

ORDINANCE NO. 1268

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO ZONING; ALLOWING INTERIOR ONLY GROSS FLOOR AREA ADDITIONS TO EXISTING BUILDINGS ABOVE GROSS FLOOR AREA MAXIMUMS AND ALLOWING NONCONFORMING BUILDINGS TO BE REMODELED OR REBUILT TO THE SAME OR SMALLER ENVELOPE IN THE DOWNTOWN BUSINESS DISTRICT (DB); ALLOWING BUILDINGS IN THE DB DISTRICT SOUTH OF ROSEDALE STREET TO BE 27-FEET HIGH AS MEASURED FROM NATURAL AND FINISHED GRADE AT THE BUILDING FOOTPRINT WITH STEPPED-DOWN ROOFS ON SLOPED LOTS; AMENDING SECTIONS 17.31.075, 17.68.040 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 December 6, 2012, the Planning Commission held a public hearing on two potential amendments related to downtown building size; and

WHEREAS, after considering public comment on the proposed downtown building size amendments, the Planning Commission made a formal recommendation on January 17, 2013 to amend downtown building size regulations to allow interior gross floor area additions and allow buildings to be torn down and rebuilt to the existing building envelopes; and

WHEREAS, on March 21, 2013, the Planning Commission held a public hearing on a proposal to increase the building height in the downtown area. After considering public testimony, the commission recommended on May 2, 2013 to increase in maximum building height; 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 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, at the direction of Council at joint meeting, the Planning Commission recommended additional language be added to require that building permits for remodels or rebuilds of any nonconforming building be submitted within 12 month of removal/damage in order to be consistent with existing requirements for "acts of nature" based rebuilds; and

WHEREAS, the Council finds that the amendments would aid in preserving the downtown character and scale; and

WHEREAS, the amendments are consistent with the Harbor Vision and the majority of the comments heard at the open house and public hearing for these amendments; and

WHEREAS, the Council finds the building size and building height amendments should be limited to the Downtown Business (DB) district south of Rosedale Street as that is the generally accepted "downtown" area and has the highest concentration of existing multi-story buildings; and

WHEREAS, the Council finds that no additional parking should be required for interior additions and remodels/rebuilds allowed by these amendments as requiring additional parking may not be possible given the land constraints downtown and would therefore limit the usefulness of the amendments; and

WHEREAS, the existing regulations for building height allow between 16 and 27 foot high buildings depending on topography and roof type which does not allow the construction of a flat two-story building that meets modern construction techniques and the requirements for ADA access and HVAC systems; and

WHEREAS, there are a considerable number of existing buildings in the downtown core which are two or more stories and exceed the existing height limits; and

WHEREAS, two-story buildings that meet the new height limits and the requirements of the Design Manual will provide an appropriate human-scaled architecture for pedestrians on the sidewalk and provide the opportunity for mixed use buildings; and

WHEREAS, after discussions with architects on the Design Review Board and the City's Building Official/Fire Marshal, it was determined that 27 feet was the appropriate height limitation in order to allow two-story flat-roofed buildings using

modern construction techniques, providing ADA access and screening HVAC systems on a roof; 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

3.6.2. Identify an appropriate form for structures.

New structures should be characterized by interesting forms and roof lines. Boxy, single-mass buildings should be discouraged except as may be appropriate in a downtown streetscape; 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*

3.7.2. Encourage mixed-use structures.

Mixing uses within a structure enhances the ability to give interesting form and character to a building. For example, allowing residential units above retail shops encourages designs more common to a village or small town setting while providing another housing opportunity for local merchants or retirees with limited transportation; 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

3.17.1. Encourage retention and adaptive reuse of older buildings with the following types of incentives: (a) Zoning incentives, e.g., setback and height standards which allow for restoration/renovation or expansion of existing structures; and

6.2.2. Property revitalization Assist with special planning and development efforts to reuse older buildings, redevelop vacant properties, and revitalize older commercial and business districts within the city. Help structure local marketing efforts, physical improvements programs, parking and building improvements and special management organizations.

