

## **ORDINANCE NO. 1093**

**AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE DESIGN REVIEW PROCESS; REDUCING AND AMENDING THE APPLICATION REQUIREMENTS FOR DESIGN REVIEW AND LANDSCAPE PLANS TO ALLOW MORE CONCEPTUAL AND DESCRIPTIVE APPLICATIONS; ALLOWING THE DESIGN REVIEW BOARD TO REVIEW APPLICATIONS PRIOR TO THE SUBMITTAL OF AN UNDERLYING PROJECT PERMIT APPLICATION; REMOVING THE REQUIREMENT FOR AN APPLICANT TO WAIVE TITLE 19 PERMIT PROCEDURES IF THEY REQUEST DESIGN REVIEW BOARD REVIEW; REMOVING THE PROCESS FOR PRELIMINARY CATEGORY REVIEW; CREATING A PROCESS BY WHICH THE PLANNING DIRECTOR CAN REVIEW AND APPROVE MINOR ADJUSTMENTS TO HEARING EXAMINER DECISIONS ON DESIGN REVIEW; CREATING A PROCESS BY WHICH THE PLANNING DIRECTOR CAN REVIEW AND APPROVE ALTERNATIVE DESIGN SOLUTIONS TO SPECIFIC REQUIREMENTS OF THE DESIGN MANUAL FOR SINGLE-FAMILY, DUPLEX DWELLING AND TENANT IMPROVEMENT APPLICATIONS; AMENDING CODE REFERENCES IN OTHER CHAPTERS TO IMPLEMENT THIS ORDINANCE; AMENDING THE TYPES OF PROJECT PERMIT APPLICATIONS CHAPTER TO IMPLEMENT PROCESS AMENDMENTS IN THIS ORDINANCE; REPEALING SECTION 17.98.050; AMENDING SECTIONS 17.78.030, 17.98.040, 17.98.080, 17.97.040, 17.98.037, 17.98.060, 17.99.030, 17.99.050, 19.01.003 AND 19.02.004; ADDING NEW SECTIONS 17.98.045, 17.98.050, 17.98.055, 17.98.056 AND 17.98.058 TO THE GIG HARBOR MUNICIPAL CODE.**

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WHEREAS, the City desires to amend the design review process to align with the typical design development process, both in application requirements and procedures; and

WHEREAS, the City desires to encourage early and meaningful conversation with the Design Review Board (DRB) prior to significant investment in detailed site and architectural design by the applicant; and

WHEREAS, the current application requirements for design review and landscape plans are more extensive than an applicant would typically submit at the land use application phase of design development.

WHEREAS, these current application requirements for design review and landscape plans require an applicant to make final design/build decisions prior to any assurance of approval; often discouraging applicants from modifying the project when required by staff or the DRB; and

WHEREAS, the City desires to amend the application requirements for design review and landscape plans by reducing some submittal requirements to descriptions and conceptual details, rather than final design/build plans. The applicants will be required to provide enough detail to show their ability and intent to comply with the standards of the Design Manual and landscape code; and

WHEREAS, the current design review procedures require that a project comply with all public works standards, zoning standards, and critical area standards prior to the DRB review of the project; and

WHEREAS, due to this timeline, the Board cannot easily require major project changes without costing the applicant significant time and money; and

WHEREAS, due to this timeline, an applicant is required to waive Title 19 permit processing procedures if they request DRB review and such waiver may discourage applicants from using the DRB process; and

WHEREAS, the City desires to allow review of design review applications, by staff or the Board, prior to the submittal of an underlying project permit application to allow early and meaningful conversations between the City and applicant; and

WHEREAS, the City desires to remove the requirement of an applicant to waive Title 19 permit procedures if they request DRB review so as to encourage DRB review; and

WHEREAS, early Board and staff review of design review applications will allow the applicant to make needed design revisions without significant time and money costs; and

WHEREAS, under the proposed procedures, review of the design review applications would occur prior to or concurrent with zoning, engineering and critical area review, allowing the applicant to make project revisions knowing the full extent of city comments; and

WHEREAS, the current preliminary category review process outlined under GHMC Subsection 17.98.050(B)(5) is no longer needed with the allowance for early DRB review and the reduced application requirements;

