

ORDINANCE NO. 1008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING; ADDING A NEW SECTION 17.04.367 DEFINING FOOTPRINT; AMENDING 17.04.360 FLOOR AREA; AMENDING GHMC SECTION 17.46.040 LIMITING THE SIZE OF STRUCTURES IN THE WATERFRONT RESIDENTIAL (WR) DISTRICT; AMENDING GHMC SECTION 17.48.040 LIMITING THE SIZE OF STRUCTURES IN THE WATERFRONT MILLVILLE (WM) DISTRICT; AND AMENDING GHMC SECTION 17.50.040 LIMITING THE SIZE OF STRUCTURES IN THE WATERFRONT COMMERCIAL (WC) DISTRICT.

WHEREAS, the City Council has conducted an in-depth review of development along the waterfront in Gig Harbor, which has been detailed in several recently passed ordinances, including Ordinance 965 (imposing a moratorium on development in the waterfront and height restriction area) and ordinances continuing and terminating the moratorium; and

WHEREAS, the City Council's consideration of development along the Gig Harbor waterfront led to the adoption of Ordinance No. 995 regulating building size; and

WHEREAS, upon further investigation, the Council recognized that the Waterfront Residential (WR), Waterfront Millville (WM), and Waterfront Commercial (WC) zones do not regulate building size consistently; and

WHEREAS, the City Council in their meeting of April 25, 2005 directed that the Planning Commission make recommendations regarding building size limitations in the waterfront zones, and;

WHEREAS, the directive from Council was to maintain the scale and character of the waterfront areas, to consider the mass and scale of structures, and the existing pattern of development; and

WHEREAS, based on these considerations the building size of structures in all waterfront zones needed to be addressed; and

WHEREAS, the Waterfront Residential (WR) zone included no building size limitations for residential or commercial structures, and;

WHEREAS, the Waterfront Millville (WM) zone included no building size limitations for residential structures including single family, duplex and multi-family, and;

WHEREAS, in the Waterfront Residential (WR) and Waterfront Millville (WM) zones measuring building size by gross floor area is in keeping with the nature and character of the zones, and;

WHEREAS, in the Waterfront Commercial (WC) zone measuring building size by footprint and gross floor area per structure is consistent with the nature and character of the zone, and;

WHEREAS, the existing code refers to “footprint” but does not provide a definition; and

WHEREAS, the code defines “floor area” but calculates building size based on “gross floor area”; and

WHEREAS, “floor area” does not include areas constructed for and designated as a garage area (it also does not include accessory water tanks and cooling towers, mechanical equipment, or unfinished attics regardless of headroom), which may result in the development of excessively large structures that are incompatible with other structures in the same zone; and

WHEREAS, in order to maintain the size and scale of structures in the WR and WM zones, and because of the natural beauty of the harbor views and vistas to and

from the water should be preserved and developed by the city and private parties alike (Comprehensive Plan, adopted 2004, 9.3.9 Views and Natural Features, page 9-4)

garage areas in these zones need to be included in the building size calculations; and

WHEREAS, in the WC zone due to the more intense uses allowed in the zone, there is benefit to exclude garage areas from the calculation of building size; and

WHEREAS, the City's Shoreline Master Program does not require residential development to provide public shoreline access opportunities; and

WHEREAS, the City's Design Manual does not require residential development to provide common areas; and

WHEREAS, non-residential uses in the WC zone be should encouraged by allowing more gross square footage than residential uses in order to encourage commercial development, thus increasing the likelihood of public shoreline access opportunities and common areas; and

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

WHEREAS, the City's SEPA Responsible Official issued a Determination of Non-Significance for the proposed text amendment on February 17, 2005, pursuant to WAC 197-11-350; and

WHEREAS, the City's Planning Manager forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on June 6, 2005, requesting expedited review, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on June 30, 2005, 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 July 11th and July 25th, 2005, Now, Therefore,

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

Section 1. A new Section 17.04.367 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

17.04.367 Footprint

“Footprint” of a structure or building shall be measured from the outer perimeter excluding eave overhangs and other cantilevered portions projecting no more than 18 inches and no wider than 10 feet. The footprint of a structure or building shall not include any portions that are completely below ground.

