

## **ORDINANCE NO. 1305**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO PERFORMANCE-BASED HEIGHT EXCEPTIONS; ALLOWING PERFORMING ARTS CENTERS, CONCERT HALLS AND LARGE FORMAT THEATERS TO BE ELIGIBLE FOR PERFORMANCE-BASED HEIGHT EXCEPTIONS; AMENDING SECTION 17.67.020 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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WHEREAS, in 2004, the City of Gig Harbor adopted under Chapter 17.67 GHMC provisions that allow performance-based height exceptions for certain structures that may require heights exceeding underlying height limits for their effective and efficient operation, such as water tanks and transmission line towers, fire training towers and athletic field lighting; and

WHEREAS, in 2005, the City of Gig Harbor amended Chapter 17.67 GHMC to add gymnasiums and performing arts related facilities in public schools in the PI zoning district to the uses eligible for performance-based height exceptions; and

WHEREAS, in 2011, the City of Gig Harbor further amended Chapter 17.67 GHMC to add gymnasiums and performing arts related facilities in all primary and secondary schools regardless of zoning district to the uses eligible for performance-based height exceptions; and

WHEREAS, on August 20, 2014, Gateway Capital, LLC requested a text amendment to allow concert halls, performing arts facilities and large format theaters (DFX, IMAX, or evolution thereof) to be included in the list of structures eligible for the performance based height exceptions, provided the structure is not located in the Height Restriction Area (view basin); and

WHEREAS, the proposed amendment is consistent with the intent of the performance-based height exception chapter because the height of the assembly spaces of concert halls, performing arts centers and large format theaters is dependent on the size of the viewing screen, size of set storage, and/or acoustic needs of the space, which may require heights exceeding underlying height limits for their effective and efficient operation; and

WHEREAS, the proposed amendment will allow consideration of the needs of concert halls, performing arts centers, and large format theaters while also providing an opportunity for public review and comment; and

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

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on October 14, 2014, pursuant to RCW 36.70A.106; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for this Ordinance on October 22, 2014; and

WHEREAS, on October 13, 2014, the City Council initiated the amendment and decided to directly consider the amendment rather than sending it to Planning Commission for review as allowed by GHMC 19.01.005; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on November 10<sup>th</sup>, 2014; and

WHEREAS, on November 24<sup>th</sup>, 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. Section 17.67.020 in the Performance-Based Height Exceptions and Height Exemptions chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.67.020 Applicability – Performance-based height exceptions.**

A. Approvals of performance-based height exceptions may be given to only the following structures:

1. Elevated reservoirs, water tanks or standpipes under the jurisdiction of the city or another water district;
2. Transmission line towers;
3. Fire training towers;
4. Athletic field lighting;
5. Gymnasiums and performing arts-related facilities for primary and secondary schools;
6. Museums;
7. Concert halls, performing arts centers, and large format theaters (DFX, IMAX, or technical evolution thereof) that are not located within the Height Restriction Area defined by GHMC Chapter 17.62.

B. Performance-based height exceptions are prohibited for the following:

1. Communications facilities regulated by Chapter 17.61 GHMC;
2. All new structures on parcels identified as prominent on the city of Gig Harbor visually sensitive areas map;

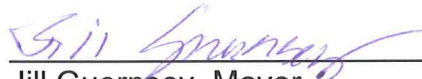
3. All new structures within the view sheds of a significant vista, as identified on the city of Gig Harbor visually sensitive areas map.

Section 2. 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 3. 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 24th day of November, 2014.

CITY OF GIG HARBOR

  
Jill Guernsey, Mayor

ATTEST/AUTHENTICATED:

  
Molly M. Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

  
Angela G. Summerfield

FILED WITH THE CITY CLERK: 11/05/14  
PASSED BY THE CITY COUNCIL: 11/24/14  
PUBLISHED: 12/03/14  
EFFECTIVE DATE: 12/08/14  
ORDINANCE NO: 1305