



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

**NOTICE OF APPLICATION, ENVIRONMENTAL REVIEW, AND PUBLIC HEARING**

**DATE:** July 12, 2023

**TO:** Applicant and Adjoining Property Owners

**FROM:** Trevor Martin, AICP, Community and Economic Development Coordinator

**APPLICANT:** City of Sunnyside

**FILE NUMBER:** CPA#20230270 & SEPA#20230271

**LOCATION:** Citywide

**TAX PARCEL NUMBER(S):** Citywide

**DATE OF APPLICATION:** April 28, 2023

**PROJECT DESCRIPTION:** Nonproject Action, City wide text and zoning changes. Proposed changes have been proposed in the following sections: Chapter 17.10 URBAN RESIDENTIAL AGRICULTURE (URA – MINI-RANCHETTES) 2; Chapter 17.12 R-1 – LOW-DENSITY RESIDENTIAL ZONE 2; Chapter 17.16 R-2 – MEDIUM DENSITY RESIDENTIAL ZONE 5; Chapter 17.44 B-2 – GENERAL COMMERCIAL ZONE 9; Chapter 17.48 B-3 – RETAIL CORE ZONE 13; Chapter 17.64 GENERAL REGULATIONS 17; Chapter 17.68 NONCONFORMING USES 25; Chapter 17.68 NONCONFORMING USES 27.

**APPLICATION PROCESSED UNDER SUNNYSIDE MUNICIPAL CODE (SMC):** Ch. 19.03 & Ch. 19.01

**NOTICE OF ENVIRONMENTAL REVIEW:** This is to notify agencies with jurisdiction and environmental expertise and the public that the City of Sunnyside, Planning Division, has been established as the lead agency, under WAC § 197-11-928 for this project. The City of Sunnyside has reviewed the proposed project for probable adverse environmental impacts and expects to issue a Determination of Nonsignificance (DNS) per WAC § 197-11-355. The proposal may include mitigation measures under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared. A copy of the subsequent threshold determination may be obtained by request and may be appealed pursuant to SMC Ch. 18.04.

**Required Permits:** The following local, state, and federal permits/approvals may or will be needed for this project: Building Permit, potentially other permits suggested by DST

**Required Studies:** SEPA Review, No others required at this time

**Existing Environmental Documents:** 2022 Comprehensive Plan

**Development Regulations for Project Mitigation and Consistency Include:** The State Environmental Policy Act, International Fire Code, WAC 173-180-320, WAC 296-24-33005, the Sunnyside Zoning Ordinance, SMC Title 12—Development Standards, and the Sunnyside Comprehensive Plan.

**Preliminary determination of the development regulations that will be used for project mitigation and consistency:** Future projects will require compliance with the International Building Code, City of Sunnyside Zoning Ordinance, City of Sunnyside Comprehensive Plan and City of Sunnyside Title 12 Development Standards.

**REQUEST FOR WRITTEN COMMENTS AND NOTICE OF PUBLIC HEARING:** The public is encouraged to review and comment on the proposed application. Written comments may be submitted prior to or at the public hearing. The public hearing before the City of Sunnyside Planning Commission has been scheduled for Wednesday **August 8, 2023**, beginning at **5:30 p.m.**, at the Law and Justice Center Court Room, City Hall, 401 Homer St. Sunnyside, WA 98944. Any person desiring to express their views on this matter is invited to attend the public hearing or to submit their written comments to: City of Sunnyside, Planning Division, 818 E. Edison Ave., Sunnyside, WA 98944. **This may be your last time to submit comments on the proposed project.** Comments received one week before the public hearing will be incorporated into the staff report, comments received after one week prior to the hearing will be read into the record. You can mail your comments to:

**Trevor Martin, AICP**  
**Community and Economic Development Director**  
**818 E. Edison Ave.,**  
**Sunnyside, WA 98944**

**NOTICE OF RECOMMENDATION** Following the public hearing, the Planning Commission will issue its recommendation within ten (10) business days. When available, a copy of the recommendation will be mailed to parties of record and entities who were provided this notice once it is rendered. The file containing the complete application is available for public review at the City of Sunnyside, 818 E. Edison Ave., Sunnyside, Washington, 98944 and online at <http://www.ci.sunnyside.wa.us/457/Public-Notices>

If you have any question on this proposal, please call Trevor Martin, AICP, Community and Economic Development Director, at (509) 836-6393 or email to: [tmartin@sunnyside-wa.gov](mailto:tmartin@sunnyside-wa.gov).



