

ORDINANCE NO. 2018-____

AN ORDINANCE amending Yakima Municipal Code Titles 15, 1, and 16 to incorporate text amendments recommended by the City of Yakima Planning Commission

WHEREAS, the Planning Commission of the City of Yakima has considered amendments to modify the sign code, YMC § 15.08.045 Exemptions; Rezone criteria in YMC § 15.23.030; Accessory Dwelling Unit Standards in YMC § 15.09.045 and 15.04.030, Table 4-1; the Modification Chapter in YMC 15.17; Adding a definition and land use for Taxicab Home Occupation in YMC §§ 15.02.020 and 15.04.120; modifying the district intent statement and permitted uses in the Regional Development (RD) zoning district, YMC §§ 15.03.020 and 15.04.030, Table 4-1; consolidation of Appeals from YMC Ch. 1.43 and YMC § 15.16 into YMC Ch. 16.08; adding definitions for Hotel, Motel, and Extended Stay Hotel/Motel in YMC § 15.02.020 and adding Extended Stay Hotel/Motel to YMC § 15.04.030, Table 4-1; and

WHEREAS, notice of all amendments to Development Regulations amendments to YMC Title 1, Title 15, and Title 16, hereinafter “Amendments,” to fulfill the requirements of RCW 36.70A.130 was sent to the Washington State Department of Commerce and received by the same on September 12, 2018, that date being at least sixty days before the amendments were adopted by City Council; and

WHEREAS, the Planning Commission held study sessions on the proposed amendments on December 13, 2017; January 10, 2018; March 14, 2018; March 28, 2018; April 11, 2018; May 5, 2018; May 23, 2018; June 27, 2018; July 25, 2018; August 8, 2018; August 22, 2018; September 12, 2018; and September 26, 2018; and

WHEREAS, the Planning Commission held open record public hearings on September 12, 2018 and October 10, 2018, pursuant to notice and has received and considered all evidence and testimony presented; and

WHEREAS, the Planning Commission, having conducted such public hearings, found, determined, and recommended that the City Council approve such amendments as indicated in signed recommendations dated September 26, 2018 and October 16, 2018; and

WHEREAS, the City Council held a public hearing on November 13, 2018 pursuant to notice to consider such amendments as recommended by the Planning Commission; and

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

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Amendments to Replace and Supersede. The proposed amendments to YMC Title 15, Title 1, and Title 16, as contained in Exhibits “A”, “B”, and “C”, respectively attached hereto and fully incorporated herein, shall replace and supersede previous versions of the referenced documents.

Section 2. Adoption of Planning Commission Findings. The findings within the September 26, 2018 and October 16, 2018 Signed Yakima Planning Commission's Recommendations, regarding this proposed text amendments are hereby adopted by the Yakima City Council as its findings in support thereof pursuant to YMC § 15.23.020, and are incorporated herein by this reference as if fully set forth herein.

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

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

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

Section 6. Effective Date. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this 13th day of November, 2018.

ATTEST:

Kathy Coffey, Mayor

Sonya Claar Tee, City Clerk

Publication Date:_____

Effective Date:_____

Exhibit “A”

2018 Text Amendments – Complete Clean Version Title 15

15.02.020 Definitions

For the purpose of this title, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified herein unless the context requires a different meaning. Where terms are not defined, they shall have the ordinary accepted meaning within the context with which they are used. Where an activity or land use could fall under two definitions, the more specific shall apply. The Webster's Ninth New Collegiate Dictionary, with the assistance of the American Planning Association's Planner Dictionary and Black's Law Dictionary, shall be the source for ordinary accepted meaning and for the definition of words not defined below. Specific examples are included as illustrations, but are not intended to restrict a more general definition.

“Access driveway” means an entrance roadway from a street or alley to a parking facility.

“Access easement” means any private easement for the purpose of ingress and egress that is not dedicated to the public and that is owned by the underlying owners of land over which it crosses.

“Accessory dwelling unit (ADU)” means a structure meeting the purpose and requirements of YMC 15.09.045 which is attached to a single-family home, or detached garage with living facilities for one individual or family separate from the primary single-family.

“Accessory use” means a use that is subordinate and incidental to a principal use.

“Administrative official” means the duly appointed city of Yakima director of community development.

Adult Day Care Center. See “Day care facility.”

“Adult family home” means a regular family abode, licensed by the state, in which a person or persons provide personal care, special care, room, and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services (RCW 70.128.175).

“Agricultural building” means a structure designed and constructed to store farm implements or hay, grain, poultry, livestock, fruit and other agricultural products. Controlled atmosphere and cold storage warehouses are not agricultural buildings. An agricultural building shall not be used for human habitation; for processing, treating or packaging agricultural products; nor shall it be a place used by the public.

“Agricultural market” means a use primarily engaged in the retail sale of fresh agricultural products, grown either on or off site. An agricultural market may include, as incidental and accessory to the principal use, the sale of factory-sealed or prepackaged food products such as boxes of apples or other fruit and some limited nonfood items, and these products shall consist of no more than forty percent of the gross floor area. This definition does not include the sale of livestock.

“Agricultural product support” means a business that provides a product or service intended for use in the processing, storage, preservation, or distribution of agricultural commodities. This definition does not include agricultural processing, storage, preservation, distribution, and related uses.

“Agricultural related industry” means specifically:

1. “Packaging plants” may include, but are not limited to, the following activities: washing, sorting, crating and other functional operations such as drying, field crushing, or other preparation in which the chemical and physical composition of the agricultural product remains essentially unaltered. This definition does not include processing activities, slaughterhouses, animal reduction yards, or tallow works;

2. “Processing plants” may include, but are not limited to, those activities which involve the fermentation or other substantial chemical and physical alteration of the agricultural product. This definition does not include slaughterhouses or rendering plants; and

3. “Storage facilities” include those activities that involve the warehousing of processed and/or packaged agricultural products.

“Agricultural stand” means a structure up to one thousand square feet in area used for the retail sale of agricultural products grown on the premises, excluding livestock raised on the premises.

“Agriculture” means the tilling of soil, raising of crops and horticulture. (See Table 4-1, YMC 15.04.030.)

“Airport commercial” means the retail sale of aviation-related products and services including aircraft service and rental, air passenger services, and air terminal activities including passenger ticketing, baggage, taxi service, car rental, restaurants, hotels, and gift shops.

“Airport industrial” means research, design, fabrication, and assembly of aircraft, aircraft parts, and aviation-related products located at the Yakima Air Terminal. This use also includes storage and wholesale trade of aviation-related products and air cargo operations and associated storage and processing.

“Airport operations” means activities, uses, structures and facilities that are located on and necessary to the operation of the Yakima Air Terminal. These activities and facilities include runways, taxiways, parking ramps and aprons, navigation and radar/radio communication facilities and equipment, safety and emergency facilities, and storage and maintenance facilities.

“Alley” means a public thoroughfare or way twenty feet or less in width which has been dedicated to the city of Yakima or Yakima County for public use. Alleys provide only a secondary means of access to abutting property.

“Amendment” means a change in the wording, content, or substance of this title, or change in the district boundaries on the official zoning map.

“Amusement park” means a permanent indoor and/or outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or the sale of items, and buildings for shows and entertainment.

“Animal clinic/hospital” means a structure used for veterinary care of sick or injured animals. The boarding of animals is limited to short-term care and is accessory to the principal use. This definition does not include kennels.

“Animal husbandry” means the raising of domesticated farm animals when, in the case of dairy cows, beef cattle, horses, ponies, mules, llamas, goats and sheep, their primary source of food, other than during the winter months, is from grazing in the pasture where they are kept.

“Appeal” means a request for review of an administrative official’s or hearing examiner’s decision, determination, order or official interpretation of any provision of this title.

“Applicant” means a person submitting an application for any permit or approval required by this title and who is the owner of the subject property or the authorized agent of the owner.

“Application for development” means the application form and all accompanying documents and exhibits required by this title or the administrative official.

“Arterial” means a principal or minor arterial, as shown in the Yakima urban area transportation plan adopted in the Yakima urban area comprehensive plan.

“Attached” means, in the case of dwellings, two or more dwellings connected by a common vertical wall(s) or roofline, or, in the case of multistory buildings, by a common ceiling/floor(s).

“Auction house” means a structure or enclosure where goods and/or livestock are sold by auction.

Automobile Service Station. See “Service station.”

“Automobile, truck, manufactured home and/or travel trailer sales” means a place used for the display, sale or rental of new or used automobiles, trucks, manufactured and mobile homes, travel trailers, and campers.

“Automotive wrecking or dismantling yard” means a place used for the storage and/or sale of used automotive parts and for the storage, dismantling, sorting, cleaning, crushing or baling of wrecked automobiles, trucks, trailers, or machinery.

“Bed and breakfast” means a residential structure providing individuals with lodging and meals for not more than thirty days. For home occupations, such uses are limited to having not more than five lodging units or guest rooms.

“Beverage industries” means the production, processing, and/or packaging of milk, soft drinks, beer, wine, fruit juices and other drinks.

Bingo Parlor. See “Game room.”

“Boardinghouse” means an establishment providing both lodging and meals for not more than ten persons residing in the facility on a permanent or semi-permanent basis.

Building. See “Structure.”

“Building area” means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks and building coverage.

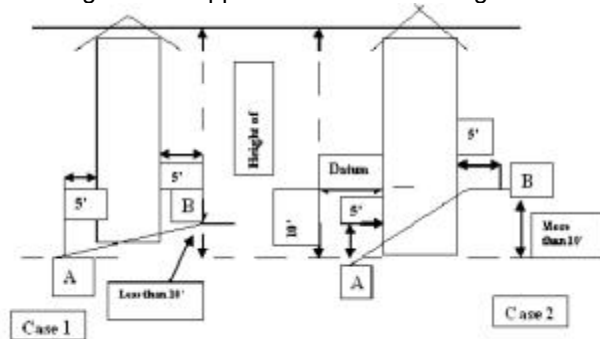
“Building code” means the building code and related codes as amended and adopted by the city of Yakima.

“Building height” is the vertical distance above a reference datum measured 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 pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or finished ground surface within a five-foot horizontal distance of the exterior wall of the building when such sidewalk or finished ground surface is not more than ten feet above lowest finished grade;

2. An elevation ten feet higher than the lowest finished grade when the highest sidewalk or finished ground surface described in subsection 1 of this definition is more than ten feet above lowest finished grade. (See Figure 2-1.)

The height of a stepped or terraced building is the maximum height of any segment of the building.



Determination of Building Height in Feet

Figure 2-1

“Building official” means that person or persons designated by the legislative body to enforce the provisions of the building code and administer the assigned provisions of this title.

“Business school” means a commercial or public school providing instruction solely in professional skills such as: business management, accounting, secretarial skills, sales, marketing and merchandising.

“Butcher shop” means a custom retail meat cutting operation. This definition does not include slaughtering, but does include other accessory uses such as frozen food lockers.

“Campground” means a development providing facilities for outdoor recreational activities, including structural improvements such as covered cooking areas, group facilities, and travel trailer or tent sites designed for temporary occupancy. This definition includes camping clubs when developed in accordance with applicable state standards.

“Car wash” means a business engaged in washing, waxing and/or polishing cars and small trucks. This definition includes self-service car washes, automated car washes, manned car washes and auto detailing.

Card Room. See “Game room.”

“Caretaker dwelling” means a single-family dwelling unit accessory to an agricultural, professional, commercial, or industrial use for occupancy by the owner/caretaker.

“Centerline of right-of-way” means the midpoint between the future alignment of the opposite edges of the right-of-way.

“Change of use” means a change from one use listed in Table 4-1, Table of Permitted Land Uses, to another use listed in that table.

“Chicken tractor” means a movable chicken coop lacking a floor, and may house other kinds of poultry.

“Children’s outdoor recreation center” means an outdoor facility which offers children’s rides and/or games such as go-carts, bumper boats, batting cages, miniature golf and/or similar activities for children and which does not operate between the hours of eleven p.m. and eight a.m.

“Church” means a structure, or group of structures, which by design and construction are primarily used for organized religious services and instruction.

“City” means the city of Yakima.

“Class (1) uses” are those uses set forth and defined in the text and tables of YMC Chapter 15.04 and are considered compatible and are permitted on any site in the district. The administrative official shall review Class (1) uses for compliance with the provisions and standards of this title.

“Class (2) uses” are those uses set forth and defined in the text and tables of YMC Chapter 15.04 and are generally permitted throughout the district. However, site plan review by the administrative official is required in order to ensure compatibility with the intent and character of the district and the objectives of the Yakima urban area comprehensive plan.

“Class (3) uses” are those uses set forth and defined in the text and tables of YMC Chapter 15.04 and are generally incompatible with adjacent and abutting property because of their size, emissions, traffic generation, neighborhood character or for other reasons. However, they may be compatible with other uses in the district if they are properly sited and designed. Class (3) may be permitted by the hearing examiner when he determines, after holding a public hearing, that the use complies with provisions and standards; and that difficulties related to the compatibility, the provisions of public services, and the Yakima urban area comprehensive plan policies have been adequately resolved.

“Class (1), (2) or (3) use, approved” means any use or development approved upon completion of Type (1), (2) or (3) review.

“Class (1), (2) or (3) use or development, existing” means a use or development legally existing or legally established prior to the effective date of this title that has been or would be classified under YMC Chapter 15.04 as a Class (1), (2) or (3) use in a particular district, even though the use has not been through Type (1), (2) or (3) review, and may or may not conform to the standards of this title. This definition includes any existing Class (1), (2), or (3) use with an approved modification under YMC Chapter 15.17.

“Clean and sober facility” means a commercial business providing a dwelling or building for occupation by rehabilitated alcohol and/or drug users, during their re-entry into the community. The clean and sober facility provides residentially oriented facilities for the rehabilitation or social adjustment of persons who may need supervision or assistance in becoming socially reoriented, but who do not need institutional care. (Also see “Halfway house.”)

“Clinic” means a structure for the medical examination and treatment of human patients, but without provision for keeping such patients overnight on the premises.

“Closed record appeal” means an administrative appeal, held under RCW 36.70B, that is on the record to a city body or officer (including the legislative body) following an open record hearing on a project permit application with no or limited new evidence or information allowed to be submitted and only appeal arguments allowed.

“Coffee/espresso drive-through facility” is a place used to sell coffee and associated items from a drive-up window to a person driving a vehicle.

“Coffee/espresso stand” is a place used to sell coffee and associated items from a bar or counter area commonly inside a building and/or structure.

“Commercial services” means technical services and specialized care services such as lawn and garden care and delivery services, except as otherwise regulated.

“Communication tower” means any tower, pole, mast, whip, or antenna, or any combination thereof, used for radio or television transmission or line-of-sight relay. This definition includes towers erected for use in the amateur radio service.

“Communication tower height” means the vertical distance above the ground measured to the highest point of the communication tower.

“Community center” means a facility owned and operated by a public agency or nonprofit corporation, provided the principal use of the facility is for public assistance, community improvement, or public assembly.

