

ORDINANCE NO. 990

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AND THE METHOD FOR DETERMINING THE NUMBER OF DWELLING UNITS PER ACRE, AMENDING SECTION 17.04.320 OF THE MUNICIPAL CODE TO COUNT ASSISTED AND INDEPENDENT LIVING FACILITIES AS FRACTIONAL DWELLING UNITS; ADDING TWO NEW SECTIONS TO DEFINE ASSISTED AND INDEPENDENT LIVING FACILITIES, AND AMENDING THE FOLLOWING SECTIONS OF THE GIG HARBOR MUNICIPAL CODE TO INCORPORATE ASSISTED AND INDEPENDENT LIVING FACILITIES INTO THE LISTS OF PERMITTED OR CONDITIONALLY PERMITTED USES: 17.20.030, 17.24.020, 17.28.030, 17.30.030, 17.31.030, 17.40.040, 17.41.020, 17.45.030, 17.91.020.

WHEREAS, the City of Gig Harbor, through the Zoning Code, has established maximum residential densities in all residential districts in the City; and

WHEREAS, residential density limits in Gig Harbor City are applicable to all types of dwelling units; and

WHEREAS, senior housing facilities are typically designed with smaller individual units at a higher density than typical single-family and multifamily housing for purposes of facilitating congregate living arrangements; and

WHEREAS, the Housing Element of the City's Comprehensive Plan has the stated goal to "Preserve Gig Harbor as a place to live for people of all occupations, incomes and abilities", and the stated objective to, "Redefine density standards to allow for higher numbers of single room occupancy units (SRO's) and increased numbers of beds in senior or group housing complexes"; and

WHEREAS, current density limitations limit or preclude the possibility of providing affordable congregate-type housing for senior citizens; and

WHEREAS, a proposed text amendment has been submitted by Mountain West Senior Housing that would make Assisted Living Facilities and Independent Living Facilities in Gig Harbor City count as fractional dwelling units; and

WHEREAS, the proposed text amendment would facilitate the development of more housing choices; and

WHEREAS, the proposed text amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan; and

WHEREAS, the City's SEPA Responsible Official issued a determination of Non-significance for the proposed text amendment on July 26, 2004 pursuant to WAC 197-11-350; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on July 26, 2004, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on January 20, 2005 and made a recommendation of approval to the City Council; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of February 14, 2005 and held a public hearing on February 28, 2005; Now, Therefore,

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

Section 1. Section 17.04.320 of the Gig Harbor Municipal Code is hereby amended as follows:

SECTION 17.04.320 DWELLING UNIT

“Dwelling unit” is one or more rooms with at least one kitchen, that is designed as a unit for occupancy by not more than one family for sleeping and living purposes. Each unit at an Assisted Living Facility or Independent Living Facility shall count as one-third of a dwelling unit (.33) for purposes of calculating density.

Section 2. A new Section 17.04.438 is hereby added to the Gig Harbor Municipal Code, to read as follows:

SECTION 17.04.438 LIVING FACILITY, ASSISTED

“Assisted Living Facility” is a multi-unit establishment which provides living quarters and a variety of supportive personal care, limited health care, housekeeping, and transportation services to individuals who are unable to live independently due to infirmity of age or physical handicap, but who do not need the medically-oriented care of a skilled nursing facility. Individual dwelling units are of a barrier-free design with separate

bathroom facilities and a mini-kitchen without range. Communal areas include a dining room in which three meals per day are served, social and activity areas, laundry facilities, and open space. Assisted living facilities are licensed under Chapter 388-110 of the Washington Administrative Code.

Section 3. A new Section 17.04.439 is hereby added to the Gig Harbor Municipal Code, to read as follows:

SECTION 17.04.439 LIVING FACILITY, INDEPENDENT

“Independent Living Facility” is a multi-unit establishment which provides living quarters and a variety of social, housekeeping, and transportation services to senior citizens who choose to live in a congregate setting. Individual dwelling units are of a barrier-free design with separate bathroom facilities and may contain a full kitchen, partial kitchen, or no kitchen. Communal areas include a dining room in which at least one meal per day is served, social and activity areas, laundry facilities, and open space.

Section 4. Section 17.20.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.20.30 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:

.....

E. Nursing and retirement homes subject to the basic density requirements of the district;

.....

G. Assisted Living Facilities and Independent Living Facilities subject to the basic density requirements of the district.

Section 5. 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:

- C. Nursing and retirement homes subject to the basic density requirements of the district;
- H. Manufactured housing in approved manufactured housing subdivisions or parks; and
- I. Home occupations as established in Chapter 17.84.GHMC; and
- J. Assisted Living Facilities and Independent Living facilities subject to the basic density requirements of the district.

Section 6. 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~~ subject to the basic density requirements of the district;
- I. Assisted Living Facilities and Independent Living facilities subject to the basic density requirements of the district.

Section 7. Section 17.30.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.30.030 Conditional uses. Subject to the procedures and other provisions for conditional uses as set forth under this title, the following uses may be permitted in an RB-2 district:

- B. Nursing homes and ~~retirement centers~~ subject to the basic density requirements of the district;
- I. Hotels and motels; and

J. Accessory apartments which meet the criteria established under GHMC 17.64.045.; and

K. Assisted Living Facilities and Independent Living Facilities
subject to the basic density requirements of the district.

Section 8. Section 17.31.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.31.030 Conditional uses. Subject to the requirements of Chapter 17.64 GHMC and standards and procedures for conditional uses set forth in this title, the following uses may be allowed:

...
B. Retirement homes Assisted Living Facilities and Independent Living Facilities;

...
L. Residential uses; and
M. Uses conducted outside buildings; and
N. Nursing Homes.

Section 9. 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~~ Assisted Living Facilities and Independent Living Facilities subject to the basic density requirements of the district;

...
K. Drive-in restaurants; and
L. Residential uses; and
M. Nursing homes subject to the basic density requirements of the district.

Section 10. Section 17.41.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.41.020 Permitted uses. The following are permitted uses in the planned community development commercial district:

....

E. Retirement complexes Assisted Living Facilities and Independent Living Facilities;

Section 11. Section 17.45.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.45.030 Conditional uses. Subject to the requirements, standards and procedures for conditional uses set forth in Chapter 17.64 GHMC, the following uses may be permitted in an employment district:

....

B. Senior citizen housing Assisted Living Facilities and Independent Living facilities;

Section 12. Section 17.91.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.91.020 Permitted uses.

The following uses are permitted uses in the mixed use zone:

A. Residential dwellings, attached/detached.
B. Retirement communities/complexes Assisted Living Facilities and Independent Living Facilities subject to the basic density requirements of the district;

....

O. Nursing homes subject to the basic density requirements of the district.

Section 13. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

Section 14. 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 City Council and approved by the Mayor of the City of Gig Harbor this 28 day of February, 2005.

CITY OF GIG HARBOR



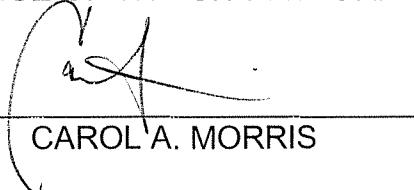
GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: 

MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

CAROL A. MORRIS

FILED WITH THE CITY CLERK: 2/10/04
PASSED BY THE CITY COUNCIL: 2/28/05
PUBLISHED: 3/9/05
EFFECTIVE DATE: 3/14/05
ORDINANCE NO: 990