

City of Cheney
609 Second Street
Cheney, Washington 99004

**CITY OF CHENEY, WASHINGTON
ORDINANCE NO. X-71**

**AN ORDINANCE ESTABLISHING AN OVERLAY ZONE
FOR SENIOR HOUSING AND PROVIDING FOR OTHER
MATTERS RELATED THERETO**

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

WHEREAS, the Cheney Municipal Code Chapter 21.13 entitled "Overlay Zone" allows for the development of special overlay zones, including the uses, standards, and other matters that relate to the designated zone.

WHEREAS, pursuant to CMC 21.13.030, Section 1 herein entitled "Findings of Fact" describes the reason for designating this special overlay zone;

WHEREAS, the adoption of this overlay zone is deemed to be consistent with the Ordinance "Amending the Zoning Map to Designate an Overlay Zone for Senior Housing, Providing for Other Matters Related Thereto and Setting an Effective Date;" and

WHEREAS, the establishment of the Senior Housing Overlay Zone is determined by the Council to be in the best interests of the City to control development and ensure that senior housing development within a certain area is consistent and compatible with the adjacent neighborhood.

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

Section 1. Findings of Fact. The following are Findings of Fact.

- A. The purpose and location of the Senior Housing Overlay Zone is to prescribe and identify an area which will be limited to the development of senior housing (defined herein) to create an area where the uses and occupancy are consistent and compatible with the surrounding neighborhood.

- B. To identify the designated area(s), the Zoning Map of the City shall contain the following: "SHOZ (RC)" meaning "Senior Housing Overlay Zone (subject to a Restrictive Covenant). The Restrictive Covenant shall contain terms and conditions governing the use and occupancy of the property, including the structures thereof which shall be limited to occupancy and use by persons who are age 55 or older and are the primary occupants of the premises. The Restrictive Covenant shall contain additional terms and conditions with regard to use and activities conducted on the property.
- C. The development standards for the Senior Housing Overlay Zone are set forth in this Ordinance and may be modified by subsequent action of the City Council.
- D. Unless specifically modified by this overlay zone, all planning and zoning requirements set forth in the Cheney Municipal Code and other city ordinances shall govern the development of property within the Senior Housing Overlay Zone unless provided otherwise through city ordinance, conditions of approval or other documents approved by the City Plan Commission and City Council.

Section 2. New Chapter. A new Chapter 21.16 entitled "Senior Housing Overlay Zone" is hereby added to the Development Code as set forth herein.

Section 3. New Section. A new Section 21.16.010 entitled "Establishment of Zone" is hereby added to read as follows:

There is established the Senior Housing Overlay Zone as a special overlay district subject to the uses and purposes set forth herein.

Section 4. New Section. A new Section 21.16.020 entitled "Purpose" is hereby added to read as follows:

The purpose of the Senior Housing Overlay Zone is to establish an area where residential dwellings can be developed consistent with standards of the underlying zoning for active seniors over the age of 55.

Section 5. New Section. A new Section 21.156.030 entitled "Permitted Use" is hereby added to read as follows:

The following are the permitted and limited uses allowed in the Senior Housing Overlay Zone in accordance with underlying zoning district designation, which is set forth on the City Zoning Map.

- a. Housing Types: Single Family Dwelling (Attached or Detached), Duplexes
- b. Parks/Open Space: Neighborhood Parks

Section 6. New Section. A new Section 21.16.040 entitled "Boundary Description of Senior Housing Overlay Zone" is hereby added to read as follows:

The boundary and area which shall contain the Senior Housing Overlay Zone is depicted on the City of Cheney's Official Zoning Map, a copy of which is maintained in the City Clerk's office and the Department of Community Development.

Section 7. 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 8. 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