

CITY OF GIG HARBOR

ORDINANCE NO. 598

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REPEALING CERTAIN CHAPTERS OF TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE HAVING TO DO WITH THE ZONING CODE, ENACTING A NEW CHAPTER TO TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE, AMENDING A PORTION OF TITLE 17 OF THE GIG HARBOR MUNICIPAL CODE AND AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF GIG HARBOR AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Gig Harbor City Council directed the City of Gig Harbor Planning Commission to conduct subarea meetings throughout the City in the furtherance of the refinement and implementation of the City of Gig Harbor Comprehensive Plan of 1986, and;

WHEREAS, the City of Gig Harbor Planning Commission conducted numerous work sessions in 1989 and 1990, four subarea meetings in April and May of 1990, a public hearing on June 19, 1990 and three work sessions in July and August of 1990 regarding proposed changes to Title 17 of the City of Gig Harbor Municipal Code in respect to text amendments and revisions to the zoning district map, and;

WHEREAS, the City of Gig Harbor Planning Commission in its Findings, Conclusions and Recommendations of August 1990 to the City Council did recommend twenty-eight changes to the zoning district map, two amendments to the Comprehensive Plan map and four revisions to the zoning code text, Title 17 of the City of Gig Harbor Municipal Code, and;

WHEREAS, upon referral by the Mayor for public comment, the Planning Commission conducted one additional public hearing on January 29, 1991, for consideration of changes to the zoning code text and map as proposed by Council, and;

WHEREAS, the City Council has considered the findings, conclusions and recommendations of the Planning Commission in its report of February 7, 1991, and;

WHEREAS, the adoption of the revised zoning code and zoning district map furthers the goals and objectives of the 1986 City of Gig Harbor Comprehensive Plan and promotes the public's health, safety and welfare,

NOW, THEREFORE, the City Council of the City of Gig Harbor, Washington, ORDAINS as follows:

Section 1. The following chapters of Title 17 of the Gig Harbor Municipal Code are hereby repealed: 17.44 (Waterfront District 1), 17.48 (Waterfront District 2), 17.52 (Waterfront District 3) and 17.56 (General Services).

SECTION 2. The following chapters are hereby enacted:

CHAPTER 17.48

WATERFRONT MILLVILLE (WM)

SECTIONS

17.48.010	Intent
17.48.020	Permitted Uses
17.48.030	Conditional Uses
17.48.035	Hours of Operation
17.48.037	Prohibited Uses
17.48.040	Development Standards
17.48.050	Site Plans
17.48.060	Maximum Height
17.48.070	Parking and Loading Requirements
17.48.080	Signs
17.48.090	Performance Standards

17.48.010 Intent

It is the intent of this district to provide a wide range of uses and activities on the shoreline of Gig Harbor located within the area between Rosedale Street and Stinson Avenue. This district serves primarily as a medium intensity, mixed use waterfront district with an emphasis on medium density

residential, marine dependent and marine related uses. Uses which enhance the historic fishing village atmosphere and which are harmonious with surrounding residential areas are encouraged.

17.48.020 Permitted Uses

1. Single family and two-family (duplex) structures.
2. Marinas and boat launch facilities.
3. Boat Repair and sales facilities
4. Marine related sales.
5. Boat construction, not to exceed one boat per calendar year.
6. Public park and access facilities.
7. Professional offices.
8. Wholesale and retail sales of fisheries products for human consumption.
9. Live bait sales.
10. Piers, docks, wharfs and associated buildings.
11. Commercial fishing net sheds.

17.48.030 Conditional Uses

Subject to the standards and procedures for conditional uses as set forth in Section 17.64, the following uses may be authorized in this district:

1. One Triplex or one fourplex residential structure.
2. Yacht Clubs.
3. Bed and Breakfasts.
4. Public utilities and services.
5. Delicatessens.
6. Coffee houses, not to exceed 1,000 square feet in total size.

