

ORDINANCE NO. 866

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 UNIT DEVELOPMENTS, DESCRIBING THE CONTENTS OF A COMPLETE APPLICATION FOR PRELIMINARY PUDS, FINAL PUDS, MAJOR AND MINOR AMENDMENTS TO PUDS, SETTING FORTH THE CRITERIA FOR APPROVAL AND THE PERFORMANCE STANDARDS, AMENDING SECTION 17.90.010, 17.90.020, 17.90.030, 17.90.040, 17.90.050, 17.90.060, 17.90.070, 17.90.080 AND ADDING NEW SECTIONS 17.90.090, 17.90.100, 17.90. 110 AND 17.90.120 TO THE GIG HARBOR MUNICIPAL CODE.

WHEREAS, the Gig Harbor City Council imposed a moratorium on the submission of planned unit development applications; and

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

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

WHEREAS, the Planning Commission recommended that the City Council amend the regulations for planned unit developments as set forth in this Ordinance; and

WHEREAS, the City's SEPA Responsible Official issued a determination of nonsignificance (DNS) 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 26th, 2001; Now, Therefore,

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

Section 1. Section 17.90.010 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.010 Intent of the Planned Unit Development Zone ("PUD").

The intent of planned unit developments is to allow greater flexibility in the design of a development, more variety and diversification in the relationships between buildings, open spaces and uses, and to encourage the conservation and retention of historical and natural topographic features while meeting the goals, policies and objectives of the comprehensive plan. To accomplish this purpose, the underlying district regulations such as, but not limited to, minimum yards, density, uses and height and bulk of buildings may be varied, provided however, such variances shall not compromise the overall intent of the comprehensive plan nor significantly impact existing uses or create adverse environmental effects. A planned unit development may be allowed in any district. The intent of the PUD zone is to allow opportunity or more creative and imaginative commercial and business projects than generally possible under strict application of the zoning

regulations in order that such projects shall provide substantial additional benefit to the community. It is further intended to preserve unique or sensitive physical features, such as steep slopes, views, retention of natural vegetation and to provide more open space , recreational amenities, and urban design amenities 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 commercial and business development.

Section 2. Section 17.90.020 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.020 Where PUDs are Permitted and Acceptable Parcel Characteristics.

~~Approval of planned development. The city shall approve, approve with conditions, or disapprove proposed planned unit developments subject to the provisions of this chapter.~~

A. PUDs may be permitted in all districts zoned commercial and business.

B. In the Waterfront Commercial (WC), Downtown Business (DB), Residential Business I (RB- 1), and in adjacent zones, careful transition with existing development located at the perimeters of the zone must be provided.

C. PUDs 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 PUD 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 PUD; or

2. The property or its neighborhood has a historical character of importance to the community that will be protected by use of a PUD.

Section 3. Section 17.90.030 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.030 Permit Application Procedures. ~~Parcel characteristics. Planned unit developments shall be limited to a minimum site area of two acres. No planned unit development application shall be made for an area of less than two acres unless the city makes the following findings: A. 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 equivalent use of the land by the use of a planned unit development; B. The property or its neighborhood has a historical character of importance to the community that will be protected by use of a planned unit development; or C. The property is adjacent~~

~~to or across the street from property which has been developed or redeveloped under a planned unit development, and a planned unit development will contribute to the maintenance of the amenities and values of the neighboring planned unit development.~~

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

B. Expiration of PUD. Within five (5) years of the date of the preliminary PUD approval, an application shall be submitted for final PUD approval, otherwise, the preliminary PUD approval shall expire. Building construction on the project must commence within twelve (12) months from the date of the final approval; otherwise, preliminary PUD 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 PUD, to the extent that procedural requirements allow simultaneous processing. If an applicant requests that a preliminary PUD be processed prior to the time a preliminary plat application is submitted, the preliminary PUD 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 PUD has been submitted to the City.

D. Phasing. If a proposed PUD is to be developed in phases, the entire PUD shall be portrayed in the preliminary PUD application, and each phase shall individually receive final PUD approval within the time periods established in subsection 17.90.030(B).