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

17.04.360 Gross Floor Area.

“Gross Floor Area” means the sum of the horizontal area of the several floors of a building or buildings measured from the exterior faces of exterior walls and from center lines 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, ~~nor areas constructed for and designated as a garage area.~~

Section 3. Section 17.48.040 (WM Development Standards) of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.48.040 Development standards.

A minimum lot area for new subdivisions is not specified. The minimum development standards are as follows:

	Single-family Dwelling	Attached up to 4 units	Non-residential
A. Minimum lot area (sq/ft) ¹	6,000	6000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. Minimum front yard ²			
D. Minimum side yard ²			
E. Minimum rear yard ²			
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum site impervious coverage	50%	55%	70%
H. Density ³	4 dwelling units per acre		
I. Maximum gross floor area including garages, attached and detached	N/A 3,500 square feet per lot	N/A 3,500 square feet per lot	3,500 square feet per lot
J. Separation between structures	20'	20'	20'

¹An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

²The setbacks of GHMC 17.99.310 and 17.99.320 are applicable in the WM district.

³Density bonus of up to 30 percent may be granted subject to the requirements of Chapter 17.89 GHMC (Planned Residential Development)

Section 4. Section 17.50.040 (WC Development Standards) of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.50.040 Development standards.

In a waterfront commercial district, the minimum development requirements are as follows:

	Single-family Dwelling	Attached up to 4 units	Non-residential
A. Minimum lot area (sq/ft) ¹	6,000	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. Minimum front yard ²			
D. Minimum side yard ²			
E. Minimum rear yard ²			
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum site impervious coverage	50%	55%	70%
H. Maximum Density	4 dwelling units per acre		
I. Maximum footprint / gross floor area	3,000 square feet max gross floor area per structure	3,000 square feet max footprint/ 6,000 square feet gross floor area per structure	3,000 square feet max footprint/ 6,000 square feet gross floor area per structure
J. Separation between structures ³	20'	20'	20'

¹An undersized lot or parcel shall qualify as a building site if such lot is a lot of record at the time this chapter became effective.

²The setbacks of GHMC 17.99.310 and 17.99.320 are applicable in the WC district.

³Separation between structures is not required upon lots or parcels within the Finholm Marketplace portion of the WC district which contain multiple structures and/or which abut the DB (downtown business) district.

~~I-K.~~ Maximum impervious lot coverage may be increased up to a maximum of 80 percent upon execution of a written agreement with the city and the property owner; and provided further, that the agreement is filed with the county auditor as a covenant with the land, when the development provides for waterview opportunities and/or waterfront access opportunities in conjunction with commercial uses, as follows:

...

Section 5. Section 17.50.045 of the Gig Harbor Municipal Code is hereby repealed.

Section 6. Section 17.46.040 (WR Development Standards) of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.46.040 Development standards.

A minimum lot area for new subdivisions is not specified. The minimum development standards are as follows:

	Single-family Dwelling	Duplex	Non-residential
A. Minimum lot area (sq/ft) ¹	7,000	14,000	12,000
B. Minimum lot width	70'	50'	50'
C. Minimum front yard ²			
D. Minimum side yard ²			
E. Minimum rear yard ²			
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum site impervious coverage	40%	45%	50%
H. Density ³	4 dwelling units per acre		
I. <u>Maximum gross floor area including garages, attached and detached</u>	<u>4,000 square feet per lot</u>	<u>4,000 square feet per lot</u>	<u>4,000 square feet per lot</u>

¹An undersized lot or parcel shall qualify as a building site if such lot is a lot of record.

²The setbacks of GHMC 17.99.310 and 17.99.320 are applicable in the WR district.

³Density bonus of up to 30 percent may be granted subject to the requirements of Chapter 17.89 GHMC, Planned residential district.

Section 7. 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 8. 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 25th day of July, 2005.

CITY OF GIG HARBOR

GRETCHEN WILBERT, 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: 7/6/06
PASSED BY THE CITY COUNCIL: 7/25/05
PUBLISHED: 8/3/05
EFFECTIVE DATE: 8/8/05
ORDINANCE NO: 1008