

## **ORDINANCE NO. 839**

### **AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE CITY'S OFFICIAL ZONING MAP TO CHANGE THE ZONING DESIGNATION OF THREE PARCELS OF PROPERTY IN THE GENERAL LOCATION OF 4320 BURNHAM DRIVE FROM R-1 (SINGLE-FAMILY RESIDENTIAL) TO B-2 (GENERAL BUSINESS-COMMERCIAL).**

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WHEREAS, Ronald Ray submitted an application to the City to amend the zoning designation in the City's Official Zoning Map on his property generally located at 4320 Burnham Drive, from a zoning designation of R-1 (single family residential) to B-2 (General Business-Commercial); and

WHEREAS, the property subject to the rezone application consists of three contiguous parcels on the west side of Burnham Drive, opposite an existing B-2 zoning district; and

WHEREAS, a copy of the City's 1996 official zoning district map shows the subject properties as zoned as B-2; and

WHEREAS, the City's official zoning district map was updated in July of 1998 to reflect changes to the City of Gig Harbor Comprehensive Plan Land Use Map for the unincorporated UGA; and

WHEREAS, the zoning district map of 1998 shows the properties subject to the rezone application with a zoning designation of R-1; and

WHEREAS, no rezones have been proposed or granted within the City limits since 1995; and

WHEREAS, it is concluded that the 1998 map is in error for these three parcels; and

WHEREAS, the City's code has no procedure for declaring a map error or to correct a map error; and

WHEREAS, Section 17.100.035 GHMC contains criteria for the approval of a zoning district map amendment; and

WHEREAS, the City SEPA Responsible Official issued a determination of non-significance (DNS) on the rezone application on November 1, 1999; and

WHEREAS, the City sent a copy of this proposed ordinance to DCTED as per WAC 365-195-620(1) and RCW 36.70A.106; and

WHEREAS, a public hearing on the rezone application was held on December 2, 1999 by the Planning Commission to receive community input on the proposed amendment to the zoning district map; and

WHEREAS, the Planning Commission found that the proposed rezone is consistent with the City of Gig Harbor Comprehensive Plan General Land Use Map, which designates this area as Business-Commercial; and

WHEREAS, the Planning Commission also found that a rezone of the property to B-2 would further the goals, policies and objectives of the Comprehensive Plan; and

WHEREAS, the Planning Commission further found that the rezone advances the public health, safety and general welfare as it provides for a contained commercial area that is readily accessible, small in scale and is adjacent to an existing commercial area; and

WHEREAS, the Planning Commission determined that no substantial detrimental effect would be caused by the granting of the rezone due to its location, the limited scale of the commercial area, the availability of municipal services, and that the performance requirements of the City's design manual and zoning code would serve to buffer adjacent residentially zoned properties; and

WHEREAS, on December 2, 1999, the Planning Commission voted to recommend approval of the rezone application; and

WHEREAS, there were no appeals filed of the Planning Commission's recommendation; and

WHEREAS, on January 10, 2000, the ordinance approving the rezone application was introduced and provided a first reading; and

WHEREAS, on January 24, 2000 at a regularly scheduled City Council meeting, the Gig Harbor City Council considered the ordinance and the Planning Commission's recommendation; Now, Therefore,

**THE CITY COUNCIL OF THE CITY OF GIG HARBOR, WASHINGTON, DO  
ORDAIN AS FOLLOWS:**

Section 1. The Official Zoning Map of the City of Gig Harbor is hereby amended to rezone the following properties from R-1 (single family residential) to B-2 (General Business-Commercial):

Pierce County Assessor's tax parcel numbers 0221061043; 0221061082; 0221061083; all parcels are generally described as being located on the west side of Burnham Drive, or 4320 Burnham Drive, opposite the Puerto Vallarta Restaurant, Gig Harbor.

Section 2. 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.

**Commented [COMMENT1]: USE ONE OF THE  
FOLLOWING THREE EFFECTIVE DATE CLAUSES**

Section 3. 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.

Commented [COMMENT2]: LEGISLATIVE WITH SUMMARY

APPROVED:

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MAYOR, Gretchen A. Wilbert

ATTEST/AUTHENTICATED:

\_\_\_\_\_  
CITY CLERK, Molly Towslee

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY \_\_\_\_\_  
City Attorney, Carol A. Morris

FILED WITH THE CITY CLERK: 1/5/00  
PASSED BY THE CITY COUNCIL: 1/24/00  
PUBLISHED: 2/2/00  
EFFECTIVE DATE: 2/7/00  
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**SUMMARY OF ORDINANCE NO. 839**

of the City of Gig Harbor, Washington

On the 24th day of January, 2000, the City Council of the CITY OF GIG HARBOR, passed Ordinance No. 839. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF GIG HARBOR, WASHINGTON, RELATING TO LAND USE AND ZONING, AMENDING THE ZONING DESIGNATION ON THE OFFICIAL ZONING MAP OF THE CITY FOR THREE PARCELS OF PROPERTY GENERALLY LOCATED AT 4320 BURNHAM DRIVE, GIG HARBOR, FROM R-1 (SINGLE FAMILY RESIDENTIAL) TO B-2 (GENERAL BUSINESS-COMMERCIAL).

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

DATED this 25th day of January, 2000.

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Molly M. Towslee, City Clerk