17.48.035 Hours of Operation

The following uses shall be limited to operating between the hours of 7:00 am to 7:00 pm, daily:

1. Sales.
2. Delicatessens.
3. Boat construction.
4. Coffee houses.

17.48.037 Prohibited Uses

Zoning District/Text Changes
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The following uses are prohibited in this district:

1. Outdoor public telephones.

17.48.040 Development Standards

	<u>Single Family</u>	<u>Multi-family (duplex-fourplex)</u>	<u>Non-Res.</u>
1. Min. lot area (sq.ft.)	12,000	15,000 per duplex 18,000 per triplex 21,000 per fourplex	12,000
2. Min. lot width	70'	100'	100'
3. Min. front setback	20'	20'	20'
4. Min. rear and/or side yard abutting Tidelands	0	0	0
5. Min. int. side setback	8'	8'	10'
6. Min. street side setback	10'	10'	10'
7. Max. Impervious coverage	50%	55%	70%
8. 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.			

17.48.050 Site Plans

Before a building permit will be issued in a WM zone, the site plan review process specified in Chapter 17.96 shall be followed. Residential projects containing three or fewer dwelling units are exempt from this provision, except for increased height as per Section 17.48.060.

17.48.060 Height

The maximum building height is 16 feet, except as provided

for under Section 17.62. Additional height of up to 24 feet may be permitted if two additional water view/access opportunities are provided and the following criteria are met:

1. The structure shall not exceed two stories or floors in height.
2. Each story or floor shall be less than or equal to ten feet in height as measured from the top of the first floor to the top of the second floor.
3. There shall be no occupancy of the attic space.
4. The pitch of the roof shall have a minimum slope of 2:1 (6:12 pitch) and a maximum slope of 1:1 (12:12 pitch).
5. The proposal is reviewed in accordance with the site plan review criteria and procedure as established in Section 17.96.

The two water view/access opportunities are in addition to the water view/access opportunities provided for increased impervious coverage, pursuant to Section 17.48.090, 5A and 5B.

17.48.070 Parking and Loading Facilities

Parking and loading facilities on private property shall be provided in accordance with the requirements of Section 17.72, except that where there are properties serving multiple uses, parking shall be provided for the combined total of the individual uses.

17.48.080 Signs

All signs shall comply with the provisions of Section 17.80.

17.48.090 Performance Standards

1. Exterior Mechanical Devices: Air conditioners, heating, cooling, ventilating equipment, pumps and heaters and all other mechanical devices shall be screened.
2. Landscaping is required and shall be installed in conformance with Chapter 17.78 by this Title

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.

3. Outdoor Storage of Materials: The outdoor storage of materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture is permitted as an incidental or accessory activity of a Permitted Use or the principal feature of a Conditional Use. Such storage shall be screened by a wall, fence, landscaping or structure from surrounding properties and streets. Fishing related equipment is exempt from this standard.
4. Outdoor Lighting: Within one hundred 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. Said lighting shall be shielded so that the direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. (Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.)
- 5A. Maximum impervious lot coverage may be increased up to a maximum of eighty (80) percent upon execution of a written agreement with the City of Gig Harbor and the property owner and provided further that the agreement is filed with the County Auditor as a covenant with the land, when the development provides for water view opportunities and/or waterfront access opportunities in conjunction with commercial uses or for increased height, as follows:

Maximum Imp. Coverage	Number of Water View /Access Opportunities
a. 50/55/70	-0-
b. +10%	1
c. +10%	2

d. +10%

3

5B. Waterview/Harbor Access Opportunities

- i. Waterview opportunity, by means of public view corridors measuring twenty frontage feet along the street or twenty percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public right-of-ways. Parking shall not be allowed in view corridors. Fences or railings shall not be allowed in view corridors except where required by the City Building Code.
- ii. Water view opportunity, by means of a five-foot wide public pathway along the property perimeter down one side line of the property to mean higher high water or a bulkhead or to the waterside face of structure, whichever is further waterward, then across the waterside face of the property or structure and back to the street along the other side line.
- iii. Waterview opportunity, by means of a public viewing platform at the highest level of any structure on the property. Minimum area of the platform shall be fifty (50) square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.
- iv. Harbor access opportunity, by means of a public fishing pier extending out to the mean lower low water and connected by a minimum five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the fishing pier.
- v. Harbor access opportunity, by means of a public small boat landing available for transient use by rowboats, canoes, dinghies, etc., extending out to mean lower low water and connected by a five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the

small boat landing.

