

## ORDINANCE NO. 1238

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO ZONING; AMENDING THE SIDE YARD SETBACK REQUIREMENTS FOR ALL RESIDENTIAL LOTS AND NONRESIDENTIAL LOTS IN THE HISTORIC DISTRICT OUTSIDE OF THE DOWNTOWN BUSINESS (DB) ZONING DISTRICT TO ALLOW LOTS WIDER THAN 100 FEET TO PROVIDE THE REQUIRED SIDE YARD SETBACK ADJACENT AND PARALLEL TO THE SIDE PROPERTY LINES OR WITHIN 20-FOOT MINIMUM VIEW CORRIDORS; REQUIRING VIEW CORRIDORS TO BE OPEN FROM THE GROUND TO THE SKY; CLARIFYING THE SIDE SETBACK LANGUAGE FOR SINGLE-BUILDING AND NARROW LOTS IN THE HISTORIC DISTRICT; CLARIFYING THAT OVERWATER STRUCTURE SETBACKS ARE GOVERNED BY THE SHORELINE MASTER PROGRAM; CODIFYING A PLANNING DIRECTOR'S INTERPRETATION ON SIDE YARD SETBACKS FOR LOTS NARROWER THAN 50 FEET IN THE HISTORIC DISTRICT; AMENDING THE TERMINOLOGY USED IN THE REGULATIONS OF WATERFRONT VIEW CORRIDOR HEDGES TO LIMIT THE CONFUSION WITH VIEW CORRIDOR SETBACK REGULATIONS; REPEALING SECTION 17.04.877; AMENDING SECTIONS 17.78.020, 17.78.095, 17.99.310 AND 17.99.320 OF THE GIG HARBOR MUNICIPAL CODE; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

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WHEREAS, current setback regulations in the historic district require that on lots with 50 feet of width a total of 20 feet of side yard setback be provided with a minimum side yard setback of 5 feet on any one side. One quarter foot of additional side yard setback must be provided for each foot of lot width beyond 50 feet. This setback is to be provided adjacent and parallel to the side property lines; and

WHEREAS, the current setback regulations in the Historic District are adequate for narrow lots when those lots have only a single building on the site. However, on wide lots where there are multiple buildings on the site, the existing regulations are inadequate in that they require all the buildings on the site to be located close to each other regardless of the desired use of the property, site conditions or view opportunities; and

WHEREAS, the existing setback regulations in the Historic District are particularly important along the shoreline in that they provide view opportunities to Gig Harbor bay; and

WHEREAS, in order allow flexibility in the location of side yard setbacks, the City desires to allow lots wider than 100 feet to provide either a) the side yard

setback adjacent and parallel to the side property lines or b) the side yard setback within 20-foot minimum view corridors interior to the lot. In both cases, at least 5-foot side setbacks would be provided adjacent to side property lines; and

WHEREAS, the 20-foot minimum view corridor would be consistent with the requirements of the Shoreline Master Program; and

WHEREAS, all view corridors would be required to be open from the ground to the sky except for standard appurtenances to provide view opportunities to the bay; and

WHEREAS, the proposed amendments provide more flexibility on the placement of side setbacks/view corridors on wide lots while ensuring that the same amount of setback as currently required is provided; and

WHEREAS, the proposed text amendments are consistent with the following goals and policies in the Comprehensive Plan:

**3.14.2. Incorporate points of interest into building and landscape design**

- a) *Where possible, shift location of buildings to maintain points of interest from the street.*
- b) *Encourage designs which frame points of interest between architectural forms, e.g., archways, corridors, and building masses.*
- c) *Assure that landscaping complements points of interest without obscuring their view from prominent points of reference.*

**3.19.1. Adopt setback standards which reflect historic development patterns.**

*E.g., allow reduced front yard setbacks when a front porch is incorporated into the design of the structure.*

WHEREAS, text amendments to the required side yard setbacks for lots less than 100 feet in width and lots with one building will clarify the provisions to ensure the intent of current regulations is maintained; and

WHEREAS, the existing setback regulations do not identify the setback regulations required in the instance of properties with less than 50 feet in width; and

WHEREAS, on February 10, 2009, the Planning Director has made an official interpretation that for sites with less than 50 feet in width, the required setbacks may be reduced by one quarter foot for every foot of lot width under 50 feet up to a minimum of 5 feet of setback on each side; and

WHEREAS, the City finds that this interpretation should be codified; and

WHEREAS, amendments to the terminology used in waterfront view corridor hedge regulations in the landscape code are required in order to limit the confusion with the new view corridor setback regulations; and

WHEREAS, the Planning Commission held work study sessions on the proposed amendments on February 2<sup>nd</sup> and 16<sup>th</sup>, 2012 and the Design Review Board attended the meeting on February 16<sup>th</sup> to provide input on the design of wide lots; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on March 1, 2012 and after the public hearing recommended the Council approve the proposed amendments to the side yard setback requirements in the Historic District; and

WHEREAS, the proposed development regulations amendments were forwarded to the Washington State Department of Commerce on December 19, 2011, pursuant to RCW 36.70A.106, and were granted expedited review on December 29, 2011; and