“Community garden” means:

1. Privately or publicly owned land that is used by multiple users who may or may not have ownership of the property;
2. May be divided into separate plots, for the cultivation of fruits, vegetables, plants, flowers, or herbs;
3. Common areas associated with the garden are maintained by group members;
4. The produce or goods grown on site are not for commercial sale;
5. A community garden is different than a “collective garden” that is used for the growing of marijuana plants; and no marijuana shall be grown on a community garden plot;
6. A community garden is separate from the use of “agriculture” as defined and regulated under YMC Chapter 15.02 and YMC 15.04.030, Table 4-1, and is different than a privately maintained garden that is associated with a principal use and regulated in accordance with YMC 15.04.060(A); and
7. Structures and buildings associated with a community garden are considered “accessory uses” to a principal use, and shall comply with the provisions of YMC Title 15, and the International Fire and Building Codes.

Community Water System. See “Water system, public.”

“Compatibility” means the characteristics of different uses or developments that permit them to be located near each other in harmony with or without special mitigation measures.

“Comprehensive plan” means the Yakima urban area comprehensive plan and any supplemental plans officially adopted under RCW Chapter 36.70, for the Yakima urban area or any portion thereof.

“Concentrated animal feeding operation” means a structure or pens for the concentrated feeding or holding of animals or poultry, including, but not limited to, horses, cattle, sheep or swine. This definition includes dairy confinement areas, slaughterhouses, shipping terminal holding pens, poultry and/or egg production facilities and fur farms, but does not include animal husbandry.

“Condition(s) of approval” means restrictions or requirements imposed by an administrative official pursuant to authority granted by this title.

Consulting Services. See “Professional business.”

“Convalescent or nursing home” means an establishment providing nursing, dietary and other personal services to convalescents, invalids, or aged persons, but not mental cases or cases for contagious or communicable diseases which are customarily treated in sanitariums and hospitals.

“Converted dwelling” means a structure which, due to interior alterations, has been modified to increase the number of individual dwelling units. This definition does not apply to multifamily structures constructed under the provisions of this title.

“Cosmetic services” means tattooing, body piercing, and similar services.

“County” means Yakima County.

“Dangerous waste” means those solid wastes designated in WAC 173-303-070 through 173-303-103 as dangerous or extremely hazardous waste.

“Day” means calendar day. (See YMC 15.20.110.)

“Day care center” means a day care facility that supplies care, attention, supervision and oversight serving thirteen or more children regardless of whether such services are provided for compensation, governed by Washington State DSHS licensing provisions for said day care use and conducted in accordance with state DSHS requirements.

“Day care facility” means a building or structure in which an agency, person or persons regularly provide care for a group of nonrelated individuals (children or adults) for periods of less than twenty-four hours a day. This includes family day care homes and day care centers.

“Day care home, family” means a family day care home located in a private home that supplies care, attention, supervision, and oversight for one to twelve children, governed by Washington State DSHS licensing provisions for said day care use and conducted in accordance with said state DSHS requirements.

“Delicatessen and other specialty food stores” means retail food stores selling ready-to-eat food products such as cooked meats, prepared salads or other specialty food items. This definition includes seafood, health food and other specialty food stores having seating for no more than five persons.

“Department” means the city of Yakima department of community development.

“Desktop publishing” means activity related to the use of computers in order to produce documents for personal use or for other uses.

“Development” means “use” as defined by this title.

“Development permit” means written authorization for development or modification of development as defined in this title. When a building or other construction permit is required, the building/construction permit shall serve as the other development permit. If no building/construction permit is required, the zoning decision shall serve as the development permit.

“Development, planned residential” means, in the residential districts, the coordinated development of a single lot with a number of residential structures and/or dwelling types which are designed to:

1. Maintain the character of the residential neighborhood;
2. Provide compatibility between various types of dwelling units, off-street parking and other uses within the site; and
3. Share such site amenities as off-street parking, access drives, open space and recreational facilities.

This definition includes the clustering of residential units on a single lot. In the commercial districts, “planned residential development” means a mixed-use development combining multifamily residential and commercial use(s) into a single coordinated project.

“Divide” means any transaction or action, not otherwise exempt or provided for under the provisions of this title, which alters or affects the shape, size or legal description of any part of an owner’s “land” as defined in this chapter. Sale of a condominium apartment and rental or lease of a building, facility or structure, which does not alter or affect the legal description of an owner’s “land,” shall not constitute a division of land.

“Planning division” or “division” means the city of Yakima planning division, which is a division of the department of community development.

“Domestic farm animal” means animals domesticated by man to live in a tame condition. This definition includes dairy cows, beef cattle, horses, ponies, mules, llamas, goats, sheep, rabbits, poultry, and swine.

“Domestic farm animal—Pet” means four or fewer hen chickens (no roosters) or rabbits that are kept for pleasure or as a hobby rather than utility. Domestic farm animals that are considered pets are regulated under the provisions of YMC 15.04.060(D), Accessory uses, Pets, and are not subject to the provisions of YMC 15.09.070, Special requirements for animal husbandry.

“Driveway” means the private traveled access to a property or through a parking lot for three or more vehicles.

“Drugstore” means a store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines, but where nonmedical products are sold as well.

“Dwelling” means a structure or portion thereof designed exclusively for residential purposes.

"Dwelling, multiple-family" means a structure or structures, or portion thereof, designed for occupancy by three or more families living independently of each other and containing three or more attached dwelling units on a lot. Multiple-family and detached single-family dwellings that are clustering around a common amenity such as open space, recreation facilities or common community building, and have a common driveway access on a single lot of record are also considered multiple-family development.

"Dwelling, single-family" means a structure designed to contain a single dwelling unit. Single-family dwellings are further classified by their nature of construction as follows:

1. Site-built: Constructed primarily at the occupancy site and permanently affixed to the ground by a foundation.

2. Modular home: See "Modular home."

3. Manufactured home: See "Manufactured home" and "Mobile home."

"Dwelling, single-family attached" means two single-family dwellings that are attached, but with each dwelling unit located entirely on its own lot. This definition does not include row houses or other housing types with more than two attached single-family dwellings.

"Dwelling, single-family detached" means one dwelling unit located on one lot and not attached to any other dwelling unit.

"Dwelling, two-family" means a structure designed exclusively for occupancy by two families living independently of each other and containing two attached dwelling units on the same lot. This definition includes the term "duplex."

"Dwelling unit" means one or more rooms in a dwelling for the occupancy of one family and providing complete and independent living facilities, including permanent provisions for living, sleeping, cooking, eating and sanitation. "Dwelling unit" does not include recreational vehicles or mobile homes.

"Earthen material" means sand, gravel, rock, aggregate and/or soil.

"Environmental review" means the procedures and requirements established by the State Environmental Policy Act, RCW Chapter 43.21C, as it now exists or is hereafter amended.

"Existing uses" means a use or development legally existing or legally established by a jurisdiction prior to the effective date of this title that has been or would be classified under YMC Chapter 15.04 as a Class (1), (2), or (3) use in the appropriate zoning district.

"Family" means individuals, consisting of two or more persons related by blood, marriage or adoption, or a group of not more than five persons, excluding servants, who are not related by blood, adoption or marriage, living together as a single housekeeping unit in a dwelling unit.

A. The term "family" shall include:

1. State-licensed adult family homes required to be recognized as residential uses pursuant to RCW 70.128.175;

2. State-licensed foster family homes and group care facilities as defined in RCW 74.15.180, subject to the exclusions of subsection B of this definition; and

3. Group homes for the disabled and consensual living arrangements equivalent to a familial setting required to be accommodated as residential uses pursuant to the Fair Housing Act and the Washington Housing Policy Act, RCW 35.63.220 and 35A.63.240, respectively.

B. The term "family" shall exclude individuals residing in halfway houses, crisis residential centers as defined in RCW 74.15.020(3)(g), group homes licensed for juvenile offenders, or other facilities, whether or not licensed by the state, where individuals are incarcerated or otherwise required to reside pursuant to court order under the supervision of paid staff and personnel.

C. Calculation of Residents. When calculating the number of unrelated persons residing in a single-family dwelling unit, the following rules shall apply:

1. When one or more unrelated persons reside with a family whose members are related by genetics, adoption or marriage, the total number of residents shall not exceed five persons except as provided in subsection (C)(2) of this definition.

2. A family unit consisting entirely of persons related by genetics, adoption or marriage may rent a room to a total of two additional renters, or up to two students as a part of a recognized foreign exchange program or similar educational, nonprofit program, or a combination of a renter and such student to a total of two additional persons. The additional renters and/or foreign exchange students, to a maximum of two, shall not be considered when calculating the number of unrelated persons residing in a dwelling unit under subsection (C)(1) of this section. Three or more renters and/or students shall be considered as unrelated individuals and all persons residing in a dwelling unit, regardless of whether a portion of them are related by genetics, adoption or marriage, shall be considered when determining the total unrelated persons residing at a site.

3. Nothing herein shall be interpreted to limit normal hosting activities associated with residential use.

"Fence" means a structure built to prevent escape or intrusion, or to provide privacy or sitescreening.

"Finding" is a conclusion of fact reached by the administrative official in a review process and based on the evidence available therein.

"Floodplain (one-hundred-year)" means the relatively flat area or lowlands adjoining the channel of a river or stream subject to a one percent or greater chance of flooding in any given year.

"Floodway" means the channel or waterway or those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge the floodwaters of the watercourse without causing more than a one-foot rise in the water surface elevation of a one-hundred-year flood.

"Food preparation" means a business, service or facility dealing with the preparation of food items for off-site consumption. This definition includes confectioneries, catering services, and preparation of food items for wholesale.

"Game room" means a commercial facility, or a portion thereof, open to the general public, in which card games, pool, electronic games, bingo, etc., are played; provided, however, that this definition shall exclude "social card room" as defined herein. (Also see "Meeting hall.")

"Garage, private" means a building or portion of a building designed to store motor vehicles that are used by the occupants of the site's primary use.

"Garage, public" means a building or portion of a building used for equipping, repairing, servicing, hiring, selling or storing motor-driven vehicles; but excluding private garages.

General Retail Sales.

1. Twelve thousand square feet or less (not otherwise regulated) means the retail sales of merchandise in a store type setting where the building/structure's gross size is twelve thousand square feet or less.

2. Greater than twelve thousand square feet (not otherwise regulated) means the retail sales of merchandise in a store type setting where the building/structure's gross size is greater than twelve thousand square feet.

Land uses permitted under the above two categories include, but are not limited to:

Addressing, mailing, and stenographic services	Toy and hobby stores
Antique stores	Jewelry, watches, silverware sales and repair
Artist's supplies	Music stores/instrument sales and repair
Bakeries	Secondhand stores
Book stores	Paint, glass and wallpaper stores
Stationery and office supplies	Pet stores and supplies/grooming
Camera and photographic supplies	Printing, photo copy service
Clothing, shoes, and accessories	Sporting goods and bicycle shops
Computer and electronic stores	Video sales/rental
Collectables (cards, coins, comics, stamps, etc.)	Gift shops
Department stores	Discount store
Drug stores and pharmacies	Variety store
Fabric and sewing supplies	Specialty shops
Florist (indoor sales only)	Small appliances
Specialty food stores	TVs, business machines, etc., sales

Land uses not meeting the intent of the general retail sales and retail trade definitions, as determined by the administrative official, may be either referred to the hearing examiner for a use interpretation under Chapter 15.22 or use classification under YMC 15.04.040.

"Gift shop" means a business primarily engaged in the retail sale of combined lines of gifts and novelty merchandise, souvenirs, greeting cards, balloons, holiday decorations, curios, crafts, and miscellaneous small art goods.

"Glare" is the reflection of harsh, bright light.

"Grade" is the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

Gross Floor Area. See YMC 15.06.040.

"Group home" means a place for handicapped, physically or developmentally disabled adults, or dependent or predelinquent children, providing special care in a homelike environment. This definition includes homes of this

nature for six or fewer persons, excluding house parents, which are protected by state or federal law as residential uses.

Halfway House. A "halfway house" shall include residentially oriented facilities that provide:

1. State-licensed group care homes for juvenile delinquents;
2. Houses providing residence in lieu of instructional sentencing;
3. Houses providing residence to individuals needing correctional institutionalization; or
4. Detoxification centers licensed by the state where alcohol and drug abusers can be placed in lieu of incarceration for detoxification and treatment from effects of alcohol and drugs. (See "Clean and sober facility.")

"Hazardous materials" means any item listed as hazardous by a federal agency or State Department of Ecology or the Yakima regional clean air authority. (See YMC 15.13.020(D).)

"Hazardous waste" means and includes all dangerous and extremely hazardous wastes as defined in RCW 70.105.010.

"Hazardous waste facility, off-site" means hazardous waste treatment and storage facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.

"Hazardous waste facility, on-site" means hazardous waste treatment and storage facilities which treat and store wastes generated on the same lot.

"Hazardous waste generator" means any person or site whose act or process produces dangerous waste or whose act first causes dangerous waste to become subject to regulations under the dangerous waste regulations, WAC Chapter 173-303.

"Hazardous waste storage" means the holding of dangerous waste for a temporary period. Accumulation of dangerous waste by the generator at the generation site is not storage as long as the generator complies with the applicable requirements of WAC 173-303-200 and 173-303-201.

"Hazardous waste treatment" means the physical, chemical, or biological processing of dangerous waste to make such waste nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in value.

"Hearing examiner" means that person appointed by the Yakima city council.

"Home instruction" means the teaching of an art, hobby, skill, trade, profession or sport as a home occupation, except when otherwise prohibited. (See YMC Chapter 15.04, Table 4-2.)

"Home occupation" means the accessory use of a dwelling unit for gainful employment involving the manufacture, provision or sale of goods and/or services in the home.

"Home occupation, business administration" means the accessory use of a dwelling as an administrative office for a licensed commercial business located in an approved commercial zoning district, or a home based Internet business that does not involve the resale of commercial goods. The home is used for phone calls, mail, completing paperwork, and work on a home computer associated with a business. This definition does not include manufacturing, sales not associated with an Internet business, repair or other services.

"Home occupation, home contractor" means the accessory use of a dwelling as, but not limited to, lawn care and/or snow removal services, building, electrical and plumbing, contractors offices for small businesses.

"Home occupation, taxicab operator" means the accessory use of a dwelling as an administrative office for a Taxicab licensed under YMC Ch. 5.78. This use shall be limited to a maximum of two vehicles operated by immediate family members who reside in the home.

"Homeowners' association" means a community association, other than a condominium association, in which individual owners share ownership or maintenance responsibilities for open space or facilities.

"Hospital" means an institution providing clinical, temporary, and emergency services of a medical or surgical nature to human patients which is licensed by state law to provide facilities and services for surgery, obstetrics, and general medical practice as distinguished from clinical treatment of mental and nervous disorders.

"Hotel" means a lodging use located in a structure, or structures, where rooms are usually accessed by means of common interior hallways, and which more than 90% of the rooms are provided to transient visitors for a fee on a daily or short-term basis. For purposes of this definition, "daily or short term" means 30 or fewer consecutive days. This definition does not include other defined uses including, but not limited to, a boarding house or multi-family dwelling.

"Motel" means a lodging use located in a structure, or structures, where rooms are usually accessed by means of exterior corridors, and which more than 90% of the rooms are provided to transient visitors for a fee on a daily or short-term basis. For purposes of this definition, "daily or short term" means 30 or fewer consecutive days. This definition does not include other defined uses including, but not limited to, a boarding house or multi-family dwelling.

