

ORDINANCE NO. 787

AN ORDINANCE OF THE CITY OF GIG HARBOR, RELATING TO LAND USE AND DESIGN REVIEW, MAKING VARIOUS CHANGES TO THE DESIGN REVIEW STANDARDS AND APPLICATION REVIEW PROCEDURES FOR CONSISTENCY WITH RECENT CHANGES TO THE SIGN CODE, AND MAKING CHANGES FOR CONSISTENCY WITH THE PROJECT PERMIT PROCESSING REQUIREMENTS IN TITLE 19 OF THE GIG HARBOR MUNICIPAL CODE, REQUIRING THAT ALL OUTDOOR PROPOSALS COMPLY WITH THE DESIGN REVIEW MANUAL AND ALL OTHER APPLICABLE CODE REQUIREMENTS, SPECIFYING THE APPLICABILITY OF THE HISTORIC DISTRICT DESIGN SECTION, CLARIFYING AND DESCRIBING THE DIFFERENCE BETWEEN DESIGN ALLOWANCES AND DESIGN VARIANCES, IDENTIFYING THE TYPE OF DESIGN REVIEW APPLICATION FOR PURPOSES OF PROCESSING UNDER TITLE 19, CLARIFYING THE OPTIONAL DESIGN REVIEW PROCESSING PROCEDURES FOR REVIEW OF APPLICATIONS BY THE DESIGN REVIEW BOARD OR THE PLANNING DIRECTOR, CLARIFYING THE ADMINISTRATIVE APPEAL PROCEDURES FOR DESIGN REVIEW, AMENDING SECTIONS 17.98.020, 17.98.030, 17.98.040, 17.98.050 AND 17.98.060; AND ADDING A NEW SECTION 17.98.035 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Planning Commission has proposed amendments to the City's sign code which would allow the City's Design Review Board (DRB) to make decisions on specified sections of the sign code; and

WHEREAS, there are currently no defined provisions in GHMC Chapter 17.98 which allow the DRB to review or act on regulations outside the City's Design Manual; and

WHEREAS, it is expected that future amendments to the City's zoning code will also include criteria for DRB consideration of specified sections of the zoning code; and

WHEREAS, the Planning Commission's recommendation to amend the sign code includes a recommendation to amend Chapter 17.98 to provide a process for DRB consideration of all sections of the zoning code (including the sign code) which provide a criteria for DRB review; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments to Chapter 17.98 on December 4, 1997 to accept public testimony on the proposed amendments.

WHEREAS, the City sent copies of the proposed amendments to Section 17.98 to DCTED at least 60 days prior to final adoption as per WAC 365-195-620(1) and RCW 36.70A.106.

WHEREAS, the City Council reviewed, acted upon and invited public participation on the proposed amendments to Chapter 17.98 as follows:

1. The City Council held a public hearing on the proposed amendments of Chapter 17.98 on February 11, 1998 to accept public testimony on the proposed amendments.
2. The City Council held a first reading of the proposed amendments of Chapter 17.98 on February 23, 1998, which first reading was continued to March 9, 1998.
3. The City Council held a second reading of the proposed amendments on March 23, 1998.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. The caption of Chapter 17.98 of the Gig Harbor Municipal Code is hereby amended as follows:

Chapter 17.98

DESIGN STANDARDS AND REVIEW*

Sections:

- 17.98.010 Intent.
- 17.98.020 Design manual.
- 17.98.030 Design Manual Applicability.
- 17.98.035 Design Allowances
- 17.98.040 Design review application requirements.
- 17.98.050 Design review and project approval.
- 17.98.060 Variances.
- 17.98.070 Appeal of director's or DRB's decision.
- 17.98.080 Design Review Decision Chart.

~~*Code reviser's note: Section 2 of Ord. 735 provides as follows:~~

~~Applicability and Review of Historic District Design Section. The Historic District Design section of the design manual shall be mandatory for the entire Historic District, except that in the R-1 zone within the Historic District, development may, at the option of the property owner, conform strictly to either the standards of Chapter 17.16 GHMC or the standards~~

~~contained in the Design Manual. The Design Manual shall be reviewed by the Planning Commission two years after the date of adoption of this ordinance to evaluate its effectiveness.~~

Section 2. Section 17.98.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.98.020 Design manual.

The city's design standards are primarily contained in the design manual which is hereby adopted by the city. A copy of the design manual is on file with the city clerk. In those cases where the design manual is found to be in conflict with performance standards of the zoning code, the standards in the design manual shall prevail. (Ord. 735 § 1, 1996). The Design Manual shall be reviewed by the Planning Commission two years after the date of adoption of this ordinance to evaluate its effectiveness.

Section 3. Section 17.98.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.98.030 Design Manual Applicability.

