

ORDINANCE NO. 959

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO BUILDING SIZE REGULATIONS, AMENDING GHMC SECTIONS 17.36.055 AND 17.90.090

WHEREAS, on August 11, 2003, the City Council of the City of Gig Harbor entered into a contract with Pertee Engineering, Inc. (consultant) for the purposes of conducting a comprehensive review of the issue of building size limitations; and

WHEREAS, the consultant conducted a public process which included extensive interviews with local individuals and businesses, and two public comment meetings; and

WHEREAS, the consultant presented an oral report outlining alternatives and recommendations to the Council at the December 8, 2003 meeting; and

WHEREAS, the final written report including the consultant/task force recommendations on the issue of building size limits was presented to Council on January 26, 2004; and

WHEREAS, on February 9, 2004, the Council directed the Planning Commission to consider and comment on a draft Ordinance implementing the recommendations on the issue of building size limits during a work study session on February 19, 2004;

WHEREAS, the City SEPA Responsible Official has determined that this Ordinance will not have a probable significant adverse impact on the environment; and

WHEREAS, the Planning Commission considered this ordinance during a work study session on February 19, 2004; and

WHEREAS, the Community Development Director forwarded a copy of this ordinance to the Washington State Office of Community, Trade, and Economic Development on February 23, 2004 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council is desirous of implementing the recommendations of the Building Size Analysis pertaining only to the Westside business district as outlined in the report dated January 12, 2004; and

WHEREAS, the City Council held a legally advertised public hearing to accept testimony on this Ordinance on April 26, 2004; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of April 26 and May 10, 2004; Now, Therefore,

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

Section 1. General Business District (B-2), 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 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.

The Olympic Village Activity Center (as defined in the City Design Manual) and the Westside General Business (B-2) district are depicted on Exhibit A.

Section 2. Planned Unit Development, Section 17.90.090 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.090 Maximum gross floor area bonus.

The maximum gross floor area of the PUD may be increased over that permitted in the underlying zone as provided in this section, but only if: (A) consistent with the underlying comprehensive plan designation for the property; and (B) the increase will not exceed 25 percent additional gross floor area, over that allowed in the underlying zone, except in General Business District (B-2) it shall be up to 50 percent except that in the Olympic Village Activity Center and the Westside General Business (B-2) district no increase in gross floor area shall be allowed, and in Commercial District (C-1) it shall be 30 percent. Such calculations shall be based on net buildable land. The maximum gross floor area bonus may only be allowed if the applicant demonstrates the following:

A. Open Space. Open space must satisfy the standards in GHMC 17.90.100 for open space in order to be eligible for a density bonus. Such open space must be open to the general public.

1. Provision of open space exceeding by at least 30 percent the minimum required under the design review manual and proportional to the size of the development: 10 percent increase;

2. Preservation of Natural Features. Preservation of a desirable natural feature that would not otherwise be preserved such as, but not limited to an unregulated wetland, stream corridor, unique geological feature, substantial over story vegetation and which would not otherwise be preserved, etc.: 10 percent increase;

3. Preservation of Scenic Vistas. Preservation of a scenic vista corridor(s) on-site and off-site and accessible to the general public: 10 percent increase;

4. Provision of a Desirable Urban Amenity. Provision of an urban amenity that complements the proposed development and that exceed the requirements of the design manual for common space or plazas. Such amenity may include such things as a play area, public transit amenities, public restrooms, fountains or other comparable amenities identified by the applicant and city staff: 10 percent increase;

5. Design of a Stormwater Treatment System As an Amenity. A stormwater treatment (retention/detention) facility that is also designed as a visually aesthetic and physically accessible amenity for the enjoyment of the public: 10 percent increase.

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstances is held by a court of competent

jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remainder of the Ordinance or the application of the remainder to other persons or circumstances.

Section 4. 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 Council and approved by the Mayor of the City of Gig Harbor this 10th day of May, 2004.

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: 04/21/04
PASSED BY THE CITY COUNCIL: 5/10/04
PUBLISHED: 5/19/04
EFFECTIVE DATE: 5/24/04
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