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

Section 3. The following chapters of the Gig Harbor Municipal Code are modified as follows:

...

17.04 Definitions

...

17.04.265 Coffee House - Establishment serving food and non-alcoholic beverages that operates without a grille or deep fat fryer.

17.04.268 Delicatessen - Establishment serving food and non-alcoholic beverages that operates without a grille or deep fat fryer.

...

17.12.010 Districts Established

- ~~K. Waterfront Residential District (W-1) WR~~
- ~~L. Waterfront Millville Use District A (W-2) WM~~
- ~~M. Waterfront Commercial Use District B (W-3) WC~~
- ~~N. General Service Use District (GS)~~

17.32.045 Impervious Coverage

The maximum impervious coverage in a B-1 district shall be 70 percent.

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17.32.050 Front Yard

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Commercial uses shall provide a minimum yard of thirty feet

adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

17.32.060 Rear Yard

...

Commercial uses shall provide a minimum yard of thirty feet adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

17.32.070 Side Yard

...

Commercial uses shall provide a minimum yard of thirty feet adjacent to a residential district, and said yard shall consist of a dense vegetative buffer.

...

17.46.040 Development Standards (Waterfront Residential)

	<u>Single</u>	<u>7000-</u>	<u>less than</u>	<u>Duplex</u>	<u>Non-</u>
	<u>Family</u>	<u>12,000</u>	<u>7,000</u>		<u>Res.</u>
4. Minimum Rear					
Yard Setback	20'	20'	15'	20'	30'
if Tidelands					
Not Owned					
5. Minimum Rear	0	0	0	0	0
and/or Side					
Yard Setback to					
Owned Abutting					
Tidelands.					

...

17.50.020 Permitted Uses (Waterfront Commercial)

- 9. Restaurants, taverns and lounges
- 10. Professional Offices
- 11. Residential, up to a fourplex

12. General Retail Sales

...

17.50.030 Conditional Uses

- ~~1. Residential development, up to a fourplex.~~
- 2-1. Guest accommodations
- 3-2. Public facilities
- 4-3. Parking lots for related shoreline uses
- 5. Restaurants, taverns and lounges
- 6-4. Processing of fisheries products for off-premise human consumption.
- 7-5. Boat construction

...

17.50.040 Performance Standards

- 10A. Maximum impervious lot coverage may be increased up to a maximum of 80 % upon execution of a written agreement with the City of Gig Harbor and the property owner and provided further that the agreement is filed with the County Auditor as a covenant with the land, when the development provides for water view opportunities and/or waterfront access opportunities in conjunction with commercial uses, as follows:

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

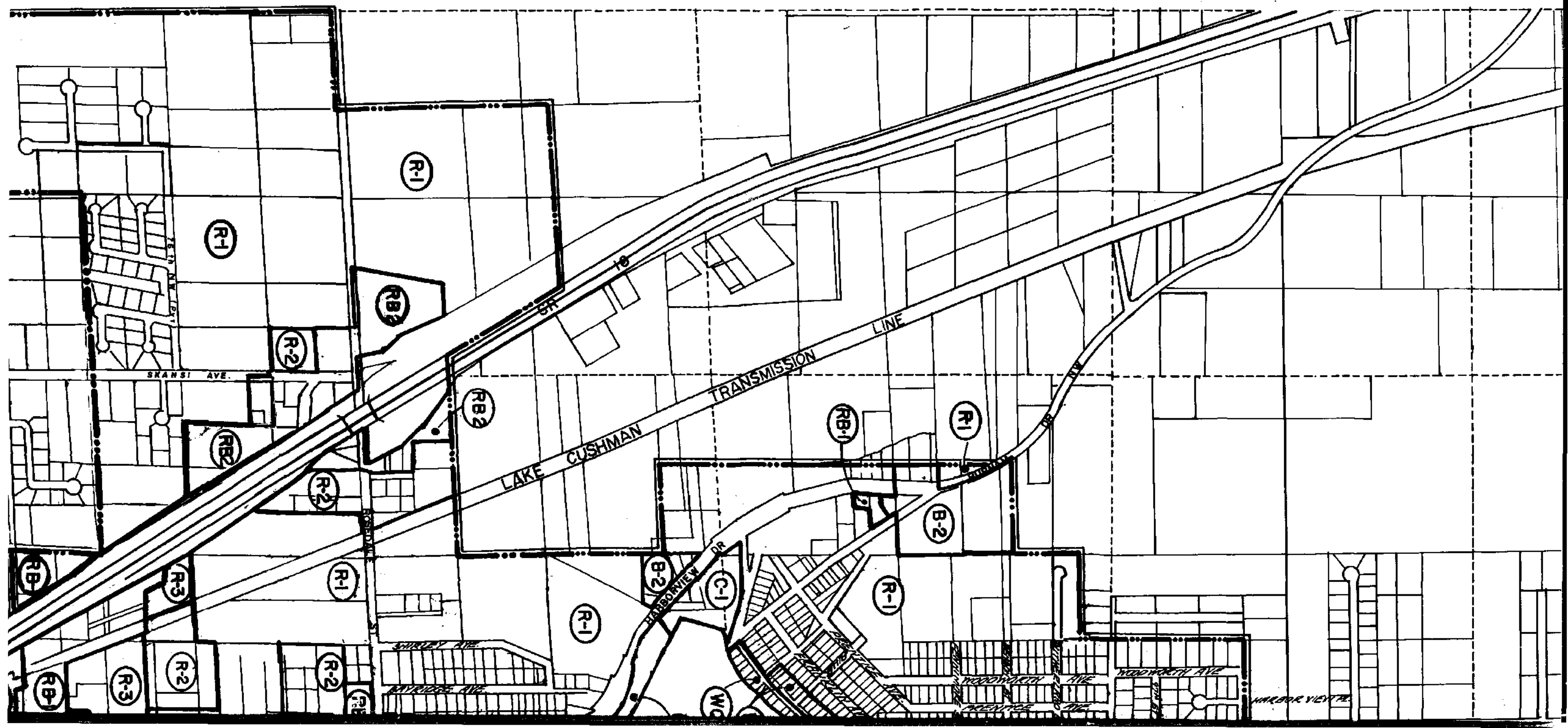
10B. Waterview / Harbor Access Opportunities

