

ORDINANCE 2020-12

AN ORDINANCE OF THE CITY OF TOPPENISH, WASHINGTON, AMENDING CERTAIN SECTIONS OF THE TOPPENISH MUNICIPAL CODE TO CLARIFY THE NUMBER OF DWELLINGS PERMITTED ON A LOT AND TO PROVIDE CONSISTENCY IN THE RESIDENTIAL ZONING REQUIREMENTS

WHEREAS, the Toppenish Municipal Code is not explicit in the intent to limit a residential lot to a single dwelling, and

WHEREAS, the Toppenish Municipal Code is inconsistent concerning the regulation of single-family and two-family dwellings in residential districts, and

WHEREAS, the City Council desires that the Toppenish Municipal Code be written in clear and concise language so that it does not cause confusion, is easy to understand and that is consistent in subject matter,

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

Section 1: The following subsections 17.28.020(A), 17.28.020(B), 17.28.030(A), 17.28.030(B), 17.32.020(A), 17.32.020(B), 17.32.030(A), 17.32.030(B), 17.40.020(A) and 17.40.020(B) of the Toppenish Municipal Code are hereby amended to clarify that a single residential lot is limited to one dwelling and to provide consistency regarding regulations of single-family and two-family dwellings in residential zones:

17.28.020 Permitted uses.

After June 20, 1964, no building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained in this district except for the following uses:

A. A single-family dwellings, limited to one per lot, consisting of a residential home built to current building codes or a new manufactured home or new modular home conforming to the development standards specified in TMC 17.28.035;

B. A two-family dwellings; (duplex);, limited to one per lot, consisting of two attached residential homes built to current building codes or two new attached manufactured or modular homes conforming to the development standards specified in TMC 17.28.035;

17.28.030 Area regulations – Lot size and percent of coverage.

A. Single-Family Dwellings. No single-family dwelling shall be erected after June 20, 1964, upon any lot or plot having an area of less than 7,200 square feet or an average width of less than 60 feet, nor shall the building, including its accessory buildings, occupy or cover more than 40 percent of the total lot area.

B. Two-Family Dwellings. No two-family dwelling shall be erected after June 20, 1964, upon any lot or plot having an area of less than 8,200 square feet or an average width of less than 80

feet, nor shall the building, including its accessory buildings, occupy or cover more than 60 percent of the total lot area.

17.32.020 Permitted uses.

No building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained after June 20, 1964, in this district except for the following uses:

A. A Ssingle-family dwellings, limited to one per lot, consisting of a residential home built to current building codes or a new manufactured home or new modular home conforming to the development standards specified in TMC 17.32.035;

B. A Ttwo-family dwelling (duplex) limited to one per lot, consisting of two attached residential homes built to current building codes or two new attached manufactured or modular homes conforming to the ~~general aesthetics of the neighborhood in which they are sited~~ development standards specified in TMC 17.32.035;

17.32.030 Area regulations – Lot size and percent of coverage.

A. Single-Family Dwellings. No single-family dwellings shall be erected after June 20, 1964, upon any lot or plot having an area of less than 7,200 square feet or an average width of less than 60 feet, nor shall the building, including its accessory buildings, occupy or cover more than 50 percent of the total lot area.

B. Two-Family Dwellings. No two-family dwelling shall be erected after June 20, 1964, upon any lot or plot having an area of less than 8,200 square feet or an average width of less than 80 feet; nor shall the building, including its accessory buildings, occupy or cover more than 60 percent of the total lot area.

17.40.020 Permitted uses.

No building, structure or land shall be used and no building or structure shall be erected, altered, enlarged or maintained after June 20, 1964, in this district except for the following uses:

A. A Ssingle-family dwellings, limited to one per lot, consisting of a residential home built to current building codes or a new manufactured home or new modular home conforming to the development standards specified in TMC 17.40.035;

B. A Ttwo-family dwellings, limited to one per lot, consisting of two attached residential homes built to current building codes or two new attached manufactured or modular homes conforming to the development standards specified in TMC 17.40.035;

Section 2 Severability: If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful 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 chapter.

Section 3: This ordinance shall become effective five (5) days after a publication of a summary thereof.


PASSED by the Toppenish City Council at its regular meeting held on September 14, 2020.


MARK OAKS, Mayor

ATTEST:


HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:


GARY M. CUILLIER, City Attorney

CITY OF TOPPENISH

21 West First Avenue
Toppenish, WA 98948

"Where the West Still Lives"

CLERK'S CERTIFICATION

I, the undersigned, the duly chosen, qualified and acting Clerk of the City of Toppenish, Washington, and keeper of the records of the Council of the City (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance 2020-12 (herein called the "Ordinance") is a true and correct copy of an Ordinance of the City, as finally passed at a meeting of the Council held on the 14th day of September, 2020, and duly recorded in my office.
2. That said meeting was duly convened and held in all respects in accordance with law, and, to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Toppenish, Washington, this 15th day of September, 2020.




Heidi Riojas, CMC, City Clerk

Official Newspaper: *Sunnyside Sun*

Published: September 23, 2020

Effective: September 28, 2020