WHEREAS, the current Design Review Board process does not allow minor adjustments to a Hearing Examiner decision on Design Review at building permit without a return to the DRB; and

WHEREAS, the development of detailed construction drawings often reveals the need for minor revisions to a project; and

WHEREAS, under the current process, if minor revisions to a project which received DRB review, do not meet the exact plans approved through the DRB process, the project must return to the DRB, increasing the building permit process from 6 weeks to 3 months and filling up the DRB schedule with small projects; and

WHEREAS, the City desires to create a process by which the Planning Director can review and approve minor adjustments to hearing examiner decisions on design review to reduce processing time for the applicant and allow the DRB's schedule to accommodate larger projects; and

WHEREAS, the current design review process does not distinguish between small projects and large projects. While large projects go through the land use permitting process (site plan review, preliminary plat), many small projects (single-family, duplex and tenant improvements) require only a building permit and design review application; and

WHEREAS, under the current process, if small projects do not meet the specific language of Design Manual, the proposal must be reviewed by the DRB, increasing the building permit process from 6 weeks to 3 months and filling up the DRB schedule with small projects; and

WHEREAS, the City desires to create a process by which the Planning Director can review and approve alternative design solutions to specific requirements of the Design Manual for single-family, duplex dwelling and tenant improvement applications to reduce processing time for the applicant and allow the DRB's schedule to accommodate larger projects; and

WHEREAS, the City's SEPA Responsible Official has determined that the adoption of this Ordinance is merely procedural and is therefore exempt from SEPA under WAC 197-11-800(20); and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Community, Trade and Economic Development on April 23, 2007 pursuant to RCW 36.70A.106; and

WHEREAS, the Design Review Board recommended approval of the proposed text amendments at their May 10, 2007 meeting; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on May 7, 2007 and made a recommendation of approval to the City Council at their May 17, 2007 work-study session; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on June 11, 2007; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the second reading on June 25, 2007; and

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

Section 1. Section 17.78.030 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.78.030 Landscape plans.**

A plan of the proposed landscaping and screening shall be ~~provided as an adjunct to or~~ incorporated into plans submitted for site plan review or projects which require hearing examiner review. The plans shall be drawn to scale and contain the following, in addition to the Significant Vegetation Plan and Tree Retention Plan required by GHMC 17.98.040:

- ~~A. Identification of existing trees and tree canopies in the project;~~
- ~~B. Significant trees and vegetation to remain;~~
- ~~C. A. Parking and vehicle use areas, driveways and walkways;~~
- ~~D. B. Buildings or structures, existing and proposed;~~
- ~~E. Soil mix and amendments;~~
- ~~F. C. All proposed new landscaping. Landscape plan shall include the location, species, diameter or size of materials using both botanical and common names. Drawings shall reflect the ultimate size of plant materials. Alternatively, a schematic landscape plan can be submitted showing planting zones. Each planting zone shall include typical shrub and groundcover species and typical size and spacing at planting. All landscape plans shall include the location, species, and diameter or size of all proposed trees;~~
- D. Schematic irrigation plan showing irrigation zones and proposed irrigation techniques within each zone or a xeriscape plan as set forth in GHMC 17.78.045(B).
- ~~G. E. Identification of tree protection techniques.~~

Section 2. Section 17.98.040 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.98.040 Design review application requirements.**

~~Projects which require design review in one or more of the categories listed under subsections A through E of this section shall be reviewed~~

~~under one application addressing each category under review, or under a separate application for each individual category. To be considered complete, a completed application form along with required design review fees must be submitted to the city community development department. The application must identify the requested categories of design review. In addition, the following information must be submitted with applications for each category of requested design review. A complete design review application shall contain the following information:~~

~~A. Site Plan Review.~~

~~1. A. Site Layout Plan. A site plan, drawn to scale no smaller than one inch equals 30 feet showing location and size of all structures, critical areas, required buffer areas, required yards, landscape areas, open spaces, common areas or plazas, walkways, retaining wall locations, storm water retention facilities, and parking and vehicle maneuvering areas.~~

~~2. B. Significant 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 the property subject to the application.~~

