews of Chapter 17.96 GHMC.; provided, however, that 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.

Section 49. Section 17.40.100 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.40.100 Maximum height of structures.** In a C-1 district, all buildings and structures shall not exceed a height of 16 35 feet except as provided for under Chapter 17.62 GHMC, height overlay district restriction area.

Section 50. Section 17.46.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.46.020 Permitted uses.** The following uses are permitted in a waterfront residential district:

- A. Single-family and duplex dwellings;
- B. Accessory structures clearly incidental to the residential use of the lot;
- C. Publicly owned and operated parks and shoreline viewing facilities;
- D. Home occupation;
- E. Family day care;
- F. Adult family homes

Section 51. Section 17.46.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.46.040 Development standards.** ~~In a waterfront residential district, A minimum lot area for new subdivisions is not specified.~~ The minimum lot requirements are as follows:

	<u>Single Family Dwelling</u>	<u>7000 to 12000</u>	<u>Less than 7000</u>	<u>Duplex Dwelling</u>	<u>Non- reside- ntial</u>
<u>Minimum lot area per building site in square feet</u>	<u>7000</u>			<u>15000</u>	<u>12000</u>
<u>Minimum lot width</u>	<u>70'</u>	<u>50'</u>	<u>50</u>	<u>70'</u>	<u>70</u>
<u>Minimum front yard setback</u>	<u>20'</u>	<u>20'</u>	<u>15'</u>	<u>20'</u>	<u>20</u>
<u>Minimum rear and/or cedarwood setback abutting tidelands</u>	<u>0'</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Minimum interior side yard setback</u>	<u>8'</u>	<u>5</u>	<u>5</u>	<u>8</u>	<u>10</u>
<u>Minimum street cedarwood setback</u>	<u>10</u>	<u>10</u>	<u>8</u>	<u>10</u>	<u>10</u>
<u>Maximum impervious lot coverage</u>	<u>40%</u>	<u>45%</u>	<u>50%</u>	<u>45%</u>	<u>50</u>
<u>Minimum street frontage</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>20</u>

		Single	Duplex	Nonresidential
A.	Minimum lot area (square feet):	7,000	14,000	12,000
B.	Minimum lot width:	70 feet	50 feet	50 feet
C.	<sup>1</sup> Minimum front yard:	20 feet	20 feet	20 feet
D.	Minimum side yard:	10 feet	10 feet	10 feet
E.	Minimum rear yard:	25 feet	25 feet	25 feet
F.	Minimum Yard Abutting Tidelands:	0 feet	0 feet	0 feet
G.	Maximum site impervious coverage:	40 %	45 %	50 %.
H.	<sup>2</sup> Maximum Density:	3 dwelling units per acre		

<sup>1</sup>In 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 as determined by the~~ planning and public works directors. An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

<sup>2</sup>Density bonus of up to 30 % may be granted subject to the requirements of Chapter 17.96 (Planned Residential District).

\* \* \*

Section 52. Section 17.46.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.46.060 Maximum height of structures.** In a WR district, all buildings and structures shall not exceed ~~have a maximum height of 16~~ ~~35~~ feet except as provided for under Chapter 17.62 GHMC.

Section 53. Section 17.48.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.48.040 Development standards.** ~~A. Development standards in the WM district are as follows: A minimum lot area for new subdivisions is not specified. The minimum development standards are as follows:~~

Single	Multi family	Nonresi
--------	--------------	---------

	Family	(duplex fourplex)	idential
Min. lot area (sq. ft.)	12,000	15,000/duplex 18,000/triplex 21,000/fourplex	12,000
Min. lot width	70'	100'	100'
Min. front setback	20'	20'	20'
Min. rear and/or side yard abutting Tidelands	0	0	0
Min. int. side setback	8'	8'	10'
Min. street side setback	10'	10'	10'
Max. Impervious coverage	50%	55%	70%
	Single Family Dwelling	Attached up to 4 unit	Non residential
A. Minimum lot area (square feet):	6,000	6,000/unit	15,000
B. Minimum lot width:	50 feet	100 feet	100 feet
C. <sup>1</sup> Minimum front yard:	20 feet	20 feet	20 feet
D. Minimum side yard:	8 feet	10 feet	10 feet
E. Minimum rear yard:	25 feet	25 feet	25 feet
F. Minimum Yard Abutting Tidelands:	0 feet	0 feet	0 feet
G. Maximum site impervious coverage:	50 %	55%	70%.
H. <sup>2</sup> Maximum Density:	3.5 dwelling units per acre		

<sup>1</sup>In 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. An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

<sup>2</sup>Density bonus of up to 30 % may be granted subject to the requirements of Chapter 17.96 (Planned Residential District).