City of Sunnyside

# **Comprehensive Plan Amendment**

## **Application Packet**

**City of Sunnyside, Office of Community Development  
818 E. Edison Ave., Sunnyside, WA 98944  
Phone#: (509) 837-7999 Email: [tmaritn@sunnyside-wa.gov](mailto:tmaritn@sunnyside-wa.gov)**

## COMPREHENSIVE PLAN AMENDMENT

The purpose of this application is to amend and update the Sunnyside Comprehensive Plan and guide Development Regulations. Comprehensive Plan Amendments may involve changes in the plan's written text, policy maps, or to the Future Land Use Map. Comprehensive Plan and Development Regulation Amendments will be reviewed in accordance with SMC Ch. 19.01, the State Growth Management Act (GMA), the Yakima County-Wide Planning Policy (CWPP), the goals and policies of the Sunnyside Comprehensive Plan, and official population growth forecasts and growth indicators, as applicable. For changes to the Zoning Map, a Rezone Application also accompanies the Comprehensive Plan Amendment application.

**Talk to a City Planner:** Before preparing your application, you may wish to have a City Planner review your proposal. The City offers "Pre-Application" meetings in which you can gain a better understanding of the review process and potential requirements for your project from various City departments before you formally submit your land use application and pay the application fee.

**Submit Your Application:** Comprehensive Plan Amendments are only accepted once a year and must be submitted *by the last business day in April*. A completed application, on forms provided by the Planning Division, is required along with an application fee and a written narrative. An Environmental Review is necessary for all Comprehensive Plan Amendments. Once you have submitted an application, a Planner will be assigned to process your application. You are encouraged to discuss your proposal with your neighbors prior to submitting your application. Often, neighbors will respond more openly with the applicant on a preliminary and private basis outside of the formal review process. While this is not a requirement, it is very helpful to address any of the neighbor's concerns.

**Development Service Team (DST):** Representatives from City departments, State agencies, and private utility companies will review your proposal. Should significant concerns arise during the DST meeting, a conference may be scheduled between you and the appropriate agency in order to discuss possible application modifications. After the DST meeting, you may have an opportunity to change aspects of your proposal to address any concerns raised. To do this, submit your modifications to your Planner; a staff report will be prepared based upon the information provided. A staff report will be prepared for the Reviewing Officials who have the ability to approve, approve with conditions, or deny the request.

**Sunnyside Planning Commission:** The Sunnyside Planning Commission reviews all Comprehensive Plan Amendments during a public hearing and makes a recommendation to the City Council. First, the Planning Commission docketed all future land use map, plan policy map, and/or text amendments requests for further review and consideration if the amendment application is deemed complete. After completion of the amendment docketing process, the Sunnyside Planning Commission invites public comment regarding docketed amendment(s) concurrently with the notice announcing the Sunnyside Planning Commission public hearing at which proposed amendments will be reviewed. After proposed amendments are docketed:

- (a) Planning Staff will review the docketed Comprehensive Plan Amendments together with such review as may be required under the State Environmental Policy Act (WAC 197-11), RCW Ch. 43.21C, and SMC Ch. 19.01.
- (b) The Sunnyside Planning Commission will set dates for work sessions on docketed items prior to setting the Planning Commission public hearing date.

**Notice of Application and Sunnyside Planning Commission Public Hearing:** A copy of your application, written narrative, the site plan, and other pertinent information will be mailed to the applicant/owner and all property owners within 300 feet of the subject property. A notice of the application and hearing date will be published in the Sunnyside Sun. The applicant must post the property with City supplied signs at least 20 days prior to the hearing. This notice provides the public an opportunity to submit written comments on the proposal during a 14-day comment period. Additional notices will include a press release to the local media, and posting on the City's website.

**Attend Public Hearing:** The Sunnyside Planning Commission will conduct a Public Hearing. Hearings are docketed prior to the generally scheduled on the second and fourth Tuesday of the month beginning at 5:30 p.m. in the City of Sunnyside Law and Justice Center. You or your representative must attend the hearing; however, representation by an attorney is not required. If there is a situation where you cannot be present, you must notify city staff before the next scheduled meeting.

**City Council Consideration:** City Council will set a date for a public meeting to consider the Sunnyside Planning Commission's recommendation. At a joint meeting of the City Council and Yakima County Commissioners, the two elected bodies will review the Planning Commission's recommendations regarding any docketed comprehensive plan amendments and hold a public hearing to provide citizens, interested parties and reviewing agencies an opportunity to comment on the recommendations.

**City Council:** At the conclusion of the hearing, the City Council will direct planning staff to prepare legislation to approve, approve with conditions, or deny each amendment under consideration and will identify findings of fact to support each decision based on the approval criteria set forth in SMC § 19.01.050. At a subsequent City Council meeting, the City Council shall enact an ordinance adopting their decision reached at the joint City Council and Yakima County Commissioner's public hearing. Following City Council action, the City will notify the public and agencies.

