

ORDINANCE NO 951

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADDING A NEW CHAPTER TO ADDRESS THE CALCULATION OF DENSITY IN RESIDENTIAL ZONES, REPEALING THE DEFINITION OF "NET BUILDABLE LANDS" IN THE ZONING CODE AND ELIMINATING REFERENCES TO "NET BUILDABLE LANDS" IN THE ZONING CODE, AMENDING THE DEVELOPMENT STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENTS TO REFERENCE THE NEW CHAPTER FOR CALCULATION OF DENSITY; AMENDING THE DEFINITION OF "ALLEY"; ADDING A NEW CHAPTER 17.05; AMENDING GHMC SECTION 17.04.030, 17.89.100, 17.90.040 AND 17.90.090; AND REPEALING GHMC SECTION 17.04.128.

WHEREAS, the City adopted a definition of "net buildable lands" in the Zoning Code to calculate the allowed density in residential zones; and

WHEREAS, the Zoning Code needs to reference the method for determining density in a more comprehensive manner and to clarify the fact that such method for calculation of density applies to all residential zones; and

WHEREAS, if the City adopts a separate chapter addressing the manner in which density is calculated, there does not need to be individual references to "net buildable lands" in the Zoning Code (specifically the PRD or PUD chapters); and

WHEREAS, the method for determining density described in this Ordinance excludes certain features and improvements on the site, such as public rights-of-way and private streets, but the City encourages development of alleys, so alleys are included in the calculation of density; and

WHEREAS, the City's definition of "alley" in the Zoning Code needs to be amended because the current definition in GHMC 17.04.030 does not fully describe the appropriate dimension and function of an alley;

WHEREAS, the definition of net buildable lands does not apply to the Planned Community Development – Residential Low Density zone, as it specifically states in GHMC 17.17.040(A) that density for the PCD-RLD zone is calculated using gross acreage.

WHEREAS, the City's SEPA Responsible Official has determined that this Ordinance is Non-significant (DNS); and

WHEREAS, the City sent a copy of this Ordinance to the Washington State Office of Community, Trade and Development on October 15, 2003; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on November 6, 2003; and recommended approval to the City Council; and

WHEREAS, on December 8, 2003, the City Council considered this Ordinance during a regular meeting; Now, Therefore,

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

Section 1. Section 17.04.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.04.030 Alley. "Alley" means a private access or street, wider than 10 feet and no wider than 16 feet, that provides secondary access to residential parcels or units, and that provides principal access to garages or code-required parking areas. Alleys provide parking and service access, but are not intended for general traffic circulation.

Section 2. Section 17.04.128 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. A new chapter 17.05 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

II. CHAPTER 17.05 DENSITY IN RESIDENTIAL ZONES

17.05.010 Purpose

17.05.020 Requirements

17.05.030 Calculations

17.05.010 Purpose. The density requirement helps to maintain a consistent and compatible land use pattern in Gig Harbor's residential neighborhoods. Other purposes of this requirement are to serve the planned housing needs of the City's residential population and prevent public nuisances that result from a lack of open space and the over utilization of public facilities.

17.05.020 Requirements. The allowed density, as shown for each residential zone in Title 17, represents the maximum number of dwelling units that may occupy an acre of land. This maximum number of units may be exceeded only through participation in the planned residential development process (PRD, chapter 17.89 GHMC).

17.05.030 Calculations. When determining the allowed density for any given lot in the City, the net buildable land area of the site is used. Net buildable land area, for the purpose of determining the allowed dwelling units for a site, shall be calculated by subtracting areas where building is prohibited or subject to significant restrictions from the gross lot area. The area remaining after these exclusions from the gross lot area represents the net buildable land area. The following shall be deducted from the gross lot area to determine net buildable land area:

A. Sensitive areas including: Type I, II, III and IV wetlands; ravine sidewalls, and bluffs.

B. Public rights-of-way, private streets and access corridors; except as excluded under GHMC Section 17.05.040.

C. Tidelands. The area of waterfront lots is considered to be the area landward of the line of the ordinary high water mark, regardless of the extent of ownership, or the area landward of the ordinary high water mark along streams.

17.05.040 Exclusions. The following shall not be deducted from the gross lot area when calculating net buildable land area:

- A. Required setbacks;
- B. Buffers and screening required by Design Manual standards;
- C. Buffers and screening required by zoning performance standards;
- D. Alleys, and;
- E. Wetland buffers.

Section 4. Section 17.89.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.89.040 Contents of a complete PRD application.