“Extended Stay Hotel/Motel” means a hotel or motel where more than 10% of the rooms are rented to the public for longer stays, which are more than 30 consecutive days. This definition does not include other defined uses including, but not limited to, a boarding house or multi-family dwelling.

“Hulk hauler” means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained. A hulk hauler may not sell secondhand motor vehicle parts to anyone other than a licensed vehicle wrecker or scrap processor, except for those parts specifically enumerated in RCW 46.79.020(2), as now or hereafter amended, which may be sold to a licensed vehicle wrecker or disposed of at a public facility for waste disposal. (RCW 46.79.010)

“Impervious surface” means any material reducing or preventing absorption of stormwater into previously undeveloped land.

“Intensity” is the combination of factors (such as visual appearance and building size, traffic generation, noise, dust and light and economic value) associated with a particular use that determines the potential impact of that use on neighboring land uses. The higher the intensity, the greater the possible impact on neighboring land uses. Generally, the intensity of a land use will determine its compatibility with other types of land uses.

“Irrigation and/or drainage facilities” means all irrigation and/or drainage structures, including, but not limited to: standpipes, weir boxes, pipelines, ditches, pump houses, culverts, etc.

“Kennel” means a building, enclosure or portion of any premises in or at which dogs, cats or other domesticated animals are boarded or kept for hire; or in or at which dogs, cats or other domesticated animals are kept or maintained by any person other than the owner; or in or at which six or more cats or four or more dogs over the age of four months are kept or maintained. This definition shall include boarding kennels, but not pet shops, animal hospitals or zoos.

“Land” means a lot or parcel.

“Land use” means the manner in which land and structures are used.

“Landscaping” means the arrangement and planting of trees, grass, shrubs and flowers, and the placement of fountains, patios, street furniture and ornamental concrete or stonework and artificial turf.

“Legislative body” means the Yakima city council.

“Loading space” means an off-street space on the same lot with a structure or use, or contiguous to a group of structures or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which abuts a street, alley or other appropriate means of access and egress.

“Lot” means a division of land:

1. Defined by boundaries and shown on a final plat or short plat officially recorded in the Yakima County auditor’s office; or
2. A legally recognized prior division or parcel under the provisions of Yakima County’s subdivision ordinance or the city of Yakima’s subdivision ordinance.

“Lot area” means the total horizontal area within the boundary lines of the gross lot.

“Lot, corner” means a lot abutting two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five degrees. (See Figure 2-2.)

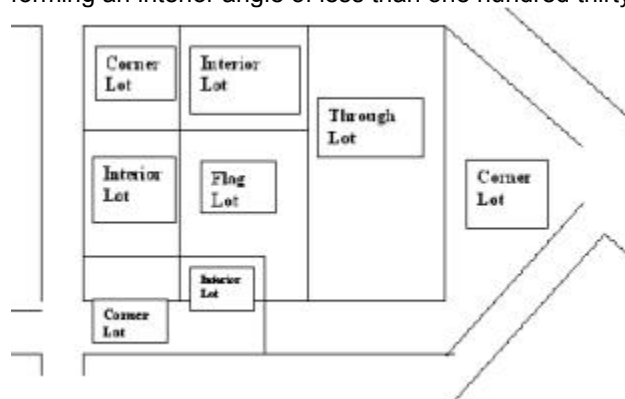
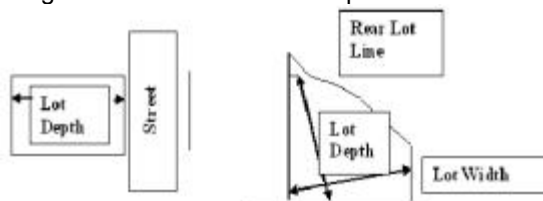


Figure 2-2

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

“Lot depth” means the horizontal length of a straight line drawn from the midpoint of the front lot line to the



midpoint of the rear lot line. (See Figure 2-3.)

Figure 2-3

“Lot, flag” means a lot only a narrow portion of which fronts on a public/private road and where access to the public/private road is across that narrow portion. (See Figure 2-2.)

“Lot, inside or interior” means a lot other than a corner lot. (See Figure 2-2.)

“Lot line, front” means, in the case of an interior lot, the property line separating the lot from the road or street, other than an alley. For the purpose of establishing the front lot line for a corner or flag lot, the following shall apply:

1. In the case of a corner lot, the front lot line shall be the property line with the narrowest street frontage, except that the building official, or his designee, shall designate the front lot line for corner lots in residential districts.

2. For a flag lot, when the access easement or right-of-way extends across the lot, the front lot line shall be the line separating the lot from the right-of-way or access easement. When the right-of-way or access easement does not extend across the property, the front lot line shall be determined by the building official.

“Lot line, interior” means, in the case of zero lot line development, the property line separating a zero lot line from: (a) another zero lot line or (b) adjoining common open space. (See Figure 2-4.)

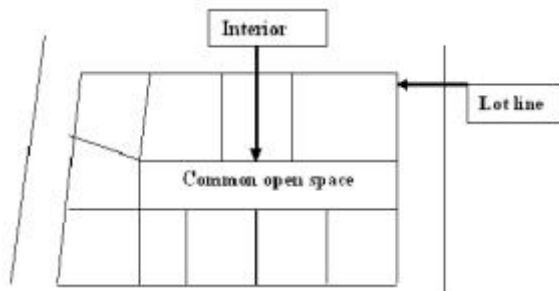


Figure 2-4

“Lot line, rear” means the property line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two or more lines, the following shall apply:

1. For a triangular or gore-shaped lot, a line ten feet in length within the lot and farthest removed from the front lot line, and at right angles to the line comprising the depth of such lot, shall be used as the rear lot line.
2. In the case of a trapezoidal lot, the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the line comprising the depth of such lot and drawn through a point bisecting the required rear lot line.
3. In the case of a pentagonal lot, the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

“Lot line, side” means any lot boundary line not a front lot line or rear lot line.

“Lot, through” means an interior lot having frontage on two streets. (See Figure 2-2.)

“Lot width” means the horizontal distance between the side lot lines, measured at right angles to the line comprising the depth of the lot at a point midway between the front and rear lot lines. (See Figure 2-3.)

“Low impact development” means stormwater management and land development strategies that emphasize conservation and use of existing natural site features integrated with disturbed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings. Low impact development addresses stormwater management and land development that is applied at the parcel and subdivisions scale that emphasize conservation and use of on-site natural features.

“Manufactured home” means a dwelling on one or more chassis for towing to the point of use which bears an insignia issued by a state or federal regulatory agency indicating that the structure complies with all applicable construction standards of the U.S. Department of Housing and Urban Development definition of a manufactured home and was built after June 15, 1976. Manufactured homes are further classified as follows:

1. "Multi-wide" has a minimum width of not less than seventeen feet as measured at all points perpendicular to the length of the manufactured home;
2. "Single-wide" has a minimum width less than seventeen feet as measured at any point perpendicular to the length of the manufactured home.

"Manufactured structure" means a building manufactured with the intent of being transported to a fixed site and constructed in accordance with the building codes as adopted by the city.

"Massage therapy/spa" means a scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The term includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or articulations and excludes sexual contact.

"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).

"Meeting hall" means a private or quasi-private facility in which defined groups or organizations come together for meetings and social events. Includes private bridge club-type card rooms, grange halls, etc.

"Mining" means all or any part of the process involved in quarrying, mineral extraction, crushing, asphalt mixing plants, concrete batch plants, or other uses of a similar nature, but does not include petroleum or natural gas exploration or production.

"Mission" means a facility typically owned or operated by a public agency or nonprofit corporation, providing a variety of services for the disadvantaged, typically including but not limited to temporary housing for the homeless, dining facilities, health and counseling activities, whether or not of a spiritual nature, with such services being generally provided to the public at large. Mission uses shall be Class (2) uses within the GC general commercial, CBD central business district, and M-1 light industrial zoning districts as set forth in Table 4-1, YMC 15.04.030, and subject to a Type (3) review as set forth in Chapter 15.15 YMC with a development agreement incorporating applicable development standards and mitigations imposed by the hearing examiner. Effective as of and from August 24, 2015, any modification of an existing mission use shall be subject to the modification procedures and provisions of Chapter 15.17 YMC; provided, that any proposed modification that does not meet the criteria in YMC 15.17.040 for administrative review and approval shall be subject to a Type (3) review with a development agreement incorporating applicable development standards and mitigations imposed by the hearing examiner.

"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 dwelling on one or more chassis for towing to the point of use which does not meet applicable HUD manufactured housing standards of June 15, 1976. This definition does not include modular homes, manufactured homes, commercial coaches, recreational vehicles or motor homes.

"Mobile home park" means a parcel of land under single ownership used for the placement of two or more mobile or manufactured homes used as dwellings. This definition shall not apply to the placement of a temporary hardship unit (see YMC 15.04.140) on the same parcel with another home.

"Mobile home park expansion" means the preparation of additional sites for mobile or manufactured homes (including the installation of utilities, final site grading, the pouring of concrete pads, and the construction of streets).

"Mobile vendor" means a vendor or seller of merchandise or food from a motorized vehicle or other motorized conveyance upon the public streets, alleys, public property of the city, or upon private property. See YMC Chapter 5.57.

"Modification (of use or development)" means any change or alteration in the occupancy, arrangement, placement or construction of any existing use, structure, or associated site improvement, and any change or alteration of land.

"Modular home" means a residential structure which meets the requirements of the International Building Code and is constructed in a factory and transported to the building site. Modular homes are not subject to special review; they are subject to the same review standards as a site-built home.

"Multiple-building complex" means a group of structures housing separate businesses sharing the same lot, access and/or parking facilities.

“Multiple-occupancy building” means a single structure housing more than one retail business, office, or commercial venture.

“Net residential acre” means forty-three thousand five hundred sixty square feet minus the area in private and public streets, rights-of-way, and access easements. (See YMC 15.05.030(B) to calculate the maximum number of dwelling units permitted on a site.)

“Nonconforming lot” means a lot, the area or dimension of which was lawful prior to adoption or amendment of this title, but which fails to conform to the present requirements of the zoning district in which it is located.

“Nonconforming structure” means a structure that was lawful prior to the adoption or amendment of this title that fails, by reason of such adoption or amendment, to conform to the present requirements of the zoning district where it is located.

“Nonconforming use” means a use of land or structure lawfully established and maintained, but which does not conform to this title for the district where it is located.

“Nuisance” means any use, activity or structure that interferes with the enjoyment and use of one’s property by endangering personal health or safety, offending the human senses, and/or failing to conform with the provisions, intent, or standards of the district where the use, activity or structure occurs.

“Nursery” means facilities used for the propagation and sale of agricultural or ornamental plants and related products. Nurseries are further classified as follows:

1. “Retail nursery” means a nursery which offers products to the general public including plant materials, planter boxes, fertilizer, sprays, garden tools, and related items;

2. “Wholesale nursery” means a nursery that raises nursery stock for sale to a retail nursery or other business; and

3. “Greenhouse” means a nursery facility constructed with transparent or translucent materials for indoor propagation of plants. This definition does not include private greenhouses with no commercial sales.

“Occupancy” means the purpose for which a structure, portion of a structure, or lot is used or intended to be used. For purposes of this title, a change of occupancy is not intended to include a change of tenants or proprietors, but is intended to indicate a change in the type of use.

“Off-street parking” means a parking space(s) and associated driveway(s) located beyond the right-of-way of a highway, street or alley.

“Open space” means an area of land or water that is substantially free of structures, impervious surfaces, and other land-altering activities.

“Open space, common” means open space within or related to a development that is not dedicated for public use, but is designed, intended and legally committed for the common use or enjoyment of the residents of the development.

“Park” means a public or privately owned area with facilities for active or passive recreation by the public.

“Parking angle” means the angle formed by a parking stall and the edge of a parking bay, wall or driveway of the parking facility, ranging from zero to ninety degrees.

“Parking bay” means the section of a parking facility containing a driveway and containing one or two rows of parking stalls.

“Parking lot” means a facility designed to serve parking for five or more motor vehicles.

“Parking space” means an off-street area that is paved, drained, maintained and used for the temporary storage of one motor vehicle.

“Parking stall” means a clearly marked area in which one vehicle is to be parked; a parking space.

“Party of Record” means: (1) the applicant; (2) the property tax payer for the subject property as identified by the records available from the Yakima County assessor’s office; (3) the legal owner of the subject property; (4) any person who testified at the open record public hearing on the application; and/or (5) any person who submitted written comments during administrative review (within the required timeframe) or has submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or form letters).

“Permit” means written governmental approval issued by an authorized official, empowering the holder thereof to take some action permitted only upon issuance of written approval.

“Personal services” means a business providing specialized services such as interior home or business design and shopping services, except as otherwise regulated.

“Pet” means a domesticated animal kept for pleasure or as a hobby rather than utility including but not limited to: fish, dogs fewer than four, cats fewer than six, hen chickens (no roosters) fewer than five, and rabbits fewer than five.

“Pet day care” means a building or structure in which an agency, person or persons regularly provide care for pets, but not including overnight stays. Uses not meeting this definition shall be considered kennels.

"Planning commission" means the duly constituted planning commission for the city of Yakima.

"Planning division" means the department of community development of the city of Yakima.

"Preliminary approval" means the contingent approval by the administrative official using an appropriate Type (2) or (3) review process prior to final approval.

Preschool. See "Day care center."

"Private access easement" means any private easement for the purpose of ingress and egress that is not dedicated to the public and that is owned by the underlying owners of land over which it crosses.

"Product assemblage" means a business or service involved in assembling products for off-site sales.

"Professional business" means a business primarily engaged in administrative or service-related functions and dependent upon professional staff such as lawyers, doctors, realtors, travel agents, bankers, accountants, engineers and consultants; or providing administrative governmental services.

"Property owner(s)" means the legal owner or owners of the property.

"Public facility" means a facility owned and operated by a governmental agency or owned and operated by a private entity for the purpose of providing essential public services to the public including, but not limited to: water, irrigation, wastewater, garbage, sanitary, transit, police, fire, ambulance, parks and recreation facilities, and street maintenance. The facility should be located to efficiently serve the people benefiting from the service.

"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.

Public Water System. See "Water system, public."

"Recreational screen" means a protective device for recreational purposes designed to keep recreational equipment within or outside of a designated area. Such uses are typically associated with schools, parks, golf courses, swimming pools, ball fields, and playgrounds.

"Recreational vehicle" means a motorized or nonmotorized vehicle designed and manufactured for recreational use, including, but not limited to: boats, travel trailers, snowmobiles, go-carts, motorcycles and dune buggies.

"Recycling drop-off center" means a commercial facility where products such as aluminum, tin cans, glass, plastic, paper, and other similar products are deposited, sorted and transferred to a recycling processing center for reprocessing.

"Recycling processing center" means a facility where products such as aluminum and tin cans, glass, plastic, paper and other similar products are deposited, sorted, stored, and reprocessed.

"Residential density" means the number of dwelling units per net acre of land. This term includes dwelling unit density.

"Restaurant" means establishments serving prepared food or beverages for consumption on or off premises. This land use includes but is not limited to: restaurants, sandwich shops, coffee shops with or without drive-through facilities (see YMC 15.04.080 for establishments with drive-through facilities), and fast food restaurants, but does not include bars, cocktail lounges, taverns, brewpubs as licensed by the Washington State Liquor Control Board, catering services, or industrial scale food production facilities.

