

ORDINANCE NO. 642

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE WASHINGTON ADOPTING INTERIM ZONING REGULATIONS FOR SIX (6) MONTHS WITHIN THE CITY OF UNIVERSITY PLACE ON THE PERMITTING OF LARGE RELIGIOUS ASSEMBLY USES WITHIN THE COMMERCIAL ZONES OF THE CITY, AND SETTING A DATE FOR A PUBLIC HEARING ON THE INTERIM ZONING REGULATIONS, PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, by Resolution 766 adopted on August 18, 2014, the City Council adopted its 2015-2016 goals and outcomes, which include a number of measures to improve the City's business climate; and

WHEREAS, the City is currently studying the development of sub areas for a number of commercial areas within the City, including the Mildred Corridor, to promote commercial activity and redevelopment; and

WHEREAS, one of the largest remaining commercial zones in the City is the nine (9) acre area along the Mildred Corridor known as "Narrows Plaza;" and

WHEREAS, while many significant and valued businesses remain in Narrows Plaza, a number of buildings within the site, including a former theater building, are currently vacant; and

WHEREAS, the City welcomes and is home to many diverse religious institutions, but in the City's vision for the future, University Place's relatively few commercial zones should be limited to commercial development and redevelopment rather than non-commercial uses such as large religious institutions, which have a significant parking impact and may deter commercial use and redevelopment; and

WHEREAS, the University Place Municipal Code currently distinguishes between Religious Assembly Uses which allow for the attendance of 50 persons or less, and Religious Assembly Uses which allow for the attendance of more than 50 persons, but both may be allowed in a Commercial Zone through a Conditional Use Permit process; and

WHEREAS, these interim zoning regulations would preclude application by Religious Assembly Uses allowing for the attendance of more than 250 persons in a Commercial Zone, which is consistent with, and in furtherance of, the City's adopted 2015-2016 Council Goals. This will allow time to study the issue of use limitations to maximize the preservation of existing commercial uses in the City, and provide for primarily commercial redevelopment within the City's commercial zones.

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

Section 1. Preliminary Findings. The recitals and findings set forth above are hereby adopted as the City Council preliminary findings in support of the interim zoning regulations imposed by this ordinance. The City Council may in its discretion adopt additional findings at the conclusion of the public hearing referenced in Section 6 below.

Section 2. Interim Zoning Regulations Imposed. Pursuant to Washington State law, interim zoning regulations are hereby enacted prohibiting within the Commercial zones of the City of University Place the establishment, location, or permitting of large religious assembly uses as defined herein. No building permit, occupancy permit, or other development permit or approval shall be issued for any of the purposes or activities listed above while these interim zoning regulations are in effect. Any land use permits, business licenses, or other permits for any of these operations that are issued as a result of error or by use of vague or deceptive descriptions during the effective period of these interim zoning regulations are null and void and without legal force or effect.

Section 3. Definition of Large Religious Assembly Uses. As used in this ordinance the term Large Religious Assembly Uses includes any Religious Assembly Uses allowing for the attendance of more than 250 persons.

Section 4. No Nonconforming Uses. No use in a Commercial zone that constitutes or purports to be a Large Religious Assembly Use as that term is defined in this ordinance that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use under the provisions of the University Place Municipal Code and that use shall not be entitled to claim legal nonconforming status.

Section 5. Effective Period for Interim Zoning Regulations. The interim zoning regulations set forth in this ordinance shall be in effect for a period of six (6) months from the date this ordinance is passed and shall automatically expire at the conclusion of that six (6) month period unless the same is extended as provided in State law or unless terminated sooner by ordinance.


Section 6. Public Hearing. The City Council will hold a public hearing at the regular City Council meeting of November 17, 2014, at 6:30 p.m. or as soon thereafter as the business of the City Council shall permit and which date is no more than sixty (60) days after the date of adoption hereof in order to take public testimony and to consider adopting further findings.

Section 7. Work Program. The City will address concerns related to large religious institutions in Commercial zones through its normal Planning Commission and City Council process for review and recommendation of new or amended provisions for inclusion in the zoning code or other regulations of the University Place Municipal Code.

Section 8. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

Section 9. Effective Date. The City Council hereby finds and declares that there is a potential that persons seeking to apply for permits for Large Religious Assembly Uses in the City's Commercial zones could file applications with the City under the existing code and claim vesting, and that therefore an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective immediately upon passage.

PASSED BY THE CITY COUNCIL ON OCTOBER 20, 2014.


Denise McCluskey, Mayor

ATTEST:


Emelita Genetia, City Clerk

APPROVED AS TO FORM:


Steve Victor, City Attorney

Publication Date: 10/22/14
Effective Date: 10/20/14