

## ORDINANCE NO. 1033

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING SECTIONS 17.67.020, 17.67.060 AND 17.67.075 OF THE GIG HARBOR MUNICIPAL CODE ADDING MUSEUMS TO THE LIST OF STRUCTURES THAT MAY BE CONSIDERED UNDER PERFORMANCE-BASED HEIGHT EXCEPTIONS, AND ADDING A NEW SECTION 17.67.076 DESCRIBING REVIEW CRITERIA FOR PERFORMANCE-BASED HEIGHT EXCEPTIONS FOR MUSEUMS THAT REQUIRE CONSIDERATION OF VIEW IMPACTS.

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WHEREAS, 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 zoning height limits for their effective performance and operation; and

WHEREAS, the Gig Harbor Peninsula Historical Society asked that the City Council consider a text amendment to Chapter 17.67 GHMC because museums often require heights that exceed current zoning height limits to preserve and display large historical artifacts and provide public viewing areas; and

WHEREAS, the performance-based height exception provisions would allow consideration of increased height for museums while also allowing opportunity for public review and comment of proposed height increases; and

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

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on December 13, 2005, pursuant to RCW 36.70A.106; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance for the proposed text amendment on January 4, 2006 pursuant to WAC 197-11-340(2); and

WHEREAS, the SEPA appeal period expired on February 1, 2006 and no appeals were filed; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on February 2, 2006 and made a recommendation of approval to the City Council; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of February 13 and February 27; Now, Therefore,

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

Section 1. Section 17.67.020 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 schools in a public institutional (PI) district that are approved by the superintendent of public instruction;

6. Museums.

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. Section 17.67.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.67.060 Review criteria.**

Except for review occurring under GHMC 17.67.075 or GHMC 17.67.076, the applicant shall demonstrate that the following criteria for approval of the exception have been satisfied:

A. The increased structure height is necessary for effective performance and operation and is the minimum necessary for the structure to function in its intended and permitted use; and

B. Visual impacts beyond the site and within environmentally sensitive areas have been minimized by such measures as, but not limited to:

1. Avoidance, to the extent possible, of shade or light cast into critical areas and wetlands where shade or light may impact the biological functions of critical areas and wetlands;

2. Using color or material to blend the structure into the surrounding environment;

3. Screening the structure with vegetation;

4. Avoidance, to the extent possible, of light trespass onto adjacent properties.

(Ord. 950 § 1, 2004).

Section 3. Section 17.67.075 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.67.075 Special review criteria for school facilities in the PI (public institution) district.**

Because schools in the PI (public institution) district are the only large buildings that may be considered under the performance-based height exception provisions, and because large buildings may have different visual impacts than other smaller-scale structures listed under GHMC 17.67.020, the applicant shall demonstrate that the following criteria for approval have been satisfied, instead of the criteria listed under GHMC 17.67.060 or GHMC 17.67.076:

A. The increased structure height is necessary for effective performance and operation and is the minimum necessary for the structure to function in its intended and permitted use and to meet the requirements of the design manual; and

B. Increased height in no wise exceeds:

1. Forty-five feet above natural grade as measured under the provisions of GHMC 17.99.370(D); and

2. Fifty-six feet above natural grade at the lowest point of the building footprint.

C. Visual impacts beyond the site and within environmentally sensitive areas have been minimized by measures such as, but not limited to:

1. Avoidance, to the extent possible, of shade or light cast into critical areas and wetlands where shade or light may impact the biological functions of critical areas and wetlands;

2. Avoidance, to the extent possible, of light trespass onto adjacent properties;

3. Within the height restriction area, avoidance, to the extent possible, of obstruction of existing views from adjacent properties through sensitive location of new structures on the site.

Section 4. A new Section 17.67.076 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

**17.67.076 Special review criteria for museums.**

Museums may require height in excess of other uses to preserve and display large historical artifacts and to provide public viewing areas. The height exception for museums shall be limited to artifact display. The applicant must demonstrate that the following criteria for approval have been satisfied, instead of the criteria listed under GHMC 17.67.060 or GHMC 17.67.075:

A. The museum must provide regular, frequent, and on-going public access to exhibits; and

B. The increased structure height is necessary for effective performance and operation and is the minimum necessary for the structure to function in its intended and permitted use and to meet the requirements of the design manual<sup>1</sup>; and

C. Visual impacts beyond the site and within environmentally sensitive areas have been minimized by measures such as, but not limited to:

1. Avoidance, to the extent possible, of shade or light cast into critical areas and wetlands where shade or light may impact the biological functions of critical areas and wetlands;
2. Avoidance, to the extent possible, of light trespass onto adjacent properties;
3. Within the height restriction area, avoidance, to the extent possible, of obstruction of existing views from adjacent properties through sensitive location of new or remodeled structures on the site.

<sup>1</sup> Increased height shall not be approved beyond what is minimally needed for functional purposes except as required to meet basic design manual requirements or to achieve, as recommended by the design review board, design continuity or otherwise address zone transition considerations under GHMC 17.99.200.

**Section 6. 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 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 City Council and approved by the Mayor of the City of Gig Harbor this 27th day of February, 2006.

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: 1/18/06  
PASSED BY THE CITY COUNCIL: 2/27/06  
PUBLISHED: 3/8/06  
EFFECTIVE DATE: 3/13/06  
ORDINANCE NO: 1033