

08/14/23

08/21/23

ORDINANCE NO. M-4419

AN ORDINANCE concerning Vancouver Municipal Code (VMC) Title 20 and limitations on the size of downtown building footprints in certain situations; amending VMC 20.630; providing for severability; and establishing an effective date.

WHEREAS, pursuant to the Growth Management Act the City Council has adopted Title 20 zoning standards (last amended through Ordinance M-4034); and

WHEREAS, the Vancouver Planning Commission reviewed the proposed changes at duly advertised work session on April 11, 2023, and duly advertised public hearing on May 23, 2023, and at that hearing, pursuant to VMC 20.285.070, determined that the proposed changes are consistent with the policies and provisions of the Vancouver Comprehensive Plan, adopted the findings of fact presented in the May 23, 2023 staff report, and voted to unanimously recommend approval of the zoning text amendments described herein for adoption to the City Council; and

WHEREAS, the City Council conducted duly advertised discussion during Council Communications on July 17, a duly advertised first reading of the proposed ordinance and public hearing on August 14 and August 21, 2023, following which the Council agrees with the Planning Commission recommendations; and

WHEREAS, the cumulative environmental impacts of the proposed zoning change has been reviewed and determined to be nonsignificant pursuant to the State Environmental Policy

Act. A Determinations of Non-significance (DNS) was issued on April 25, 2023 for the proposed text changes, and no SEPA comments or appeals were received; and

WHEREAS, the City Council, in accordance with the Planning Commission recommendation, finds and concludes that the proposed changes are consistent with the policies and provisions of the Comprehensive Plan that encourage orderly development within the community and the Growth Management Act pursuant to the requirements of Chapter 36.70A. RCW; and NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings and Conclusions. The Planning Commission findings and conclusions as set forth in the staff report for the May 23, 2023, public hearing is hereby adopted as the City Council's findings of fact; and

Section 2. Zoning Code Text Change. VMC 20.630.050 is hereby amended as indicated

VMC 20.630.050

Maximum Building Heights.

Maximum building heights. Building heights in the Downtown Plan District vary from 40' to 300', as illustrated in Figure 20.630.030-4.

A. Purpose: The maximum building height regulations are intended to facilitate redevelopment opportunities and maximize waterfront development, to meet historic preservation goals (including preservation of architectural character), to protect adjacent residential and commercial neighborhoods (including compatibility in scale and character), comply with Federal Aviation Administration Regulations, Part 77 and to ensure safety and livability.

B. Establishment of boundaries. The boundaries of the area within which these regulations apply are illustrated in Figure 20.630.030-4.

C. In areas noted by a superscript 1 in Figure 20.630.4, a maximum building height range is shown within brackets. The low number of the range identifies the maximum building height (inclusive of any roof-top appurtenance) that may be achieved outright. The high number of the range identifies the conditionally allowed maximum building height limit (inclusive of any roof-top appurtenance).

The following conditions apply with an increase in building height above the low number of any given range:

1. Up to 50% increase in building height (inclusive of any roof-top appurtenance), may be allowed outright, by the Planning Official through the site plan review process upon making the following findings:

a. Such increase in height complies with FAA regulation, Part 77, as confirmed by the FAA, through issuance of a determination of no hazard to air navigation; and

b. Such increase in height will not affect the safe and efficient use of navigable airspace following consultation with the Pearson Field Airport Manager.

2. Over 50% and up to the high number of a given range, increase in building height (inclusive of any roof-top appurtenance), may be allowed by the Planning Official through the site plan review process upon making the following findings:

a. Such increase in height complies with FAA regulation, Part 77, as confirmed by the FAA, through issuance of a determination of no hazard to air navigation; and

b. Such increase in height will not affect the safe and efficient use of navigable airspace following consultation with the Pearson Field Airport Manager; and

c. The gross floor area of the building at each floor over 50% above the low number of any given range and up to the high number of a given range shall not exceed 12,000 square feet.

D. In the area noted by superscript 2 in Figure 20.630-4, the following building height and design conditions apply:

1. Buildings fronting Main Street shall comply with the established building line, and shall rise no more than 45 feet with an allowance of an additional 3 feet for a parapet before stepping back 15 feet, beyond which the building may rise to 100 feet (inclusive of any roof-top appurtenance) upon an FAA determination of no hazard to air navigation and upon consultation with the Pearson Field Airport Manager. An exception may be given for buildings fronting Main Street to rise to 60 feet before stepping back 15 feet, only if, the context of the subject building meets the following: Two buildings 60 feet or taller are located, such that, each front Main Street and are on two different adjacent sides of the subject

