

ORDINANCE NO. 1086

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, RELOCATING REQUIREMENTS FOR NURSERY-STOCK LANDSCAPING AND TREE PROTECTION METHODS FROM CHAPTER 17.99, THE DESIGN MANUAL, TO CHAPTER 17.78, LANDSCAPING AND SCREENING; AMENDING TREE PROTECTION BARRICADE STANDARDS TO ALLOW STEEL POST CHAIN LINK FENCING; CLARIFYING THAT BUFFER REQUIREMENTS ALONG SR-16, THE TACOMA POWER CUSHMAN TRANSMISSION LINE PROPERTY AND SR-16 INTERCHANGES APPLY ONLY IN THE ENHANCEMENT CORRIDOR; REPEALING SECTION 17.99.250; AMENDING SECTIONS 17.99.240, 17.99.330, 17.78.050, 17.78.060, 17.78.070, 17.78.080, 17.78.090, 17.78.095, 17.78.120, 17.15.090, 17.21.040, 17.28.090, 17.30.110, 17.31.110, 17.32.120, 17.36.120, 17.40.120, 17.41.030, 17.45.040, 17.48.090, 17.50.090, 17.54.030, 17.91.040 AND 17.99.220; ADDING NEW SECTIONS 17.78.045 AND 17.78.105 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the development standards for new nursery-stock landscaping and tree protection methods can be found in both Chapter 17.99, the Design Manual, and Chapter 17.78 Landscaping and Screening; and,

WHEREAS, the process to deviate from the specific standards found in the Design Manual requires review by the Design Review Board; and

WHEREAS, the process to deviate from the development standards found in the Chapter 17.78, Landscaping and Screening requires either review by the Planning Director for an alternative landscape plan, per GHMC 17.78.100 or review by the Hearing Examiner for a general variance, per GHMC 17.66; and

WHEREAS, many of the requirements in the Design Manual are similar in subject to the requirements in the Landscaping and Screening chapter of the zoning code, such are parking lot landscaping, landscape maintenance and tree protection; and

WHEREAS, these similar nursery-stock landscape requirements and tree protection methods often require applicants to pursue multiple processes to deviate from the same or similar standards; and

WHEREAS, the City desires to locate all nursery-stock landscape requirements and tree protection methods in the same chapter of the zoning code so that process for review of these standards is consistent and transparent to applicants; and

WHEREAS, locating all nursery-stock landscape requirements and tree protection methods in Chapter 17.78, Landscaping and Screening rather than in the Design Manual decreases the development review timeframe and maintains all landscape requirements; and

WHEREAS, the City requires temporary tree protection barricades to be composed of chain link fence attached to 4" by 4" wood posts a minimum of 4 feet in height; and

WHEREAS, 4" by 4" wood posts require digging of post holes near tree roots, which increase the chance of damage to the trees; and, the installation of wood posts increases the time spent by developers installing the fencing; and

WHEREAS, the City desires to amend the tree protection requirements to allow chain link attached to steel posts to reduce ground disturbance, better reflect construction practices and still provide sturdy tree protection fencing; and

WHEREAS, GHMC Section 17.78.090, which lists the requirements for buffering from SR-16, Tacoma Power property and SR-16 interchanges, indicates that Enhancement Corridor buffering requirements as set forth in GHMC 17.99.160, apply to areas of the City which are not part of an enhancement corridor; and

WHEREAS, the City desires to amend GHMC Section 17.78.090 to clarify that the buffer requirements along SR-16, the Tacoma Power Cushman transmission line property and SR-16 interchanges, apply only if the subject property is in the enhancement corridor; and

WHEREAS, the City's SEPA Responsible Official issued a DNS for the proposed amendments on April 4, 2007 pursuant to WAC 197-11-340, which was not appealed; 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 March 16, 2007 pursuant to RCW 36.70A.106; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on March 15, 2007 and made a recommendation of approval to the City Council; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading and public hearing on April 23, 2007; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the second reading on May 14, 2007; and

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

Section 1. Section 17.99.240 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.240 Natural site conditions.

Site development should be designed to reflect the natural conditions of the site, including topography and existing vegetation. The following standards will help to achieve this, and are applicable to all development.

