

## **ORDINANCE NO. 1152**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE DEFINITION OF GROSS FLOOR AREA FOR THE WR, WM, WC AND RB-1 ZONING DISTRICTS TO ELIMINATE GARAGE SPACE, ACCESSORY WATER TANKS AND COOLING TOWERS, MECHANICAL EQUIPMENT AND UNFINISHED ATTIC SPACE FROM THE CALCULATION OF GROSS FLOOR AREA FOR THE PURPOSES OF CALCULATING OFF-STREET PARKING REQUIREMENTS; AMENDING THE DEFINITION OF GROSS FLOOR AREA FOR THE PI, R-1, RLD, R-2, RMD, R-3, RB-2, DB, B-1, B-2, C-1, PCD-C, ED, PCD-BP, PCD-NB AND MUD ZONING DISTRICTS TO ELIMINATE ATTICS AND UNDERGROUND FLOOR AREA FROM THE CALCULATION OF GROSS FLOOR AREA; AMENDING THE DEFINITION OF GROSS FLOOR AREA FOR THE PI, R-1, RLD, R-2, RMD, R-3, RB-2, DB, B-1, B-2, C-1, PCD-C, ED, PCD-BP, PCD-NB AND MUD ZONING DISTRICTS TO ELIMINATE GARAGE SPACE, ACCESSORY WATER TANKS AND COOLING TOWERS, MECHANICAL EQUIPMENT AND ATTICS FROM THE CALCULATION OF GROSS FLOOR AREA FOR THE PURPOSES OF CALCULATING OFF-STREET PARKING REQUIREMENTS; ADDING A NEW DEFINITION FOR ATTIC; AND ADDING A NEW DEFINITION FOR UNDERGROUND FLOOR AREA; ADDING GHMC SECTION 17.04.086 AND 17.04.362; AMENDING SECTION 17.04.360 OF THE GIG HARBOR MUNICIPAL CODE.**

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WHEREAS, the City desires to have two definitions for gross floor area: one definition (the existing definition in GHMC Section 17.04.360) which would apply to the waterfront and RB-1 zones and a new definition that would apply to the rest of the city's zoning districts; and

WHEREAS, the City desires to retain the current definition for gross floor area for the Waterfront Commercial (WC), Waterfront Millville (WM), Waterfront Residential (WR) and Residential and Business (RB-1) zoning districts; and

WHEREAS, the differences between the two definitions of gross floor area are that the waterfront and RB-1 zone definition includes garage space, basement space and finished attics with a headroom of seven and a half feet or more in the calculation, and the remaining zones definition does not include underground floor area and all attics in the calculation; and

WHEREAS, there are several reasons behind the City's desire to retain the current definition for gross floor area for the waterfront zones, such as:

(1) lots along the waterfront have performance standards that often allow more utilization of the upland portion of the site than parcels in non-waterfront zones; and

(2) developments on waterfront lots are typically allowed to build right up to the ordinary high water mark (bulkhead) as the rear yard setback is usually in the water, allowing full development of all upland; and

(3) developments on waterfront lots can use the water portion of the lot as the required pervious surface, and thereby cover the majority of the upland portion with hard surfaces or buildings; and

(4) both water uses (marinas, piers, floats) and upland uses (offices, residential, marine sales, parking) are allowed on lots in the waterfront zones, thereby increasing the number of uses and activity associated with a parcel; and

(5) all but six of the parcels in the waterfront zones are included in City's Waterfront View Corridor designation, which was established to protect views of the harbor along the Harborview Drive and North Harborview Drive public rights-of-way for public enjoyment, and exempting underground portions of a building from gross floor area without reducing the allowed gross floor area in waterfront zones could have the adverse effect of reducing view corridors for the traveling public along the waterfront; and

WHEREAS, there are several reasons behind the City's desire to retain the current definition for gross floor area for the RB-1 zoning district, such as:

(1) the RB-1 zoning district is intended to serve as a buffer between high intensity commercial and lower density residential uses, and

