

ORDINANCE NO. 1038

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, REZONING .27 ACRES FROM R-1 (SINGLE-FAMILY) ZONING DISTRICT TO AN R-2 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT, LOCATED AT 7518 STINSON AVENUE, ASSESSOR'S PARCEL NUMBER 0221075011.

WHEREAS, Steve Hardy, owns the parcel located at 7518 Stinson Avenue in Gig Harbor, Washington, ASSESSOR'S PARCEL NUMBER 0221075011; and

WHEREAS, the land use designation in the Comprehensive Plan of the subject parcels is RM (urban residential moderate density), and this designation dates back to the City's 1986 Comprehensive Plan; and

WHEREAS, RCW 36.70A.130(1)(b) requires consistency between comprehensive plans and development regulations; and

WHEREAS, the existing residential medium (RM) comprehensive plan land use designation anticipates medium density residential development; and

WHEREAS, Steve Hardy has requested that the property be rezoned from R-1 (single family) to R-2 (Medium Density Residential), which allows medium density residential development; and

WHEREAS, a SEPA threshold determination of non-significance (DNS) for the proposed rezone was issued on December 28, 2005; and

WHEREAS, the SEPA threshold decision was not appealed; and

WHEREAS, the proposed rezone is a Type III action as defined in GHMC 19.01.003(B) for site-specific rezones; 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 February 15, 2006; and

WHEREAS, the Hearing Examiner approved the proposed rezone in his decision dated February 22, 2006; and

WHEREAS, the appeal period expired on March 10, 2006; and

WHEREAS, rezones 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 a copy of this Ordinance to the Washington State Department of Community Development on December 6, 2005 pursuant to RCW 36.70A.106; and

WHEREAS, the City Council considered this Ordinance during its regular City Council meeting of March 27, 2006 and April 10, 2006;

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

Section 1. The real property located at 7518 Stinson Avenue, Assessor Parcel #0221075011 and as shown on attached Exhibit "A", and legally described as follows:

LOT 1 OF SHORT PLAT 84-08-16-0293 SECTION 7, TOWNSHIP 21 NORTH, RANGE 2 EAST OF THE WILLAMETTE MERIDIAN, SITUATE IN PIERCE COUNTY, WASHINGTON.

is hereby rezoned from R-1 (single family) to R-2 (Medium Density Residential).

Section 2. The Community Development Director is hereby instructed to effectuate the necessary changes to the Official Zoning Map of the City in accordance with the zoning established by this section.

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 10th day of April, 2006.

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: 3/22/06
PASSED BY THE CITY COUNCIL: 4/10/06
PUBLISHED: 4/19/05
EFFECTIVE DATE: 4/24/06
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