

ORDINANCE NO. 1389

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AND IMPLEMENTING LIMITATIONS ON RESIDENTIAL DEVELOPMENT AS IDENTIFIED DURING THE RESIDENTIAL MORATORIUM ADOPTED FEBRUARY 12, 2018 PURSUANT TO ORDINANCE NO. 1383 BY AMENDING SHORT PLAT REGULATIONS TO PROHIBIT SERIAL SHORT PLATS; AMENDING THE LAND USE MATRIX TO ALLOW RESIDENTIAL DEVELOPMENT AS A PERMITTED USE IN THE DB DISTRICT ABOVE OR BELOW STREET LEVEL NONRESIDENTIAL USES; AMENDING THE DB DISTRICT DEVELOPMENT REGULATIONS TO ALLOW A RESIDENTIAL DENSITY OF EIGHT DWELLING UNITS TO THE ACRE; AMENDING THE B-2 AND C-1 DISTRICT DEVELOPMENT REGULATIONS TO ALLOW A RESIDENTIAL DENSITY OF SIX DWELLING UNITS TO THE ACRE; ELIMINATING THE MINIMUM RESIDENTIAL DENSITY REQUIREMENT FROM THE R-1 DISTRICT; ELIMINATING THE RB-2 DISTRICT RESIDENTIAL BONUS DENSITY ALLOWANCE PROVIDED THROUGH THE CONDITIONAL USE PERMIT PROCESS; ELIMINATING THE PRD DISTRICT RESIDENTIAL BONUS DENSITY ALLOWANCE PROVIDED THROUGH THE CONDITIONAL USE PERMIT PROCESS; AMENDING CHAPTERS 16.01 AND 16.04 OF THE GIG HARBOR MUNICIPAL CODE BY ADDING NEW SECTIONS 16.01.085, 16.04.008 17.31.065 AND 17.36.065; AMENDING SECTIONS 17.05.020, 17.14.020, 17.16.060, 17.30.050, 17.36.060, 17.40.075, 17.89.050, 17.89.060, 17.89.070, 17.89.100 AND 17.89.110 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY, AN EFFECTIVE DATE AND FOR SUMMARY PUBLICATION BY ORDINANCE TITLE.

WHEREAS, pursuant to Chapter 35A.63 RCW and Chapter 36.70A RCW, the Gig Harbor City Council approved Ordinance 1383 at its regular meeting of February 12, 2018 imposing a six-month moratorium upon the receipt and processing of subdivision applications and applications for building permits and other land use development approvals associated with residential development; and

WHEREAS, Ordinance No. 1383 required that a public hearing be held during the City Council's regular meeting on March 26, 2018 and that pursuant to RCW 35A.63.220 and RCW 36.70A.390, the City Council adopted additional legislative findings in support of this ordinance and recommended modification to the provisions of the moratorium imposed by Ordinance No. 1383 after said public hearing; and

WHEREAS, following public hearing, at its meeting of April 2, 2018, the Council's Planning and Building Committee provided staff with input on issues to be reviewed for possible future amendment, including those addressed herein; and

WHEREAS, staff have been working with the Mayor, Council, Planning Commission, members of the Design Review Board and Advisory Committee to identify possible amendments to development codes that could preserve the city's character and vision while allowing it to grow responsibly; and

WHEREAS, the code amendments identified through the city's issue discovery process require varying levels of analysis, environmental review and review by the State of Washington Department of Commerce; and

WHEREAS, a code amendment strategy to include the amendments in three groups is being utilized with those amendments requiring less intensive analysis, environmental review or expedited review by the Department of Commerce being identified as Group #1 as addressed herein (the "Group 1 Amendments"); and

WHEREAS, on April 23, 2018, the code amendments addressed herein were considered for initiation by the City Council which voted unanimously to further consider them at public hearing and First Reading of Ordinance; and

WHEREAS, on April 25, 2018, the city submitted a request for expedited review of the proposed code amendments to the Department of Commerce for review and consideration; and

WHEREAS, on May 3, 2018, the city's Responsible Official pursuant to Gig Harbor Municipal Code Chapter 18.04 (Environmental Review) issued a Determination of Non-significance (DNS) for the proposed amendments; and

WHEREAS, by letter dated May 10, 2018 the Department of Commerce granted the city expedited review of the code amendments; and

WHEREAS, by letter dated May 14, 2018, the Department of Commerce provided the city with its comments regarding the proposed Group 1 Amendments and the effect of the amendments on the affordability of housing within the city; and

