

ORDINANCE NO. 2015-

AN ORDINANCE relating to the regulation of land use and development in the City of Yakima and amending the following sections of Title 15 of the City of Yakima Municipal Code: 15.02.020.

WHEREAS, the Planning Commission of the City of Yakima has considered certain amendments to Title 15 of the Yakima Municipal Code pertaining to regulation of land use and development in the City of Yakima; and

WHEREAS, the Planning Commission has held an open record public hearing on October 14, 2015, pursuant to notice, and has received and considered all evidence and testimony presented; and

WHEREAS, the Planning Commission, having conducted such public hearing, found, determined and recommended that the City Council approve such amendments; and

WHEREAS, the City Council has held a open record hearing on December 1, 2015, 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 and the recommendation from the Planning Commission, hereby finds and determines that approval of such amendments is in the best interests of residents of the City of Yakima and will promote the general health, safety and welfare; therefore

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Section 15.02.020 of the City of Yakima Municipal Code is hereby amended to read as follows:

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 Yakima County planning official or the city of Yakima director of community and economic development, whichever is appropriate, or their designee.

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 <http://www.yakimawa.gov/> 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.”

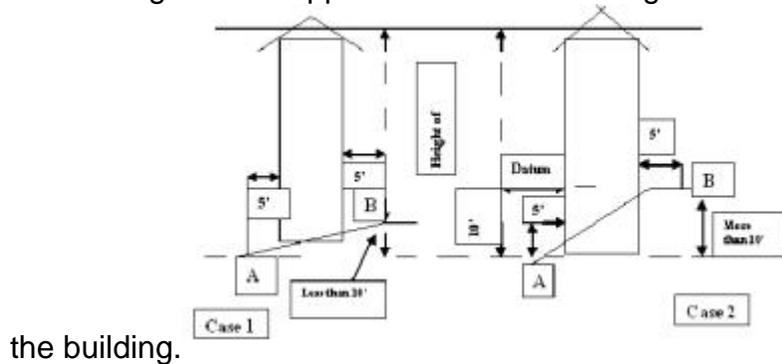
“Building area” means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks and building coverage.

“Building code” means the building code and related codes as amended and adopted by Yakima County/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



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.

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

“Certificate of zoning review” means that certificate issued by the appropriate administrative official stating that the proposed use of the structure or land conforms to the provisions of this title.

“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 11:00 p.m. and 8:00 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 county/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 either the Yakima County planning division or the city of Yakima department of community and economic 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 certificate of zoning review 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.

“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.

“ 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 RCW 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
Stationary 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 and board of county commissioners.

“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 ~~an occupation conducted away from the home~~ 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, ~~and~~-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.

“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.

“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 board of Yakima County commissioners or the Yakima city council, whichever is appropriate.

“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 (YCC Title 14) or the city of Yakima’s subdivision ordinance (YMC Title 14).

“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.)

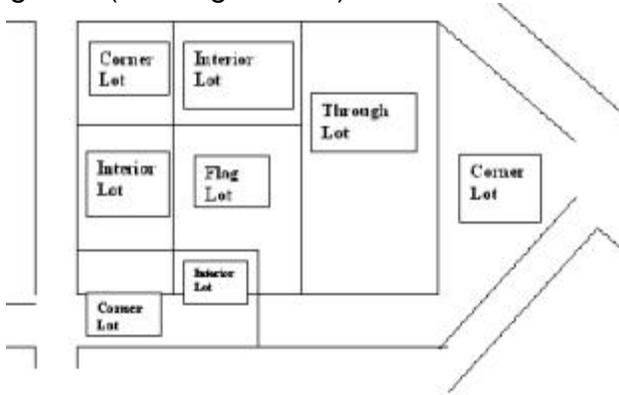


Figure 2-2

“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.)

