

ORDINANCE NO. 1006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING A NEW PROCEDURE FOR OPTIONAL PRE-APPLICATION MEETING BY THE DESIGN REVIEW BOARD, DESCRIBING THE BENEFITS, LIMITATIONS AND MATERIALS NEEDED FOR SUCH OPTIONAL PRE-APPLICATION MEETING; REQUIRING THAT NOTICE OF APPLICATION FOR CERTAIN TYPES OF PROJECT PERMIT APPLICATIONS BE SENT TO THE DESIGN REVIEW BOARD MEMBERS, FOR THEIR INDEPENDENT, ADVISORY INPUT TO THE COMMUNITY DEVELOPMENT STAFF ON WHETHER THE APPLICATION MEETS THE DESIGN MANUAL CRITERIA FOR ADMINISTRATIVE REVIEW; ADOPTING A NEW SECTION 17.98.037 AND AMENDING SECTIONS 17.98.050 AND 19.02.004 OF THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Gig Harbor City Council appointed a Design Review Procedures Committee (DRPC) to explore ways of amending the design review process to allow more interaction between the Design Review Board (DRB), the applicant, and the community; and

WHEREAS, the DRPC has recommended amendments that would encourage applicants to seek the input of the DRB prior to submitting development applications; and

WHEREAS, the City Community Development Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on April 4, 2005 pursuant to RCW 36.70A.106; and

WHEREAS, the SEPA Responsible Official determined that this proposal is exempt under SEPA as per WAC 197.11.800; and

WHEREAS, the City Planning Commission held a public hearing on this Ordinance on May 21, 2005, and made a recommendation of approval to the City Council; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meetings of June 28th and July 11th, 2005; Now, Therefore,

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

Section 1. A new Section 17.98.037 of the Gig Harbor Municipal Code, as last amended by Ordinance #975, is hereby adopted, to read as follows:

17.98.037 Optional Design review pre-application meeting.

A. Purpose. Applicants for projects that will require design review may request a pre-application review by the Design Review Board (DRB) at a DRB meeting. The purpose of the pre-application review is to allow the DRB to provide early input on potential development or redevelopment of a site during the early stages of design. This will allow the Design Review Board to identify specific areas of concerns and design opportunities related to the site for the applicant. The DRB's comments may help the applicant develop a design that conforms to Design Manual standards in a manner more sensitive to specific site conditions and to neighborhood concerns.

B. Optional pre-application meeting with staff. It is highly recommended that the applicant request and attend a pre-application meeting with the Community Development Department staff prior to requesting a pre-application meeting with the Design Review Board. This will allow the staff to identify for the applicant obvious site design deficiencies that do not fall under the purview of the Design Review Board (e.g., street access; fire fighting access; utility availability; critical area protection; non-compliant use, density, height, setbacks, etc.).

C. Benefits of pre-application meeting with DRB:

1. Provides opportunity to dialogue with the Design Review Board to determine specific areas of interest and, if notice is provided to the public, an opportunity to dialogue with individuals in the surrounding neighborhood.
2. Expands the level of input prior to application submittal.
3. Provides early feedback on draft proposals.
4. May help identify non-compliant design concepts before expending money on detailed plans and drawings.
5. May help applicant determine whether to pursue the project or not.

D. DRB pre-application review is limited to one meeting. Applicants may request one pre-application 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 Section 17.98.040(A). The meeting shall be held within 28 days of receipt of the request.

E. Information needed for pre-application meeting with DRB. To enable the DRB to provide a meaningful response, requests for design review pre-application meetings should include the following:

1. The location of the site (a map showing the site in context with surrounding sites and development is encouraged)
2. A sketch or drawing of the site showing its approximate configuration and dimensions.
3. A sketch or drawing of the site showing natural site conditions including topographic information and existing vegetation. Photographs are encouraged.
4. Conceptual drawings or sketches of proposed development.

F. Notice. Notice of a pre-application meeting with the DRB is not required, however, at the request of the applicant, notice will be mailed to the owner of all properties within 300 feet of the subject site. The applicant shall provide preprinted labels bearing the names and addresses of the property owners of record within 300 feet of the project property.

G. Non-binding nature of pre-application meeting. Neither DRB nor staff comments at the pre-application meeting with the DRB are binding on the applicant. Nor will they bind the City in any manner or prevent the City from fully applying or enforcing all applicable codes, ordinances and regulations.

Section 2. Section 17.98.050 as amended in Section 14 of Ordinance #975 is hereby amended to read as follows:

17.98.050 Design review and project approval.

A. The applicant shall choose one of the following application review paths, based upon whether or not the application strictly conforms to the specific design standards of Chapter 17.99 GHMC.

B. A design review application for administrative approval shall may be processed by the director as long as it strictly conforms to the specific design standards of chapter 17.99 GHMC as follows:

1. Notice of application for the following types of development shall be forwarded to all members of the Design Review Board (DRB) pursuant to GHMC Section 19.02.004:

- a. Non-residential development;
- b. Multi-family residential development as defined in GHMC Section 17.04.290;
- c. Planned Residential Development (PRD) as described in GHMC Chapter 17.89.
- d. Public projects, except for normal maintenance and in-kind replacement.

2. The DRB members may independently review the application, which will be available at the Community Development Department. Individual DRB members may submit written comments to the director within two weeks after the date of the notice of

application. If the individual DRB members identify design elements that they believe do not comply with the specific requirements of the Design Manual, they may advise the director in writing of this advisory opinion.

3. If the director receives written advisory opinions of the 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 the decision whether the application should be processed administratively or through the Design Review Board process. If the director finds that the application should be processed through the Design Review Board process because not all elements strictly conform to the general requirements of the Manual, the director shall notify the applicant. The applicant may choose to amend the application or select the Design Review Board process for further processing of the application.

4. The application shall be reviewed by the director for compliance with the specific requirements of Chapter 17.99 and all other applicable codes. 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 strict requirements of Chapter 17.99 design standards. The director shall not approve any application or portion thereof that does not comply with applicable codes.

2 5. An applicant may choose to submit an application for review by the director on a single category or multiple categories from GHMC 17.98.040. If an applicant chooses to submit fewer than all categories from GHMC 17.98.040, the director shall only provide preliminary decisions on each category. Once the city has received a complete application for all categories from GHMC 17.98.040, the director shall issue a final decision on those portions of the application submitted for administrative approval. The preliminary decisions made by the director on each category may be different from the final decision on each category.

3 6. A notice of complete application shall not be issued until the city has received a complete application (as described in GHMC 17.98.040). A notice of application shall be issued for any complete application processed under this subsection A, as set forth in GHMC Title 19 for a Type III project permit application. The complete application shall otherwise be processed as a Type II project permit application, and a final decision shall be issued on a complete application before the deadline established in GHMC 19.05.009. If the final decision is appealed, the appeal shall be considered in an open record hearing, as described in GHMC Title 19.

B C. Design Review Board Recommendation. A design review application requesting review by the design review board shall may be processed for review by the design review board as follows:

Section 3. Section 19.02.004 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 (a) non-residential development, (b) multi-family residential development as defined in Section 17.04.290, GHMC, (c) planned residential development (PRD) as described in GHMC Chapter 17.89, and (d) public projects, except for normal maintenance and in-kind replacement, shall be sent to all members of the Design Review Board as set forth in Section 17.98.050(d).

. . .

Section 4. 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 5. 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 11th day of July, 2005.

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: 6/22/05
PASSED BY THE CITY COUNCIL: 7/11/05
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