"Retail services" means uses providing services, as opposed to products, to the general public. Examples are eating and drinking establishments, motels, real estate and financial offices, and uses providing health education and social services.

"Retail trade" means those uses primarily engaged in the sale of goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Lumber yards, office supply stores, nurseries, butcher shops, paint stores and similar uses shall be considered as retail trade establishments even though a portion of their business may be to contractors or other business establishments.

"Retaining wall" means a wall made of wood, stone, cement, steel or other products intended to support, retain or stabilize earthen or gravelly materials at either natural or finished grade.

"Retirement home" means an establishment providing domestic care for elderly persons who are not in need of medical or nursing treatment except in the case of temporary illness. This definition does not include nursing, convalescent or rest homes, hospitals or sanitariums.

"Reviewing official" means the building official, administrative official, hearing examiner, city of Yakima planning commission, or legislative body when engaged in any review or approval procedure under the provisions of this title.

"Rezone" means to change the zoning district classification of particular lot(s) or parcel(s) of land.

"Right-of-way, public" means land deeded or dedicated to or purchased by the city of Yakima or Yakima County for existing or future public pedestrian or vehicular access.

"Road, local access" means a public road not designed as a principal arterial, minor arterial, collector arterial or neighborhood collector by Yakima County or the city of Yakima. The primary purpose of a local access road is to connect property along the local access road with the arterial street system.

“Road, private” means a road not designed, built, or maintained by the city, the Washington State Department of Transportation, or any political subdivision of the state.

“Road, public” means the physical improvement of the public right-of-way, including, but not limited to, surfacing, curbs, gutters and drainage facilities, which is maintained and kept open by the city of Yakima or Yakima County for public vehicular and pedestrian use.

“School” means a structure and accessory facilities in which prescribed courses are taught. This definition includes elementary, junior high or high schools and institutions of higher learning, but does not include commercial schools, nursery schools, kindergartens, or day nurseries, except when operated in conjunction with a public, private, or parochial school.

“School, vocational” means the commercial use of a structure or land for teaching arts, crafts, or trades.

“Service station” means a retail facility to supply motor fuel and other petroleum products to motor vehicles, and may include lubrication and minor repair service and incidental sale of motor vehicle accessories.

“Setback, front” is the minimum horizontal distance measured perpendicularly from the centerline of the adjacent right-of-way to the nearest wall of the structure. Where there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline. When there is no right-of-way, the front setback shall be twenty feet from the front property line.

“Setback, side and rear” is the minimum horizontal distance measured perpendicularly from the nearest property line to the nearest wall of the structure, except that a side setback on a corner lot, along the adjacent right-of-way, shall be measured perpendicularly from the centerline of the right-of-way. When there is a partial right-of-way, the setback shall be measured perpendicularly from the design centerline.

“Sewer system, community” means small, self-contained sewage treatment facilities built to serve developed areas generally found outside public sewer service areas.

“Sewer system, individual” means a system designed and constructed on site to dispose of sewage from one or two structures. Septic tank systems are the most common form of individual sewer system.

“Sewer system, regional” means sewer service provided by a municipality or special purpose district.

Sign. See YMC Chapter 15.08 for a complete listing of sign definitions.

“Sign manufacturing and assembly” means the design, manufacturing, and assembly of metal-cased, thermo-formed, wooden, stone, neon, internally lit, or electronic signs.

“Site improvement” means any structure or other addition to land.

“Site improvement, required” means any specific design, construction requirement or site improvement that is a condition of approval for any permit issued under the provisions of this title or which is a part of any site plan approved under the provisions of this title.

“Site plan, detailed” means a general site plan incorporating such additional factors as landscaping, drainage, and others as may be specified.

“Site plan, general” means a sketch drawn to scale showing the actual dimensions and shape of the lot to be built upon, the sizes and location of existing buildings on the lot to the nearest foot, and the location and dimensions of the proposed building(s), structure(s), or alteration(s).

“Social card room” means a commercial facility, or a portion thereof, open to the general public, in which house-banked social card games are played, as that term is defined by RCW 9.46.0282 (or as the same may be subsequently amended hereafter), or in which other activities occur that constitute gambling and are authorized by the Washington State Gambling Commission under RCW 9.46.070 (or as the same may be subsequently amended hereafter), to the extent that said activities include any gambling activity engaging in the use of, or associated with, slot machines (whether mechanical or electronic) or any gambling activity engaging in the use of, or associated with, any other electronic mechanism including video terminals.

“Special event” means any event for which a special event permit has been issued pursuant to Chapter 9.70 of this code.

Specialty Food Store/Food Store, Specialty. See “Delicatessen and other specialty food stores.”

“Standard, administrative adjustment of” means a change, either an increase or decrease, in one or more of the development standards in YMC Chapters 15.05 through 15.08, in accordance with the provisions of YMC Chapter 15.10.

“Standard, general” means any standard not capable of precise numerical definition, but which expresses the policies of the community in this title and which may be applied by the reviewing official during a Type (1), Type (2) or Type (3) review.

“Standard, specific” means those numerical standards established in YMC

Chapters 15.04, 15.05, 15.06, 15.07, 15.08 and 15.09.

“State siting criteria” means criteria for the siting of hazardous waste treatment and storage facilities adopted pursuant to the requirements of RCW Chapter 70.105.

“Stockpiling of earthen materials” means permanent and/or continuous use for storage of rock, gravel, rubble, sand, or soil.

“Storage facilities, bulk” means either enclosed (see “Warehouse”) or outdoor areas designed for the storage of either large quantities of materials or materials of large size. Includes the storage of vehicles when such storage is not incidental and subordinate to another land use and is not vehicle parking, automotive wrecking/dismantling yards or vehicle sales lots.

“Storage facilities, commercial” means enclosed storage areas designated as support facilities for commercial activities and used for the storage of retail materials.

“Storage facilities, residential mini-storage” means enclosed areas providing storage for residential goods and/or recreational vehicles within the structure.

“Storage, vehicle” means keeping vehicles on a given site that are not actively used by the principal occupants of the site. This definition does not include automotive wrecking/dismantling yards or vehicle sales lots.

“Street” means a public or private road.

“Street vendor” means a vendor selling food, nonalcoholic beverages, and/or other goods or services within a public or private parking lot, pedestrian plaza, public street, alley, sidewalk, public right-of-way, or public property using a nonmotorized cart or temporary structure. See YMC Chapter 5.57.

“Structural alteration” means:

1. Any change in a major component or other supporting members of the structure, including foundations, bearing walls, beams, columns, floor or roof joists, girders, or rafters; or
2. Any change in the exterior lines or configuration of a structure if such changes result in the enlargement of the structure.

“Structure” means anything constructed or erected which requires location on the ground or attached to something having a location on the ground.

“Structure, temporary” means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

“Swimming pool” means a contained body of water, used for swimming or bathing purposes, either above ground level or below ground level, with the depth of the container being more than eighteen inches or the area being more than thirty-eight square feet.

“Tavern” means an establishment operated primarily for the sale of wine, beer, or other beverages with any service of food incidental thereto.

“Technical equipment” means medical, dental, fire suppression, restaurant, etc., equipment.

“Towing services” means a service to haul or tow vehicles for service, repair or temporary storage. Any facility, except for wrecking yards, storing a vehicle for five or more days shall be considered a vehicle storage facility. Hulk haulers are not included under this definition.

“Transportation brokerage offices” means establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo.

Travel Agency. See “Professional business.”

“Urban growth area” means the area within the city limits of Yakima and Union Gap, and the unincorporated portion of Yakima County within the Yakima urban growth area boundary established by the board of Yakima County commissioners pursuant to RCW 36.70A and adopted in the Yakima urban area comprehensive plan (YUACP) as amended. The boundary and legal description of the Yakima urban growth area is set forth in YMC 15.01.020. The Yakima urban growth area is that area where growth is expected to occur over the next twenty years from the adoption of the YUACP and is the area in which urban level public services are or will be provided.

“Urban services” include, but are not limited to, public water and sewer lines, neighborhood parks, streetlights, police and fire protection.

“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. Use, Class (1), (2), (3). See Class (1), (2), (3) uses.

Use, Modification of. See “Modification (of use or development).”

“Use, principal” means the primary or predominant use to which a structure, part of a structure, or lot is or may be devoted.

“Use, temporary” means a use established under YMC 15.04.130, for a fixed period of time, with the intent to discontinue such use upon the expiration of the time period.

“Utilities” are those businesses, institutions, or organizations using pipes or conductors in, under, above, or along streets, alleys or easements to provide a product or service to the public.

“Utility services” means facilities operated by utilities, but not including local transmission and collection lines, pipes, and conductors. Such facilities include, but are not limited to, electrical power substations, water reservoirs, and sewage treatment plants.

“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.

Veterinary Clinic. See “Animal clinic/hospital.”

“Vision triangle” means a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. (See YMC 15.05.040.)

“Warehouse” means a structure used for the storage of goods and materials. See “Agricultural building.”

“Waste material processing and junk handling” means a place where waste, discarded or salvaged metal, used plumbing fixtures, discarded furniture and household equipment, and other materials are bought, sold, exchanged, stored or baled; and places or yards for the storage of salvaged materials and equipment from building demolition and salvaged structural steel materials and equipment, but excluding establishments for the processing and sorting of garbage, or for the sale, purchase, storage or dismantling of automotive vehicles and machinery. This definition does not include the processing, storage or disposal of hazardous materials.

“Wastewater spray field” means an agricultural or otherwise vegetated field which is irrigated with wastewater or treated sewage. May include storage lagoons utilized solely for storing wastewater before spraying, but not other wastewater treatment facilities. Excludes sprayfields for wastewater defined as hazardous pursuant to RCW Chapter 70.105.

“Water system, public” means any system, excluding a system serving only one single-family residence, providing piped water for human consumption, as defined and/or regulated under WAC 248-54.

“Wholesale trade” means those uses primarily engaged in the sale of merchandise to retailers and to industrial, commercial, institutional or professional business users or to other wholesalers.

“Wineries or breweries” means a winery or brewery for processing and manufacturing purposes only, with limited wholesale trade incidental to the primary use. Wineries and breweries are categorized as follows:

- A. “Basic” does not have a commercial tasting room or restaurant;
- B. “Resort/destination” has either a commercial tasting room or restaurant. This type of winery or brewery is located on a site larger than five acres in size. It could typically be associated, or compatible with: high density residential, resort lodging, or a bed and breakfast;
- C. “Retail” has either a commercial tasting room or restaurant.

“Wrecking yard” means the place of business where motor vehicles or parts thereof are kept by a motor vehicle wrecker subject to state regulation (RCW Chapter 46.80).

“Yard” means an open space, other than a court, on the same lot with a structure.

“Yard, front” means the open area extending along and parallel to the entire length of the front lot line and measured from the property line to the structure.

“Yard, rear” means the open area at the rear of the structure extending the entire width of the lot and measured from the structure to the rear property line.

“Yard, side” means an open area between the side wall line of the structure and the side line of the lot.

“Zero lot line” means the location of a dwelling on a lot in such a manner that one of the sides of the dwelling rests directly on a side lot line.

“Zoning district” means a portion of the Yakima urban growth area within which certain uses of land and structures are permitted and certain other uses of land and structures are prohibited, certain yards and other open spaces are required and specific lot areas are established, all as set forth and specified in this title. This definition also includes the terms “zone” and “use district.”

“Zoo” means a park or facility where animals are kept and raised for visitors to see and observe; zoological park.

15.03.020 District and map overlay intent statements.

The district intent statements define the specific purpose of each district and/or zoning map overlay. They shall reflect the policies of the Yakima urban area comprehensive plan; serve as a guide for determining the appropriate location of uses; help determine appropriate conditions for development; and help the administrative official interpret the standards and provisions.

A. Suburban Residential District (SR). The intent of the suburban residential district is to provide a variety of residential lifestyles with densities generally ranging from one unit per five net residential acres to seven units per net residential acre. The higher density is reviewed and considered to be permitted when a public water system and the regional sewer system are available, or if these utilities are not available, community water and sewer systems may be allowed after review by Yakima County health district and the city of Yakima. (See YMC Chapter [15.05](#), Table 5-1.) This district is further intended to:

1. Limit residential density to one unit per five net residential acres in areas where flooding, airport noise, or other environmental constraints make the land unsuitable for residential use at higher densities. Development at a lower density will be reviewed to allow conversion to higher densities once utilities are available or other limiting issues are mitigated;
2. Maintain surface and groundwater quality along with the avoidance of potential health hazards, by limiting residential density to one unit per five net residential acres, in areas where public services will not be provided, and the dwelling units have individual wells and septic tanks. Development at a lower density will be reviewed to allow conversion to higher densities once utilities are available or other limiting issues are mitigated;
3. Provide the opportunity for suburban residential development, up to three dwelling units per net residential acre, in areas with either public water service or a community sewer system; and
4. Allow residential development to seven dwelling units per net residential acre in areas with both public water service and sewer system.

This district is characterized by a mixture of land uses and residential densities including small farms, scattered low-density residential development, and clusters of higher-density residential development. The minimum lot size in the district varies according to the suitability of the land for development and the provision of urban level services. See YMC [15.05.030\(E\)](#).

B. Single-Family Residential District (R-1). The single-family residential district is intended to:

1. Establish new residential neighborhoods for detached single-family dwellings free from other uses except those which are compatible with, and serve the residents of, this district, which may include duplexes and zero lot lines if established during the subdivision process;
2. Preserve existing residential neighborhoods for detached single-family dwellings free from other uses to ensure the preservation of the existing residential character, and serve the residents of this district; and
3. Locate moderate-density residential development, up to seven dwelling units per net residential acre, in areas served by public water and sewer system.

Detached single-family dwellings are the primary use in this district. The district is characterized by up to sixty percent lot coverage; access to individual lots by local access streets; required front, rear and side yard setbacks; and one and two story structures. The density in the district is generally seven dwelling units per net residential acre or less.

This zone is intended to afford single-family neighborhoods the highest level of protection from encroachment by potentially incompatible nonresidential land uses or impacts. Nonresidential uses within these zones are not allowed; except for public or quasi-public uses, which will be required to undergo extensive public review and will have all necessary performance or design standards assigned to them as necessary to mitigate potential impacts to adjacent residences.

Development exceeding seven dwelling units per net residential acre may be allowed in accordance with Table 4-1.

C. Two-Family Residential District (R-2). The purpose of the two-family residential district is to:

1. Establish and preserve residential neighborhoods for detached single-family dwellings, duplexes and other uses compatible with the intent of this district; and
2. Locate residential development with densities up to twelve dwelling units per net residential acre in areas receiving a full range of public services including public water and sewer service, and police and fire protection.

The district is characterized by up to sixty percent lot coverage, access via local access streets and collectors, one and two story buildings, some clustering of units, and required front, rear and side yard setbacks. Typical uses in this district are single-family dwellings and duplexes. The density in this district generally ranges from seven to twelve dwelling units per net residential acre. However, development up to eighteen dwelling units per net residential acre may be allowed in accordance with YMC Chapter [15.04](#), Table 4-1.