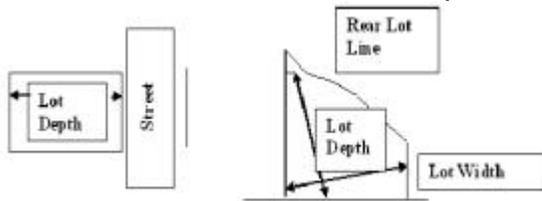


Figure 2-3

“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.)

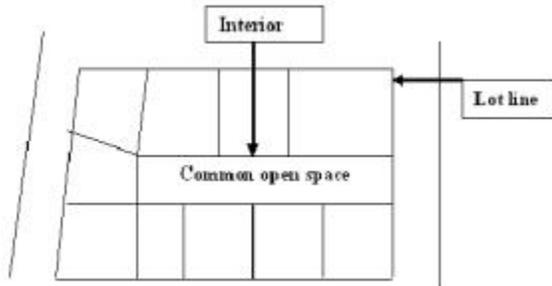
“Lot, inside or interior” means a lot other than a corner lot. (See Figure 2-2.)

“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.)



“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/county.

“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.

“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 Ch. 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 the applicant and any other person who has submitted written comment on any action or proposed action, or who has appeared at a public hearing or public meeting and signed an official register requesting notice of further action.

“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 Yakima County planning division or the department of community and economic development of the city of Yakima, whichever is appropriate.

“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 Ch. 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. (Ord. 2014-030 § 1, 2014; Ord. 2013-045 § 1, 2013; Ord. 2011-52 § 1, 2011; Ord. 2011-12 § 1, 2011; Ord. 2010-16 § 1, 2010; Ord. 2008-46 § 1 (part), 2008; Ord. 2005-81 § 1, 2005; Ord. 2002-53 §§ 1, 2, 2002; Ord. 98-60 § 1, 1998; Ord. 98-59 § 1, 1998; Ord. 95-36 § 1, 1995; Ord. 93-81 §§ 1—14, 1993; Ord. 3106 §§ 1—5, 1988; Ord. 3019 §§ 1—10, 1987; Ord. 2947 § 1 (part), 1986).

Section 2. Section 15.04.030 of the City of Yakima Municipal Code is hereby amended to read as follows:

15.04.030 Table of 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.

Table 4-1 Permitted Land Uses

	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
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				

Table 4-1 Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
<u>Childrens Outdoor Recreation Center* (More than 500 ft. from abutting residential and not containing a go-cart track)</u>											<u>2</u>				
<u>Childrens Outdoor Recreation Center* (Less than 500 ft. from abutting residential and/or containing a go-cart track)</u>											<u>3</u>				
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		
Golf Courses, Clubhouses, Golf Driving Ranges	3	3	3	3											
Miniature Golf Courses						3		3	1		1	1	1		
Movie Theatres, Auditoriums, Exhibition Halls								3	1		1	1	1		
Parks (*)	2	2	2	2	2	2	2	2	2		2	2	1	2	2
Roller Skating or Ice Skating Rink									2		2	1	1	2	
Sports Facility (indoor)								2	2		1	2	1	2	
Social Card Rooms (See YMC 15.09.090) (*)								3	3		3	3			
State Fair Park	(See YMC 15.04.200)														
COMMUNITY SERVICES															
Cemetery/Crematorium with Funeral Home	3	3	3	3	3									3	
Funeral Home not associated with Cemetery/Crematorium	3				2	2		2	1		1	1	2	2	
Churches, Synagogues, and Temples (*)	2	2	2	2	2	2		2	2		1	1	2	2	
Community Center (*) Meeting Halls, Fraternal Organizations	2	2	2	2	2	2	2	2	2		1	1	2		