(2) the RB-1 zoning district is further intended to protect and preserve residential uses while permitting business uses compatible with single-family residential development, and

(3) exempting underground floor area from gross floor area in the RB-1 zoning district could allow increased utilization and activity on RB-1 zoned property which would be incompatible with surrounding single-family zoning, and

WHEREAS, the City desires to revise the definition for gross floor area for all zones except the waterfront and RB-1 zones to exempt underground floor area and attics from the calculation of gross floor area; and

WHEREAS, outside the waterfront and RB-1 zones, underground floor area and attics are not included in the gross floor area calculation because those portions of a building which are underground do not contribute to the perceived bulk and scale of a building and those portions with headroom less than seven feet between the ceiling beams of the top story and the roof rafters are not habitable and do not contribute to the perceived bulk and scale of the building; and

WHEREAS, the City believes the topics of gross floor area, building size, underground structures and parking in the waterfront zones is most appropriately reviewed as part of the Shoreline Master Program update, which the city has begun and the View Basin Sub Area plan, which the City intends to begin soon; and

WHEREAS, the View Basin Sub Area plan will define the citizens' vision for the character of the view basin, which includes the waterfront along Gig Harbor Bay, and will include policies and regulations on building size, underground structures, architectural character, uses and amenities for the view basin and waterfront zones; and

WHEREAS, the update of the Shoreline Master Program will document the environmental and aesthetic impacts of shoreline development and will recommend new regulations for uses and setbacks along the waterfront; and

WHEREAS, the development of new performance standards for the waterfront zones at this time, such as building size and parking regulations, would be premature given the extensive comprehensive planning the City will conduct along the waterfront with the View Basin Sub Area plan and Shoreline Master Program update; and

WHEREAS, incorporating the review of gross floor area for the waterfront zones into the View Basin Sub Area plan and Shoreline Master Program update will allow considerable public discussion of the regulations; and

WHEREAS, the City desires to add a new definition of underground floor area to implement the changes to the gross floor area definition for all zones except the waterfront and RB-1 zones; and

WHEREAS, the new definition of underground floor area excludes certain access points from the requirement to be entirely below grade for rescue and escape purposes and general access purposes; and

WHEREAS, the City desires to add a new definition of attic to implement the changes to the gross floor area definition for all zones except the waterfront and RB-1 zones; and

WHEREAS, the new definition of attic is consistent with International Building Code definitions; and

WHEREAS, the City desires to exempt attics from the gross floor area of all zones except the waterfront and RB-1 zones to be consistent with International Building Code's definitions and regulation of attic space; and

WHEREAS, The City desires to exempt water tanks, cooling towers, mechanical equipment and attics from all definitions of gross floor area for purposes of calculating off-street parking requirements as those spaces are not habitable nor can be occupied and, therefore, do not generate users needing parking spaces; and

WHEREAS, The City desires to exempt garage space from all definitions of gross floor area for purposes of calculating off-street parking requirements as it is unnecessary to require additional parking stalls for garage space; and

WHEREAS, the Gig Harbor City Council directed the Planning Commission to review performance standards related to underground parking and underground structures on January 23, 2006; and

WHEREAS, the City Planning Commission held work study sessions on performance standards related to underground parking and underground structures on January 18, 2007; February 1, 2007; June 21, 2007; November 15, 2007; December 6, 2007; December 20, 2007; and, January 3, 2008; and

WHEREAS, the Gig Harbor City Council reviewed the work study session and draft recommendations of the Planning Commission on January 28, 2008 and directed the Planning Commission to hold a public hearing in the 2<sup>nd</sup> quarter of 2008 and make a final recommendation to the Council; and

WHEREAS, the City's SEPA Responsible Official issued a threshold Determination of Nonsignificance (DNS) for this Ordinance on April 16, 2008; and

WHEREAS, on April 16, 2008, a copy of this Ordinance was sent to the Washington Department of Community, Trade and Economic Development, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on April 17, 2008 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on December 8, 2008; and