E. Design Review. The applicant shall submit an application for design review approval concurrent with the preliminary PUD 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 17.90.040 of the Gig Harbor Municipal Code shall be amended to read as follows:

17.90.040 Contents of a Complete Preliminary PUD Application.

~~Requirements. The use of a planned unit development shall be as follows: A. All roads shall be public roads and the configuration and design of such facilities shall be consistent with the adopted policies and standards of the City of Gig Harbor Public Works construction standards. Private roads within the PUD may be approved by the City if the following criteria are met: 1. Physical limitations of the site preclude the possibility of future linkage with existing public roads or proposed public roads which are a part of the city's adopted road or transportation plan; 2. The proposed street design, pedestrian access and layout represents a superior design which meets the objectives of the public works standards; 3. A direct and tangible benefit will accrue from the proposed street design. B. All provisions of vehicle parking shall be in designated parking areas.~~

~~C. Uses at variance with the underlying district shall be compatible with, and no more detrimental than, those uses specifically listed for a district.~~

~~D. No open area may be accepted as common open space within a planned unit development unless it meets the following requirements: 1. The location, size and character of the common open space is suitable for the planned unit development; 2. The common open space is for preservation of natural flora and fauna, amenity or recreational purposes, and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected population, topography and number and type of dwellings provided; 3. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation 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. 4. Land shown in the final development plan as common open space, and landscaping and/or plantings 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 of Washington and shall adopt proposed 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 areas, and all rights to enforce these covenants against any use 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 or structures or other improvements which have been placed on it.~~

A. In addition to the applicable requirements of GHMC Section 19.02.002, complete application for preliminary PUD approval 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, 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 general 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. A general schematic layout for 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 plan 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 proposal provides substantial additional benefit to the citizens of the City of Gig Harbor (the benefit accruing as a result of implementation of the PUD 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 or gross floor area, or additional height being requested;

12. A complete application for design review as required by chapter 17.98.040.

13. A map of the area, with the area proposed for any rezone outlined in red; and

14. 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 Auditor's Office.

B. In addition to the applicable requirements of GHMC Section 19.02.002, a complete application for final PUD 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 Auditor's Office.

Section 5. Gig Harbor Municipal Code Section 17.90.050 is hereby amended to read as follows:

17.90.050. Types of Uses Permitted. ~~Findings. In approving the preliminary development plans, conditionally or otherwise, the hearing examiner shall first find that all of the following conditions exist: A. that the site of the proposed use is adequate in size and shape to accommodate such use and all yards, spaces, walls and fences, parking, loading, landscaping and other features necessary to insure compatibility with and not inconsistent with the underlying district; B. That the site for the proposed use relates to streets, adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed uses and that adequate public utilities are available to serve the proposal; C. That the proposed use will have no significant adverse effect on existing uses or~~

~~permitted uses; D. That the establishment, maintenance and/or conducting of the uses for which the development plan review is sought will not, under the circumstances of the particular case, be detrimental to the public welfare, injurious to the environment, nor shall the use be inconsistent with or injurious to the character of the neighborhood or contrary to its orderly development.~~

The following uses are permitted in a PUD:

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

B. Other commercial, business and residential uses may be located within the PUD, if a rezone application is submitted concurrently with the preliminary PUD application, and all of the following criteria are satisfied, in addition to the rezone criteria in chapter 17.100;

1. Such uses constitute ten (10) percent or less of the proposed project;
2. Such uses are an integral component of the planned unit development;
3. Such uses are compatible with any existing uses; and
4. Such uses are consistent with the Gig Harbor Comprehensive Plan for not only the use, but also any other element covered by the Comprehensive Plan, such as water, sewer and transportation facilities.

Section 6. Section 17.90.060 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.060 Development and Design Standards. ~~The following information shall be submitted for review as a Type II application: 1. Environmental checklist or environmental impact statement, if required; 2. Twelve copies of a site plan drawn to scale and dimensioned, showing the existing topography at five foot contour intervals, the proposed layout of structures, off-street parking and loading areas, landscape areas, pedestrian walks, driveways, ornamental lighting, screening, fences and walls; 3. Twelve copies of a landscape plan drawn to scale and dimensioned, showing the location of proposed landscape areas together with varieties and size of plant materials to be used, together with the method of maintenance. Also, other landscape features such as screening, fences, lighting and signing shall be indicated; 4. copies of architectural drawings or sketches drawn to scale, including floor plan and elevation indicating types of materials and colors to be used may be required; 5. A schedule showing the proposed time and sequence within which the applications for final approval of all chapters of the planned unit development are intended to be filed. B. within five years following the approval of the development plan, the applicant shall file with the city a final development plan containing in final form the information required in the preliminary plan. The city may extend the period up to a maximum of one~~

~~year. If the city finds that the final development plan is consistent with the preliminary development plan approval, and that all conditions of the preliminary development plan approval have been satisfied, it may approve the final development plan in total or in phases. C. In conditioning the approval of any planned unit development, the city may require adequate guarantees of compliance with the final development plan, all as approved as to form by the City attorney. Such guarantee may be in a performance bond or other form of security in an amount sufficient to assure compliance, and may provide that such security be reduced as stages of construction are completed. In addition to the above, the City may, in the event of the applicant's failure to perform under the guarantees or other security, take steps necessary to ensure compliance, including the city's performance of the construction and/or maintenance at the applicant's cost in any manner provided by law.~~