Table 4-1 Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Community Gardens (*) (if accessory to an approved principal use) (See YMC 15.04.060(G))	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Community Gardens (*) (with planting area of one-quarter acre or less)	1	1	1	1	1	1		1	1	1	1	1		1	
Community Gardens (*) (with planting area of more than one-quarter and up to one-half acre)	2	2	2	2	2	2		2	2	2	1	2		2	
Community Gardens (*) (with planting area of more than one-half acre up to one acre)	2	2	2	2	2	2		2	2	2	2	2		2	
Daycare Facilities (not home occupation): Family In-Home (*)	1	2	2	2	2	2	2	2	1		1	1			
Daycare Center (*)	2	2	2	2	1	1	2	1	1		1	1	2	1	
Public Facility (*)	3	3	3	3	2	2		2	2	1	1	1	1	1	1
Hospital (*) Outside Institutional Overlay	3	3	3	3	3						3	3		3	
Correctional Facilities	3										3	3	3	3	3
Libraries	3	3	3	2	1	2	1	1	1		1	1	1		
Museums, Art Galleries		3	3	2	1	2	1	1	1	1	1	1	1		
Schools															
Elementary and Middle	3	3	3	3	3	3					1	3			
Senior High School	3	3	3	3	3	3					3	3			
Business Schools (*)	3	3	3	3	3	3		2	2	1	1	1	2	2	
Community College/University— Inside Institutional Overlay	(See YMC Chapter 15.30)														
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															

Table 4-1 Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
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			
MANUFACTURING															
Agricultural Product Support											2	2	2	1	1
Aircraft Parts										1				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													3	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			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

Table 4-1 Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Engineering, Medical, Optical, Dental, Scientific Instruments and Product Assembly										1		2		1	1
Fabricated Structural Metal Products										2	3	3		1	1
Food Processing												2	3	1	1
Furniture										2		3	2	1	1
Glass, Pottery, and Related Products and Assembly											2	2	2	1	1
Grain Mill Products											3			1	1
Heating Apparatus Wood Stoves														1	1
Leather Products												3	1	1	1
Leather Tanning and Finishing														1	1
Machinery and Equipment										1	2			1	1
Meat, Poultry and Dairy Products														1	1
Paints, Varnishes, Lacquers, Enamels and Allied Products														3	1
Paperboard Containers and Boxes										1	3			1	1
Plastic Products and Assembly										1	2			1	1
Prefabricated Structural Wood Products and Containers										1				1	1
Printing, Publishing and Binding										1	3		2	1	1
Printing Trade (service industries)						2		2	2		1	1	2	1	
Recycling Processing Center (*)												3		1	
Rendering Plants, Slaughter Houses															3
Rubber Products										1				2	1
Sign Manufacturing and Product Assembly (*)									2	1	1			1	1
Sawmills and Planing Mills														2	1
Sheet Metal and Welding Shops											2			1	1

Table 4-1 Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Stone Products (includes finishing of monuments for retail sale)						2				1	2	2	3	1	1
Transportation Equipment, Including Trailers and Campers														1	1
Woodworking: Cabinets, Shelves, etc.									3	1	2		2	1	1
MINING/REFINING/OFF-SITE HAZARDOUS WASTE TREATMENT															
Asphalt Paving and Roofing Materials, Rock Crushing	3													3	1
Mining Including Sand and Gravel Pits (*)	3													3	3
Stockpiling of Earthen Materials (*)	2	2	2	2	1	1	1	1	1	1	1	1		1	1
Off-Site Hazardous Waste Treatment and Storage Facilities (*)														3	3
RESIDENTIAL															
Accessory Uses (*)	See YMC 15.04.060														
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													
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		

Table 4-1 Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-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
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	

Table 4-1 Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Butcher Shop						1		1	1		1	2	2	1	
Commercial Services (*)					2	1	2	1	1		1	1	1	2	
Communication Towers (*)	See YMC 15.04.180														
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 Daycare/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
Massage Therapy/Spa (*)					1	1	1	1	1	1	1	1	1		

Table 4-1 Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
Motels and Hotels								2	1	1	1	1	1		
<u>Mobile Vendor</u>	<u>See YMC Ch. 5.57</u>														
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	2 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

Table 4-1 Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
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
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
* Refers to a definition in YMC Chapter 15.02.															