WHEREAS, the City's SEPA Responsible Official issued a Determination of Nonsignificance (DNS) for this Ordinance on March 15, 2012; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on April 9, 2012; and

WHEREAS, on April 23, 2012 the City Council held a second reading during a regular City Council meeting; Now, therefore,

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

Section 1. Section 17.99.310 in the Design Manual chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.99.310 Historic district nonresidential setbacks.**

The historic district (see historic district map in GHMC 17.99.500) includes the downtown business district, all waterfront districts, the RB-1, B-2 and C-1 districts abutting Harborview and North Harborview Drives (excluding the B-2 district at the intersection of Harborview Drive and Burnham Drive NW), the area bordered by Harborview Drive, Rosedale Street and Stinson Avenue, the parcel on the southwest corner of the Rosedale Street/Stinson Avenue intersection, and all parcels having frontage on the following streets: Harborview Drive lying south of North Harborview Drive, Rosedale Street extending from Harborview Drive to Stinson Avenue, and Stinson Avenue extending from Rosedale Street to Harborview Drive. The

following setback standards apply to all nonresidential development within the historic district.

In order to deviate from minimum setback standards, approval must be obtained through the variance process defined in Chapter 17.66 GHMC and not through the design review process.

**A. Conform to nonresidential setback requirements.**

**1. FRONT SETBACK:**

Twenty feet (see also parkway setback requirements in this subsection), except that in the DB district the front setback is zero.

**2. SIDE SETBACK/VIEW CORRIDOR – Downtown Business District (DB):**

~~On a 50-foot-wide lot, 20 feet of combined side yard setback is required and may be allotted as desired except that a minimum of five feet on any one side is required. For every additional foot of lot width beyond 50 feet, one quarter foot of side yard setback is required. Side yard setbacks apply to all parcels within the historic district except for parcels in the downtown business district (DB) zone. In the DB zone there are no side yard setbacks except as determined through the site plan review process unless the property abuts a residential district, in which case a 20-foot setback is required along the property line abutting the residential district.~~

**3. SIDE SETBACK/VIEW CORRIDOR – All Other Zoning Districts:**

a. For sites with one building - On a 50-foot-wide lot, 20 feet of combined side yard setback/view corridor is required and may be allotted as desired except that a minimum of five feet on any one side is required. For every additional foot of lot width beyond 50 feet, an additional one-quarter foot of side yard setback/view corridor is required. On sites with less than 50 feet of width, one-quarter foot of side yard setback/view corridor shall be eliminated for every foot of lot width less than 50 feet; provided that a minimum of 5 feet of setback/view corridor shall be provided on all side yards.

b. For sites with multiple buildings – Side yard setbacks/view corridors shall be provided in an amount equivalent to 20 feet for the first 50 feet of lot width. For every additional foot of lot width beyond 50 feet, an additional one-quarter foot of side yard setback/view corridor shall be provided. On sites with less than 50 feet of width, one-quarter foot of side yard setback/view corridor shall be eliminated for every foot of lot width less than 50 feet. The

side yard setbacks/view corridors may be allotted in one of the following ways:

i. The total of the required side yard setback/view corridor shall be provided adjacent and parallel to the side property lines along the entire length of the property provided that a minimum of five feet of setback/view corridor shall be provided on all sides; or

ii. If the lot is 100 feet or more in width, a minimum side yard setback/view corridor of five feet shall be provided adjacent to abutting properties and setback/view corridor(s) a minimum of 20-foot wide shall be provided between buildings on the subject site. Lots narrower than 100 feet wide are not eligible for this provision.

c. View Corridors – In waterfront zoning districts, view corridors shall be provided perpendicular to a designated parkway or parallel to the side property lines along the entire length of the property. In all other zoning districts, view corridors shall be provided parallel to the side property lines along the entire length of the property. All required view corridors shall be open from the ground to the sky except that appurtenances allowed by the definitions of “yard” in Section 17.04.880 GHMC and “yard, side” in Section 17.04.910 GHMC may be located within the corridor.

4. REAR SETBACK:

As defined for each underlying zone in the historic districts, or 25 feet, whichever is less, except that in the DB district there is no rear setback except as determined through the site plan review process, unless the property abuts a residential district, in which case a 20-foot setback is required along the property line abutting the residential district.

5. PARKWAY SETBACK:

At least 50 percent of the primary structure's front façade shall be within 10 feet of property frontages abutting defined parkways within the historic district.

6. OVERWATER STRUCTURE SETBACK:

Setbacks for overwater structures shall be governed by the Gig Harbor Shoreline Master Program and shall be exempt from this section.

**B. Consider side yard setbacks which best preserve views from adjacent parcels.**

In determining side yard setbacks, consideration should be given to how the location of the structure(s) will affect views from adjacent parcels and how vehicular access to rear garages can best be achieved. Total

combined side yard setbacks may be allotted as desired except that a minimum of five feet on any one side is required.