**Appeal the Decision?:** For Comprehensive Plan Amendment Applications the City Council's decision is final unless appealed to the Growth Management Hearings Board. If you are dissatisfied with the written decision, discuss your concerns with a Planner.



**LAND USE APPLICATION**

City of Sunnyside, Office of Community Development 818 E. Edison Ave.,  
 Sunnyside, WA 98944  
 Phone#: (509) 837-7999 Email: tmaritn@sunnyside-wa.gov

**INSTRUCTIONS – PLEASE READ FIRST** Please type or print your answers clearly.

Answer all questions completely. If you have any questions about this form or the application process, please ask a Planner. Remember to bring all necessary attachments and the required filing fee when the application is submitted. The City cannot accept an application unless it is complete and the filing fee paid. Filing fees are not refundable. This application consists of four parts. PART I - GENERAL INFORMATION AND PART IV – CERTIFICATION are on this page. PART II and III contain additional information specific to your proposal and MUST be attached to this page to complete the application.

**PART I – GENERAL INFORMATION**

|  |                  |                                |                                |                                    |                                      |  |  |
|--|------------------|--------------------------------|--------------------------------|------------------------------------|--------------------------------------|--|--|
| 1. Applicant's Information:  | Name:            |                                |                                |                                    |                                      |  |  |
|  | Mailing Address: |                                |                                |                                    |                                      |  |  |
|  | City:            | St:                            | Zip:                           | Phone:                             | ( )                                  |  |  |
|  | E-Mail:          |                                |                                |                                    |                                      |  |  |
| 2. Applicant's Interest in Property:   | Check One:       | <input type="checkbox"/> Owner | <input type="checkbox"/> Agent | <input type="checkbox"/> Purchaser | <input type="checkbox"/> Other _____ |  |  |
| 3. Property Owner's Information (If other than Applicant):   | Name:            |                                |                                |                                    |                                      |  |  |
|  | Mailing Address: |                                |                                |                                    |                                      |  |  |
|  | City:            | St:                            | Zip:                           | Phone:                             | ( )                                  |  |  |
|  | E-Mail:          |                                |                                |                                    |                                      |  |  |
| 4. Subject Property's Assessor's Parcel Number(s):   |                  |                                |                                |                                    |                                      |  |  |
| 5. Legal Description of Property. (if lengthy, please attach it on a separate document)  |                  |                                |                                |                                    |                                      |  |  |
| 6. Property Address:   |                  |                                |                                |                                    |                                      |  |  |
| 7. Property's Existing Zoning:<br><input type="checkbox"/> URA <input type="checkbox"/> R-1 <input type="checkbox"/> R-1M <input type="checkbox"/> MH <input type="checkbox"/> R-2 <input type="checkbox"/> R-3 <input type="checkbox"/> BN <input type="checkbox"/> PB <input type="checkbox"/> B-1 <input type="checkbox"/> B-2 <input type="checkbox"/> B-3 <input type="checkbox"/> M-1 <input type="checkbox"/> M-2 <input type="checkbox"/> AOZ <input type="checkbox"/> PF <input type="checkbox"/> PUD |                  |                                |                                |                                    |                                      |  |  |
| 8. Type Of Application: (Check All That Apply)<br><input type="checkbox"/> Comprehensive Plan Amendment <input type="checkbox"/> Environmental Checklist (SEPA Review) <input type="checkbox"/> Rezone<br><input type="checkbox"/> Traffic Study/Report <input type="checkbox"/> Master Application <input type="checkbox"/> Other: _____  |                  |                                |                                |                                    |                                      |  |  |

**PART II – SUPPLEMENTAL APPLICATION, PART III – REQUIRED ATTACHMENTS, & PART IV – NARRATIVE**

SEE ATTACHED SHEETS

**PART V – CERTIFICATION**

I certify that the information on this application and the required attachments are true and correct to the best of my knowledge.