Table 4-1 Permitted Land Uses

	SR	R-1	R-2	R-3	B-1	B-2	HB	SCC	LCC	AS	GC	CBD	RD	M-1	M-2
<p>χ = Not Permitted 1 = Class (1) Permitted Use 2 = Class (2) Requires an Administrative Review by the Administrative Official 3 = Class (3) Requires a Public Hearing by the Hearing Examiner</p>															

(Ord. 2014-030 § 2, 2014; Ord. 2012-34 § 1, 2012; Ord. 2011-52 § 3, 2011; Ord. 2011-12 § 2, 2011; Ord. 2010-16 § 2, 2010; Ord. 2008-46 § 1 (part), 2008; Ord. 2005-81 § 2, 2005; Ord. 2002-53 § 3, 2002; Ord. 2001-04 § 6 (Att. B), 2001; Ord. 98-61 § 2, 1998; Ord. 98-59 § 2, 1998; Ord. 95-36 § 2, 1995; Ord. 95-13 §§ 3, 4, 1995; Ord. 93-81 § 16, 1993; Ord. 3016 § 6, 1988; Ord. 3019 § 13, 1987; Ord. 2497 § 1 (part), 1986).

Section 3. Section 15.04.060 of the City of Yakima Municipal Code is hereby amended to read as follows:

15.04.060 Accessory uses.

A. Generally. An accessory use is a use customarily incidental and subordinate to the principal use of a structure or site. Accessory uses are permitted upon compliance with the terms and provisions of this title. They must be clearly secondary to, supportive of, and compatible with the principal use(s) and consistent with the purpose and intent of the zoning district. The land use classification and review requirements of an accessory use shall be the same as that of the principal use(s), unless otherwise specified.

B. On-site hazardous waste treatment and storage is permitted as an accessory use in the SR, B-1, B-2, HB, LCC, CBD, GC, M-1 and M-2 districts, subject to the state siting criteria in the Washington Administrative Code adopted pursuant to the requirements of RCW Chapter 70.105.

C. Garages. Private garages are permitted as an accessory use; provided, that in residential districts they are primarily used to store motor vehicles by the occupants of the residence.

D. Pets. The keeping of pets is permitted as an accessory use; provided, that in residential districts they are subject to the following restrictions (see definitions of “kennel” and “animal husbandry”):

1. They are domesticated animals kept for pleasure or as a hobby rather than utility, including, but not limited to, fish; birds; dogs, four; cats, six; hen chickens (no roosters), fewer than five; and rabbits, fewer than five;
2. Their presence does not create undue noise or odors such as would create a nuisance or diminish the residential nature of the neighborhood;
3. Such animals are properly fed, watered and kept in a humane manner;
4. Any chicken coops, chicken tractors, or rabbit hutches shall be set back ten or more feet from any residence or property line, and five feet from other structures including decks;
5. Hen houses, coops, hutches, and chicken tractors shall be restricted to the backyard area of a residential lot;

6. For chickens and rabbits, adequate fencing shall be installed to contain the animals within the backyard;

7. The other provisions of the YMC for animals are followed.

E. Agricultural Buildings. Where permitted, an agricultural building shall not be used for human habitation, processing, treating or packaging of agricultural products, nor shall it be a place used by the public.

F. Cargo Containers.

1. Not Permitted. Cargo containers shall not be used for storage or other use within the residential, B-1, or B-2 zoning districts for more than two consecutive weeks at a time.

2. Permitted. Cargo containers and/or semi-truck trailers are allowed as an accessory use to a permitted business in the SCC, LCC, AS, GC, RD, M-1 and M-2 zoning districts.

a. Provided, all refrigerated cargo containers or semi-truck trailers that are not located within a designated loading dock or loading bay shall be located no less than fifty feet from any existing residential zoning district.