~~3. C. Landscape Tree Retention Plan. A preliminary landscape plan showing the species, size and location of all significant natural vegetation to be retained on the property.~~

~~4. D. Preliminary Site Section Drawings. Section drawings which illustrate existing and proposed grades in specified areas of concern that may be identified by the staff. Alternatively, a topographic map of the property, 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. E. Preliminary 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. A topographic map of the property, delineating contours, existing and proposed, at no greater than five-foot intervals. The plan shall indicate all proposed cuts, fills and retaining wall heights and include areas of disturbance necessary to construct all retaining walls, structures and impervious surfaces.~~

~~6. F. Preliminary Utilities Plan. A utilities plan showing the location of utilities in relation to landscape and buffer areas, including, but not limited to, the size and capacity of all vaults, transformers, and any on-site fixtures, structures or supports related to the utility, and the location of all lines, pipes or linear conductors or transporters, and the width of the area of disturbance required to install and maintain said utilities (utility plan must be consistent with proposed areas of nondisturbance). A utilities plan showing the location and type of any utilities proposed in critical areas, critical area buffers and natural vegetation retention areas.~~

~~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. G. Paving Materials. Description of all pedestrian and vehicular paving materials. Descriptions must specify type, color and texture. A description of proposed pedestrian and vehicular paving materials; include proposed type (asphalt, concrete, pavers, etc.), color, scoring and texture.~~

~~C. Architectural Design Review.~~

~~1. H. Elevation Drawings. Complete elevation drawings of all buildings showing all trim details, dimensions and proposed materials including roofing, siding, windows and trim. Drawings shall include conceptual trim and cornice design, and roof pitch. If landscaping is proposed to soften or mitigate architectural modulation or details, additional elevation drawings showing proposed landscaping shall be provided.~~

~~2. I. Sign Plan. A master-sign plan or individual sign plans showing the general location, type and size of signage on buildings, 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. J. Equipment Screening Details. Details A description on of how all mechanical and utility equipment will be screened.~~

~~D. Color and Material Review.~~

~~1. K. Color and Material Palette. A schematic color and material palette of the building's exterior including roof, siding, trim siding, trim, cornice, windows, and roofing. If Design Review Board review is requested, material and color samples shall be provided.~~

~~2. Material Samples. Sample colors of all factory finished materials including roofing and masonry materials.~~

~~3. L. Fencing Details. Color, type and specification of all fencing materials. The location and description of any proposed fencing.~~

~~E. Outdoor Lighting and Accessories Review.~~

~~1. M. Light Fixture Details. The type, model, color, location, height, wattage and area of illumination for all outdoor light fixtures. A cutsheet showing typical parking and building lighting which includes pole height and mounting height. If proposed fixtures are near critical areas or natural vegetation retention areas, shielding shall be shown.~~

~~2. N. Accessoryies Details. The type, model, color, and location of all outdoor furniture, trash receptacles and accessories.~~

~~O. Design Review Board review. A request for review by the Design Review Board shall include a written statement addressing the criteria for approval as set forth in GHMC 17.98.055 or GHMC 17.98.060, as applicable.~~

Section 3. A new Section 17.98.045 is added to the Gig Harbor Municipal Code, which shall read as follows:

**17.98.045 Design review process.**

A. The applicant shall follow the appropriate review process contained within this Chapter based upon the project and whether or not the application or portions thereof strictly conform to the specific requirements of Chapter 17.99 GHMC.

B. An application for design review may be submitted prior to the submission of an underlying project permit application for a development on the same property; however, a complete underlying project permit application shall not be processed without a complete design review application.

C. Design review is a Type II application and shall be processed as set forth in GHMC Title 19 as supplemented by the procedures set forth in this Chapter.

D. A notice of application shall be issued for a complete design review application, as set forth in GHMC Title 19 for a Type III project permit application.

E. The notice of application for the following types of development shall be forwarded to all members of the design review board (DRB) pursuant to GHMC 19.02.004:

1. Nonresidential development;
2. Multifamily residential development as defined in GHMC 17.04.290;
3. Subdivisions;
4. Public projects, except for normal maintenance and repair.