A. Limit clearing of vacant parcels to no more than 50 percent of significant vegetation and retain vegetation in all required buffers and setbacks.

Clearing limitations apply to all vacant parcels with no approved site plan or building permit for development.

B. Retain natural vegetation on underdeveloped portions of sites with approved site plan.

Clearing of underdeveloped portions of approved site plans is not permitted until building permits for development of those areas have been issued.

C. Maintain natural topography.

Buildings and parking lots shall be designed to fit natural slopes rather than regrading the slope to fit a particular building or parking lot design. Cuts and fills on a site shall be balanced and finished grades shall not include any retaining walls that exceed six feet. Instead, designs shall complement and take advantage of natural topography. Sloped lots may require multileveled buildings, terraced parking lots and/or lower level parking garages.

D. Incorporate approximately 20 percent of significant vegetation into site plan.

On nonresidential and multifamily sites, at least 20 percent of natural significant vegetation shall be incorporated into required landscaping and retained indefinitely. The 20 percent calculation shall be based upon significant vegetation currently on the site and which has been cleared from the site within the past five years. In conjunction with the 20 percent retention requirement, the following options may be applied to other landscaping requirements of this chapter.

1. REDUCED LANDSCAPING REQUIREMENTS

Clusters of natural vegetation which form a continuous canopy at least 15 feet deep (average) and at least 20 percent of the parcel size (measured from the outer edges of the trunks) will meet the requirements for on-site trees; provided, that screening and buffering requirements otherwise required are met. All other landscaping requirements must be adhered to.

2. REDUCED PARKING STALL DIMENSIONS

Parking stalls adjacent to protected trees may be reduced to eight feet by 16 feet to avoid encroachment into tree root zones.

3. ENCROACHMENT INTO SETBACKS

Structures and parking areas may encroach into required setbacks if it can be shown that such encroachment allows significant trees or tree clusters to be retained. Encroachment shall be the minimum encroachment necessary to protect specified trees. In no case shall the yard be reduced to less than five feet. (Not applicable to single-family development or to development subject to zone transition standards.)

E. Provide adequate protection for retained vegetation.

~~Identify how retained trees will be protected both during and after construction.~~

~~1. LOCATION OF STRUCTURES~~

~~Buildings, retaining walls, utilities and paved surfaces must be far enough away from retained trees to allow room for construction activities (including grading and excavation) and to assure a proper growth environment after construction.~~

~~2. AREA OF CONSTRUCTION~~

~~In no case shall construction activities take place within the drip line of the tree without extra precautions as recommended by a certified arborist. A tree's "drip line" is the most extreme reach of its branches beyond its trunk, or one foot of space from the trunk for every inch of trunk diameter as measured 4.5 feet above grade, whichever is greater.~~

~~3. TREE WELL~~

~~Provide a tree well or other form of protection where the surrounding grade must be raised.~~

F. Protect existing trees during construction.

~~Significant vegetation to be retained must be protected during construction by installation of a protective barricade. This will require preliminary identification of the proposed area of disturbance for staff inspection and approval, then installation of a protective barricade BEFORE major excavation with heavy equipment begins.~~

~~1. BARRICADE REQUIREMENTS~~

~~The barricade must be made of four-inch by four-inch post with chain link fence attached. Fence posts shall be eight feet on center connected with two-inch by four-inch top rails or equivalent support system. Fence height must be a minimum of four feet high.~~

G E. Replace lost trees which were intended to be retained.

Any tree proposed or required to be retained and which is subsequently lost or destroyed must be replaced with at least three six-foot trees or one 18-foot tree or one 12-foot plus one six-foot tree of the same species.

H F. Avoid tree topping. Retain the natural symmetry of trees.

Topping or trimming trees in a manner that alters the natural symmetry of a tree is not allowed unless necessary for safety reasons as certified by an ISA-certified arborist. Trimming of trees shall be done in a manner that preserves the tree's

natural symmetry. Topping is prohibited unless recommended by an ISA certified arborist for health or safety reasons. Limbing-up may be appropriate if sufficient crown is retained to preserve the tree's fullness and health.