Section 54. Section 17.48.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.48.060 Height.**

A. The maximum building height is Structures shall not exceed 16 feet in height, except as provided for under Chapter 17.62 GHMC. Additional height increase of up to 824 feet, maximum, may be permitted for each structure if two one additional waterview and one access opportunityies are provided per structure, per lot and the following criteria are met:

1. The structure shall not exceed two stories or floors in height.

measured

2. Each story or floor shall be less than or equal to 10 feet in height as 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.

Section 55. Section 17.50.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.50.040 Development standards.**

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

	Multifamily		
	Single	(Duplex Fourplex)	Non residential
A. Minimum lot area	12,000	15,000 21,000	12,000
B. Minimum lot width	70'	100'	100'
C. Minimum front setback	20'	20'	20'
D. Minimum rear setback if tidelands not owned	15'	15'	15'
E. Minimum rear and/or side yard setback to owned abutting tidelands	0	0	0
F. Minimum interior side setback	8'	8'	10'
G. Minimum street side setback	10'	10'	10'
H. Maximum impervious coverage	50%	55%	60%
	Single Family Dwelling	Attached up to 4 unit	Non residential
A. Minimum lot area (square feet)	6,000	6,000/unit	15,000
B. Minimum lot width	50 feet	100 feet	100 feet
C. <sup>1</sup> Minimum front yard	20 feet	20 feet	20 feet
D. Minimum side yard	8 feet	10 feet	10 feet
E. Minimum rear yard	25 feet	25 feet	25 feet
F. Minimum Yard Abutting Tidelands	0 feet	0 feet	0 feet
G. Maximum site impervious coverage	50 %	55 %	70 %
H. <sup>2</sup> Maximum Density	3.5 dwelling units per acre		

<sup>1</sup>In 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 as determined by the~~ planning and public works directors. An undersized lot or parcel shall qualify as a building site if such lot is a lot of record. An undersized lot shall qualify as a building site if such lot is a lot of record at the time this chapter became effective. Recognizing the existence of such parcels, the development standards are adjusted to grant relief as to minimum lot size and minimum lot width only.

---

<sup>2</sup>Density bonus of up to 30 % may be granted subject to the requirements of Chapter 17.96 (Planned Residential District).

\* \* \*

Section 56. Section 17.50.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.50.050 Site plans.** Before a building permit will be issued in a waterfront commercial district, the site plan review process specified in Chapter 17.96 GHMC shall be followed. Residential projects containing less than three ~~or fewer~~ dwelling units are exempt from this provision.

Section 57. Section 17.50.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.50.060 Maximum height of structures.**

In a waterfront commercial district, the maximum building height shall not exceed is 16 feet., ~~except as provided for under Chapter 17.62 GHMC.~~

Section 58. Section 17.62.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.62.010 Intent.** The purpose of this ~~district~~height restriction area is to establish standards for those properties ~~and zoning~~ districts located ~~outside~~ inside the Gig Harbor view basin where ~~greater~~ decreased building height ~~may be allowed~~ shall be required. This is intended to be a limited~~ation~~ on height ~~so as not to restrict~~ zone where views from adjacent properties ~~will not~~ be adversely affected.

Section 59. Section 17.62.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.62.020 Map adopted.** The standards of this Chapter shall be imposed as an overlay zone shown on the City's official Height Restriction Area Map, which depicts the property subject to the height restrictions. The standards of this Chapter are map overlay zone and supplementary to the regulations prescribed contained in by the underlying zones. The application of said standards shall pertain to those properties designated on the official zoning map dated March 8, 1988.

Section 60. Section 17.62.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.62.030 Standards.** The maximum height for residential structures containing three or fewer units shall be 25 feet. The maximum height of commercial structures or residential structures containing four or more units shall be 35 16 feet, except as otherwise may be provided in a planned unit development, or a planned residential development.

Section 61. A new Section 17.62.040 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.62.040 Amendment to Height Restriction Area Map**  
Amendments to the height restriction area map are a type IV permit procedure. The procedures established under Chapter 17.10 and Title 19 of the GHMC for the consideration of amendments to the zoning district map shall be followed for amendments to the height restriction area map. The criteria for approval shall be as follows:

- A. That the request to amend the height restriction area map furthers the goals, policies and objectives of the comprehensive plan;
- B. The property or area proposed for exclusion from the height restriction area map does not currently possess a view of Gig Harbor Bay, Mt. Rainier or the Puget Sound Narrows;
- C. The gradient of the land within 100 feet of the property or area does not have a slope of 5% or greater toward Gig Harbor Bay, Mt. Rainier or the Puget Sound Narrows.
- D. That views from adjacent properties will not be adversely affected.