WHEREAS, on May 14, 2018, at the public hearing and First Reading of Ordinance for the Group 1 Amendments, the City Council voted 4-3 to approve a motion to further amend the proposed DB, B-2 and C-1 amendments to GHMC Section 17.14.020 (Land Use Matrix) to permit residential development above and below street-level nonresidential uses in the DB District and allow as a conditional use residential uses in the B-2 and C-1 District, and to further amend the DB District to allow a maximum residential density of eight dwelling units to the acre and the B-2 and C-1 Districts to allow a maximum residential density of six units to the acre; Now, therefore,

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

Section 1. A new section 16.01.085 is hereby added to the Gig Harbor Municipal Code, to read as follows:

16.01.085 Serial Short Plat.

An application for a short subdivision on contiguous properties in common ownership with one or more common owners, one or more persons who have an interest in the entity that owns or has an ownership interest in contiguous parcels, or a developer who intends to develop contiguous properties where the total number of lots proposed exceeds the maximum allowed four lots. In such cases, the application shall be processed as a subdivision.

Section 2. A new section 16.04.008 is hereby added to the Gig Harbor Municipal Code, to read as follows:

16.04.008 Prohibition on serial short plats.

Contiguous parcels that have one or more common owners, one or more persons who have an interest in the entity that owns or has an ownership interest in contiguous parcels, or a developer who intends to develop contiguous parcels, must comply with the subdivision requirements of this title if the total number of resultant lots will exceed four in number. The short subdivision code may not be used as a mechanism to avoid the requirements of the subdivision code where there are adjacent parcels under common ownership, as described herein, that, but for the property boundaries, would be required to comply with the subdivision requirements. The prohibition expressed herein shall apply for a period of one-year from the submittal of a complete short plat application for the first of contiguous parcels that have one or more common owners, one or more persons who have an interest in the entity that owns or has an ownership interest in contiguous parcels, or a developer who intends to develop contiguous parcels even if a contiguous parcel is later conveyed to another person or entity.

Section 3. Section 17.05.020 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.05.020 Allowed density.

The allowed density, as shown for each 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. 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 in the PCD RLD and PCD RMD Districts-under the procedures identified in Chapters 17.17 and 17.21, respectively. ~~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 4. The land use matrix for the DB, B-2 and C-1 zoning districts set forth in section 17.14.020 of the Gig Harbor Municipal Code is hereby amended 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	C-1 ¹⁹	PCD-C	ED ¹⁸	WR	WM	WC	PCD-BP	PCD-NB	MUD ²⁴
Dwelling, single-family	-	P	P	P	P	C	P	P	<u>P³¹G</u>	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, duplex	-	-	-	P	P	P	-	P	<u>P³¹G</u>	P ¹⁴	C	C	P ¹⁴	-	P	P	P	-	P ¹⁴	P
Dwelling, triplex	-	-	-	C	P	P	-	P	<u>P³¹G</u>	P ¹⁴	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, fourplex	-	-	-	C	P	P	-	P	<u>P³¹G</u>	P ¹⁴	C	C	P ¹⁴	-	-	C ¹⁷	P	-	P ¹⁴	P
Dwelling, multiple-family	-	-	-	-	P	P ⁶	-	P	<u>P³¹G</u>	P ¹⁴	C	C	P ¹⁴	-	-	-	-	-	P ¹⁴	P
Accessory apartment ¹	-	C	P	-	P	-	C	C	<u>P³¹G</u>	P ¹⁴	C	C	P ¹⁴	-	-	-	P	-	P ¹⁴	P

* * *

31 Permitted above and below street-level nonresidential uses.

Section 5. Subsection H of section 17.16.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

H. Density No minimum density-
maximum of 4 dwelling
units/acre

Section 6. Subsection G of section 17.30.050 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

G. Maximum density: eight dwelling units per acre, ~~permitted outright; 12 dwelling units per acre allowed as a conditional use.~~

Section 7. A new section 17.31.065 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.31.065 Maximum residential density

The maximum residential density is eight dwelling units per acre.

Section 8. A new section 17.36.065 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.36.065 Maximum residential density

The maximum residential density is six dwelling units per acre.

Section 9. Section 17.40.075—Maximum residential density--of the Gig Harbor Municipal Code is amended, to read as follows:

The maximum residential density is six ~~seven~~ dwelling units per acre.

Section 10. Section 17.89.050 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

The following uses are permitted in a PRD:

A. Those primary, accessory and conditional uses permitted in the underlying zoning district. ~~Density is not a use, and the fact that a conditional use permit may allow additional density in a particular zone does not apply to a PRD, in which density may only be increased through the procedures set forth in GHMC 17.89.100;~~

* * *

Section 11. Subsection B of section 17.89.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

B. The performance standards which may not be modified or altered in a PRD are:

1. Maximum density allowed by the underlying zone;
- 4~~2~~. Shoreline regulations when the property is located in an area under the jurisdiction of the Gig Harbor shoreline master program;
- 2~~3~~. Standards pertaining to development in environmentally sensitive areas;
- 3~~4~~. Regulations pertaining to nonconforming uses;
- 4~~5~~. Standards pertaining to screening around outdoor storage areas;
- 5~~6~~. Total coverage by impermeable surface coverage; and
- 6~~7~~. Height restrictions as identified on the adopted city of Gig Harbor height restriction area map and shoreline master program.

