

ORDINANCE NO. 1284

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO ZONING; REDUCING THE FRONT YARD SETBACKS AND MOVING THE HEIGHT MEASUREMENT POINT TO THE RIGHT-OF-WAY FOR RESIDENTIAL BUILDINGS IN THE WATERFRONT MILLVILLE ZONING DISTRICT; AMENDING SECTIONS 17.99.320 AND 17.99.510 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, in March 2012, the City Council directed the Planning Commission to review and identify Codes that inhibit the preservation of character-defining historic buildings in the downtown as part of the downtown preservation and revitalization planning effort; and

WHEREAS, beginning in 2012, the Planning Commission began reviewing potential amendments, conducted a walk tour of downtown Gig Harbor and participated in two town hall meetings focused on the vision for downtown; and

WHEREAS, on December 10th, 2012, the City Council adopted Resolution No. 920, The Harbor Vision Statement for the downtown area; and

WHEREAS, over the course of eleven months, the Planning Commission held 16 work-study sessions and one open house on a series of potential amendments for the downtown; and

WHEREAS, on April 11, 2013, the Planning Commission held a public hearing on a proposal to decrease the front setbacks and change the height measurement point for residential uses in the waterfront zones. After considering public testimony, the commission recommended approval of such amendments on May 2, 2013; and

WHEREAS, on June 3, 2013, the City Council held a joint meeting with the Planning Commission to review the recommended amendments; and

WHEREAS, on July 8, 2013, the City Council held a public hearing on a series of downtown amendments which included amendments to the front yard setbacks and height measurement point in the Waterfront Millville (WM) zoning district; and

WHEREAS, on September 9, 2013, the City Council did not include amendments to the WM zoning district when they adopted Ordinance 1268 approving building size and height amendments for the Downtown Business (DB) District; and

WHEREAS, on September 9, 2013, the City Council directed staff to present a separate ordinance for waterfront zones at an open house, public hearing and 1st

reading on October 14, 2013; and

WHEREAS, on October 14, 2013, the Gig Harbor City Council held an open house on the proposed waterfront amendments; and

WHEREAS, on October 28, 2013, the City Council did not include amendments to the WM zoning district when they adopted Ordinance 1275 approving building size and height amendments for the Waterfront Commercial (WC) District; and

WHEREAS, on November 12, 2013, the City Council directed staff to present a separate ordinance for residential front yard setbacks and height measurement point amendments in the Waterfront Millville (WM) zoning district at a future Council meeting; and

WHEREAS, the current height measurement location for residential buildings in Waterfront Millville has led to new homes being significantly lower than historic homes as viewed from the street. The current front yard setback provisions do not allow for the retention of the historic residential character of that streetscape; and

WHEREAS, nonresidential buildings in Waterfront Millville must be located within 10 feet of Harborview and North Harborview Drive and the maximum height can be measured at the property line along the right-of-way; and

WHEREAS, the new Shoreline Master Program generally requires a 35-foot setback from the ordinary high water mark in the shoreline designation located in the Waterfront Millville (WM) zoning district, thereby reducing the buildable area of a lot along the water. The proposed decrease in front yard setbacks will help mitigate that impact to the buildable area of the lot; and

WHEREAS, decreasing the front yard setbacks and height measurement point for residential uses in the WM zoning district will make the residential requirements more consistent with the nonresidential buildings in the same zones; and

WHEREAS, the Council finds that the amendments would aid in preserving the character and scale of traditional homes in the WM zoning district; and

WHEREAS, the amendments are consistent with the Harbor Vision; and

WHEREAS, the proposed text amendments are consistent with the following goals and policies in the Comprehensive Plan:

GOAL 3.6: ARTICULATE AN ARCHITECTURAL STYLE WHICH REFLECTS GIG HARBOR'S BUILT AND NATURAL ENVIRONMENT AND WHICH APPEALS TO THE HUMAN SPIRIT; and

3.6.1. Maintain a small town scale for structures.

New structures should not overpower existing structures or visually dominate Gig Harbor's small town city-scape, except as approved landmark structures; and

GOAL 3.7: ENCOURAGE BUILDING DESIGNS WHICH DEFINE AND RESPECT THE HUMAN SCALE. *The scale of the building in relation to the human form should be obvious, particularly at the sidewalk level; and*

GOAL 3.15 IDENTIFY, PRESERVE AND DEVELOP AN APPROPRIATE WATERFRONT ARCHITECTURE; and

GOAL 3.18 TO PRESERVE THE CHARACTER OF THOSE SITES OR DISTRICTS WHICH REFLECT THE STYLE OF GIG HARBOR'S HISTORICAL DEVELOPMENT; and

