

ORDINANCE 2023 - 28

**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 an open record public hearing on November 14, 2023, pursuant to notice and has received and considered all evidence and testimony presented; and

WHEREAS, the Planning Commission, having conducted such public hearing, found, determined, and recommended that the City Council approve such amendment as indicated in the findings dated November 30, 2023; and

WHEREAS, the City Council held an closed record public hearing on December 11, 2023, 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 "B" 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 14th, 2023 Planning Commission Recommendation (Exhibit A), 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.

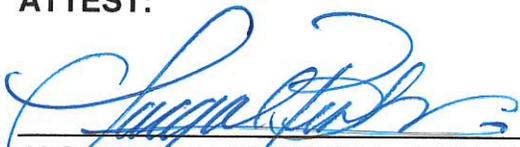
SECTION 5. Authorization to File. The City Clerk is hereby authorized and directed to file a certified copy of this ordinance with the Yakima County Auditor.

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

PASSED this 11rd day of December 2023.


DEAN BROERSMA, MAYOR

ATTEST:


JACQUELINE RENTERIA, CITY CLERK

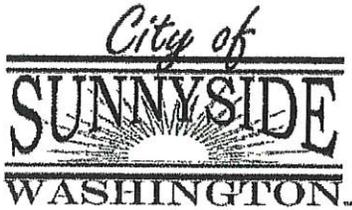
APPROVED AS TO FORM:

SAXTON RILEY & RILEY, PLLC:


BY: BENJAMIN J. RILEY
CITY ATTORNEYS FOR THE CITY OF SUNNYSIDE

Date of publication: December 20, 2023

EXHIBIT A



Planning & Community Development
818 East Edison Avenue
Sunnyside, Washington 98944
(509) 837-7999 Office, (509) 836-6383 Fax

**SUNNYSIDE PLANNING COMMISSION
RECOMMENDATION TO THE SUNNYSIDE CITY COUNCIL
FOR
AMENDMENT TO SUNNYSIDE MUNICIPAL CODE**

WHEREAS, Pursuant to RCW 36.70A.130(1) the City is required to take legislative action to review and revise City's Zoning Ordinance, Subdivision Ordinance, and SEPA Environmental Policy; and

WHEREAS, These updates to Sunnyside Municipal Code (SMC) Titles 17 are considered to be a non-project application without a specific use or site plan to be considered; and

WHEREAS, Under the provisions of SMC Ch. 19.01.030 the Planning Commission is responsible for the review of amendments to the City's Sunnyside Zoning Ordinance and for recommending the approval, modification, or denial of each amendment; and

WHEREAS, All required public notice for these amendments were provided, in accordance with the provisions of SMC Ch. 19.03, on November 1, 2023; and

WHEREAS, SEPA Environmental Review for these updates was mailed on July 12, 2023 and a Determination of Nonsignificance (DNS) was issued on August 4, 2023; and

WHEREAS, The Sunnyside Planning Commission held a public meeting on November 14, 2023, invited public input on the proposed text amendments, consider the amendments, and provide a recommendation to the Sunnyside City Council;

Now therefore, the Sunnyside City Planning Commission presents the following findings and recommendation to the Sunnyside City Council:

PURPOSE AND DESCRIPTION OF PROPOSED AMENDMENTS

The complete track changes text can be found in Exhibit "A" and is incorporated herein by reference. A summary of the amendments is as follows:

1. SMC 17.04.030 – Definitions
 - 1) New definition for Master Planned Development;
 - 2) New definition for Mixed-Use Building;
 - 3) New definition for Mixed-Use Development;
 - 4) New definition for Planning Commission;
 - 5) New definition for Public Hearing;
 - 6) New definition for Rezone;
 - 7) New definition for Use; and
 - 8) New definition for Variance;

EXHIBIT A

2. SMC Chapter 17.10 – Omit chapter and rezone all properties previously URA – Mini Ranchettes to R-1 Low Density Residential Zone.
3. SMC § 17.12.020 – Permitted Uses
 - 1) Modification to allow the addition of two family dwellings (duplexes) to the list of allowed uses;
 - 2) Modification to standardize a minimum lot size of 6,500 square feet;
 - 3) Removal of ambiguity of cul-de-sac development;
 - 4) Removal of the minimum floor area for the zoning district; and
 - 5) Removal of the minimum lot depth.
4. SMC § 17.12.040 – Yards
 - 1) Modification to standardize rear yard setback to 15 feet for all new units.
5. SMC § 17.12.050 – Development Standards
 - 1) Addition of all overhands shall be a minimum of 12 inches; and
 - 2) Modification of the language to landscaping standards.
6. SMC § 17.12.080 – Two Family Units – Omitting this section from the municipal code.
7. SMC § 17.16.010 Density
 - 1) Modification to increase the number of dwelling units per acre from 9 to 16.
8. SMC § 17.16.020 – Permitted Uses
 - 1) Addition of a standard of multifamily dwelling units meeting the density standards of this chapter;
 - 1) Addition of zero lot line development; and
 - 2) Removal of apartments from the conditional use review.
9. SMC § 17.16.070 – Zero Lot Line Development– Addition of the Municipal Code that addresses zero lot line development.
 - 1) Addition of the definition of Zero Lot Line Development;
 - 2) Addition of the district in which Zero Lot Line Development is permitted;
 - 3) Addition of application procedure for Zero Lot line Development;
 - 4) Addition of development standards for Zero Lot Line Development;
 - 5) Addition of platting requirements for Zero Lot Line Development;
 - 6) Addition of prohibited openings for Zero Lot line Development;
 - 7) Addition of maintenance and drainage easements for Zero Lot Line Development; and
 - 8) Addition of space requirements for a non-zero lot line development parcel and a zero lot line parcels dwelling units to be.
10. SMC § 17.20.020 – Permitted Uses
 - 1) Addition of zero lot line development to the R-3 zoning district;
 - 2) Removal of storage for M-1 use; and
 - 3) Removal of livestock;

EXHIBIT A

11. SMC § 17.20.050 – Zero Lot Line Development—Adding a section of the Municipal Code that addresses zero lot line construction.
 - 1) Addition of reasonings for Zero Lot Line Development;
 - 2) Addition of the district in which Zero Lot Line Development is permitted;
 - 3) Addition of application procedure for Zero Lot line Development;
 - 4) Addition of development standards for Zero Lot Line Development;
 - 5) Addition of platting requirements for Zero Lot Line Development;
 - 6) Addition of prohibited openings for Zero Lot line Development;
 - 7) Addition of maintenance and drainage easements for Zero Lot Line Development; and
 - 8) Addition of space requirements for a non-zero lot line development parcel and a zero lot line parcels dwelling units to be.

12. SMC § 17.36.020 – Permitted Uses
 - 1) Modification of the name item A) to Offices and Clinics;
 - 2) Modification of the name item B) Agricultural Service Organizations;
 - 3) Addition of general retail sales buildings under 10,000 square feet;
 - 4) Addition of restaurants;
 - 5) Removal of item L) on-site hazardous waste treatment; and
 - 6) Addition of single and two family structures on existing lots of 11,000 square feet or less.

13. SMC § 17.36.030 – Dimensional Standards
 - 1) Removal of dimensional standards item A.

14. SMC § 17.40.020 – Permitted uses
 - 1) Addition of apartments, all proposed apartment facilities shall meet the standards of SMC Title 17.20; and
 - 2) Addition of mixed-use building.

15. SMC § 17.44.020 – Permitted Uses
 - 1) Addition of apartments that meet the standards of SMC Title 17.20;
 - 2) Addition of mixed use buildings;
 - 3) Addition of single and two family structures on the lots of 11,000 sq ft or less; and
 - 4) Addition of zero lot line developments.

16. 17.44.025 – Permitted Uses
 - 1) Modification of the term Board of Appeals to the term Hearing Examiner.

17. 17.48.020 – Permitted uses
 - 1) Addition of mixed use buildings;
 - 2) Addition of single and two family structures on lots of 11,000 square feet or less; and
 - 3) Removal of on-site hazardous waste.

EXHIBIT A

18. 17.48.030 – Dimensional Standards
 - 1) Removal of the Downtown Heritage Village design plan requirements;
 - 2) Modification of the improvement, modification, and alteration compliance from the Downtown Heritage Village design plan requirements to the City Municipal Code; and
 - 3) Addition of standards for residential uses in the zone to meet the standards in the SMC 17.16.030.

19. 17.64.020 – Conditional Uses
 - 1) Modification of the term Board of Adjustment to the term Hearing Examiner;
 - 2) Modification of the lot coverage for schools from 25 to 65 percent;
 - 3) Removal of item apartments and multiple dwelling units from conditional uses;
 - 4) Removal of single and two family dwelling units from conditional uses;
 - 5) Removal of livestock from conditional uses; and
 - 6) Removal of single dwelling unit used as a secondary or accessory to a commercial use on the property from conditional uses.

20. 17.68.050 – Nonconforming uses of structures of land
 - 1) Modification of the term Board of Adjustment to the term Hearing Examiner.

21. Chapter 17.76 Amendments
 - 1) Addition of Rezoning to this chapter title to read “Chapter 17.76 Amendments and Rezoning”;
 - 2) Modification to section 17.76.010, changing section title from Ordinance Required to Purpose;
 - 3) Modification of the title 17.76.020 from Amendment Procedures to Initiation of Amendment;
 - 4) Modification to section 17.76.020 Initiation of Amendments;
 - 5) Addition of new section 17.76.030 Notice Requirements;
 - 6) Addition of new section 17.76.040 Findings and Recommendations; and
 - 7) Addition of new section 17.76.050 Appeals.

22. Chapter 17.76.010 –Purpose
 - 1) Modification of chapter purpose.

23. Chapter 17.76.020 – Initiation of Amendments
 - 1) Removal of existing sections 17.76.020.A-E;
 - 2) Addition of new section 17.76.020 A-Zoning Map & B-Text; and
 - 3) Modification of chapter initiation and procedure.

24. Chapter 17.76.030 – Notice Requirements
 - 1) Addition of new section

25. Chapter 17.76.040 Findings and Recommendation
 - 1) Addition of new section

26. Chapter 17.76.050 Appeals

EXHIBIT A

- 1) Addition of new section
27. 19.01.030 – Project Permit Action Type
- 1) Modification of the term Board of Adjustment to the term Hearing Examiner;
 - 2) Modification of Type IV action from City Council to City Staff;
 - 3) Addition of Master Planned Development Overlay Zone to Action Type V; and
 - 4) Modification of the chapters to correspond with modification made in Title 19

FINDINGS OF FACT

1. This project underwent Environmental Review with the Determination of Nonsignificance being issued on August 4, 2023.
2. Public notice was provided in accordance with SMC Title 19.03, with a Notice of Public Hearing and Legal Ad Publication in the Sunnyside Sun newspaper on November 1, 2023.
3. The proposed amendments are consistent with the following Goals and Policies of the Sunnyside Comprehensive Plan:

1. HOUSING GOALS, POLICIES, AND OBJECTIVES

- Goal 1 - Provide safe and sanitary housing for all persons within the community.
 - Policy 1.1 Support the development of a housing stock that meets the varied needs of the present community while attracting higher income residents.
 - Objective 1 Encourage the construction of new units to increase the local housing supply. New construction should provide for a moderate, to very low income and elderly market demand as well as upscale residences. It should also provide for an appropriate mix of housing types and intensities (single-family, multifamily).
 - Policy 1.2 Support the implementation of public housing programs, in partnership with private developers that supplement the efforts of local developers in meeting the housing needs of the community.
 - Objective 1 Pursue programs to expand the housing options of very low, low and moderate income groups and the elderly.
- Goal 2 - Residential areas that are safe, sanitary and attractive places to live will be established and maintained in Sunnyside.
 - Objective 1 The initial cost of providing municipal services to serve new residential developments will be borne by the developer.
- Goal 3 - Encourage a mixture of housing types and densities throughout the sub- area that are compatible with public service availability.
 - Objective 2 Density of development shall be based on: the existing land use pattern, the availability of public services, municipal service plans and the provision of services by the developer.

2. LAND USE GOALS, POLICIES, AND OBJECTIVES

- Goal 1 - To create a balanced community by controlling and directing growth in a manner that enhances, rather than detracts from, community quality and values.
 - Policy 1.3 Encourage urban infill where possible to avoid sprawl and the inefficient leapfrog pattern of development.
 - Policy 1.4 Accommodate future population growth primarily through infilling and utilization of undeveloped lots. Conversion of agricultural land to residential, commercial, or industrial use will be encouraged to occur.