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on November 20, 2012 and 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 allowing interior floor area additions and remodels/rebuilds on January 19, 2012; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the amendments allowing 27-feet high buildings in the DB on May 29, 2013; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on July 8, 2013; and

WHEREAS, on July 22, 2013, the City Council held a second reading during a regular City Council meeting; and

WHEREAS, at the second reading, the City Council directed staff to remove the portion of the DB zoning district that lies north of Rosedale Street from the area where building height will be increased to 27-feet due to the adjacency of historic residential neighborhoods and the potential impacts taller buildings would have on those residential areas. Furthermore, the Council asked the Planning Commission to review the zoning of those DB zoned properties north of Rosedale Street as part of the implementation of the Harbor Element as the DB zone may be out of character to the neighboring residential areas; and

WHEREAS, on September 9, 2013, the City Council held a third 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 17.31.075 in the Downtown Business District (DB) chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.31.075 Maximum gross floor area.

A. Except as provided for in subsection B, in the DB district, the maximum gross floor area per building is 6,000 square feet. Multiple buildings on the same site shall be separated by a nonpenetrated fire wall as defined in the International Fire Code except that a single six-foot opening in the fire wall separating structures is permissible; provided, that each structure has an outside customer entrance accessible to the street. Each structure shall be designed to stand independent of other structures on the site (i.e., the addition or removal of any one building on a site will not require structural attachments or modifications to any other building on the site).

B. For structures existing as of the effective date this ordinance, additional

gross floor area may be added to a structure and the total gross floor area may exceed the maximum allowed in subsection A provided that the additional gross floor area to be added is interior to the building and does not enlarge or expand the existing building footprint. Roof modifications to accommodate the increase in interior gross floor area are allowed provided the roof modifications do not exceed the building height allowed in GHMC 17.99.510. No additional parking spaces are required to accommodate the increase in gross floor area.

Section 2. Section 17.68.040 in the Nonconformities chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.68.040 Nonconforming structures.

When a lawful structure existed at the effective date of the adoption or an amendment of the applicable regulations and could not be built under the terms of the current regulations set forth in GHMC Title 17, or amendments thereof, by reason of the restrictions on area, lot size or dimension, coverage, height, yards and the location on the lot or other requirements concerning the structure, such structure may be continued as a nonconforming structure so long as it remains otherwise lawful and shall be subject to the following provisions:

A. No such nonconforming structure may be altered or remodeled in any way that increases its nonconformity respective to bulk or dimensional standards in effect, but any structure or portion thereof may be altered or remodeled to decrease its nonconformity;

B. A nonconforming structure that is damaged by fire, act of nature or other causes beyond the control of the owners may be reconstructed as long as it is not discontinued for more than 12 consecutive months. Any such structure that is unintentionally destroyed shall be reconstructed to the same or smaller configuration existing immediately prior to the time the structure was damaged or destroyed. The reconstruction shall comply with all applicable building codes in force at the time of replacement. As determined during the nonconforming use and structure review process (see GHMC 17.68.025), the reconstruction shall comply with all other applicable codes to the maximum extent possible.

“Discontinued” is defined in GHMC 17.68.038;

C. Except as provided for in subsection E of this section, aAny such nonconforming structure or nonconforming portion of a structure that is intentionally damaged or intentionally altered may be reconstructed to the same or smaller configuration existing immediately prior to the time the structure was damaged or altered, provided the alterations and/or damage is valued at less than 50 percent of the replacement value of the structure as determined by the square foot construction cost table in the city's fee schedule. Building permits for the R reconstruction shall occur be submitted within one year of the time of intentional damage or alteration and shall remain active or not at all reconstruction will not be allowed. The reconstruction shall comply with all applicable building codes in force at the time of replacement. As determined during the nonconforming use and structure review process (see GHMC 17.68.025), the reconstruction shall comply with all other applicable codes to the maximum extent possible. Interior-only remodels which do not increase a

structure's nonconformity shall not count towards the replacement cost as it relates to this section; and

D. Except as provided for in subsection E of this section, when a structure has a nonconforming structure status, the intentional removal, intentional damage, or intentional alteration of the structure shall eliminate the nonconforming status. Upon the elimination of the nonconforming status, the structure shall be brought into conformity with the existing code or shall be removed. "Intentional removal, intentional damage, or intentional alteration" for the purposes of this subsection is defined as damage and/or alterations valued at more than 50 percent of the replacement value of the structure at the time of damage and/or alterations, over the lifetime of the structure, as determined by the square foot construction cost table in the city's fee schedule.

