

ORDINANCE NO. 1130

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADDING TRIPLEXES AND FOURPLEXES AS CONDITIONAL USES IN THE R-2 ZONING DISTRICT; ESTABLISHING A MINIMUM DENSITY OF FOUR (4) DWELLING UNITS PER NET ACRES FOR THE R-2 ZONING DISTRICT; INCREASING THE ALLOWANCE FOR IMPERVIOUS LOT COVERAGE FROM 40 PERCENT TO 60 PERCENT IN THE R-2 ZONING DISTRICT; AND AMENDING THE DENSITY IN RESIDENTIAL ZONES CHAPTER (GHMC 17.05) TO STATE THAT THE ALLOWED DENSITY IN EACH ZONE IS THE MINIMUM AND/OR MAXIMUM DENSITY AS SPECIFIED IN THE ZONING DISTRICT CHAPTER; AMENDING GHMC SECTION 17.14.020, 17.20.040, 17.20.070 AND 17.05.020 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, approximately 27 percent of the existing residential units in the R-2 zoning district are contained in triplexes or fourplexes but triplexes and fourplexes are prohibited uses in the R-2 zoning district; and

WHEREAS, the R-2 zoning district is intended to allow for a moderate density of land use that is greater than is permitted in an R-1 zoning district but less than is permitted in an R-3 zoning district and to provide a transition between a higher density residential district in order to preserve the primarily residential character of existing lower density residential areas; and

WHEREAS, allowing triplexes and fourplexes in the R-2 zoning district would be consistent with one aspect of the intent of that zone's stated intent, which is to provide a transition between single-family and multiple-family housing typologies; and

WHEREAS, Comprehensive Plan Goal 2.3.3.a desires an expansion in residential districts and code definitions to allow a board choice of housing types and locations; and

WHEREAS, the City desires to require conditional use permits for triplexes and fourplexes rather than allow them outright in the R-2 zoning district given the potential size and bulk of triplexes and fourplexes; and

WHEREAS, the conditional use process would be appropriate to evaluate the impacts associated with triplexes and fourplexes, because the conditional use procedure would assure that the public would have an opportunity to comment on the development during a public hearing, and the hearing examiner

could evaluate the use under the conditional use permit criteria to determine whether the triplex or fourplex would be detrimental to the existing neighborhood; and

WHEREAS, currently the R-2 zoning district does not have a minimum required density; and

WHEREAS, the City desires to establish a minimum density of four (4) dwelling units per acre in the R-2 zoning district to assure full utilization of the transitional nature of the R-2 zoning district and meet urban densities required by the Growth Management Act; and

WHEREAS, the City desires to increase to allowed impervious lot coverage in the R-2 zoning district from 40 percent to 60 percent to allow for the maximum density of 6 dwelling units per acre and the duplexes, triplexes and fourplexes and associated driveways permitted outright or conditionally allowed in the zoning district; and

WHEREAS, GHMC Section 17.05.020 currently states that all densities listed in the zoning code are maximum densities which would not be true with the adoption of this ordinance and needs to be corrected; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on March 5, 2008; and

WHEREAS, on March 5, 2008, a copy of this Ordinance was sent to the Washington Department of Community, Trade and Economic Development, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on March 6, 2008 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on May 12, 2008; and

WHEREAS, on May 27, 2008, the City Council adopted this Ordinance at second reading during a regular City Council meeting; Now, therefore;

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

Section 1. Section 17.14.020 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.14.020 Land use matrix

