

ORDINANCE NO. 493

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, RENEWING THE INTERIM ZONING CONTROLS FOR NON-CONFORMING SINGLE-FAMILY USES BY PROVIDING THAT SUCH USES MAY BE REBUILT UNDER SPECIFIED CIRCUMSTANCES; PROVIDING THAT THE INTERIM ZONING CONTROL SHALL BE IN EFFECT UNTIL OCTOBER 27, 2007.**

WHEREAS, the City has adopted University Place Municipal Code Title 19 – Zoning, for the purposes set forth in UPMC 19.05.030, which include but are not limited to providing for the “orderly development and redevelopment through harmonious groupings of compatible land uses while also ensuring the provision of adequate space for residential, commercial, light-industrial, recreational, and other activities necessary for public welfare”, and to “provide for the efficient and effective administration of zoning regulations”; and

WHEREAS, there are zones within the City where a *single-family residential* use is a nonconforming use in the zone; and

WHEREAS, under the existing zoning code, a use that is destroyed by more than 50% of the improvement value as shown by the county Assessor’s data must be rebuilt in conformance with the underlying zone, which means that single family residential homeowners are prevented from rebuilding a home in these zones if it is destroyed by more than 50%; and

WHEREAS, such nonconforming use regulation is consistent with the City’s comprehensive plan to concentrate growth in commercial areas and to convert existing nonconforming uses over time within those areas as the uses are redeveloped; and

WHEREAS, current lending practices require that a home must be able to be rebuilt if destroyed in order to qualify for a home loan; and

WHEREAS, the lending practices, in concert with the zoning nonconforming use ordinance, works to prevent single family residential property owners within those zones from selling or refinancing their existing homes, which is not consistent with the overarching intent throughout the comprehensive plan to protect single family residential uses within the City, especially because for many homeowners, their home is the single largest asset and investment that they own; and

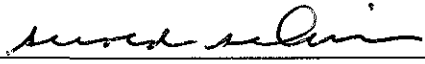
WHEREAS, in order to best serve the community of the City of University Place, it is necessary to extend these interim zoning controls for six months in order to allow the Planning Commission and City Council to fully consider more permanent regulations that balance these two important comprehensive plan goals to meet the City’s vision;

NOW, THEREFORE,


Section 1. Effective Period of Interim Zoning Controls. The interim zoning controls adopted by Ordinance No. 478 on October 27, 2006, shall remain in effect through October 27, 2007. These interim zoning controls may be extended as provided in RCW 36.70A.390 and RCW 35A.63.220.

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.

**PASSED BY THE CITY COUNCIL ON APRIL 16, 2007.**

  
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Gerald Gehring, Mayor

**ATTEST:**

  
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Sarah Ortiz, CMC, City Clerk

**APPROVED AS TO FORM:**

  
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Jahean Parker, City Attorney

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