3.18.2. Develop guidelines which promote compatible development within designated areas.

Guidelines should specify building forms, styles, and motifs appropriate for Gig Harbor's historic areas; and

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on April 26, 2013, pursuant to RCW 36.70A.106; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the amendments reducing the front setbacks and height measurement point for residential uses on May 29, 2013; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on January 13, 2014; and

WHEREAS, on February 10, 2014, the City Council held a second reading during a regular City Council meeting; Now, therefore,

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

Section 1. Subsection 17.99.320(A) in the Design Manual chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

A. Conform to residential setback requirements.

1. FRONT SETBACK MINIMUM House – 20 feet; in Waterfront Millville – 12 feet

Garage – 26 feet; in Waterfront Millville – 18 feet

Porches – 12 feet; in Waterfront Millville – 6 feet

2. SIDE SETBACK/VIEW CORRIDOR MINIMUM**

a. For site with one building - On a 50-foot-wide lot, 20 feet of combined side yard setback/view corridor is required and may be allotted as desired except that a minimum of five feet on any one side is required. For every

additional foot of lot width beyond 50 feet, an additional one-quarter foot of side yard setback/view corridor is required. On sites with less than 50 feet of width, one-quarter foot of side yard setback/view corridor shall be eliminated for every foot of lot width less than 50 feet; provided that a minimum of 5 feet of setback/view corridor shall be provided on all side yards.

b. For sites with multiple buildings – Side yard setbacks/view corridors shall be provided in an amount equivalent to 20 feet for the first 50 feet of lot width. For every additional foot of lot width beyond 50 feet, an additional one-quarter foot of side yard setback/view corridor shall be provided. On sites with less than 50 feet of width, one-quarter foot of side yard setback/view corridor shall be eliminated for every foot of lot width less than 50 feet. The side yard setbacks/view corridors may be allotted in one of the following ways:

- i. The total of the required side yard setback/view corridor shall be provided adjacent and parallel to the side property lines along the entire length of the property provided that a minimum of five feet of setback/view corridor shall be provided on all sides; or
- ii. If the lot is 100 feet or more in width, a minimum side yard setback/view corridor of five feet shall be provided adjacent to abutting properties and setback/view corridor(s) a minimum of 20-feet wide shall be provided between buildings on the subject site. Lots narrower than 100 feet wide are not eligible for this provision.

c. View Corridors – In waterfront zoning districts, view corridors shall be provided perpendicular to a designated parkway or parallel to the side property lines along the entire length of the property. In all other zoning districts, view corridors shall be provided parallel to the side property lines along the entire length of the property. All required view corridors shall be open from the ground to the sky except that appurtenances allowed by the definitions of "yard" in Section 17.04.880 GHMC and "yard, side" in Section 17.04.910 GHMC may be located within the corridor.

3. REAR SETBACK MINIMUM** – As defined for each underlying zone in the Gig Harbor Municipal Code, or 25 feet, whichever is less.

4. OVERWATER STRUCTURE SETBACK:

Setbacks for overwater structures shall be governed by the Gig Harbor Shoreline Master Program and shall be exempt from this section.

** See additional setback provisions in subsection C of this section.

* * *

Section 2. Subsections 17.99.510(A), Building massing and height – Historic District, in the Design Manual chapter of the Gig Harbor Municipal Code are hereby amended, to read as follows:

A. Incorporate characteristic roof lines and massing into residential structures.

Historic structures in Gig Harbor are characterized by similar roof lines and massing. All residential structures within the historic district must meet the following criteria:

1. MINIMUM ROOF PITCH.

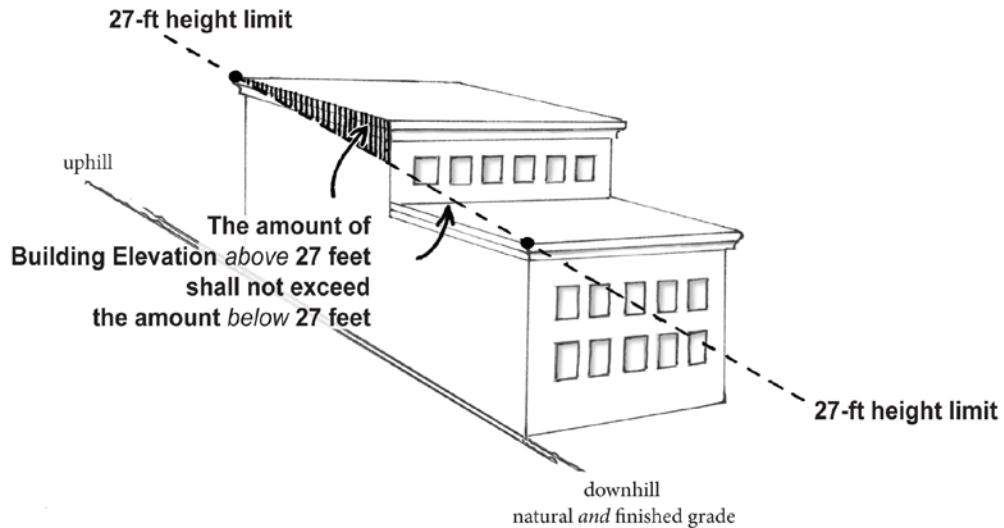
Roof pitches shall be minimum 6/12 and maximum 12/12 on all portions of the roof except for (a) shed dormers, (b) porches, (c) the lower pitched roof portion on a saltbox-style structure, and (d) steeples, bell towers, and similar accentuated structures.

2. MAXIMUM HEIGHT – DB ZONE SOUTH OF ROSEDALE STREET and PORTION OF THE WC ZONE ABUTTING THE DB ZONE.

A building shall not exceed 27 feet above natural and finished grade as measured from the building footprint except as allowed for stepped-down buildings as follows:

On sloped sites, the elevations of buildings may be stepped-down and those stepped down sections may exceed the 27-foot maximum provided that the uphill and downhill facades do not exceed 27 feet above natural and finished grade as measured from the building footprint and that the amount of elevation above 27 feet does not exceed the amount of elevation below 27 feet as shown in Figure A below. Safety rails surrounding roof top patios or gardens that are stepped back from the most forward front face of perimeter cornice are not included in the elevation provided the safety rail meets the design requirements of balustrades in GHMC 17.99.540(B) and provide a minimum of 60% transparency.

FIGURE A



3. MAXIMUM HEIGHT – ALL OTHER ZONES.

Each residential lot is allowed a building height of up to 18 feet from any point within the buildable area and within 50 feet of the building's footprint; provided, that no portion of the structure exceeds 27 feet above natural and finished grade. In the Waterfront Millville (WM) zone, the point at which the 18-foot maximum is measured may be at the highest point within the lot along the street right-of-way. Additionally, one BASIC STRUCTURE measuring 25 feet wide by 40 feet deep by 27 feet high may be incorporated into the building design based upon the following criteria:

- a. The height of the basic structure shall be measured from the lowest elevation point at the setback lines. Height shall be measured from natural grade.
- b. The ridge of the basic structure shall be perpendicular to the shoreline or "point" to a significant view.
- c. No structures other than chimneys shall extend beyond the area defined by the gable or hip, i.e., no structure shall extend above the common rafter extending from the top wall plate to the ridge unless it is within the underlying 18-foot height envelope.
- d. The minimum roof pitch is 8/12. Equal pitches are used on the remaining portion of the house.

e. A full-width front porch shall be included on the front side of the basic structure unit and windows on the entire structure shall be true-divided light windows if a grid pattern is desired.

f. All other setback and height requirements are complied with.

[Note: Retain graphic at this location]

4. INTERSECTING GABLES OR DORMERS.

a. To avoid expansive roof planes, fascia boards may not exceed 35 feet in length without an intersecting gable, dormer or similar architectural element incorporated into the roof plane above the fascia board on pitched roofs.

b. The total width of all dormers, gables, and similar architectural elements shall not exceed 50 percent of the width of the roof plane on which those elements are located.

c. This requirement does not apply to BASIC STRUCTURES defined under subsection (A)(2) of this section.

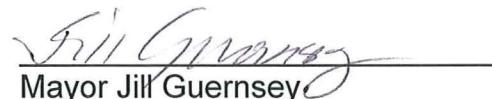
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Section 3. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 4. 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.

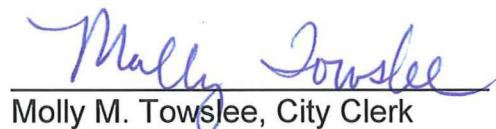
PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 10th day of February, 2014.

CITY OF GIG HARBOR



Mayor Jill Guernsey

ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney



FILED WITH THE CITY CLERK: 01/08/14
PASSED BY THE CITY COUNCIL: 02/10/14
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EFFECTIVE DATE: 02/24/14
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