

## **ORDINANCE NO. 867**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PLANNED RESIDENTIAL DEVELOPMENTS, DESCRIBING THE CONTENTS OF A COMPLETE APPLICATION FOR A PRELIMINARY AND FINAL PRD, MAJOR AND MINOR PRD AMENDMENTS, SETTING FORTH THE CRITERIA FOR APPROVAL AND THE PERFORMANCE STANDARDS, AMENDING SECTIONS 17.89.010, 17.89.020, 17.89.030, 17.89.040, 17.89.050, 17.89.060, 17.89.070, 17.89.080, 17.89.090, 17.89.100, 17.89.110, AND 17.89.130, AND REPEALING SECTION 17.89.120 OF THE GIG HARBOR MUNICIPAL CODE.**

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WHEREAS, the Gig Harbor City Council imposed a moratorium on the submission of planned residential development (“PRD”) applications; and

WHEREAS, the City Council directed the Planning Commission to provide a recommendation regarding the City’s regulations for planned residential developments; and

WHEREAS, the Planning Commission held hearings on the planned residential development regulations on July 26, 2000 and August 2, 2000; and

WHEREAS, the City’s SEPA Responsible Official issued a determination of nonsignificance relating to the adoption of this Ordinance; and

WHEREAS, the City Planning Director forwarded a copy of this Ordinance to the Washington State Department of Trade and Community Development on October 17, 2000 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of December 11, 2000, after a public hearing;

WHEREAS, the City Council reviewed this Ordinance during a work session on January 2, 2001; and

WHEREAS, the City Council considered this Ordinance again during its regular City Council meetings of January 22, 2001, February 12, 2001, after holding public hearings on those dates; and

WHEREAS, the staff has made the recommended changes per the Council's direction Council Meeting subsequent to those meetings; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of February 26<sup>th</sup>, 2001; Now, Therefore,

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

Section 1. Section 17.89.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.89.010 Intent of the Planned Residential Zone (“PRD”).  
The intent of the PRD zone is to provide for greater site design and flexibility and, thus, allow opportunity for more creative and imaginative residential projects than generally possible under strict application of the conventional zoning regulations in order that such projects shall provide substantial additional benefit to the general community. It is further intended to preserve unique or sensitive physical features, such as steep slopes, public views, retention of natural vegetation and to provide more open space and recreational amenities, for residents of the development and the general public, than would be available under conventional land development practices. Additionally, it is intended to promote more economical and efficient use of land and a unified design concept for residential development.

Section 2. Section 17.89.020 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

**17.89.020 Where PRD's are Permitted and Acceptable Parcel**

**Characteristics.** ~~Planned residential development may be permitted in the following zoning districts consistent with the development and design standards of this chapter:~~

- A. PRDs may be permitted in all districts zoned residential; the Waterfront Millville (WM) and Waterfront Residential (WR) zones.
- B. PRDs shall not be allowed on any parcels less than two acres in size, excluding tidelands, unless one of the following findings are made, in addition to the criteria for preliminary PRD approval in this chapter:
  1. An unusual physical, natural resource or topographical feature of importance exists on the site or in the neighborhood which can be conserved and still leave the applicant reasonable use of the land by the use of a PRD; or
  2. The property or its neighborhood has an historical character of importance to the community that will be protected by use of a PRD.

Section 3. Section 17.89.030 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

**17.89.030 Permit Application Procedures.** ~~Types of uses permitted. The following uses are permitted in a PRD zone:~~

~~A. Single family detached dwellings and up to four unit attached structures in R-1 districts; B. All single family and multifamily dwellings as defined in Chapter 17.04 GHMC in R-2 and R-3 Districts; C. Accessory uses; D. Uses that may be allowed by conditional use permits in the underlying zone subject to the requirements of Chapter 17.64 GHMC.~~

A. Type of Permit. A preliminary PRD application shall be processed according to the procedures set forth in Title 19 GHMC for Type IIIA project permit applications. Final PRD applications shall be processed according to the procedures in Title 19 GHMC for Type IIIA project permit applications.

