

City of Cheney  
609 Second Street  
Cheney, Washington 99004

**CITY OF CHENEY, WASHINGTON  
ORDINANCE NO. W-59**

**AN ORDINANCE AMENDING CHAPTER 21.13 OF THE CHENEY MUNICIPAL CODE ENTITLED "OVERLAY ZONE" TO REMOVE THE REQUIREMENT OF A SPECIAL DESIGNATION IN THE COMPREHENSIVE PLAN AND PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.**

WHEREAS, in review of the City Zoning Code set forth in Title 21, it is necessary to amend Chapter 21.13 in order to provide for the specific requirements of an overlay zone in a manner that is consistent with the existing City Comprehensive Plan and community standards;

WHEREAS, through Ordinance No. W-58, the City established "Interim Zoning and Land Use Regulations for the Location of Retail Marijuana Sales and Dispensaries" to serve the interests of public health and safety by describing an area where retail marijuana sellers and medical dispensaries may locate and conduct their lawful business activities within an overlay zone that is specifically described and established by ordinance; and

WHEREAS, the amendment of Chapter 21.13 of the Cheney Municipal Code is intended to further allow for the establishment of overlay zones within the City subject to certain prescribed purposes and standards.

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

**Section 1. Amendment.** Section 21.13.010 of the Cheney Municipal Code entitled "Purpose" is amended to read as follows:

The purpose of this chapter is to define, establish and set forth uses, standards and procedures for overlay zones ~~in general~~ which are in addition to the permitted uses in the underlying zone . ~~‡ The establishment of establishes special district overlays zones with alternative additional standards for special areas shall be designated on the city zoning map by the comprehensive plan.~~

**Section 2. Amendment.** Section 21.13.020 of the Cheney Municipal Code entitled "Authority and application" is amended to read as follows:

This chapter authorizes the city to ~~increase~~ add or modify development standards or ~~limit~~ uses on special properties ~~beyond the general requirements of the code~~ through property-specific development standards, and to carry out comprehensive and community planning policies ~~and map designations~~ through special overlay districts which supplement or modify standard zones through ~~different~~ certain uses, design or density standards ~~or review processes~~.

**Section 3. Amendment.** Section 21.13.030 of the Cheney Municipal Code entitled "Special district overlays – General provisions" is renamed "Special overlay zone – General provisions" and is amended to read as follows:

Designation and definition of sSpecial district overlays zones shall be ~~designated on community land use maps and indicated on area zoning maps as follows~~ include the following:

- (1) ~~A special district overlay shall be designated in the comprehensive plan, plan update or plan amendment. Designation of an overlay district shall include Findings and policies that prescribe the purpose and location of the overlay.~~
- (2) ~~A special district overlay shall be applied to land through the area zoning adopted in conjunction with the comprehensive plan and shall be indicated designation on the zoning map with the suffix "SO" (special overlay) following the map with a symbol of the underlying zone or zones.~~
- (3) ~~New or amended overlays to carry out new or different goals or policies shall be adopted as part of this chapter and be available for use in all appropriate areas.~~
- (4~~3~~) ~~The special district overlays set forth in this chapter may waive, modify and substitute for the range of Such specific development standards as may be established by the code ordinance for any use or in the underlying zone.~~
- (5~~4~~) ~~Unless they are specifically modified by the provisions of this chapter, all standard requirements of the code and other city ordinances and regulations shall govern all development and land uses within the special district overlays zone. Any amendments to the provisions of this chapter or established overlay zone will be by include a public hearing in front of before the city planning commission in accordance with section 21.56.050 with final action by the City Council.~~

**Section 4. Amendment.** Section 21.13.040 of the Cheney Municipal Code entitled "Overlay district performance standards" is renamed to "Overlay zone performance standards" and is amended to read as follows:

~~These performance standards apply to all new and nonconforming uses in the overlay district. They supplement other ordinances and standards of the Cheney Municipal Code, where applicable, and are intended to augment present authority to existing or perceived nuisances and hazards to the public health and safety. In reviewing and recommending approval of approving proposed uses or developments falling under the purview of this sectionchapter, the planning commission shall make their findings and may establish conditions in consideration of the following matters using the following standards:~~

- (1) Lot size;
- (2) Required parking;
- (3) Landscaping;
- (4) Design standards;
- (5) Light and Noise abatement standards;
- (6) Height limitations;
- (7) Other matters that affect the health, safety and welfare of the property and affected properties.

**Section 5. Severability.** If any section, sentence, clause or phrase of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**Section 6. Effective Date.** This ordinance shall become effective thirty (30) days after its passage, approval, and publication.

Introduced this 10 day of February, 2015.

Passed by the City Council this 10 day of March, 2015.

Approved by the Mayor this 10 day of March, 2015.

  
Tom Trulove, Mayor *Pro Tem*  
*Teresa Overhauser*

ATTEST:

A handwritten signature in blue ink, appearing to read 'Cynthia L. Niemeier', written over a horizontal line.

Cynthia L. Niemeier, City Clerk

APPROVED AS TO FORM:

A handwritten signature in blue ink, appearing to read 'Stanley M. Schwartz', written over a horizontal line.

Stanley M. Schwartz, City Attorney