

ORDINANCE NO. 438

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, LIFTING A PARTIAL MORATORIUM ON CONSTRUCTION IN THE DAY ISLAND SOUTH SPIT OVERLAY.

WHEREAS, on May 3, 2004, the City Council adopted a moratorium and interim zoning control with respect to building permits or other land use applications that would result in the construction of any new building or expansion of any existing building on the south spit of Day Island that either exceeds 30 feet in height or encroaches on a side yard setback of less than five feet per side, exempting development and building permit applications that were pending on the effective date of Ordinance No. 418, and

WHEREAS, the City Council enacted the moratorium to allow time to study the issue and consider bulk regulations on the Day Island South Spit that more adequately protect the public health, safety and welfare and that address concerns raised by the Fire District, and

WHEREAS, the City Council held a public hearing on this matter on June 7, 2004 and adopted Resolution No. 449 to adopt Findings of Fact to support Ordinance No. 418, and

WHEREAS, the City Council directed City Staff to involve residents from Day Island and the Lemons Beach area in developing options to address the concerns of each neighborhood, and

WHEREAS, the City Council adopted Ordinance No. 430 on October 18, 2004 extending the moratorium through May 1, 2005 to allow additional time for the community to identify a solution, and

WHEREAS, the City sponsored public workshops on October 14 and 28, 2004 during which residents from Day Island South Spit and the Lemons Beach areas identified issues of concern and developed three options to address the Fire District's public safety concerns and preservation of the unique historical development patterns of the Day Island South Spit, and

WHEREAS, taking the three options developed by area residents and the Fire District's concerns into account City Staff developed a fourth hybrid option, that was accepted by most residents as fair and recommended this option to the Planning Commission, and

WHEREAS, the Planning Commission held a public hearing on November 17, 2004 to take testimony and consider proposed amendments to the Day Island South Spit Overlay, and

WHEREAS, the Planning Commission after hearing testimony and duly considering the issue voted to amend the overlay standards as proposed by staff by a vote of 4 in favor, 2 against with 1 abstention, and

WHEREAS, the City Council on December 6, 2004 held a public hearing to consider the Planning Commission recommendation, and

WHEREAS, the City Council finds that the proposed amendments adequately address the Fire District concerns and serves to protect the public health, safety and welfare, NOW THEREFORE

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

SECTION 1. Amending Ordinance 430, An Ordinance of the City of University Place Washington, extending the moratorium and interim zoning control preventing construction above 30 feet or within a five feet setback areas on the Day Island South Spit. Section 3 of Ordinance 430 is hereby amended as follows: "The moratorium adopted in Ordinance 418 shall be extended to February 12, 2005 or the effective date of the Ordinance adopting amendments to UPMC 19.55.030".

PASSED BY THE CITY COUNCIL ON THE 7TH DAY OF FEBRUARY 2005.



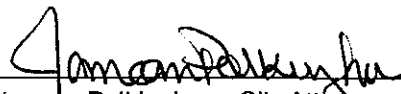
Ken Grassi, Mayor

ATTEST:



Sarah Ortiz, City Clerk

APPROVED AS TO FORM:



Janean Polkinghorn, City Attorney

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