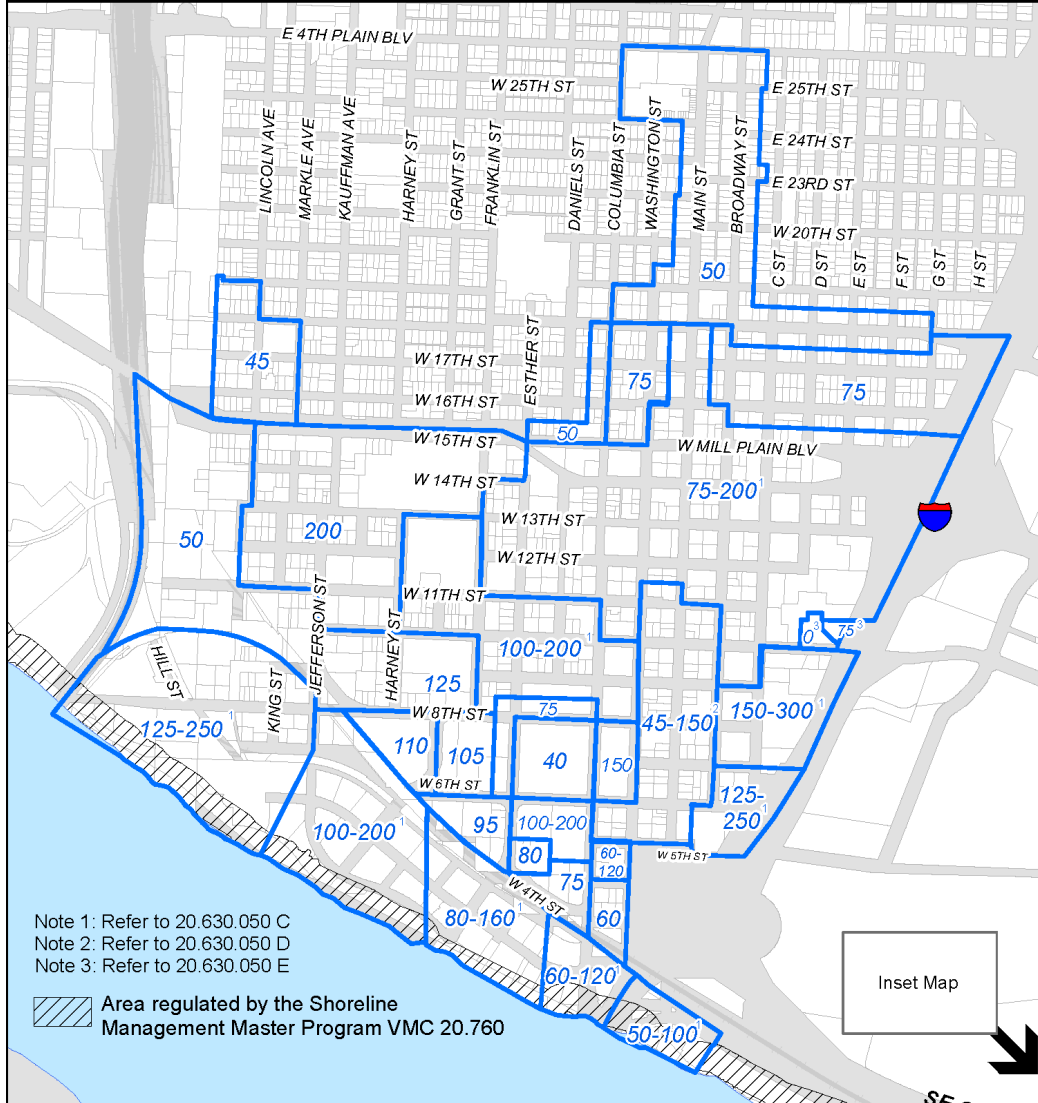
building. The term adjacent may include buildings that front Main Street and are located directly across a street from the subject building.

~~2. Buildings taller than 100 feet (inclusive of any roof top appurtenance) that have received an FAA determination of no hazard to air navigation and upon consultation with the Pearson Field Airport Manager would be limited to building footprints of 12,000 square feet or less per floor to ensure sufficient light at street level.~~

~~23.~~ All restoration of existing buildings and construction of new buildings shall be consistent with design guidelines and requirements of VMC [20.510](#), Heritage Overlay District.

E. In the area noted by superscript 3 in Figure 20.630-4 refer to Heritage Overlay District Number One, Standards and Requirements VMC [20.510](#).3.a.

F. For additional information, refer to Section [20.150.040](#), Meaning of Specific Words and Terms and Section [20.560.030](#), Airport Height Overlay District. Notwithstanding the allowed heights as shown in Figure 20.630-4, no part of the building structure including any roof top appurtenances shall be taller than the adopted airport approach, transitional and horizontal surfaces (refer to 20.570 and Figure 20.570-2).



0 500 1,000 2,000 Feet

Maximum Building Heights

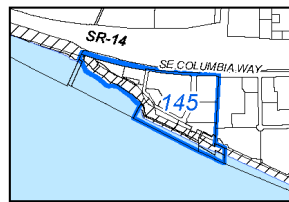


FIGURE 20.630-4
 CITY OF **Vancouver**
 WASHINGTON

(Ord. M-4207 § 2, 07/17/2017 effective date 08/17/17; Ord. M-3922 § 28, 07/06/2009; Ord. M-3832 § 22, 06/18/2007; Ord. M-3832 § 21, 06/18/2007; Ord. M-3735 § 2, 02/27/2006; Ord. M-3643, 01/26/2004)

Section 4. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 5. Effective Date. This ordinance shall go into effect 30 days after adoption.

Section 6. Instruction to City Clerk. The City Clerk shall transmit a copy of the revised development code to the Washington Department of Commerce.

DATE OF FINAL PASSAGE by the Vancouver City Council: August 21, 2023.

SIGNED this 21st day of August, 2023

DocuSigned by:
Anne McEnerny-Ogle
6C89D9089EC5424...
Anne McEnerny-Ogle, Mayor

Attest:
DocuSigned by:
Natasha Ramras
BCF6734E40E94AE...
Natasha Ramras, Chief Financial Officer

Approved as to form:

DocuSigned by:
Jonathon Young
9A7DC2E31E694A2...
Jonathon Young, City Attorney

SUMMARY

ORDINANCE NO. M-4419

AN ORDINANCE concerning Vancouver Municipal Code (VMC) Title 20 and limitations on the size of downtown building footprints in certain situations; amending VMC 20.630; providing for severability; and establishing an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).