EXHIBIT A

- Goal 4 - To pursue well-managed, orderly expansion of the urban area in a manner that is within the sustainable limits of the land.
 - Policy 4.2 Provide residential areas that offer a variety of housing densities, types, sizes, costs and locations to meet future demand.
 - Policy 4.3 Ensure that new residential development makes efficient use of the existing transportation network and provides adequate access to all lots.
- 3. At their meeting on the on November 14, 2023, the Planning Commission considered past testimony from previous Planning Commission meetings, and a letter submitted by Ajaib Hothi, who owns a building at 1805 S. 1st St. These requests were to add additional uses to various zoning districts throughout the City. Uses include higher density standards for the residential zoning district, and allowing beauty/barber/tattoo shops in the B-1 zoning district.

SUNNYSIDE PLANNING COMMISSION'S CONCLUSIONS

1. No adverse impacts have been identified;
2. The proposed updates underwent Environmental Review;
3. The proposed amendments are consistent with the Sunnyside Zoning Ordinance and Comprehensive Plan.

MOTION

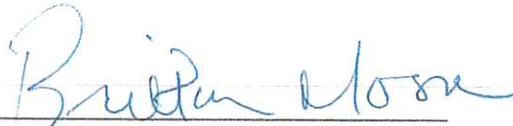
Based on the testimony and evidence presented during this evening's public hearing, it was moved and seconded that Planning staff modify the draft language to include the within SMC 17.10, 17.12, 17.16, 17.20, 17.36, 17.40, 17.44, 17.48, 17.64, 17.68, 17.76, and 19.01, included in attached Exhibit "A", and with these changes that the City of Sunnyside Planning Commission draft findings of fact and forward a recommendation of approval to the Sunnyside City Council. The motion carried 5-0.

RECOMMENDATION TO CITY COUNCIL

The Planning Commission of the City of Sunnyside, having received and considered all evidence and testimony presented at the public meeting, and having received and reviewed the record herein, hereby recommends that the City Council of the City of Sunnyside **APPROVE** the proposed text amendments to the Sunnyside Municipal Code, as modified during the November 14, 2023 public meeting.

RECOMMENDED this 30th day of November, 2023

By: _____



Brittan Moore, Chair
Sunnyside Planning Commission

EXHIBIT B

2023 Proposed Comprehensive Plan and Text Amendments

Contents

2023 Proposed Comprehensive Plan and Text Amendments	1
Chapter 17.04 GENERAL ZONING PROVISIONS	2
Chapter 17.10 URBAN RESIDENTIAL AGRICULTURE (URA – MINI RANCHETTES)	11
Chapter 17.12 R-1 – LOW-DENSITY RESIDENTIAL ZONE	11
Chapter 17.16 R-2 – MEDIUM DENSITY RESIDENTIAL ZONE	15
Chapter 17.20 R-3 – HIGH DENSITY RESIDENTIAL ZONE	17
Chapter 17.40 B-1 – FREEWAY COMMERCIAL ZONE	22
Chapter 17.44 B-2 – GENERAL COMMERCIAL ZONE	23
Chapter 17.48 B-3 – RETAIL CORE ZONE	27
Chapter 17.64 GENERAL REGULATIONS	31
Chapter 17.68 NONCONFORMING USES	39
Chapter 17.68 NONCONFORMING USES	42
Chapter 17.76 AMENDMENTS and REZONING	44
19.01.030 PROJECT PERMIT APPLICATION FRAMEWORK	47

Chapter 17.04 GENERAL ZONING PROVISIONS

Sections:

[17.04.010 Adoption of plan.](#)

[17.04.020 Purpose.](#)

[17.04.030 Definitions.](#)

[17.04.040 Use of school property.](#)

[17.04.050 City-wide prohibited uses.](#)

[17.04.055 Marijuana retail sales, processing, and production – Prohibited.](#)

[17.04.060 TV satellite receiving stations.](#)

[17.04.070 Swimming pools – Requirements.](#)

[17.04.080 Temporary buildings.](#)

[17.04.090 Child day care businesses.](#)

17.04.010 Adoption of plan.

A zoning ordinance is adopted establishing zones within the City as provided by law. (The current official zoning map is on file with the City Clerk. For statutory provisions on comprehensive plans see RCW [35.63.100.](#))

17.04.020 Purpose.

A precise land use plan and map for the City are adopted for the purpose of promoting public health, safety, morals, and general welfare and the following specific purposes:

- A. To assist in providing a **definite** plan of development for the City, and to guide, manage and regulate the future growth of the City, in accordance with the comprehensive plan.
- B. To protect the character, social and economic stability of the residential, commercial, industrial and other areas within the City, and to ensure the orderly development of such areas.
- C. To minimize construction of buildings and other permanent structures in right-of-way widths for future road development as detailed in the transportation element of the comprehensive plan.

17.04.030 Definitions.

For the purpose of this title, certain terms and words are defined as follows. Words used in the present tense include the future tense; words in the singular number include the plural number. The word "shall" is mandatory, not directory. Words not defined in this section shall be construed as defined in the building ordinance of the City, if defined therein.

"Accessory dwelling unit (ADU)" means a structure meeting the purpose and requirements of SMC [17.64.015](#) 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.

"Accessory use" or "accessory building" means a building, part of building, structure or use which is subordinate to, and the use of which is incidental to, that of the main structure, building or use on the same lot, such as garages, carports, guest houses. Signs and fences are not to be considered as accessory buildings.

"Acreage" means an undeveloped parcel of land of at least one acre in size.

"Agriculture" means the tilling of the soil, the raising of crops, horticulture, small livestock farming, dairying, and/or animal husbandry, including slaughterhouses, fertilizer yards, bone yards, or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of odor, noise, smoke, dust or fumes.

"Alley" means any public thoroughfare not exceeding 30 feet in width for the use of pedestrians and/or vehicles which affords only a secondary means of access to abutting property.

"Antique shows" shall be defined as the display for sale of vintage furniture, automobiles, heirlooms, memorabilia, collectibles, and other similar items, which shows are sponsored by nonprofit corporations or charitable associations, and which shows shall be restricted to occur at one location no more often than 14 calendar days per year, and with no single show being longer in length than seven consecutive days.

"Apartment" means a room or suite of rooms in a multiple dwelling, occupied or suitable for occupancy as a residence by one family.

"Apartment house" means a building or portion thereof used or intended to be used as a home by three or more families or householders living independently of each other, in separate apartments, and containing three or more dwelling units.

"Arts and crafts bazaars" shall be defined as settings for the display and sale of handmade gifts, decorations, apparel, hobby craft items, as well as candies and baked goods, which bazaars shall be restricted to occur at one location no more than 14 calendar days per year, and with no single bazaar being longer in length than seven consecutive days.

"Boardinghouse" means a dwelling, other than a hotel or residential care home, where lodging and/or meals for five or more persons is provided for compensation.

"Building" means any structure built for the support, shelter or enclosure of persons, animals or chattel, and when separated by such division walls without openings from the ground up, each portion of such structure shall be deemed a separate building.

"Building area" means the maximum horizontal projected area of a building and its appurtenant buildings excluding covered walks, open steps, buttresses, terraces, cornices and other ornamental features projecting from the walls of the building not otherwise supported from the ground.

"Business of commerce" means the purchase, sale or other transaction involving the handling or disposition (other than is included in the term "industry" as defined in this section) of any article, substance or commodity for profit or livelihood, including, in addition, office buildings, offices, shops for the sale of personal services, garages, outdoor advertising signs and structures, motels and recreational and amusement enterprises conducted for profit, but not including junkyards.

"Condominiums" means those structures which involve the ownership of individual apartments and which must conform with the requirements of Chapter 64.32 RCW (the Horizontal Property Regimes Act). The definitions and requirements in that chapter as now exist or as amended in the future are adopted by reference. Condominiums as defined herein are restricted to locations in planned unit developments (PUD).

"Dwelling" means a building or portion thereof designed exclusively for residential purposes, including one-family, two-family and multiple dwellings, but excluding hotels, motels and boardinghouses.

"Dwelling unit" means one or more rooms in a dwelling or apartment house, designed for occupancy of one family for living purposes, and having only one kitchen.

"Dwelling, one-family" means a detached building designed for occupancy by one family.

"Dwelling, two-family" means a detached building designed for occupancy exclusively by two families living independently of each other.

"Dwelling, multiple" means a building or portion thereof designed as a residence for three or more families living independently of each other.

"Established grade" means the curb line grade at the front lot line as established by the City.

"Family" means any number of individuals related by blood, marriage, adoption or operation of law, or a number of unrelated individuals, occupying such residence as a single housekeeping unit and doing their cooking on the premises; provided, however, that the maximum number of occupants shall be subject to the occupancy limitations and provisions set forth in the Uniform Housing Code.

"Farm labor camp" means any living quarters, dwelling, boardinghouse, tent, bunkhouse, camper, mobile home, or other housing accommodations maintained by an employer for five or more employees in connection with any agricultural work or place where agricultural work is being performed.

"Garage, private" means any accessible and usable covered space of not less than eight feet by 20 feet for the parking of automobiles off the street.

"Garage, public" means a building other than a private garage used for the care, repair, or equipping of automobiles, or where such vehicles are kept for remuneration, hire or sale.

"Group residential facility" means a full-time residential use providing supervised domiciliary care for a group of persons not to exceed eight who have severe chronic disabilities such as mental retardation or physical handicaps which result in substantial functional limitations. This facility would not include facilities which persons are assigned to pursuant to a criminal conviction or those where residents, individually or by their legal guardian, are not free to terminate their residency at will. This facility may provide rehabilitative services such as physical therapy and training in social skills, and this facility includes families caring for five or more foster children.

"Guest house" means living quarters within an accessory building for temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

“Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW [70.105.010](#)(15), except for moderate-risk waste as set forth in RCW [70.105.101](#)(17).

“Hazardous waste generator” means any person or site whose act first causes a dangerous waste to become subject to regulation under the Dangerous Waste Regulations, Chapter [173-303](#) WAC.

“Hazardous waste storage” means the holding of hazardous waste for a temporary period, as regulated by the State Dangerous Waste Regulations, Chapter [173-303](#) WAC.

“Hazardous waste treatment” means the physical, chemical, or biological processing of hazardous waste for the purpose of rendering these wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume, as regulated by the State Dangerous Waste Regulations, Chapter [173-303](#) WAC.

“Height of building” means the vertical distance from the finished grade along the front of the building to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

“Home occupation” means any occupation conducted on the premises of the occupant of a dwelling as a secondary or accessory use; provided, that the display of goods, stock-in-trade and commodities sold shall not involve activities outside of the building not normally associated with residential use; and further provided, that the home occupation shall not affect or interfere with the residential use of the neighborhood. Factors to be considered in evaluating a request for a conditional use permit for a home occupation shall include, but shall not be limited to, the following: vehicle traffic, noise, odor, dust, vibration, fumes, smoke and electrical interference. The home occupation shall have no advertising other than an unlighted name plate not more than two square feet in area announcing the name and home occupation and shall employ not more than two employees working on the site who do not reside on the site.

“Industry” means any department or branch of art, occupation or business conducted as a means of livelihood or for profit, especially one which employs much labor and capital and is a distinct branch of trade.

“Junkyard” means the use of more than 200 square feet of any lot area for the storage or keeping of junk, scrap materials, secondhand materials, scrap metals or other scrap materials and the like and for the dismantling or “wrecking” of automobiles or other vehicles or machinery.

“Kennel” means a place where five or more dogs or cats over four months of age are kept for commercial or noncommercial purposes. The term kennel shall not apply to animal control shelters operated by government agencies, nonprofit societies for the care of stray animals or to veterinary hospitals.

“Lot” means land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this chapter, having not less than the minimum area required by this chapter for a building site in the zone in which such lot is situated, and having the principal frontage on a street.

“Lot area” means the total horizontal area included within lot lines.

“Lot, corner” means a lot situated at the intersection of two or more streets and which at least two sides abut for their full lengths on a street. A corner lot shall be deemed to have two front lines, and the remaining lot lines shall be deemed to be side lines.

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

“Lot depth” means the average distance from the street line of the lot to its rear line measured in the general direction of the side lines of the lot.

“Lot, frontage” means that portion of a lot abutting a public street.

“Lot, interior” means a lot other than a corner lot.

“Lot lines” means the lines bounding a lot as defined in this section.

“Lot line, rear” means that line of a lot which is generally opposite the lot line along the frontage of said lot. In cases in which this definition is not applicable, the Planning Commission shall designate the rear lot line.

“Manufactured home” means a “designated manufactured home” defined in RCW [35.63.160](#).

[“Master planned development” means any development within the Yakima urban growth area approved under SMC Chapter 17.54 \(i.e., planned residential development, planned commercial development, planned industrial development, and planned mixed-use development\).](#)

Formatted: Default Paragraph Font

“Mini-storage” means structures which contain storage spaces which are leased to individuals to store items of personal property. Each of these spaces shall be enclosed and accessible only by a door for which the lessee alone shall have a key.