D. Multifamily Residential District (R-3). The multifamily residential district is intended to:

1. Establish and preserve high-density residential districts by excluding activities not compatible with residential uses;
2. Locate high-density residential development more than twelve dwelling units per net residential acre in areas receiving the full range of urban services;
3. Locate high-density residential development near neighborhood shopping facilities; and
4. Locate high-density residential development so that traffic generated by the development does not pass through lower-density residential areas.

The district contains a variety of attached or clustered multifamily dwellings.

E. Professional Business District (B-1). The professional business district is intended to:

1. Establish and preserve areas for professional offices;
2. Provide a buffer between commercial clusters and residential neighborhoods; and
3. Locate professional offices in areas presently receiving a full range of urban services.

Professional offices and, in some areas, a mix of professional offices and multifamily dwellings are the primary uses in the district.

Generally, the professional business district contains smaller lot or parcel sizes. Residential densities are generally greater than twelve dwelling units per net residential acre. Building coverage may be as high as eighty percent of the site. SITESCREENING requirements have been established to soften the visual impact of large buildings and parking lots and to minimize potential nuisances from light, noise and glare. Development standards are intended to accommodate a mixture of high-density residential development and office uses.

F. Local Business District (B-2). The purpose of the local business district is to:

1. Provide areas for commercial activities that meet the small retail shopping and service needs of the community; and
2. Accommodate small-scale commercial uses that need a higher level of visibility and easy access to major arterials.

Uses characteristic of this district include small retail sales and service establishments.

G. Historical Business District (HB). The purpose of the historical business district is to recognize existing isolated commercial structures in otherwise residential areas, to allow those structures to be occupied by traditional neighborhood business uses, and to allow these structures to be replaced if destroyed. This district is not intended to allow structural expansion, or expansion of the use onto adjoining lots. It is further intended that this district is not to serve as a small convenience center (SCC). Examples of HB uses are: taverns, small grocery stores, laundromats, and other businesses serving the immediate residential neighborhood around this district. This zoning district is not intended to be allowed to be further expanded or formed.

H. Small Convenience Center District (SCC). The purpose and intent of the small convenience center district is to:

1. Provide areas for commercial activities outside the downtown commercial district that meet community retail shopping and service needs; and
2. Accommodate small commercial centers, generally two to five acres in size, where most of the commercial uses have located in a coordinated manner around a common parking lot and one major commercial approach driveway.

Small convenience centers serve the day-to-day convenience shopping and service needs of the surrounding neighborhood and should be designed to minimize undesirable impacts of the center on the neighborhood it serves. Uses in this district should be retail or personal service establishments dealing directly with the consumer, the primary occupants usually being such uses as a supermarket, fast food restaurants and drug store.

I. Large Convenience Center (LCC). The purpose and intent of the large convenience center district is to:

1. Provide areas for commercial activities outside the downtown commercial district that meet the retail shopping and service needs of the community; and

2. Accommodate commercial centers, generally five to ten acres in size, where most of the commercial uses are coordinated in a manner around a common parking lot and usually with two major commercial approach driveways.

Large convenience centers serve the shopping and service needs of multiple surrounding neighborhoods and should be designed to minimize the impacts. Uses in this district should be larger retail or personal services, the primary occupants usually being such uses as multiple-tenant shopping, restaurants, office complexes, and multi mixed-uses.

J. Airport Support District (AS). The purpose of the airport support district is to accommodate airport and aircraft related activities within the airport property. This district includes the Yakima Air Terminal. A variety of uses are permitted. However, the intensity of development is directly related to airport and/or aircraft related uses.

K. General Commercial District (GC). The purpose of the general commercial district is to accommodate wholesale and retail activities with some high-density residential development. This district is primarily located near and along the major arterials as designated in the Yakima urban area comprehensive plan. Like the CBD district, a variety of land uses are permitted. However, the intensity of development is intended to be less than in the CBD district.

L. Central Business District (CBD). The purpose of the central business district is to preserve the business district of the city of Yakima as the region's center of commerce, finance, government, industry, recreation, and culture. This district is characterized by very intensive development and a variety of land uses including retail sales and service establishments, high-density residential development, financial institutions, professional buildings, and government offices.

M. Regional Development District (RD). The purpose of the regional development district is to provide high visibility from the interstate and state highways of the city of Yakima to provide regional commerce, office campus, recreation, large-scale retail, culture, light manufacturing, processing, research, and large multiple mixed uses. This district is characterized by very intensive development and a variety of land uses including retail sales and service establishments, high-density residential development, financial institutions, professional office buildings, hotels, condominiums, and corporation headquarters.

N. Light Industrial District (M-1). The intent of the light industrial district is to:

1. Establish and preserve areas near designated truck routes, freeways, and the railroad for light industrial uses;
2. Direct truck traffic onto designated truck routes and away from residential streets; and
3. Minimize conflicts between uses in the light industrial district and surrounding land uses.

The light industrial district provides areas for light manufacturing, processing, research, wholesale trade, storage, and distribution facilities.

Uses permitted in this district should not generate noise levels, light, odor, or fumes that would constitute a nuisance or hazard.

O. Heavy Industrial District (M-2). The intent of the heavy industrial district is to:

1. Establish and preserve areas near designated truck routes, freeways, and railroads for heavy industrial uses;
2. Direct heavy truck traffic onto designated truck routes and away from residential streets; and
3. Minimize conflicts between heavy industrial uses and surrounding land uses.

The heavy industrial district provides areas for manufacturing, assembling, fabrication, processing, and distribution and storage facilities. Uses in this district have the potential to generate high levels of noise, light, odor, fumes, or smoke that require their protection from encroachment by incompatible land uses.

P. Airport Overlay (AO). The airport overlay is intended to protect the airspace around the Yakima Air Terminal at McAllister Field from airspace obstructions or hazards and incompatible land uses. In addition to the regulations of the principal use district, the airport overlay includes provisions for:

1. Preserving land adjacent to the Yakima Air Terminal at McAllister Field for future commercial and industrial development; and
2. Assuring that land uses, locating near the airport, are compatible with noise, height obstruction and other impacts from the airport operation.

Q. Floodplain Overlay (FO). The purpose of the floodplain overlay is to:

1. Protect natural drainage system associated with floodways and floodplains;
2. Ensure that new development will not affect the flood elevations in surrounding areas;
3. Ensure adequate protection of life, health, and property from flood events;
4. Control development located within the 100-year floodplain unless it is possible to mitigate;
5. Ensure development is restricted within the floodway unless it is water dependent;
6. Emphasize FEMA standards in planning for flood prevention and damage reduction;
7. Comply with the city of Yakima's shoreline master program;
8. Minimize the expenditure of public money for flood-control projects;
9. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken with public money;
10. Minimize damage to public facilities and utilities such as water lines, sewer lines, and streets;
11. Protect river, creek, and stream channels from encroachment so that flood heights and flood damage will not be appreciably increased;
12. Ensure that potential buyers are notified that FEMA mapping is used to help identify that property is in an area of special flood hazards;
13. Ensure that property owners who occupy flood hazard areas have adequate information when they apply for development changes to their property so the property owner can assess the results of their development actions;
14. Continue to implement the National Flood Insurance Program; and
15. Use and enforce the building code to help minimize losses due to flooding.

R. Greenway Overlay (GO). The Yakima River Regional Greenway Plan was adopted to preserve and maintain the Yakima River as a natural resource for all citizens to enjoy. The greenway corridor extends from Yakima Canyon to Union Gap. Greenway boundaries were originally defined in 1977 by the State Legislature with the creation of the Washington State Yakima River Conservation Area.

The greenway corridor is classified into natural, conservation, and recreation areas. Each greenway corridor area may contain various facilities developed by the Greenway Foundation, such as pathways, recreational sites, boat landings, parks, playgrounds, campgrounds, and group camps. Many of the greenway facilities, such as trails, have been constructed on the top of existing dikes and levees. The greenway provides access for levee maintenance and repair and to be responsible for damage to trails caused by flooding.

In addition to the provisions of the principal use district, the purpose of the greenway overlay is to:

1. Make the greenway more attractive and accessible to the public;
2. Assure development conserves shoreline vegetation and controls erosion;
3. Implement the city shoreline master program and the Yakima River Regional Greenway Plan;
4. Limit development to activities which are particularly dependent on a location in the greenway;
5. Preserve and protect the fragile natural resources and culturally significant features along the greenway;
6. Increase public access to publicly owned areas of the greenway where increased use is desirable;
7. Protect public and private properties from the adverse effects of improper development in hazardous shoreline areas; and
8. Give preference to uses creating long-term over short-term benefits.

S. Master Planned Development Overlay (PD). The master planned development overlay is intended to allow larger scale, mixed-use developments in selected areas of the city where certain development requirements may be adjusted as necessary to promote an integrated approach to planning and site design. The city finds that such developments require special review and conditioning to ensure that adjacent areas are preserved and protected. (YMC Chapter [15.28](#).)

T. Institutional Overlay (IO). The institutional overlay is intended to allow designated community institutions that are valuable and necessary to the community, but which are located adjacent to or within residential zones. The city finds that these institutions require special review and conditioning to ensure that adjacent residential areas are preserved and protected. (YMC Chapter [15.31](#).)

The institutional overlay includes provisions to:

1. Make the institution more compatible and accessible to the public;
2. Assure development has the ability for future expansion;
3. Provide increased protection such as increased buffers as the institution locates closer to residential districts, especially R-1; and
4. Utilize the goals and policies of the Yakima urban area comprehensive plan.

15.04.030, Table 4-1. Permitted Land Uses

Table 4-1 titled “Permitted Land Uses” is incorporated as part of this section. Each permitted land use listed in Table 4-1 is designated a Class (1), (2), or (3) use for a particular zoning district. In addition, some Class (1) uses may require Type (2) review in accordance with YMC 15.04.020. All permitted land uses and associated site improvements are subject to the design standards and review procedures of this title.

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
AGRICULTURAL (COMMERCIAL)															
Agriculture, Horticulture, General Farming (not feedlots or stockyards) (*)	1									1				1	1
Agricultural Building (*)	1									1				1	1
Agricultural Chemical Sales/Storage										1				1	1
Agricultural Market (*)	1						1	1	1		1	1	1	1	
Agricultural Stand (*)	1													1	1
Agricultural Related Industries (*)	2									1				1	1
Animal Husbandry (See YMC 15.09.070) (*)	1	2												1	1
Concentrated Feeding Operation (*)	3														
Floriculture, Aquaculture	1													1	1
Fruit Bin Sales/Storage	3									2				1	1
Marijuana Production (**)														1	1
Winery and Brewery—Basic (*)											3		3	1	2
Resort/Destination w/on-site agricultural production (*)	2	3		3							3	3	3	3	
Resort/Destination (*)	2	3		3							1	1	1	3	
Retail (*)								1	1		1	1	1	1	2
AMUSEMENT AND RECREATION															
Aquatic Center									3		3	3	1	2	
Amusement Park (Permanent) (*)									3		3	3	1	3	
Bowling Alleys						2		2	2		1	1	2	3	
Campground (*)	3										2				
Children’s Outdoor Recreation Center* (More than 500 ft. from abutting residential and not containing a go-cart track)											2		2		
Children’s Outdoor Recreation Center* (Less than 500 ft. from abutting residential and/or containing a go-cart track)											3		2		
Drive-In Theatres	3										2		2	2	
Exercise Facilities				2	1	1		1	1	2	1	1	1	2	
Horse Racing Tracks, Speedways													3	3	
Game Rooms, Card Rooms, Electronic Game Rooms (*)								3	2	1	2	2	2		

[illegible]

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Community College/University—Outside Institutional Overlay	3	3	3	3	3	2	2	2	2	3	2	3	2	2	
Vocational Schools (*)	3	3	3	3	3	2		2	2	1	1	1	2	3	
Wastewater Sprayfield (*)	3													3	3
Zoo (*)	3							3	3		3		3		
HEALTH AND SOCIAL SERVICE FACILITY															
Group Homes (six or fewer), Adult Family Home (*)	1	1	1	1	1	1					1	1			
Treatment Centers for Drug and Alcohol Rehabilitation					3	3		3	3		3	3	3	3	
Boarding House (*)	3		3	3	3	3					1	2			
Halfway House (*)				2							3	3			
Group Homes (more than six), Convalescent and Nursing Homes (*)			3	2	2	2					3	3			
Mission (*) (with Type (3) review, and development agreement—see definition)											2	2		2	
MANUFACTURING															
Agricultural Product Support											2	2	2	1	1
Aircraft Parts										1			2	1	1
Apparel and Accessories											3	2	2	1	1
Bakery Products (wholesale)							2		2		2	2	2	1	1
Beverage Industry (*)											2	2	2	1	1
Canning, Preserving and Packaging Fruits, Vegetables, and Other Foods													2	1	1
Cement and Concrete Plants														3	1
Chemicals (Industrial, Agricultural, Wood, etc.)														3	1
Concrete, Gypsum and Plaster Products										2				1	1
Confectionery and Related Products (wholesale)						2		2	2		1	1	2	1	1
Cutlery, Hand Tools and General Hardware										1			3	1	1
Drugs										1	2		2	1	1
Electrical Transmission and Distribution Equipment										1		2	3	1	1
Electronic Components and Accessories and Product Assembly										1	2	2	3	1	1
Engineering, Medical, Optical, Dental, Scientific Instruments and Product Assembly										1		2	2	1	1
Fabricated Structural Metal Products										2	3	3		1	1
Food Processing												2	3	1	1
Furniture										2		3	2	1	1

[illegible]

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Detached Single-Family Dwelling (*)	1	1	1	1	3	3	1	3	3		3		3		
Accessory Dwelling Unit (*) (See YMC 15.09.045)	2	2	1	1											
Existing or New Detached Single-Family Dwelling on Existing Lots of 8,000 Square Feet or Less											1		1	1	
Detached Single-Family Dwelling (zero lot line) (*) (See YMC 15.09.040)	2	2	2	2	3	3	1	3	3		3		3		
Attached Single-Family Dwelling, Common Wall (*)	2	2	1	1	3	3	1	2	2		2		2		
Two-Family Dwelling (Duplex) (*)	3	3	1	1	2	2	1	2	2		2		2		
Converted Dwelling (*)	3	3	2	2	2	2	2	2	2		2	1			
Multifamily Dwelling (*): 0—7 DU/NRA			2	1	2	2		2	2		2	2	2		
8—12 DU/NRA			2	1	2	2		2	2		2	2	2		
13+ DU/NRA			3	1	2	2		2	2		2	2	2		
Mixed-Use Building					1	1		1	1		1	1	1		
Planned Development (*)	See YMC 15.28														
Mobile Home Parks (*)	2			2							2				
Mobile Home (*) or Manufactured Homes (*)	See YMC 15.04.160														
Retirement Homes (*)	2		3	1	3						1	1			
Temporary Hardship Units (See YMC 15.04.140)	2	2	2	2	2	2		2	2		2	2		2	
RETAIL TRADE, AND SERVICE															
Adult Business Uses	See YMC 15.09.200														
Animal Clinic/Hospital/Veterinarian (*)	3				2	2		2	1	2	1	1		1	
Auction House for Goods (*)	3					2		2	2		1	1	2	1	1
Auction House for Livestock (*)	3													2	2
Automotive															
Automotive Dealer New and Used Sales						2		2	2		1	3	1	1	
Weekend Automobile and Recreational Vehicle (RV) Sales									1		1		1		
Automotive: Car Wash/Detailing						2		1	1	1	1		1	2	
Parking Lots and Garages					2	1		1	1	1	1	1	1	1	
Maintenance and Repair Shops						2		1	1	2	1	2		1	2
Paint and Body Repair Shops						2		2	1		1			1	2
Parts and Accessories (tires, batteries, etc.)						2		1	1	1	1	2	1	2	
Towing Services										1	3			1	1

