

**ORDINANCE NO. 881**

**AN ORDINANCE RELATING TO THE DIVISION OF LAND AND PROVIDING AN ADMINISTRATIVE BINDING SITE PLAN PROCEDURE FOR THE DIVISION OF COMMERCIAL AND INDUSTRIALLY ZONED PROPERTY, AS AN ALTERNATIVE TO THE SUBDIVISION AND SHORT SUBDIVISION PROCESS; DESCRIBING THE ELEMENTS OF A COMPLETE APPLICATION, SETTING FORTH THE CRITERIA FOR APPROVAL; DESCRIBING THE EFFECT OF A BINDING SITE PLAN ON FUTURE SALES AND DEVELOPMENT OF PROPERTY; ADDING A NEW CHAPTER 16.11 TO THE GIG HARBOR MUNICIPAL CODE.**

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WHEREAS, a binding site plan is a means of dividing commercial and industrial property into stand alone lots within an integrated development, as authorized by RCW 58.17.035; and

WHEREAS, the City currently has no procedure for binding site plans; and

WHEREAS, the Planning Staff recommended adoption of a binding site plan procedure because binding site plans facilitate financing, or sale or lease, of developments by creating separate lots for individual ownership, and

WHEREAS, binding site plans will be applicable only to those approved projects that have undergone, or are undergoing, all site plan and design review requirements of the City, or those existing developments with valid site plans that have previously received approval by the City of Gig Harbor; and

WHEREAS, pursuant to RCW 36.70A.106 DCTED was notified on October 12, 2000, of the City of Gig Harbor's intention to add a Chapter 16.11 – Binding Site Plan Ordinance to Title

16 – Subdivisions, in order to provide a procedure for the division of commercially and industrially zoned property as an alternative to the subdivision and short plat process; and

WHEREAS, the City SEPA responsible official has issued a Determination of Non Significance for this Ordinance on January 24, 2001; and

WHEREAS, a copy of this Ordinance will be sent to the Department of Community Trade and Economic Development; and

WHEREAS, on October 5, 2000 and on November 2, 2000, the Planning Commission held public hearings on an ordinance adopting binding site plan regulations, and made a recommendation for approval to the City Council; and

WHEREAS, on March 12, 2001, the City Council considered an ordinance adopting binding site plan regulations and changes were recommended by the City Attorney; and

WHEREAS, on March 26, 2001, the Council held a public hearing on this Ordinance;  
Now, Therefore,

THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DOES  
ORDAIN AS FOLLOWS:

**Section 1.** A new chapter 16.11 is added to Gig Harbor Municipal Code Title 16 to read as follows:

***CHAPTER 16.11***

***BINDING SITE PLANS***

- 16.11.010 Purpose**
- 16.11.020 Applicability.**
- 16.11.030 Complete binding site plan application.**
- 16.11.040 Approval of binding site plan.**
- 16.11.050 Recording and binding effect.**
- 16.11.060 Amendment, modification and vacation**

**16.11.001 Purpose.** The purpose of this chapter is to create a process for dividing commercially and industrially zoned property, as authorized by RCW 58.17.035. On sites that are fully developed, the binding site plan merely creates new interior lot lines or alters existing interior lot lines. In all cases the binding site plan ensures, through written agreements among all lot owners, that the collective lots continue to function as one site for the following purposes, which shall not be limited to: lot access; interior circulation; common utilities; open space; landscaping and drainage; common facilities maintenance; and coordinated parking.

**16.11.002 Applicability.** Any person seeking the use of a binding site plan to divide his or her property for the purpose of sale, lease or transfer of ownership of commercially or industrially zoned property, is required to have or apply for, a complete, approved, and valid site plan (via City of Gig Harbor Site Plan Review application), prior to any property division, as provided in chapter 58.17 RCW and as required by this chapter.

- A. The site which will be subject to the binding site plan shall consist of one (1) or more contiguous lots legally created.
- B. The binding site plan process merely creates or alters existing lot lines and does not authorize substantial improvements or changes to the property or the uses thereon.