E. Downtown Nonconforming Structures. Intentional removal or alteration of structures with a nonconforming structure status in the DB zoning district shall be subject to the following provisions:

1. Any such nonconforming structure or nonconforming portion of a structure that is intentionally removed or altered may be reconstructed to the same or smaller configuration existing immediately prior to the time the structure was removed or altered. Building permits for the reconstruction shall be submitted within one year of the time of intentional removal or alteration and shall remain active or reconstruction will not be allowed. The reconstruction shall comply with all applicable building codes in force at the time of replacement; and

2. As determined during the nonconforming use and structure review process (see GHMC 17.68.025), the reconstruction shall comply with all other applicable codes to the maximum extent possible; and

3. The reconstruction of structures with a nonconforming structure status which are on a local, state or national historic registry or are eligible for such registries shall meet the requirements of GHMC 17.99.580 regardless of when the structure was built.

Section 3. Subsections 17.99.510(A) and (B), 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.

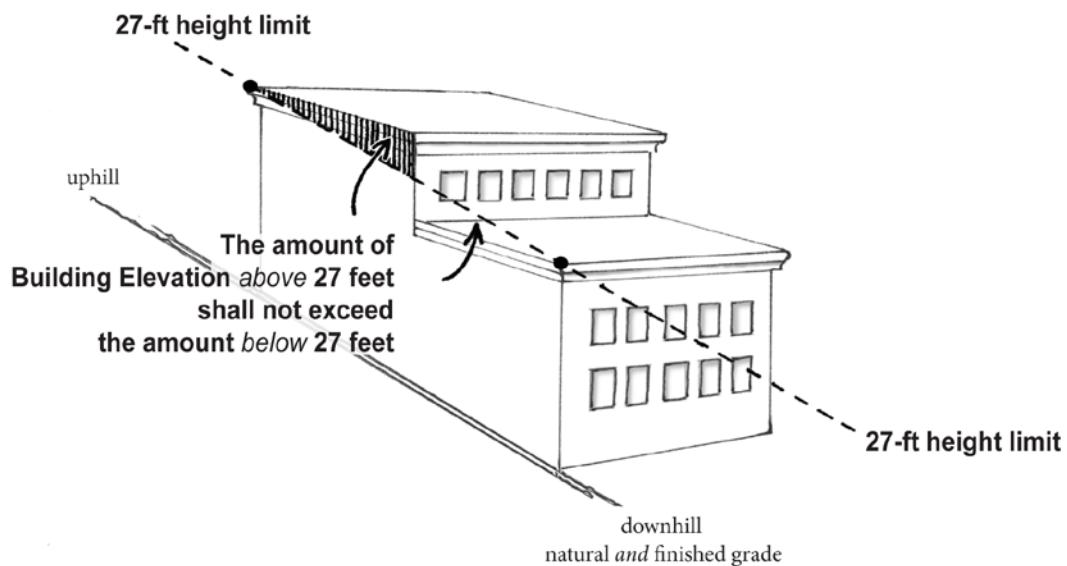
Roof pitches shall be minimum 6/12 and maximum 12/12 on all portions of the roof except for (a) shed dormers, (b) porches, (c) the lower pitched roof portion on a saltbox-style structure, and (d) steeples, bell towers, and similar accentuated structures.

2. MAXIMUM HEIGHT – DB ZONE SOUTH OF ROSEDALE STREET.

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



2. 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. 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]

3.4. 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.