\_\_\_\_\_  
 Property Owner's Signature

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Applicant's Signature

\_\_\_\_\_  
 Date

FILE/APPLICATION(S)#

|                       |                     |                     |                    |
|-----------------------|---------------------|---------------------|--------------------|
| <b>DATE FEE PAID:</b> | <b>RECEIVED BY:</b> | <b>AMOUNT PAID:</b> | <b>RECEIPT NO:</b> |
|                       |                     |                     |                    |



Supplemental Application For:
COMPREHENSIVE PLAN
AMENDMENT

SUNNYSIDE MUNICIPAL CODE, CHAPTER 19.01
ADMINISTRATION OF DEVELOPMENT PERMIT REGULATIONS

PART II - APPLICATION INFORMATION

1. TYPE OF APPLICATION: [ ] Comprehensive Plan Text Amendment [ ] Future Land Use Map Amendment

2. EXISTING ZONING OF SUBJECT PROPERTY:
City wide ordinance and zoning change

3. DESIRED ZONING OF SUBJECT PROPERTY:
n/a

4. EXISTING FUTURE LAND USE DESIGNATION:
[ ] Residential [ ] Commercial [ ] Mixed Use [ ]
[ ] Industrial [ ] Public [ ]

5. DESIRED FUTURE LAND USE DESIGNATION:
[ ] Residential [ ] Commercial [ ] Mixed Use [ ]
[ ] Industrial [ ] Public [ ]

6. PUBLIC FACILITIES AND SERVICES AVAILABLE:
[ ] Transportation [ ] Rights-Of-Way [ ] Police And Fire Protection [ ] Parks And Trails [ ] Schools
[ ] Water [ ] Sewer [ ] Storm Drainage [ ] Electricity [ ] Natural Gas [ ] Telephone [ ] Cable TV

PART III - REQUIRED ATTACHMENTS

1. MAPS: Maps of the subject property indicating roads, any area designated as critical areas, the future land use designation of adjacent properties, and current & proposed future land use designations. Maps are to be provided in both an 8-1/2" by 11" and 11" by 17" format and to a standard engineering scale (e.g. 1:20).

2. SUBMITTAL FOR POLICY/REGULATORY AMENDMENTS: Identification of the proposed amendment indicating the section and paragraph location for the current Comprehensive Plan provision sought to be changed, if any, and including, for text amendments, the specific text sought to be added or amended. (attach)

3. WRITTEN NARRATIVE (required. see attached): (stating the reasons for the request for the amendment and explaining how the proposed amendment meets the criteria in SMC § 19.02.020)

4. TRAFFIC STUDY (may be required)

5. ENVIRONMENTAL CHECKLIST (required)

6. SITE PLAN

7. AUTHORIZATION:

I hereby authorize the submittal of this Comprehensive Plan Amendment Application to the City of Sunnyside for review.

Property Owner Signature (required)

Date

Note: if you have any questions about this process, please contact us City of Sunnyside, Office of Community Development 818 E. Edison Ave., Sunnyside, WA 98944 Phone#: (509) 837-7999



Supplemental Application For:  
**COMPREHENSIVE PLAN AMENDMENT**  
SUNNYSIDE MUNICIPAL CODE CHAPTER 19.01

**PART IV – NARRATIVE (SUBMIT ANSWERS ON SEPARATE SHEET OF PAPER IF NEEDED)**

1. Does your proposal address circumstances that have changed since the last time the relevant comprehensive plan map or text was considered? If so, how?
2. Does your proposal better implement applicable comprehensive plan policies than the current relevant comprehensive plan map or text? If so, how?
3. Does your proposal correct an obvious mapping error? If so, what is the error?
4. Does your proposal address an identified deficiency in the Comprehensive Plan? If so, what is the deficiency?
5. Is the proposed Comprehensive Plan Amendment coordinated with, and take into consideration, the comprehensive plans adopted by Yakima County or cities with which the City of Sunnyside has, in part, common borders or related regional issues as may be required by RCW 36.70A.100? If so, how?
6. Is the proposed Comprehensive Plan Amendment consistent with the Growth Management Act (GMA), RCW Ch. 36.70A, and the Yakima County-Wide Planning Policy (CWPP)? If so, how?
7. Have the cumulative impacts of all comprehensive plan amendments been considered in the evaluation of the proposed amendment? If so, how?
8. For Future Land Use Map changes please provide descriptive information regarding the property, including the status of existing land use, access to sewer and water, as well as the availability of public facilities such as schools, fire and police services.



Supplemental Application For:

# REZONE

SUNNYSIDE MUNICIPAL CODE, CHAPTER 19.01  
ADMINISTRATION OF DEVELOPMENT PERMIT REGULATIONS

### PART II - APPLICATION INFORMATION

1. TYPE OF APPLICATION:  Rezone

2. EXISTING ZONING OF SUBJECT PROPERTY: URBAN RESIDENTIAL AGRICULTURE  
(URA – MINI-RANCHETTES)

3. DESIRED ZONING OF SUBJECT PROPERTY: R-1 – LOW-DENSITY RESIDENTIAL ZONE

4. EXISTING FUTURE LAND USE DESIGNATION:

Residential                       Commercial                       Mixed Use                     

Industrial                       Public                     

5. DESIRED FUTURE LAND USE DESIGNATION:

Residential                       Commercial                       Mixed Use                     

Industrial                       Public                     

6. PUBLIC FACILITIES AND SERVICES AVAILABLE:

Transportation     Rights-Of-Way     Police And Fire Protection     Parks And Trails     Schools