**16.11.003 Complete binding site plan application.** A proposed binding site plan shall be considered under the zoning and other land use control ordinances in effect on the land at the time a fully completed application for a binding site plan is submitted. In addition to the requirements for a complete application set forth in GHMC Section 19.02.002, an applicant for a binding site plan permit shall submit the following:

- A. A completed application form provided by the department, signed by all property owners of the subject property or their authorized agents, with supporting documents as required below and which contains sufficient information to determine compliance with adopted rules and regulations.
- B. A valid site plan approved by the City, or a pending application before the City.
- C. At a minimum, binding site plan applications shall include all regular site plan elements per GHMC Chapter 17.96.050 as long as the following elements are included:
  - 1. a map or plan showing the location and size of all new proposed lots;
  - 2. proposed and existing structures including elevations and floor plans as

- known, (plans which show building envelopes rather than footprints must include post-construction treatment of unoccupied areas of the building envelopes);
3. all proposed uses (if not known, general types of anticipated uses) or existing uses;
  4. the location of proposed or existing open space including any required landscaped areas;
  5. the layout of an internal vehicular and pedestrian circulation system, including proposed or existing ingress and egress for vehicles;
  6. the number and location of proposed or existing parking spaces on and off the site;
  7. a copy of a grading plan and a drainage plan approved by either the City of Gig Harbor – Public Works Department (or any other requirement specified in the City of Gig Harbor Surface Water Design Manual or GHMC); or by Pierce County in the case of pre-annexation construction;
  8. the location and size of on site water bodies and drainage features, both natural and manmade;
  9. a layout of sewer and the water distribution system;
  10. the location and size of any utility (i.e., water, sewer, gas, electricity) trunk lines serving the site;
  11. a phasing plan and time schedule, if the site is intended to be developed in phases or if all building permits will not be submitted within four years; and
  12. a list of any other development permits or permit applications having been filed for the same site;
- D. a completed environmental checklist, if required by Chapter 18.04 GHMC.
- E. copies of all covenants, easements, maintenance agreements or other documents regarding mutual use of parking and access;
- F. copies of all easements, deed restrictions or other encumbrances restricting the use of the site;

- G. documentation of the date and method of segregation for the subject property verifying that the lot or lots were created in accordance with the short subdivision or subdivision laws in effect at the time of creation; and
- H. the payment of fees in accordance with the adopted fee schedule in effect at the time of application.
- I. The binding site plan shall contain the conditions to which the binding site plan is subject, including any applicable irrevocable dedications of property and containing a provision requiring that any development of the site shall be in conformity with the approved site plan, and any applicable subdivision requirements of chapter 16.08.

**16.11.004 Approval of binding site plan.**

- A. *Binding Site Plan* applications are Type II permit applications. The decision maker shall review the application and may approve the application if the following findings are made:
  - 1. the proposed lots will continue to function and operate as one site, for fully developed sites; and
  - 2. the decision maker must make findings that the application conforms to the criteria of the approved site plan, and the applicable development regulations; and
  - 3. that all the applicable development regulations including Title 16 of the GHMC have been met.
- B. The decision maker may authorize sharing of open space, parking, access and other improvements among contiguous properties subject to the binding site plan. Conditions of use, maintenance and restrictions on redevelopment of shared open space, parking, access and other improvements shall be identified on the binding site plan and enforced by covenants, easements or other similar mechanisms. Such agreements and restrictions shall be filed with the Pierce County Auditor and run with the property. Such agreements shall be approved as to form by the City Attorney prior to the time that a decision is made on the binding site plan application.

**16.11.005 Recording and binding effect.**

A. The approved binding site plan recording forms shall meet all requirements of chapter 16.08.003 for filing plat for record.

**16.11.006 Amendment, modification and vacation.** Amendment, modification and/or vacation of a binding site plan shall be accomplished by following the same procedure and satisfying the same laws, and conditions as required for a new binding site plan application, as set forth in this chapter. If a portion of a binding site plan is vacated, the property subject to the vacated portion shall constitute one (1) lot unless the property is subsequently divided by an approved subdivision or short subdivision.

**Section 2.** As required by RCW 36.70A.106(2), a copy of this Ordinance will be sent to the Washington Department of Trade and Community Development, within ten (10) days after final adoption.

**Section 3.** 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 4.** Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an ordinance summary, consisting of the title.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 9th day of April, 2001.

CITY OF GIG HARBOR

  
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GRETCHEN WILBERT, MAYOR

ATTEST/AUTHENTICATED:

By: Molly M Towslee  
MOLLY TOWSLEE, CITY CLERK

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

By: [Signature]  
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 3/21/01  
PASSED BY THE CITY COUNCIL: 4/9/01  
PUBLISHED: 4/11/01  
EFFECTIVE DATE: 4/18/01  
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