WHEREAS, the Gig Harbor City Council held a work-study session on the Ordinance on January 5, 2009; and

WHEREAS, the Gig Harbor City Council directed staff to exclude the RB-1 zone from the definition changes at the January 5, 2009 work-study session; and

WHEREAS, due to the substantive change made at the Council work-study session, the Gig Harbor City Council considered the Ordinance at a second first reading and public hearing on January 26, 2009; and

WHEREAS, on February 9, 2009, the City Council adopted this Ordinance at 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. A new Section 17.04.086 of the Gig Harbor Municipal Code is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.086 Attic.**

“Attic” means finished or unfinished space with a headroom of less than seven feet between the ceiling beams of the top story and the roof rafters.

Section 2. Section 17.04.360 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.04.360 Floor area, gross.**

A. “Gross floor area” in the WR, WM, WC and RB-1 zoning districts means:

1. The sum of the horizontal area of the ~~several~~ floor(s) of a building or buildings measured from the exterior faces of exterior walls and from centerlines of division walls. The gross floor area includes basement space, garage space, the elevator shafts and stairwells at each floor, mechanical equipment rooms, finished attics with a headroom of seven and one-half feet or more, penthouse floors, interior balconies and mezzanines, and enclosed porches. The gross floor area shall not include accessory water tanks and cooling towers, mechanical equipment, and unfinished attics regardless of headroom.

2. For purposes of determining off-street parking requirements, gross floor area shall mean the sum of the horizontal area of the floor(s) of a building or buildings measured from the exterior faces of exterior walls and from centerlines of division walls including basement space, the elevator shafts and stairwells at each floor, mechanical equipment rooms, finished attics with a headroom of seven and one-half feet or more,

penthouse floors, interior balconies and mezzanines, enclosed porches; but, shall not include garage space, accessory water tanks and cooling towers, mechanical equipment and unfinished attics regardless of headroom.

B. "Gross floor area" in the PI, R-1, RLD, R-2, RMD, R-3, RB-2, DB, B-1, B-2, C-1, PCD-C, ED, PCD-BP, PCD-NB and MUD zoning districts means:

1. The sum of the horizontal area of the floor(s) of a building or buildings measured from the exterior faces of exterior walls and from centerlines of division walls. The gross floor area includes garage space, the elevator shafts and stairwells at each floor, mechanical equipment rooms, penthouse floors, interior balconies and mezzanines, and enclosed porches. The gross floor area shall not include accessory water tanks and cooling towers, mechanical equipment, attics as defined by GHMC 17.04.086, and underground floor area as defined by GHMC 17.04.362.

2. For purposes of determining off-street parking requirements, gross floor area shall mean the sum of the horizontal area of the floor(s) of a building or buildings measured from the exterior faces of exterior walls and from centerlines of division walls including the elevator shafts and stairwells at each floor, mechanical equipment rooms, penthouse floors, interior balconies and mezzanines, enclosed porches and underground floor area; but, shall not include garage space, accessory water tanks and cooling towers, mechanical equipment and attics.

Section 3. A new Section 17.04.362 of the Gig Harbor Municipal Code is hereby added to the Gig Harbor Municipal Code, to read as follows:

**17.04.362 Floor area, underground.**

"Underground floor area" means the floor area of a building, structure, story, or portion of a story constructed entirely below natural or finished grade, whichever is lower, excluding below grade window wells required for rescue and escape and up to an additional 24 linear feet of access.

Section 4. 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 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 9th day of February, 2009.

CITY OF GIG HARBOR

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Mayor Pro Tem Derek Young

ATTEST/AUTHENTICATED:

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Molly Towslee, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

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Angela Belbeck, City Attorney

FILED WITH THE CITY CLERK: 01/21/09  
PASSED BY THE CITY COUNCIL: 02/09/09  
PUBLISHED: 02/18/09  
EFFECTIVE DATE: 02/23/09  
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