B. Expiration of PRD. Within five (5) years of the date of the preliminary PRD approval, an application shall be submitted for final PRD approval, otherwise, the preliminary PRD approval shall expire. Building construction on the project must commence within twelve (12) months from the date of the final approval; otherwise, preliminary PRD approval becomes null and void.

C. Concurrent Applications. Unless an applicant for preliminary plat approval requests otherwise, a preliminary plat shall be processed simultaneously with a PRD, to the extent that procedural requirements allow simultaneous processing. If an applicant requests that a preliminary PRD application be processed prior to the time a preliminary plat application is submitted, the preliminary PRD application shall not be considered to be vested, i.e., such application shall not be

considered under the subdivision, zoning or other land use control ordinances in effect at the time the fully completed application for a preliminary PRD has been submitted to the City.

D. Phasing. If a proposed PRD is to be developed in phases, the entire PRD shall be portrayed in the preliminary PRD application, and each phase shall individually receive final PRD approval within the time periods established in subsection 17.89.030(B).

E. Design Review. The applicant shall submit an application for design review approval concurrent with the preliminary PRD application. The Hearing Examiner shall be present at the Design Review Board hearings as necessary to ensure coordination of decisionmakers as allowed under chapter 19.01.022(C).

F. Extensions. Knowledge of the expiration date and initiation of a request for an extension of time is the responsibility of the applicant. Requests for an extension of time must be submitted to the planning department at least 30 days prior to the expiration of PRD approval. The planning department shall schedule the request for extension for public hearing before the hearing examiner. One extension is the maximum to be granted and it shall be for no more than one year and the PRD may be subject to any new or amended regulations, requirements, policies or standards which are adopted after the original date of approval, unless 50 percent or more of the on-site work has been completed.

Section 4. Section 17.89.040 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.040. Contents of Complete PRD application.** An application for approval of a PRD may be filed by a person having a legal interest in the property to be included in the PRD.

A. In addition to the applicable requirements of Section 19.02.002 GHMC, a complete application for preliminary PRD shall consist of the following information:

1. An environmental checklist or impact statement, as may be applicable, pursuant to GHMC Title 18;
2. The title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant;
3. A written description addressing the scope of the project, gross acreage, net buildable acreage calculations, the nature and size in gross floor area of each use, and the total amount of net buildable land in square feet to be covered by impervious surfaces;
4. A vicinity map showing site boundaries and existing roads and accesses within and

bounding the site, as well as adjacent parcels and uses;

5. A topographic map delineating contours, existing and proposed, at two foot intervals and which locates and classifies existing streams, marshes wetlands, steep slopes and other natural features and/or critical areas;
6. Plans drawn to a scale no smaller than one inch equals 30 feet showing the proposed location and size of proposed uses, buildings, buffer areas, yards, open spaces and landscaped areas.
7. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site and the proposed size and location of driveways, streets and roads that have immediate impact on public rights of way.
8. Utility, drainage and stormwater runoff plans;
9. A plan of all proposed landscaping including buffers and screening to be used as well as identification of areas of significant vegetation proposed to be retained;
10. A statement explaining how the proposed PRD is consistent with and implements the City of Gig Harbor Comprehensive Plan, the designation under the Comprehensive Plan, current zone classification, and desired zone classification;
11. A narrative describing how the proposed PRD provides substantial additional benefit to the citizens of the City of Gig Harbor (the benefit accruing as a result of implementation of the PRD process as opposed to following the development standards of the underlying zone) and how it is proposed the additional amenities and benefits should apply to the percentage of additional density and/or height, being requested; and
12. A map of the area, with area proposed for rezone outlined in red.
13. Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County Auditors Office.

B. In addition to the applicable requirements of GHMC Title 19.02.002, a complete application for final PRD approval shall consist of the following information:

- 1) Two sets of mailing labels for all property owners whose parcels are within 300 feet of any border of the subject property, as provided by the Pierce County Auditors Office.

