

ORDINANCE 2022 - 34

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF SUNNYSIDE, WASHINGTON, AMENDING
THE SUNNYSIDE MUNICIPAL CODE (SMC), TITLE 17,
ZONING, TO INCORPORATE TEXT AMENDMENTS
RECOMMENDED BY THE SUNNYSIDE PLANNING COMMISSION**

WHEREAS, the Planning Commission of the City of Sunnyside has considered Amendments to modify several sections in the SMC Title 17, Zoning; and

WHEREAS, the Planning Commission held a study session on November 15, 2022, pursuant to notice and has received and considered all evidence and testimony presented; and

WHEREAS, the Planning Commission, having conducted such study session, found, determined, and recommended that the City Council approve such amendment as indicated in the findings dated November 22, 2022; and

WHEREAS, the City Council held an open record public hearing on December 12, 2022, pursuant to notice, to consider such amendment as recommended by the Planning Commission; and

WHEREAS, the City Council of the City of Sunnyside, having considered the record herein, the testimony provided at the public hearing, and the recommendation from the Planning Commission, hereby finds and determines that approval of these amendments is in the best interest of residents of the City of Sunnyside and will promote general health, safety, and welfare;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY

OF SUNNYSIDE, WASHINGTON, as follows:

SECTION 1. Amendments to Replace and Supersede. The proposed amendments to SMC Title 17, as contained in Exhibit "A" respectively attached hereto and fully incorporated herein, shall replace and supersede previous versions of the referenced documents.

SECTION 2. Adoption of Planning Commission Findings. The findings within the November 15th, 2022 Planning Commission Recommendation, regarding the proposed text amendments area hereby adopted by the Sunnyside City Council as its findings in support thereof pursuant to SMC 19.01.030, and are incorporated herein by this reference as if fully set forth herein.

SECTION 3. Severability/Validity. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining proportion of this ordinance.

SECTION 4. Ratification. Any act consistent with the authority, and prior to the effective date of this ordinance is hereby ratified and affirmed.

SECTION 5. Authorization to File. The City Clerk is hereby authorized and directed to file a certified copy of this ordinance with the Yakima County Auditor.

SECTION 6. Effective Date. This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 12th day of December 2022.



DEAN BROERSMA, MAYOR

ATTEST:



JACQUELINE RENTERIA, CITY CLERK

APPROVED AS TO FORM:



SAXTON RILEY & RILEY, PLLC
Attorneys for the City of Sunnyside

Date of Publication: December 21, 2022

EXHIBIT "A"

2022 Proposed Text Amendments – Track Changes Version

SMC Title 17

SMC 17.04.030 – Definitions:

"Accessory dwelling unit (ADU)" means a structure meeting the purpose and requirements of YMC 17.64.025 which is attached to a single-family home, or detached garage, or a stand-alone structure, with living facilities for one individual or family separate from the primary single-family.

"Lot coverage" means that portion of the lot that is covered by structures and other impervious surfaces.

"Short Term Rental" means a residential structure providing individuals with lodging for not more than thirty days. For home occupations, such uses are limited to having not more than five lodging or guest rooms.

SMC 17.12.020 Permitted Uses:

A. The following are permitted uses in the R-1 zone:

1. A single-family dwelling, one per lot, meeting the requirements of this title, ~~including manufactured homes as permitted by this chapter~~, and normally associated structures and uses.
2. Crop or tree farming, greenhouses and truck gardening, including the sale of products raised on the premises; provided, that no retail stand or other structure shall be located thereon and no greenhouse heating plant shall be operated within 20 feet of any lot line.
3. Public transportation shelters.
4. Public utility installations of the City of Sunnyside.
5. Accessory Dwelling Units (ADUs) meeting the standards outline in SMC Chapter 17.64

SMC 17.12.030 Dimensional Standards

- A. Minimum lot area: 6,500 square feet for interior lot and 7,500 square feet corner lot for single-family homes and 13,000 square feet for duplex lots.
- B. Minimum lot width: 60 feet at street frontage; for cul-de-sac and knuckle lots, 40 feet at the right-of-way, and 60 feet at the 20-foot depth mark.
- C. Maximum building height: 35 feet, or two full stories above the finished pad elevation.
- D. Maximum land coverage: 35 50 percent. for all buildings on lot, and 30 percent for any dwelling.
- E. Minimum floor area: 1,300 square feet of habitable space.
- F. Minimum lot depth: 90 feet.

SMC 17.16.020 Permitted Uses:

A. The following are permitted uses in the R-2 zone:

1. A single-family or a two-family dwelling;

2. Grounds for games or sports, parks, country clubs, recreational and community center buildings, gymnasiums and other similar activities not operated for profit;
3. Public transportation shelters;
4. Libraries, museums and art galleries;
5. Public utility installations of the City of Sunnyside.