Section 62. A new Section 17.64.015 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.64.015 Complete Application. An application for a conditional use permit is considered complete upon submittal of the information as required under Chapter 17.96.050(B) through (D), including the written statement of justification for granting the variance pursuant to the requirements of Chapter 17.64.040. This is in addition to the application requirements of Section 19.02.002 for a Type III application. Seven copies of all information required shall be submitted along with the processing fee.

Section 63. A new Section 17.64.045 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.64.045 Review criteria for accessory apartments. When reviewing a conditional use request for an accessory apartment, the hearing examiner shall consider the following guidelines:

- A. The required parking space for the accessory apartment is placed behind the primary structure or is paved with grass-block pavers to avoid an expansive area of hard surface,
- B. The accessory apartment is attached to or placed at least six feet behind the primary structure,
- C. The design of the accessory apartment is incorporated into the primary unit's design with matching materials, colors, window style and roof design,
- D. The entrance to the accessory apartment is oriented away from the view of the street or is designed to appear as a secondary entrance to the primary unit (e.g., garage entrance or service porch entrance),
- E. Utilities for the accessory apartment shall be metered separate from the primary dwelling unit,
- F. The accessory apartment and the primary unit conforms to all other building and zoning code requirements.

Section 64. Section 17.64.090 of the Gig Harbor Municipal Code is hereby repealed.

Section 65. A new Section 17.66.015 is hereby added to the Gig Harbor Municipal Code to read as follows:

17.66.015 Complete Application. An application for a general variance is considered complete upon submittal of the information as required under Chapter 17.96.050(B) through (D), including the written statement of justification for granting the variance pursuant to the requirements of Chapter 17.66.030(B). This is in addition to the application requirements of Chapter 19.02.002 for a Type III application. An application for an administrative variance shall contain the information required for a general variance, but shall include a written statement of justification for granting the variance pursuant to the requirements of Chapter 17.66.020(A).

Section 66. Section 17.66.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.66.020 Variances.**

A. Administrative Variances. An administrative variance is a type II permit procedure. Upon the filing of a proper application, the planning director shall have the authority to grant, with conditions if necessary, an administrative variance from the following property development standards:

1. A decrease of not more than 20 percent of the required width of a side, front or rear yard or yard between buildings;
2. An increase of not more than 10 percent of the permitted projection of cornices, sills, eave projections, fences or structures, maximum permitted lot coverage, unenclosed awnings and unenclosed and uncovered decks into a required front, side or rear yard;
3. An increase of not more than ~~10~~ 5 percent in the maximum permitted height of a buildings;
- ~~4. A decrease of not more than 10 percent in the number of required parking spaces.~~

B. Required Findings to Grant. Each administrative variance granted shall be supported by written findings ~~as follows: showing an affirmative determination of the variance review criteria contained in GHMC 17.66.030B.~~

The variance will not compromise the intent of the comprehensive plan nor be inconsistent with the goals, policies and objectives of the comprehensive plan;

- ~~1. The variance is an immediate remedy to a condition not readily apparent during the construction of a structure and which, if permitted, would not result in any significant adverse impacts to adjacent properties or structures;~~
- ~~2. A strict application of the standards would impose an unreasonable hardship upon the applicant or property owner;~~
- ~~3. The need for the variance is not the result of the deliberate actions of the applicant or property owner;~~
- ~~4. The variance does not create health and safety hazards.~~

~~C. Planning Director Action. Upon the filing of a properly completed application, the director shall, within fifteen working days, act to approve, modify or deny the application. If approved, the director shall send notice of the decision to the owners of all adjacent properties. The decision shall become final 145 working days after taking an action on the application unless an appeal is filed with the planning department prior to the fifteenth fourteenth day. Any appeal of an administrative variance shall be considered by the hearing examiner.~~

Section 67. Section 17.68.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.68.010 Intent.**

A. Within the zoning districts established by this title or any amendment that may later be adopted, there may exist lots, structures, uses of land and structures, and characteristics of use that were lawful before the effective date of the applicable regulations, but that would be prohibited, regulated, or restricted under the terms of ~~Chapter Title 17.04 of the~~ GHMC or a future amendment thereof. This chapter is intended to permit these nonconformities to continue until they are removed but not to encourage their perpetuation. It is further intended that nonconformities shall not be enlarged upon, expanded, extended or be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

\* \* \*

Section 68. Section 17.68.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.68.040 Nonconforming structures.** When a lawful structure existed at the effective date of the adoption or an amendment of the applicable regulations and could not be built under the terms of the current regulations set forth in GHMC Title 17, or amendments thereof, by reason of the restrictions on area, lot size or dimension, coverage, height, yards and the location on the lot or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful and shall be subject to the following provisions:

A. No such nonconforming structure may be altered in any way that increases its nonconformity respective to bulk or dimensional standards in effect or

~~enlarges any of its dimensions~~, but any structure or portion thereof may be altered to decrease its nonconformity;

\* \* \*

Section 69. Section 17.68.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.68.050 Repairs and maintenance.**

A. Repairs may be made to any nonconforming structure or any portion of a structure containing a nonconforming use; provided, they are restricted to the repairs or replacement of structural elements, fixtures, wiring and plumbing required so as to protect occupants and public safety. The need for such repairs or replacements shall be confirmed by the building official.

