

ORDINANCE NO. 988

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING SECTIONS 17.67.010, 17.67.020, 17.67.040, AND 17.67.060 OF THE GIG HARBOR MUNICIPAL CODE ADDING SCHOOLS IN THE PI (PUBLIC INSTITUTION) DISTRICT TO THE LIST OF STRUCTURES THAT MAY BE CONSIDERED UNDER PERFORMANCE-BASED HEIGHT EXCEPTIONS, AND ADDING A NEW SECTION 17.67.075 DESCRIBING REVIEW CRITERIA FOR PERFORMANCE-BASED HEIGHT EXCEPTIONS FOR SCHOOL FACILITIES THAT REQUIRE CONSIDERATION OF VIEW IMPACTS.

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 height limits for their effective and efficient operation; and

WHEREAS, the Peninsula School District asked that the City Council consider a text amendment to chapter 17.67 GHMC because schools often require heights that exceed current height limits for the effective operation of their programs and functions; and

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

WHEREAS, the City has adopted a PI (Public Institution) district to both accommodate and contain the impacts of schools and other essential public facilities in areas outside of residential districts; and

WHEREAS, in response to the School District's requesting during the City's Design Manual update to adopt special height allowances for public schools by right, and to ensure that a height increase for schools would be based upon both the demonstrated need for the school according to site-specific conditions and to ensure that the public would have opportunity to comment on requested height increases on a case-by-case basis, the City of Gig Harbor has proposed a text amendment that would allow schools to be reviewed under the performance-based height exception provisions and also provide criteria for reviewing schools in the PI district under said provisions; and

WHEREAS, the proposed amendments have been reviewed by the Michael Kattermann of AHBL representing the School District, by City staff and by the Planning Commission; 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 November 18, 2004 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 November 30, 2004, pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on December 16, 2004, and made a recommendation of approval to the City Council; and

WHEREAS, the SEPA appeal period expired on December 22, 2004, and no appeals were filed; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of January 24, 2005 and held a public hearing on February 14, 2005; Now, Therefore,

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

Section 1. Section 17.67.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.67.010 Intent.

This chapter is intended to identify those structures and uses to-for which standard height limits do not apply are not appropriate and to provide review procedures and criteria for those special situations where the height restrictions of this title may be relaxed. Performance-based height exceptions are intended to allow structures that require height in excess of height limits for effective performance and operation. Performance-based height exceptions are not intended to be used as a means of circumventing individually inconvenient height restrictions. (Ord. 950 § 1, 2004).

Section 2. 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.
- 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;

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Section 3. Section 17.67.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.67.040 Complete application.

An application for a performance-based height exception shall contain seven copies of the following information:

- A. The title and location of the proposed project, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
- B. A written description addressing the scope of the project, the use of the site, and the nature and height of the proposed structures;
- C. Color, type, model and specification of all proposed structures. Include the area of illumination and intensity of lighting in footcandles for athletic field lighting;
- D. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site;
- E. Site plans drawn to a scale no smaller than one inch equals 30 feet showing location and size of uses, location of proposed and existing structures, critical areas and wetlands, buffer areas, proposed areas of disturbance or construction outside of the building and structure footprint, yards, open spaces and landscaped areas and any existing structures, easements and utilities;
- F. Cross sections of proposed structures and topographic information.

F. G. A written statement of justification for granting the exception pursuant to the requirements of GHMC 17.67.060, and GHMC 17.67.070, and GHMC 17.67.075, if applicable;

G. H. A listing of the names and addresses of property owners of record within 300 feet of the project property, including preprinted labels bearing the names and addresses of the property owners of record within 300 feet of the project property;

H. I. All application requirements of GHMC 19.02.002. (Ord. 950 § 1, 2004).

Section 4. 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, 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 5. A new Section 17.67.075 is hereby added to the Gig Harbor Municipal Code 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 Section 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:

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 manual¹; and

B. Increased height in no wise exceeds (a) 45 feet above natural grade as measured under the provisions of Section 3.1.01(4) of Chapter 17.99 GHMC, and (b) 56 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.

¹Increased 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 Section 1.4.04 of Chapter 17.99, GHMC.

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.

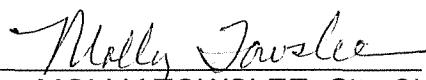
PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 14th day of February, 2005.

CITY OF GIG HARBOR



GRETCHEN WILBERT, MAYOR

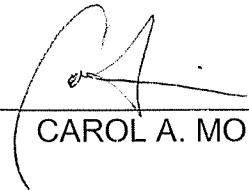
ATTEST/AUTHENTICATED:

By: 

MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:



CAROL A. MORRIS

FILED WITH THE CITY CLERK: 1/19/05
PASSED BY THE CITY COUNCIL: 2/14/05
PUBLISHED: 2/23/05
EFFECTIVE DATE: 2/28/05
ORDINANCE NO: 988