G. Community Gardens. Community gardens (accessory to an approved principal use) are considered an accessory use to a principal use in all zoning districts; provided, the garden is clearly secondary to, supportive of, and compatible with the principal use with regard to size and use. The land use classification and review requirements of an accessory community garden shall follow the Type (1) review requirements of YMC 15.13, and shall otherwise comply with all other provisions of the Yakima Municipal Code, and International Fire and Building Codes. (Ord. 2014-030 § 3, 2014; Ord. 2011-52 § 4, 2011; Ord. 2010-16 § 4, 2010; Ord. 2008-46 § 1 (part), 2008; Ord. 93-81 § 17, 1993; Ord. 3106 § 7, 1988; Ord. 2947 § 1 (part), 1986. Formerly 15.04.050).

Section 4. Section 15.04.120 of the City of Yakima Municipal Code is hereby amended to read as follows:

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 "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 instruction* 1—5 students	1	1	1	1	1
6—8 students	2	2	2	2	2

Table 4-2. Table of Permitted Home Occupations

	Zoning District				
	SR	R-1	R-2	R-3	B-1
<u>Home Contractor*</u>	<u>1</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>1</u>
Insurance agent	1	1	1	1	
Locksmith	1	2	2	1	1
Photographer (not including productions studio)	1	2	2	2	
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				
Wedding service	2	2	2	2	2
Unclassified home occupation	See YMC 15.04.120(F)				
<p>NOTES:</p> <p>* Refers to definition in YMC Chapter 15.02</p> <p>1 = Type (1) Permitted Home Occupation</p> <p>2 = Type (2) Review and Approval by the Administrative Official Required</p> <p>3 = Type (3) Review Public Hearing and Approval by the Hearing Examiner Required</p>					

Table 4-2. Table of Permitted Home Occupations

	Zoning District				
	SR	R-1	R-2	R-3	B-1
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.

D.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.

E.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.

F.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.

G.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.

H.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.

I.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. (Ord. 2008-46 § 1 (part), 2008: Ord. 93-81 § 19, 1993: Ord. 3245 § 6, 1990; Ord. 3019 §§ 15—17, 1987; Ord. 2947 § 1 (part), 1986. Formerly 15.04.090).

Section 5. Section 15.27.407 of the City of Yakima Municipal Code is hereby amended to read as follows:

15.27.407 General standards.

The following regulations shall apply in all special flood hazard areas pursuant to the IBC, ASCE-24, and HUD 24 CFR Part 3280:

A. Anchoring and Construction Techniques. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (For additional information please refer to guidebook, FEMA-85) Anchoring shall meet the specifications set forth below for structures located within one hundred feet of a floodway or the ordinary high water mark if no floodway has been established.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during the conditions of flooding.

C. All new construction and any improvements or additions to existing floodproofed structures that would extend beyond the existing floodproofing located within one hundred feet of the floodway or one hundred feet of the ordinary high water mark if no floodway has been established shall be elevated to a height equal to or greater than the base flood, using zero-rise methods such as piers, posts, columns, or other methodology, unless it can be demonstrated that non-zero-rise construction methods will not impede the movement of floodwater or displace a significant volume of water. The size and spacing of any support devices used to achieve elevation shall be designed to penetrate bearing soil, and be sufficiently anchored, as specified above in subsections A and B of this section.

D. Except where otherwise authorized, all new construction and substantial improvements to existing structures shall require certification by a registered professional

engineer, architect or surveyor that the design and construction standards are in accordance with adopted floodproofing techniques.

E. Utilities.

a. All new and replacement water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and on-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

b. Water wells shall be located on high ground that is not in the floodway.

F. Subdivision Proposals. Subdivision proposals shall:

a. Be consistent with the need to minimize flood damage;

b. Have roadways, public utilities and other facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. Have adequate drainage provided to reduce exposure to flood damage;

d. Include base flood elevation data; and

e. In the cases where base flood elevation is not available and the subdivision is greater than five acres or fifty lots, a step-back water analysis shall be required to generate the base flood elevation data.

G. Watercourse Alterations. The flood-carrying capacity within altered or relocated portions of any watercourse shall be maintained. Prior to the approval of any alteration or relocation of a watercourse in riverine situations, the department shall notify adjacent communities, the Department of Ecology and FEMA of the proposed development. (Ord. 2009-42 § 4, 2009: Ord. 2008-46 § 1 (part), 2008).