Section 4. Section 17.98.050 of the Gig Harbor Municipal Code is repealed.

Section 5. A new Section 17.98.050 is added to the Gig Harbor Municipal Code, which shall read as follows:

**17.98.050 Administrative approval.**

An applicant may request administrative processing of a design review application or portions thereof if it conforms to the specific requirements of Chapter 17.99 GHMC. The director shall process a request for administrative review as follows:

A. Applications for all projects will be available at the community development department and the DRB members may independently review any application outside of their public meeting. Within two weeks after the date of the notice of application, individual DRB members may submit written comments to the director, identifying design elements that they believe do not comply with the specific requirements of the design manual.

B. If the director receives comments from DRB members that certain design elements of an application do not comply with the specific requirements of the design manual, the director shall re-evaluate whether the application should be processed administratively or through the design

review board process. If the director finds that the application or portion of application should follow the design review board recommendation process because it does not conform to the specific requirements of design manual, the director shall notify the applicant. The applicant may then choose to amend the application or request review by the design review board.

C. The application shall be reviewed by the director for compliance with the specific requirements of Chapter 17.99 GHMC. The director shall issue a decision approving the application or portions thereof if he/she finds that the application or portions of the application satisfy the specific requirements of Chapter 17.99 GHMC, Design Standards or deny the application if such codes and standards are not satisfied. The director shall render the decision as set forth in Section 17.98.070 of this chapter and GHMC Section 19.05.009.

Section 6. A new Section 17.98.055 is added to the Gig Harbor Municipal Code, which shall read as follows:

**17.98.055 Design Review Board recommendation.**

An applicant may request review by the design review board (DRB) of an application or portions thereof which do not strictly conform to the specific requirements of Chapter 17.99 GHMC, Design Manual. A request for review by the DRB for an alternative design shall be processed as follows:

A. The board may recommend approval of alternative design solutions to specific requirements only if all of the following criteria are met:

1. The alternative design represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying specific requirements; and

2. The alternative design meets the intent of the general requirements of Chapter 17.99 GHMC, Design Manual.

B. The DRB shall not consider or recommend approval of any deviation from dimensional or numeric standards stated within the text of any general requirements, or from minimum setback standards, maximum height standards or zone transition building size standards stated in specific requirements of Chapter 17.99 GHMC. Approval to deviate from these standards must be obtained through the variance process defined in Chapter 17.66 GHMC and not through the design review board recommendation process.

C. Design Review Board meeting. The board shall hold a public meeting on the application or portions thereof at the earliest available DRB meeting after the notice of application and public meeting has been published.

1. The public meeting shall be noticed as follows:

a. Not less than 14 days prior to the meeting date, the planning staff shall send notice of a public meeting to property owners within 300



feet of the subject property and to others who have submitted comments and/or requested notice.

b. Notice of the public meeting shall be posted on the subject property not less than 7 days prior to the meeting date. Notice shall be posted in the manner required by GHMC 19.03.001(A)(1).

c. Notice of the public meeting shall be published in the city's official newspaper not less than 7 days prior to the meeting date.

d. The notice of the public meeting shall contain all items listed in GHMC 19.03.003(A).

2. The applicant shall have an opportunity to make a presentation on the proposed alternative designs at the public meeting.

3. The public shall be allowed to comment on the application.

4. The DRB shall deliberate on the application and presentation and shall make findings and a recommendation on the application or portions thereof as per GHMC 17.98.070.

5. After the public meeting, the city staff shall draft the board's findings and recommendation on the application or portions thereof.

D. Public Hearing. Once the board makes a recommendation on a complete application, an open public hearing before the hearing examiner shall be scheduled for the application, which shall include the board's recommendation, or both the application and the underlying permit application. Notice of the public hearing before the hearing examiner shall be sent as provided in GHMC 19.03.003.

Section 7. A new Section 17.98.056 is added to the Gig Harbor Municipal Code, which shall read as follows:

**17.98.056 Minor adjustments to Hearing Examiner decisions.**

Minor adjustments to a final, approved Hearing Examiner decision may be considered by the director prior to building permit issuance.