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

1. Lot area and Lot width: Lot area and lot width requirements may be reduced where the site plan is such that light, air and privacy are provided to the units in the PUD.
2. Setbacks: Structures located on the perimeter of the PUD shall be set back in accordance with the yard setbacks of the underlying zoning district.
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 PUD does not exceed the percentage permitted by the underlying zoning district.
4. Height: Building height may exceed the maximum permitted by code provided, that the design protects the views and privacy of properties inside and outside of the project, but in no case shall the maximum height exceed 45 feet, except that in B-2 and C-1 zones the height shall not exceed 60 feet for peaked roof buildings and 45 feet for buildings with flat roofs. Variances from 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 PUD shall not be less than the front yard setback of the underlying zone plus five feet for each foot of excess height;
5. Gross Floor Area: The gross floor area in the underlying zone may be exceeded as provided in GHMC 17.90.090, as long as all of the criteria set forth in that section are satisfied.

B. The performance standards which may not be modified or altered in a PUD 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 surfaces;
6. Height restrictions as identified on the adopted City of Gig Harbor Height Restriction Area Map and Shoreline Master Program.

Section 7. Section 17.90.070 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.070 Criteria for Approval of Preliminary PUD Application.

~~Amendments to a planned unit development. Amendments to a planned unit development may be authorized as follows: A. Minor amendments are Type I permit applications and shall be processed as established under GHMC Title 19 and may be made and approved when a building permit is issued. Any such alteration must be approved by the planning director. Minor adjustments are those which may affect the precise dimensions or siting of buildings (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than five percent from the original. B. Major amendments are Type III permit applications and shall be processed as established under Title 19 GHMC. Major amendments are those which substantially change the character, basic site design, density, open space or other requirements and conditions of the final plan. When a change constitutes a major amendment, no building or other permit shall be issued without prior review and approval of the City of such amendment.~~

A. Applicants for a preliminary PUD application shall demonstrate that, with the exception of the sections of the code from which the applicant intends to vary (as allowed by Section 17.90.060(A), the proposed PUD is able to satisfy all of the applicable code requirements, and is compatible with the surrounding properties. In addition, applicants must make the following showing:

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 how those characteristics qualify for gross floor area and/or height bonus under Section 17.90.090;
3. Identification of unique characteristics of the proposed use(s) that qualify for gross floor area and/or height bonus under Section 17.90.090;
4. The proposed relationship and arrangement of buildings and open spaces as they relate to various uses within or adjacent to the PUD as approved through the

Design Review process;

5. Measures proposed to mitigate visual impact of the PUD upon the surrounding area approved through 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 gross floor area and/or height bonus under Section 17.90.090;

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 gross floor area and/or height bonus under Section 17.90.090;

8. Identification of any proposed recreational opportunities in excess of those normally required of a subdivision and that qualify for the gross floor area and/or height bonus under Section 17.90.090.

B. In addition to the above, the PUD 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, are suitable and adequate to carry anticipated traffic within the proposed PUD and in the vicinity of the PUD;

2. The Director of Public Works and the decision maker finds that the PUD 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, are suitable and adequate to provide service within the proposed PUD and in the vicinity of the PUD;

3. The PUD is consistent with the Comprehensive Plan;

4. The Planned Unit Development accomplishes, by the use of permitted flexibility and variation in design, a development that is better than that resulting from traditional development. 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 PUD results in no greater burden on present and projected public utilities

and services than would result from traditional development;

6. The Fire Marshal provides assurance that adequate provision has been made for fire protection;

7. The perimeter of the PUD 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 PUD is an integrated part of the project rather than an isolated element of the project;

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 PUD, as it is planned to be completed, contains the required parking spaces, open space, recreation space, landscaping and utility area necessary for creating and sustaining a desirable and stable environment.

A. If the PUD requires a rezone(s), such rezone(s) shall be approved before any action is taken on the preliminary PUD application.

Section 8. Section 17.90.090 of the Gig Harbor Municipal Code is hereby amended to read as follows:

17.90.080 Criteria for Approval of Final PUD Application. ~~Duration of approval. Construction on the project must commence within 12 months from the date of the final approval; otherwise, the approval of the application becomes null and void.~~

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

1. All features and amenities approved in the preliminary PUD have been constructed, or a bond has been posted for such construction;

2. The City Public Works Director has documented that all conditions imposed on the preliminary PUD requiring Public Works Department approval have been constructed 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 PUD requiring Planning Department approval have been constructed to the satisfaction of the Director;

5. Findings must be made that the preliminary PUD (and/or preliminary plat or binding site plan) conforms to all terms of preliminary PUD approval, that the PUD 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 City Council 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 development plan.

