

## **ORDINANCE NO. 735**

**AN ORDINANCE OF THE CITY OF GIG HARBOR ADOPTING A NEW CHAPTER 17.98 TO THE GIG HARBOR MUNICIPAL CODE WHICH ADOPTS A DESIGN MANUAL FOR THE CITY OF GIG HARBOR AND ESTABLISHES A PROCESS FOR DESIGN REVIEW OF OUTDOOR PROJECTS IN THE CITY OF GIG HARBOR AND REQUIRING PLANNING COMMISSION EVALUATION OF THE HISTORIC DISTRICT SECTION OF THE DESIGN MANUAL TWO YEARS AFTER ADOPTION OF THIS ORDINANCE.**

**WHEREAS,** the City of Gig Harbor's Comprehensive Plan Design Element on pages 18-34 includes several goals and policies relating to community design and states on page 18 that more specific guidelines must be developed and that zoning code revisions will be required to achieve said goals; and,

**WHEREAS,** a design guidelines technical committee (DGTC) was authorized by the City Council in April 1995 to develop design guidelines for the City; and,

**WHEREAS,** over the course of one year the DGTC developed a comprehensive Design Manual which addresses all goals and policies in the Design Element, with the exception of policies pertaining to signage, which policies were addressed in a 1996 sign code update; and,

**WHEREAS,** a new Chapter 17.98 has been proposed which provides a process for design review and administration of the City's Design Manual; and

**WHEREAS,** the proposed Chapter 17.98 and Design Manual was presented at a public hearing which was held on June 13, 1996; and,

**WHEREAS,** the planning commission held a worksession on June 20, 1996 to consider input received at the public hearing and has recommended changes to the proposed Chapter 17.98 and Design Manual as outlined in a report from the staff and Planning Commission to the City Council dated July 11, 1996; and,

**WHEREAS,** the City's legal counsel has recommended changes to the proposed chapter 17.98 to avoid legal challenges, which changes are reflected in a staff report to the City Council dated July 22, 1996; and

**WHEREAS,** the City Council also held a public hearing on August 12, 1996 to receive input on the proposed Chapter 17.98 and Design Manual; and

**WHEREAS,** the City Council finds that the regulations in the proposed Chapter 17.98 to the Gig Harbor Municipal Code and Design Manual, are consistent with, and would implement, the goals and policies stated in the Design Element of the City's Comprehensive Plan.

**NOW THEREFORE,** the City Council of the City of Gig Harbor, Washington, **ORDAINS AS FOLLOWS:**

Section 1. A new chapter to the Gig Harbor Municipal Code is adopted as follows:

## **Chapter 17.98**

### **DESIGN STANDARDS & REVIEW**

#### **17.98.010 Intent**

This chapter is intended to implement the goals and policies established in the Design Element of the City's Comprehensive plan by providing design standards and procedures for the review of outdoor projects and development as described herein to determine their compliance with design standards as adopted by the City. The design review process is not intended to determine the appropriateness of a given use on a given site or to address technical requirements which are otherwise reviewed under the Site Plan review process. It is intended to protect the general health, safety and welfare of the citizens by protecting property values; protecting the natural environment; promoting pedestrian activities; promoting community pride; protecting historical resources; preserving the aesthetic qualities which contribute to the City's small town characteristics which have attracted residents, businesses and customers; and promoting the economic viability of the community by preserving and creating well designed commercial districts which attract customers and businesses.

#### **17.98.020 Design Manual.**

The City's design standards are contained in the Design Manual which is hereby adopted by the City. A copy of the Design Manual is on file with the City Clerk. In those cases where the Design Manual is found to be in conflict with performance standards of the zoning code, the standards in the Design Manual shall prevail.

#### **17.98.030 Applicability**

The Design Manual applies to all proposals to build, locate, construct, remodel, alter or modify any facade on any structure or building or other visible element including, but not limited to, landscaping, parking lot layout, signs, outdoor furniture in public or commercial locations, outdoor lighting fixtures, fences walls and roofing materials (hereafter referred to as *outdoor proposals*), as described in the design manual. Design review approval is required for all outdoor proposals which require a building permit or which are part of a project or development requiring site plan, conditional use, or City Council approval.

