

ORDINANCE NO. 1129

**AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, REMOVING PROPERTY AT 4129
HARBORVIEW DRIVE, ASSESSOR'S PARCEL NUMBER
0221061060, FROM THE CITY'S HEIGHT RESTRICTION AREA
AND AMENDING THE OFFICIAL HEIGHT RESTRICTION AREA
MAP TO BE CONSISTENT THEREWITH**

WHEREAS, Bennett/SFS LLC and the Gig Harbor Peninsula Historical Society, requested a Height Restriction Area Map Amendment to exclude the parcel located at 4129 Harborview Drive in Gig Harbor, Washington, Assessor's parcel number 0221061060 from the Height Restricted Area; and

WHEREAS, the subject site is presently included in the City's Height Restricted Area as shown on attached Exhibit "A", the City's Official Height Restriction Area Map; and

WHEREAS, a SEPA threshold determination of Mitigated Determination of Nonsignificance was issued on February 8, 2008; and

WHEREAS, the SEPA threshold decision was not appealed; and

WHEREAS, the proposed amendment is a Type III action as defined in GHMC 19.01.003(B) for amendments to the height restriction area map; and

WHEREAS, A final decision for a Type III application shall be rendered by the Hearing Examiner as per GHMC 19.01.003(A); and

WHEREAS, a public hearing on the proposed rezone was held before the Hearing Examiner on March 5, 2008, at which time the Hearing Examiner heard public testimony on the amendment; and

WHEREAS, the Hearing Examiner approved the proposed amendment in her decision dated March 18, 2008; and

WHEREAS, the appeal period expired on April 11, 2008; and

WHEREAS, Amendments to the height restriction area map are required to be processed in the same manner as amendments to the zoning district map as per GHMC 17.62.040, and

WHEREAS, amendments to the zoning district map must be adopted by ordinance as per GHMC 17.100.070 under the provisions of Chapter 1.08 GHMC; and

WHEREAS, the City Community Development Director forwarded the site-specific rezone proposal to the Washington State Department of Community Development on December 5, 2007 pursuant to RCW 36.70A.106; and

WHEREAS, the Gig Harbor City Council considered the Ordinance at first reading on May 12, 2008; and

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the first reading on May 12, 2008; and

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

Section 1. The real property located at 4129 Harborview Drive in Gig Harbor, Washington, Assessor's parcel number 0221061060 and legally described in Exhibit "B", is hereby removed from the Height Restriction Area Map.

Section 2. The Community Development Director is hereby instructed to effectuate the necessary changes to the Official Height Restricted Area Map of the City in accordance with the designation established by Section 1.

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, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED by the City Council and approved by the Mayor of the City of Gig Harbor this 12th day of May, 2008.

CITY OF GIG HARBOR

CHARLES L. HUNTER, MAYOR

ATTEST/AUTHENTICATED:

By: _____
MOLLY TOWSLEE, City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: _____
CAROL A. MORRIS

FILED WITH THE CITY CLERK: 05/07/08
PASSED BY THE CITY COUNCIL: 05/12/08
PUBLISHED: 05/21/08
EFFECTIVE DATE: 05/26/08
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