C. As a condition of approval of the final PUD, 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 PUD approval. Such documents and conveyances shall be recorded with the County Auditor as a condition of any final PUD approval.

Section 8. A new section 17.90.090 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.90.090 Maximum gross floor area bonus.

The maximum gross floor area of the PUD may be increased over that permitted in the underlying zone as provided in this section, but only if: (1) consistent with the underlying comprehensive plan designation for the property; and (2) the increase will not exceed twenty-five (25) percent additional gross floor area, over that allowed in the underlying zone, except in General Business District (B-2) it shall be up to fifty (50) percent, and in Commercial District (C-1) it shall be thirty (30) percent. Such calculations shall be based on net buildable land. The maximum gross floor area bonus may only be allowed if the applicant demonstrates the following:

A. Open Space.

Open space must satisfy the standards in Section 17.90.100 for open space in order to be eligible for a density bonus. Such open space must be open to the

general public.

- 1) Provision of open space exceeding by at least thirty percent (30%) the minimum required under the Design Review Manual and proportional to the size of the development: ten percent (10%) increase;
- 2) 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 and which would not otherwise be preserved, etc.: ten percent (10%) increase;
- 3) Preservation of Scenic Vistas: Preservation of a scenic vista corridor(s) on-site and off-site and accessible to the general public: ten percent (10%) increase;
- 4) Provision of a Desirable Urban Amenity: Provision of an urban amenity that complements the proposed development and that exceed the requirements of the Design Manual for common space or plazas. Such amenity may include such things as a play area, public transit amenities, public restrooms, fountains or other comparable amenities identified by the applicant and city staff: ten percent (10%) increase;
- 5) Design of a storm water treatment system as an amenity: A stormwater treatment (retention/detention) facility that is also designed as a visually aesthetic and physically accessible amenity for the enjoyment of the public: ten percent (10%) increase.

Section 10. A new section 17.90.100 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.90.100 Open Space. In order to qualify for a height or gross floor area bonus/increase, the applicant must demonstrate that all of the following open space performance standards are satisfied:

- A. Common open space shall not include public streets, private streets, driveways, parking areas or the required yards for buildings or structures; provided however, that up to thirty percent (30%) of the 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 unless explicitly allowed in section 17.90.090(A)5.
- C. At least fifty percent (50%) of the common open space 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 PUD and residents of the city.
- E. Common open space associated with density or gross floor area bonus' must

- be accessible to the general public.
- 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 11. A new section 17.90.110 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.90.110 Roads. All roads in a PUD shall be consistent with the adopted policies and standards of the City of Gig Harbor Public Works Construction

Standards for public roads.

Section 12. A new section 17.90.120 is hereby added to the Gig Harbor Municipal Code, which shall read as follows:

17.90.120 Minor and Major Amendments of the Final PUD.

A. Minor amendments.

1. A minor amendment to the final PUD 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 buildings (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the final PUD, 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 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. A major amendment to the final PUD is a Type III permit application, and shall be processed as provided in Title 19 GHMC.

2. Major amendments are those which substantially change the character, basic design, density, open space or other requirements and conditions of the final PUD and 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 PUD amendment 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 PUD amendment shall issue until all review proceedings required under GHMC Title 19 for the major PUD amendment are completed and all necessary approvals obtained.

Section 13. 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 14. 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 26th day of February, 2001.

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: 1/17/01
PASSED BY THE CITY COUNCIL: 2/26/01
PUBLISHED: 3/7/01
EFFECTIVE DATE: 3/12/01

SUMMARY OF ORDINANCE NO. 866

of the City of Gig Harbor, Washington

On February 26, 2001, the City Council of the City of Gig Harbor, Washington, approved Ordinance No.866, 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 UNIT DEVELOPMENTS, DESCRIBING THE CONTENTS OF A COMPLETE APPLICATION FOR PRELIMINARY PUDS, FINAL PUDS, MAJOR AND MINOR AMENDMENTS TO PUDS, SETTING FORTH THE CRITERIA FOR APPROVAL AND THE PERFORMANCE STANDARDS, AMENDING SECTION 17.90.010, 17.90.020, 17.90.030, 17.90.040, 17.90.050, 17.90.060, 17.90.070, 17.90.080 AND ADDING NEW SECTIONS 17.90.090, 17.90.100, 17.90. 110 AND 17.90.120 TO 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.

MOLLY TOWSLEE, CITY CLERK