

**CITY OF MERCER ISLAND
ORDINANCE NO. 20-18**

**AN ORDINANCE OF THE CITY OF MERCER ISLAND, WASHINGTON;
AMENDING THE SCOPE OF MORATORIUM ADOPTED BY ORDINANCE 20-
12; ADOPTING ADDITIONAL FINDINGS OF FACT; 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 or acceptance 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 south of SE 29th Street within the Town Center (TC) zone at Mercer Island; and

WHEREAS, Ordinance No. 20-12 also called for a public hearing to be scheduled before August 01, 2020 to receive public comments related to the adoption of the moratorium; and

WHEREAS, the City Council held the public hearing on July 21, 2020 and received public comments on the moratorium, consistent with the requirements set forth in RCW 35A.63.220 and RCW 36.70A.390; and

WHEREAS, protecting and expanding Mercer Island's retail sector is of utmost 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 needs of residents; and

WHEREAS, the City Council has determined the bounds of the moratorium should be limited to the area within the Town Center (TC) zone south of SE 29th Street, east of 77th Avenue SE, and west of 80th Avenue SE; and

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

Section 1. Moratorium Amended. The scope of the moratorium adopted in Section 1 of Ordinance 20-12 is amended as follows:

Mercer Island City Council hereby imposes a six month moratorium on the submission or acceptance 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 ~~south of SE 29th Street~~ within the Town Center (TC) zone at Mercer Island south of SE 29th Street, east of 77th Avenue SE, and west of 80th Avenue SE. All applications subject to this moratorium received by the City shall be rejected and returned to the applicant.

Section 2. Map of Moratorium. A map depicting generally the area covered by the moratorium adopted by Ordinance 20-12 as amended and narrowed by Section 1 of this ordinance is attached as Exhibit One.

Section 3. Whereas Clauses Adopted. The "Whereas Clauses" set forth in the recital section above are hereby adopted as additional findings of the City Council for adopting the moratorium in Ordinance 20-12, as amended 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. 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 September 1, 2020, and signed in authentication of its passage.

CITY OF MERCER ISLAND

Benson Wong, Mayor

Approved as to Form:

ATTEST:

Bio Park, City Attorney

Deborah A. Estrada, City Clerk

Date of Publication: _____

Exhibit One