G. Maintain health and fullness of natural vegetation and buffer areas.

Areas of natural vegetation shall be retained over time. To ensure this, volunteer saplings of coniferous trees should be allowed to grow to replace older, less healthy trees. However, it may be prudent to thin out some saplings to avoid overcrowding if existing trees are healthy and full. A healthy and typical spacing of larger trees in a natural or forested setting is about 12 to 15 feet on center.

Selective thinning and maintenance may be allowed if this spacing is retained, subject to city planning staff approval. The order of preference in trees to be retained under a thinning maintenance program is:

1. Healthy coniferous and madrone trees with a 10-inch or greater trunk diameter;
2. Healthy coniferous and madrone trees with a six-inch or greater trunk diameter;
3. Smaller saplings of coniferous trees; and
4. Deciduous trees.

No trees shall be removed under a thinning and maintenance program if such removal results in tree spacing greater than 15 feet on center, except to remove dying or dangerous trees as determined by a certified arborist. Full under-story shrubbery shall be retained, except to thin out non-native species (e.g., blackberry, scotch broom).

Section 2. Section 17.99.250 of the Gig Harbor Municipal Code is hereby repealed.

Section 3. Section 17.99.330 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.330 Parking lot standards.

The following standards apply to all nonresidential uses and development.

A. Use landscaping to screen parking and service areas.

~~To soften the visual impact from the street, parking lots and other expansive pavement areas shall include a wall, solid hedge or landscape berm which is at least three feet high and parallel to the right-of-way (conforming to clear vision requirements at driveway entrance).~~

B-A. Limit the number of curb cuts.

To maximize landscaping at the street face, curb cuts for driveways shall be limited to one cut per parcel frontage or one cut per 200 feet of parcel frontage,

subject to public works standards driveway separation requirements. An additional cut is allowed if the driveway is one-way. Where available, side streets or alleys should be used for additional access needs.

C-B. Limit driveway widths to maximize landscaping at the streetface.

To further maximize landscaping at the street face, one-lane driveways may be no wider than 15 feet, two-lane driveways may be no wider than 24 feet and three-lane driveways may be no wider than 34 feet except that necessary flaring of the driveway may occur between the inner edge of the sidewalk and the gutter.

D. Screen or enhance parking lots visible from SR 16.

~~Parking lots designed for more than 16 cars shall either be completely screened from SR 16 or be partially screened under the provisions of the enhancement corridor standards in GHMC 17.99.160.~~

E. Provide continuous tree canopy throughout parking lot.

~~Parking lots shall include a continuous canopy of trees around their perimeter (20 feet on-center minimum spacing), and shall also include trees within the parking lot as follows:~~

- ~~1. A continuous row of trees, spaced 20 feet on-center, located between each parking row in a minimum fivefoot- wide continuous landscape strip; or~~
- ~~2. Two trees at each end of parking rows and between every nine parking stalls (18 if double loaded) in planted areas of at least 250 square feet each.~~
- ~~3. For industrial buildings only, a continuous canopy of trees is not required if the number of trees otherwise required under subsections (E)(1) or (E)(2) of this section are provided around the perimeter of the parking lot, along with any other required perimeter landscaping.~~

F-C. Conform to lighting standards in GHMC 17.99.350.

G-D. Incorporate pedestrian ways into parking lot.

Pedestrian ways, including walkways and crosswalks, shall conform to the on-site walkway requirements in GHMC 17.99.260 and 17.99.270.

H-E. Minimize parking in front of buildings (IBE).

No more than 50 percent of required parking may be located forward of the front facade of a building. In this context, the front facade of the building shall be any side facing or abutting the street providing primary access to the site. If a site has frontage on more than one street providing primary access, it shall be the longest of its street frontages.

I-F. Avoid parking in front of building's entrance.

Parking spaces in front of the main building entrance interfere with entrance visibility and access and are prohibited.

J-G. Minimize driveway encroachments into setback areas.

Driveways running perpendicular to property lines may cut through perimeter area landscaping in setback areas, but they may not run parallel to property lines through perimeter landscaping in setback areas.

K-H. Avoid parking near street corners.

Parking lots shall be no closer than 40 feet to any parcel corner where two streets converge.