B. Conform to height standards for nonresidential structures.

Historic commercial structures were typically flat-roofed buildings with projecting cornices, sometimes with an extended parapet on the front. Pitched roof commercial buildings were also common. To allow similarly designed buildings, all nonresidential structures within the historic district shall conform to the following height and roof pitch standards:

1. DOWNTOWN BUILDING HEIGHTS

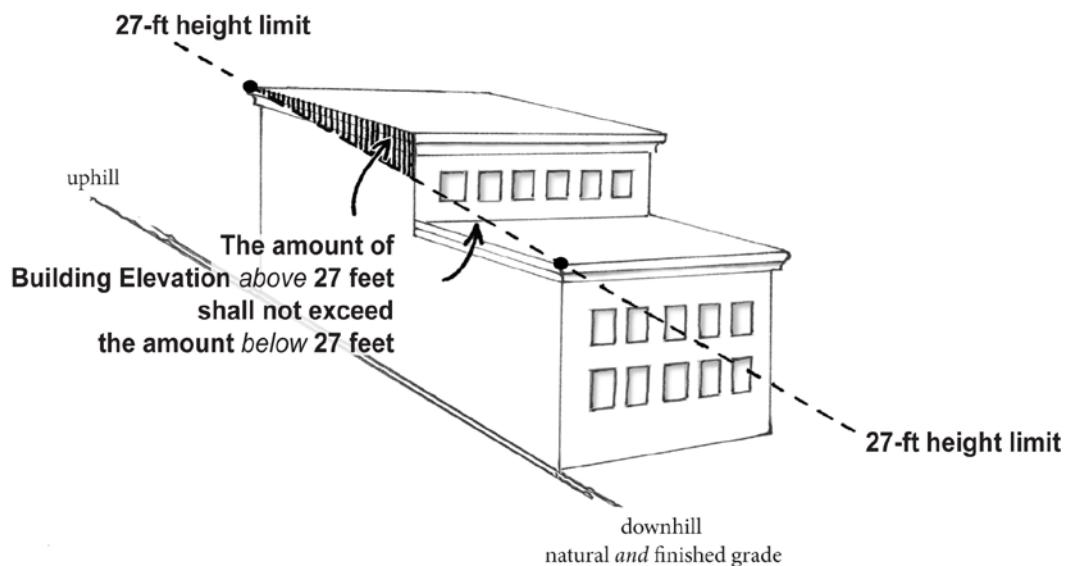
In the portion of the Downtown Business (DB) district south of Rosedale Street, the building height limitations of this subsection 1 apply as do the requirements of

subsection 5 below. In all other zones, the requirements of subsection 2 through 5 apply.

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 B 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 B



4.2. MAXIMUM UPHILL HEIGHT

No portion of a building shall exceed 16 feet for a flat roofed building, or 18 feet for a pitched roof building, as measured from the highest point within the buildable area and within 50 feet of the building footprint.

2. 3. MAXIMUM DOWNSHILL HEIGHT

No building shall exceed a height of 24 feet as measured from finished grade at the lowest point of the building footprint, except that additional height is allowed for roof planes, gables and dormer windows, not to exceed the uphill height limits.

3. 4. MAXIMUM HEIGHT ABOVE GRADE

Buildings may not exceed a height of 27 feet above natural and finished grade at any given point within the building footprint.

4. 5. PITCHED ROOFS

Pitched roofs shall have a minimum roof pitch of 6/12 and a maximum pitch of 12/12 on all portions of the roof except for (a) shed dormers, (b) porches, (c) the lower pitched roof portions on a saltbox-style structure, which may all have lesser pitched roofs, and steeples and bell towers, which may have greater pitched roofs. The ridge of a pitched roof shall run perpendicular to (pointing toward) the view of the bay as seen from the street nearest the front setback line of the subject site, unless the ridge is within the flat roof height limits.

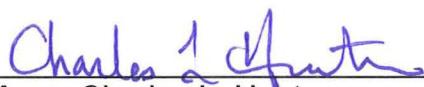
* * *

Section 6. 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 7. 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.

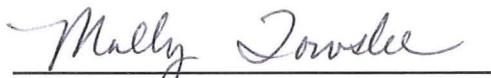
PASSED by the Council and approved by the Mayor of the City of Gig Harbor, this 9th day of September, 2013.

CITY OF GIG HARBOR



Mayor Charles L. Hunter

ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk

APPROVED AS TO FORM:
Office of the City Attorney

Augie Stelzen

FILED WITH THE CITY CLERK: 09/09/13
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