B. Nothing in this chapter shall be deemed to prevent the strengthening or restoration to a safe condition of any ~~bus~~<sup>gilding</sup> or part thereof declared to be unsafe by any official charged with protecting the public safety and upon the order of such official.

Section 70. Section 17.72.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.72.020 Off-street parking design standards.**

\* \* \*

C. All off-street parking spaces shall be at least ~~nine~~ eight feet in width and at least ~~19~~ eighteen feet in length, both exclusive of access drives, yards, and ramps. Such spaces shall have a vertical clearance of at least seven feet. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, provided that the parking space so created contains within it the rectangular area required by this Chapter. Parking area aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

	Parking Angle				
Aisle Width	0°	30°	45°	60°	90°
One Way	12'	12'	15'	18'	20'
Two Way	19'	20'	21'	23'	24'

Driveways shall not be less than 12 feet in width for one way traffic and 20 feet in width for two-way traffic.

D. Off-street parking spaces may be located in any required yard unless otherwise indicated in Chapter 17.72 in Title 17 of the GHMC.

\* \* \*

Section 71. Section 17.72.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.72.030 Number of off-street parking spaces required.**

\* \* \*

T. For drive-through carwashes or quick service lubrication facilities, two parking spaces per service bay plus one space for every two employees. In addition, a stacking lane or lanes capable of accommodating a minimum of ten (10%) percent of the projected maximum hourly throughput of vehicles for the car wash shall be provided near the entrance to the car wash bay(s). One car length within the stacking lane shall be equal to the length of a standard parking stall.

Section 72. A new Section 17.72.060 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.72.060 Joint Use of Required Parking Spaces for the Downtown Business (DB) and the Waterfront Commercial (WC) Districts.**

- A. One parking area may contain required spaces for several different uses. Except as otherwise provided in this Chapter, the required space assigned to one use may not be credited to any other use which will require parking space simultaneously.
- B. To the extent that developments that wish to make joint use of the same parking spaces operate at different times, the spaces may be credited to both uses.
- C. Joint use of parking as specified under this Chapter shall be by written agreement between the developments using the parking facilities. The agreement shall be subject to the approval of the City. Said agreement shall be filed with the Pierce County Auditor as a covenant running with the land and is deemed binding between the assenting parties. The parking agreement shall have a minimum term of five years and shall specifically provide that the party whose parking will be eliminated or

reduced (the "affected party") by the agreement's termination shall notify the City at least six months prior to such termination. The affected party shall secure off-street parking sufficient to meet the code-required parking for the use.

Section 73. A new Section 17.72.070 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.72.070 Special Provisions for Lots With Existing Buildings in the Downtown Business District.** Notwithstanding any other provisions of this chapter, whenever (i) there exists a lot with one or more structures on the effective date of this chapter, and (ii) a change in use does not involve any enlargement of a structure proposed for such lot, and (iii) the parking requirements of this Chapter as applicable under the proposed changes cannot be satisfied on such lot because there is insufficient area available on the lot that can practicably be used for parking, the parking standards for this Chapter may be reduced if parking is practicably available within two hundred feet of the site, either as public parking and/or joint-use parking on private property.

Section 74. Section 17.78.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.78.020 Applicability.** The standards as required by this chapter shall apply to all ~~nonresidential and nonagricultural~~ uses of land which are subject to site plan review, to the construction or location of any multifamily structure of three or more attached dwelling units and to any new subdivision plat.

Section 75. Section 17.78.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.78.050 Preservation of significant trees.**

\* \* \*

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 ~~buffer~~ vegetated screen;
3. If the grade level adjoining a tree to be retained is to be ~~raised~~ 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;

4. The applicant may install impervious or compatible 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.

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 shall be subject to a ten (10) foot wide no-construction zone and shall be protected by a temporary perimeter fence. 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 set-back will not harm nor existing vegetation within the designated landscape or buffer area.

Section 76. Section 17.78.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.78.070 Requirements for commercial 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.

\* \* \*

Section 77. Section 17.78.080 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.78.080 Parking lot landscaping and screening.**

\* \* \*

C. Downtown Parking Lots. For parking lots located within the downtown area, the following standards apply:

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 subChapter A of this Chapter. 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 subChapter 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 determined after consultation with the public works department 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 shall have a clear trunk to a height of at least five feet above the ground at maturity. Trees shall be planted no closer than four feet from pavement edges where vehicles overhang planted areas.