Section 4. A new Section 17.78.045 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.78.045 General Provisions.

A. Plant Compatibility. All new plantings must be of a type which will thrive amid existing vegetation without killing or overtaking it. Incompatible plants which require different planting environments or microclimates shall not be mixed. Haphazard mixture of textures, colors and plant types should be avoided. Invasive, nuisance plants on the noxious weed list (state and Pierce County) are prohibited.

B. Irrigation. Planting areas with nursery stock or transplanted vegetation shall include an automatic mechanical irrigation system designed for full coverage of the planting area. Exceptions may be granted for xeriscape plans which require little or no supplemental irrigation. Xeriscape plans shall be prepared by a licensed landscape architect and shall be approved by the planning director.

C. Wall coverage. Blank walls shall include a narrow planting area, where feasible, with shrubs or vines (espaliers) giving coverage to the wall.

D. Preservation of significant views. Views and vistas from public rights-of-way shall be considered when determining placement of vegetation. While it is not the intent to avoid all trees in the foreground of a view, consideration should be given to the expected height of tree and how they might be located to "frame" the view.

Section 5. Section 17.78.050 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.050 Preservation of significant trees and native vegetation.

A. Retention. In the required perimeter landscaping area, applicants shall retain all significant vegetation as defined in ~~Chapter 17.99 GHMC~~ 17.99.590. The city encourages retention of trees on the remaining portions of the project sites as well.

If the grade level adjoining a tree to be retained is to be altered to a degree that would endanger the viability of a tree or trees, then the applicant shall construct a dry rock wall or rock well around the tree. The diameter of this wall or well must be capable of protecting the tree. Proof of professional design may be required; ~~or.~~

B. Encroachment into Drip Line. No construction activities shall take place within the drip line of a tree to be retained without extra precautions as recommended by a certified arborist. The applicant may install impervious or compactible surface within the area defined by the drip line ~~of any tree to be retained~~ if it is demonstrated by a qualified arborist that such activities will not endanger the tree or trees. (See the definition of “drip line” in ~~the glossary to Chapter 17.99 GHMC~~ 17.99.590.)

C. Other Existing Vegetation. Retention of other existing vegetation for landscaping is strongly encouraged; however, it must be equal to or better than available nursery stock.

D. Areas of native vegetation which are designated as landscape or buffer areas, or which are otherwise retained under the provisions of Chapter 17.99 GHMC, shall be subject to a 10-foot-wide no-construction zone and shall be protected by a ~~protective~~ barricade as defined in ~~GHMC 17.99.240(F)~~ subsection (E) of this section. Clearing, grading or contour alteration is not permitted within this no-construction area unless a qualified arborist provides written documentation that proposed construction activity within the 10-foot setback will not harm existing vegetation within the designated landscape or buffer area.

E. Tree protection barricade. All significant vegetation to be retained must be protected during construction by installation of a protective barricade. This will require preliminary identification of the proposed area of disturbance for staff inspection and approval, then installation of a protective barricade before major excavation with heavy equipment begins. The barricade must be made of cylindrical steel posts or four-inch by four-inch wood posts with chain link fence attached. Fence posts shall be eight feet on center connected with two-inch by four-inch top rails or equivalent support system. Fence height must be a minimum of four feet high.

Section 6. Section 17.78.060 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.060 Requirements for residential landscaping.

A. Perimeter Areas.

1. Notwithstanding other regulations found in this chapter, perimeter areas shall be landscaped. The required width of perimeter areas to be landscaped shall be at least the depth of the required yard or setback area. Areas to be landscaped shall be covered with live plant materials which will ultimately cover 75 percent of the ground area, within three years. One deciduous tree a minimum of two-inch caliper or one six-foot evergreen or three shrubs which should attain a height of three and one-half feet within three years shall be provided for every 500 square feet of the area to be landscaped.

2. A minimum of 40 percent of the required plantings shall be evergreen trees a minimum of six feet in height for properties located within the boundaries of the height overlay district referenced in Chapter

17.62 GHMC. Trees shall be of a species that will ultimately grow to the height of the planned building. In the selection of trees and shrubs, consideration should be given to overall aesthetic impacts at maturity.