A. The director may not consider changes to the Hearing Examiner's decision involving any deviation from dimensional or numeric standards stated within the text of any general requirements, or from minimum setback standards, maximum height standards or zone transition building size standards stated in specific requirements of Chapter 17.99 GHMC. Approval to deviate from these standards must be obtained through the variance process defined in Chapter 17.66 GHMC.

B. The director shall have the authority to approve a minor adjustment if all of the following criteria are met:

1. The minor adjustment does not substantially modify the final Hearing Examiner decision; and

2. The minor adjustment does not substantially modify the approved architecture, site layout, natural vegetation retention areas and grading; and

3. The minor adjustment represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying specific requirements; and

4. The minor adjustment meets the intent of the general requirements of Chapter 17.99 GHMC, Design Manual.

C. The director shall render a decision on a minor adjustment as set forth in Section 17.98.070 of this chapter and GHMC Section 19.05.009.

D. Notice of the director's decision on the minor adjustment shall be sent to all parties of record for the final Hearing Examiner decision and to the Design Review Board members, in addition to those parties required to be noticed by GHMC 19.05.008.

Section 8. A new Section 17.98.058 is added to the Gig Harbor Municipal Code, which shall read as follows:

**17.98.058 Administrative review of alternative designs.**

An applicant may request review by the director of an application or portions thereof which do not strictly conform to the specific requirements of Chapter 17.99 GHMC, Design Manual for certain underlying project permit applications.

A. Only the following underlying project permit applications are eligible for administrative review of an alternative design:

1. Single-family (detached only) and duplex dwelling building permit applications for remodel or new construction on lots of record, and their accessory structures;

2. Tenant improvement applications.

B. The director shall have the authority to approve, or approve with conditions, alternative design solutions to specific requirements only if all of the following criteria are met:

1. The alternative design represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying specific requirements; and

2. The alternative design meets the intent of the general requirements of Chapter 17.99 GHMC, Design Manual.

C. The director shall not approve any deviation from dimensional or numeric standards stated within the text of any general requirements, or from minimum setback standards, maximum height standards or zone transition building size standards stated in specific requirements of Chapter 17.99 GHMC. Approval to deviate from these standards must be obtained through the variance process defined in Chapter 17.66 GHMC.

D. The director shall render a decision on an alternative design as set forth in Section 17.98.070 of this chapter and GHMC Section 19.05.009.

E. Notice of the director's decision shall be sent to property owners within 300 feet of the subject property in addition to those parties required to be noticed by GHMC 19.05.008.

Section 9. Section 17.98.080 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.98.080 Design review process and decision chart.**

<b>Design Review Process and Decision Chart</b>				
	<b>Categorical Review</b>		<b>Full Review</b>	
	<b>Admin.<sup>1</sup></b>	<b>DRB<sup>2</sup></b>	<b>Administrative<sup>2</sup></b>	<b>DRB<sup>1</sup></b>
Notice of Complete Application	No	No	Yes	Yes
Notice of Application	No	No	Yes	Yes
Public Meeting	No	Yes	No	Yes
Preliminary Recommendation	Yes	Yes	No	No
Final Recommendation	No	No	No	Yes (To HEX <sup>3</sup> )
Preliminary Decision	Yes	No	No	No
Final Decision	No	No	Yes	Yes (By HEX)
Appealable Decision	No	No	Yes (To HEX)	Yes (To Superior Court or SHB)
<sup>1</sup> DRB = Design review board recommendation option (GHMC 17.98.055) and Exceptions (GHMC 17.98.060) <sup>2</sup> Administrative = Administrative approval option (GHMC 17.98.050); Administrative review of alternative designs (GHMC 17.98.058); and, Minor adjustments (GHMC 17.98.056) <sup>3</sup> HEX = Hearing examiner				

Section 10. Subsection 17.97.040(B)(3) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.97.040 Register of historic places.**

\* \* \*

B. Process for Designating Properties to the City Register of Historical Properties.

1. Property owners may nominate a building, structure, site, or object for inclusion in the city register of historical properties. Members of the DRB or the DRB as a whole may generate nominations and may sponsor nominations submitted by members of the public. In its designation recommendation, the DRB shall consider the city's historic property inventory and the city comprehensive plan, and shall recommend inclusion on the register only if the owner is willing to have his/her property included on the register.