A. General Applicability. The design manual applies to all proposals to build, locate, construct, remodel, alter or modify any facade on any structure or building or other visible element including, but not limited to, landscaping, parking lot layout, signs, outdoor furniture in public or commercial locations, outdoor lighting fixtures, fences, walls and roofing materials (hereafter referred to as outdoor proposals), as described in the design manual. Design review approval is required for all outdoor proposals which require a building permit, clearing and grading permit or which are part of a project or development requiring site plan, conditional use, or city council approval. (Ord. 735 § 1, 1996). All outdoor proposals, whether requiring permits or not, must comply with adopted development and design standards. Specific application requirements may be waived by the Planning Director if they are found to be unrelated to the proposed project, or if the application requirements are addressed under a separate and concurrent application.

B. Applicability and Review of Historic District Design Section. The Historic District Design section of the design manual shall apply to all activities described in subsection (A) above in the entire Historic District, except that in the R-1 zone within the Historic District, development may, at the option of the property owner, conform strictly to either the standards of Chapter 17.16 GHMC or the standards contained in the Design Manual. Exercise of this option by the property owner shall not affect the City's ability to require compliance with all other applicable codes.

Section 4. A new Section 17.98035 is hereby added to the Gig Harbor Municipal Code, to read as follows:

17.98.035 Design Allowances

All sections of Title 17 which provide a criteria for DRB decision making shall be considered criteria for design allowances and not design variances. Design allowances shall be processed as a Type II application in accordance with all design review application and review criteria of this chapter.

Section 5. Section 17.98.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.98.040 Design review application requirements.

Application for design review, whether administrative or through the city's design review board (DRB), shall be submitted in such detail as to allow the review of the specific project on the merits of the city's design manual and other applicable city codes. A formal Design Review Application must be submitted for any project requiring City approval or permits, or for any project which will be reviewed by the DRB.

Projects which require design review in one or more of the categories listed under 17.98.040 (A - E) shall be reviewed under one application addressing each category under review, or under a separate application for each individual category. ~~may be reviewed in one complete application or may be reviewed by category.~~ To be considered complete, the following information must be submitted with applications for each category of requested design review.

A. Site Plan Review.

1. Site Plan. A site plan, drawn to scale no smaller than one inch equals 30 feet showing location and size of all structures, buffer areas, yards, open spaces, common areas or plazas, walkways, vehicle areas.
2. Vegetation Plan. A significant vegetation plan which accurately identifies the species, size and location of all significant vegetation within the buildable area and within five feet of all setback lines.
3. Landscape Plan. A preliminary landscape plan showing the species size and location of all significant natural vegetation to be retained.
4. Site Section Drawings. Section drawings which illustrate existing and proposed grades in specified areas of concern as identified by the staff. Alternatively, a topographic map delineating contours, existing and proposed, at no greater than five-foot intervals and which locates existing streams, marshes and other natural features may be submitted.
5. Grading and Drainage Plan. An accurate grading and drainage plan which indicates all cuts, fills and required areas of disturbance necessary to construct all retaining walls and structures.
6. Utilities Plan. A utilities plan showing location of utilities in relation to landscape and buffer areas (utility plan must be consistent with proposed areas of non-disturbance).

B. Landscaping and Paving Review.

1. Final Landscape Plan. A final landscape plan showing type, size, species, and spacing of all retained and new vegetation.
2. Irrigation Plan. Showing irrigation of all domestic vegetation.
3. Paving Materials. Description of all pedestrian and vehicular paving materials. Descriptions must specify type, color and/or texture.

C. Architectural Design Review.

1. Elevation Drawings. Complete elevation drawings of all buildings showing all trim details, dimensions and proposed materials including roofing, siding, windows and trim.
2. Sign Plan. A master sign plan or individual sign plans showing the location of signage on buildings, proposed sign colors, materials, design and methods of illumination, consistent with Chapter 17.80 GHMC.
3. Architectural Lighting Details. Details on all lighting proposals which affect architectural detailing (e.g., indirect lighting), or which are for architectural enhancement.
4. Screening Details. Details on how all mechanical and utility equipment will be screened.

D. Color and Material Review.

1. Color Palette. A color palette of the building's exterior including roof, siding, trim.
2. Material Samples. Sample colors of all factory finished materials including roofing and masonry materials.
3. Fencing Details. Color, type and specification of all fencing and screening materials.

E. Outdoor Lighting and Accessories Review.

1. Light Fixture Details. The type, model, color, location, height, and area of illumination for all outdoor light fixtures.
2. Accessory Details. The type, model, color, and location of all outdoor furniture, trash receptacles, and accessories. (Ord. 735 § 1, 1996).

Section 6. Section 17.98.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.98.050 Design review and project approval.