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Wrecking and Dismantling Yard (*) and Hulk Haulers (*)														3	1
Bail Bonds											1	1	1		
Beauty and Barber Shops					2	1	2	1	1	1	1	1	1	2	
Bed and Breakfast Inn (*)	2			2	2			2	2		2	1			
Boats and Marine Accessories						2		2	1		1		1	1	
Butcher Shop						1		1	1		1	2	2	1	
Commercial Services (*)					2	1	2	1	1		1	1	1	2	
Communication Towers (*)	(See YMC Chapter 15.29)														
Convenience Store—Closed 10:00 p.m. to 6:00 a.m.						1	2	1	1	1	1	1	1	2	
Convenience Store—Open 10:00 p.m. to 6:00 a.m.						2		2	2	1	1	2	1	2	
Pet Day Care/Animal Training (*)	2					1		1	1	2	1		1	2	
Farm and Implements, Tools and Heavy Construction Equipment										1	2		3	1	1
Farm Supplies								2	2	1	1		2	1	
Financial Institutions					1	1		1	1	1	1	1	1		
Fuel Oil and Coal Distributors										1	2			1	1
Furniture, Home Furnishings, Appliances						1		1	1	1	1	1	1		
General Hardware, Garden Equipment, and Supplies						2	1	1	1	1	1	1	1	1	
General Retail Sales 12,000 sq. ft. or less (not otherwise regulated) (*)					2	1		1	1	1	1	1	1	3	
General Retail Sales greater than 12,000 sq. ft. (not otherwise regulated) (*)						2		1	1	1	1	1	1	3	
Heating and Plumbing and Electrical Equipment Stores						2		2	1	1	1	1	1		
Heavy Equipment Storage, Maintenance and Repair										1				1	1
Kennels (*)	2													2	2
Laundries, Laundromats and Dry Cleaning Plants						2	2	1	1	1	1	2		1	
Liquor Stores						2		2	1		1	1	1		
Locksmiths and Gunsmiths						1	2	1	1	1	1	2		1	
Lumber Yards								2	1		1			1	1
Marijuana Retail (**)						1		1	1		1	1	1		
Massage Therapy/Spa (*)					1	1	1	1	1	1	1	1	1		
Mobile Vendor	See YMC Ch. 5.57														
Motels and Hotels*								2	1	1	1	1	1		

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Extended Stay Hotel/Motel*								2	1	2	2	3	3		
Night Clubs/Dance Establishments								2	1		1	1	1	1	
Nursery (*)	2					1		1	1	1	1		1	1	
Offices and Clinics				3	1	1		1	1	1	1	1	1	2	
Office Contractor Building and Trade (Plumbing, Heating, Electrical, and Painting)				3	1	1		1	1	1	1	1	1	1	
Outdoor Advertising (Billboards)	See YMC 15.08.130														
Pawn Broker						2		1	1		1	2	1		
Radio/TV Studio	3				2	2		1	1		1	1		2	
Recycling Drop-Off Center (*)						1		2	2		1	1	1	1	
Rental: Auto, Truck, Trailer, Fleet Leasing Services with Storage					3	2			1	2	1	2	2	1	2
Rental: Heavy Equipment (except automotive) with Storage														1	1
Rental: Heavy Equipment (except automotive) without Storage											1	2	3	2	
Repairs: Small Appliances, TVs, Business Machines, Watches, etc.						1	2	1	1	1	1	2	1	1	
Repairs: Reupholstery and Furniture						1		1	1	1	1	1	1	1	
Repairs: Small Engine and Garden Equipment						2	2	2	1	1	1	2		1	
Restaurant (*)					2	1		1	1	1	1	1	1	1	
Seamstress, Tailor						1	1	1	1	1	1	1	1		
Service Station (*) Closed Between 10:00 p.m. and 6:00 a.m. (*)						2		1	1	1	1	1	1	1	
Service Station (*) Open Between 10:00 p.m. and 6:00 a.m. (*)						3		2	2	1	1	2	1	2	
Shooting Ranges (indoor)								3	3		3	3		1	
Signs, Printed, Painted or Carved						2			2	1	1	2		1	1
Taverns (*) and Bars						1	2	1	1	1	1	1	1	1	
Technical Equipment Sales (*)					2	1	2	1	1	1	1	1	1	1	
Truck Service Stations and Shops											3		2	1	1
Truck (Large), Manufactured Home and Travel Trailer Sales											1		3	1	
Waste Material Processing and Junk Handling (*)														3	1
TRANSPORTATION															
Bus Terminals										1	1	1	1	1	1
Bus Storage and Maintenance Facilities														1	1
Transportation Brokerage (*) Offices, with Truck Parking									2		2			1	1

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Contract Truck Hauling, Rental of Trucks with Drivers											1			1	1
Air, Rail, Truck Terminals (for short-term storage, office, etc.)										1		2		1	1
Railroad Switch Yards, Maintenance and Repair Facilities, etc.														1	1
Taxicab Terminals, Maintenance and Dispatching Centers, etc.									3		3			1	
Airport Landing Field										1					
Airport Operations (*)										1					
UTILITIES															
Power Generating Facilities													3	2	1
Utility Services (substations, etc.)	3	3	3	3	3	3		3	3		3			1	1
WHOLESALE TRADE—STORAGE															
Warehouses (*)									3	1	2	2		1	1
Wholesale Trade (*)									2	1	1	2	1	1	1
Storage Facilities, Bulk (*)										1	2			1	1
Storage Facilities Commercial (*)									3	1	2		3	1	1
Residential Mini-Storage (*)				3		3				1	2		3	1	1
<p>* Refers to a definition in YMC Chapter 15.02.</p> <p>** See YMC 15.09.220 for general development requirements for marijuana uses.</p> <p>= Not Permitted</p> <p>1 = Class (1) Permitted Use</p> <p>2 = Class (2) Requires an Administrative Review by the Administrative Official</p> <p>3 = Class (3) Requires a Public Hearing by the Hearing Examiner</p>															

15.04.120 Home Occupations

A. Purpose. The conduct of a business within a dwelling may be permitted in the residential districts under the provisions of this section. It is the intent of this section to:

1. Ensure the compatibility of home occupations with other uses permitted in the residential districts; and
2. Maintain and preserve the character of residential neighborhoods; and
3. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial uses.

B. Table of Permitted Home Occupations. Table 4-2 titled "Table of Permitted Home Occupations" is incorporated as a part of this section. Each permitted home occupation listed in Table 4-2 is designated as a Class (1), (2) or (3) use for a particular residential zoning district. All permitted home occupations are subject to the standards of this title, including the specific conditions of subsection C of this section and the applicable review procedures of YMC Chapters [15.13](#), [15.14](#) and [15.15](#). Specific uses not permitted as home occupations are listed in subsection G of this section.

Table 4-2. Table of Permitted Home Occupations

	Zoning District				
	SR	R-1	R-2	R-3	B-1
Accountant	1	1	1	1	
Architect	1	1	1	1	
Artist, author, arts and crafts	1	1	1	1	
Attorney	1	1	1	1	
Barbershop, beauty parlor	2	2	2	2	
Bed and breakfast*	1	2	1	1	
Business administration	1	1	1	1	
Cabinet, mill work, carpentry work	2				2
Catering service	2	2	2	2	2
Ceramics and sculpting	2	2	2	2	
Composer	1	1	1	1	
Day care, family home*	1	1	1	1	1
Dentist	1	2	2	2	
Dog grooming	2	3	3	3	3
Dressmaker, seamstress, tailor	1	1	1	1	
Engineer	1	1	1	1	
Food preparation*	1	2	1	1	1
Home contractor*	1	1	1	2	1
Home instruction* 1—5 students	1	1	1	1	1
6—8 students	2	2	2	2	2
Insurance agent	1	1	1	1	
Locksmith	1	2	2	1	1
Photographer (not including productions studio)	1	2	2	2	

Table 4-2. Table of Permitted Home Occupations

	Zoning District				
	SR	R-1	R-2	R-3	B-1
Physician	1	2	2	2	
Product assemblage*	1	2	2	2	1
Massage therapy/spa*	1	1	1	1	1
Music teacher	1	1	1	1	
Production of small articles by hand without the use of automated or production line equipment	1	2	2	2	
Radio, television and small appliance repair	2	2	2	2	
Real estate agent	1	1	1	1	
Secretarial, phone answering, desktop publishing service*	1	1	1	1	
Small engine repair	2				
Taxicab Operator*	1	1	1	2	1
Wedding service	2	2	2	2	2
Unclassified home occupation	See YMC 15.04.120(G)				
NOTES:					
* Refers to definition in YMC Chapter 15.02					
1 = Type (1) Permitted Home Occupation					
2 = Type (2) Review and Approval by the Administrative Official Required					
3 = Type (3) Review Public Hearing and Approval by the Hearing Examiner Required					
χ = Not Permitted					

C. Necessary Conditions. Home occupations are permitted as an accessory use to the residential use of a property only when all the following conditions are met:

1. The home occupation is conducted inside a structure within property on which is established the primary residence of the practitioner(s);
2. The home occupation is incidental and subordinate to the residential functions of the property. No action related to the home occupation shall be permitted that impairs reasonable residential use of the dwelling;
3. There are no external alterations to the building which change its character from a dwelling;
4. The portion of the structure or facilities in which a home occupation is to be sited must be so designed that it may be readily converted to serve residential uses;
5. The business is conducted in a manner that will not alter the normal residential character of the premises by the use of color, materials, lighting and signs, or the emission of noise, vibration, dust, glare, heat, smoke or odors;
6. The home occupation does not generate materially greater traffic volumes than would normally be expected in the residential neighborhood; the frequency of deliveries should be comparable to that of a single-family home without a home business;

7. There is no outside storage or display of any kind related to the home occupation;
8. The home occupation does not require the use of electrical or mechanical equipment that would change the fire rating of the structure;
9. The home occupation does not require the use of electrical equipment that exceeds FCC standards for residential use;
10. The home occupation does not increase water or sewer use so that the combined total use for the dwelling and home occupation is significantly more than the average for residences in the neighborhood;
11. A business license is purchased where required;
12. The home occupation is conducted only by immediate family members residing in the dwelling;
13. All stock in trade kept for sale on the premises is produced on site by hand without the use of automated or production line equipment.

In granting approval for a home occupation, the reviewing official may attach additional conditions to ensure the home occupation will be in harmony with, and not detrimental to, the character of the residential neighborhood. Any home occupation authorized under the provisions of this title shall be open to inspection and review at all reasonable times by the building and enforcement official for purposes of verifying compliance with the conditions of approval and other provisions of this title.

D. **Materials and Storage.** The storage of equipment, materials, or goods shall be permitted in connection with a home occupation provided such storage complies with the following standards:

1. All equipment, materials, or goods shall be stored completely within the space designated for home occupation activities and not visible from the public right-of-way.
2. Only those materials or goods that are utilized or produced in connection with the home occupation may be stored within the dwelling unit or accessory building.
3. All flammable or combustible compounds, products, or materials shall be maintained and utilized in compliance with fire code.
4. The frequency of home deliveries should be comparable to that of a single-family home without a home occupation associated with the residence.
5. A home occupation permit application (including a site plan) shall be supplied to and approved by the City of Yakima Planning Division prior to operation of any home occupation.

E. **Nameplates.** Only one nameplate shall be allowed. It may display the name of the occupant and/or the name of the home occupation (e.g., John Jones, Accountant). The nameplate shall be attached to the dwelling, but shall not exceed two square feet in area or be illuminated.

F. **Application Fee and Review Period.** Application for a home occupation shall be made in accordance with the provisions of YMC Chapter [15.11](#), except as noted, and shall be accompanied by the appropriate filing fee. The administrative official may waive part or all of the requirements for a site plan for Class (1) home occupations.

G. **Unclassified Home Occupation—Review by the Hearing Examiner.** Home occupations not listed in Table 4-2 shall be reviewed by the hearing examiner in accordance with the provisions of YMC Chapter [15.22](#); provided, any unclassified home occupation permitted after review and decision by the hearing examiner in a particular district shall be allowed only as a Class (2) or (3) use.

H. **Home Occupations Not Permitted.** The following uses, by the nature of their operation or investment, have a pronounced tendency, once started, to increase beyond the limits permitted for home occupations and impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses listed below shall not be permitted as home occupations:

1. Auto repair;
2. Antique shop or gift shop;
3. Kennel;
4. Veterinary clinic or hospital;
5. Painting of vehicles, trailers or boats;
6. Large appliance repair including stoves, refrigerators, washers and dryers;
7. Upholstering;
8. Machine and sheet metal shops;
9. Martial arts school;
10. Taxidermist;
11. Two-way radio and mobile telephone system sales and service;
12. Vehicle sign painting (except for the application of decals);
13. Firearm sales and/or gunsmith.

I. **Denial of Application for a Home Occupation.** An application for a home occupation shall be denied if the administrative official finds that either the application or record fail to establish compliance with the provisions of

this chapter. When any application is denied, the administrative officer shall state the specific reasons and cite the specific provisions and sections of this title on which the denial is based.

J. Parking. The administrative official shall determine parking requirements for home occupations, as provided by YMC [15.06.040](#)(B). This determination may be guided by, but not restricted by, the standards of YMC Chapter [15.06](#).

15.08.045 Exemptions.

The following signs are exempt from the permitting requirements of this chapter:

1. On-premises signs not readable from the public right-of-way, i.e., menu boards, interior signs, etc.;
2. On-premises directional signs meeting the other requirements of this chapter, including, but not limited to, size restrictions;
3. Barber poles, gravestones or structures intended for a separate use, such as Goodwill containers;
4. Building identification numbers as required pursuant to the Yakima Municipal Code or any other city or state regulation;
5. Temporary signs on private property or public property meeting the requirements of YMC [15.08.110](#).
6. Governmental signs. Signs installed by the city, county or a federal or state governmental agency for the protection of public health, safety and general welfare, including, but not limited to, the following:
 - A. Emergency and warning signs necessary for public safety or civil defense;
 - B. Traffic and/or wayfinding signs erected and maintained by an authorized public agency;
 - C. Signs required to be displayed by law;
 - D. Signs showing the location of public facilities; and
 - E. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety and general welfare.
7. Flags. Any flags, subject to the following standards:
 - A. Residential zoning districts are allowed one flag pole per street frontage.
 - B. No more than two flags may be flown on a single flag pole.
 - C. The maximum flag pole height shall be the maximum structure height of the underlying zoning district per YMC § 15.05.030, Table 5-1.
 - D. Flag poles shall meet applicable setback standards for accessory structures.
 - E. The maximum square footage of a flag shall be as follows:
 - i. Pole height of 20-feet or less: 4'x6'
 - ii. Pole height greater than 20-feet to 30-feet: 5'x8'
 - iii. Pole height greater than 30-feet: 6'x10'
 - iv. Upon application, flag size may be increased proportionate to the maximum pole height as a Modification (YMC § 15.17).
8. Memorial signs or tablets, names of buildings, dates of erection and the like, which are incorporated into the building material and facade.
9. Vehicle with signs. Any sign on a vehicle, unless such vehicle is parked or stationed near an activity for the primary purpose of attracting public attention to such activity, unless such vehicle or mobile unit is regularly parked in any prominently visible location for the primary purpose of attracting public attention to the sign.
10. Temporary signs in windows. Any temporary sign taped or otherwise affixed to the inside of a window, in such a manner as to be easily removed; provided, that the total area of the sign in any one window does not exceed that as allowed in this chapter for window signs and temporary signs.
11. Portable signs and freestanding signs meeting the requirements of YMC [15.08.155](#) and [15.08.110](#), respectively, and any other provisions of this chapter.