14. A complete application for design review as required under chapter 17.98.040.

Section 5. Section 17.89.050 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.050 Types of Uses Permitted.** Relationship of this chapter to other ordinance provisions. The lot size, width, setbacks, building and development coverage, height limits and other dimensional requirements of the underlying use district may be superseded. A. Platting Requirements. 1. when any parcel of land in a PRD is intended for sale or individual ownership, the platting requirements of the Gig Harbor subdivision ordinance and applicable state laws

~~pertaining to subdivisions shall be followed. 2. Applications for plat approval should be submitted and processed concurrently with an application for PRD approval. B. Public hearing required. Prior to the approval of a PRD, the hearing examiner shall hold a public hearing in accordance with the procedures of chapter 17.10 GHMC.~~

The following uses are permitted in a PRD:

A. Those primary, accessory and conditional uses permitted in the underlying zoning district;

B. Other residential, and low impact retail uses may be located within the PRD, if a rezone application is submitted concurrently with the preliminary PRD application, and all of the following criteria are satisfied, in addition to the rezone criteria in chapter 17.100:

1. Such uses constitute 10 percent or less of the proposed project;
2. Such uses are an integral component of the planned residential development;
3. Such uses are compatible with any existing residential uses; and
4. Such uses are consistent with the Gig Harbor Comprehensive Plan.

Section 6. Section 17.89.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.060 Development and Design Standards. Minimum site area.** The minimum site area for a PRD shall be two acres.

A. The performance standards of the underlying zoning district may be varied in a PRD, subject to the criteria in this chapter, only as follows:

1. Lot Area and Lot Width: Lot area and width requirements may be reduced where the site plan is such that light, air and privacy are provided. Cluster housing is supported.
2. Setbacks: Structures located on the perimeter of the PRD shall be set back in accordance with the front yard setbacks of the underlying zone.
3. Impervious Surface Coverage: Impervious surface coverage of individual parcels may exceed the percentage of impervious surface coverage allowed in the underlying zone; provided, that overall impervious surface coverage of the PRD does not exceed the percentage permitted by the underlying zone.
4. Height: Building height may exceed the maximum permitted by code provided, that the project design protects the views and privacy of properties inside and outside of the project but in no case shall the maximum height exceed 35 feet in R-1 and R-2 districts. Variances from the height limits as provided in the City Height Restriction Area Map, as adopted by chapter 17.62 GHMC, shall not be allowed. For perimeter buildings exceeding the maximum height of the underlying zone, the distance between such buildings and the perimeter of the PRD shall not be less than the front yard setback of the underlying zone plus five feet for each foot of excess height.

B. The performance standards which may not be modified or altered in a PRD are:

1. Shoreline regulations when the property is located in an area under the jurisdiction of the Gig Harbor Shoreline Master Program;

2. Standards pertaining to development in environmentally sensitive areas;
3. Regulations pertaining to nonconforming uses;
4. Standards pertaining to screening around outdoor storage areas;
5. Total coverage by impervious surface coverage; and
6. Height restrictions as identified on the adopted City of Gig Harbor Height Restriction Area Map and Shoreline Master Program.

Section 7. Section 17.89.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.070 Criteria for Approval of Preliminary PRD Application. Procedure for approval of a planned residential development. A planned residential development is a Type III permit application for a preliminary plat approval and a Type IV permit application for a final plat approval. The following are the procedures for approval of a PRD project:** A. The preliminary development plan shall be reviewed in accordance with the procedures of this chapter 17.89 GHMC, GHMC Title 16 and Title 19. The city shall not approve the PRD unless it is determined that the plan complies with the policies of the comprehensive plan, the requirements of this title, and the intent and provisions of this chapter. The city may develop terms and conditions of approval. The approved preliminary plan or subsequent revision thereto shall be binding as to the general intent and layout of roads, buildings, uses of land and open space. B. Within five years of the date of the preliminary development plan approval, the application shall submit a final development plan for the proposed development for approval by the city council. After finding that the final development plan has been completed in accordance with the provisions of the approved preliminary development plan, and that all required improvements have been completed or that arrangements or contracts have been entered into to guarantee that such required improvements will be completed, and that the interests of the city are fully protected, the city council shall approve the final development plan, included thereon. The final development plan shall consist of a final plat, binding site plan or any combination thereof. C. If a proposed PRD is to be developed in phases, the entire project shall be portrayed on the preliminary development plan, and each phase shall individually receive final development plan review.