B. Buffer Areas. All residential plats shall have a minimum 25-foot buffer consisting of a dense vegetated screen, shall be required along the perimeters of the plat, and the buffer shall be established as a covenant on the final plat. The screening may be achieved through any one or a combination of the following methods:

1. A solid row of evergreen trees or shrubs;
2. A solid row of evergreen trees and shrubs be planted on an earthen berm;
3. A combination of trees or shrubs and fencing where the amount of fence does not exceed 50 percent of the lineal distance of the side to be buffered as well as other plant materials, planted so that the ground will be covered within three years;
4. Use of existing native vegetation which meets the definition of dense vegetative screen.

C. Parking Areas. Parking areas shall be landscaped subject to the standards for parking lots found in ~~Chapter 17.72 GHMC~~ GHMC 17.78.080 and subject to the standards of ~~GHMC 17.99.330~~.

Section 7. Section 17.78.070 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.070 Requirements for nonresidential uses.

A. Perimeter Areas.

1. Notwithstanding other regulations found in this chapter, perimeter areas shall be landscaped. The required width of perimeter areas to be landscaped shall be the required yard or setback area or a total area equivalent to the required yards. Areas to be landscaped shall be covered with live plant materials which will ultimately cover 75 percent of the ground area within three years. One deciduous tree of a minimum of two-inch caliper or one six-foot high evergreen tree or three shrubs which will attain a height of three and one-half feet within three years shall be provided for every 300 square feet of area to be landscaped.

2. A minimum of 40 percent of the required plantings shall be evergreen trees a minimum of six feet in height. ~~For~~ For properties located within the boundaries of the height overlay district referenced in Chapter 17.62 GHMC, ~~T~~ the trees shall be of a species that will ultimately grow to the height of the planned building.

B. Buffer Areas. Where a development subject to these standards is contiguous to a residential zoning district, the zone transition standards of GHMC 17.99.180 shall be met. Where a nonresidential development abuts a residential development in the same zone, then that required perimeter area shall be landscaped the full width of the setback areas as follows:

1. A solid screen of evergreen trees or shrubs;

2. A solid screen of evergreen trees and shrubs be planted on an earthen berm an average of three feet high along its midline;

3. A combination of trees or shrubs and fencing where the amount of fence does not exceed 50 percent of the lineal distance of the side to be buffered as well as other plant materials, planted so that the ground will be covered within three years.

C. Areas Without Setbacks.

1. In those areas where there is no required front yard setback or where buildings are built to the property line, development subject to this chapter shall provide a street trees at an interval of one every 20 feet or planter boxes at the same interval or some combination of trees and boxes, or an alternative.

2. Street trees shall be a minimum caliper of two inches and be a species approved by the city and installed to city standards. Planter boxes shall be maintained by the property owners and shall be of a type approved by the city.

D. Parking Area. Parking areas shall be landscaped subject to the standards for parking lots found in GHMC 17.78.080 and subject to the standards of GHMC 17.99.330.

Section 8. Section 17.78.080 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.080 Parking lot and service area landscaping and screening.

The standards of this section shall apply to public and private parking lots, paved service areas, residential parking areas providing spaces for more than 10 cars and all nonresidential uses of land and development.

A. Perimeter Landscaping. In order to soften the visual effects or separate one parking area or paved service area from another or from other uses, the following standards apply:

1. Adjacent to a street or road, the minimum width shall be equal to the required yard for the underlying land use or a strip 10 feet wide, whichever is greater. On all other perimeters the depth shall be a minimum of five feet.

2. Visual screening through one or any of a combination of the following methods:

a. Planting of living ground cover as well as shrubs or small trees which will form a solid vegetative screen at least three feet in height, or

b. Construction of a barrier fence or wall to a height of three feet combined with low-planting or wall-clinging plant materials. Materials should be complementary to building design, or

c. Earth mounding or berms having a minimum height of three feet and covered with shrubs and trees.