15.09.045 Accessory dwelling units.

- A. Purpose. The purpose of the accessory dwelling unit (ADU) provisions are to:
1. Provide homeowners 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 in the SR, R-1, R-2, and R-3 zoning districts (See YMC § 15.04.030, Table 4-1), secondary to the primary use of a detached 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. The front entrance to the ADU shall not be visible from a right-of-way or access easement.
3. Paved off-street parking shall be provided as required in YMC Chapter [15.06](#) for both the ADU and the primary residence, separately, located on the lot they are intended to serve.
4. The ADU's floor area shall be comprised of not more than fifty percent of the floor area of the primary dwelling unit or eight hundred square feet, whichever is less. For example, a primary detached dwelling unit two thousand eight hundred square feet in size would be limited to eight hundred square feet. A primary structure one thousand square feet in size would be limited to five hundred square feet.
5. The ADU's exterior walls shall be designed so as to be similar in style, color, and building materials to the primary detached dwelling.
6. 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.
7. A parcel/lot shall contain no more than one single-family residence and one ADU.
8. ADUs shall not be allowed on parcels containing a duplex or multifamily dwelling, or a commercial or industrial structure/use.
9. ADUs shall only be permitted on parcels/lots sized appropriately for a duplex per YMC § 15.05.030, Table 5-2. ADUs proposed on lots smaller than the minimum lot size may be approved after undergoing one additional level of review as shown in YMC § 15.04.030, Table 4-1.
10. The primary residence and the ADU shall both be connected to public sewer and water.
 - 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 shall have its own sewer and water connection, with required meters.
11. 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.
12. A home occupation may be allowed, subject to YMC [15.04.120](#), in either the ADU or the primary unit, but not both.
13. The site plan for the construction or conversion of an ADU shall indicate the ADU.
14. Any exterior stairs shall be placed in the rear or side yard.
15. 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 storage only or remove the structure from the premises.

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Chapter 15.16 APPEALS

Sections:

15.16.005 Appeals

15.16.005 Appeals.

The procedures to appeal actions under Title 14, Title 15, Title 16, and Chapter 6.88 YMC, shall be found in YMC 16.08.

Chapter 15.17 MODIFICATIONS TO EXISTING OR APPROVED USES OR DEVELOPMENT

Sections:

- 15.17.010 Purpose.
- 15.17.020 Modification to permitted development and uses regulated.
- 15.17.030 Exemptions.
- 15.17.040 Review of modifications.
- 15.17.050 Appeals.

15.17.010 Purpose.

This chapter establishes provisions for the review of proposed modifications to existing or approved uses.

15.17.020 Modification to permitted development and uses regulated.

Minor changes to existing or approved Class (1), (2) or (3) uses or development may qualify for abbreviated review under the provisions in this chapter, if they meet the criteria listed below. Overlay districts shall not increase the level of review for the provisions of this chapter. Modifications not meeting the criteria below must apply directly for review as a Class (1), (2) or (3) use or development.

- A. The modification will not increase residential density that would require an additional level of review;
- B. The modification will not increase the amount of parking by more than ten percent or twenty spaces (whichever is least), except that the amount of parking for controlled atmosphere and cold storage warehouses may be increased by up to twenty spaces. This limit shall be calculated cumulatively for all previous modifications since the last normal review;
- C. Any expansion of use area or structure will not exceed fifty percent of the gross floor area. This limit shall be calculated cumulatively for all previous modifications since the last normal review;
- D. The modification will not increase the height of any structure;
- E. This limit shall be calculated cumulatively for all previous modifications since the last normal review;
- F. The modification will not add a drive-thru facility; and
- G. The modification does not include hazardous materials.

15.17.030 Exemptions.

For exemptions from the review processes, see YMC 15.01.040(A).

15.17.040 Review of modifications.

A. Submittals. Applications for modification shall follow the submittal requirements for Type (1) review. In addition, for a previously approved use or development, the applicant shall submit both the site plan previously approved by the reviewing official and a new site plan showing the location, size, and type of modification proposed by the applicant.

B. Review. Applications for modifications may be administratively and summarily reviewed using the Type (1) review process, in addition to the following criteria:

- 1. Any proposed change in the site design or arrangement:

- a. Will not change or modify any special condition previously imposed under Class (1), (2) or (3) review;
 - b. Will not adversely reduce the amount of existing landscaping or the amount or location of required sitescreening; and
 - c. In the determination of the planning division, it will not create or materially increase any adverse impacts or undesirable effects of the project.
2. All proposed new structures, site improvements, or structural alterations to existing structures or site improvements comply with the development standards of YMC Chapters [15.05](#) through [15.08](#), except as approved under the adjustment or variance provisions.

C. Decision and Notification of Decision. The planning division shall issue a written decision on the modification application using the Type (1) decision process. In addition, any proposed modification that does not meet all the requirements of this section shall be denied. The division shall mail its decision to the applicant. Uses or developments denied under this chapter may submit applications for review under the normal review provisions for the use.

15.17.050 Appeals.

Decisions by the planning division regarding approval or denial of administrative modifications may be appealed as prescribed by the applicable review.

15.23.030 Rezones—Zoning map amendments.

A. Initiation. An amendment to the zoning map may be initiated by:

1. Resolution of the legislative body with jurisdiction or the city of Yakima planning commission; or
2. A rezone application filed by the property owner(s).

B. Application. All rezone applications shall be filed with the planning division. The planning division shall process the application under the provisions of YMC [15.11.070](#) and Title [16](#). The application shall include the information required in YMC [15.11.020](#) and the signature of the owner(s) of the property. Non-project Rezone applications shall also include a non-binding conceptual site plan to show potential future use of the property.

C. Public Hearing by the Hearing Examiner or City of Yakima Planning Commission. Upon receipt of a complete application for a rezone, the planning division shall forward the application to the hearing examiner or city of Yakima 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 Yakima planning commission under the provisions of RCW Chapter [36.70](#). The public hearing shall be held and notice provided under the provisions of YMC [16.05.050](#). 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.

D. Recommendation by the Hearing Examiner or City of Yakima Planning Commission. Within ten days of the conclusion of the hearing, unless a longer period is agreed to in writing by the applicant, the hearing examiner or city of Yakima planning commission shall issue a written recommendation to approve, approve with conditions or deny the proposed rezone. The recommendation shall include the following considerations:

1. The testimony at the public hearing;
2. The suitability of the property in question for uses permitted under the proposed zoning;
3. The recommendation from interested agencies and departments;
4. The extent to which the proposed amendments are in compliance with and/or deviate from the goals and policies as adopted in the Yakima urban area comprehensive plan and the intent of this title;
5. The adequacy of public facilities, such as roads, sewer, water and other required public services;
6. The compatibility of the proposed zone change and associated uses with neighboring land uses; and
7. The public need for the proposed change.

Notice of the hearing examiner's or the city of Yakima 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 Yakima planning commission on rezone applications shall constitute a recommendation to the legislative body.

E. Action by the Legislative Body. Upon receipt of the hearing examiner's or the city of Yakima 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 Yakima 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 Yakima 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.

F. 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.

G. 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.

Exhibit “B”

2018 Text Amendments – Complete Clean Version Title 1

Chapter 1.43 HEARING EXAMINER

Sections:

- 1.43.010 Office established.
- 1.43.020 Appointment.
- 1.43.030 Qualifications.
- 1.43.040 Removal.
- 1.43.050 Standards of conduct.
- 1.43.060 Rules.
- 1.43.070 Time computation.
- 1.43.080 Duties and powers.
- 1.43.090 Applications.
- 1.43.100 Master applications.
- 1.43.110 Report of department.
- 1.43.120 Examiner’s decision.
- 1.43.130 Notice of examiner’s decision.
- 1.43.140 Appeal from examiner’s decision.
- 1.43.150 Effect of appeal.
- 1.43.160 Council action on appeals.
- 1.43.170 Appeal of decisions made by council.
- 1.43.180 Annual report.

1.43.010 Office established.

There is established an office of hearing examiner. The office of examiner shall be under the administrative supervision of the examiner and shall be separate from and not an administrative part of the department of community and economic development. Unless the context requires otherwise, the term “examiner” as used herein shall include deputy examiners and examiners pro tem. (Ord. 2948 § 1 (part), 1986).

1.43.020 Appointment.

The hearing examiner and any deputy examiners shall be appointed by the city council after consideration of the recommendation of the joint hearing examiner committee created by and pursuant to the “Intergovernmental Agreement for the Mutual Use of Hearing Examiner Services” entered into by and between the city of Yakima and Yakima County, Washington. Such examiner shall serve an indefinite term of office which shall, however, be reviewed one year following the date of original appointment and thereafter every four years. The council may also appoint examiners pro tem to serve in the event of absence or inability to act of the examiner and deputy examiners. (Ord. 2948 § 1 (part), 1986).

1.43.030 Qualifications.

Examiners shall be appointed solely with regard to their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon them. Examiners shall hold no other elective or appointive office or position with the city of Yakima or the county of Yakima. (Ord. 2948 § 1 (part), 1986).

1.43.040 Removal.

An examiner may be removed from office for cause by a majority vote of the city council after consideration of a recommendation as to removal or nonremoval from the joint hearing examiner committee. (Ord. 2948 § 1 (part), 1986).

1.43.050 Standards of conduct.

(a) No person, including city or county officials, elective or appointive, shall attempt to influence an examiner in any matter pending before him, except at a public hearing duly called for such purpose, or to interfere with an examiner in the performance of his duties in any other way; provided, that an official or employee of the city of Yakima or Yakima County may, in the performance of his official duties provide information to the examiner when the action is disclosed at the hearing or meeting; nor, shall this section prohibit rendering of legal services to the examiner or to the council.

(b) No examiner shall conduct or participate in any hearing or decision in which the examiner shall have a direct or indirect financial or personal interest or in which such conduct or participation shall violate any rule of law applicable thereto. (Ord. 2948 § 1 (part), 1986).

1.43.060 Rules.

The examiner shall implement procedural rules for the conduct of hearings and other procedural matters related to the duties of his office in accordance with RCW 36.70.970. (Ord. 2948 § 1 (part), 1986).

1.43.070 Time computation.

In computing any period of time prescribed by this chapter, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or a city legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, or a city legal holiday. (Ord. 2948 § 1 (part), 1986).

1.43.080 Duties and powers.

The examiner shall hear, make a record of, and decide matters provided in this chapter or by other ordinances, including but not limited to the following land use matters:

- A. Matters prescribed by the Yakima urban area zoning ordinance, Title 15 of this code. Decisions of the examiner on such matters shall have the legal effect as set forth in the provisions of said ordinance;
- B. Review of preliminary plats and modifications thereto using the procedures and provisions for review by the planning commission as set forth in RCW Chapter 58.17 and the city of Yakima subdivision ordinance, Title 14 of this code. The decisions of the examiner on such matters shall constitute recommendations to the city council;
- C. Preliminary plat extension requests pursuant to RCW 58.17.140 and city of Yakima subdivision ordinance, Title 14 of this code. Decisions of the examiner on such matters shall constitute final decisions unless appealed to the council pursuant to the provisions of Title 16 of the Yakima Municipal Code;
- D. Plat vacations or amendments pursuant to RCW Chapter 58.11, 58.12, or 58.17. Decisions of the examiner on such matters shall constitute final decisions unless appealed to the council under the provisions of Title 16 of the Yakima Municipal Code;
- E. Pedestrian skybridge applications in the manner set forth in YMC 11.65.040(F) and pedestrian skybridge permit violations as set out in YMC 11.65.070;
- F. The examiner may conduct hearings required pursuant to RCW Chapter 43.21C, State Environmental Policy Act (SEPA), and Chapter 6.88 YMC at the request of the city responsible official charged with responsibility for holding such a hearing; provided, that the substantive SEPA decision and the decision on the associated action shall be made by the responsible official;
- G. The examiner may, at the request of the city shoreline administrator, receive and examine available information, conduct public hearings and prepare records and reports thereof, and issue recommendations to the council based upon findings and conclusions on applications for shoreline substantial development permits and conditional use permits;

H. Conduct public hearings on petitions and resolutions to vacate streets and public rights-of-way pursuant to RCW Chapter 35.79. Decisions of the examiner on such matters shall constitute a recommendation to the city council.

The provisions of this section designating and assigning to the hearing examiner the duties and functions listed above shall supersede any and all conflicting provisions of the municipal code of the city of Yakima. (Ord. 2016-028 § 2, 2016; Ord. 2013-033 § 1 (Exh. A), 2013; Ord. 93-91 § 1, 1993; Ord. 3257 § 1, 1990; Ord. 3224 § 1, 1989; Ord. 2948 § 1 (part), 1986).

1.43.090 Applications.

Applications for permits or approvals subject to review by the examiner shall be made to the city department of community and economic development (hereinafter referred to as the "department"). The department shall accept such applications only if applicable filing requirements are met. The department, in coordination with the hearing examiner, shall be responsible for assigning a date for and assuring due notice of public hearing for each application, which date and notice shall be in accordance with the statute or ordinance governing the application. (Ord. 2948 § 1 (part), 1986).

1.43.100 Master applications.

Any persons proposing a development or project which requires more than one of the permits or approvals listed in Section 1.43.080 of this chapter may submit a master application to the department on forms furnished by the department containing all necessary information. The master application shall thereafter be processed by the examiner subject to the longest time limitations applicable to any of the required permits for approval. If any of the required approvals constitute a recommendation to the legislative body, the decision of the examiner to all such permits shall constitute a recommendation to the legislative body, otherwise the decision of the examiner shall be final subject to an appeal to the legislative body pursuant to this chapter, Title 15 and Title 16 YMC. (Ord. 2948 § 1 (part), 1986).

1.43.110 Report of department.

Where no specific provision for a report of the department is contained in the statute or ordinance governing the application, the department may coordinate and assemble the reviews of other county/city departments, other state or local governmental agencies and franchised public utilities having an interest in the subject application and prepare a report summarizing the factors involved and the department's findings and recommendations. At least seven calendar days prior to the scheduled hearing the report shall be filed with the examiner and copies thereof shall be mailed to the applicant and made available for public inspection. Copies thereof shall be provided to interested parties upon request. (Ord. 2948 § 1 (part), 1986).