[“Mixed-use building” means a building in a commercial district or planned development used partly for residential use and partly for a community facility or commercial use.](#)

[“Mixed-use development” means use of the land or structure for two or more different uses.](#)

“Mobile home” means a detached single-family dwelling unit with all of the following characteristics:

1. Designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower, bath and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
2. Designed to be transported after fabrication on its own wheels or on flatbed or other trailers or detachable wheels; and
3. Situated at the site where it is to be occupied as a complete dwelling, including major appliances, and ready for occupancy except for minor unpacking and assembly operations, location on foundation supports, connection to utilities and the like.

“Mobile home court, park or camp” means any tract of land used or designed to accommodate two or more automobile trailers or mobile homes.

“Motel” means a group of attached or detached buildings containing individual sleeping or living units where a majority of such units open individually and directly to the outside, and where a garage is attached or a parking space is conveniently located to each unit, all for the temporary use by automobile tourists or transients.

“Nonconforming building” means a legally established pre-existing building or structure which does not conform in its construction, lot requirement or building height to the regulations of the use zone in which it is classified in this chapter.

“Nonconforming use” means a tract of land occupied by a legally established pre-existing use which does not conform to the regulations of the use zone in which it is classified by this chapter.

“Off-site hazardous waste treatment and storage” means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facility is located.

“On-site hazardous waste treatment and storage” means hazardous waste treatment and storage facilities that treat and store wastes generated on the same property.

“Parking space” means a minimum 171 square feet of lot or floor area, at least nine feet in width and at least 19 feet in length, exclusive of aisles and/or driveways, having adequate access from the public thoroughfare and shall be deemed a parking space for one automobile.

“Pet store” means a business establishment where primary merchandise consists of domestic animals, such as household pets, including but not limited to fish, cats, dogs, birds, hamsters, gerbils and the like. It shall not include snakes or other exotic animals.

[“Planning commission” means the duly constituted planning commission for the city of Sunnyside.](#)

[“Public hearing” means a meeting open to the public that is announced and advertised in advance at which the public is given an opportunity to participate.](#)

[“Rezone” means to change the zoning district classification of particular lot\(s\) or parcel\(s\) of land.](#)

“Service station” means a filling station to supply motor fuel and oil to motor vehicles and including grease racks or elevators and providing minor tire and battery servicing, sales of motor vehicle accessories, trailer rentals and allowing minor vehicle repairs.

“Short-term rental” means a residential structure providing individuals with lodging for not more than 30 days. For home occupations, such uses are limited to having not more than five lodging or guest rooms.

Signs. See Uniform Sign Code (Chapter [15.36](#) SMC.)

“State siting criteria” means criteria for the siting of hazardous waste treatment and storage facilities adopted pursuant to the requirements of RCW [70.105.210](#).

“Structure” means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are residential fences under six feet in height, retaining walls under three feet in height, rockeries and similar improvements of a minor character.

“Truck depot” means the place for the break of bulk or storage and transfer of cargo from and to trucks of one or more companies which may include vehicle and ancillary storage and vehicle repair shops as well as associated dispatch and general offices.

“Truck stop” means a place for the transient stopping, parking, fueling, and repair of commercial trucks and the resting, including eating, sleeping and recreation of the truck drivers, which place may also serve the general public and their vehicles.

“Truck terminal” means the place for the basing, storage, repair and maintenance of trucks usually of one company where drivers for that company would begin or terminate commercial delivery trips and usually includes associated trucking company offices and ancillary storage or repair parts or equipment associated with the trucking operation.

“Use” means the activity or purpose for which land or structures or a combination of land and structures is designed, arranged, occupied, or maintained together with any associated site improvements. This definition includes the construction, erection, placement, movement or demolition of any structure or site improvement and any physical alteration to land itself, including any grading, leveling, paving or excavation. “Use” also means any existing or proposed configuration of land, structures, and site improvements, and the use thereof.

“Variance” means a modification of the specific regulations of this title in accordance with the terms of this title for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district.

“Vehicle” means all instrumentalities capable of movement by means of circular wheels, skids or runners of any kind along roadways or paths, or other ways of any kind, specifically including, but not limited to, all forms of vehicles, buses, trucks, cars and vans, all forms of trailers or mobile homes of any size whether capable of supplying their own mode of power or not, without regard to whether the primary purpose of such instrumentality is or is not the conveyance of persons or objects, and specifically including all such automobiles, buses, trucks, cars, vans, trailers and mobile homes even though they may be at any time immobilized in any way and for any period of time for whatever duration.

“Yard, front” means an open unoccupied space on the same lot with a building extending across the full width of the lot between the front line of the building (exclusive of steps) and the front property line.

“Yard, side” means an open occupied space on the same lot with the building between the side wall of the building and the side line of the lot and extending from the front to rear yard.

“Yard, rear” means an open unoccupied space on the same lot with a building extending across the full width of the lot between the rear line of the building (exclusive of steps, porches and accessory buildings) and the rear line of the lot.

“Zone” means a portion of the incorporated area of the City within which certain uses of land, premises and buildings are permitted; and certain other uses of land, premises and buildings are not permitted; and within which certain yards and other open spaces are required, certain building site areas are

established and certain height limits are specified for buildings, all as set forth and specified in this chapter.

17.04.040 Use of school property.

Notwithstanding the zoning district in which school property otherwise lies, the temporary uses and applications permitted in and on school property within the City shall be as determined and allowed by the administration of the school.

17.04.050 City-wide prohibited uses.

The following uses are prohibited in all zones within the City:

- A. Auto wrecking yards;
- B. Distillation of bones;
- C. Explosives, manufacture or storage;
- D. Fat rendering;
- E. Fertilizer manufacture;
- F. Exterminator or insect poison spray manufacture.

17.04.055 Marijuana retail sales, processing, and production – Prohibited.

Marijuana related land uses such as recreational marijuana production, processing, and retail sales, although they may be allowed by State law, are expressly prohibited from locating or operating in any zone within the City of Sunnyside.

17.04.060 TV satellite receiving stations.

TV satellite receiving stations shall be permitted in the zoning districts of the City as specified in and pursuant to the requirements of Chapter 15.42 SMC.

17.04.070 Swimming pools – Requirements.

A. Swimming pools, public or private, may be constructed in all zones, except M-1 and M-2; provided, that the following considerations are addressed:

1. That appropriate safeguards are provided for screening the pool from adjacent property owners in such a manner as to alleviate any unnecessary disturbance to the surrounding property owners, including a fence not less than five feet high surrounding the pool;
2. That consideration must be given to ensure that any lighting installed by the owner of the pool would not present glare or excessive lighting to adjacent properties so as to cause inconvenience or disturbance to the neighborhood; and
3. That on all above-ground and other pools, pool decking and surrounding structures must be constructed so as to prevent viewing from the pool deck to adjacent yards and/or living units.

B. A "swimming pool" as used in this section shall mean any depression in the ground, either temporary or permanent, or any container of water, either temporary or permanent, whether above or below the ground, in which water of 24 inches (60.96 centimeters) or more in depth is contained, and which is primarily used for the purpose of bathing and swimming.

17.04.080 Temporary buildings. 

A. Temporary buildings which are incidental to construction work and which are immediately adjacent to the construction work shall be permitted in all zones of the City, including residential zones (R-1, R-2, R-3); provided, that the necessary building permits shall be obtained for the construction work; and provided, that the temporary building must be removed upon completion or abandonment of the construction work.

B. Temporary buildings not incidental to construction may also be permitted in all zones of the City other than on properties which are used for residential purposes or on vacant property in the residential zones (R-1, R-2, R-3) where the use of the temporary building is incidental to the uses being made of the property on which it is placed or adjacent to.

C. Temporary buildings may not remain on the property for more than 12 months without an extension as provided herein. If the placement of a temporary building may exceed 12 months, then the Building Department shall be authorized to receive and review a request for an extension of time and may grant an extension for a period of time not to exceed six months. Factors which shall be considered in deciding whether to grant or deny the request for extension shall include, but not be limited to, the length of time that the temporary building shall remain on the premises, the uses of the property and of neighboring property and the impacts that the building, business and use of the property has on neighboring property, and any other factors which may be involved.

D. Any further requests for extension of the placement of temporary buildings beyond the initial 12-month period of time and a six-month extension of time granted by the Building Department shall be reviewed and considered for approval with conditions or denial by the Board of Adjustment pursuant to the provisions of Chapter [17.64 SMC](#); provided, that any extensions which may be approved by the Board of Adjustment shall not be of a duration in excess of six months per such extension.

E. The placement of temporary buildings shall be subject to permits and inspections by the Building Department; provided, that any temporary building which is not constructed on a permanent foundation shall also meet the requirements for installation of mobile homes or manufactured homes pursuant to Chapter [15.58 SMC](#).

17.04.090 Child day care businesses.

A. For the purposes of this section, "child day care" shall mean the provision of supplemental parental care and supervision:

1. For a nonrelated child or children;
2. On a regular basis;
3. For less than 24 hours per day; and
4. Under license by the Washington State Department of Social and Health Services.

As used in this section, the term is not intended to include baby-sitting services of a casual, nonrecurring nature or in the child's own home. Likewise, the term is not intended to include cooperative, reciprocal child care by a group of parents in their respective homes.

B. "Child day care facility" means a building or structure in which an agency, person or persons regularly provide care for a child or for a group of children for periods of less than 24 hours per day. Child day care facilities shall include all such facilities regulated by the Washington State Department of Social and Health Services as presently defined and hereinafter amended in Chapter [74.15](#) RCW and WAC Title [388](#).

C. "Day care center" means a day care facility for the care of a nonrelated child or children in a facility other than the family abode of the person or persons under whose direct care and supervision the children are placed.

D. "Family abode" means a single dwelling unit and accessory buildings occupied for living purposes by a family which provides permanent provisions for living, sleeping, eating, cooking and sanitation.

E. "Family child care home" means a facility in the family residence of the licensee providing regularly scheduled care for 12 or fewer children, within a birth through 11 years of age range exclusively, for periods of less than 24 hours.

F. "Family child day care home" means the same as family child care home, and a child day care facility licensed by the State located in the family abode of the person or persons under whose direct care and supervision the child is placed, for the care of 12 or fewer children, including children who reside at the home.

G. "Family residence" means the same as "family abode."

H. "License" means a permit issued by the Washington State Department of Social and Health Services authorizing by law the licensee to operate a family child care home and certifying the licensee meets minimum requirements under licenser.

I. "Business license" means the business license issued by the City authorizing the licensee to operate a family child care home, day care center, or child day care facility. Business licenses shall be required for child day care businesses pursuant to Chapter [5.52](#) SMC. A business license shall be required for each family child care home pursuant to Chapter [5.34](#) SMC. Child day care businesses shall be allowed in those zones of the City by a special use permit pursuant to SMC [17.64.020](#)(D); provided, however, that family child care homes shall be permitted in all residential and commercial zones of the City upon compliance with the provisions of Chapter [5.34](#) SMC. All child day care businesses shall comply with all applicable federal, State and local codes and regulations.

Chapter 17.10 URBAN RESIDENTIAL AGRICULTURE (URA – MINI-RANCHETTES)

Staff Recommendation – Remove chapter from SMC and incorporate permitted uses into the R-1 zoning district

Chapter 17.12 R-1 – LOW-DENSITY RESIDENTIAL ZONE

Sections:

[17.12.010 Density – Purpose.](#)

[17.12.020 Permitted uses.](#)

[17.12.030 Dimensional standards.](#)

[17.12.040 Yards.](#)

[17.12.050 Development standards.](#)

[17.12.070 Manufactured home subdivisions.](#)

[17.12.080 Two-dwelling units.](#)

17.12.010 Density – Purpose.

The R-1 Low Density Residential zone shall consist of one to five dwelling units per acre. The purpose of this zone is to create a living environment of high standard for primarily single-family dwellings.

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 and normally associated structures and uses.

[2. Two-family dwelling \(Duplexes\), one per lot, meeting the requirements of this title and normally associated uses. ADUs shall not be permitted on duplex lots in the R-1 zoning district.](#)

[3. 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.](#)

[4. Public transportation shelters.](#)

[5. Public utility installations of the City of Sunnyside.](#)

[6. Accessory dwelling units \(ADUs\) meeting the standards outlined in Chapter \[17.64\]\(#\) SMC.](#)

B. The following land uses which may be allowable by a conditional use permit in the R-1 zone. More specific information can be found in SMC [17.64.020](#):

1. Churches (SMC [17.64.020\(C\)](#)).

2. Schools (SMC [17.64.020\(D\)](#)).

3. Group residential facilities (SMC [17.64.020\(N\)](#)).

4. Home occupations (SMC [17.64.020\(T\)](#)).

5. Grounds for games or sports, parks, country clubs (SMC [17.64.020\(AA\)](#)).

6. Libraries, museums and art galleries (SMC [17.64.020\(BB\)](#)).

7. Livestock (SMC [17.64.020\(S\)](#)).

8. Public utility installations other than public utility installations of the City of Sunnyside.

9. Family day care, per the requirements of the State of Washington.

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: 50 percent.