3. A continuous canopy of trees shall be planted around the perimeter spaced 20 feet on-center.

~~B. Other Landscaping Required.~~ In addition to the screening required above, nonresidential parking lots shall conform to the landscape standards of ~~GHMC 17.99.330.~~ Interior Parking Lot Landscaping. A continuous canopy of trees shall be planted within the interior of a parking lot as follows:

1. A continuous row of trees, spaced 20 feet on-center, located between each parking row in a minimum five foot wide continuous landscape strip; or

2. Two trees at each end of parking rows and between every nine single-loaded parking stalls, or 18 for double-loaded parking stalls, in planted areas of at least 125 square feet each for single-loaded, or 250 square feet each for double-loaded parking stalls.

3. For buildings eligible for an industrial building exemption, as defined in GHMC 17.99.040, a continuous canopy of interior parking lot trees is not required if the number of trees otherwise required under subsections (B)(1) or (B)(2) of this section are provided around the perimeter of the parking lot, along with any other required perimeter landscaping.

~~C. Downtown Parking Lots.~~ In addition to the standards of ~~GHMC 17.99.330~~ subsection (B) of this section, parking lots located within the downtown area shall conform to the following:

1. Provision of a minimum of five-foot wide landscaping strip intended to screen and soften the visual impacts of parking lots. Screening may be accomplished through any of the methods described under subsection (A)(2) of this section. In addition to screening, street trees a minimum of two-inch caliper shall be provided at 20-foot intervals.

2. In those instances where parking areas are bordered by more than one street, the strip required in subsection (C)(1) of this section shall only apply to the longest side. All other sides must be screened with a wall, fence, vegetative buffer or combination of these elements at a minimum height of three and one-half feet. The street tree requirements will pertain.

3. In order to protect vision clearances, areas around driveways and other access points are not required to comply with the full screening height standards. The specific horizontal distance exempt from this standard shall be as established in the city of Gig Harbor public works standards.

~~D. Tree Size and Placement.~~ Trees required under the provisions of ~~GHMC 17.99.330~~ subsections (A)(3) and (B) of this section shall have a clear trunk to a height of at least six feet above the ground and shall have a minimum of a two-inch caliper at planting. ~~unless otherwise specified~~ Trees shall be planted no closer than four feet from pavement edges where vehicles overhang planted areas.

E. Shrubs and Ground Cover. Required landscaped areas remaining after tree planting shall be planted in shrubs and/or ground cover. The

distribution of plants shall be adequate to ultimately achieve 75 percent ground coverage within three years of plantings.

F. Vehicle Overhang. Parked vehicles may overhang landscaped areas up to two feet by wheel stops or curbing.

Section 9. Section 17.78.090 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.090 Screening/buffering from SR-16, the ~~Tacoma City Light right-of-way~~ Tacoma Power Cushman transmission line property and SR-16 interchanges.

A. All development of properties adjacent to SR-16, the ~~Tacoma City Light right-of-way~~, Tacoma Power Cushman transmission line property, and SR-16 interchange ramps shall be required to leave a buffer between the property line and any development. This buffer shall be a minimum of 30 feet in depth and shall only apply when the property is also within the Enhancement Corridor. The buffer shall conform to all enhancement corridor standards defined in GHMC 17.99.160.

B. Adjacent to SR-16 interchange ramps landscape buffering shall be done according to the standards for perimeter landscaping for residential and nonresidential development. The buffer area shall be covered with live plant materials which will ultimately cover 75 percent of the ground cover within three years. One deciduous tree of a minimum of two-inch caliper or one six-foot evergreen or three shrubs which will attain a height of three and one-half feet within three years shall be provided for every 500 square feet of the area to be landscaped. Forty percent of the required planting shall be evergreen trees a minimum of six feet in height and of a species that will grow to the height of the buildings in the development. All significant vegetation as defined in ~~Chapter 17.99~~ GHMC 17.99.590 shall be retained.

C. Parking lots designed for more than 16 cars shall either be completely screened from SR 16 or be partially screened under the provisions of the enhancement corridor standards in GHMC 17.99.160.

Section 10. Section 17.78.095 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.095 Waterfront view corridor landscaping.

Within the waterfront view corridor, hedges shall conform to the height limits for fences defined in ~~Chapter 17.99~~ GHMC 17.99.340.

Section 11. A new Section 17.78.105 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.78.105 Phased projects.