6. Accessory Dwelling Units (ADUs) meeting the standards outline in SMC Chapter 17.64

SMC 17.16.030 Dimensional Standards:

The dimensional standards for the R-2 zone are:

- A. Minimum lot areas: 4,300 square feet;
- B. Minimum width: 50 feet;
- C. Maximum building height: two full stories, not to exceed 35 feet;
- D. Maximum land coverage: 55 percent. for all buildings on lot;
- E. Minimum floor area: 600 square feet each per dwelling unit in a duplex, and 864 square feet per single-family dwelling unit.

SMC 17.20.020 Permitted Uses:

A. The following are permitted uses in the R-3 zone:

1. Single-family and two-family dwellings, apartment houses, or multiple dwellings;
2. Public transportation shelters;
3. Public utility installations of the City of Sunnyside.
4. Accessory Dwelling Units (ADUs) meeting the standards outline in SMC Chapter 17.64

SMC 17.20.030 Dimensional Standards:

The dimensional standards for the R-3 zone are:

- A. Minimum lot area: 4,300 square feet;
- B. Minimum lot width: 50 feet;
- C. Maximum building height: three full stories, not to exceed 35 feet;
- D. Maximum land coverage: 40 75 percent. for all buildings on lot.

SMC 17.56.020 Permitted Uses:

The following are permitted uses in the M-1 zone:

- A. All uses permitted in the B-2 General Commercial zone, excepting the residential uses, subject to the restrictions and definitions contained in SMC [17.44.025](#) and [17.44.027](#) including, but not limited to, the dimensional separation of 1,000 feet between dance halls and any area zoned R-1, R-1M, R-2, R-3, M-H or other residential zoning district hereafter adopted, which dimensional separation shall be applicable to the M-1 zone to the same extent as provided for the B-2 zone;
- B. Blacksmiths or horseshoeing shops;
- C. Bus repair and storage terminals;
- D. Cabinet, carpenter, plumbing, heating and welding and machine sheet metal shops;
- E. Cold storage plants;
- F. Electrical power or light distribution stations;
- G. Farm machinery assembly, repair and sales;
- H. Farm feed-and-seed, bulk wholesale and retail;

- I. Food processing and wholesale quantities, including bakeries, dairy products;
 - J. Fuel oil, gasoline and petroleum products in unpressurized tanks of 15,000 gallons or less capacity, storage and sales;
 - K. Laboratories for research and testing;
 - L. Lumberyards, contractor's yards and building supply yards;
 - M. Manufacturing, processing or fabricating of previously prepared materials;
 - N. Optical and scientific instrument, jewelry and clock, and musical instrument manufacturers;
 - O. Public utility installations storage yards;
 - P. Repairing and servicing of industrial equipment machinery, except railroad equipment;
 - Q. Scrap paper, rags storage, sorting or baling when conducted within a building;
 - R. Tire recapping and retreading;
 - S. Truck terminals, repair shops, mini-storage facilities as defined in SMC [17.04.030](#), and hauling and storage yards, and excluding auto wrecking yards;
 - T. Wholesaling storage lots and warehouses;
 - U. Animal shelters;
 - V. Blueprinting and photostatting establishments;
 - W. Gas or liquefied petroleum in approved metal cylinders for storage and sales;
 - X. Mixing plants for concrete or paving materials and manufacture of concrete parts products;
 - Y. Those special property uses permitted in the M-1 zone as specified in SMC [17.64.020](#);
 - Z. On-site hazardous waste treatment and storage as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the State siting criteria adopted pursuant to the requirements of RCW [70.105.210](#).
- [AA. Processing and recycling facilities for organic, fibrous, and other materials including anaerobic digesters and renewable natural gas processing and production facilities.](#)

SMC 17.64.15 Accessory Dwelling Units

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- A. Purpose. The purpose of the accessory dwelling unit (ADU) provisions is to:
1. Provide property owners with an opportunity for extra income, companionship, and security;
 2. Better utilize existing infrastructure and community resources (sewer, water, roads, etc.);
 3. Provide a housing type that allows flexibility to respond to changing needs and lifestyles;
 4. Add to the supply of affordable dwelling units; and
 5. Protect neighborhood character and stability by ensuring that ADUs are compatible with surrounding land uses.
- B. Requirements. An accessory dwelling unit is a permitted use on all parcels containing a single-family dwelling subject to all of the following conditions:
1. The accessory dwelling unit may be attached to the primary residence or attached to or above a detached garage, or be its own stand-alone structure.
 2. Off-street parking shall be provided as required in SMC Chapter 17.64 for both the ADU and the primary residence located on the lot they are intended to serve.
 3. The ADU's floor area shall not exceed one thousand square feet.
 4. The ADU's exterior walls shall be designed so as to be similar in style, color, and building materials to the primary detached dwelling.

5. An ADU attached to the primary structure shall have the same building setbacks as the primary structure. An ADU that is attached to, or built above, a detached garage or a stand-alone structure shall have the same building setbacks as an accessory structure.