~~E. Minimum floor area: 1,300 square feet of habitable space.~~

~~F. Minimum lot depth: 90 feet. [Ord. 2022-34 § 1 (Exh. A), 2022; Ord. 1943 § 1, 1997; Ord. 1866 § 1, 1994; Ord. 1704 § 3, 1990; Ord. 1272 § 17-3-1.2, 1980.]~~

17.12.040 Yards.

A. Front Yard. There shall be a front yard having a minimum depth of not less than 20 feet, except that for a cul-de-sac or knuckle lot, the minimum setback shall be not less than 10 feet.

B. Side Yard. There shall be a side yard of not less than five feet in width on each side of the building. No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by any other building or structure, except:

1. Awnings and canopies;
2. Bay windows and chimneys, not to exceed two feet;
3. Driveways, curbs, sidewalks and steps;
4. Garbage disposal equipment, nonpermanent;
5. Flagpoles, landscape features, planting boxes, trees, shrubs, flowers, hedges, plants and fences;
6. Overhanging roofs, eaves, gutters, cornices or other architectural features, not to exceed three feet.

No building shall be erected closer than 20 feet to any abutting or adjoining street.

~~C. Rear Yard. There shall be a rear yard having a minimum depth of 25 feet for original construction and two-story additions and decks and 10 feet for single-story additions, except that, for cul-de-sac and knuckle lots, original construction and two-story additions and decks may encroach to a setback of 10 feet so long as the average setback remains at 25 feet. For all rear yards a minimum of 1,500 square feet of open space shall be maintained 15 feet.~~

D. Accessory buildings, such as garages and carports, shall be located no closer than five feet to any rear or side lot line, provided they remain at least 20 feet away from any City street.

17.12.050 Development standards.

In addition to the other requirements of this chapter, the following shall apply to dwellings and property developed in the R-1 zone:

A. Roof pitch: a range of 4:12 to 8:12 permitted. Any variance to this range shall be permitted only after approval by the Staff Review Committee.

B. All eave overhangs shall be a minimum of 12 inches.

CB. Roofing material: wood shake, architectural-style composition/fiberglass/concrete shingles, tile or other similar quality material.

DC. Exterior siding: wood, masonite, stucco, brick, cottage lap or other siding traditional for residential dwellings.

ED. All dwellings shall meet the requirements of the International Building Code as adopted by the City of Sunnyside.

FE. All dwellings shall be placed on a permanent continuous IBC-approved foundation.

GF. Two paved off-street parking spaces located outside of the front yard or street side yard setback accessed by way of a paved driveway from a public street. Landscaping shall meet the standards of SMC § 17.65.

HG. Front and street side yards shall be landscaped within one year of occupancy and include an irrigation system.

IH. Subdivision developers shall vary the style, elevation and setbacks of dwelling units to avoid corridor-effect streetscapes.

JI. Additions shall match the existing dwelling in style and materials.

KJ. Abutting streets shall be paved and improved with curb, gutter and sidewalk to City standards.

LK. All new utilities shall be placed underground. [Ord. 1959 § 3, 1998; Ord. 1943 § 1, 1997]

17.12.070 Manufactured home subdivisions.

Subdivisions exclusively developed for manufactured homes may be developed in the R-1 zone when they comply with the requirements of this title and chapter for subdivisions in the R-1 zone and with the following:

A. The subdivision shall be self-contained and not a continuation or phase of another subdivision.

B. No lot shall face or abut, except at the rear property line, an existing residential lot.

C. The subdivision shall be provided with an entry treatment to distinguish and separate it from surrounding existing and future conventional R-1 subdivisions.

D. There shall be at least one entry off a collector or higher level street. [Ord. 1943 § 1, 1997.]

17.12.080 Two-dwelling units.

~~Two dwelling units (duplexes) are not permitted in the R-1, Low Density Residential zone; provided, however, that any two-family dwelling unit (duplex) constructed prior to August 2, 1980, shall be treated as a permitted use for the purposes of this chapter.~~

Chapter 17.16 R-2 – MEDIUM DENSITY RESIDENTIAL ZONE

Sections:

17.16.010 Density – Purpose.

17.16.020 Permitted uses.

17.16.030 Dimensional standards.

17.16.040 Yards.

17.16.010 Density – Purpose.

The R-2 Medium Density Residential zone shall consist of one to nine dwelling units per acre. The number of dwelling buildings in excess of one single-family residence or one two-family dwelling allowed on any lot shall be calculated using the following formula:

$$\frac{\text{Square feet of lot}}{43,560} \times \underline{916} = \text{No. of Units}$$

Fractions shall be rounded down to the nearest whole number in making such computations. The purpose of the R-2 Medium Density Residential zone is to establish areas for higher density residential while preserving a high quality residential environment. [Ord. 1866 § 2, 1994; Ord. 1272 § 17-3-2.1, 1980.]

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. Multifamily and apartment housing meeting the density standards of this chapter;
3. Zero lot line development (SMC 17.34.070);
4. Grounds for games or sports, parks, country clubs, recreational and community center buildings, gymnasiums and other similar activities not operated for profit;
5. Public transportation shelters;
6. Libraries, museums and art galleries;
7. Public utility installations of the City of Sunnyside.
8. Accessory dwelling units (ADUs) meeting the standards outlined in Chapter 17.64 SMC.

B. The following are land uses which may be allowed by conditional use permit in the R-2 zone, subject to the provisions and conditions in SMC [17.64.020](#):

1. Charitable institutions (SMC [17.64.020](#) (A));
2. Convalescent, nursing, retirement homes (SMC [17.64.020](#)(B));
3. Churches (SMC [17.64.020](#)(C));
4. Schools (SMC [17.64.020](#)(D));
- ~~5. Apartments (SMC [17.64.020](#)(H));~~
6. Group residential facilities (SMC [17.64.020](#)(N));
7. Livestock (SMC [17.64.020](#)(S));
8. Home occupation (SMC [17.64.020](#)(T));
9. Public utility installations other than public utility installations of the City of Sunnyside. [Ord. 2022-34 § 1 (Exh. A), 2022; Ord. 2109 § 2, 2005; Ord. 1866 § 2, 1994; Ord. 1272 § 17-3-2.1, 1980.]

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;
- E. Minimum floor area: 600 square feet each per dwelling unit in a duplex, and 864 square feet per single-family dwelling unit.

17.16.040 Yards.

The following regulations shall apply to yards in the R-2 zone:

- A. Front Yard. There shall be a front yard having a minimum depth of not less than 20 feet.
- B. Side Yard. There shall be a side yard of not less than five feet in width on each side of a building. No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by any other building or structure except:
 1. Awnings and canopies;
 2. Bay windows and chimneys, not to exceed two feet;
 3. Driveways, curbs, sidewalks and steps;
 4. Garbage disposal equipment, nonpermanent;

5. Flagpoles, landscape features, planting boxes, trees, shrubs, flowers, hedges, plants and fences;
6. Overhanging roofs, eaves, gutters, cornices or other architectural features, not to exceed three feet.

No building shall be erected closer than 20 feet to any abutting or adjoining street.

C. Rear Yard. There shall be a rear yard having a minimum depth of 15 feet.

D. Accessory buildings, such as garages or carports, shall not be located closer than five feet to any rear or side lot line, provided they remain at least 20 feet away from any City street.

17.16.070 Zero lot line development.

Zero lot line development for single-family and multifamily dwellings may be permitted in order to: promote efficient land use, permit a more energy efficient arrangement of structures, protect environmentally sensitive areas, or provide more usable private or community open space.

A. Districts in Which Permitted. A zero lot line development for single-family and multifamily dwellings may be permitted in the R-2 medium density residential district.

B. Application and Procedures. All development applications which include a zero lot line shall be processed in accordance with SMC Title 19, Administration of Development Regulations, and SMC Title 16, Subdivisions, including application requirements.

C. Development Standards. All zero lot line developments shall comply with the standards of this title and the following requirements; provided, that where the standards included herein conflict with the standards established in other sections of this title, the standards herein shall apply:

1. Platting Requirements. Each dwelling shall be located on its own individual platted lot. The plat shall show the zero lot lines and the related easements;

2. Openings Prohibited on the Zero Lot Line Side. In order to maintain privacy, there shall be no windows, doors, air conditioning units, or any other type of openings in the wall along the zero lot line, except when such a wall abuts permanent open spaces or a public or private right-of-way;

3. Maintenance and Drainage Easements. A perpetual maintenance, eave overhang, and drainage easement at least five feet wide shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title on the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Eaves, but no other part of any structure, may protrude across a side lot line, and such protrusion shall not exceed 18 inches. Water runoff from the dwelling placed on the lot is limited to the easement area; and

4. In no case shall a zero lot line dwelling be built closer than 10 feet from the lot line of a lot not approved for zero lot line development.

Chapter 17.20 R-3 – HIGH DENSITY RESIDENTIAL ZONE

Sections:

[17.20.010 Density – Purpose.](#)

[17.20.020 Permitted uses.](#)

[17.20.030 Dimensional standards.](#)

[17.20.040 Yards.](#)

17.20.010 Density – Purpose.

The R-3 High Density Residential zone shall consist of one to 10 and above dwelling units per acre. The purpose of this zone is to establish areas for higher residential densities within easy pedestrian access to commercial areas, public facilities and employment centers of the City.

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. [Zero lot line development \(SMC 17.20.050\)](#)
3. Public transportation shelters;
4. Public utility installations of the City of Sunnyside.
5. Accessory dwelling units (ADUs) meeting the standards outlined in Chapter [17.64 SMC](#).

B. The following are land uses which may be allowed by conditional use permit in the R-3 zone, subject to the conditions and provisions in SMC [17.64.020](#):

1. Charitable institutions (SMC [17.64.020\(A\)](#));
2. Convalescent, nursing, retirement homes (SMC [17.64.020\(B\)](#));
3. Churches (SMC [17.64.020\(C\)](#));
4. Schools (SMC [17.64.020\(D\)](#));
5. Auto courts, travel trailer parks and camps (SMC [17.64.020\(F\)](#));
6. Fraternal organizations, lodges, grange halls, clubs (SMC [17.64.020\(G\)](#));
7. Group residential facilities (SMC [17.64.020\(N\)](#));
8. Mini-storage (SMC [17.64.020\(O\)](#));
9. [Storage for M-1 use \(SMC 17.64.020\(Q\)\)](#);
10. [Livestock \(SMC 17.64.020\(S\)\)](#);
11. Home occupations (SMC [17.64.020\(T\)](#));
12. Mobile home parks (SMC [17.64.020\(Y\)](#));
13. Grounds for games, sports, parks, country clubs (SMC [17.64.020\(AA\)](#));

14. Libraries, museums and art galleries (SMC [17.64.020\(BB\)](#));
15. Public utility installations other than City of Sunnyside public utility installations.

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: 75 percent.

17.20.040 Yards.

The following regulations shall apply to yards in the R-3 zone.

- A. Front Yard. There shall be a front yard having a minimum depth of not less than 20 feet.
- B. Side Yard. There shall be a side yard of not less than five feet in width on each side of a building. No yard, open space, or lot area required for a building or structure shall, during its life, be occupied by any other building or structure except:
 1. Awnings and canopies;
 2. Bay windows and chimneys, not to exceed two feet;
 3. Driveways, curbs, sidewalks and steps;
 4. Garbage disposal equipment, nonpermanent;
 5. Flagpoles, landscape features, planting boxes, trees, shrubs, flowers, hedges, plants and fences;
 6. Overhanging roofs, eaves, gutters, cornices or other architectural features, not to exceed three feet.

No building shall be erected closer than 20 feet to any abutting or adjoining street.

- C. Rear Yard. There shall be a rear yard having a minimum depth of 15 feet.
- D. Accessory buildings, such as garages or carports, shall not be located closer than five feet to any rear or side lot line, provided they remain at least 20 feet away from any City street.

17.20.050 Zero lot line development.

Zero lot line development for single-family and multifamily dwellings may be permitted in order to: promote efficient land use, permit a more energy efficient arrangement of structures, protect environmentally sensitive areas, or provide more usable private or community open space.

A. Districts in Which Permitted. A zero lot line development for single-family and multifamily dwellings may be permitted in the R-3 high density residential district.

B. Application and Procedures. All development applications which include a zero lot line shall be processed in accordance with SMC Title 19, Administration of Development Regulations, and SMC Title 16, Subdivisions, including application requirements.

