

ORDINANCE NO. 995

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING NEAR THE SHORELINE IN THE CITY'S HEIGHT RESTRICTION AREA, ADDING A NEW SECTION 17.04.409 DEFINING HABITABLE SPACE; ADDING A NEW SECTION 17.04.877 TO THE GIG HARBOR MUNICIPAL CODE (GHMC) DEFINING A WATERFRONT VIEW CORRIDOR FOR PURPOSES OF PROTECTING VIEWS FROM SPECIFIED PUBLIC RIGHTS OF WAY; ADOPTING A NEW SECTION 17.78.095 GHMC TO SUPPLEMENT LANDSCAPING STANDARDS IN THE WATERFRONT VIEW CORRIDOR; ADOPTING A NEW SECTION 17.04.408 GHMC DEFINING HEDGES; ADOPTING A NEW SECTION 17.31.075 GHMC ESTABLISHING BUILDING SIZE LIMITS IN THE DB DISTRICT; AMENDING GHMC SECTION 17.36.055 ESTABLISHING BUILDING SIZE LIMITS IN THE B-2 DISTRICTS LOCATED IN THE HEIGHT RESTRICTION AREA; AMENDING GHMC SECTION 17.40.055 TO REDUCE THE MAXIMUM BUILDING SIZE IN THE C-1 DISTRICT LOCATED IN THE HEIGHT RESTRICTION AREA; AMENDING GHMC SECTION 17.48.040 TO PROVIDE A SPACING REQUIREMENT BETWEEN STRUCTURES; ADOPTING A NEW SECTION 17.50.045 GHMC TO ESTABLISH MAXIMUM BUILDING SIZE LIMITS IN THE WC DISTRICT.

WHEREAS, a large portion of the City of Gig Harbor is characterized by views of Gig Harbor bay and the small scale buildings that reflect the historic development of the harbor basin.

WHEREAS, the City of Gig Harbor's Comprehensive Plan has the stated goal to "Preserve the character of those sites or districts which reflect the style of Gig Harbor's historical development" (Goal 3.13); and

WHEREAS, the City of Gig Harbor's Comprehensive Plan has the stated objectives to:

Develop guidelines which promote compatible development within designated areas. (Objective 3.13.2)

Consider standards which encourage building forms consistent with historic designs, (e.g., massing, roof styles and scale," (Objective 3.14.2)

Define and retain “small town” characteristics of historic business districts. (Objective 3.15.1); and

WHEREAS, the City of Gig Harbor’s Comprehensive Plan has the stated goal to “Control vegetation to preserve significant views” (Goal 3.18); and

WHEREAS, the City of Gig Harbor has received numerous complaints from the public regarding large buildings recently built in the height restriction area, which have been found by many members of the public to be out of scale and character with the historic development patterns in the height restriction area; and

WHEREAS, in response to the public outcry over large buildings and view impacts in the height restriction area, the City proceeded as follows:

1. The City hired a consultant – Perteet Engineering – to explore the economic impacts of limiting building sizes throughout the City;
3. Perteet Engineering conducted public meetings and interviewed stakeholders to solicit input on the building size issue in order to formulate draft findings pertaining to limiting building sizes;
4. Perteet Engineering conducted public hearings on proposed code amendments pertaining to building size limitations;
5. The public comments at the public meetings and hearings addressed other concerns in addition to building size, including view protection and vegetation control;
6. On July 12, 2004, the Gig Harbor City Council passed Ordinance No. 965, imposing an immediate moratorium on the acceptance of applications for new development or certain types of re-development within the height restriction area as shown on the official height restriction map;
7. On September 13, 2004, the City Council passed Ordinance No. 968, which adopted findings and conclusions supporting the continued maintenance of the moratorium;
8. On November 8, 2004, the Gig Harbor City Council adopted ordinance 974 amending the City’s Design Manual to, in part, (a) impose additional height limits on non-residential structures within the historic district portion of the view basin, (b) limit the use of tall vegetation in addressing buffering issues in the view basin, and (c) eliminate the allowance for additional height on primary structures in the view basin;
9. The City Council directed the Community Development Committee to discuss remaining and outstanding issues raised by the public at the public meetings and hearings and to draft recommendations for the full-council’s consideration;
10. An outline of the Community Development Committee’s proposed text amendments was presented to the City Council on January 10, 2004;
11. The City Council determined that additional time was needed to both allow planning commission and public review of the proposed text amendments and

also to allow a 60-day review of the amendments by State agencies pursuant to RCW 36.70A.106;

12. The City Council passed ordinance No. 986 on January 10, 2005 extending the moratorium for an additional 90 days to allow time to proceed with the recommendations of the Community Development Committee, which the Council forwarded as a Council-initiated text amendment;

13. The City Council held a public hearing on the moratorium extension on February 14, 2005 pursuant to RCW 36.70A.390 and RCW 35A.63.220;