\* \* \*

Section 78. Section 17.78.090 of the Gig Harbor Municipal Code is

hereby amended to read 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 feet in depth. 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.

\* \* \*

Section 79. Section 17.78.110 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.78.110 Performance assurance.**

A. Landscaping required pursuant to an approved site plan shall be installed prior to the issuance of certificate of occupancy or final inspection, unless the property owner submits a performance assurance equal to not less than 110% of a contractor's bid and which committing to install the landscaping within one year.

\* \* \*

Section 80. Section 17.84.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.84.030 General requirements.** The general requirements are:

A. Home occupations shall ~~occupy not more than 30 percent of the total floor area of the residence~~ only be permitted within the principal residential dwelling.

B. The occupation shall be carried on ~~entirely within a residence by the occupant~~ residents thereof.

C. The occupation shall be conducted in such a manner as to give no outward appearance nor manifest any characteristics of a business, in the ordinary meaning of the term, that would infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes.

D. Point of purchase retail sales are ~~generally discouraged not permitted~~ Limited stock in trade may be sold or displayed within the structure on the premises, and no equipment or material shall be stored on any exterior portion of the premises.

E. Parking of customers' or clients' vehicles shall create no hazard or unusual congestion. The home occupation shall not generate traffic volumes greater than what would normally be expected in a residential neighborhood. Parking shall be provided in conformance with Chapter 17.72 GHMC.

F. ~~Any signs utilized in the home occupation shall be limited to one flush mounted sign on the main residential structure which shall not exceed two square feet in area. Such sign shall be unlit and shall use nonflashing, nonreflective materials, and the legend shall show only the name of the occupant and type of occupation. Colors shall be subdued and consistent with residential character. Signs shall not be permitted.~~

\* \* \*

Section 81. Section 17.89.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.020 Where permitted.** Planned residential development may be permitted in the following zoning districts consistent with the development and design standards of this chapter:

- A. All residential districts (R-1, R-2, R-3);
- B. Waterfront Residential (WR) and Waterfront Millville (WM).

Section 82. Section 17.89.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.030 Types of uses permitted.** The following uses are permitted in a PRD zone:

- A. All Single-family detached dwellings and up to four-unit attached structures as defined in Chapter 17.04 GHMC in R-1 districts;
- B. All single-family and multifamily dwellings as defined in Chapter 17.04 GHMC in R-2 and R-3 districts;
- C. Accessory uses;
- D. Uses that may be allowed by conditional use permits in the underlying zoning subject to the requirements of Chapter 17.64 GHMC.

Section 83. Section 17.89.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.070 Procedure for approval of a planned residential development project.**

A planned residential development is a Type III permit application for a preliminary plat approval and a Type IV permit application for a final plat approval. The following are the procedures for approval of a PRD project:

A. Approval of a PRD shall be considered an amendment to the official zoning map and except as provided by this chapter, shall be processed as any other amendment with respect to notice, hearing and appeals. Prior to making application, the proponent may meet with the city staff for an initial discussion of the proposal and applicable policies, ordinances and standards.

A.B. The preliminary development plan shall be reviewed in accordance with the procedures of this chapter 17.89, Title 16 and Title 19 of the GHMC. by the hearing examiner. The action of the examiner shall constitute a

~~recommendation to the city council. The city hearing examiner shall not recommend approve of the PRD unless it is determined that the plan complies with the policies of the comprehensive plan, the requirements of this title and the intent and provisions of this chapter. The city examiner may recommend~~ develop terms and conditions of approval. The approved preliminary plan or subsequent revision thereto shall be binding as to the general intent and layout of roads, buildings, use of land and open spaces.

B.C. Within ~~three~~ five years of the date of the preliminary development plan approval, the applicant shall submit a final development plan for the proposed development for approval by the city council. After finding that the final development plan has been completed in accordance with the provisions of the approved preliminary development plan, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the city council shall approve the final development plan, accepting the dedications and easements which are included thereon. The final development plan shall consist of a final plat, binding site plan or any combination thereof.

C.D. If a proposed PRD is to be developed in phases, the entire project shall be portrayed on the preliminary development plan, and each phase shall individually receive final development plan review.

Section 84. Section 17.89.120 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

**17.89.120 Expiration and extensions.**

A. If a final development plan is not approved within ~~three~~ five years of the date of preliminary development plan approval, and an extension of time has not been granted, the PRD approval shall expire.