C. Development Standards. All zero lot line developments shall comply with the standards of this title and the following requirements; provided, that where the standards included herein conflict with the standards established in other sections of this title, the standards herein shall apply:

1. Platting Requirements. Each dwelling shall be located on its own individual platted lot. The plat shall show the zero lot lines and the related easements;

2. Openings Prohibited on the Zero Lot Line Side. In order to maintain privacy, there shall be no windows, doors, air conditioning units, or any other type of openings in the wall along the zero lot line, except when such a wall abuts permanent open spaces or a public or private right-of-way;

3. Maintenance and Drainage Easements. A perpetual maintenance, eave overhang, and drainage easement at least five feet wide shall be provided on the lot adjacent to the zero lot line property line, which, with the exception of walls and/or fences, shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title on the property. The wall shall be maintained in its original color and treatment unless otherwise agreed to in writing by the two affected lot owners. Eaves, but no other part of any structure, may protrude across a side lot line, and such protrusion shall not exceed 18 inches. Water runoff from the dwelling placed on the lot is limited to the easement area; and

4. In no case shall a zero lot line dwelling be built closer than 10 feet from the lot line of a lot not approved for zero lot line development.

Chapter 17.36 P-B – PROFESSIONAL BUSINESS ZONE

Sections:

17.36.010 Purpose.

17.36.020 Permitted uses.

17.36.030 Dimensional standards.

17.36.040 Yards.

17.36.010 Purpose.

The purpose of this zone is to provide areas for professional offices. These areas should be located along major arterials on the periphery of and adjacent to commercial areas, thereby buffering residential areas from concentrated commercial activity.

17.36.020 Permitted uses.

The following are permitted uses in the P-B zone:

~~A. Medical, dental, law, engineering, accounting, real estate, insurance, counseling and financial services offices~~
Offices and Clinics;

~~B. Travel agencies, marketing and Agricultural service organizations;~~

~~C. General Retail sales in buildings under 10,000 square feet;~~

~~D. Restaurants~~

~~E. Mortuaries;~~

~~F. Financial institutions;~~

~~G. Government or other public-funded service organizations;~~

~~H. Hospitals, clinics and veterinary offices;~~

~~I. Photographers;~~

~~J. Any permitted use in an R-1 or R-2 zone;~~

~~K. Taxidermy as a conditional use; however, in no event shall the killing or dressing of animals be permitted on the premises, and all drying of hides must be done in such a manner as to avoid the escape of offensive odors;~~

~~L. Arts and crafts bazaar sales, as defined in SMC 17.04.030; provided, however, that permits for such sales shall be obtained from the City, with no fee being charged for such permits, which permits shall be in addition to any other required business licenses or permits;~~

~~M. Antique shows, as defined in SMC 17.04.030; provided, however, that permits for such shows shall be obtained from the City, with no fee being charged for such permits, which permits shall be in addition to any other required business licenses or permits;~~

~~N. 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.~~

~~O. Single-family and two-family structures on existing lots of 11,000 square feet or less.~~

17.36.030 Dimensional standards.

The dimensional standards for the P-B zone are:

~~A. The minimum lot size and dimensional standards for R-2 residential uses in the P-B zone shall be the same as SMC 17.12.030;~~

~~AB. The minimum lot size and dimensional standards for R-2 residential uses in the P-B zone shall be the same as SMC 17.16.030;~~

~~BC. Minimum lot area: no minimum lot area required for nonresidential uses;~~

~~CD. Minimum width: no minimum lot width required for nonresidential uses;~~

~~DE. Maximum building height: 45 feet for nonresidential uses;~~

EF. Maximum land coverage: no limitation for nonresidential uses;

FG. Minimum floor area: no required minimum for nonresidential uses. [Ord. 1272 § 17-3-6.2, 1980.]

17.36.040 Yards.

The following regulations shall apply to yards in the P-B zone:

A. Front, side and rear yard areas for residential uses in the P-B zone shall be the same as in SMC 17.16.040.

B. There shall be no yard setback requirements for nonresidential uses in the P-B zone.

C. No wall of any building or structure, either temporary or permanent, shall hereafter be erected or located on a corner lot within 10 feet from any abutting street which intersects any other street.

Chapter 17.40 B-1 – FREEWAY COMMERCIAL ZONE

Sections:

17.40.010 Purpose.

17.40.020 Permitted uses.

17.40.030 Dimensional standards.

17.40.040 Yards.

17.40.010 Purpose.

The purpose of this zone is to provide areas near the Interstate 82 interchanges to serve primarily the needs of freeway motorists.

17.40.020 Permitted uses.

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

A. Apartments, all proposed apartment facilities shall meet the standards of SMC Title 17.20;

AB. Automobile and truck service stations;

CB. Restaurants;

DC. Hotels, motels, inns and recreational vehicle parks;

E. Mixed-Use Buildings

DF. Shopping and professional centers;

EG. Car-washing establishments;

FH. Service and implement dealerships;

GJ. Nonindustrial storage buildings;

[HJ](#). Public utility installations;

[HK](#). Public transportation shelters;

[JL](#). Branch banks;

[M](#). Salons, Barber Shops, and Tattoo parlors;

[KN](#). Those special uses in B-1 zones as a conditional use, as specified in SMC [17.64.020](#).

17.40.030 Dimensional standards.

The dimensional standards for the B-1 zone are:

A. Minimum lot area: none;

B. Minimum width: none;

C. Maximum building height: 45 feet;

D. Maximum land coverage: no limitations;

E. Minimum floor area: none.

Chapter 17.44 B-2 – GENERAL COMMERCIAL ZONE

Sections:

[17.44.010 Purpose.](#)

[17.44.020 Permitted uses.](#)

[17.44.025 Permitted uses – Indoor theaters, adult motion picture theaters, adult mini-motion picture theaters.](#)

[17.44.027 Permitted uses – Dance halls.](#)

[17.44.030 Dimensional standards.](#)

[17.44.040 Yards.](#)

17.44.010 Purpose.

The purpose of this zone is to provide areas for large-site retail and wholesale business such as shopping centers for home, farm, construction, business, food and auto-related purchases. A main objective of this zone is to provide large site areas for commercial uses requiring ample room for building, parking and storage facilities. The density of the general commercial zone is much more dispersed than the retail core area, although permitted uses may overlap. [Ord. 1272 § 17-3-8, 1980.]

17.44.020 Permitted uses.The following are permitted uses in the B-2 zone:

1. Amusement enterprises, billiards, pool, bowling, roller rinks, dance halls and outdoor and indoor theaters are a permitted use, subject to the restrictions and definitions contained in SMC [17.44.025](#) and [17.44.027](#);

[2. Apartments, all proposed apartment facilities shall meet the standards of SMC Title 17.20;](#)

[32.](#) Automobile service stations and/or repair garages;

[43.](#) Automobile, motorcycle, snowmobile, bicycle, boat and farm machinery sales lots, new and used accessory sales including service facilities when conducted entirely within an enclosed building;

[54.](#) Bakery shops and confectioneries;

[65.](#) Blueprinting and photostatting establishments;

[76.](#) Building supply outlets, retail and wholesale, to include lumber, paint, plumbing, electrical supplies and the like;

[87.](#) Car washing establishments;

[98.](#) Carpet cleaning establishments;

[109.](#) Clothing and furniture sales;

[1140.](#) Clubs and other places of entertainment operated as commercial enterprises, subject to the restrictions and definitions contained in SMC [17.44.027](#);

[1244.](#) Department and variety stores;

[1342.](#) Drugstores;

[1443.](#) Farm, feed, seed and fertilizer retail sales;

[1544.](#) Florists, retail;

[1645.](#) Food stores (retail only): grocery, delicatessen, produce stands, meat and fish shops, and food processing for sale at retail on the premises, but excluding the killing and dressing of any flesh or fowl;

[1746.](#) Grounds for game or sports, parks, country clubs, recreational and community center buildings, gymnasiums and other similar activities not operated for profit;

[1847.](#) Hardware, appliances and electrical items, retail and wholesale sales only;

[1948.](#) Hotels, motels and inns;

[2049.](#) Locks and gunsmiths;

[21.](#) [Mixed-use buildings](#);

[2220.](#) Music stores;

[2324.](#) Nurseries, landscaping materials, retail and wholesale;

[2422.](#) Office equipment and supplies, sales and service;

[253.](#) Pawnshops or secondhand stores;

[264.](#) Restaurants and drive-ins;

[27. Single-family and two-family structures on existing lots of 11,000 square feet or less.](#)

[285.](#) Sporting goods;

[296.](#) Tailors, dressmakers, milliners;

[3027.](#) Upholstery, paperhanging and decorator shops;

[3128.](#) Similar retail and service establishments dealing directly with the consumer;

[3229.](#) Uses permitted in the P-B zone, SMC [17.36.020](#), other than residential uses, except as provided in SMC [17.64.020\(W\)](#);

[33. Zero lot line development \(SMC 17.20.050\);](#)

[340.](#) Those special property uses permitted in the B-2 zone as specified in SMC [17.64.020](#).

17.44.025 Permitted uses – Indoor theaters, adult motion picture theaters, adult mini-motion picture theaters.

Motion picture theaters; indoor theaters, are permitted uses in the B-2 zone unless they qualify therein as an adult motion picture theater.

A. Definitions.

1. "Theater" is defined as an enclosed building, or in the event of a multi-screened building, each individual screening room seating area with a 50 or more capacity, used for presenting material on a screen for presentation to patrons therein.
2. "Adult motion picture theaters" means an enclosed building or multi-screened enclosed building with each screened area constituting an individual theater with a seating capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined below) for the observation by patrons therein.
3. "Adult mini-motion picture theaters" means an enclosed building or multi-screened enclosed building with each screened area constituting an individual theater with a seating capacity of 50 or less persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" (as defined below) for the observation by patrons therein.
4. "Specified sexual activities" is defined as:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts of human masturbation, sexual intercourse or sodomy;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
5. "Specified anatomical areas" is defined as:
 - a. Less than completely and opaquely covered (i) human genitals, pubic region; (ii) buttock, and (iii) female breast below a point immediately above the top of the areola; and

b. Human genitals in a discernibly turgid state, even if completely and opaquely covered.

6. Motion pictures rated "R" by the Motion Picture Association shall not fall within the definitions of either subsection (A)(4) or (5) of this section.

B. Restrictions as to the location of adult motion picture theaters and adult mini-motion picture theaters within the B-2 zone:

1. Adult motion picture theaters or adult mini-motion picture theaters as defined herein may not be located within 1,000 feet of a school grounds, a church or other regulated use.

2. Such theaters, which are located within said B-2 zone, may not display ads which are visible to the public and which display examples of specified sexual activities or specified anatomical areas as defined in this section.

C. The owners of adult motion picture theaters or adult mini-motion picture theaters as defined herein may petition the [Board of AdjustmentHearing Examiner](#) for a variance to waive this 1,000-foot restriction and a variance or waiver may be granted by the [Board of AdjustmentHearing Examiner](#) if the Board finds:

1. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and the spirit and intent of this section will be observed;

2. That a particular use will be lawful exercise of artistic expression;

3. That all applicable regulations of this section will be observed. [Ord. 1386 § 2, 1983.]

17.44.027 Permitted uses – Dance halls.

Dance halls, as defined in SMC [5.28.010](#), are permitted uses in the B-2 zone but may not be located within 1,000 feet from any area zoned R-1, R-1M, R-2, R-3, M-H or other residential zoning district hereafter adopted; provided, however, that this restriction shall not apply to any use made exempt pursuant to SMC [5.28.010\(F\)](#). [Ord. 2010-28 § 5, 2010; Ord. 2009-29 § 4, 2009.]

17.44.030 Dimensional standards.

The dimensional standards in the B-2 zone are:

A. Minimum lot area: none;

B. Minimum lot width: none;

C. Maximum building height: 45 feet;

D. Maximum land coverage: no limitation;

E. Minimum floor area: none.

17.44.040 Yards.

There is no required yard area.

Chapter 17.48 B-3 – RETAIL CORE ZONE

Sections:

[17.48.010 Purpose.](#)

[17.48.020 Permitted uses.](#)

[17.48.025 Permitted uses – Dance halls.](#)

[17.48.030 Dimensional standards.](#)

[17.48.040 Yards.](#)

[17.48.050 Parking and loading.](#)

17.48.010 Purpose.

The purpose of this zone is to provide for the high-density grouping of businesses with similar and complementary location needs. These include retail business, government services, and recreational or cultural activities. It is also the purpose of this zone to create an attractive and imaginative intermix of these uses through the creation of a pedestrian-oriented environment which will enhance shopping and develop a focal point of activity and interest.