Section 6. Section 15.27.200 of the City of Yakima Municipal Code is hereby amended to read as follows:

15.27.200 Definitions generally.

Definitions listed in Part Two of this chapter shall be applied to the regulation, review, and administration of all critical areas, including flood hazard areas, unless the definition itself identifies the term as applying to flood hazard administration, in which case the definition only applies to that situation.

“Abutting” means bordering upon, to touch upon, or in physical contact with. Sites are considered abutting even though the area of contact may be only a point.

“Adjacent” means to be nearby and not necessarily abutting.

“Alluvial fan” is a low, outspread, relatively flat to gently sloping feature, shaped like an open fan or a segment of a cone, deposited by a stream at the place where it issues from a valley upon a plain or broad valley; where a tributary stream is near or at its junction with the main stream; or wherever a constriction in a valley abruptly ceases or the gradient of the stream suddenly decreases. It is steepest near the mouth of the valley where its

apex points upstream and it slopes gently and convexly outward with gradually decreasing gradient.

“Applicant” means a person, party, firm, corporation, or other legal entity that proposes development, construction, or use on a parcel of property.

“Aquifer” means a saturated geologic formation, which will yield a sufficient quantity of water to serve as a private or public water supply.

“Bank” means the land surface above the ordinary high water mark that abuts a body of water and contains it to the bankfull depth.

“Bankfull depth” means the average vertical distance between the channel bed and the estimated water surface elevation required to completely fill the channel to a point above which water would enter the floodplain or intersect a terrace or hillslope. In cases where multiple channels exist, the bankfull depth is the average depth of all channels along the cross-section.

“Base flood,” for purposes of administering Part Four, means the flood having a one percent chance of being equaled or exceeded in any given year. (See IBC Section 1612.2.)

“Base flood elevation,” for purposes of administering Part Four, means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum, North American Vertical Datum, or other datum specified on the Flood Insurance Rate Map. (See IBC Section 1612.2.)

“Basement,” for purposes of administering Part Four, means any area of the building having its floor subgrade (below ground level) on all sides. (See IBC Section 1612.2.)

“Bed” means the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, stormwater run-off devices, or other artificial watercourses except where they exist in a natural watercourse that may have been altered by unnatural means.

“Bedrock” means the solid rock underlying unconsolidated surface materials.

“Berm” means a mound or wall of earth material used as a protective barrier or to control the direction of water flow.

“Best management practices” or “BMPs” means schedules of activities, practices, maintenance procedures, and structural and/or managerial practices that, when used singly or in a combination, prevent or reduce adverse impacts to the environment.

“Bioengineering” means project designs or construction methods, which use live woody vegetation or a combination of live woody vegetation and specially developed natural or synthetic materials to establish a complex root grid within the existing bank which is resistant to erosion, provides bank stability, and maintains a healthy riparian environment with habitat features important to fish life. Use of wood structures or limited use of clean angular rock may be allowable to provide stability for the establishment of vegetation.

“Breakwater” means a fixed or floating off-shore structure that protects the shore from the forces of waves or currents.

“Bulkhead” means a vertical or nearly vertical erosion protection structure placed parallel to the shore consisting of concrete, timber, steel, rock, or other permanent material not readily subject to erosion.

“Building official” means the manager of the code administration and planning division or a designee.

“Channel” means an open conduit, either naturally or artificially created, which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.

“Classification” means value and hazard categories to which critical areas and natural resource lands will be assigned.

“Clearing” means the removal of timber, brush, grass, ground cover or other vegetative matter from a parcel of land.

“Compaction” means compressing soil or other material through some mechanical means to make it denser.

“Construction” means the assembly, placement, or installation of structures, roadways, transmission lines, and other improvements within a parcel of land.