Water     Sewer     Storm Drainage     Electricity     Natural Gas     Telephone     Cable TV

### PART III - REQUIRED ATTACHMENTS

1. **MAPS:** Maps of the subject property indicating roads, any area designated as critical areas, the future land use designation of adjacent properties, and current & proposed future land use designations. Maps are to be provided in both an 8-1/2" by 11" and 11" by 17" format and to a standard engineering scale (e.g. 1:20).

2. **SUBMITTAL FOR POLICY/REGULATORY AMENDMENTS:** Identification of the proposed amendment indicating the section and paragraph location for the current Comprehensive Plan provision sought to be changed, if any, and including, for text amendments, the specific text sought to be added or amended. (attach)

3. **WRITTEN NARRATIVE** (required. see attached): (stating the reasons for the request for the amendment and explaining how the proposed amendment meets the criteria in SMC § 19.02.020)

4. **TRAFFIC STUDY** (may be required)

5. **ENVIRONMENTAL CHECKLIST** (required)

6. **SITE PLAN**

7. **AUTHORIZATION:**

I hereby authorize the submittal of this Comprehensive Plan Amendment Application to the City of Sunnyside for review.

\_\_\_\_\_  
**Property Owner Signature (required)**

\_\_\_\_\_  
**Date**

**Note:** if you have any questions about this process, please contact us City of Sunnyside, Office of Community Development 818 E. Edison Ave., Sunnyside, WA 98944 Phone#: (509) 837-7999



Supplemental Application For:  
**REZONES**  
SUNNYSIDE MUNICIPAL CODE CHAPTER 19.01

**PART IV – NARRATIVE (SUBMIT ANSWERS ON SEPARATE SHEET OF PAPER IF NEEDED)**

1. How is the subject property suitable for uses permitted under the proposed zoning?

The URA property will remain for residential purposes. The elimination of the URA zoning district, along with the rezoning the properties in the URA to R-1, Low Density Residential will allow property owners to further subdivide their properties with one acre lot restrictions, and will allow lots to develop, that have not been able to develop in the past.

What is the status of existing land use?

2. How is the rezone request in compliance with and/or how does the request deviate from the Sunnyside Comprehensive Plan?

3. Are there adequate public facilities, such as traffic capacity, sewer services, potable water, stormwater drainage, schools, fire and police services, and other public services and infrastructure existing on and around the subject property?

Are the existing public facilities capable of supporting the most intensive use of the new (requested) zone? If not, what mitigating measures are going to be implemented to address any short falls in public services that may exist?

4. How is the proposed zone change compatible with the existing neighboring uses?

What mitigating measures are planned to address incompatibility, such as sitescreening, buffering building design, open space traffic flow alteration, etc.?

5. What is the public need for the proposed change?

# ENVIRONMENTAL CHECKLIST

STATE ENVIRONMENTAL POLICY ACT (SEPA)

(AS TAKEN FROM WAC 197-11-960)

SUNNYSIDE MUNICIPAL CODE CHAPTER 18.04

## PURPOSE OF CHECKLIST

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

## INSTRUCTIONS FOR APPLICANTS

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help you describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

## USE OF CHECKLIST FOR NONPROJECT PROPOSALS

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements – that do not contribute meaningfully to the analysis of the proposal.

## A. BACKGROUND INFORMATION (To be completed by the applicant.)

1. Name Of Proposed Project (If Applicable):

2. Applicant's Name & Phone:

3. Applicant's Address:

4. Contact Person & Phone:

5. Agency Requesting Checklist: City of Sunnyside

6. Proposed Timing Or Schedule (Including Phasing, If Applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain:

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:

**A. BACKGROUND INFORMATION (To be completed by the applicant.)**

**9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain:**

**10. List any government approvals or permits that will be needed for your proposal, if known:**

**11. Give a brief, but complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.):**

**12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist:**

**B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)**

**EARTH**

1. **General description of the site (✓ one):**

flat  rolling  hilly  steep slopes  mountainous  other: \_\_\_\_\_

2. **What is the steepest slope on the site (approximate percent slope)?**

3. **What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.**

4. **Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.**

5. **Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.**

6. **Could erosion occur as a result of clearing, construction, or use? If so, generally describe.**