Uses	PI	R-1	RLD	R-2	RMD	R-3	RB-1	RB-2	DB	B-1	B-2	ED ¹⁸	PCD-C	C-1 ²⁰	WR	WM	MUD	PCD-NB	PCD-BP	WC	WR	WM	MUD	
Dwelling, single-family	-	P	P	P	P	C	P	P	C	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P				
Dwelling, duplex	-	-	-	P	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P				
Dwelling, triplex	-	-	-	<u>C</u>	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	-	<u>C</u> ¹⁷	P	-	P ¹⁴	P			
Dwelling, fourplex	-	-	-	<u>C</u>	P	P	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	-	<u>C</u> ¹⁷	P	-	P ¹⁴	P			
Dwelling, multiple-family	-	-	-	-	P	P ⁶	-	P	C	P ¹⁴	C	C	P ¹⁴	-	-	-	-	-	-	P ¹⁴	P			
Accessory apartment ¹	-	C	P	-	P	-	C	C	C	P ¹⁴	C	C	P ¹⁴	-	-	-	-	P	-	P ¹⁴	P			
Family day care provider	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	P	P	P	P	P	P	P
Home occupation ²	-	P	P	P	P	P	P	P	C	P	-	C	-	-	P	P	P	-	-	-	-	-	-	-
Adult family home	-	P	P	P	P	P	P	P	C	P	P	P	P	-	P	P	P	P	P	P	P	P	P	P
Living facility, independent	-	-	-	C	-	P	C	C	C	P	C	C	P	C	-	-	-	-	-	-	-	-	P	
Living facility, assisted	-	-	-	C	-	P	C	C	C	P	-	C	P	C	-	-	-	-	-	-	-	-	P	
Nursing facility, skilled	-	-	-	C	-	P	C	C	C	P	C	C	P	C	-	-	-	-	-	-	-	-	P	
Hospital	-	-	-	-	-	-	-	-	C	-	C	C	-	C	-	-	-	-	C	-	-	-	-	
School, primary	P	C	P	C	P	C	C	C	C	P	-	C	P	P	-	-	-	-	P	-	-	-	P	
School, secondary	P	C	P	C	P	C	C	C	C	P	-	C	P	P	-	-	-	-	P	-	-	-	P	
School, higher educational	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	-	P	-	-	-	P	
School, vocational/trade	P	C	-	C	-	C	C	C	C	P	-	C	P	P	-	-	-	-	P	-	-	-	P	
Government administrative office	P	C	P	C	P	C	C	P	P	P	P	P	P	P	P	C	P	P	P	P	P	P	P	
Public/private services	P	C	-	C	-	C	C	C	C	P	C	C	P	C	C	C	C	P	P	P	P	P	P	
Religious worship, house of	-	C	P ⁵	C	P ⁵	C	C	C	C	P	-	C	P	C	-	-	-	-	-	-	-	-	P/C ¹⁵	
Museum	P	-	-	-	-	-	-	-	-	-	-	C	C	P	-	-	-	-	-	-	-	-	-	
Community recreation hall	P	-	P	C	P	C	C	C	C	P	C	C	P	P	-	-	-	-	P	P	-	-	P	
Clubs	-	-	C	C	C	C	C	C	P	P	P	P	P	P	P	-	C ²¹	P	P	C	-			
Parks	P	P	P	P	P	P	P	P	P	P	P	C	C	P	P	P	P	P	P	P	P	P	P	

	MUD	-	-	P	P	
Uses	PCD-NB	-	-	P	P	P
	PCD-BP	-	-	P	P	P
Marine boat sales, level 1						
Marine boat sales, level 2						
Ministorage						
Industrial, level 1						
Industrial, level 2						
Marine industrial						
Wireless communication facility ⁴	C	C	C	P	P	P
Accessory uses and structures	P	P	P	P	P	P

¹ Accessory apartments requiring conditional use permits are subject to the criteria in GHMC Section 17.64.045.

² Home occupations are subject to Chapter 17.84 GHMC.

³ Adult entertainment facilities are subject to Chapter 17.58 GHMC.

⁴ Wireless communication facilities are subject to Chapter 17.61 GHMC.

⁵ Houses of religious worship shall be limited to parcels not greater than 5 acres.

⁶ Multiple-family dwellings shall be limited to no more than eight attached dwellings per structure in the R-3 district.

⁷ Sales, level 1 uses shall be limited to food stores in the RB-1 district.

⁸ See GHMC Section 17.28.090(G) for specific performance standards of restaurant 1 and food store uses in the RB-1 zone.

⁹ Animal clinics shall have all activities conducted indoors in the DB district.

¹⁰ Drive-in theaters are not permitted in the B-2 district.