A. Applicants for a preliminary PRD application shall demonstrate that, with the exception of the sections of the code from which the applicant intends to vary (as allowed by Section 17.89.060), the proposed PRD satisfies all applicable code requirements, and is compatible with surrounding properties. In addition, applicants must make the following showing:

1. 1. Landscaping and site plans showing the location of proposed open space or parks, road layout and proposed buffering of buildings, parking, integrated pedestrian circulation, loading and storage areas, all approved under the Design Review process;
2. Identification of unique characteristics of the subject property proposed to be

retained and that how those characteristics qualify for density and/or height bonus under Section 17.89.090;

3. Identification of unique characteristics of the proposed use(s) how those characteristics qualify for density and/or height bonus;
4. The proposed schematic relationship and arrangement of buildings and open spaces as they relate to various uses within or adjacent to the PRD approved under the Design Review process;
5. Measures proposed to mitigate visual impact of the PRD upon the surrounding area and approved under the Design Review process;
6. Identification of any extraordinary public improvements proposed for acceptance of ownership by the City in connection with the planned development and that qualify for the density and/or height bonus under Section 17.89.090;
7. Identification of any unique natural features of the property proposed for acceptance of ownership by the City for preservation, and that qualify for the density and/or height bonus under Section 17.89.090;
8. Identification of any unique historic or cultural features of the property and surrounding neighborhood proposed for acceptance of ownership by the City for preservation and that qualify for density and/or height bonus; and
9. Identification of any proposed recreational opportunities in excess of those normally required of a subdivision and a description of how they qualify for density and/or height bonus.

B. In addition to the above, the PRD may only be approved if the City finds that all of the following criteria are satisfied:

1. The Director of Public Works and the decision maker finds that the site access, proposed on site circulation and off-street parking meets all Public Works standards and makes adequate provision for roads, streets, alleys and other public ways. Streets and sidewalks, existing and proposed, must be suitable and adequate to carry anticipated traffic within the proposed PRD and in the vicinity of the PRD.
2. The Director of Public Works and the decision maker finds that the PRD makes adequate provision for all public utilities, including, but not limited to, water, sewer and storm water drainage. Water, sewer and storm water facilities, existing and proposed must be suitable and adequate to provide service within the proposed PRD and in the vicinity of the PRD;
3. The PRD is consistent with the Comprehensive Plan;
4. The PRD accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development, and benefiting the general public as well as the residents of the PRD. Net benefit to the City may be demonstrated by one or more of the following:
  - a. placement, type or reduced bulk of structures, or
  - b. interconnected usable open space, or

- c. recreational facilities, or
- d. other public facilities, or
- e. conservation of natural features, or
- f. aesthetic features and harmonious design, or
- g. energy efficient site design or building features, and

5. The PRD results in no greater burden on present and projected public utilities and services than would result from traditional development;

6. The Fire Marshal and the decisionmaker finds that adequate provision has been made for fire protection;

7. The perimeter of the PRD is compatible with the existing land use or property that abuts or is directly across the street from the subject property. Compatibility includes but is not limited to size, scale, mass and architectural design;

8. One or more major circulation point(s) functionally connected to a public right-of-way as required by the Director of Public Works, or the Fire Marshal, or any other appropriate decision maker;

9. Open space within the PRD is an integrated part of the project rather than an isolated element of the PRD and is accessible to the general public;

10. The design is compatible with and responds to the existing or intended character, appearance, quality of development and physical characteristics of the subject property and immediate vicinity;

11. Each phase of the proposed PRD, as it is planned to be completed, contains the required parking spaces, open space, roads, recreation space, utilities and utility area and landscaping necessary for creating and sustaining a desirable and stable environment.

