

ORDINANCE 2011 - 04

AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SUNNYSIDE, WASHINGTON, REPEALING  
ORDINANCE NO. 1941, ENACTED APRIL 21, 1997 AND  
CHAPTER 2.47 OF THE SUNNYSIDE MUNICIPAL CODE

**WHEREAS**, pursuant to Chapter 35A.13 of the Revised Code of Washington, the City Council is charged with the legislative authority of the City of Sunnyside;

**WHEREAS**, the City Council has determined that repealing Chapter 2.47 of Sunnyside Municipal Code is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare;

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

**Section 1.** Ordinance No. 1941, enacted April 21, 1997 and Chapter 2.47 of the Sunnyside Municipal Code are hereby repealed.

**Section 2.** Sunnyside Municipal Code section 17.72.010(G) is hereby amended to read as follows:

G. The Board of Adjustment shall review for approval conditional use permits for home occupations and minor variances to development standards on existing residential lots for single-family detached, single-family attached, duplex or triplex. For variances, while the facts listed in subsection (C) of this section shall be considered by the Board of Adjustment in its review of variance applications, the decision of the Board shall be primarily based on the reasonable nature of the request relative to the nature and character, including architecture, of the surrounding neighborhood, other similar existing situations in the area, and potential of the variance, if approved, to negatively impact the adjacent properties and land uses, particularly the normal expected enjoyment of residential property by its residents. Noncompliance shall be cause for review and revocation by the Board of Adjustment.

**Section 3.** Sunnyside Municipal Code section 2.46.090(A) is hereby amended to read as follows:

A. Applications. With respect to applications for the following matters submitted before him, the Hearing Examiner shall receive and examine available information, conduct public hearings, prepare a record thereof, and enter findings

of fact and conclusions based upon those facts, which conclusions shall represent the final action on the application, unless appealed as hereinafter specified:

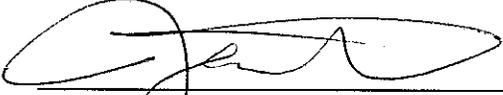
1. Conditional use permits;
2. Planned unit developments;
3. Preliminary plats; and
4. Applications for home occupation permits and variances from the terms of the zoning code and subdivision code. No application for variance shall be granted unless the Hearing Examiner finds:
  - a. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the property on behalf of which the application is located;
  - b. That such variance is necessary because special conditions exist relating to the size, shape, topography, location, or surroundings of the subject property which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; and
  - c. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.

**Section 4.** Except as amended herein, Title 2 and Chapters 17.72 and 2.46 of the Sunnyside Municipal Code shall remain unchanged.

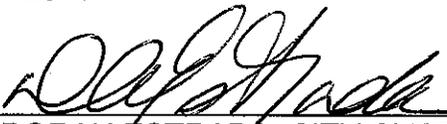
**Section 5.** If a section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 6.** This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 14<sup>th</sup> day of February, 2011.

  
JAMES A. RESTUCCI, MAYOR

ATTEST:

  
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DEBORAH ESTRADA, CITY CLERK

APPROVED AS TO FORM:

Menke Jackson Beyer Ehlis & Harper, LLP  
Attorneys at Law

  
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