All portions of a site must either be landscaped at the time of first-phase development, or in accordance with one of the following options:

A. Perimeter area landscaping as required under GHMC 17.78.070 is installed around the entire first-phase portion of the site, as though the first-phase portion constituted the entire site. In this situation, phasing lines shall be considered property lines for purposes of determining required landscaping; or

B. The second-phase portion of a site is completed within three years of completion of the first phase as per an approved site plan, or as per a nondevelopment landscape plan. The nondevelopment landscape plan shall be submitted to and approved by the city prior to issuance of any certificates of occupancy on the site. The nondevelopment landscape plan will be required in addition to a second-phase site plan, and shall include a performance assurance device as specified under GHMC 17.78.110.

Section 12. Section 17.78.120 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.78.120 Maintenance.

A. Whenever landscaping is required under the provisions of this chapter, shrubs and trees in the landscaping and planting areas shall be maintained in a healthy growing condition. Planting beds shall not be located over impervious surfaces. ~~All landscaped areas shall be provided with mechanical automatic underground sprinkler systems designed to provide full coverage of landscaped areas.~~ Dead or dying trees or shrubs shall be replaced immediately, and the planting area shall be maintained reasonably free of noxious weeds and trash.

B. Similarly, if necessary, the trees or shrubs shall receive pruning or removal to avoid the creation of a safety hazard or nuisance through excessive shading, overhanging adjacent properties or to preserve a view or scenic vista, subject to the provisions of ~~CGHMC 17.99.240 and 17.99.250.~~

Section 13. Subsection 17.15.090(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.15.090 Performance standards.

* * *

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC ~~and GHMC 17.99.250~~ and/or conditions of approval of discretionary applications required by this title. Such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

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Section 14. Subsection 17.21.040(B)(5) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.21.040 Performance standards.

* * *

B. General.

1. Single-family attached dwelling units must have individual private yards or courts enclosed by a wall, berm or dense landscaping. Easements shall be required for all zero lot line developments to facilitate access from the adjoining lot for necessary maintenance and repair activities.

2. Minimum yards (from the property line). Multifamily or multiple units of single-family on one parcel:

- a. Front, 10 feet.
- b. Side, 30 feet.
- c. Rear, 30 feet.

Single-family on individual parcels: as defined in GHMC 17.99.290.

3. Maximum Height. The maximum height is 45 feet, except as provided under GHMC 17.99.390(A)(3).

4. Maximum lot area coverage: Sixty-five percent, excluding driveways, private walkways and similar impervious surfaces. Impervious surface coverage of individual parcels may exceed the 65 percent maximum when included within a subdivision; provided, that the overall impervious surface coverage of the subdivision does not exceed 65 percent.

5. Landscaping. Landscaping shall comply with the requirements of Chapter 17.78 GHMC and ~~GHMC 17.99.250~~, except that buffer dimensions shall be reduced to 10 feet when the proposed use is adjacent to a similar use or zone which includes a platted buffer of equal or greater width.

6. Circulation/Roads/Streets. Residential development which provides pedestrian linkages to and within common open space trails systems may be waived from the requirements in the city's public works standards for public sidewalks, curbs and gutters within the residential development, in whole or in part, upon approval of the public works director.

7. Design. All development shall comply with the standards of Chapter 17.99 GHMC.

8. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC.

Section 15. Subsection 17.28.090(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.28.090 Performance standards.

* * *

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and ~~GHMC 17.99.250~~, and/or conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

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Section 16. Subsection 17.30.110(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.30.110 Performance standards.

* * *

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and ~~as provided under GHMC 17.99.250~~ and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

* * *

Section 17. Subsection 17.31.110(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.31.110 Performance standards.

* * *

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and ~~GHMC 17.99.250~~, and/or conditions of approval of discretionary applications required by this title. Such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

* * *

Section 18. Section 17.32.120 of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.32.120 Landscaping.

Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and ~~GHMC 17.99.250~~ and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained for the life of the project. In no event shall

such landscaped areas be used for storage of materials, merchandise or parking of vehicles.

Section 19. Subsection 17.36.120(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.36.120 Performance standards.

* * *

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC, ~~GHMC 17.99.250~~ and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained for the life of the project. In no event shall such landscaped areas be used for storage of materials, merchandise or parking of vehicles.