C. If the PRD requires a rezone(s), such rezone(s) shall be approved before or concurrently with the PRD is approval.

Section 8. Section 17.89.080 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.080 Criteria for Approval of final PRD Application.** Preliminary approval—Contents of application. Each application for a preliminary development plan approval shall contain the following information: A. An environmental checklist or impact statement, as may be applicable, pursuant to GHMC Title 18; B. the title and location of the proposed development, together with the names, addresses and telephone numbers of the recorded owners of the land and the applicant, and if applicable, the name, address and telephone number of any architect, planner, designer or engineer responsible for the preparation of the plan, and of any authorized representative of the applicant; C. A written description addressing the scope of the project, the nature and size in gross floor area of each use, and the total amount of square feet to be covered by impervious surfaces; D. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site; E. A topographic map delineating

~~contours, existing and proposed, at five foot intervals and which locates existing streams, marshes, steep slopes and other natural features; F. Site plans drawn to a scale no smaller than one inch equals 30 feet showing the location and size of proposed sites, buildings, buffer areas, yards, open spaces and landscaped areas; G. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site and the size and location of all driveways, streets and roads, parking and loading areas, and existing and proposed pedestrian circulation system; H. A utility, drainage and stormwater runoff plan; I. A plot plan of all proposed landscaping including the types of plants and screening to be used.~~

A. Applicants for a final PRD application shall demonstrate that all of the following criteria have been satisfied:

1. All features and amenities identified in the preliminary PRD have been constructed and/or are retained or improved.
2. The City Public Works Director has documented that all conditions imposed on the preliminary PRD requiring Public Works Department approval have been constructed or improved to the satisfaction of the Director;
3. The City Fire Marshal has documented that all conditions imposed on the preliminary PRD requiring Fire Code approval have been constructed (or per the Fire Marshal's discretion will be constructed pursuant to a subsequent permit) to the satisfaction of the Fire Marshal.
4. The City Planning Director has documented that all conditions imposed on the preliminary PRD requiring Planning Department approval have been constructed to the satisfaction of the Director;
5. Findings must be made that the preliminary PRD (and or preliminary plat) conforms to all terms of preliminary PRD approval, and that the PRD meets the requirements of this chapter and all other applicable codes and state laws.

B. The applicant shall provide a bond or other financial assurance acceptable to the Hearing Examiner to ensure that any improvements made in the common open space will be completed. The City shall release the bond or financial assurance when the improvements have been completed in accordance with the preliminary PRD.

C. As a condition of approval of the final PRD, and before any permits are issued for the property, the applicant shall submit to the City any covenants, deeds and/or homeowners' association bylaws, or other documents guaranteeing maintenance, construction and common fee ownership, if applicable, of open space, community facilities, and all other commonly owned and operated property. These documents shall be reviewed and approved as to form by the City Attorney to ensure that they comply with the requirements of this chapter prior to final PRD approval. Such documents and conveyances shall be recorded with the County Auditor as a condition of any final PRD approval.

Section 9. Section 17.89.090 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

**17.89.090 Roads.** Development and design standards. In a PRD zone, the development and design standards are as follows: A. Lot area and width requirements may be reduced where the site plan is such that light, air and privacy are provided; B. Building and development coverage of individual parcels may exceed the percentage permitted by the underlying zone; provided, that overall coverage of the project does not exceed the percentage permitted by the underlying zone; C. Building height may exceed the maximum permitted by ordinance, provided that the project design protects the views and privacy of properties inside and outside of the project but in no case shall the maximum height exceed 35 feet in R 1 and R 2 districts. D. Structures located on the perimeter of the PRD shall be set back in accordance with the front yard setbacks of the underlying zone. E. For perimeter buildings exceeding the maximum height of the underlying zone, the distance between such buildings and the perimeter of the PRD shall not be less than the front yard setback of the underlying zone plus five feet for each foot of excess height.

All roads shall be consistent with the adopted policies and standards of the City of Gig Harbor Public Works Construction Standards for public roads.

Section 10. Section 17.89.100 of the Gig Harbor Municipal Code is hereby amended to read as follows:

**17.89.100 Density Bonus.** Increases in density over that permitted in the underlying zone are permitted as follows:

The density may be increased in a PRD over that permitted in the underlying zone but only if: (1) consistent with the underlying comprehensive plan designation for the property; and (2) the density increase will not exceed 30 percent over the density allowed in the underlying zone. Density calculations shall be based on net buildable land. Density bonuses may be allowed only as follows:

A. Provisions for Open Space: as identified in

1. Satisfaction of the standards in Section 17.89.110 for open space; AND
2. Provision of open space exceeding by at least thirty percent (30%) of the minimum required by the Design Review Manual or the existing zoning code (which ever is greater); or at least 30 percent more than the level of service standards for open space and active recreational area in the Capital Facilities Element of the adopted Gig Harbor Comprehensive Plan: 10 percent increase;

B. Preservation of Natural Features. Preservation of a desirable natural feature that would not otherwise be preserved such as, but not limited to: an unregulated wetland, stream corridor, unique geological feature, substantial over story vegetation: 10 percent increase;

C. Preservation of Scenic Vistas: Preservation of a scenic vista corridor(s) within and off-site, and accessible to the general public rather than private property owners: 10 percent increase;

D. Unique landscaping throughout the project site: 10 percent;

E. Additional open space, one percent increase in density for each one percent

increase in open space over the minimum required.

F. The total, allowable maximum density increase shall not exceed 30 percent.  
D. Design of storm water treatment system as amenity: A stormwater treatment (retention/detention) facility is also designed as a visually aesthetic and physically accessible amenity for the enjoyment of the public. 10 percent increase.

Section 11. Section 17.89.110 of the Gig Harbor Municipal Code is hereby amended to

read as follows:

**17.89.110 Open space.**

~~In a PRD zone, open space requirements are as follows:~~ A. Common open space shall comprise at least 30 percent of the gross area of the PRD, and shall be used as a recreational, park or environmental amenity for collective enjoyment by occupants of the development. Common open space shall not include public or private streets, driveways, parking areas or the required yards for buildings or structures; provided, however, that up to 30 percent of the required open space may be composed of open space on contiguous privately owned properties reserved by easement or covenant to assure that the open space will be permanent. B. Common open space areas may not be computed to include any submerged lands. C. At least 50 percent of the common open space area must be usable for active or passive recreation, and which is also not utilized as a utility improvement or structure. D. Common open space may contain such structures and improvements as are necessary and appropriate for the out of doors enjoyment of the residents of the PRD. E. The developer shall provide a bond or other financial assurance acceptable to the City Council that any improvements made in the common open space will be completed. The City shall release the bond or other assurance when the improvements have been completed in accordance with the development plan. F. Before approval of the final development plan may be granted, the developer shall submit to the city covenants, deeds and/or homeowner's association bylaws and other documents guaranteeing maintenance, construction and common fee ownership, if applicable, of open space, community facilities, private roads and drives, and all other commonly owned and operated property. These documents shall be reviewed and approved by the city attorney to insure that they comply with the requirements of this chapter prior to approval of the final development plan by the city. Such documents and conveyances shall be recorded with the county auditor as a condition of any final development plan approval. G. All common open space shall be landscaped in accordance with the landscaping plat submitted by the applicant and approved by the city. Natural landscape features which are to be preserved, such as existing trees, drainage ways, etc., may be accepted as part of the landscaping plan.

In order to be approved, a preliminary PRD application must demonstrate that all of the following performance standards are satisfied:

- A. Common open space shall comprise at least 30 percent of the gross area of the PRD, and shall be used as a recreational, park or environmental amenity for collective enjoyment by occupants of the development.  
Common open space shall not include public or private streets, driveways, parking areas or the required yards for buildings or structures: provided, however, that up to 30 percent of the required open space may be composed of open space on contiguous privately owned properties reserved by easement or covenant to assure that the open space will be permanent.
- B. No naturally submerged lands on site will be counted as open space unless explicitly allowed under §17.89.100 Density Bonus.
- C. At least 50 percent of the common open space area must be usable for active or passive recreation, and which is also not utilized as a utility improvement or structure.
- D. Common open space may contain such structures and improvements as are necessary and appropriate for the out-of-doors enjoyment of the residents of the PRD.
- E. Common open space associated with density bonus' must be freely accessible to the general public, identified on the face of the plat, and clearly identified by on site signage.
- F. All common open space must be unique to the project, and may only be credited a single time and to a single project. Such open space may also include a proportionate contribution that is a portion of a City approved off site mitigation.
- G. Land show in the final development plan as common open space, and landscaping and/or planting contained therein, shall be permanently maintained by and conveyed to one of the following:
  - a. An association of owners shall be formed and continued for the purpose of maintaining the common open space. The association shall be created as an association of owners under the laws of the state and shall adopt and propose articles of incorporation or association and bylaws, and adopt and improve a declaration of covenants and restrictions on the common open space that are acceptable to the city in providing for the continuing care of the space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. No change of use may be considered as a waiver of any of the covenants limiting the use of common open space area, and all rights to enforce these covenants against any use permitted are expressly reserved to the city as well as the owners.
  - b. A public agency which agrees to maintain the common open space and any buildings, structures or other improvements, which have been placed upon it.
- H. Common open space shall be suitably improved for its intended use,