#### **17.98.040 Design Review Application Requirements**

Application for design review, whether administrative or through the City's Design Review Board (DRB) shall be submitted in such detail as to allow the review of the specific project on the merits of the City's Design Manual and other applicable City codes. Projects may be reviewed in one complete application or may be reviewed by category. To be considered complete, the following information must be submitted for each category of requested design

review.

A. Site Plan Review

1. Site Plan. A site plan, drawn to scale no smaller than one inch equals 30 feet showing location and size of all structures, buffer areas, yards, open spaces, common areas or plazas, walkways, vehicle areas.
2. Vegetation Plan. A significant vegetation plan which accurately identifies the species, size and location of all significant vegetation within the buildable area and within 5 feet of all setback lines.
3. Landscape Plan. A preliminary landscape plan showing the species size and location of all significant natural vegetation to be retained.
4. Site Section Drawings. Section drawings which illustrates existing and proposed grades in specified areas of concern as identified by the staff. Alternatively, a topographic map delineating contours, existing and proposed, at no greater than five-foot intervals and which locates existing streams, marshes and other natural features. may be submitted.
5. Grading & Drainage Plan. An accurate grading and drainage plan which indicates all cuts, fills and required areas of disturbance necessary to construct all retaining walls and structures.
6. Utilities Plan. A utilities plan showing location of utilities in relation to landscape and buffer areas (utility plan must be consistent with proposed areas of non-disturbance).

B. Landscaping and Paving Review

1. Final Landscape Plan. A final landscape plan showing type size, species, and spacing of all retained and new vegetation.
2. Irrigation plan. Showing irrigation of all domestic vegetation.
3. Paving Materials. Description of all pedestrian and vehicular paving materials. Descriptions must specify type, color and/or texture.

C. Architectural Design Review

1. Elevation Drawings. Complete elevation drawings of all buildings showing all trim details, dimensions and proposed materials including roofing, siding, windows and trim.
2. Sign Plan. A master sign plan showing the location of signage on buildings consistent with GHMC Section 17.80.
3. Architectural Lighting Details. Details on all lighting proposals which affect

architectural detailing (e.g., indirect lighting), or which are for architectural enhancement.

4. Screening details. Details on how all mechanical and utility equipment will be screened.

D. Color and Material Review

1. Color Palette. A color palette of the building's exterior including roof, siding, trim.

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

3. Fencing Details. Color, type and specification of all fencing and screening materials

E. Outdoor Lighting & Accessories Review

1. Light Fixture Details. The type, model, color, location, height, and area of illumination for all outdoor light fixtures .

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

**17.98.050 Design Review and Project Approval**

Design review shall be processed by the Director as a Permit Application Type II (refer to Title 19), or may be reviewed at a public meeting by the City's Design Review Board (DRB), as follows:

A. Project Review Time. Design review must be completed as defined in Title 19, except that if the DRB review option is requested, the applicant must submit a signed statement waiving rights to be reviewed under the time limits defined in GHMC Title 19. A waiver of Title 19 time limitations may also be issued if the applicant chooses to grant the Planning Director additional time for the Director's review.

B. Project Approval. All outdoor proposals must comply with the Design Manual standards. Outdoor proposals shall be reviewed according to the following review options:

1. Design Review Board (DRB) approval. Outdoor projects which conform to the general requirements of the design manual (as defined within the design manual) shall be approved by the DRB unless the DRB makes specific findings for denial as defined in subsection 17.98.030(C) . The DRB shall issue a written decision on the proposal within 14 days of full-quorum DRB review, unless the DRB and the applicant agree to continue review of the proposal to the next DRB public meeting.

2. Director Approval. Outdoor proposals which conform to the specific requirements of the design manual (as defined within the design manual) shall be approved by the Planning Director (or designee).
- C. Project Denial. The Planning Director (or designee) shall deny projects or portions of projects which he/she finds are not in compliance with the specific requirements of the design manual. The applicant may appeal the Director's decision to deny a project to the Design Review Board if he or she believes the Director interpreted the specific requirements of the design manual incorrectly, or if he or she believes that the project conforms to the general requirements of the design manual. Projects may be denied by the DRB if it finds that the project does not comply with the specific or general requirements of the Design Manual.
- D. Notice of Decision. For projects requiring site plan approval, notice of the staff or DRB decision on the project design shall be included in the site plan staff report to the Hearing Examiner.
- E. Site Plan Review Design Amendments. Design approval as granted by the Planning Director or DRB shall not be revisited by the Hearing Examiner except upon appeal or where specific health/safety considerations as determined by the Hearing Examiner require changes to a site plan. Changes to project designs resulting from site plan review shall be consistent with the specific or general requirements of the Design Manual as determined by the Hearing Examiner.

