

ORDINANCE NO. 483

**AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, IMPOSING INTERIM ZONING CONTROLS FOR NON-CONFORMING SINGLE-FAMILY USES BY PROVIDING THAT SUCH USES MAY BE REBUILT UNDER SPECIFIED CIRCUMSTANCES; SETTING A DATE FOR A PUBLIC HEARING ON THE INTERIM ZONING CONTROL; PROVIDING THE INTERIM ZONING CONTROL SHALL BE IN EFFECT UNTIL APRIL 27, 2007; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.**

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 urgent to enact an interim zoning ordinance to address this issue until such time as the Planning Commission and City Council can consider more permanent regulations that balance these two important comprehensive plan goals to meet the City’s vision; NOW THEREFORE,

**Section 1. Interim Zoning Control Established.** From and after the effective date of this Ordinance, a single-family non-conforming residential use may be rebuilt if it was destroyed or harmed by more than 50 percent of the improvement value as shown in the County Assessor’s data as a result of intentional acts by someone other than the owner, or by fire or natural causes. In this event, permits to reconstruct shall be applied for within one year of damage. Restoration or reconstruction must be substantially completed within 12 months of permit issuance.

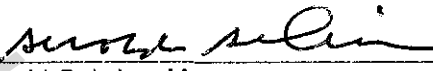
**Section 2. Public Hearing.** Pursuant to RCW 36.70A.390 and RCW 35A.63.220, a public hearing shall be set by the City Clerk for a date within sixty (60) days of the date of passage of this Ordinance, for the purpose of taking testimony and adopting written findings and conclusions justifying the interim zoning controls established by this Ordinance.

**Section 3. Effective Period of Interim Zoning Controls.** The interim zoning controls adopted by this Ordinance shall become effective immediately upon adoption and shall remain in effect through April 27, 2007, subject to the adoption of findings and conclusions as provided in Section 2 above. These interim zoning controls may be extended as provided in RCW 36.70A.390 and RCW 35A.63.220.

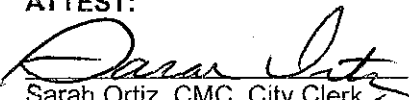
**Section 4. Severability.** If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

**Section 5. Effective Date and Declaration of Emergency.** This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to Matson v. Clark County Board of Commissioners, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the "WHEREAS" clauses above, all of which are adopted by reference as findings of fact as if fully set forth herein. This Ordinance shall become effective immediately upon passage. The City Clerk is directed to publish a summary of this Ordinance, consisting of the title, at the earliest possible publication date.

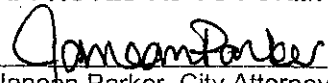
PASSED BY THE CITY COUNCIL ON THE 27<sup>th</sup> DAY OF OCTOBER, 2006.

  
Gerald Gehring, Mayor

ATTEST:

  
Sarah Ortiz, CMC, City Clerk

APPROVED AS TO FORM:

  
Janean Parker, City Attorney

Passed by the City Council: 10/27/06  
Published: 10/31/06  
Effective date: 10/27/06