

ORDINANCE NO. 979

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO THE EMERGENCY MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR NEW DEVELOPMENT OR CERTAIN TYPES OF RE-DEVELOPMENT IN THE CITY'S HEIGHT RESTRICTION AREA, AMENDING ORDINANCE NO. 965 IMPOSING THE MORATORIUM AND ORDINANCE NO. 969 ADOPTING FINDINGS AND CONCLUSIONS SUPPORTING THE CONTINUATION OF THE MORATORIUM BY AMENDING THE DEFINITION OF "EXEMPT DEVELOPMENT PERMITS," TO SPECIFY THE AREAS TO BE INCLUDED IN THE CALCULATION OF THE 3,500 SQUARE FOOT LIMITATION AND TO INCLUDE PUBLIC SCHOOLS IN THE LIST OF EXEMPTIONS.

WHEREAS, 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; and

WHEREAS, Ordinance No. 965 defined the permit applications that were exempt from the moratorium; and

WHEREAS, on September 13, 2004, the City Council passed Ordinance No. 968, which adopted findings and conclusions supporting the continued maintenance of the moratorium; and

WHEREAS, Ordinance 968 included definitions of the permit applications that were exempt from the moratorium; and

WHEREAS, on December 13, 2004, after a public hearing, the City Council heard testimony on the definition of "exempt permit applications" and deliberated on the issue; Now, therefore,

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

Section 1. The City Council finds that the definition of "exempt development permit" in Ordinances No. 965 and 968 is too restrictive for the reason that (a) covered open areas of a house like porches and carports do not significantly add to the visual bulk of a structure, and (b) public schools are essential public facilities that must meet minimum size requirements to serve their intended purpose and (c) the only school site in the height restriction area is in the PI district, which is subject to zone transition standards of Chapter 17.99 that are intended to address a building's height and scale in relation to surrounding buildings in opposing zones.

Section 2. The City Council hereby amends Section 1 in Ordinance 965 and Section 1 in Ordinance 968 as follows:

Definitions. For the purpose of this Ordinance, the following definitions shall apply:

A. **'Exempt Development Permits'** shall include all of the following permit applications for 'development' or 'development activity' defined in GHMC Section 19.14.020(24) and 19.14.010(26), as copy of which is attached to this Ordinance as Exhibit B, which:

1. are not subject to any other moratorium in the City;
2. were determined complete by City staff and submitted to the City on or before the effective date of this Ordinance;
3. propose development or a development activity on property located outside the City Height Restriction Area (see, Subsection B below); and
4. are project(s) located on publicly-owned property and which building(s) do not exceed one thousand (1,000) square feet in size;
5. include demolition permits, sign permits, and marinas without upland buildings;

6. are building permits associated with development applications which were determined complete by City staff before the effective date of this Ordinance; and

7. are projects in which building(s) do not exceed 3,500 square feet in size, including each story of a building (finished or unfinished) as defined in GHMC Section 17.04.750, and including all habitable space with a finished ceiling height 5 feet or greater, including garages, shops and similar work or storage rooms, and also including non-walled stand-alone structures such as pavilions and canopies, but excluding eave overhangs open carports, decks, and porches which are incidental and secondary extensions of a fully enclosed structure; and

8. Public Schools.

'Exempt development permits' shall also include any permits meeting all of the above criteria and which involve interior remodeling of existing structures anywhere in the City, as long as the remodeling will not increase the size of the existing structure in footprint, height, bulk or scale.

* * *

Section 3. Amendment Does Not Affect Other Provisions of Ordinances 965 and 968. All other provisions of Ordinances 965 and 968 shall remain the same, and this Ordinance does not affect any other provision of those Ordinances, except as specifically amended above.

Section 4. Moratorium Maintained. This Ordinance shall not affect the moratorium imposed by Ordinances 965 and 968.

Section 5. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 6. 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.

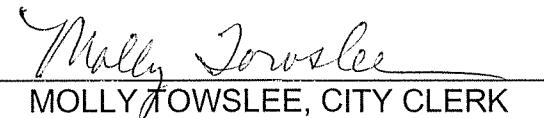
PASSED by the Gig Harbor City Council and the Mayor of the City of Gig Harbor this 13th day of December, 2004.

CITY OF GIG HARBOR



GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: 

MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:

By: 

CAROL A. MORRIS, CITY ATTORNEY

FILED WITH CITY CLERK: 11/23/04

DATE PASSED: 12/13/04

DATE OF PUBLICATION: 12/22/04

EFFECTIVE DATE: 12/27/04

ORDINANCE NO. 979