

ORDINANCE NO. 843

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING AN IMMEDIATE MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR PLANNED RESIDENTIAL DEVELOPMENTS UNDER CHAPTER 17.89 OF THE GIG HARBOR MUNICIPAL CODE, AND FOR PLANNED UNIT DEVELOPMENTS UNDER CHAPTER 17.90 GHMC, TO BE EFFECTIVE FOR A PERIOD OF SIX MONTHS, TO ALLOW FOR THE CONSIDERATION OF AN ORDINANCE REPEALING THE EXISTING CHAPTERS 17.89 AND 17.90 GHMC AND/OR FOR THE PLANNING COMMISSION TO INITIATE A WORK PLAN FOR PUBLIC HEARINGS AND THE DEVELOPMENT OF RECOMMENDATIONS FOR NEW PLANNED RESIDENTIAL DEVELOPMENT AND PLANNED UNIT DEVELOPMENT REGULATIONS, DEFINING THE DEVELOPMENT APPLICATIONS SUBJECT TO THE MORATORIUM, SETTING A DATE FOR A PUBLIC HEARING ON THE MORATORIUM AND DECLARING AN EMERGENCY NECESSITATING IMMEDIATE ADOPTION OF A MORATORIUM.

WHEREAS, the City of Gig Harbor may adopt an immediate moratorium for a period of up to six months on the acceptance of certain development permit applications, as long as it holds a public hearing on the proposed moratorium within sixty days after adoption (RCW 35A.63.220; RCW 36.70A.390); and

WHEREAS, the City desires to impose an immediate moratorium on the acceptance of applications for planned residential developments and planned unit developments under chapters 17.89 and 17.90 of the Gig Harbor Municipal Code, to allow for the drafting and consideration of an ordinance repealing chapters 17.89 and 17.90 GHMC and/or to allow the Planning Commission an opportunity to hold a public hearing(s) and provide a recommendation to the City Council on the

issue whether the City should adopt new regulations for planned residential developments and planned unit developments; and

WHEREAS, a period of six months is needed in order for the City to draft the required ordinance repealing chapters 17.89 and 17.90 GHMC, to schedule public hearings, consider the ordinance and act on it; to refer the matter of future planned residential development and planned unit development regulations to the Planning Commission, to schedule Planning Commission public hearings on the subject, to allow the Planning Commission to formulate a recommendation and/or draft ordinance and for consideration by the City Council; Now, therefore,

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

Section 1. Definitions. For the purpose of this Ordinance, the following definitions shall apply:

A. **“Exempt Development Permits”** shall include any planned residential development or planned unit development application which was complete and submitted to the City on or before the effective date of this Ordinance or any planned residential development or planned unit development that has already received final approval by the City. In addition, “exempt development permits” include any other land use, subdivision or development approval that is not described as a “non-exempt development permit” in subsection “B” below.

B. **“Non-Exempt Development Permits”** shall include any planned residential development or planned unit development application which was submitted to the City but was not complete on the effective date of this Ordinance, as well as any planned residential development or planned unit development applications that are submitted to the City after the effective date of this Ordinance.

Section 2. Purpose. The purpose of this moratorium is to allow the City adequate time to (a) hold hearings on and consider an ordinance repealing its current regulations on planned residential developments (chapter 17.89 GHMC) and planned unit developments (chapter 17.90 GHMC); and (2) allow the Planning Commission the necessary time to hold a public hearing(s) on the need for new planned residential development and planned unit development regulations; (3) allow the Planning Commission to develop a recommendation to the Council; and (4) allow the City Council to consider the Planning Commission recommendation. These activities must be performed during a moratorium on the acceptance of non-exempt development permits, so that a property owner cannot vest to existing regulations (if the current chapters 17.89 and 17.90 GHMC are not repealed) which may be substantially changed during this process.

Section 3. Moratorium Imposed. The City Council hereby imposes a moratorium on the acceptance of all non-exempt development permit applications for property within the City limits. All such non-exempt applications shall be rejected and returned to the applicant. With regard to the City's acceptance of any exempt development permit application, such acceptance shall only allow processing to proceed as if the moratorium were not in place, but shall not constitute an assurance that the application will be approved.

Section 4. Duration of Moratorium. The moratorium imposed by this Ordinance shall commence on the date of the adoption of this Ordinance. As long as the City holds its public hearing on the moratorium and adopted findings and conclusions in support of the moratorium (as contemplated by Section 5 herein), the moratorium shall not terminate until six (6) months after the date of adoption, or at the time all of the tasks described herein have been accomplished, whichever

is sooner. The Council shall make the decision to terminate the moratorium by ordinance, and termination shall not otherwise be presumed to have occurred.

Section 5. Public Hearing on Moratorium. Pursuant to RCW 36.70A.390 and RCW 35A.63.220, the City Council shall hold a public hearing on this moratorium within sixty (60) days of its adoption, or before July 7, 2000. The Council shall hold this public hearing on June 12, 2000. Immediately after the public hearing, the City Council shall adopt findings of fact on the subject of this moratorium, and either justify its continued imposition or cancel the moratorium.

Section 6. 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 7. Declaration of Emergency. The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority vote plus one of the whole membership of the Council, and that the same is not subject to a referendum (RCW 35A.12.130). Without an immediate moratorium on the City's acceptance of non-exempt development applications for property, such applications could become vested under regulations subject to imminent change by the City in its development regulation revision process. This Ordinance does not affect any existing vested rights, nor will it prohibit all development in the City, because those property owners with exempt applications/permits and previously obtained approvals for development may proceed with processing or development, as the case may be.

Section 8. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 9. Effective Date. This ordinance shall take effect and be in full force immediately upon passage as set forth in Section 7.

PASSED by the Council and approved by the Mayor of the City of Gig Harbor this 8th day of May, 2000.

CITY OF GIG HARBOR



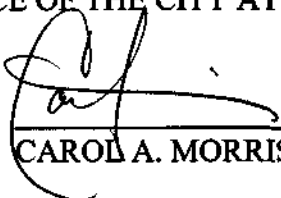
GRETCHEN WILBERT, MAYOR

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: 5/8/00
PASSED BY THE CITY COUNCIL: 5/8/00
PUBLISHED: 5/10/00
EFFECTIVE DATE: 5/8/00
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