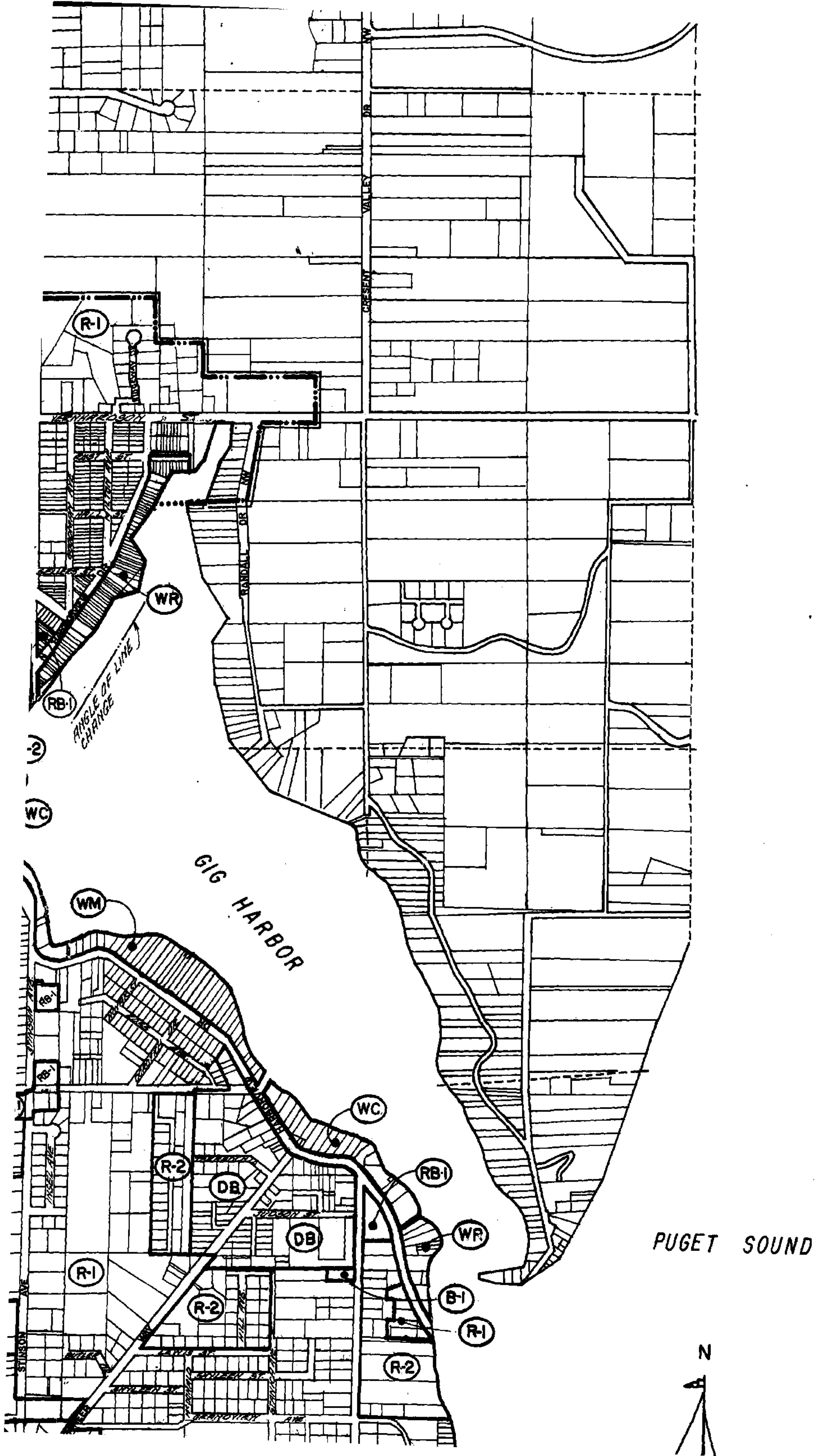
- 1. Waterview opportunity, by means of public view corridors measuring twenty frontage feet along the Street or twenty percent of the total waterfront frontage of the parcel, whichever is greater. View corridors shall be from public right-of-ways. Parking shall