17.48.020 Permitted uses.

The following are permitted uses in the B-3 zone:

1. Alcohol beverage retail sales;
2. Amusement enterprises: billiards, pool, bowling, roller rink, dance hall, theater and the like, subject to the restrictions and definitions contained in SMC [17.48.025](#);
3. Art supply retail sales;
4. Automobile, bicycle, boat, snowmobile and motorcycle sales lots, new and used and accessory sales, including service facilities when conducted entirely within an enclosed building;
5. Bakery shops and confectioneries;
6. Banks, finance and loan companies;
7. Barber, beauty and other personal services;
8. Clothing and furniture sales;
9. Department and variety stores;
10. Drugstores;
11. Dry-cleaning, pressing and dyeing plants operated in conjunction with retail service counter;
12. Eating and drinking establishments;
13. Florists, retail;

14. Food stores (retail only): grocery, delicatessen, meat and fish, but excluding the killing or dressing of any flesh or fowl;

15. Hardware, appliance and electrical items, retail sales;

16. Libraries, museums and art galleries;

[17. Mixed-Use Buildings](#)

[1817](#). Music stores;

[1918](#). Newspaper, radio and television stations and job-printing establishments;

[2019](#). Office buildings, government and private;

[2120](#). Office equipment and supplies, sales and service;

[2221](#). Paint retail sales;

[2322](#). Photographic studios and camera supply stores;

[2423](#). Shoe repair shops;

[25. Single-family and two-family structures on existing lots of 11,000 square feet or less.](#)

[246](#). Sporting goods sales;

[257](#). Specialty shops;

[268](#). Tailors, dressmakers, milliners;

[279](#). Upholstery, paperhanging and decorator shops and the like;

[2830](#). Those special property uses allowable in the B-3 zone as specified in SMC [17.64.020](#);

[2931](#). Outside display of merchandise in a B-3 zone shall be permitted, subject to the condition that the display of merchandise shall be placed on the sidewalk in such a manner so as to provide an unencumbered path for pedestrian traffic on said sidewalk, with the path being of a minimum width of four and one-half feet, and so as not to otherwise interfere with or obstruct the flow of pedestrian traffic on the sidewalk outside of the store, or general ingress or egress to the door of the store; provided, however, that the outside display of merchandise shall be limited to occur with a frequency of no more than eight days per month; further provided, that City-wide merchandise events shall not be included among the eight days per month. The merchant or merchants seeking to display merchandise on the City sidewalks shall obtain a permit for the same from the Planning Division office;

[3032](#). Pet stores, as defined in SMC [17.04.030](#);

~~[31. 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 \[70.105.210\]\(#\);](#)~~

[3233](#). Sidewalk cafe, a permitted area within the public right-of-way consisting of tables and chairs where patrons may be served food and beverages from an adjacent cafe, restaurant or tavern. A

merchant shall be permitted to operate a sidewalk cafe on that portion of any sidewalk in front of or alongside of his or her place of business in the B-3 zone, subject to the following conditions:

a. Permit Application. An applicant must provide the following before a sidewalk cafe permit can be issued:

- i. The anticipated periods of use during the year and the proposed hours of daily use, including Saturdays, Sundays, and holidays;
- ii. Whether any liquor, as defined in RCW 66.04.010, will be sold or consumed in the area to be covered by the permit;
- iii. Procure and maintain liability insurance naming the City of Sunnyside as additional insured in the amount of \$1,000,000;
- iv. Payment of a nonrefundable fee in the amount to be set by resolution of the City Council; and
- v. Such permit shall be valid for 12 months after it is issued.

b. Terms and Conditions.

i. The City Manager or his designee may issue a permit for use of a sidewalk for sidewalk cafe purposes in the event and to the extent that he or she determines that:

(A) The applicant is the owner or occupant of the abutting property and operates a cafe, restaurant, or tavern thereon;

(B) The location of the sidewalk cafe shall not reduce or obstruct pedestrian passage on the sidewalk to less than four feet to the nearest street trees, utility poles, traffic control signs and devices, parking meters, fire hydrants, buildings, parked vehicles, and other similar devices and structures. Furthermore, such placement shall be consistent with any applicable standards established by the Americans with Disabilities Act and shall not obstruct vehicular traffic or parking or the use of any crosswalk, wheelchair ramp, bus or taxi zone; and

(C) The proposed sidewalk cafe area is included within a food-service establishment permit issued by the applicable authorities.

c. The City Manager may include such terms and conditions in the permit as he or she may deem appropriate, including but not limited to:

- i. Restrictions as to the number and placement of tables and chairs, condition of the tables and chairs and as to the hours and dates of use;
- ii. A requirement that the area be cleared when not in use as a sidewalk cafe, or upon the order of the Public Works Director or other appropriate City officer such as the Chief of Police or Fire Chief or their authorized representatives;
- iii. Provisions that the permittees shall maintain the sidewalk in a clean and safe condition for pedestrian travel, including nightly cleansing of sidewalk;

- iv. A requirement that the applicant clear the sidewalk as may be necessary to accommodate deliveries to abutting or other nearby properties;
 - v. Regulations upon lighting and illumination of the sidewalk cafe, limitations upon noise, prohibition of exterior power supplies and restrictions upon the placement of furniture or equipment used in connection with the sidewalk cafe;
 - vi. If the sidewalk cafe causes a change in pedestrian travel patterns, appropriate modifications to the sidewalk in the immediate vicinity in order to accommodate the change or to assure compliance with the federal Americans with Disabilities Act;
 - vii. Restoration of the sidewalk upon completion of the use each business day;
 - viii. Unless expressly authorized by the Public Works Director, no pavement shall be broken, no sidewalk surface disturbed, and no permanent fixture of any kind shall be installed in or on sidewalk area in connection with a sidewalk cafe;
 - ix. The City Manager may suspend or revoke the permission granted if an applicant violates this chapter, any implementing rules, or the terms and conditions of the permit;
 - x. Liquor, as defined in RCW [66.04.010](#), as now existing or hereinafter amended, may be used and sold at a sidewalk cafe when authorized in both the use permit and provided for in this chapter and by permit of the Washington State Liquor Control Board, and not otherwise. Service of liquor shall be in compliance with requirements of the Washington State Liquor Control Board and also served in disposable or otherwise nonbreakable containers so as to prevent broken glass on the sidewalk.
- d. Sidewalk Condition. The applicant shall comply with the terms and conditions of the sidewalk cafe permit issued, shall maintain the sidewalk in a clean and safe condition for pedestrian travel, and shall immediately clear the sidewalk area when ordered to do so by the Public Works Director or other appropriate City officer such as the Chief of Police, Fire Chief or their authorized representatives.

17.48.025 Permitted uses – Dance halls.

Dance halls, as defined in SMC [5.28.010](#), are permitted uses in the B-3 zone but may not be located within 200 feet from any area zoned R-1, R-1M, R-2, R-3, M-H or other residential zoning district hereafter adopted; provided, however, that this restriction shall not apply to any use made exempt pursuant to SMC [5.28.010](#)(F).

17.48.030 Dimensional standards.

The dimensional standards for the B-3 zone are:

- A. Minimum lot area: no required lot size for nonresidential uses;
- B. Minimum width: no required lot width for nonresidential uses;
- C. Maximum building height: 45 feet for all uses;
- D. Maximum land coverage: no limitations;
- E. Minimum floor area: no required minimum for nonresidential uses;

F. ~~In connection with and consistent with the "Sunnyside Downtown Heritage Village" design plan, a~~Any improvement, modification, addition or alteration to buildings within the Retail Core zone (B-3) shall be permitted to encroach over and onto the City right-of-way a distance of not more than 12 inches subject to plan and construction review by the City's Building Department for consideration of factors including, but not limited to, construction methods, safety and compatibility/ compliance with the Sunnyside ~~downtown design plan.~~[Municipal Code.](#)

G. [The minimum lot size and dimensional standards for R-2 residential uses in the B-3 zone shall be the same as SMC 17.16.030;](#)

17.48.040 Yards.

There is no required yard area.

17.48.050 Parking and loading.

That portion of the retail core area known previously as B-1 zone and as defined in the official zone map adopted May 16, 1960, is exempt from the off-street parking and loading requirements as provided in SMC [17.64.030](#).

Chapter 17.64 GENERAL REGULATIONS

Sections:

[17.64.010 Interpretation of regulations.](#)

[17.64.015 Accessory dwelling units.](#)

[17.64.020 Conditional uses.](#)

[17.64.030 Off-street parking and loading regulations.](#)

[17.64.040 Minimum parking space requirements.](#)

[17.64.050 Definition of parking space.](#)

[17.64.060 Occupancies.](#)

[17.64.070 B-3 zone partially exempt.](#)

[17.64.080 Loading space requirements.](#)

[17.64.090 Zoning of annexations.](#)

17.64.010 Interpretation of regulations.

All regulations in this title pertaining to the zones established in Chapters [17.12](#) through [17.60](#) SMC are subject to the general provisions, conditions and exceptions contained in this chapter. If any ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this title, or with respect to the matters of height, area requirements, or zone boundaries as set forth herein, the Planning Commission shall ascertain all pertinent facts, and by resolution, set forth its findings and

interpretations and thereafter such interpretation shall govern, unless the City Council directs the Planning Commission to adopt a different interpretation.

17.64.015 Accessory dwelling units.

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 this chapter 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 1,000 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 200 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.

17.64.020 Conditional uses.

All of the uses listed in this section and all matters directly related thereto are declared to be possessing characteristics of such unique and special form as to make impractical their inclusion in any class of use set forth in the various zones in this title, and the authority for the location and operation thereof shall be subject to review and the issuance of a conditional use permit by the [Board of Adjustment/Hearing Examiner](#); provided, that conditional use permits may not be granted for a use in a zone from which it is specifically prohibited:

A. Charitable institutions and orphanages; provided, that these uses shall be permitted only in the R-2, R-3, and B-2 zones;

B. Convalescent, nursing, retirement homes; provided, that these uses shall be permitted only in the R-2, R-3 and B-2 zones;

C. Churches shall be permitted in all zones except M-1 and M-2; provided, that the following requirements are met:

1. Twenty percent of the total lot area shall be dedicated to landscaping and greenery. Patios and/or walkways shall be permitted to occupy part of the 20 percent.
2. Churches may exceed the height limit of the district in which it is proposed to locate; provided, that such buildings are set back from all property lines at least one additional foot from any adjoining lot line.

D. Schools, day care centers and nursery schools may be allowed by special permit in R-1, R-2, R-3, B-2 and B-3 zones; provided, the following special requirements are met:

1. No school buildings, including accessory buildings, shall occupy more than ~~25-65~~ percent of the total lot area.

2. School areas abutting R-1, R-2 and R-3 zoned land shall be sight-screened and fenced.

E. Drive-in theaters, racetracks or other outdoor commercial amusements of a personal nature involving a large assembly of people; provided, that these uses shall be permitted only in the B-2 and M-1 zones, and, provided further, that the following requirements are met:

1. There shall be no direct entrance to or exit from such use on any principal or minor arterial;

2. Access to such uses shall be only from full width streets or roads;

3. Parking areas shall be paved or surfaced to eliminate dust or mud; and

4. Screens for any outdoor theater shall not be allowed to face the highway and shall be landscaped in such a manner as to screen them from neighboring uses.

F. Auto courts, travel trailers or mobile home courts, parks or camps may be permitted in the B-2 and R-3 zones as a conditional use; provided they meet the following requirements:

1. Access to such uses shall be only from a collector or arterial street;

2. Each unit shall face or abut on a driveway of not less than 18 feet in width. Such driveway shall be well lighted and surfaced to eliminate dust and mud; and

3. When bordering one of the residential zones, the external boundaries of such site shall be landscaped, planted and arranged in such a manner as to screen them from the abutting property.

G. Fraternal organizations, lodges, grange halls and clubs shall be permitted as a conditional use in R-3, B-2, B-3, P-B, M-1 and M-2 zones and shall be specifically excluded from all other zones.

~~H. Apartments or multiple dwelling units may be allowed as a conditional use in an R-2 zone as long as the overall density of the general area in question (within 300 feet of the property boundaries) remains consistent with medium density as defined in the Sunnyside Area Comprehensive Plan.~~

~~I. Single and two family dwelling units, apartments or multiple dwelling units may be allowed as a conditional use in the B-3 zone. Expansion of these residential uses in an existing residential structure in a B-3 zone may be allowed after securing a use permit.~~

~~HJ. Cement lime, gypsum or plaster of paris manufacture or stock yards may be permitted in the M-2 zone as a conditional use.~~

~~JK. Manufacturing or assembling of lumber products in a lumberyard may be permitted in the B-2 zone as a conditional use.~~

~~JL. Sales yard, livestock, produce, furniture, etc., may be permitted in the M-1 zone as a conditional use.~~

~~KM. Truck terminals, truck depots, truck stops and truck repair shops may be permitted in the B-1 and B-2 zoning districts as a conditional use with particular consideration given to traffic impacts, dust, noise and light impacts on adjacent permitted uses in the zone and neighboring zones, and to the screening of unsightly outdoor storage other than of operable trucks and/or trailers.~~

LN. Group residential facilities may be permitted in an R-1 zone as a conditional use, and in R-2, R-3, B-2 and P-B zones with conformance to State and local standards for such homes. These uses are prohibited from flowing through into any other zone by reason of being a conditional use in the above-mentioned zones.