2. In the case of individual properties, the designation shall include the tax parcel number, a full legal description of the property, references and all features, interior and exterior, and outbuildings that contribute to its designation.

3. The DRB shall consider the merits of the nomination, according to the criteria in subsection A of this section at a public meeting. Notice shall be provided to the public and the owner(s) of the property, and the authors of the nomination, as provided in ~~GHMC 17.98.050(B)(5)(a)~~ GHMC 17.98.055(C)(1). If the DRB finds that the nominated property is eligible for the city's register of historical properties, the DRB shall make recommendation to the city council that the property be listed in the register with the owner's consent. The city council shall make a final determination according to the criteria in subsection A of this section. The property owners and the authors of the nomination, if different, shall be notified of the listing.

4. Properties listed in the city's register of historical properties shall be recorded on official zoning records with an "HR" (for "historic register") designation. This designation shall not change or modify the underlying zone classification.

\* \* \*

Section 11. Subsection 17.98.037(D) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.98.037 Optional design review preapplication meeting.**

\* \* \*

D. DRB preapplication review is limited to one meeting. Applicants may request one preapplication meeting with the DRB, which will be at no charge ~~for any project that will require design review under the site plan review category specified in GHMC 17.98.040(A).~~ The meeting shall be held within 28 days of receipt of the request.

\* \* \*

Section 12. Subsection 17.98.060(A) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.98.060 Exceptions.**

A. Processing. An exception requested under this section shall be processed in conjunction with a design review application, and shall follow the procedures for permit processing by the board as set forth in ~~GHMC 17.98.050(B)~~ GHMC 17.98.055. An exception is used in those situations in which an applicant does not provide an alternative design to the requirements of Chapter 17.99 GHMC, Design Manual.

\* \* \*

Section 12. Section 17.99.030 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.99.030 Design review options.**

The design standards of this chapter shall be observed for building and site design within the city of Gig Harbor. Design standards include both GENERAL REQUIREMENTS and SPECIFIC REQUIREMENTS.

“General requirements” include all **BOLD UNDERLINED** text in this chapter.

“Specific requirements” include the more detailed text which immediately follows general requirements. This differentiation allows proponents to select from ~~two~~ the design review options described in Chapter 17.98 GHMC, including:

**A. ADMINISTRATIVE APPROVAL**

Design review for projects or portions of projects which conform to the SPECIFIC REQUIREMENTS may be approved administratively by the city of Gig Harbor community development department planning staff as described in GHMC 17.98.050(A). This method provides for a reasonable degree of flexibility while minimizing review time.

**B. DESIGN REVIEW BOARD RECOMMENDATION**

The design review board (DRB) option as described in ~~GHMC 17.98.050(B)~~ GHMC 17.98.055 encourages a creative approach to design by providing a more flexible review standard than that which is allowed in the administrative approach. The DRB can recommend alternative design solutions to SPECIFIC REQUIREMENTS if it finds that:

1. An alternative design represents an equivalent or superior design solution to what would otherwise be achieved by rigidly applying specific requirements, and
2. The alternative design meets the intent of each general requirement.

To determine the general requirement’s intent, the DRB shall consider the specific requirements as appropriate examples of compliance. The staff or the DRB may request that the proposed structures be demarcated with rods, netting and/or balloons to better review mass, scale and/or location.

The DRB shall not consider or recommend approval of any deviation from dimensional or numeric standards stated within the text of any general requirements, or from minimum setback standards, maximum height standards or zone transition building size standards stated in specific requirements. Approval to deviate from these standards must be obtained through the variance process defined in Chapter 17.66 GHMC and not through the design review board process.

**C. MINOR ADJUSTMENTS TO HEARING EXAMINER DECISIONS**

The Planning Director may review minor adjustments to a final, approved Hearing Examiner decision prior to building permit issuance as described in GHMC 17.98.056. The minor adjustment process can be used only after the Design Review Board has made a recommendation and the Hearing Examiner has ruled on the recommendation. The director can approve a minor adjustment if all of the criteria set forth in GHMC 17.99.056(B) are met.

