

**CITY OF MERCER ISLAND
ORDINANCE NO. 21C-28**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON;
AMENDING MICC 19.11.020(B) TO REVISE THE STANDARDS AND
REQUIREMENTS FOR TOWN CENTER RETAIL REQUIREMENTS;
REPEALING THE TOWN CENTER MORATORIUM ADOPTED BY
ORDINANCE NO. 21C-27; PROVIDING FOR SEVERABILITY; AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the City adopted Ordinance No. 20-12 on June 2, 2020, implementing a six-month moratorium pursuant to RCW 35A.63.220 and RCW 36.70A.390 on the submission of applications for any building permits or any other land use approvals for Major New Construction as defined in MICC 19.16.010 for properties located within the Town Center (TC) zone at Mercer Island south of SE 29th Street; and

WHEREAS, after the public hearing on the above referenced moratorium, the City adopted Ordinance No. 20-18 on September 1, 2020, amending Ordinance No. 20-12 to reduce the size of the geographic area subject to moratorium to the Town Center (TC) zone at Mercer Island south of SE 29th Street, east of 77th Avenue SE, and west of 80th Avenue SE, and to include additional findings of fact; and

WHEREAS, the City Council has extended the effective period of Ordinance No. 20-12 most recently on November 16, 2021 through Ordinance No. 21C-27 following a public hearing, and the most recent extension extends the moratorium into June 2022; and

WHEREAS, protecting and expanding Mercer Island's retail sector is of upmost importance to maintaining and improving the quality of life and emergency preparedness by providing local access to goods and services that are necessary to meet the daily need of residents; and

WHEREAS, the City Council finds that the current Town Center retail requirements for Major New Construction may result in diminishment of such space, lead to Mercer Island being underserved long term and therefore unable to meet future demand; and

WHEREAS, the City Council desires to adopt permanent standards and requirements for Town Center retail requirements; and

WHEREAS, the City Council hereby finds that the actions set forth below are necessary to protect and expand Mercer Island's retail sector and preserve public peace, health, safety, and welfare;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCER ISLAND, WASHINGTON DO ORDAIN AS FOLLOWS:

- Section 1. Whereas Clauses Adopted.** The “Whereas Clauses” set forth in the recital section above are hereby adopted as the findings of the City Council for passing this ordinance.
- Section 2. Repeal and replacement of Mercer Island City Code (MICC) 19.11.020(B).** MICC 19.11.020(B), Required Street Frontage Commercial Uses, is hereby repealed and replaced as set forth in Exhibit A to this ordinance.
- Section 3. Repeal of Town Center Moratorium.** With the adoption in Section 2 of a new MICC 19.11.020(B) revising the standards and requirements for Town Center retail requirements, the current (partial) Town Center moratorium is no longer necessary. Ordinance No. 21C-27 is, therefore, hereby repealed in its entirety.
- 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, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or its application to any other person, property or circumstance.
- Section 5. Publication and Effective Date.** A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

Passed by the City Council of the City of Mercer Island, Washington, at its meeting on December 7, 2021 and signed in authentication of its passage.

CITY OF MERCER ISLAND

Benson Wong, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Andrea Larson, City Clerk

Date of Publication: _____