“Construction materials,” for the purpose of Part Four, means all new construction and substantial improvements shall be constructed with material and utility equipment resistant to flood damage. See Technical Bulletin 2-93 for qualifying materials. (FEMA Section 60.3(a)(3)(ii))

“Construction methods,” for the purpose of Part Four, means all new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

“Critical aquifer recharge area” means an area with a critical recharging effect on an aquifer(s) used for potable water or areas where a drinking water aquifer is vulnerable to contamination that would affect the potability of the water.

“Designated” means formal legislative action to identify and describe a critical area.

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

“Development” means the division of land into lots or parcels in accordance with the city’s subdivision ordinance (YMC Title 14), and any clearing, excavation, dredging, drilling, filling, dumping, removal of earth and mineral materials, or other permanent or temporary modification of a parcel of land up to, but not including, “construction” as defined in this chapter. For the purpose of YMC 15.27.400 through 15.27.436, “development” also means any manmade change to improved or unimproved real estate located within a special flood hazard area, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling, temporary or permanent storage of equipment or material and “works” as defined in this chapter. (See IBC Section G 201.2)

“Dike” means an embankment to prevent flooding by a stream or other water body. A dike is also referred to as a levee.

“Dock” means a structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses.

“Dredging” means removal of earth from the bed of a stream, lake, or pond for the purpose of increasing the depth of surface water or obtaining minerals, construction aggregate, or landfill materials. This definition does not include excavation for mining within a pond created by a mining operation approved under this chapter or under a local zoning ordinance, or a mining operation in existence before zoning, shorelines, or critical areas permits were required for such operations.

“Earth material” means any rock, natural soil, organic material or combination thereof.

“Enhance” means to strengthen any of the basic functional properties listed in YMC 15.27.504 that exist but do not perform at optimum efficiency. “Optimum” refers to the most favorable or best performance of each function achievable for a specific segment of stream corridor.

“Ephemeral stream” means a stream that flows only in response to precipitation with no groundwater association, usually thirty days or less per year. The lack of any groundwater association results in a lack of distinctive riparian vegetation compared to the surrounding landscape.

“Erosion” means the wearing away of the earth’s surface as a result of the movement of wind, water, or ice.

“Excavation” means the mechanical removal of earth material.

“Fill” means the addition of any material, such as (by way of illustration) earth, clay, sand, rock, gravel, concrete rubble, rubble, wood chips, bark, or waste of any kind, which is placed, stored or dumped upon the surface of the ground resulting in an increase in the natural surface elevation. The physical structure of a shore stabilization structure shall not be considered fill. However, fill placed behind the structure is considered fill. Stream bed manipulation for irrigation diversions shall not be considered fill.

“Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source.

“Flood hazard permit” means written approval applied for and obtained in accordance with such rules and regulations as are established under this chapter.

“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood insurance study” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

“Floodplain” means a land area adjoining a river, stream, watercourse or lake which has been determined likely to flood. The extent of the floodplain may vary with the frequency of flooding being considered as per FEMA FIRM maps. “Floodplain” is synonymous with the one-hundred-year floodplain and means that land area is susceptible to inundation with a one percent chance of being equaled or exceeded in any given year.

“Flood-prone” means a land area for which a floodway and floodplain has not been determined with respect to any specific flood frequency, but for which the potential for flooding can be identified by information observable in the field, such as soils or geological evidence, or by materials such as flood studies, topographic surveys, photographic evidence or other data.

“Floodproofing,” for purposes of administering Part Four, means any combination of structural and nonstructural changes or adjustments to structures, which reduce or lessen flood damages to lands, water or wastewater treatment facilities, structures and contents of buildings.

“Floodway” means the regular channel of a river, stream, or other watercourse, plus the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Floodway fringe,” for purposes of administering Part Four, means that portion of a floodplain which is inundated by floodwaters but is not within a defined floodway. Floodway fringes serve as temporary storage for floodwaters.

“Grade” means the vertical location of the ground surface.

“Grade, existing” is the current grade in either its undisturbed, natural condition or as disturbed by some previous modification.

“Grade, finish” is the final grade of the site which conforms to an approved plan.