except when it contains natural features worthy of preservation which may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are those appropriate to the uses which are authorized for the common open space.

Section 12. Section 17.89.120 of the Gig Harbor Municipal Code is hereby repealed.

Section 13. Section 17.89.130 of the Gig Harbor Municipal Code is hereby renumbered to 17.89.120 and amended to read as follows:

**17.89.130 Minor and major amendments of the final PRD. Plan.**

A. Minor amendments are a Type I permit application and may be made and approved when a building permit is issued. Any such alteration must be approved by the planning director.

A. Minor amendments.

1. A minor amendment to the final PRD is a Type I permit application and shall be processed as provided in Title 19 GHMC.

2. Minor amendments are those which may affect the precise dimensions or siting of building (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the final PRD, nor the density of the development or the amount and quality of open space and landscaping.

3. In addition to the permit application requirements set forth in GHMC Section 19.02.002, a complete application for a minor amendment shall consist of the following:

- a. All plan sheets or pages, or document sheets or pages to which reflect changes proposed, or that are affected by such changes.

B. Major amendments.

1. Major amendments are Type III-A permit applications and shall be processed in accordance with GHMC Title 19.

2. Major amendments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the site plan.

3. In addition to the permit application requirements set forth in GHMC Section 19.02.002, a complete application for a major amendment shall consist of the following:

- a. A complete application packet as required under chapter 17.96.050.
- b. A complete application packet as required by chapter 17.98.040 and the Design Manual.

c. An amended environmental checklist, and addendums to all environmental documents affected by the proposed change including the traffic impact analysis.

C. Concurrent processing of applications. A minor PRD application may be processed concurrent with a building permit application. If an application for a major amendment is submitted, no building or other permit associated with such major PRD amendment shall issue until all review proceedings required under GHMC Title 19 for a major PRD amendment are completed and all necessary approvals obtained.

~~When a change constitutes a major amendment, no building or other permit shall be issued until such review proceedings required by GHMC Title 19 are completed.~~

Section 14 . Section 17.89.140 of the Gig Harbor Municipal Code is hereby repealed.

Section 15 . 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 16 . 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 Council and approved by the Mayor of the City of Gig Harbor this 26<sup>th</sup> day of 2001.

CITY OF GIG HARBOR

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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: 1/17/01  
PASSED BY THE CITY COUNCIL: 2/26/01  
PUBLISHED: 3/7/01  
EFFECTIVE DATE: 3/12/01  
ORDINANCE NO. 867

## **SUMMARY OF ORDINANCE NO. 867**

of the City of Gig Harbor, Washington

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On February 26, 2001, the City Council of the City of Gig Harbor, Washington, approved Ordinance No.867, the main points of which are summarized by its title as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE REGULATIONS RELATING TO PLANNED RESIDENTIAL DEVELOPMENTS, DESCRIBING THE CONTENTS OF A COMPLETE APPLICATION FOR A PRELIMINARY AND FINAL PRD, MAJOR AND MINOR PRD AMENDMENTS, SETTING FORTH THE CRITERIA FOR APPROVAL AND THE PERFORMANCE STANDARDS, AMENDING SECTIONS 17.89.010, 17.89.020, 17.89.030, 17.89.040, 17.89.050, 17.89.060, 17.89.070, 17.89.080, 17.89.090, 17.89.100, 17.89.110, AND 17.89.130, AND REPEALING SECTION 17.89.120 OF THE GIG HARBOR MUNICIPAL CODE.

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting of February 26, 2001.

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MOLLY TOWSLEE, CITY CLERK