B. Knowledge of the expiration date and initiation of a request for an extension of time is the responsibility of the applicant. Requests for an extension of time must be submitted to the planning department at least 30 days prior to the expiration of PRD approval. The planning department shall schedule the request for extension for public hearing before the hearing examiner. One extension is the maximum to be granted and it shall be for no more than two years and the PRD may be subject to any new or amended regulations, requirements, policies or standards which are adopted after the original date of approval, unless ~~there has been substantial~~ fifty (50) percent or more of on-site work ~~has been~~ completed.

Section 85. Section 17.89.130 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.130 Minor and major adjustments amendments of the final plan.**

A. Minor adjustments amendments are a Type I permit application and may be made and approved when a building permit is issued. Any such alteration must be approved by the planning director. Minor adjustments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than ~~10~~ five (5) percent from the original.

B. Major amendments are a Type III permit application. A major amendment is that ~~those~~ which substantially change the character, basic site design, density, open space or other requirements and conditions of the final plan. When a change constitutes a major amendment, no building or other permit shall be issued ~~without prior review and recommendation by the hearing examiner and approval by the city council of such amendment until such review proceedings required under Title 19 of the GHMC are completed.~~

Section 86. Section 17.90.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.010 Intent.** The intent of planned unit developments is to allow and ~~make possible greater flexibility in the design of a development, more variety and diversification in the relationships between buildings, open spaces and uses, and to encourage the conservation and retention of historical and natural topographic features while meeting the purposes goals, policies and objectives of the comprehensive plan. To accomplish this purpose, the underlying district regulations such as, but not limited to, setback lines minimum yards, density, uses, and height and bulk of buildings may be varied; provided, however, such variances shall not conflict compromise the overall intent of with the comprehensive plan and nor significantly impact existing uses, nor create adverse environmental effects. A planned unit development may be allowed in any district.~~

Section 87. Section 17.90.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.020 Approval of planned development.** The city council, after receiving recommendations from the hearing examiner, shall approve, approve with conditions, or disapprove proposed planned unit developments subject to a public hearing and the provisions of this chapter. Changes in a proposed planned unit development including use, expansion of continuation of site area or alteration of structures shall not be allowed unless all regulations in this chapter are complied with including this approval procedure.

Section 88. Section 17.90.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.030 Parcel characteristics.** Planned unit developments shall be limited to a minimum site area of two acres. No planned unit development application shall be made for an area of less than two acres unless the city makes the following findings:

- A. An unusual physical, natural resource or topographical feature of importance exists on the site or in the neighborhood which can be conserved and still leave the applicant equivalent use of the land by the use of a planned unit development; or,
- B. The property or its neighborhood has a historical character of importance to the community that will be protected by use of a planned unit development; or,
- C. The property is adjacent to or across the street from property which has been developed or redeveloped under a planned unit development, and a planned unit development will contribute to the maintenance of the amenities and values of the neighboring planned unit development.

Section 89. Section 17.90.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.040 Requirements.** The use of a planned unit development shall be as follows:

- A. All private roads and drives and/or vehicle maneuvering areas shall have an unobstructed width consistent with traffic loads and overall design of the planned unit development and shall be constructed so that the roadway pavement structure meets city standards. All roads shall be public roads and the configuration and design of such facilities shall be consistent with the approved by adopted policies and standards in of the City of Gig Harbor Public Works director Construction Standards. Private roads within the PUD may be approved by the city if the following criteria are met:

1. Physical limitations of the site preclude the possibility of future linkage with existing public roads or proposed public roads which are part of the City's adopted road or transportation plan.
2. The proposed street design, pedestrian access and layout represents a superior design which meets the objectives of the Public Works Standards.
3. A direct and tangible public benefit will accrue from the proposed street design.

B. All provisions for vehicle parking shall be in designated parking areas.

C. Uses at variance with the underlying district shall be compatible with, and no more detrimental than, those uses specifically listed for a district. Mixed uses may be allowed.

D. No open area may be accepted as common open space within a planned unit development unless it meets the following requirements:

1. The location, shape, size and character of the common open space is suitable for the planned unit development;

\* \* \*

Section 90. Section 17.90.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.90.060 Approval Procedures.**

A. The following information shall be submitted for hearing examiner and city council review of the preliminary development plans:

1. A copy of the site plan drawn to scale, showing the proposed layout;
2. A landscape plan drawn to scale, showing the location of landscape areas;
3. A written statement by the landowner or his agent setting forth the reasons why this planned unit development would be consistent with the goals and policies of the comprehensive plan.