6. A parcel/lot shall contain no more than one single-family residence and one ADU.

7. ADUs shall not be allowed on parcels containing a duplex or multifamily dwelling, or a commercial or industrial structure/use.

8. The primary residence and the ADU shall both be connected to public sewer and water if available (within two hundred feet).

a. If the ADU is attached to the primary dwelling unit, the two dwelling units shall share a single sewer and water connection.

b. If the ADU is attached to, or located above, a detached garage, or is a stand-alone structure, each unit may have its own sewer and water connection, with required meters, or share the sewer and water connection with the primary dwelling unit consistent with applicable code(s).

c. If public sewer and/or public water are not available at the site, the applicant shall provide documentation from the Yakima Health District certifying that the on-site septic and/or on-site well are adequate to provide service for both the existing single-family residence and the ADU.

9. A lot containing an ADU shall not be subdivided, or otherwise segregated in ownership, in a way that separates the ADU and the primary dwelling unit on different lots, except as permitted under SMC Title 16.

10. Any exterior stairs shall be placed in the rear or side yard.

11. A deed restriction, signed by the property owner and the city, shall be recorded with the Yakima County auditor's office providing notice to potential buyers of the ADU restrictions.

C. Enforcement. The city retains the right with reasonable notice to inspect the ADU for compliance with the provisions of this section.

D. Elimination. The city retains the right with reasonable notice to withdraw occupancy approval if any of the requirements under subsection B of this section are violated. In the event the city withdraws occupancy, the property owner may:

1. If attached, merge the existing ADU to the single-family dwelling; or

2. If detached, use the building for an approved accessory use or remove the structure from the premises.

SMC 17.64.040 Minimum Parking Space Requirements:

The capacity of each parking area shall be as follows, for the following uses:

A. Multiple dwellings, one parking space for each dwelling unit.

B. Rooming houses and lodging houses, fraternity and sorority houses, one parking space for each three occupants.

C. Hotels, two parking spaces for each three bedrooms.

D. Auto and trailer courts, one parking space for each sleeping unit, and/or one parking space for each trailer space.

E. Hospitals, sanitariums, convalescent homes, nursing homes and rest homes, one parking space for each five regular beds plus one for every two employees with a minimum of two spaces.

F. Churches, mortuaries, funeral homes, one parking space for each five seats in the chapel or nave.

G. Stadiums, sports arenas, auditoriums and other places of assembly with fixed seats, one parking space for each five seats.

H. Dancehalls, exhibition halls and other places of assembly without fixed seats, one parking space for each 75 square feet of gross floor area.

I. Skating rinks and other commercial recreation places, one parking space for each 100 square feet of gross floor area.

J. Bowling alleys, five parking spaces for each alley.

K. Schools:

1. Elementary and junior high, one parking space for each employee;
2. Senior high schools, two parking spaces for each employee;
3. Colleges, three parking spaces for each employee.

L. Theaters, one parking space for each six seats.

M. Medical and dental clinics, one parking space for each 200 square feet of gross floor area.

N. Banks shall have a parking requirement of one space for every 250 square feet of gross floor area, with a three-space reduction for every drive-up window. Business and professional offices shall have one space for each 200 square feet of usable area with usable area defined as the total entire floor area as determined by measurement to the outside wall surface, excluding mechanical and storage spaces, restrooms and other areas which are not used for office or waiting area.

O. Restaurants, taverns and any establishment for the sale and consumption on the premises of food, alcoholic beverages or refreshments, one parking space for each 100 square feet of gross floor area.

P. Retail stores, except as otherwise specified:

1. Having not more than 7,000 square feet of gross floor area, one space for each 150 square feet of gross retail floor area.
2. Having more than 7,000 square feet of gross floor area, one space for each 150 square feet of gross retail floor area for the first 7,000 square feet and one space for each 300 square feet of gross retail floor space in excess of 7,000 square feet.

Q. Furniture, appliance, hardware and clothing stores, service shops, one parking space for each 600 square feet of gross floor area.

R. Wholesale stores, warehouses and storage buildings, one parking space for each two employees with a minimum of two spaces. Additional parking and paving shall be determined by a site-plan review process with consideration given to environmental impacts such as dust, oil, drainage, traffic flow, etc.

S. Manufacturing uses including research and testing laboratories, creameries, soft drink bottling establishments, bakeries, canneries, printing and engraving shops, one parking space for each three employees based on the maximum working shift.

T. Single-family detached and attached homes, duplexes, triplexes and mobile homes, two parking spaces for each dwelling unit.

U. Sales yards for automobile sales, manufactured home and recreational vehicle sales, farm equipment sales and similar sales lots. Parking and paving shall be determined by a site plan review process, with consideration given to environmental impacts such as dust, oil, drainage, traffic flow, etc.

V. Accessory dwelling units shall have one parking space.

Parking requirements for any specific occupancy or use not listed in this section will be determined in accordance with the use most closely related to such proposed use as determined by City staff.