

City of Cheney  
609 Second Street  
Cheney, Washington 99004

**CITY OF CHENEY, WASHINGTON  
ORDINANCE NO. X-70**

**AN ORDINANCE AMENDING THE ZONING MAP TO  
DESIGNATE AN OVERLAY ZONE FOR SENIOR  
HOUSING, PROVIDING FOR OTHER MATTERS  
RELATED THERETO AND SETTING AN EFFECTIVE  
DATE**

**WHEREAS**, the City of Cheney has the authority to adopt zoning regulations pursuant to RCW 35A.63.100;

**WHEREAS**, through Ordinance No. X-69 Cheney Care Center/Gordon Finch Homes made application to rezone 4.94 acres of land from R-1 (single-family residential) to R-2 (two-family residential) to develop 12 duplex buildings;

**WHEREAS**, the Cheney Planning Commission, on July 8, 2019 at their regularly scheduled meeting received information and held a public hearing on the proposal to modify the City Zoning Map;

**WHEREAS**, the Planning Commission adopted the Findings of Fact in the Staff Report dated July 8, 2019, to include:

Finding of Fact 13 recognizing the existence of twelve (12) duplex units for active seniors presently located on the subject property; Finding 14 stating the addition of duplex units will allow active seniors to benefit from the services of the Cheney Care Center; and Finding 15 that states the zone change will "allow for affordable housing options for seniors in the community;"

**WHEREAS**, the City Council discussed this application and Planning Commission Findings at their regularly scheduled City Council meeting on July 23, 2019;

**WHEREAS**, the City believes it is in the interest of the community to describe an area intended for senior housing; and

**WHEREAS**, the area depicted on the Zoning Map, shall be known as the "Senior Housing Overlay Zone."

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHENEY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** Findings of Fact. The City Council adopts the above recitals as findings of fact in support of its action under RCW 36.70A.390.

**Section 2.** Comprehensive Plan/Land Use Map. The Cheney City Council finds that: (1) the amendments herein conform to the requirements of Chapter 36.70A RCW; (2) are consistent with and implement the City of Cheney's comprehensive plan, as amended; (3) and advance state and local interests.

- A. Chapter 3 of the Comprehensive Plan details existing land uses and contains both an existing land use map and a current zoning map that identifies existing uses by type.
- B. Figure 3.07 of the Comprehensive Plan identifies future land uses. The types of land uses allowed on particular sites should minimize and mitigate land use conflicts and establish better organization of the community.
- C. CMC 21.13.020 provides for the establishment of overlay zones with "development standards or limited uses on special properties ... to carry out comprehensive and community planning policies." To further this purpose, the overlay zone established in this chapter will encourage duplex development to be generally occupied by active seniors.

**Section 3.** Official Zoning Map Amendment.

- A. Pursuant to CMC 21.04.046, the City has established a Zoning Map which establishes the location and boundaries of all zoning districts within the City of Cheney.
- B. Pursuant to CMC 21.04.047 the Zoning Map of the City shall be amended pursuant to this Ordinance with the amended copy maintained in the office of the City Clerk and the Community Development Department.
- C. The Senior Housing Overlay Zone is depicted on Attachment A, which represents the City of Cheney official Zoning Map.
- D. Upon the effective date of this Ordinance, the Zoning Map shall have the subject properties designated as "Senior Housing Overlay Zone SHOZ (RC)." The designation of "(RC)" shall refer to a recorded covenant against the subject properties that identifies the properties as "subject to" a use and occupancy covenant consistent with the matters set forth herein and the City Municipal Code.

**Section 4. Official Zoning Map.** The Senior Housing Overlay Zone is designated and depicted on Attachment B, which shall be considered an amendment to the City of Cheney Official Zoning Map

**Section 5. Conflict with other CMC Provisions.** If the provisions of this Ordinance are found to be inconsistent with other provisions of the Cheney Municipal Code, this Ordinance shall control.

**Section 6. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 7. Effective Date.** This ordinance shall become effective thirty (30) days after its passage, approval, and publication.

Introduced this \_\_\_\_ day of \_\_\_\_\_, 2019.

Passed by the City Council this \_\_\_\_ day of \_\_\_\_\_, 2019.

Approved by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Chris Grover, Mayor

ATTEST:

\_\_\_\_\_  
Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stanley M. Schwartz, City Attorney