14. Joint work sessions between the City's Design Review Board and Planning Commission (hereafter referred to as the "joint committee") were held on February 10, 2005 and February 17, 2005 to consider the City Council's proposed text amendments. The joint committee discussed at length the importance of both view protection and retention of community character in terms of building size and building separation. The joint committee discussed existing view opportunities and reviewed information on existing building sizes in the historic district. The building size information considered by the joint committee provided information on the larger and more prominent buildings in the historic district, and the committee also considered the more numerous smaller buildings in the historic district. From the information provided, the joint committee determined that the Harbor Inn building located in WC district on Harborview Drive was representative of the average historic commercial building in terms of its footprint size (approximately 3000 square feet) and square footage as seen from the street level (approximately 6,000 square feet), and that the slope of the land in the WC district made possible additional and less visible square footage in a basement level of the Harbor Inn. The joint committee recognized that there were differences in the historic development patterns of each district located near or abutting the shoreline. The joint committee further recognized that the C-1 district abutting the shoreline was recently purchased by the Gig Harbor Historical Society, which has plans to develop a museum on the site that would be larger than the size limitations proposed by the City Council. The joint committee therefore determined that there should be no changes to the 65,000 square-foot building size limit in this district at this time. Additionally, the joint committee determined that in addition to the building size limits, existing setback provisions were sufficient to provide viewing opportunities from Harborview Drive and North Harborview Drive and no additional restrictions in setbacks or floor area restrictions (i.e., floor area ratio provisions) should be imposed. Finally, the joint committee determined that vegetation limitations along the shoreline would be difficult to administer.

15. The Planning Commission held a public hearing on the proposed text amendments on March 3, 2005 and after the hearing made a final recommendation to the City Council. As part of their recommendation, and in response to public input, the Planning Commission concurred with the recommendation of the joint committee but determined that vegetation restrictions were important to the protection of views and that the building size limit in the C-1 zone should be reduced by approximately half (35,000 square

feet) in order to be closer in line with the smaller building size limitations imposed elsewhere in near the shoreline; and

WHEREAS, the City of Gig Harbor desires to preserve and perpetuate the small scale of structures in the DB district that directly abuts waterfront districts; and

WHEREAS, the City of Gig Harbor desires to protect views of the harbor along the Harborview Drive and North Harborview Drive public rights-of-way for public enjoyment; and

WHEREAS, expansive building footprints and associated expansive and continuous roof forms can result in significant obstructions to views of the harbor as seen from Harborview Drive and North Harborview Drive public rights-of-way; and

WHEREAS, structures contained to smaller footprints require smaller, less expansive roof planes than more expansive footprint structures require and therefore have less impacts on views over the tops of structures; and

WHEREAS, limiting total floor area to a size that would be similar to the building size achievable by limiting the footprint size may result in a building with a wider footprint and a more expansive roof plane, but it would in that case result in a building of a lower height, thereby providing alternate but similarly effective ways of protecting views from Harborview Drive and North Harborview Drive; and

WHEREAS, views opportunities potentially created by required setbacks of structures can be impacted or lost as a result of fences and vegetation placed within view corridors; and

WHEREAS, large structures recently built in the non-residential zones within the harbor basin have adversely impacted the visual quality of the harbor basin because of their scale in relation to the historic structures that characterize the harbor basin; and

WHEREAS, the City Council has proposed amendments that are intended to protect views of the water from Harborview Drive and North Harborview Drive public rights-of-way by establishing said rights-of-way as a public waterfront view corridor and by limiting the amount of new vegetation that may limit views in said view corridor and by maintaining the small scale structures that characterize the historic structures in and near said corridor, which are also located in the City's historic district; and

WHEREAS, the City Council agrees with the joint committee's determination that in order to balance the need to protect and retain public views of the harbor with the need to retain the historic development patterns within the

view basin, it is necessary to vary the building size and separation requirements among the various districts near or abutting the shoreline, which includes the DB, WC, B-2 and C-1 districts abutting Harborview Drive and/or North Harborview Drive. Specifically, the Council finds that:

(a) The historic development pattern of the DB district includes small scaled buildings with little nor no separation between them (typical of most historic downtowns) and the visible portion of the Harbor Inn building as seen from the street (approximately 6,000 square feet) is an appropriate scale of building for the DB district;

(b) The historic development pattern of the WC district along North Harborview Drive in the Finholm Market area is also characterized by small scale buildings with little or no separation between them;

(c) The Harbor Inn building located in the WC district on Harborview Drive is representative of the historic structures in both the WC and DB district, but the slope of the land in the WC district makes it possible to have more square footage than structures in the DB district because the WC district's sloped topography provides opportunity for a basement level that would be largely unseen from the street level. Therefore, limiting the footprint of the building in the WC district as opposed to limiting the total square footage (as in the DB district) will provide opportunity for buildings at least as large as the 6,000 square foot buildings located across the street in the DB district, and for potentially larger buildings that would nonetheless be in scale with smaller 6,000 square foot buildings in the DB district, which has a generally level topography that does readily facilitate a basement level.