Section 12. Section 17.89.070 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.89.070 Criteria for approval of preliminary PRD application.

A. Applicants for a preliminary PRD application shall demonstrate that, with the exception of the sections of the code from which the applicant intends to vary (as allowed by GHMC 17.89.060), the proposed PRD satisfies all applicable code requirements, and is compatible with surrounding properties. In addition, applicants must make the following showing:

1. Landscaping and site plans showing the location of proposed open space or parks, road layout and proposed buffering of buildings, parking, integrated pedestrian circulation, loading and storage areas, all approved under the design review process;
2. Identification of unique characteristics of the subject property proposed to be retained and how those characteristics qualify for ~~density and/or~~ the height bonus under GHMC 17.89.400 060;
3. Identification of unique characteristics of the proposed use(s) and how those characteristics qualify for ~~density and/or~~ the height bonus;
4. The proposed relationship and arrangement of buildings and open spaces as they relate to various uses within or adjacent to the PRD approved under the design review process;
5. Measures proposed to mitigate visual impact of the PRD upon the surrounding area and approved under the design review process;
6. Identification of any extraordinary public improvements proposed for acceptance of ownership by the city in connection with the planned development and that qualify for the ~~density and/or~~ height bonus under GHMC 17.89.400 060;
7. Identification of any unique natural features of the property proposed for acceptance of ownership by the city for preservation, and that qualify for the ~~density and/or~~ height bonus under GHMC 17.89.400 060;
8. Identification of any unique historic or cultural features of the property and surrounding neighborhood proposed for acceptance of ownership by the city for preservation and that qualify for ~~density and/or~~ the height bonus; and
9. Identification of any proposed recreational opportunities in excess of those normally required of a subdivision and a description of how they qualify for ~~density and/or~~ the height bonus.

* * *

Section 13. Section 17.89.100—Density bonus—of the Gig Harbor Municipal Code is hereby deleted in its entirety.

Section 14. Section 17.89.110 of the Gig Harbor Municipal Code is amended, to read as follows:

17.89.110 Open space.

In order to be approved, a preliminary PRD application must demonstrate that all of the following performance standards are met:

A. Common open space shall comprise at least 30 percent of the gross area of the PRD, and shall be used as a recreational, park or environmental amenity for collective enjoyment by the property owners within the PRD. Common open space shall not include public or private streets, driveways, parking areas or the required setbacks, required perimeter setbacks, or required yards for buildings or structures. A minimum of 70 percent of the required common open space shall be located on separate open space tracts shown on the face of the plat. A maximum of 30 percent of the required common open space may be comprised of open space on contiguous residential lots within the PRD. The face of the PRD and the covenants, conditions and restrictions shall include designation of these required common open space areas as open space, as well as the requirements for the property owners within the PRD to maintain such open space, unless arrangements are made pursuant to subsection (G)(2) of this section.

B. No naturally submerged lands on site will be counted as open space, ~~unless explicitly allowed under GHMC 17.89.100, Density bonus.~~

C. At least 50 percent of the common open space area must be usable for active or passive recreation, and which is also not utilized as a utility improvement or structure.

D. Common open space may contain such structures and improvements as are necessary and appropriate for the out-of-doors enjoyment of the residents of the PRD.

~~E. Common open space associated with density bonus must be freely accessible to the general public, identified on the face of the plat, and clearly identified by on-site signage.~~

FE. All common open space must be unique to the project, and may only be credited a single time and to a single project. Such open space may also include a proportionate contribution that is a portion of a city-approved off-site mitigation.

GE. Land shown in the final development plan as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:

1. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that are acceptable to the city in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use permitted are expressly reserved to the city as well as the owners.

2. A public agency which agrees to maintain the common open space and any buildings, structures or other improvements, which have been placed upon it.

HG. Common open space shall be suitably improved for its intended use, except when it contains natural features worthy of preservation which may be left

unimproved. The buildings, structures and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space.


Section 15. Findings. In support of the amendments approved in this Ordinance, the City Council adopts the findings attached hereto as Exhibit A and incorporated herein.

Section 16. 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 17. 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 29th day of May, 2018.

CITY OF GIG HARBOR



Mayor Kit Kuhn

ATTEST/AUTHENTICATED:



Molly Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



Angela G. Summerfield, City Attorney

FILED WITH THE CITY CLERK: 05/09/18
PASSED BY THE CITY COUNCIL: 05/29/18
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