

## **ORDINANCE NO. 1040**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ALLOWING OWNERS OF TWO ADJOINING NONCONFORMING LOTS TO SUBMIT AN APPLICATION FOR A BOUNDARY LINE ADJUSTMENT TO COMBINE THE TWO LOTS, EVEN IF THE RESULTING LOT WOULD NOT MEET THE REQUIREMENTS UNDER THE CURRENT CODE FOR AREA OR DIMENSION, ADDING A NEW SECTION 16.03.004 TO THE GIG HARBOR MUNICIPAL CODE.**

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WHEREAS, property in the City of Gig Harbor has been legally subdivided into lots that do not conform to the minimum area and/or dimensional size requirements for lots in the underlying zone; and

WHEREAS, owners of these legally nonconforming lots may develop them under GHMC 17.68.020; and

WHEREAS, in some instances, two or more of these adjoining lots have been acquired by one property owner, who desires to combine two or more of the adjoining lots for purposes of development as one lot; and

WHEREAS, the City's current boundary line adjustment procedures are consistent with state law, and do not allow a property owner to obtain a boundary line adjustment combining two or more legally nonconforming lots into one lot, if the resulting lot would not meet the code's requirements for area or dimension (GHMC Section 16.03.003(B)); and

WHEREAS, the City Council recognizes that the combination of two or more legally nonconforming lots into one lot would reduce the nonconformity and promote infill, (the latter of which is a desirable goal under the Growth Management Act); and

WHEREAS, the City Council desires to amend the boundary line adjustment process to allow a boundary line adjustment of legally nonconforming lots as set forth in this Ordinance; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed amendments on February 1, 2006 pursuant to WAC 197-11-350, which was not appealed; and

WHEREAS, the City Community Development Director forwarded a copy of the Ordinance to the Washington State Department of Community Trade and Development on December 14, 2005, pursuant to RCW 36.70A.106; and

WHEREAS, the Planning Commission held a public hearing on this Ordinance on February 16, 2006, and recommended approval to the City Council; and

WHEREAS, the Gig Harbor City Council held a public hearing and considered this Ordinance at first reading on April 10, 2006; and

WHEREAS, the Gig Harbor City Council voted to approve this Ordinance during the second reading on April 24, 2006; Now, Therefore,

BE IT ORDAINED by the City Council of the City of Gig Harbor, Washington as follows:

Section 1. A new section 16.03.004 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**16.03.004 Nonconforming lot combinations.** Owners of two or more legally nonconforming lots may submit an application for a boundary line adjustment to combine the lots into one lot, even if the resulting lot would not satisfy GHMC Section 16.03.003(B). In order to obtain a nonconforming lot combination, the property owner must submit, in addition to the requirements for a complete

application in GHMC Section 16.03.001, documentation sufficient for a determination by the Director that the lots identified in the application are legally nonconforming. Processing of the application shall follow the procedures set forth in this chapter. The criteria for approval are those set forth in GHMC Section 16.03.003, with the exception of GHMC Section 16.03.003(B).

Section 2. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such invalidity shall not affect the validity or effectiveness of the remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect and be in full force and effect five (5) days after its passage, approval and publication as required by law.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 24th day of April, 2006.

APPROVED:

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MAYOR, CHARLES L. HUNTER

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 4/5/06  
PASSED BY THE CITY COUNCIL: 4/24/06  
DATE PUBLISHED: 4/26/06  
DATE EFFECTIVE: 5/1/06