

ORDINANCE NO. 446

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, ADOPTING AN IMMEDIATE MORATORIUM ON THE FILING OF, ACCEPTANCE OF, AND PROCESSING OF CERTAIN BUILDING PERMIT OR OTHER LAND USE APPLICATIONS THAT WOULD RESULT IN THE CONSTRUCTION OR EXPANSION OF ANY BUILDING OR STRUCTURE WITHIN THE TOWN CENTER ZONE CONTAINING MOTORIST-ORIENTED FACILITIES, INCLUDING DRIVE THROUGHS, DRIVE UPS AND GAS STATIONS; EXEMPTING PERMIT APPLICATIONS PENDING ON THE EFFECTIVE DATE OF THIS ORDINANCE; SETTING THE DATE FOR A PUBLIC HEARING ON THE MORATORIUM; PROVIDING THE MORATORIUM SHALL BE IN EFFECT UNTIL NOVEMBER 1, 2005; DECLARING AN EMERGENCY AND ESTABLISHING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the current zoning code prohibits new gas stations and drive-through facilities, but allows such existing facilities to remain and to be replaced in perpetuity; and

WHEREAS, the City's Comprehensive Plan goals and policies as well as the Economic Development Strategic Action Plan establish a vision and plan for a pedestrian-oriented town center zone; and

WHEREAS, the City Council has directed the Planning Commission to evaluate the regulation of and design standards for gas stations, drive-throughs, drive-ups and other motorist-oriented facilities throughout the City and particularly within the town center zone; and

WHEREAS, the City needs time to fully consider the regulation of motorist-oriented uses and facilities within the Town Center to more adequately protect the public health, safety and welfare, and to further the goals and policies of the City's comprehensive plan for a pedestrian-friendly town center, and

WHEREAS, motorist-oriented facilities increase the potential for pedestrian-vehicle conflicts and may pose a safety hazard when coupled with pedestrian-oriented facilities.

WHEREAS, further development or redevelopment of motorist-oriented facilities within the town center zone may be inconsistent with pending or proposed zoning changes; and

WHEREAS, the City Council believes that it is urgent to enact a moratorium on an interim basis in order to maintain the status quo and to prevent the vesting of applications for motorist-oriented facilities within the town center zone until such time as the Planning Commission and Council can consider more permanent regulations to govern such facilities to ensure a pedestrian-oriented town center.

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Moratorium Established. From and after the effective date of this ordinance, the City shall not allow the filing of, acceptance of, or processing of development, building permit or other land use applications that would result in the construction or expansion of any building or structure within the Town Center Zone that contains any gas station, drive-through, drive-up, or other motorist oriented facility. As used in this ordinance, the Town Center Zone is that area as depicted as Town Center Zone on the City's official zoning map

Section 2. Exemption – Vested Rights. Applications which have been filed and are legally vested as of the effective date of this ordinance shall continue to be processed as provided in the University Place Municipal Code and according to the land use and building regulations in effect on the date of vesting.


Section 3. 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 than 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 moratorium established by this ordinance.

Section 4. Effective Period of Moratorium. The moratorium adopted by this ordinance shall be come effective immediately upon adoption and shall remain in effect through November 1, 2005, subject to the adoption of findings and conclusions as provided in Section 3 above. This moratorium may be extended as provided in RCW 36.70A.390 and RCW 35A.63.220.

Section 5. 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 6. 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 16TH DAY OF 2005.



Ken Grassi, Mayor

ATTEST:



Sarah Ortiz, CMC, City Clerk

APPROVED AS TO FORM:



Janean Polkinghorn, Interim City Attorney

Passed by the City Council:

Published: 5/18/05

Effective Date: 5/16/05