7. **About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?**

8. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any:**

**AIR**

1. **What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.**

2. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**

3. **Proposed measures to reduce or control emissions or other impacts to air, if any:**

**B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)**

**SURFACE WATER**

1. Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
2. Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
3. Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.
4. Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.
5. Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.
6. Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

**GROUND WATER**

1. Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.
2. Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals...; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

**B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)**

**WATER RUNOFF (INCLUDING STORM WATER)**

1. Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

2. Could waste materials enter ground or surface waters? If so, generally describe.

3. Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

4. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

**PLANTS**

1. Check (✓) types of vegetation found on the site:

- | Deciduous Trees:               | Evergreen Trees:               | Wet Soil Plants:                       | Water Plants:                       | Other:   |
|--------------------------------|--------------------------------|--|-------------------------------------|--|
| <input type="checkbox"/> Alder | <input type="checkbox"/> Fir   | <input type="checkbox"/> Cattail       | <input type="checkbox"/> Milfoil    | <input type="checkbox"/> Shrubs  |
| <input type="checkbox"/> Maple | <input type="checkbox"/> Cedar | <input type="checkbox"/> Buttercup     | <input type="checkbox"/> Eelgrass   | <input type="checkbox"/> Grass   |
| <input type="checkbox"/> Aspen | <input type="checkbox"/> Pine  | <input type="checkbox"/> Bullrush      | <input type="checkbox"/> Water Lily | <input type="checkbox"/> Pasture                                       |
| <input type="checkbox"/> Other | <input type="checkbox"/> Other | <input type="checkbox"/> Skunk Cabbage | <input type="checkbox"/> Other      | <input type="checkbox"/> Crop Or Grain                                 |
|                                |                                | <input type="checkbox"/> Other         |                                     | <input type="checkbox"/> Orchards, vineyards, or other permanent crops |
|                                |                                |  |                                     | <input type="checkbox"/> Other types of vegetation                     |

2. What kind and amount of vegetation will be removed or altered?

3. List threatened or endangered species known to be on or near the site.

4. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. List all noxious weeds and invasive species known to be on or near the site.

**B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)**

**ANIMALS**

1. **List any birds or other animals which have been observed on or near the site or are known to be on or near the site.**

*Examples include:*

*birds: hawk, heron, eagle, songbirds, other:*

*mammals: deer, bear, elk, beaver, other:*

*fish: bass, salmon, trout, herring, shellfish, other:*

2. **List any threatened or endangered species known to be on or near the site.**

3. **Is the site part of a migration route? If so, explain.**

4. **Proposed measures to preserve or enhance wildlife, if any:**

5. **List any invasive animal species known to be on or near the site.**

**ENERGY AND NATURAL RESOURCES**

1. **What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.**

2. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**

3. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:**

**B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)**

**ENVIRONMENTAL HEALTH**

1. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.

2. Describe any known or possible contamination at the site from present or past uses.

3. Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

4. Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

5. Describe special emergency services that might be required.

6. Proposed measures to reduce or control environmental health hazards, if any:

**NOISE**

1. What types of noise exist in the area, which may affect your project (for example: traffic, equipment, operation, other)?

2. What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

3. Proposed measures to reduce or control noise impacts, if any:

**B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)**

**LAND AND SHORELINE USE**

1. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

2. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

3. Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversized equipment access, the application of pesticides, tilling, and harvesting? If so, how:

4. Describe any structures on the site.

5. Will any structures be demolished? If so, what?

6. What is the current zoning classification of the site?

7. What is the current comprehensive plan designation of the site?

8. If applicable, what is the current shoreline master program designation of the site?

9. Has any part of the site been classified as a critical area by the city or county? If so, specify.

10. Approximately how many people would reside or work in the completed project?

11. Approximately how many people would the completed project displace?

**B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)**

**LAND AND SHORELINE USE**

12. Proposed measures to avoid or reduce displacement impacts, if any.

13. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

14. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:

**HOUSING**

1. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

2. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

3. Proposed measures to reduce or control housing impacts, if any:

**AESTHETICS**

1. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

2. What views in the immediate vicinity would be altered or obstructed?

3. Proposed measures to reduce or control aesthetic impacts, if any:

**B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)**

**LIGHT AND GLARE**

1. What type of light or glare will the proposal produce? What time of day would it mainly occur?

2. Could light or glare from the finished project be a safety hazard or interfere with views?

3. What existing off-site sources of light or glare may affect your proposal?

4. Proposed measures to reduce or control light and glare impacts, if any:

**RECREATION**

1. What designated and informal recreational opportunities are in the immediate vicinity?

2. Would the proposed project displace any existing recreational uses? If so, describe.

3. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

**HISTORIC AND CULTURAL PRESERVATION**

1. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.