¹¹ Marine industrial uses in the WM district shall be limited to commercial fishing operations and boat construction shall not exceed one boat per calendar year.

¹² Coffeehouse-type restaurant 1 uses shall not exceed 1,000 square feet in total size in the WM district.

¹³ Sales, level 1 uses shall be limited to less than 7,500 square feet per business in the PCD-NB district.

¹⁴ Residential uses shall be located above a permitted business or commercial use.

¹⁵ Houses of religious worship on parcels not greater than 10 acres are permitted uses in the MUD district; houses of religious worship on parcels greater than 10 acres are conditionally permitted uses in the MUD district.

¹⁶ Auto repair and boat repair uses shall be conducted within an enclosed building or shall be in a location not visible from public right-of-way and adjacent properties.

¹⁷ Only one triplex dwelling or one fourplex dwelling is conditionally permitted per lot in the WM district.

¹⁸ Planned unit developments (PUDs) are conditionally permitted in the ED district.

¹⁹ Commercial parking lots in the WC district shall be related to shoreline uses.

²⁰ Junkyards, auto wrecking yards and garbage dumps are not allowed in the C-1 district.

²¹ Clubs in the WM zone shall not serve alcoholic beverages and shall not operate a grill or deep-fat fryer.

Section 2. Section 17.20.040 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.20.040 Development Standards

In an R-2 district, the minimum requirements are as follows:

	Single-family and duplex dwellings	Other residential and nonresidential
A. Minimum lot area for short plats ¹		7,000 sq.ft./dwelling unit
B. Minimum lot width ¹	50'	50'
C. Minimum front yard ^{2, 4-3}	House: 20' Porch: 12' Garage: 26'	25'
D. Minimum side yard ^{4, 5-3, 4}	8'	7'
E. Minimum rear yard ^{4, 5-3, 4}	30'	25'
F. Maximum site <u>impervious</u> lot coverage	40% <u>60%</u> of the total lot area	
G. Minimum density	4 dwelling units/acre	
<u>G</u> H. Maximum density ³	6 dwelling units/acre	

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

² 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 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.

³~~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 GHMC.~~

⁴~~3~~ Development in the historic district shall comply with the setbacks defined in GHMC 17.99.310 and 17.99.320.

⁵~~4~~ Garages accessory to single-family and duplex dwellings may be located in the defined side and rear yards, provided they conform to the criteria in GHMC 17.99.490(A)(1).

Section 3. Section 17.20.070 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.20.070 Design.

All structures development shall conform to the design standards contained ~~defined for single-family dwellings as provided in GHMC 17.99.490. Nonresidential development shall conform to all nonresidential design standards defined in Chapter 17.99 GHMC. Duplex dwellings shall conform to the design standards for single-family dwelling as provided in GHMC 17.99.490 and 17.99.510.~~

Section 4. Section 17.05.020 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.05.020 Requirements Allowed density.

The allowed density, as shown for each ~~residential~~ zone in this title ~~allowing residential uses~~, represents ~~the minimum and/or the maximum number of dwelling units that may occupy an acre of land, as stated in each zoning district chapter~~. ~~This maximum number of units may be exceeded only through participation in the planned residential development process (PRD, Chapter 17.89 GHMC)~~. ~~Where the allowed density of a zone does not state a minimum or maximum density, the stated density shall represent both the minimum and maximum number of dwelling units that may occupy an acre of land~~. ~~Density may also be increased under the procedures identified in an individual chapter for developments conforming to the standards in an individual chapter, but such procedures are not applicable to a PRD, which includes a separate process to increase density within a PRD.~~

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be 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 6. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 9th day of June, 2008.

CITY OF GIG HARBOR

Charles L. Hunter, Mayor

ATTEST/AUTHENTICATED:

Molly Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Carol A. Morris, City Attorney

FILED WITH THE CITY CLERK: 05/07/08
PASSED BY THE CITY COUNCIL: 06/09/08
PUBLISHED: 06/18/08
EFFECTIVE DATE: 06/23/08
ORDINANCE NO: 1130