

ORDINANCE NO. 1342

**AN ORDINANCE OF THE CITY OF GIG HARBOR,
WASHINGTON, REMOVING A 5-ACRE PARCEL OF LAND
(ASSESSOR'S PARCEL NUMBER 0221061102) FROM THE
CITY'S HEIGHT RESTRICTION AREA AND AMENDING THE
OFFICIAL HEIGHT RESTRICTION AREA MAP TO BE
CONSISTENT THEREWITH**

WHEREAS, Donkey Creek Holdings requested a Height Restriction Area Map Amendment to exclude the parcel located approximately 270 feet west of the Woodworth Avenue right-of-way at Fennimore Street in Gig Harbor, Washington, Assessor's parcel number 0221061102, from the Height Restriction Area; and

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

WHEREAS, a SEPA threshold Determination of Non-significance was issued on May 26, 2016; 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 August 4, 2016, at which time the Hearing Examiner heard public testimony on the proposed amendment; and

WHEREAS, the Hearing Examiner approved the proposed amendment in his decision dated August 29, 2016; and

WHEREAS, the appeal period expired on September 19, 2016; 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 Gig Harbor City Council considered the Ordinance at first reading on September 26, 2016;

WHEREAS, the Gig Harbor City Council voted to adopt this Ordinance during the first reading on September 26, 2016; and

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

Section 1. The real property located approximately 270-feet west of the Woodworth Avenue right-of-way at Fennimore Street in Gig Harbor, Washington, Assessor's parcel number 0221061102 and legally described in Exhibit "B", is hereby removed from the Height Restriction Area Map.

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

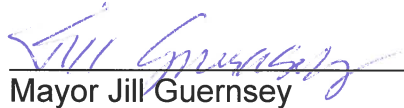
Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent

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 shall take effect five (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 26th day of September, 2016.

CITY OF GIG HARBOR



Mayor Jill Guernsey

ATTEST/AUTHENTICATED:

By: 

Shawna Wise, Assistant City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By: 

Angela G. Summerfield

FILED WITH THE CITY CLERK: 09/21/16
PASSED BY THE CITY COUNCIL: 09/26/16
PUBLISHED: 09/29/16
EFFECTIVE DATE: 10/04/16
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