**B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)**

**HISTORIC AND CULTURAL PRESERVATION**

2. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.

3. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

**TRANSPORTATION**

1. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.

2. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?

3. How many parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

4. Will the proposal require any new or improvements to existing roads, streets, pedestrian bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).

5. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

6. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

**B. ENVIRONMENTAL ELEMENTS (To be completed by the applicant)**

**TRANSPORTATION**

7. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe:

8. Proposed measures to reduce or control transportation impacts, if any:

**PUBLIC SERVICES**

1. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe:

2. Proposed measures to reduce or control direct impacts on public services, if any.

**UTILITIES**

1. Check (✓) utilities currently available at the site:

- electricity  natural gas  water  refuse service  telephone  
 sanitary sewer  septic system  other \_\_\_\_\_

2. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

**C. SIGNATURE (To be completed by the applicant.)**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Property Owner or Agent Signature

Date Submitted

Name of Signee

Position and Agency/Organization

**PLEASE COMPLETE SECTION "D" ON THE NEXT PAGES  
IF THERE IS NO PROJECT RELATED TO THIS ENVIRONMENTAL REVIEW**

**D. SUPPLEMENTAL SECTION FOR NONPROJECT ACTIONS ONLY (to be completed by the applicant)**

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal, or the types of activities that would likely result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

**1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?**

**Proposed measures to avoid or reduce such increases are:**

**2. How would the proposal be likely to affect plants, animals, fish, or marine life?**

**Proposed measures to protect or conserve plants, animals, fish, or marine life are:**

**3. How would the proposal be likely to deplete energy or natural resources?**

**Proposed measures to protect or conserve energy and natural resources are:**

**4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?**

**Proposed measures to protect such resources or to avoid or reduce impacts are:**

**D. SUPPLEMENTAL SECTION FOR NONPROJECT ACTIONS ONLY (to be completed by the applicant)**

**5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?**

**Proposed measures to avoid or reduce shoreline and land use impacts are:**

**6. How would the proposal be likely to increase demands on transportation or public services and utilities?**

**Proposed measures to reduce or respond to such demand(s) are:**

**7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.**

## SITE PLAN CHECKLIST & INSTRUCTIONS

**A Detailed Site Plan Is Required:** PER SMC § 19.02.020 Project Permit Application - Applications for project permits shall be submitted upon forms provided by the Director. An application shall consist of all materials required by the applicable development regulations and shall include the following general information: A. A completed project permit application form. B. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant or that the applicant has submitted the application with the consent of all owners of the affected property. C. A property and/or legal description of the site for all applications, as required by the applicable development regulations. D. The applicable fee. E. Evidence of adequate water supply as required by RCW 19.27.097. F. Evidence of sewer availability. **An application cannot be processed until an adequate site plan is submitted.**

**FOR NON-PROJECT REZONES:** A conceptual site plan is required. The conceptual site plan is non-binding and shall show potential future use of the property.

Please complete this checklist and include it with your site plan. The site plan must contain all pertinent information. Items not applicable to the proposed project shall be noted.

- 6) **Use Ink:** Use blue or black permanent ink. It may be helpful to draft the site plan in pencil then trace over in ink. Ink is necessary for adequate duplication.
- 7) **Use A Straight Edge:** All lines must be straight and done with the aid of a ruler or other straight edge. Use a compass when delineating circular drawings such as cul-de-sacs. Computer drafted site plans are acceptable.
- 8) **Draw To Scale:** Site plans shall be drawn to scale. The site plan template has a suggested map scale of one inch equaling twenty feet (1"=20'). Distances on the map must be as representative of reality as possible. For example, if the distance from a structure to a property line is 20 feet, the distance on the site plan will be 1 inch.
- 9) **Use Site Plan Checklist:** Use the site plan checklist and provide all applicable information on the site plan.
- 10) **Fill In Information On The Site Plan Template.** The template is available at City Hall located at 818 E. Edison Ave. If you choose not to use the city's site plan template, please provide the information listed on the site plan template (background info, lot coverage, parking, etc.) on your site plan.  
**Note:** You may benefit from the aid of a professional in the preparation of a site plan