A.B. The following information shall be submitted for hearing examiner and city council review as a Type III application and approval of the preliminary final development plan:

1. Environmental checklist or environmental impact statement, if required;
2. Twelve Seven copies of a site plan drawn to scale and dimensioned, showing the existing topography at five-foot contour intervals, the proposed layout of structures, off-street parking and loading areas, landscape areas, pedestrian walks, driveways, ornamental lighting, screening, fences and walls;
3. Twelve Seven copies of a landscape plan drawn to scale and dimensioned, showing the location of proposed landscape areas together with varieties and size of plant materials to be used, together with the method of

maintenance. Also, other landscape features such as screening, fences, lighting and signing shall be indicated;

4. Copies of architectural drawings or sketches drawn to scale, including floor plan and elevation indicating types of materials and colors to be used may be required;

5. A schedule showing the proposed time and sequence within which the applications for final approval of all Chapters of the planned unit development are intended to be filed.

B.C. Within three five years following the approval of the development plan, the applicant shall file with the city ~~council~~ a final development plan containing in final form the information required in the preliminary plan. The city ~~council~~ may extend the period up to a maximum of one year. If the city ~~council~~ finds that the final development plan is consistent with the preliminary development plan approval, and that all conditions of the preliminary development plan approval have been satisfied, it may approve the final development plan in total or in phases.

C.D. In conditioning the approval of granting any planned unit development, the ~~city~~ ~~council~~ may require adequate guarantees of compliance with the final development plan, all as approved as to from by the City Attorney. Such guarantee may be a performance bond or other form of security in an amount sufficient to assure compliance, and may provide that such security be reduced as stages of construction are completed. In addition to the above, the city may, in the event of the applicant's failure to perform under the guarantees or other security, take steps necessary to ensure compliance, including the City's performance of the construction and/or maintenance at the applicant's cost in any manner allowed by law. Alternatively, or in addition or in addition to the security, conditions may be imposed requiring other adequate assurances that the structures and improvements will be completed, subject to review and approval as to form by the city attorney, or that the city may, in the event of the applicant's failure to comply, take the steps necessary to assure compliance, including performing the construction or maintenance itself, and levy a lien for all costs thereof against the property.

Section 91. Section 17.90.070 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

17.90.070—Application to be available for public inspection. Amendments to a Planned Unit Development.—From the time of the filing of the application until the time of final action by the city council, the application together with all plans and data submitted shall be available for public inspection in the office of the planning director.—Amendments to a planned

unit development may be authorized as follows:

A. Minor amendments are Type I permit applications and shall be processed as established under Title 19 of the GHMC and may be made and approved when a building permit is issued. Any such alteration must be approved by the planning director. Minor adjustments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than five (5) percent from the original.

B. Major amendments are Type III permit applications and shall be processed as established under Title 19 of the GHMC. Major amendments are those which substantially change the character, basic site design, density, open space or other requirements and conditions of the final plan. When a change constitutes a major amendment, no building or other permit shall be issued without prior review and approval by the city of such amendment.

Section 92. Section 17.90.080 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

**17.90.080 Duration of approval.** Construction on the project must commence within 12 months from the date of final ~~council action~~ approval; otherwise, the approval of the application becomes null and void.

Section 93. Section 17.96.030 of the Gig Harbor Municipal Code is hereby

amended to read as follows:

**17.96.030 Site plans and review.** Any use that is subject to the requirements for a site plan review prior to issuance of building permits shall be processed in accordance with the following procedures established under Title 19 of the GHMC for Type III project permit applications.

\* \* \*

B. Criteria for approval. Hearing Examiner Review. The planning director shall assign a date no earlier than two weeks after the date of filing of a complete application for a public hearing before the hearing examiner. The site plans will be forwarded to the ~~city~~ examiner who shall consider the approval of the site plans with specific attention to the following:

1. Compatibility with the city's comprehensive plan;
2. Compatibility with the surrounding buildings' occupancy and use factors; and

3. All relevant statutory codes, regulations, ordinances and compliance with the same.

The review and decision of the city examiner shall be in accordance with the provisions of Chapter 17.10 GHMC and Title 19 of the GHMC.

Section 94. Section 17.96.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.96.050    Contents of a complete application.**

Each application for site plan review shall contain the following information:

\* \* \*

- E. A topographic map based upon a site survey delineating contours, existing and proposed, at no less than five-foot intervals and which locates existing streams, marshes and other natural features;
- F. Site plans drawn to a scale no smaller than one inch equals 30 fifty (50) feet showing location and size of uses, buffer areas, proposed areas of disturbance or construction outside of the building footprint, yards, open spaces and landscaped areas and any existing structures, easements and utilities;
- G. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site, the size and location of all driveways, streets and roads with proposed width and outside turning radius, the location, size and design of parking and loading areas, and existing and proposed pedestrian circulation system;
- H. A preliminary drainage and stormwater runoff plan;

Section 95. Section 17.96.080 of the Gig Harbor Municipal Code is hereby amended to read as follows:

\* \* \*

- B. Major amendments are Type III permit applications and are processed in accordance with Chapter 19. Major amendments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the site plan. When a change constitutes a major amendment, no building or other permit shall be issued without prior review and recommendation approval by the and approval by the city council of such amendment.

