

ORDINANCE NO. 19-0547

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, RELATING TO LAND USE AND ZONING, ADOPTING AN EMERGENCY INTERIM ZONING ORDINANCE ON THE ACCEPTANCE OF APPLICATIONS FOR NEW RESIDENTIAL/MULTI-FAMILY DEVELOPMENT IN THE TOWN CENTER (TC), COMMERCIAL (C), MIXED USE RESIDENTIAL (MUR) AND BUSINESS PARK (BP) ZONES, FOR A PERIOD OF SIX MONTHS, ALL AS ALLOWED BY RCW 35A.63.220 AND RCW 36.70A.390, ESTABLISHING A DATE FOR THE PUBLIC HEARING ON THE INTERIM ZONING ORDINANCE, PROVIDING FOR SEVERABILITY AND DECLARING AN EMERGENCY NECESSITATING IMMEDIATE ADOPTION OF THE INTERIM ZONING ORDINANCE

WHEREAS, pursuant to chapter 35A.63 RCW and chapter 36.70A RCW, the City of Edgewood has established various zoning districts to ensure orderly and appropriate land use development consistent with the City's Comprehensive Plan; and

WHEREAS, the City has established four zoning districts that allow multi-family residential, commercial, light industrial, professional offices, employment uses, senior housing/apartments and retail, which are the Town Center (TC), Commercial (C), Multi-Use Residential (MUR) and Business Park (BP) zoning districts; and

WHEREAS, in the last five years, the City has experienced a large number of permit applications for residential uses and multi-family development (that was not paired with retail or commercial uses) in these four zones; and

WHEREAS, the City Council is concerned that unless there is a temporary prohibition on residential and multi-family residential uses that is not paired with retail or commercial uses within from these four zones, that there will not be any available property left in these zones for commercial and retail uses to locate in the City; and

WHEREAS, the Edgewood City Council may adopt an interim zoning ordinance to be in effect immediately and extend for a period of up to six months, as long as it holds a public hearing on the proposed interim zoning ordinance within sixty days after adoption and subsequently adopts findings of fact to support the interim zoning ordinance (RCW 35A.63.220, RCW 36.70A.390); and

WHEREAS, an interim zoning ordinance would still allow property owners to submit applications for some development in the affected zones; and

WHEREAS, the City Council wishes to maintain the status quo with this interim zoning ordinance by prohibiting the submission and/or processing of non-exempt development applications for residential and multi-family residential uses in these zones for a six-month period of time; and

WHEREAS, during this six-month period, the Council will consider whether the amount and type of residential/multi-family development in the TC, C, MUR and BP zones should be modified; and

WHEREAS, while the interim zoning is in effect, the City Council will direct the City staff to consider all relevant facts, perform SEPA and all necessary analyses to determine whether a permanent zoning ordinance should be adopted;

WHEREAS, during this six-month period, an ordinance which includes these modifications will be drafted processed according to applicable law, which will include public notice of public hearings, SEPA and consideration/action on the final draft of the ordinance by the City Council; and

WHEREAS, the City's SEPA Responsible Official has determined that this ordinance must be adopted on an emergency basis under WAC 197-11-880 (but the City Responsible Official will comply with SEPA within the next 60 days); and

WHEREAS, the City Council considered this ordinance during the Council's regular meeting of April 8, 2019;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, ORDAINS AS FOLLOWS:

Section 1. Purpose. The purpose of this Interim Zoning Ordinance is to allow the City adequate time to complete the activities described in the "whereas" sections in this Ordinance, which are hereby incorporated herein by this reference. These activities must be performed while an interim zoning ordinance prohibiting the submission and processing of non-vested applications for residential and multi-family development in the Town Center, Commercial, Mixed Use Residential and Business Park zoning districts is in place. The City Council finds that the adoption of an interim zoning ordinance for a six-month period will serve the public interest.

Section 2. Interim Zoning Imposed. Except as set forth in Section 3 of this Ordinance, the City Council hereby prohibits the City's acceptance and processing of the following applications/approvals submitted for any residential or multi-family residential uses on property located in the following zones: Town Center (TC), Commercial (C), Mixed Use Residential (MUR) and Business Park (BP):

A. Preliminary plats, subdivisions, short plats, short subdivisions, binding site plans, vacation of plats, alteration of plats;

B. Any type of land use approval, including, but not limited to, building permits, conditional use permits, variances, site plans site development approvals, critical areas permits.

Section 3. Exceptions. This interim zoning ordinance shall not apply to the following:

A. The processing and issuance of a permit/approval for preliminary plats, subdivisions, short subdivisions, short plats, binding site plans or building permits, where the fully complete, valid application for the permit/approval was filed with the City prior to the effective date of this Ordinance;

B. Permit applications for accessory uses and structures associated with existing residential dwelling units;

C. Applications for final plats, final short plats and approvals for any other site improvements directly necessary to obtain approval of the final plat for final short plat, where a fully complete, valid preliminary plat or short plat applications was submitted prior to the effective date of this Ordinance;

D. Permit applications for single-family detached residential uses in the Mixed Use Residential zone; and

E. Permit applications for residential and/or multi-family residential uses in any zone other than Town Center, Commercial, Mixed Use Residential and Business Park.

Section 4. Public Hearing. The City Clerk is hereby authorized and directed to provide the necessary public notice and schedule a public hearing on this interim zoning ordinance to be held during the City Council's regular meeting of May 14, 2019, or

within 60 days of the adoption of this Ordinance, as provided in RCW 35A.63.220 and RCW 36.70A.390. After the public hearing, the City Council may adopt additional legislative findings in support of this Ordinance and/or otherwise modify the provisions of this interim zoning ordinance.

Section 5. Declaration of Emergency. This interim zoning ordinance must be adopted to be effective immediately in order to preserve the status quo while the City reviews and revises, as appropriate, its current development regulations and comprehensive plan relating to residential and multi-family residential development in the TC, C, MUR and BP zones, and to prevent new residential/multi-family residential permit applicants from potentially establishing vested rights inconsistent with the City's future regulatory framework to be considered and adopted while the interim zoning ordinance is effective. The findings and conclusions above are adopted by the City Council in support of the designation of this ordinance as a public emergency necessary for the protection of the public health, public safety, public property and public welfare. This ordinance shall take effect immediately upon adoption by the Council, by a vote of a majority of the Council plus one, and shall remain effective for six months unless earlier terminated by the City Council.

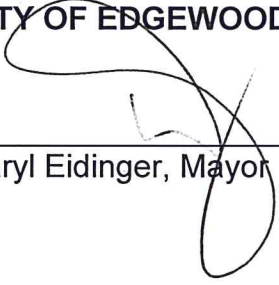
Section 6. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 7. Publication. This Ordinance will be published by an approved summary consisting of the title.

Section 8. Effective Date. This Ordinance has been passed by a majority plus one vote of the whole membership of the City Council, and shall take effect and be in force immediately upon passage.

PASSED BY THE EDGEWOOD CITY COUNCIL ON THIS 9TH DAY OF APRIL 2019.

CITY OF EDGEWOOD



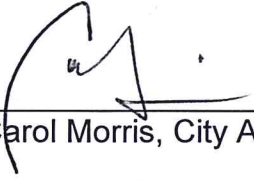
Daryl Eiding, Mayor

ATTEST/AUTHENTICATED:

By: 

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

By: 

Carol Morris, City Attorney

Published: April 12, 2019
Effective: April 9, 2019