MQ. Mini-storage facilities may be permitted in the B-2 and R-3 zones as a conditional use.

NP. "Recycling centers" may be permitted in the B-2 and M-1 zones as a conditional use; provided, that in the B-2 zone, recycling operations, including storage, vehicles or facilities, shall be within a screened or enclosed area, and shall be limited to light recycling of aluminum cans, glass bottles, newspaper and similar such recyclable materials. Large objects, including but not limited to appliances, automobiles or truck parts, shall be prohibited from recycling centers within B-2 and M-1 zones.

OQ. Storage for M-1 uses may be permitted as a conditional use in the R-3 and B-2 zones; provided, that the area used for storage of such materials is adjacent to the M-1 property involved in the use of materials being stored and subject to such other conditions as are deemed appropriate under the circumstances of such a permit.

PR. Off-site hazardous waste treatment and storage may be permitted in an M-1 and M-2 zone; provided, that such facilities meet the State siting criteria adopted pursuant to the requirements of RCW [70.105.210](#).

~~S. Livestock shall be allowed as a conditional use in the R-1, R-2, R-3 and URA zones where consideration is given to the neighborhood, including uses of adjacent property, the size of the parcels of property, fencing, the types and number of animals to be maintained on such property, and such other considerations as may be warranted under the circumstances. Poultry may be allowed as a conditional use in the URA zone where consideration is given to the same factors described above for livestock.~~

QT. Home occupations as defined in SMC [17.04.030](#) shall be permitted in all residential zones subject to such conditions as may be deemed appropriate under the circumstances of such permit in light of factors to be considered for home occupations, including whether or not the home occupation shall employ any employees (not to exceed two) who do not reside on the site of the home occupation, except that a conditional use permit may not be required as determined by the Planning Director following review of the completed home occupation application form, as developed by the [Board of Adjustment/Hearing Examiner](#), which indicates the nature of the home occupation is such that it is limited by its potential to negatively impact the surrounding residential neighborhood.

RU. Superseded by Ord. 2119.

SV. Minimum-security jail facilities shall be permitted as conditional uses in the B-2, M-1 and M-2 zones, subject to consideration of the following:

1. The site of the proposed facility should be large enough to accommodate the anticipated facility, plus additional area to provide for potential future growth.
2. Where necessary, and for the purposes of public safety, the facility should be enclosed by solid fencing of an appropriate height, type and size, to ensure security and privacy needs.

3. Site screening and shrubbery should be utilized to make the site more compatible with surrounding properties, with a landscape plan being required prior to approval of the conditional use permit.
4. Adequate off-street parking should be provided for staff of the facility and for maximum anticipated visitor needs, with parking plans being required for approval as a part of the consideration of the conditional use permit.
5. Facility lighting should be developed so as to provide minimal impact on neighboring properties, with a plan for lighting being required for approval as a part of the consideration of the conditional use permit.
6. The rules and regulations for the operation of the minimum-security jail facility shall be provided as part of the consideration for the conditional use permit, in addition to other measures which may be appropriate to minimize the impact that the operation of the facility would have on surrounding properties and the community in general.
7. The ~~Board of Adjustment~~Hearing Examiner shall also determine, based upon the specific project proposal, any other conditions which might be appropriate and necessary in the granting of the conditional use permit.
8. One year after the granting of any conditional use permit, the permit shall be reviewed by the ~~Board of Adjustment~~Hearing Examiner for determination of impact on the facility on neighboring property or for consideration of changes in the conditions of the permit.

~~W. Single family residential uses may be permitted in the B-1 zone and in the B-2 zone; provided, that such residential use is secondary or accessory to a commercial use on the property.~~

IX. Manufactured homes shall be permitted as a conditional use permit in the R-2 zone; provided, that the manufactured home meets the following conditions:

1. It shall be placed permanently on a lot with a foundation which has been constructed consistent with conventional construction requirements.
2. It has been designated as real property and is taxed as real property rather than personal property.
3. It has a floor area of not less than 950 square feet.
4. It shall be constructed in conformance with federal manufactured home construction and safety standards, as evidenced by an affixed certification label in accordance with [24 C.F.R. 3280.8](#); and
5. It shall meet any other requirements necessary to be eligible for FHA mortgage insurance (Title II mortgage insurance).

Provided, however, that mobile homes not meeting the National Mobile Home Construction and Safety Standards Act of 1974, as adopted by Chapter [43.22](#) RCW, shall not be permitted in the R-2 zone.

UY. Mobile home parks shall be permitted as a conditional use in the R-3 zone; provided, that the minimum mobile home park size shall not be less than three acres as required in SMC [16.12.100](#).

17.64.030 Off-street parking and loading regulations.

For every new building or structure or addition thereto hereinafter erected within the City, there shall be established and maintained a permanent, paved, off-street parking area within 200 feet of the building or structure, with such parking area and any driveways adjacent thereto being paved with cement or asphaltic concrete, which paving shall be accomplished prior to occupancy or as scheduled or phased in pursuant to agreement between the property owner and the City.

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.

17.64.050 Definition of parking space.

See SMC [17.04.030](#).

17.64.060 Occupancies.

Unspecified uses shall have the requirements of similar specified uses. Mixed occupancies and cooperative uses for two or more buildings shall have space not less than the sum of the requirements for the various uses computed separately. Overlapping cooperative use of parking facilities, when the times during which such facilities are used are not conflicting, is permitted.

17.64.070 B-3 zone partially exempt.

Portions of the retail core area as defined in SMC [17.48.050](#) are exempt from the off-street parking and loading provisions of this chapter.

17.64.080 Loading space requirements.

An off-street loading space shall be required adjacent to each building hereafter erected, if the use of such building entails deliveries to it or shipments from it, to accommodate the maximum number and size of vehicle simultaneously loaded or unloaded with no part of the van or truck projecting into a public thoroughfare.

17.64.090 Zoning of annexations.

At the time of official public hearing on any proposed annexation to the City, the Planning Commission shall recommend a zone classification of the area to be annexed, which recommendation shall be in keeping with the overall comprehensive plan, and that best arrangement of land uses to promote public health, safety, morals and general welfare. The Council shall stipulate the precise zone classifications of the area to be annexed as part of the annexation ordinance and the official zoning map shall be changed accordingly.

Chapter 17.68 NONCONFORMING USES

Sections:

17.68.010 Generally.

17.68.020 Nonconforming lots of record.

17.68.030 Nonconforming uses of land.

17.68.040 Nonconforming structures.

17.68.050 Nonconforming uses of structures and land.

17.68.060 Improvements.

17.68.070 Change or discontinuance of use.

17.68.010 Generally.

A. Within the zones established by this title or amendments that may later be adopted, there may exist lots, structures and uses of land and structures which were lawful before the ordinance codified in this title was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this title or future amendment.

B. It is the intent of this title to permit these pre-existing nonconformities to continue until they are removed by economic forces or otherwise, but not to encourage their survival except in cases where continuance thereof would not be contrary to the public health, safety, or welfare or the community.

C. To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designation use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance codified in this title, and upon which actual building construction has been diligently carried on, namely, actual construction materials placed in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal

shall be deemed to be actual construction; provided, that work shall be diligently carried on until completion of the building involved.

17.68.020 Nonconforming lots of record.

In any zone, any permitted use or structure and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance codified in this title. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zone; provided, that setback dimensions and other requirements not involving area or width of the lot shall conform to the regulations for the zone in which such lot is situated.

17.68.030 Nonconforming uses of land.

If, at the effective date of adoption or amendment of the ordinance codified in this title, a lawful use of land, not conducted within a building, exists, that is made no longer permissible under the terms of this title as adopted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of the lot of record than that which is occupied at the effective date of adoption or amendment of the ordinance codified in this title.

B. At such time as a structure is erected thereon, the structure and the use of specified by this title for the zone in which the land is situated.

17.68.040 Nonconforming structures.

A. If, at the effective date or adoption or amendment of the ordinance codified in this title, a building is nonconforming only by reason of substandard building area, height or setback conditions, any structural alterations or enlargements of any existing building under such condition shall not increase the degree of nonconformity and shall be conducted in compliance with the setback requirements of the zone in which it is situated.

B. A building, nonconforming only by reason of substandard building area, height or setback conditions, destroyed to an extent such that restoration costs would exceed two-thirds of the market value of the building immediately prior to such occurrence, shall be considered completely destroyed and shall be required to meet all applicable building area, height and setback requirements of this title upon restoration.

17.68.050 Nonconforming uses of structures and land.

If, at the effective date of adoption or amendment of the ordinance codified in this title, a lawful use of a structure and land in combination exists that would not be allowed under the terms of this title as adopted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

A. Any such nonconforming use may be expanded or extended throughout any part of a structure; provided, that no structural alterations, except those required by law, and no enlargement of said

structure shall occur except as allowed by a conditional use permit, and subject to existing building area, height and setback conditions.

B. 1. If a nonconforming structure is damaged by fire, explosion, accident, act of God or act of the public enemy, to the extent of more than 70 percent of the assessed value, thereafter the land and any development on it shall conform to the regulations of the zone in which it is located, except that the [Board of AdjustmentHearing Examiner](#) may grant a conditional use permit under the procedures outlined in Chapter [17.64](#) SMC for the rebuilding of the nonconforming use, if an application for such conditional use permit is received by the City within one year from the date the nonconforming structure is damaged.

2. If damage is 70 percent or less, restoration of the nonconforming use approximately to its status prior to the act of damage is permitted without action of the [Board of AdjustmentHearing Examiner](#).

3. Single-family residences in any zone in which such use is nonconforming may be restored within one year without action by the [Board of AdjustmentHearing Examiner](#) regardless of the extent of damage.

4. Any single-family residences so restored under any of these circumstances shall be subject to building area, height and setback requirements of the zone in which it is situated.

5. The use of any structure, including single-family residences, restored under any of these circumstances shall remain nonconforming.

17.68.060 Improvements.

Nothing in this chapter shall be construed to restrict normal structural repair and maintenance activities including replacement of walls, fixtures and plumbing; provided, that the value of work and materials in any 12-month period does not exceed 25 percent of the true market value of the structure prior to such work. [Ord. 1272 § 17-5-6, 1980.]

17.68.070 Change or discontinuance of use.

A. If a nonconforming use is discontinued and succeeded by another and more restrictive use, it shall be presumed that the prior nonconforming use has ceased to exist and thus loses its status as a preexisting nonconforming use. If the substitute use is itself nonconforming, the degree of nonconformity may not subsequently be increased by changing to a less restrictive use.

B. "More restrictive use," as employed in this title, means the following:

1. Those uses permitted in the R-1 zone are the most restrictive uses.

2. All other uses are less restrictive in the following sequence: R-2, R-3, M-H, B-N, P-B, B-1, B-2, B-3, M-1, M-2 and PUD.

C. If a nonconforming use is discontinued and is not succeeded by another use within 12 months of such discontinuance, it shall be presumed that such use has ceased to exist and thus loses its status as a preexisting nonconforming use. Any subsequent use shall conform to the regulations of the use zoned in which it is located.

D. The ownership of property classed as nonconforming may be transferred without that fact alone affecting the right to continue such nonconforming use.

Chapter 17.68 NONCONFORMING USES

Sections:

17.68.010 Generally.

17.68.020 Nonconforming lots of record.

17.68.030 Nonconforming uses of land.

17.68.040 Nonconforming structures.

17.68.050 Nonconforming uses of structures and land.

17.68.060 Improvements.

17.68.070 Change or discontinuance of use.

17.68.010 Generally.

A. Within the zones established by this title or amendments that may later be adopted, there may exist lots, structures and uses of land and structures which were lawful before the ordinance codified in this title was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this title or future amendment.

B. It is the intent of this title to permit these pre-existing nonconformities to continue until they are removed by economic forces or otherwise, but not to encourage their survival except in cases where continuance thereof would not be contrary to the public health, safety, or welfare or the community.

C. To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designation use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance codified in this title, and upon which actual building construction has been diligently carried on, namely, actual construction materials placed in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction; provided, that work shall be diligently carried on until completion of the building involved.

17.68.020 Nonconforming lots of record.

In any zone, any permitted use or structure and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance codified in this title. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the zone; provided, that setback dimensions and other requirements not involving area or width of the lot shall conform to the regulations for the zone in which such lot is situated.

