

**ORDINANCE NO. 863**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE DEFINITION OF "IMPERVIOUS SURFACE" IN THE CITY ZONING CODE TO BE CONSISTENT WITH THE PUBLIC WORKS' DEFINITION OF "IMPERVIOUS SURFACE," AND ADDING A NEW DEFINITION OF "NET BUILDABLE LANDS" FOR USE IN CALCULATING DENSITY CREDITS IN PLANNED UNIT DEVELOPMENTS AND PLANNED RESIDENTIAL DEVELOPMENTS, AND ADDING A NEW DEFINITION OF "LOW IMPACT RETAIL" TO DESCRIBE ALLOWED RETAIL USES PLANNED RESIDENTIAL DEVELOPMENTS, AND ADDING NEW SECTIONS 17.04.128, AND 17.04.551, AND AMENDING SECTION 17.04.420 OF THE OF THE GIG HARBOR MUNICIPAL CODE.**

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WHEREAS, the City will soon adopt a new Storm Water Drainage Manual, and the definition of "impervious surface" is not consistent with the definition in the City's Zoning Code; and

WHEREAS, a definition of "net buildable lands" is necessary to calculate the density credits allowed a planned unit development or planned residential development; and

WHEREAS, the City's SEPA Responsible Official made a determination that the adoption of this Ordinance is categorically exempt under WAC 197-11-800(20); and

WHEREAS, the City Planning Commission held a public hearing to consider this Ordinance on July 26, 2000 and August 2, 2000 and recommended that the City Council approve this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of January 22nd and February 12th, 2001; Now, Therefore,

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

Section 1. A new Section 17.04.128 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.128 Net Buildable Lands.** "Net Buildable Lands" means the gross land area measured in acres or square feet within the defined boundaries of the proposed project, less non-buildable land, such as wetlands or tidelands and other land, measured in acres and/or square feet, that by definition or ordinance cannot be built upon and is to be deducted from the gross buildable land area; plus density credits available. Land areas to be deducted from the gross buildable land area include unregulated wetlands, tidelands, wet creek beds, identified buffer areas along water bodies, and rights-of-way.

Section 2. Section 17.04.420 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.04.420 Impervious Surface.** "Impervious Surface" means ~~a surface practically incapable of being penetrated by water.~~ a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads with compacted sub-grade, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

Section 3. A new Section 17.04.551 is hereby added to the Gig Harbor Municipal Code, to read as follows:

**Low Impact Retail:** retail uses that are compatible with, and targeted to, local residential consumers, and that reduce the hazards of local traffic by limiting the size of the building. Such stores or services may include pharmacies, bakeries and delicatessens or coffee shops, barbershops and beauty parlors, drycleaners, shoe repair, small commercial postal services, flower shops, and similar uses. Drive in establishments, such as gas stations or drive through restaurants do not meet this definition.

Section 4. 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 5. 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 12th day of February, 2001.

CITY OF GIG HARBOR


  
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GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By:   
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MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By:

  
\_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 1/17/01  
PASSED BY THE CITY COUNCIL: 2/12/01  
PUBLISHED: 2/21/01  
EFFECTIVE DATE: 2/26/01  
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