A. In addition to the applicable requirements of GHMC 19.02.002, a complete application for preliminary PRD shall consist of the following information:

* * *

3. A written description addressing the scope of the project, gross acreage, ~~net buildable acreage calculations,~~ the nature and size in gross floor area of each use and the total amount of ~~net buildable land~~ in square feet to be covered by impervious surfaces;

* * *

Section 5. Section 17.89.100 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.89.100 Density Bonus.

A. The density may be increased in a PRD over that permitted in the underlying zone but only if: (A-1) consistent with the underlying comprehensive plan designation for the property; and (B-2) the density increase will not exceed 30 percent over the

density allowed in the underlying zone. Density calculations shall be made as set forth in chapter 17.05 GHMC. ~~Based on net buildable land~~

B. Density bonuses may be allowed only as follows:

A-1. Open Space.

1-(a) Satisfaction of the standards in GHMC 17.89.110 for open space; and

2-(b) Provision of open space exceeding by at least 30 percent of the minimum required by the Design Review Manual or the existing Zoning Code (whichever is greater); or at least 30 percent more than the level of service standards for open space and active recreational areas in the capital facilities element of the adopted Gig Harbor Comprehensive plan: 10 percent increase.

B-2. Preservation of Natural Features. Preservation of a desirable natural feature that would not otherwise be preserved such as, but not limited to an unregulated wetland, stream corridor, unique geological feature, substantial over-story vegetation: 10 percent increase.

C-3. Preservation of Scenic Vistas. Preservation of a scenic vista corridor(s) within and off-site, and accessible to the general public rather than private property owners: 10 percent increase.

D-4. Design of Storm water Treatment System as Amenity. A storm water treatment (retention/detention) facility is also designed as a visually aesthetic and physically accessible amenity for the enjoyment of the public: 10 percent increase.

Section 6. Section 17.90.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.040 Contents of a complete preliminary PUD application.

A. In addition to the applicable requirements of GHMC 19.02.002, a complete application for preliminary PUD approval shall consist of the following information:

* * *

4. A written description addressing the scope of the project, gross acreage, ~~net buildable acreage calculations,~~ the nature and size in gross floor area of each use and the total amount of ~~net buildable land~~ in square feet to be covered by impervious surfaces;

* * *

Section 7. Section 17.90.090 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.090 Maximum gross floor area bonus.

A. The maximum gross floor area of the PUD may be increased over that permitted in the underlying zone as provided in this section, but only if: (A-1) consistent with the underlying comprehensive plan designation for the property; and (B-2) the increase will not exceed 25 percent additional gross floor area, over that allowed in the underlying zone, except in the General Business District (B-2) it shall be up to 50 percent, and in Commercial District (C-1) it shall be 30 percent. Such calculations shall be made as set forth in chapter 17.05 GHMC. ~~On net buildable land.~~

B. The maximum gross floor area bonus may only be allowed if the applicant demonstrates the following:

A-1. Open Space. Open space must satisfy the standards in GHMC 17.90.100 for open space in order to be eligible for a gross floor area bonus. Such open space must be open to the general public.

~~1-(a)~~ Provision of open space exceeding by at least 30 percent the minimum required under the Design Review Manual and proportional to the size of the development: 10 percent increase.

~~2-(b)~~ Preservation of Natural Features. Preservation of a desirable natural feature that would not otherwise be preserved such as, but not limited to an unregulated wetland, stream corridor, unique geological feature, substantial over story vegetation and which would not otherwise be preserved, etc.: 10 percent increase.

~~3-(c)~~ Preservation of Scenic Vistas. Preservation of a scenic vista corridor(s) on-site and off-site and accessible to the general public: 10 percent increase.

4-(d) Provision of a Desirable Urban Amenity. Provision of an urban amenity that complements the proposed development and that exceed the requirements of the Design Review Manual for common space or plazas. Such amenity may include such things as a play area, public transit amenities, public restrooms, fountains or other comparable amenities identified by the applicant or city staff: 10 percent increase;

5- (e) Design of a Storm water Treatment System as an Amenity. A storm water treatment (retention/detention) facility that is also designed as a visually aesthetic and physically accessible amenity for the enjoyment of the public: 10 percent increase.

Section 8. 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 9. 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 26th day of January, 2004.

APPROVED:


MAYOR, GRETCHEN WILBERT

ATTEST/AUTHENTICATED:

CITY CLERK, MOLLY M. TOWSLEE

APPROVED AS TO FORM;
OFFICE OF THE CITY ATTORNEY:
BY: _____

FILED WITH THE CITY CLERK: 1/7/03
PASSED BY THE CITY COUNCIL: 1/26/04
DATE OF PUBLICATION: 2/4/04
EFFECTIVE DATE: 2/9/04