

ORDINANCE NO. 955

AN ORDINANCE OF THE CITY OF CHEWELAH ADOPTING ZONE TEXT AMENDMENTS RELATIVE TO DUPLEX DEVELOPMENT IN ZONE R-1B (Single-Family Residences)

WHEREAS, the City initiated an amendment to *Title 18 - Zoning* of the Chewelah Municipal Code to permit duplex development in every lot in Zone R-1B and in Zones APGC-1, APGC-2 and APGC-3; and

WHEREAS, the proposed amendment was referred to and a Public Hearing was held by the Hearing Examiner on December 1, 2020; and

WHEREAS, the Hearing Examiner after review and consideration of public comment and testimony, staff reports, and other relevant information, recommended that the City Council approve the proposal to permit duplex development in the R-1B zone. The Hearing Examiner remanded the proposal to permit duplex development in the APGC Zones back to the Planning Department in order to complete the formal consultation process required under state law. The Planning Department was directed to report the results of that consultation process back to the Hearing Examiner for further consideration; and

WHEREAS, after considering the matter on remand, the City decided to withdraw its proposal to allow duplex development in Zones APGC-1, APGC-2 and APGC-3; and

WHEREAS, due to this withdrawal of proposal by the City, the Hearing Examiner as stated in the "Report to City Council Following Remand" dated 1-21-21 had no basis upon which to make a supplemental recommendation, thereby concluding his review of ZTA-09-2020; and

WHEREAS, a Public Hearing was held by the City Council on May 5, 2021.

NOW THEREFORE, the City Council of the City of Chewelah finds as follows:

THAT the facts stated in the above recitals are true; and

THAT all procedural requirements for a Zone Text Amendment (ZTA) in accordance with Chewelah Municipal Code Chapter 18.20 regarding the present ZTA have been properly complied with; and

THAT the City Council of the City of Chewelah adopts the findings and conditions of the Hearing Examiner as presented in the "Findings, Conclusions, and Decision - File No. ZTA-09-2020" dated December 21, 2020 as the basis for this Ordinance.

del
ajm

NOW THEREFORE, the City Council of the City of Chewelah ordains as follows:

SECTION 1: The Use Classification of "Duplex" in Table "18.08.020 Permitted, Conditionally Permitted and Prohibited Uses by Base Zone" is amended as follows (~~Deletions are denoted by~~ ~~strikeout~~; ~~Additions are denoted by~~ ~~underline~~; remaining text is unchanged):

	R-1	R-1B	R-3	R-B	C-I	APGC	CF
Duplex	P	P	P	P	P (5)	C	X

SECTION 2: SEVERABILITY CLAUSE. 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 preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

SECTION 3: EFFECTIVE DATE. This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.



Mayor Dorothy L. Knauss



AUTHENTICATE: Pamela McCart, Clerk/Treasurer

Introduced: May 5, 2021
Adopted: May 5, 2021
Published: May 13, 2021