### Check all boxes as: (✓ or X) Included or ( - ) Not Applicable

|                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Name, address, phone number, and signature of the owner or person responsible for the property.              |
| <input type="checkbox"/> | Site address, parcel number(s), and zoning designation   |
| <input type="checkbox"/> | Property boundaries and dimensions   |
| <input type="checkbox"/> | Names and dimensions of all existing streets bounding or touching the site                                   |
| <input type="checkbox"/> | Dimensions, location and use of proposed and existing structures   |
| <input type="checkbox"/> | Structure setbacks   |
| <input type="checkbox"/> | North Arrow  |
| <input type="checkbox"/> | Lot coverage with calculations shown on site plan.   |
| <input type="checkbox"/> | Location and size of any easements   |
| <input type="checkbox"/> | Location and type of existing and proposed landscaping including landscaping within the public right-of-way  |
| <input type="checkbox"/> | Location and size of existing and proposed side sewer and water service lines                                |
| <input type="checkbox"/> | Adjacent land uses and zoning designations   |
| <input type="checkbox"/> | Location and size of all parking spaces with the parking calculations shown on the site plan                 |
| <input type="checkbox"/> | Location and dimensions of proposed or existing driveway approaches.   |
| <input type="checkbox"/> | Vision clearance triangles at street intersections and at driveways. Clearview Triangle                      |
| <input type="checkbox"/> | Curb cuts intersecting with streets  |
| <input type="checkbox"/> | Location and size of new or existing loading spaces and docks  |
| <input type="checkbox"/> | Location and size of proposed or existing signs  |
| <input type="checkbox"/> | Location, type, and description of required sitescreening  |
| <input type="checkbox"/> | Location and size of required site drainage facilities including on-site retention.                          |
| <input type="checkbox"/> | Location, size and surfacing of refuse container area  |
| <input type="checkbox"/> | Location and size of existing or proposed public sidewalks that are within 200-feet of the subject property. |
| <input type="checkbox"/> | Proposed improvements located within the public right-of-way.  |
| <input type="checkbox"/> | Calculation of land use density  |

**Note:** Planning Division or reviewing official may require additional information to clarify the proposal, assess its impacts, or determine compliance with the SMC and other laws and regulations.

## 2023 Proposed Comprehensive Plan and Text Amendments

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## Chapter 17.04 GENERAL ZONING PROVISIONS

Sections:

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[17.04.020 Purpose.](#)

[17.04.030 Definitions.](#)

[17.04.040 Use of school property.](#)

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

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[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 YMC Chapter 15.28 (i.e., planned residential development, planned commercial development, planned industrial development, and planned mixed-use development).

“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, reciprocative 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 cen-

ter, 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.

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

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

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

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

G. 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.

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

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

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

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

L. 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:

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

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.

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**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;~~

~~L. 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.~~

~~M. 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;~~

~~A.B. 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;~~

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

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

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

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

EG. 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

DE. Shopping and professional centers;

EG. Car-washing establishments;

FH. Service and implement dealerships;

GJ. Nonindustrial storage buildings;

- ~~H~~J. Public utility installations;
- ~~K~~. Public transportation shelters;
- ~~L~~. Branch banks;
- ~~M~~. 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 \(SMC 17.20.050\)](#);

~~349~~. 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 Adjustment~~Hearing Examiner for a variance to waive this 1,000-foot restriction and a variance or waiver may be granted by the ~~Board of Adjustment~~Hearing 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

~~18~~17. Music stores;

~~19~~18. Newspaper, radio and television stations and job-printing establishments;

~~20~~19. Office buildings, government and private;

~~21~~20. Office equipment and supplies, sales and service;

~~22~~21. Paint retail sales;

~~23~~22. Photographic studios and camera supply stores;

~~24~~23. 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;

~~28~~30. Those special property uses allowable in the B-3 zone as specified in SMC [17.64.020](#);

~~29~~31. 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;

~~30~~32. 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;~~

~~32~~33. 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~~ny 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.~~

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

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

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

M. 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.

N. 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.

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

P. "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.

Q. 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.

R. 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.~~

T. 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.

U. Superseded by Ord. 2119.

V. 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 -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.~~

- X. 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.

Y. 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 of 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 ExaminerHearing 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 ExaminerHearing 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 ExaminerHearing 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.](#)

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[17.68.040 Nonconforming structures.](#)

[17.68.050 Nonconforming uses of structures and land.](#)

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[17.68.070 Change or discontinuance of use.](#)

**17.68.010 Generally.**

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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~~

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**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 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.

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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 YMC Ch. 15.11 and Title 16. 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   | <del>City Council</del><br><u>City Staff</u>            | <del>Board of Adjustment</del><br><u>Hearing Examiner</u>               | 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 <del>Planning Commission</del><br><u>Hearing Examiner</u> to render final decision. | No  | Yes, before <del>Board of Adjustment</del><br><u>Hearing Examiner</u> . | 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   | <del>Yes, before Council to render final decision</del> | 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, <u>Master Planned Development Overlay zone.</u> 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 |
|   |                               |   |             |  |                           |