Design review shall be processed by the director as a Permit Application Type II (refer to GHMC Title 19), or may be reviewed at a public meeting by the city's design review board (DRB), as follows:

A. Project Review Time. Design review must be completed as defined in GHMC Title 19, except that if an applicant requests DRB review under GHMC 17.98.050(B)(1) below, the DRB review option is requested, the applicant must submit a signed statement waiving rights to be reviewed under the time limits defined in GHMC Title 19. An applicant may also be requested to sign a waiver of GHMC Title 19 time limitations, if the applicant chooses to allow the planning director additional time under Section 17.98.050(B)(2). ~~A waiver of GHMC Title 19 time limitations may also be issued if the applicant chooses to grant the planning director additional time for the director's review.~~

B. Project Approval. All outdoor proposals must comply with the design manual and zoning code development standards. Outdoor proposals shall be reviewed according to the following review options:

1. Design Review Board (DRB) Approval. Outdoor projects which conform to the general requirements of the design manual (as defined within the design manual) or DRB review criteria for design allowances specified in the zoning code shall be approved by the DRB unless the DRB makes specific findings for denial as defined in ~~GHMC 17.98.030(C)~~ 17.98.050(C). The DRB shall issue a written decision on the proposal within 14 days of ~~full-quorum~~ DRB review, unless the DRB and the applicant agree to continue review of the proposal to the next DRB public meeting.
2. Director Approval. Outdoor proposals which conform to the specific requirements of the zoning code and design manual ~~(as defined within the design manual)~~ shall be approved by the planning director ~~(or designee)~~. The planning director's decision shall be issued in writing.

C. Project Denial. The planning director (or designee) shall deny projects or portions of projects which he/she finds are not in compliance with the specific requirements of the design manual. ~~The applicant may appeal the director's decision to deny a project to the design review board if he or she believes the director interpreted the specific requirements of the design manual incorrectly, or if he or she believes that the project conforms to the general requirements of the design manual.~~ Projects may be denied by the DRB if it finds that the project does not comply with the specific or general requirements of the design manual, or if it finds that the project does not conform to the DRB review criteria in specified sections of the zoning code.

D. Notice of Decision. For projects requiring site plan approval, notice of the ~~staff~~ director or DRB decision on the project design shall be included in the site plan staff report to the hearing examiner.

E. Site Plan Review Design Amendments. Design approval as granted by the planning director or DRB shall not be revisited by the hearing examiner except upon appeal or where specific health/safety considerations as determined by the hearing examiner require changes to a site plan. Changes to project designs resulting from site plan review shall be

consistent with the specific or general requirements of the design manual as determined by the hearing examiner. (Ord. 735 § 1, 1996).

Section 7. Section 17.98.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.98.060 Variances.

A. Required Findings. Variances from the requirements of the design manual may be granted by the DRB as a Type II application, except that variances affecting height and setbacks which exceed the limitations established in GHMC 17.66.020(A) must be reviewed by the hearing examiner as per the Type III general variance procedures established in GHMC 17.66.030. Before a design variance can be granted, the design review board shall make findings of fact setting forth and showing that all of the following circumstances exist:

1. Special conditions and circumstances exist which render a specific requirement of the design manual unreasonable, given the location and intended use of the proposed development;
2. The special conditions and circumstances are characteristic of the proposed general use of a site and not of a specific tenant;
3. The special conditions and circumstances are not representative of typical retail, professional office or residential-type development which may be allowed within the zoning district;
4. The requested variance is based upon functional consideration rather than economic hardship, personal convenience or personal design preferences;
5. Architectural changes in the project design as a result of the variance have been sufficiently compensated by other architectural embellishments, and site plan changes as a result of the variance have been sufficiently compensated by other site amenities; and
6. The requested variance will not result in a project which is inconsistent with the intent and general scope of the design manual standards.

B. Notice. Notice of ~~variances affecting~~ increased height ~~or setbacks~~ approved by the DRB under the increased height options described in the Design Manual shall be sent to owners of all contiguous parcels. (Ord. 735 § 1, 1996).

Section 8. Section 17.98.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.98.070 Appeal of director's or DRB's decision.

The planning director's decision may be appealed to the ~~DRB~~ Hearing Examiner if the applicant believes the director interpreted the specific requirements of the design manual incorrectly, ~~or if the applicant believes his or her project conforms to the general requirements of the design manual.~~ The decision of the DRB may be appealed to the

hearing examiner by ~~the applicant, parties of record, or contiguous property owners~~, if the parties of record believe that the DRB interpreted the general requirements of the Design Manual incorrectly. Appeals are subject to the provisions of Chapter 19.06 GHMC. (Ord. 735 § 1, 1996).

Section 9. Severability. If any section, sentence, clause or phrase of this ordinance should be 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, sentence, clause or phrase of this ordinance.

Section 10. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

Section 11. Transmittal to DCTED. The Planning Director is hereby directed to send a copy of the final ordinance as adopted by the City to DCTED within ten days after adoption (WAC 365-195-620).

Section 12. Copies to County Assessor. The Planning Director is hereby directed to send a copy of the final ordinance as adopted by the City to the Pierce County Assessor, pursuant to RCW 35A.63.260.

APPROVED:

Gretchen A. Wilbert, Mayor

ATTEST/AUTHENTICATED:

Molly Towslee, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK: 1/7/98
PASSED BY THE CITY COUNCIL: 3/23/98
PUBLISHED: 4/1/98
EFFECTIVE DATE: 4/6/98
ORDINANCE NO: 787