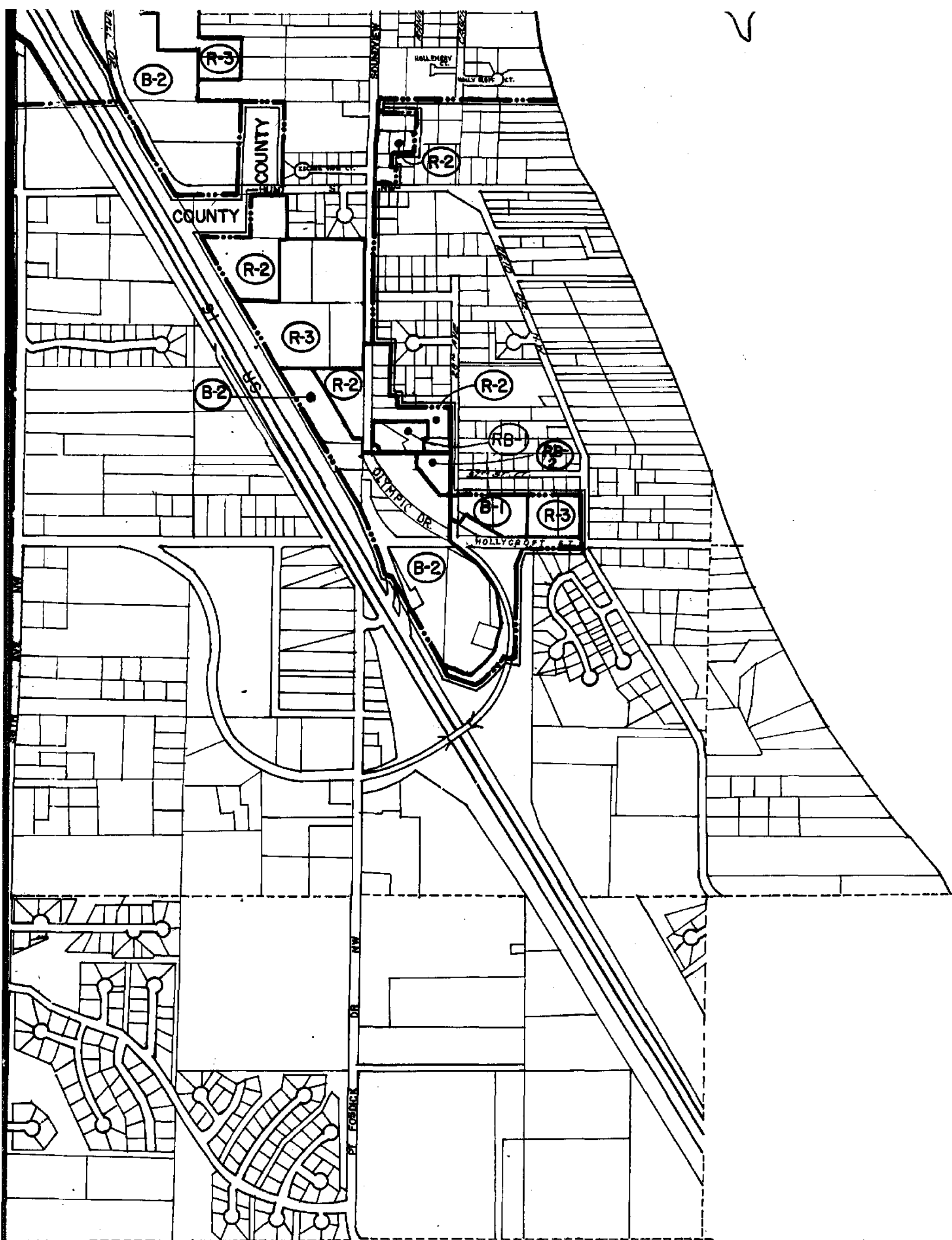
not be allowed in view corridors. Fences or railings shall not be allowed in view corridors except where required by the City Building Code. Shrubbery in view corridors shall not exceed a height of three feet and trees shall have no branches lower than ten feet above the level of the frontage sidewalk. A waiver on tree branch height may be granted by the City Council for a defined growth period.