Section 96. Section 17.100.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.100.020 Manner of initiation.** Changes in this title may be initiated in the following manner:

A. Source.

1. The city council upon its own motion may initiate changes in this title.
2. The planning commission upon its own motion may initiate changes in this title.
3. Any individual, corporation or agency other than those listed above may initiate changes in this title. Amendments are processed as a Type IV permit procedure subject to the following:
  - a. For a zoning map amendment, the initiating individual, corporation or agency must be the owners or owner of a majority of the land in the petition area; and,
  - b. For an amendment to the text of this title, the initiating individual, corporation or agency must be an owner of real property within the city.

B. Form. An application for a change in the boundary of a district or the text of this title shall be filed with the planning department and shall be accompanied by such data and information as are necessary to assure the fullest practicable presentation of the facts. It shall set forth reasons and justification for proposing a change.

C. Minimum Area. Except for the extension of existing district boundaries, no change in any use district, classification or official zoning map shall be considered if it contains fewer than two acres, ~~as measured without including excluding public streets or alley rights-of-way.~~

D. Submittal Consideration. The city council shall not consider any proposed amendment to the zoning map that is substantially the same as any other proposed amendment submitted within the previous 12 months which was disapproved.

Section 97. A new Section 17.100.025 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.100.025 Citizen Suggestions for Zoning Code Update.** Prior to June 1 of each year, the Planning Commission will review any interested citizen's, staff members or the Hearing Examiner's request of any text or zoning

district map adjustment received. The Planning Commission may, at its discretion, consider such request and, if deemed to be in furtherance of the goals and policies of the comprehensive plan and in the public's health, safety and general welfare, may conduct a public hearing on any text or map adjustments it deems appropriate. The Planning Commission's recommendation to the City Council will be considered in accordance with the procedures established in Section 17.100.050 of this Title.

Section 98. Section 17.100.030 of the Gig Harbor Municipal Code shall be amended to read as follows:

**17.100.030 Public hearing and notification.** Public hearings and notifications related thereto shall be accomplished in accordance with the procedures and requirements established pursuant to ~~GHMC 17.01.070, except that for amendments to the text of the title, a public hearing shall be conducted by the planning commission. Chapter 19.05 GHMC.~~ The planning commission's action shall be a recommendation to the city council.

Section 99. A new section 17.100.035 of the Gig Harbor Municipal Code is hereby added to the Gig Harbor Municipal Code to read as follows:

**17.100.035 General Criteria for Zoning District Map Amendment.** Requests for amending the zoning district designation of an area or the zoning code text shall be based upon the following criteria:

- A. That the request for the zoning district reclassification or zoning code text change is consistent with and furthers the goals, policies and objectives of the comprehensive plan;
- B. That the requested zoning district classification or zoning code text change will further the public's health, safety and general welfare.
- C. That no substantial detrimental effect shall be caused by the granting of the requested reclassification or amendment.

Section 100. Section 17.100.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

~~17.100.040 Report to the city council.~~

~~The city council shall consider the report and recommendation of the hearing examiner or planning commission on any proposed change or amendment~~

~~regardless of the manner in which such change is initiated. Such report shall base its conclusion on the following criteria:~~

~~A. That the request for reclassification furthers the goals, policies and objectives of the comprehensive plan;~~

~~B. That there has been a change in conditions, upon which the existing zoning classification is based, sufficient to demonstrate that the current classification does not meet the public's interest. A changed condition constitutes a substantial and material change which was not anticipated nor foreseen since the adoption of the comprehensive plan or the last area zoning. General Criteria for Zoning Text Amendment.~~

~~Requests for amending the zoning text shall be based upon the criteria as stated in Section 17.100.035.~~

~~C. That the requested classification will further the public's health, safety and general welfare.~~

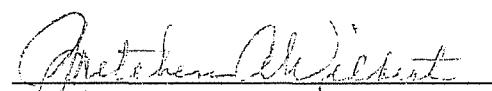
Section 101. Section 17.100.050 of the Gig Harbor Municipal Code is hereby repealed.

Section 103. Section 17.102.010 is hereby repealed.

Section 104. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 105 This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

APPROVED:

  
MAYOR, GRETCHEN A. WILBERT

ATTEST/AUTHENTICATED:



Mark Hoppen  
CITY ADMINISTRATOR, MARK HOPPEN

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_

FILED WITH THE CITY CLERK: 1/8/96  
PASSED BY THE CITY COUNCIL: 1/22/96  
PUBLISHED: 1/31/96  
EFFECTIVE DATE: 2/5/96  
ORDINANCE NO. 710