1.43.120 Examiner's decision.

Within ten working days of the conclusion of a hearing, unless longer period is agreed to in writing by the applicant, the examiner shall render a written decision which shall include findings and conclusions based on the record. Except as provided in YMC 1.43.080 and 1.43.100 and the decision of the examiner shall be final and conclusive on the fifteenth day after the date of the decision unless a notice of appeal to the Yakima city council is filed pursuant to YMC 1.43.140. The examiner's decisions together with his findings, conclusions, and record of proceedings shall be filed with the department of community and economic development. If the effect of the decision is a recommendation to the legislative body, the original thereof shall be transmitted to the legislative body (Ord. 2948 § 1 (part), 1986).

1.43.130 Notice of examiner's decision.

Unless different procedures are prescribed by the ordinance or statute governing the application, the department shall mail copies of the examiner's decision by certified mail to the applicant and by regular mail to other parties of record not later than three working days following the filing of a written decision by the examiner.

For purposes of this chapter, "Party of Record" means: (1) the applicant; (2) the property tax payer for the subject property as identified by the records available from the Yakima County assessor's office; (3) the legal owner of the subject property; (4) any person who testified at the open record public hearing on the application; and/or (5) any person who submitted written comments during administrative review (within the required timeframe) or has submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or form letters).

(Ord. 2948 § 1 (part), 1986).

1.43.140 Appeal from examiner's decision.

Appeals from the hearing examiner's decision shall use the procedures outlined in Chapter 16.08 YMC.

1.43.150 Effect of appeal.

The timely filing of an appeal under this chapter shall stay the effective date of the examiner's decision until the appeal is adjudicated by the council or until the appeal is withdrawn. (Ord. 2948 § 1 (part), 1986).

1.43.180 Annual report.

The examiner shall report in writing to and meet with the city planning commission and city council at least annually, if requested, for the purpose of reviewing the administration of the city's land use policies and regulating ordinances. The report shall include a summary of the hearing examiner's decisions since the prior report. (Ord. 2010-22 § 2, 2010: Ord. 2948 § 1 (part), 1986).

Exhibit “C”

2018 Text Amendments – Complete Clean Version Title 16

Chapter 16.08 APPEALS

Sections:

- 16.08.005 Purpose and Applicability
- 16.08.010 Consolidated appeals.
- 16.08.012 Appeals—Where filed.
- 16.08.014 Burden of proof.
- 16.08.015 Definitions
- 16.08.018 Appeal of administrative official’s decision
- 16.08.020 Open record appeals subject to review by hearing examiner.
- 16.08.025 Appeal of the hearing examiner’s decision
- 16.08.030 Closed record appeal subject to review by the city council.
- 16.08.040 Judicial appeals.
- 16.08.050 Effect of appeals.
- 16.08.060 Actions not appealable.

16.08.005 Purpose and Applicability.

The purpose of this chapter is to establish the procedures for appealing decisions made under the provisions of Title 14, Title 15, Title 16, and Chapter 6.88 of the Yakima Municipal Code. The procedures may also be used for any other matter where there is an appeal opportunity and the procedures of such appeal are not specifically outlined elsewhere in this Code.

16.08.010 Consolidated appeals.

A. All appeals of project permit application decisions, other than an appeal of SEPA determination of significance, shall be considered together in a consolidated appeal and shall not be separated from the substantive matters of the application.

B. Appeals of Determinations of Significance under SEPA, Chapter 6.88 YMC, shall proceed as provided in that chapter in an open record hearing. The purpose of this early and separate appeal hearing is to resolve the need for an environmental impact statement (EIS) and to permit administrative and judicial review prior to preparation of an EIS. (Ord. 98-66 § 1 (part), 1998).

16.08.012 Appeals—Where filed.

All appeals authorized under the provisions of Title 14, Title 15, Title 16 and Chapter 6.88 of the Yakima Municipal Code, except judicial appeals, shall be filed with the division. The division shall forward the appeal to the appropriate administrative official, schedule an appeal hearing, provide the required notification, and maintain complete records of all appeal hearings unless otherwise provided for in this chapter.

16.08.014 Burden of proof.

The appellant shall bear the burden to demonstrate at least one of the following:

1. The decision-maker (either the administrative official or hearing examiner) exceeded his or her jurisdiction or authority;
2. The decision-maker failed to follow applicable procedures in reaching the decision;
3. The decision-maker committed an error of law; and/or
4. The findings, conclusions or decision prepared by the decision-maker are not supported by substantial evidence.

16.08.015 Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

“Administrative official” means the duly appointed city of Yakima director of community development.

“Agency” means any municipal corporation, state or federal government or subdivision thereof.

“Aggrieved Person” or “Person Aggrieved” means a person who is directly affected by the approval, denial or conditioning of a permit, or a person who is directly affected by a decision of the administrative official, hearing examiner or city council.

“Appellant” means the person or party appealing a decision made by the administrative official or the hearing examiner.

“Applicant” means a person submitting an application for any permit or approval required by the Yakima Municipal Code Title 14 or Title 15, and who is the owner of the subject property or the authorized agent of the owner.

“Department” or “Division” means the city of Yakima Department of Community Development.

“Legislative Body” means the Yakima city council.

“Officer” means the director of community development or his or her designee.

“Party of Record” means: (1) the applicant; (2) the property tax payer for the subject property as identified by the records available from the Yakima County assessor’s office; (3) the legal owner of the subject property; (4) any person who testified at the open record public hearing on the application; and/or (5) any person who submitted written comments during administrative review (within the required timeframe) or has submitted written comments concerning the application at the open record public hearing (excluding persons who have only signed petitions or form letters).

“Person” means any corporation, company, association, society, firm, partnership, or business, as well as an individual, a state and all political subdivisions of a state, any agency or instrumentality thereof.

“Respondent” means the party against whom an appeal is taken or any party of record responding to an appeal.

“Subject Property” means the real property that is at issue in the original application.

16.08.018 Appeal of the administrative official’s decision.

A. Appeal to the Hearing Examiner. Except as otherwise provided, any aggrieved person, party of record, or agency directly affected by any decision of the administrative official or designee may appeal that decision to the hearing examiner.

B. Appeal. All appeals shall be filed within fourteen days following the mailing of the final decision by the administrative official or designee. Appeals shall be filed with the division. If a final decision does not require mailing, the appeal shall be filed within fourteen days following the issuance of the final decision.

C. Appeals Shall Be in Writing. All appeals shall be in writing on forms provided by the department and shall be accompanied by the required fees; provided, that appeal fees should not be charged to the legislative body or a division of the city. All appeals shall specifically cite the action being appealed, the error(s) or issue(s) to be considered, and explain why the action is not consistent with the provisions of the Yakima urban area comprehensive plan, this title, or other provisions of law. Appeals shall also include a sworn statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant’s signature.

D. Notice. The division shall:

1. Set a reasonable time and place for hearing of the appeal; and

2. Provide a notice of appeal and public hearing to the official whose decision is being appealed and parties entitled to notice of the decision, including posting of property and publishing the notice at least ten days prior to the hearing.

E. Transfer of Record. The officer from whom the appeal is being taken shall forthwith transmit to the hearing examiner all the records pertaining to the decision being appealed, together with such additional written report as he or she deems pertinent.

F. Staff Report. A staff report shall be prepared and transmitted to the hearing examiner, along with the record in accordance with this chapter.

G. Action by the Hearing Examiner. Testimony given during the appeal shall be limited to those points cited in the appeal application. The hearing examiner shall render a written decision on the appeal within ten working days from the conclusion of the hearing, unless a longer period is mutually agreed to by the parties to the appeal and the examiner. The hearing examiner may affirm or reverse, wholly or in part, or modify the order, requirement, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal was taken. The division shall send copies of the hearing examiner's decision to the appellant, the parties of record, and the official whose decision was appealed, not later than three working days following the issuance of the final decision.

H. Decisions by the Hearing Examiner Shall be Final Unless Appealed. Except as otherwise provided, all appeal decisions by the hearing examiner shall be final and conclusive on all parties unless appealed to the legislative body pursuant to this chapter.

16.08.020 Open record appeals subject to review by hearing examiner.

A. The hearing examiner shall hear appeals de novo. An applicant or representative shall be present at the hearing. In the event that the applicant or his or her representative is not present at the time of the hearing, the hearing shall be canceled and rescheduled by the planning division with appropriate public notice given in accordance with this title.

B. Notice of an appeal hearing shall be mailed to parties entitled to notice of the decision, including posting of property and published notice.

C. A staff report shall be prepared, file transmitted to the examiner, and hearing conducted in the manner described in the appropriate ordinance subject of the appeal and Washington State law. The hearing examiner shall have ten working days to issue a decision on the appeal. All decisions of the hearing examiner are subject to appeal to the city council.

D. The applicant or property owner shall remove all land use action signs from the subject property within thirty days from the date of issuance of the final decision or action on the underlying land use application. Any signage which is in good condition shall be returned to the city of Yakima planning division.

16.08.025 Appeal of the hearing examiner's decision.

A. Appeals. The decision of the hearing examiner shall be final and conclusive unless appealed to the legislative body by a person aggrieved, a party of record, or by any agency of the city affected by the hearing examiner's decision in the following manner:

1. The appealing party must file a complete written notice of appeal with the division upon forms prescribed by the department and accompanied by the appeal fee within fourteen days from the date of mailing of the hearing examiner's final decision.

2. The notice of appeal shall specify the claimed error(s) and issue(s) that the legislative body is asked to consider on appeal and shall specifically state all grounds for such appeal. Issues or grounds of appeal that are not so identified need not be considered by the legislative body.

3. The notice of appeal shall include a sworn statement that the appellant has read the appeal and believes the contents to be true, followed by the appellant's signature.

4. The city council shall hear appeals of all decisions of the hearing examiner during a public meeting or a limited hearing for receipt of oral legal argument, unless precluded by law.

B. Appeal Procedures—Notice of Appeal.

1. Notice of Filed Appeal. The planning division shall notify the parties of record and appellant that an appeal has been filed and that copies of the notice of appeal and any written argument or memorandum of authorities accompanying the notice of appeal may be obtained from the division.
2. Content of Notice of Filed Appeal. The notice to parties of record and appellant shall contain the following statements: All parties named in the appeal of the hearing examiner's decision wishing to respond to the appeal may submit a written argument or memorandum to the legislative body within thirty days from the date that the notice is mailed; and any written argument or memorandum shall not include the presentation of new evidence and shall be based only upon the facts presented to the examiner.

C. Submittal of Written Argument or Memorandum.

1. The named parties to the hearing examiner's decision may file with the division a written argument or memorandum of authority within thirty days of the date of mailing of the notice of a filed appeal.
2. Rebuttal to Written Argument and Memorandum. Upon completion of the thirty day submittal period for submission of any written argument and memorandum, the parties named in the appeal of the hearing examiner's decision, at their expense, may obtain copies of any such submissions, and shall be provided a fifteen day rebuttal period which starts on the thirty-first day from the date of mailing of the notice of the filed appeal.
3. Extension of Time for Written Argument and Memoranda.
 - a. No written argument or memorandum of authorities may be thereafter submitted except by the legislative body's approval of a written request for an extension for cause. Requests for extension must be made no later than the last date the memoranda would otherwise be due.
 - b. The legislative body may grant further extensions on a finding by the legislative body of the existence of extenuating circumstances which warrant such extension(s).
 - c. Upon granting an extension, a notice of extension shall be given to all parties of record, and the notice shall include the statement that: "Written arguments and memoranda shall not include the presentation of any new evidence and shall be based only on the facts presented to the examiner."

D. Transfer of Record to Legislative Body. When a timely appeal has been filed and the deadline for receipt of written memoranda and arguments and all extensions have passed, the division shall deliver to the legislative body a copy of the examiner's decision, the evidence presented to the examiner, a recording of the hearing before the examiner, and any written argument or memorandum of authority which the division has received.

E. An appeal shall be dismissed by the city council if:

1. It is filed by a person without standing to appeal;
2. The city council does not have jurisdiction to hear the appeal;
3. It is not timely filed;
4. The appeal fees are not timely paid; and/or
5. It is not filed in accordance with the procedures set forth in these rules.

All motions to dismiss a defective appeal shall be filed within fifteen (15) calendar days from the filing date of the appeal.

16.08.030 Closed record appeal subject to review by the city council.

A. Setting the Hearing Date and Notice of the Appeal.

1. Hearing Date. When the record and the examiner's decisions have been transmitted to the legislative body, the clerk of the legislative body shall schedule a date for a closed record appeal by

the legislative body at which time the legislative body shall consider the appeal. The date of the appeal should not be later than twenty days following the date the legislative body receives the information from the division, unless a different date is agreed upon by the city and the parties to the appeal.

2. Public Notice. The clerk of the legislative body shall mail written notice to the appellant, all parties named in the appeal of the hearing examiner's decision, all parties of record and the examiner to apprise them of the meeting date before the legislative body.

B. Hearing Must Be Open to the Public. The city council shall hear appeals of all decisions by the hearing examiner during a public meeting or a limited hearing for receipt of oral legal argument.

C. A complete appeal application must be submitted prior to the scheduling of the council meeting or limited hearing.

D. The closed record appeal shall be on the record before the city council, and no new evidence shall be presented. The city council may, however, choose to do a site visit as part of its review. The record shall include all materials received in evidence at any previous stage of the review, audio/visual tapes of the prior hearing(s), the final order being appealed, and argument by the parties at the examiner's hearing.

E. The appellants and any respondents to the appeal shall have the opportunity to present oral and written argument. Oral argument shall be confined to the prior established hearing examiner record and to any alleged errors in the decision. Participation in the closed record hearing is limited to the city, including all staff, the applicant for the proposal subject to appeal, and those persons or entities which have timely and properly filed complete written appeal statements (either as appellants or respondents).

F. Following the closed record appeal hearing, the city council may affirm the decision of the examiner, remand the matter back to the hearing examiner with appropriate directions, or may reverse or modify the hearing examiner decision. If the council determines there is no error in the examiner's decision, it may adopt the findings of the examiner and accept the decision of the hearing examiner. If the city council renders a decision different from the decision of the examiner, the city council shall adopt amended findings and conclusions accordingly.

16.08.040 Judicial appeals.

The city's final decision shall be final and conclusive unless appealed by a party of record with standing to file a land use petition in Yakima County superior court. Such petition must be filed within twenty-one days of issuance of the decision, and the proceeding shall follow the requirements as provided in Chapter 36.70C RCW.

16.08.050 Effect of appeals.

Filing of an appeal stays all actions of the administrative official or designee on pending applications for development permits associated with the action or decision being appealed. The filing of an appeal shall not stay the effectiveness or effective date of any enforcement action or decision for violation of this title including cancellations and revocations of permits or approvals.

16.08.060 Actions not appealable.

A. Generally. Only final actions or decisions of an administrative official or other official may be appealed under this chapter.

B. Procedural Rulings. Interim procedural or other rulings during or as part of a review or decision making process by an administrative or other official under this title are not appealable except as part of the final decision or action.

C. Enforcement Actions. No enforcement action for violation of Title 15 Yakima Municipal Code is appealable except as expressly provided in YMC Chapter 15.25. No decision or action for issuance of a warning citation or criminal citation by the administrative official or other proper legal authority is appealable under this chapter, nor shall any appeal under this chapter be taken of any law enforcement action commenced by any party in a court of law.