#### **17.98.060 Variances**

- A. Required Findings. Variances from the requirements of the Design Manual may be granted by the DRB, except that variances affecting height and setbacks which exceed the limitations established in Section 17.66.020(A) must be reviewed by the Hearing Examiner as per the general variance procedures established in Section 17.66.030. Before a variance can be granted, the Design Review Board shall make findings of fact setting forth and showing that all of the following circumstances exist:
1. Special conditions and circumstances exist which render a specific requirement of the design manual unreasonable, given the location and intended use of the proposed development.
  2. The special conditions and circumstances are characteristic of the proposed general use of a site and not of a specific tenant.
  3. The special conditions and circumstances are not representative of typical retail, professional office or residential-type development which may be allowed within the zoning district.
  4. The requested variance is based upon functional consideration rather than economic

hardship, personal convenience or personal design preferences.

5. Architectural changes in the project design as a result of the variance have been sufficiently compensated by other architectural embellishments, and site plan changes as a result of the variance have been sufficiently compensated by other site amenities.

6. The requested variance will not result in a project which is inconsistent with the intent and general scope of the design manual standards.

- B. Notice Notice of variances affecting height or setbacks approved by the DRB shall be sent to owners of all contiguous parcels.

#### **17.98.070 Appeal of Director's or DRB's Decision**

The Planning Director's decision may be appealed to the DRB if the applicant believes the Director interpreted the specific requirements of the design manual incorrectly, or if the applicant believes his or her project conforms to the general requirements of the design manual.

The decision of the DRB may be appealed to the Hearing Examiner by the applicant, parties of record, or contiguous property owners, subject to the provisions of Chapter 19.06.

#### **17.98.080 Design Review Decision Chart**

ENTITY	DESIGN REVIEW	DESIGN MANUAL VARIANCE	APPEAL
Director	No Public Meeting or Hearing	_____	To Design Review Board (DRB)
Design Review Board (DRB)	Public Meeting	Processed con-concurrently with Design Review	To Hearing Examiner
Hearing Examiner	Limited design changes allowed only if they reflect required changes to site plan- Public Hearing	Processed only upon appeal	To City Council
City Council	Processed only upon appeal	Processed only upon appeal	Judicial

Section 2. Applicability and Review of Historic District Design Section. The Historic District

Design section of the design manual shall be mandatory for the entire Historic District, except that in the R-1 zone within the Historic District, development may, at the option of the property owner, conform strictly to either the standards of GHMC Chapter 17.16 or the standards contained in the Design Manual. The Design Manual shall be reviewed by the Planning Commission two years after the date of adoption of this ordinance to evaluate its effectiveness.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be 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, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall take effect and be in full force five (5) days after publication of an approved summary consisting of the title.

**PASSED** by the City Council of the City of Gig Harbor, Washington at its regular meeting held on the 26th day of August, 1996.

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GRETCHEN A. WILBERT, MAYOR

ATTEST:

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Mark E. Hoppen, City Administrator

Filed with City Clerk: August 2, 1996

Ordinance Adopted: August 26, 1996

Date Published: August 28, 1996

Effective Date: September 2, 1996

**SUMMARY OF ORDINANCE NO. 735**

of the City of Gig Harbor, Washington

On the 26TH day of AUGUST, 1996, the City Council of the City of Gig Harbor, passed Ordinance No. 735. A summary of the content of said ordinance, consisting of the title, provides as follows:

**AN ORDINANCE OF THE CITY OF GIG HARBOR ADOPTING A NEW CHAPTER 17.98 TO THE GIG HARBOR MUNICIPAL CODE WHICH ADOPTS A DESIGN MANUAL FOR THE CITY OF GIG HARBOR AND ESTABLISHES A PROCESS FOR DESIGN REVIEW OF OUTDOOR PROJECTS IN THE CITY OF GIG HARBOR AND REQUIRING PLANNING COMMISSION EVALUATION OF THE HISTORIC DISTRICT SECTION OF THE DESIGN MANUAL TWO YEARS AFTER ADOPTION OF THIS ORDINANCE.**

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

DATED this 27TH day of AUGUST, 1996.

HOPPEN

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CITY ADMINISTRATOR, MARK