17.68.030 Nonconforming uses of land.

If, at the effective date of adoption or amendment of the ordinance codified in this title, a lawful use of land, not conducted within a building, exists, that is made no longer permissible under the terms of this

title as adopted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

A. No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of the lot of record than that which is occupied at the effective date of adoption or amendment of the ordinance codified in this title.

B. At such time as a structure is erected thereon, the structure and the use of specified by this title for the zone in which the land is situated.

17.68.040 Nonconforming structures.

A. If, at the effective date or adoption or amendment of the ordinance codified in this title, a building is nonconforming only by reason of substandard building area, height or setback conditions, any structural alterations or enlargements of any existing building under such condition shall not increase the degree of nonconformity and shall be conducted in compliance with the setback requirements of the zone in which it is situated.

B. A building, nonconforming only by reason of substandard building area, height or setback conditions, destroyed to an extent such that restoration costs would exceed two-thirds of the market value of the building immediately prior to such occurrence, shall be considered completely destroyed and shall be required to meet all applicable building area, height and setback requirements of this title upon restoration.

17.68.050 Nonconforming uses of structures and land.

If, at the effective date of adoption or amendment of the ordinance codified in this title, a lawful use of a structure and land in combination exists that would not be allowed under the terms of this title as adopted or amended, such use may be continued as long as it remains otherwise lawful, subject to the following provisions:

A. Any such nonconforming use may be expanded or extended throughout any part of a structure; provided, that no structural alterations, except those required by law, and no enlargement of said structure shall occur except as allowed by a conditional use permit, and subject to existing building area, height and setback conditions.

B. 1. If a nonconforming structure is damaged by fire, explosion, accident, act of God or act of the public enemy, to the extent of more than 70 percent of the assessed value, thereafter the land and any development on it shall conform to the regulations of the zone in which it is located, except that the [Board of Adjustment Hearing Examiner](#) may grant a conditional use permit under the procedures outlined in Chapter [17.64](#) SMC for the rebuilding of the nonconforming use, if an application for such conditional use permit is received by the City within one year from the date the nonconforming structure is damaged.

2. If damage is 70 percent or less, restoration of the nonconforming use approximately to its status prior to the act of damage is permitted without action of the [Board of Adjustment Hearing Examiner](#).

3. Single-family residences in any zone in which such use is nonconforming may be restored within one year without action by the [Board of Adjustment Hearing Examiner](#) regardless of the extent of damage.

4. Any single-family residences so restored under any of these circumstances shall be subject to building area, height and setback requirements of the zone in which it is situated.

5. The use of any structure, including single-family residences, restored under any of these circumstances shall remain nonconforming.

17.68.060 Improvements.

Nothing in this chapter shall be construed to restrict normal structural repair and maintenance activities including replacement of walls, fixtures and plumbing; provided, that the value of work and materials in any 12-month period does not exceed 25 percent of the true market value of the structure prior to such work.

17.68.070 Change or discontinuance of use.

A. If a nonconforming use is discontinued and succeeded by another and more restrictive use, it shall be presumed that the prior nonconforming use has ceased to exist and thus loses its status as a preexisting nonconforming use. If the substitute use is itself nonconforming, the degree of nonconformity may not subsequently be increased by changing to a less restrictive use.

B. "More restrictive use," as employed in this title, means the following:

1. Those uses permitted in the R-1 zone are the most restrictive uses.

2. All other uses are less restrictive in the following sequence: R-2, R-3, M-H, B-N, P-B, B-1, B-2, B-3, M-1, M-2 and PUD.

C. If a nonconforming use is discontinued and is not succeeded by another use within 12 months of such discontinuance, it shall be presumed that such use has ceased to exist and thus loses its status as a preexisting nonconforming use. Any subsequent use shall conform to the regulations of the use zoned in which it is located.

D. The ownership of property classed as nonconforming may be transferred without that fact alone affecting the right to continue such nonconforming use.

Chapter 17.76 AMENDMENTS and REZONING

Sections:

[17.76.010 Purpose—Ordinance required.](#)

[17.76.020 Initiation of Amendments—Amendment procedures.](#)

[17.76.030 Notice Requirements](#)

[17.76.040 Findings and Recommendations](#)

[17.76.050 Appeals](#)

[17.76.060 Classification of Annexed Lands](#)

[17.76.010 Ordinance required Purpose.](#)

From time to time, a change in circumstance or condition may warrant a change in the zoning text or map created by this title. The purpose of this chapter is to establish the procedures to amend the zoning text and/or map when the proposed change would be consistent with the goals, policies, and intent of the comprehensive plan. Any amendment to this title shall be initiated and adopted as other ordinances are amended or adopted. Any amendment to this title which changes any property from one zone to another zone or imposes any regulation upon property not theretofore imposed, or removes or modifies any such regulation, shall be initiated and adopted as hereinafter set forth in this chapter.

17.76.020 Amendment procedures Initiation of Amendments.

A. Amendments may be initiated in the following manner:

1. By motion of the City Council or the Planning Commission;
2. By filing with the Planning Commission of a petition by the owner of property within the City, which petition shall be on a standard form prescribed by the Planning Commission and available from the City Planning Department;
3. A fee as specified in SMC 2.02.020 payable to the City at the time of filing of the petition shall be charged for advertising and mailing expenses.

B. Persons desiring a change in the zone classification or the boundaries of the zone, shall submit the petition carrying the signatures of not less than 51 percent of the owners of the property within 300 feet of the property lines of the petitioner. Either spouse may sign as owner. The signature shall indicate knowledge of, and not an endorsement of, the proposed change.

C. The Planning Commission shall hold a public hearing on any such amendments, supplement or modification of the ordinance, whether initiated by petition or motion. Notice of hearing and the nature of the proposed change shall be given by publication in the official newspaper of the City at least 10 days prior to the date of hearing. In addition, in all cases of change of boundaries or of zone classifications, all owners of property within 300 feet of the boundary lines of the property proposed to be changed shall be notified of the proposed change and the date of hearing by United States mail. Notice mailed to the last known address of the person making the last tax payment shall be deemed proper notice; provided, however, that in the case of a zone change affecting three or more parcels, that notice may be given by publication in all local newspapers published in the City for two consecutive weeks of the notice of hearing on the proposed change. The notice shall contain the date, time and place of the hearing, and also a map which indicates the place of the hearing, and also a map which indicates the area of the proposed change and the effects of the change. The date of last publication of the notice shall be at least 10 days before the date set for said hearing.

D. In recommending the adoption of any proposed amendment or in concurring with the City Council on any proposed amendment, the Planning Commission shall state fully its reasons at the public hearing before the City Council, describing any change in conditions that it believes makes the amendment advisable and in specifically setting forth why the Planning Commission is of the opinion that the amendment is in harmony with the purposes set forth in SMC 17.04.020.

E. Changes in the zoning or boundaries of zoning shall, insofar as possible, be consistent with the optimal land use map of the comprehensive plan as provided by State law.

A. Zoning Map

1. Any person, firm, corporation, group of individuals, or municipal department may petition for a zone change with the following exceptions:

a. If the person, firm, corporation or group of individuals does not have legal ownership of the parcel of land under consideration for rezoning, the petition shall not be accepted. All petitions submitted must contain the signature of the legal owner of the property. The legal owner is considered to be the owner of record.

b. A person, firm, corporation or group of individuals may not submit, in any one year, more than one petition requesting a zone change from the property's present zone to another particular zone for the same parcel of land, provided, within the one-year period, a person, firm, corporation or group of individuals may submit another petition requesting a zone change from the property's present zone to a zone other than the zone previously requested in the earlier petition.

2. The hearing examiner may initiate an open record hearing on the reclassification of a parcel or parcels of property and render a recommendation to the city council in accordance with SMC Chapter 2.46 and SMC Title 19.

B. Text

1. The hearing examiner may initiate an open record hearing and render a recommendation to the city council for a text amendment in accordance with SMC Chapter 2.546 and SMC Title 19.

2. Any resident or property owner within the Sunnyside urban area may petition the city council for a text amendment.

17.76.030 Notice Requirements

Notice requirements shall conform to those contained in SMC Title 19, Administration of Development Regulations.

17.76.040 Findings and Recommendations

Upon receipt of a complete application for a rezone, the planning division shall forward the application to the hearing examiner or city of Sunnyside planning commission for public hearing and review; provided, that rezone applications initiated by the city to implement a newly adopted or amended comprehensive plan, or which are of broad general applicability, shall be heard by the city of Sunnyside hearing examiner or planning commission under the provisions of RCW Chapter 36.70. The public hearing shall be held and notice provided under the provisions of SMC Title 19. The applicant shall appear in person or by agent or attorney. Failure to do so shall constitute sufficient cause for continuance or denial of the requested action. Other parties may appear in person or by agent or attorney, or may submit written comments.

A. After completion of an open record hearing on a petition for reclassification of property, the hearing examiner or planning commission shall make and enter findings from the records and conclusions thereof which support its recommendation and find whether or not:

1. The proposal is in accord with the goals and policies of the comprehensive plan.
 2. The effect of the proposal on the immediate vicinity will be materially detrimental.
 3. There is merit and value in the proposal for the community as a whole.
 4. Conditions should be imposed in order to mitigate any significant adverse impacts from the proposal.
 5. A development agreement should be entered into between the city and the petitioner, and if so, the terms and conditions of such an agreement.
- B. Notice of the hearing examiner's or the city of Sunnyside planning commission's recommendation shall be mailed to the applicant at the address provided on the application form. The decision of the hearing examiner or the city of Sunnyside planning commission on rezone applications shall constitute a recommendation to the legislative body.
- C. Action by the Legislative Body. Upon receipt of the hearing examiner's or the city of Sunnyside planning commission's recommendation on a proposed rezone, the legislative body shall hold a public meeting and affirm or reject the hearing examiner's or the city of Sunnyside planning commission's decision.
- The legislative body shall conduct its own public hearing when it rejects the recommendation of the hearing examiner, the city of Sunnyside planning commission, or desires additional public testimony. Notice of the public hearing shall be given in the manner set forth in SMC Title 19. In either case, the findings of the legislative body shall include the considerations established in subsection D of this section.
- D. Development Agreement. Conditions may be proposed in order to mitigate any detrimental effect the rezone might have on uses or property in the immediate vicinity. Any conditions imposed by the city shall be incorporated in a development agreement executed by the city council and the property owner(s), under the procedures set forth in RCW 36.70B.170 through 36.70B.200.
- E. Time Limit and Notification. Proposed amendments shall be decided by the legislative body as soon as practicable and the applicant shall be notified in writing whether the rezone has been granted or denied.

17.76.050 Appeals

The decision of the legislative body shall be final and conclusive unless within twenty-one days from the date of final action an aggrieved party obtains an appropriate writ of judicial review from the Yakima County superior court for the purpose of reviewing the action taken. The appellant shall provide, or pay the cost of preparing, a verbatim transcript of the proceedings required for judicial review. With the consent of the superior court, the parties may agree to provide a verbatim audio record of the proceedings for review by the superior court.

19.01.030 PROJECT PERMIT APPLICATION FRAMEWORK

Project permit application framework is as follows:

ACTION TYPE

PROCEDURE PROJECT PERMIT APPLICATIONS (TYPE I – III) LEGISLATIVE						
	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V	TYPE VI
Recommendation Made By:	N/A	N/A	N/A	N/A	N/A	Planning Commission
Final Decision Made By:	Admin.	Admin.	Planning Commission	City Council City Staff	Board of Adjustment Hearing Examiner	City Council
Notice of Application	No	No	Yes	No	Yes	No
Open Record Public Hearing:	No	Only if appealed and open record hearing before City Council	Yes, before Planning Commission Hearing Examiner to render final decision.	No	Yes, before Board of Adjustment Hearing Examiner.	Yes, before Planning Commission to make recommendation to City Council.
Closed Record Appeal/Final Decision:	No	No	Only if appealed then before Council on ord. adoption	Yes; before Council to render final decision	Only if appealed before the Council	Yes, or Council could hold its own hearing
Judicial Appeal	Yes	Yes	Yes	Yes	Yes	Yes

DECISIONS

TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V	TYPE VI
--------	---------	----------	---------	--------	---------

Permitted Uses requiring site plan review	Short Plat	Preliminary plats, Plat vacations and alterations	Final Plats	Conditional Use Permits, Master Planned Development Overlay zone , and Variances	Comp. Plan Amendments
Boundary Line Adjustments	Sign Permits	Major amendments to PRD and PUD			Development Regulations
Minor Amendments to PUD/PRD	Design Review				Zoning Text Amendments
Special Use Permits	Land clearing/grading				Annexations
Temporary construction trailers	Administrative Interpretation				Zoning map amendments/PUD