* * *

Section 20. Subsection 17.40.120(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.40.120 Performance standards.

* * *

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and ~~GHMC 17.99.250~~ and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

* * *

Section 21. Subsection 17.41.030(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.41.030 Performance standards.

* * *

B. Landscaping. All developed parcels shall be landscaped in accordance with the landscaping requirements of Chapter 17.78 GHMC and ~~GHMC 17.99.250~~.

* * *

Section 22. Subsection 17.45.040(C) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.45.040 Performance standards.

* * *

C. Landscaping. All developed sites shall be landscaped in accordance with the landscaping requirements of Chapter 17.78 GHMC and ~~GHMC 17.99.250~~. Yards adjacent to residential zones or development shall include a 35-foot-wide dense vegetative screen.

* * *

Section 23. Subsection 17.48.090(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.48.090 Performance standards.

* * *

B. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and ~~GHMC 17.99.250~~, and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

* * *

Section 24. Subsection 17.50.090(B) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.50.090 Performance standards.

* * *

B. Landscaping. Landscaping is required and shall be installed in conformance with Chapter 17.78 GHMC and ~~GHMC 17.99.250~~, and/or by conditions of approval of discretionary applications required by this title; such landscaping shall be maintained in a neat manner. In no event shall such landscaped areas be used for storage of materials or parking of vehicles.

* * *

Section 25. Subsection 17.54.030(D) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.54.030 Performance standards.

* * *

D. Landscaping. All uses shall conform to the landscaping requirements established in Chapter 17.78 GHMC and ~~GHMC 17.99.250~~.

All required yards shall be landscaped in accordance with the landscaping requirements of Chapter 17.78 GHMC.

* * *

Section 26. Subsection 17.91.040(F) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.91.040 Site development and performance standards.

* * *

F. Performance Standards.

1. Minimum yards (from the property line):
 - a. Front, 15 feet.
 - b. Side, five feet. At least 20 feet is required on the opposite side of a lot having a zero lot line.
 - c. Rear, 15 feet.
2. Maximum Height. The maximum height of a structure shall not exceed 35 feet.
3. Maximum lot area coverage: Forty-five percent, excluding driveways, private walkways and similar impervious surfaces.
4. Landscaping. Landscaping shall comply with the requirements of Chapter 17.78 GHMC and ~~GHMC 17.99.250.~~
5. Exterior Mechanical Devices. All HVAC equipment, pumps, heaters and other mechanical devices shall be screened from view from all public rights-of-way.
6. Outdoor Storage of Materials. Outdoor storage of materials and supplies, except for authorized sales displays, shall be completely screened from adjacent properties and public rights-of-way.
7. Outdoor Lighting. Outdoor lighting shall conform to the standards of GHMC 17.99.350 and 17.99.460. Such lighting shall be shielded so that direct illumination shall be confined to the property boundaries of the light source. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise. Temporary outdoor lighting intended to advertise a temporary promotional event shall be exempt from this requirement.
8. Trash Receptacles. Trash receptacles shall be screened from view. Screening shall be complementary to building design and materials.
9. Design. Development in the MUD district shall conform to the design and development standards contained in Chapter 17.99 GHMC. Duplex dwellings shall conform to the design standards defined for single-family dwellings in Chapter 17.99 GHMC.
10. Signage. Signage must comply with the requirements of Chapter 17.80 GHMC.

Section 27. Subsection 17.99.220(A) of the Gig Harbor Municipal Code is hereby amended, to read as follows:

17.99.220 Prominent parcel standards.

All development of prominent parcels shall conform to all applicable development standards of this title and to the following additional standards:

A. Incorporate significant trees and clusters of trees into the site design.

Every effort should be made to preserve significant attractive trees and clusters of vegetation (~~see landscaping in GPMC 17.99.250~~).

* * *

Section 28. 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 29. 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 14th day of May, 2007.

CITY OF GIG HARBOR

CHARLES L. HUNTER, 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: 04/18/07
PASSED BY THE CITY COUNCIL: 05/14/07
PUBLISHED: 05/23/07
EFFECTIVE DATE: 05/28/07
ORDINANCE NO: 1086