**D. ADMINISTRATIVE REVIEW OF ALTERNATIVE DESIGNS**

The Planning Director will review alternative design solutions to SPECIFIC REQUIREMENTS, as described in GHMC 17.99.058, for single-family (detached only) and duplex dwelling building permit applications for remodel and construction as well as tenant improvement applications. The director can approve alternative designs for such application if all of the criteria set forth in GHMC 17.99.058(B) are met.

**E. EXCEPTIONS**

An exception is used in those situations when a project does not meet the SPECIFIC REQUIREMENTS and the applicant does not provide an alternative design solution. A request for an exception is reviewed by the Design Review Board and the Board issues a recommendation to the Hearing Examiner. The DRB can recommend approval of an exception if the board finds that all of the criteria set forth in GHMC 17.99.060(D) are met.

*The design review board (DRB) may recommend approval of proposed alternatives to SPECIFIC REQUIREMENTS if the DRB finds that alternative design solutions meet the intent of the GENERAL REQUIREMENTS in any section of this chapter.*

~~*The design review board cannot waive or recommend approval of designs that do not comply with the underlying zone requirements.*~~

Section 13. Section 17.99.050 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

**17.99.050 Application requirements.**

~~Applications for either option of design review shall be accepted for only those proposals which conform to current city codes. There are five categories of design review:~~

- ~~• Site plan review;~~
- ~~• Landscaping and paving review;~~
- ~~• Architectural review;~~
- ~~• Color and materials review;~~
- ~~• Outdoor lighting and accessories review.~~

~~Application requirements for each category of design review are defined in GHMC 17.98.040.~~

Section 14. Subsection GHMC 19.01.003(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

### 19.01.003 Project permit application framework.

\* \* \*

#### B. Decisions.

TYPE I	TYPE II	TYPE III	TYPE III-A	TYPE IV	TYPE V
Permitted uses not requiring site plan review	Short plat	Plat vacations and alterations	Preliminary plats	Final plats	Comprehensive plan amendments
Boundary line adjustments	Sign permits	Site plan/major amendments to site plans	Preliminary PRD/PUD	Final PRD/PUD	Development regulations
Minor amendments to PUD/PRD	Design review <sup>1</sup>	CUP, general variances, sign permit variances, and site specific rezones			Zoning text amendments; area-wide zoning map amendments
Special use permits	Land clearing/grading	Shoreline substantial development, shoreline variance			Annexations
Temporary construction trailers	Revisions to shoreline management permits	Major amendments to PRD and PUD			
	Administrative variances	Amendment to height restriction area map			
	Administrative interpretations	Mobile/manufactured home park or subdivision			
	Home occupation permit	Performance-based height exception			
	Hardship variance, sign code				
	Modification to landscape plans				
	Minor amendment to PRD or PUD				

<sup>1</sup> In addition to the procedures in Title 19, applications for Design review shall follow the procedures set forth in Chapter 17.98 GHMC.

Section 15. Subsection GHMC 19.01.003(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

#### 19.02.004 Notice of application.

A. Generally. A notice of application shall be provided to all city departments and agencies with jurisdiction of all Type III and IV project permit applications. In addition, a notice of application for all (1) nonresidential development, (2) multifamily residential development as

defined in GHMC 17.04.290, (3) ~~planned residential development (PRD)~~  
~~as described in Chapter 17.89 GHMC subdivisions,~~ and (4) public  
projects, except for normal maintenance ~~and in-kind replacement and~~  
repair, shall be sent to all members of the design review board as set forth  
in ~~GHMC 17.98.050(B)(1)(d)~~ GHMC 17.98.045(E).

Section 16. Severability. If any section, sentence, clause or phrase of this Ordinance is 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, clause or phrase of this Ordinance.

Section 17. 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 City Council and approved by the Mayor of the City of Gig Harbor this 26th day of June, 2007.

CITY OF GIG HARBOR

\_\_\_\_\_  
STEVEN K. EKBERG, MAYOR PRO TEM

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: 06/06/07  
PASSED BY THE CITY COUNCIL: 06/25/07  
PUBLISHED: 07/04/07  
EFFECTIVE DATE: 07/09/07  
ORDINANCE NO: 1093