

## ORDINANCE NO. 1099

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, REQUIRING ZONE TRANSITION DENSE VEGETATIVE BUFFERS BE ENTIRELY LOCATED ON THE PARCEL BEING DEVELOPED; AMENDING THE MEASUREMENT FOR CALCULATING THE AVERAGE BUILDING HEIGHT FOR ZONE TRANSITION DEVELOPMENT STANDARDS TO BE CONSISTENT WITH THE INTENT OF THE SECTION AND THE MEASUREMENT FOR CALCULATING AVERAGE BUILDING FOOTPRINT; AMENDING SECTION 17.99.180 AND 17.99.190 OF THE GIG HARBOR MUNICIPAL CODE.

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WHEREAS, the City Council recently raised concerns regarding the use of an easement to satisfy the requirement for a zone transition buffer on adjacent parcels; and,

WHEREAS, an administrative interpretation was issued by the Planning Director on January 3, 2007 which requires all zone transition buffers to be entirely located on the developing parcel which created the need for the buffer; and,

WHEREAS, the City desires to amend the Design Manual to require that applicants satisfy all zone transition buffer standards on his/her parcel so that staff does not need to rely on an interpretation and can enforce the code; and,

WHEREAS, the current Design Manual section on zone transition development standards has the following intent statement: All buildings in the opposing zone within 200 feet of the subject site should be identified to determine average height and average footprint; and,

WHEREAS, in the specific requirements of the zone transition development standards, the measurement for calculating average building height is not consistent with the intent statement as the average height measurement is based on all buildings on all adjacent parcels in the opposing zone; and,

WHEREAS, the average building height is used to calculate the allowed height of any proposed building subject to the zone transition development standards; and,

WHEREAS, the City desires to amend the measurement for calculating average building height to be consistent with the intent statement of the zone transition development standards and be consistent with the measurement for average building footprint; and,

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development on June 7, 2007 pursuant to RCW 36.70A.106; and

WHEREAS, the City's SEPA Responsible Official issued a DNS for the proposed amendments on June 27, 2007 pursuant to WAC 197-11-350, which was not appealed; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on June 7, 2007 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 July 23, 2007; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the second reading on August 13, 2007; and

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

Section 1. Section 17.99.180 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.99.180 Zone transition buffering standards.**

**Substantially separate and shield opposing zones located outside the height restriction area with a minimum 40-foot dense vegetative buffer.**

Buffering between zones in parcels outside the height restriction area defined in Chapter 17.62 GHMC shall include a dense vegetative buffer of 40 feet or more unless the zone transition development standards of GHMC 17.99.190 are complied with. The dense vegetative buffer shall be entirely located on the parcel being developed.

In situations where the subject site is located in the height restriction area, the development standards of GHMC 17.99.190 shall apply:

Section 2. Section 17.99.190 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.99.190 Zone transition development standards.**

In situations where zone transition buffering standards cannot be achieved or where zone transitions occur within the height restriction area, the following development standards shall apply:

**A. Limit building footprint to the average size of building footprints in the opposing zones.\*\***

Building footprints shall be no larger than the average footprint size ~~on~~ of all buildings in opposing zones located within 200 feet of the subject site and that are on parcels ~~that are~~ contiguous to the transition zone boundary (accessory structures, e.g., sheds and garages, may be excluded from this calculation).

**B. Limit building height to the average height of buildings in opposing zones.\*\***

Building height shall be no taller than the average building height ~~on~~ of all ~~buildings~~ parcels in opposing zones (including code allowed height on vacant parcels) ~~that are~~ located within 200 feet of subject site and that are on parcels contiguous to the transition zone boundary. Structures may step up to a greater height (not to exceed maximum height limits) if the taller portions are stepped back at least 1.25 feet for every increased foot of height. In this context, structures shall be measured from the average finished grade along the side of the building facing the opposing zone to the highest point on the roof.

\* \* \*

\*\* The design review board may recommend alternative measures of complying with this standard under the provisions of the alternate zone transition standards in GHMC 17.99.200.

**Section 3. 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 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 City Council and approved by the Mayor of the City of Gig Harbor this 13<sup>th</sup> day of August, 2007.

CITY OF GIG HARBOR

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CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: \_\_\_\_\_  
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By: \_\_\_\_\_  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 08/10/07  
PASSED BY THE CITY COUNCIL: 08/13/07  
PUBLISHED: 08/22/07  
EFFECTIVE DATE: 08/27/07  
ORDINANCE NO: 1099