- ii. Water view opportunity, by means of a five-foot wide public pathway along the property perimeter down one side line of the property to mean higher high water or a bulkhead or to the waterside face of structure, whichever is further waterward, then across the waterside face of the property or structure and back to the street along the other side line.
- iii. Waterview opportunity, by means of a public viewing platform at the highest level of any structure on the property. Minimum area of the platform shall be fifty (50) square feet. Railings around the platform may exceed the maximum height permitted for the structure. The platform shall be open to the public.
- iv. Harbor access opportunity, by means of a public fishing pier extending out to the mean lower low water and connected by a minimum five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the fishing pier.
- v. Harbor access opportunity, by means of a public small boat landing available for transient use by rowboats, canoes, dinghies, etc., extending out to mean lower low water and connected by a five foot wide public pathway to the frontage street. A minimum of ten feet of open water shall surround the small boat landing.
- vi. Harbor access opportunity, by means of a public transient moorage for up to two, thirty (30) foot boats and which must have a

EXHIBIT 'A'







NEIGHBOR AND VICINITY
MAP DATES (3/11/91)

[illegible]

R-1	Single Family Residential (3.5 d.u./acre)
R-2	Single Family/Duplex (6.0 d.u./acre)
R-3	Multifamily (8.0 d.u./acre)
RB-1	Residential-Business Low Intensity (Same Density as R-1)
RB-2	Residential-Business High Intensity (Density 8.0 d.u./acre; 16 d.u./acre conditional).
B-1	Light Commercial/Retail
B-2	General Business/Retail
C-1	General Commercial/Light Industrial
DB	Downtown Business District (mixed uses)
WR	Waterfront Residential (single family and duplex)
WM	Waterfront Millville (mixed use).
WC	Waterfront Commercial
WSC	Westside Commercial (Mixed commercial/business)

This legend is for illustrative purposes only. For official zoning information, please refer to the City of Gig Harbor Zoning Code.



CITY OF GIG HARBOR ZONING BOUNDARIES

minimum water depth of eight feet and which must be easily accessible to visiting boats and posted with signage which can be read at a distance of one hundred (100) feet.

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17.68.040 Non-Conforming Structures

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- B. Should such nonconforming structure or nonconforming portion of a structure be damaged to less than fifty (50%) percent of its replacement cost by any means, it may be replaced to its original dimensions, and this shall occur within one (1) year of the time of damage, or not at all. The reconstruction shall comply with all applicable building codes in force at the time of replacement and Section 17.68.090.

...

- G. Nonconforming structures may be altered in external appearance with the approval of the City Council so long as there is no enlargement of any dimensions.

...

17.68.090 Non-conforming Uses in Waterfront Districts

When a structure or premise has a nonconforming use status and it is damaged with a loss greater than fifty (50%) percent of the replacement costs at the time of destruction, the owner shall provide a minimum of one water view/harbor access opportunity, as defined pursuant to Section 17.48.090 (5A or 5B), as part of the reconstruction of the non-conforming use or structure.

...

17.40.065 Commercial District Minimum Requirements and Performance Standards Along the Waterfront.

Commercial districts along the waterfront, between the City right of way and the Gig Harbor Bay shoreline, shall comply with the minimum requirements and performance standards of the Waterfront Commercial (WC) district, Sections 17.46.040, 050, 060, 070, and 080.

Section 4. The official zoning district map for the City of Gig Harbor is hereby modified as indicated on the attached Exhibit "A".

Section 5. Those properties in the City of Gig Harbor so affected by zoning district changes established under this ordinance shall not be considered for any additional zoning district change for a period of twelve (12) months from the date of adoption of this ordinance, pursuant to Section 17.100.020 (D).

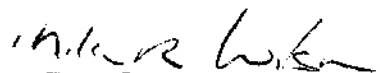
Section 6. If any section, sentence, clause or phrase of this ordinance, or the statutes adopted herein by reference, should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 7. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary.

PASSED by the City Council of the City of Gig Harbor, Washington, and approved by its mayor at a regular meeting of the Council held on this 25th day of February, 1991.


Gretchen S. Wilbert, Mayor

ATTEST:


Michael R. Wilson
City Administrator/Clerk

Filed with the City Clerk:	02/07/91
Passed by City Council:	02/25/91
Date published:	03/06/91
Date effective:	03/11/91