

**CITY OF MERCER ISLAND
ORDINANCE NO. 21C-06**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON
AMENDING SECTION 19.06.110 OF THE MERCER ISLAND CITY CODE TO
ADD CLARITY ON CONDITIONAL USE PERMIT APPLICABILITY, PROVIDING
FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, an interested person suggested a code amendment to add a new Subsection (c) to MICC 19.06.110(A)(5) for clarity on the applicability of Conditional Use Permits (CUPs); and

WHEREAS, the City Council added the suggested amendment to its code amendment docket in December 2020; and

WHEREAS, the Planning Commission of the City of Mercer Island held a public hearing on the suggested code amendment on February 17, 2021; and

WHEREAS, the Planning Commission unanimously recommended that the City Council adopt the suggested code amendment as revised by the Planning Commission on March 17, 2021; and

WHEREAS, the City Council finds that the proposed amendment provides additional clarity to property owners and residents of Mercer Island on the applicability of the approval of conditional uses and the process for extending the approval of these uses to added or adjacent properties;

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

Section 1: **Amended.** Section 19.06.110(A)(5) is amended to add a new subsection (c) as follows:

c. *Applicability.* A conditional use permit shall be applicable only to the property for which it was granted, as defined by the legal description of the property boundaries submitted with the conditional use permit application ("Permitted Property"). The use(s) permitted under a conditional use permit shall not extend beyond the Permitted Property to adjoining property or property added to the Permitted Property unless the conditionally approved use(s) are already allowed on the adjoining or added property or a new conditional use permit is granted for the adjoining or added property.

Section 2: **Severability.** If any section, sentence, clause or phrase of this ordinance or any municipal code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

Section 3: **Effective Date.** This ordinance shall take effect and be in force 5 days after its passage and publication.

PASSED by the City Council of the City of Mercer Island, Washington at its regular meeting on the 4th day of May 2021 and signed in authentication of its passage.

CITY OF MERCER ISLAND

Benson Wong, Mayor

Approved as to Form:

/s/ Bio Park, City Attorney 4/9/2021

Bio Park, City Attorney

ATTEST:

Deborah Estrada, City Clerk

Date of Publication: _____