Section 2. Section 17.99.320 in the Design Manual chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.99.320 Historic district residential setbacks.**

The following standards apply to all residential uses and development within the historic district, except that in the DB district all residential structures shall conform to the nonresidential setback standards for the DB district of in GHMC 17.99.310.

In order to deviate from minimum setback standards, approval must be obtained through the variance process defined in Chapter 17.66 GHMC and not through the design review process.

**A. Conform to residential setback requirements.**

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| <u>1.</u> FRONT SETBACK MINIMUM | House – 20 feet<br>Garage – 26 feet<br>Porches – 12 feet |
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2. SIDE SETBACK/VIEW CORRIDOR MINIMUM\*\*

a. For site with one building - On a 50-foot-wide lot, 20 feet of combined side yard setback/view corridor is required and may be allotted as desired except that a minimum of five feet on any one side is required. For every additional foot of lot width beyond 50 feet, an additional one-quarter foot of side yard setback/view corridor is required. On sites with less than 50 feet of width, one-quarter foot of side yard setback/view corridor shall be eliminated for every foot of lot width less than 50 feet; provided that a minimum of 5 feet of setback/view corridor shall be provided on all side yards.

b. For sites with multiple buildings – Side yard setbacks/view corridors shall be provided in an amount equivalent to 20 feet for the first 50 feet of lot width. For every additional foot of lot width beyond 50 feet, an additional one-quarter foot of side yard setback/view corridor shall be provided. On sites with less than 50 feet of width, one-quarter foot of side yard setback/view corridor shall be eliminated for every foot of lot width less than 50 feet. The side yard setbacks/view corridors may be allotted in one of the following ways:

- i. The total of the required side yard setback/view corridor shall be provided adjacent and parallel to the side property lines along the entire length of the property provided that a minimum of five feet of setback/view corridor shall be provided on all sides; or
- ii. If the lot is 100 feet or more in width, a minimum side yard setback/view corridor of five feet shall be provided adjacent to abutting properties and setback/view corridor(s) a minimum of 20-foot wide shall be provided between buildings on the subject site. Lots narrower than 100 feet wide are not eligible for this provision.

d. View Corridors – In waterfront zoning districts, view corridors shall be provided perpendicular to a designated parkway or parallel to the side property lines along the entire length of the property. In all other zoning districts, view corridors shall be provided parallel to the side property lines along the entire length of the property. All required view corridors shall be open from the ground to the sky except that appurtenances allowed by the definitions of “yard” in Section 17.04.880 GHMC and “yard, side” in Section 17.04.910 GHMC may be located within the corridor.

3. REAR SETBACK MINIMUM\*\* – As defined for each underlying zone in the Gig Harbor Municipal Code, or 25 feet, whichever is less.

4. OVERWATER STRUCTURE SETBACK:

Setbacks for overwater structures shall be governed by the Gig Harbor Shoreline Master Program and shall be exempt from this section.

\*\* See additional setback provisions in subsection C of this section.

**B. Consider side yard setbacks which best preserve views from adjacent parcels.**

In determining side yard setbacks, consideration should be given to how the location of the structure(s) will affect views from adjacent parcels and how vehicular access to rear garages can best be achieved. Total combined side yard setbacks may be allotted as desired except that a minimum of five feet on any one side is required.

\* \* \*

Section 3. Section 17.04.877 in the Definitions chapter of the Gig Harbor Municipal Code is hereby repealed.

Section 4. Section 17.78.020 in the Landscaping and Screening chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.78.020 Applicability.**

The standards as required by this chapter shall apply to all uses of land which are subject to site plan review, a land clearing permit, and to any new subdivision plat. GHMC 17.78.095 applies to all development in the waterfront view corridor area described by that section.

Section 5. Section 17.78.095 in the Landscaping and Screening chapter of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.78.095 ~~Waterfront view corridor landscaping~~ Hedges.**

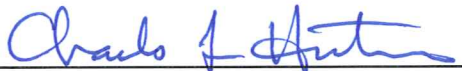
~~Within the waterfront view corridor~~ On all parcels located between the shoreline of Gig Harbor Bay and either Harborview Drive or North Harborview Drive, excluding parcels located north of or abutting Rust Street (originally named Walnut Street) as shown on the original Artena Addition plat recorded on August 23, 1890, hedges shall conform to the height limits for fences defined in GHMC 17.99.340.

Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, 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 Council and approved by the Mayor of the City of Gig Harbor, this 23rd day of April, 2012.

CITY OF GIG HARBOR



Mayor Charles L. Hunter

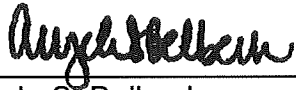
ATTEST/AUTHENTICATED:



Molly M. Towslee, City Clerk



APPROVED AS TO FORM:  
Office of the City Attorney



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Angela S. Belbeck

FILED WITH THE CITY CLERK: 04/04/12  
PASSED BY THE CITY COUNCIL: 04/23/12  
PUBLISHED: 04/25/12  
EFFECTIVE DATE: 04/30/12  
ORDINANCE NO: 1238