WHEREAS, the proposed text amendments are consistent with the goals, objectives, and policies of the Comprehensive Plan; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for the proposed text amendment on January 27, 2005 pursuant to WAC 197-11-350; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on January 27, 2005, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on March 3, 2005, and made a recommendation of approval to the City Council, subject to amendments recommended by the Planning Commission as incorporated herein; and

WHEREAS, the City Council held legally advertised public hearings on the Ordinance on March 28 and April 11, 2005 during its regular City Council meetings; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of March 28; April 11; and April 25, 2005; Now, Therefore,

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

Section 1. A new Section 17.04.409 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

17.04.409 Habitable space.

“Habitable space” shall mean: a space in a building for living, sleeping, eating or cooking, and shall also include bathrooms, toilet rooms, closets, halls, storage rooms and utility rooms. Habitable space does not include attic areas that have no floors or finished interior walls.

Section 2. A new section 17.04.877 of the Gig Harbor Municipal Code is hereby adopted, to read as follows:

17.04.877 Waterfront View Corridor

“Waterfront view corridor” includes all parcels located between the shoreline of Gig Harbor bay and either Harborview Drive or North Harborview Drive, excluding parcels located north of or abutting Rust Street (originally named Walnut Street) as shown on the original Artena Addition plat recorded on August 23, 1890.

Section 3. A new section 17.78.095 of the Gig Harbor Municipal Code is hereby adopted, to read as follows:

17.78.095 Waterfront View Corridor Landscaping

Within the Waterfront View Corridor, hedges shall conform to the height limits for fences defined in Chapter 17.99.

Section 4. A new Section 17.04.408 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

17.04.408 Hedge.

“Hedge” is a row of closely planted shrubs, bushes, or trees aligned in a linear fashion forming a screen, fence, or boundary.

Section 5. A new Section 17.31.075 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

17.31.075 Maximum gross floor area

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 non-penetrated fire wall as defined in the International Fire Code except that a single 6-foot opening

in the firewall 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.)

Section 6. Section 17.36.055 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.36.055 Maximum gross floor area

The maximum gross floor area per commercial structure is 35,000 square feet, except that in with the following exceptions:

1. In the Olympic Village Activity Center and the Westside General Business (B-2) district the maximum gross floor area per commercial structure is 65,000 square feet.

2. In the B-2 district abutting North Harborview Drive (the area commonly known as Finholm Market) the maximum gross floor area per building is 6,000 square feet. Multiple buildings on the same site shall be separated by a non-penetrated fire wall as defined in the International Fire Code except that a single 6-foot opening in the firewall 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.)

3. In the B-2 district near the intersection of Harborview Drive and North Harborview Drive (the intersection commonly known as Borgen's Corner), the maximum gross floor area per building is 6,000 square feet with a minimum separation of 20 feet between buildings.

Section 7. Section 17.40.055 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.40.055 Maximum gross floor area

The maximum gross floor area per commercial structure is 65,000 square feet, except that in the C-1 district abutting Harborview Drive the maximum gross floor area per building is 35,000 square feet with a minimum separation of 20 feet between buildings.

Section 8. Section 17.48.040 of Exhibit A in Ordinance 982, 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	6,000/unit	15,000
B. Minimum lot width	50'	100'	100'
C. Minimum front yard ²	20'	20'	20'
D. Minimum side yard	8'	10'	10'
E. Minimum rear yard	25'	25'	25'
F. Minimum yard abutting tidelands	0'	0'	0'
G. Maximum site impervious coverage	50%	55%	70%
H. Density	4 dwelling units per acre		
I. Maximum gross floor area	N/A	N/A	3,500 sq. ft. per lot
J. Separation between structures	20'	20'	20'

. . .

Section 9. A new Section 17.50.045 of the Gig Harbor Municipal Code is hereby adopted to read as follows:

17.50.045 Maximum building size

Each structure in the WC district shall be limited in size as follows:

1. In the WC district abutting the DB (downtown business) district, the maximum building footprint is 3,000 square feet. Multiple buildings on the same site shall have a minimum 20-foot separation between structures.
2. In the WC district abutting North Harborview Drive (the area commonly known as Finholm Market) the maximum building footprint is 3,000 square feet. Multiple buildings on the same site shall be separated by a non-penetrated fire wall as defined in the International Fire Code except that a single 6-foot opening in the firewall 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.)
3. In the WC District, multi-family structures are exempt from maximum building size requirements.

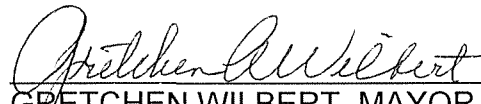
Section 10. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this Ordinance.

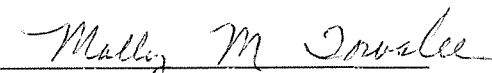
Section 11. Effective Date. This Ordinance shall take effect and be in full force five (5) days after passage and publication of an approved summary consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 25th day of April, 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: 5/23/05
PASSED BY THE CITY COUNCIL: 4/25/05
PUBLISHED: 4/27/05
EFFECTIVE DATE: 5/2/05
ORDINANCE NO. 995