

**CITY OF MERCER ISLAND  
ORDINANCE NO. 22-03**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON;  
RENEWING THE MORATORIUM ADOPTED BY ORDINANCE NO. 20-12  
AS AMENDED BY ORDINANCE NO. 20-18; PROVIDING FOR  
SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council may adopt an immediate moratorium for a period of up to six months on the acceptance of building and development permit applications for major new construction as long as the City Council holds a public hearing on the proposed moratorium within sixty days after adoption, pursuant to RCW 35A.63.220 and RCW 36.70A.390; and

**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 29<sup>th</sup> 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 29<sup>th</sup> Street, east of 77<sup>th</sup> Avenue SE, and west of 80<sup>th</sup> 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 30, 2021 through Ordinance No. 21C-27 following a public hearing, and the most recent extension extends the moratorium into June 2022; and

**WHEREAS**, the moratorium is set to expire on June 2, 2022, unless otherwise repealed, extended or modified by the City Council; and

**WHEREAS**, consistent with RCW 35A.63.220 and RCW 36.70A.390, the City Council held a public hearing on May 3, 2022, to adopt findings of fact supporting and justifying the renewal of the moratorium for another 6-months; and

**WHEREAS**, because the preparation and adoption of changes to the Town Center development regulations will require additional time to complete, the City Council finds that the moratorium should be renewed pursuant to RCW 35A.63.220 and 36.70A.390 for an additional six months to avoid the risk that one or more applicants could vest to the existing development code if the current moratorium expires.

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. Moratorium Renewed.** The moratorium imposed by Ordinance No. 20-12, as amended by Ordinance No. 20-18, shall be renewed, and take effect on June 1, 2022, for a period of six months, unless earlier repealed, extended, or modified by the City.
  
- Section 3. Public Hearing.** A public hearing was noticed and completed on May 3, 2022, to hear and consider the comments and testimony of those wishing to speak regarding the renewal of the moratorium enacted by this ordinance.
  
- 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 May 17, 2022, and signed in authentication of its passage.

CITY OF MERCER ISLAND

\_\_\_\_\_  
Salim Nice, Mayor

Approved as to Form:

ATTEST:

\_\_\_\_\_  
Bio Park, City Attorney

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Andrea Larson, City Clerk

Date of Publication: \_\_\_\_\_