“Grade, natural” is the grade as it exists or may have existed in its original undisturbed condition.

“Grade, rough” is a stage where grade conforms approximately to an approved plan.

“Grading” means any excavation, filling, or combination thereof.

“Groundwater” means water that occurs beneath the land surface, also called subsurface water or subterranean water. Groundwater includes water in the zone of saturation of a water-bearing formation.

“Hydrologically related critical areas (HRCA)” include all those areas identified in YMC 15.27.502, which are important and deserving of protection by nature of their value for the functional properties found in YMC 15.27.504.

“Hyporheic” means a groundwater area adjacent to and below channels where water is exchanged with channel water and water movement is mainly in the downstream direction.

“Intermittent stream” means a stream which flows only during certain times of the year, with inputs from precipitation and groundwater, but usually more than thirty days per year. Groundwater association generally produces an identifiable riparian area. This definition does not include streams that are intermittent because of irrigation diversion or other manmade diversions of the water.

“Lake” or “pond” means an inland body of standing water. The term can include the reservoir or expanded part of a river behind a dam.

“Lowest floor,” for purposes of administering Part Four, means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

“Manufactured home” means a structure fabricated on a permanent chassis that is transportable in one or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities and is used for human occupancy as a residential dwelling. The term “manufactured home” shall include “mobile home” for regulatory purposes under this chapter. The term shall not include “recreation vehicle,” “commercial coach,” “camping vehicle,” “travel trailer,” “park trailer,” “tip-out,” and any other similar vehicle, which is not intended, designed, constructed, or used as a single-family dwelling.

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale pursuant to this title.

“Manufactured home park or subdivision, existing” means a manufactured home park or subdivision that was completed before December 15, 1981, the effective date of the floodplain management regulations.

“Minerals” mean gravel, sand, and metallic and nonmetallic substances of commercial value.

“Mining” means the removal of naturally occurring minerals and materials from the earth for commercial value. Mining includes processing and batching. Mining does not include large excavations for structures, foundations, parking areas, etc. (See YMC 15.27.518.)

“Minor revision” includes minor changes in facility orientation or location, minor changes in structural design that do not change the height or increase ground floor area, and minor accessory structures (such as equipment covers or small sheds near the main structure, etc.).

“Native” means indigenous to or originating naturally within the city of Yakima and surrounding areas.

“Natural conditions” mean those conditions which arise from or are found in nature and not modified by human intervention.

“New construction,” for purposes of administering Part Four of this chapter, means ~~the start of construction after construction plans were submitted to the city and the building division reviewed and approved the construction plans to create a structure. structures for which the “start of construction” commenced on or after the effective date of this ordinance.~~

“Nonconforming structure,” for purposes of administering Part Four of this chapter, means a structure which was lawful prior to the adoption or amendment of this chapter, but which fails by reason of such adoption or amendment to conform to the present requirements of the zoning district in which it is located. In addition, the structure may not be permitted as a new structure under the terms of this chapter because the structure may not be in conformance with the applicable elevation and/or floodproofing requirements.

“Nonconforming use,” for purposes of administering Part Four of this chapter, means a use of land or structure which was lawfully established and maintained prior to the adoption or amendment of this chapter, but does not conform to this chapter for the zoning district in which it is located. In addition, the use may not be permitted as a new use under the terms of this chapter because the use may not be in conformance with the applicable elevation and/or floodproofing requirements.

“Normal appurtenances” include: garages, decks, driveways, utilities, fences, and grading, which do not exceed two hundred fifty cubic yards.

“Normal repair” means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction.

“Ordinary high water mark” means a mark on lakes and streams which can be found by examining the bed and banks and ascertaining where the presence and action of waters are common and usual, and so long continued in ordinary years as to create a character mark upon the soil distinct from that of the abutting upland.

“Perennial stream” means a stream that flows year-round in normal water years.

“Project site” means that portion of any lot, parcel, tract, or combination thereof which encompasses all phases of the total development proposal.

“Qualified professional” means a person with experience, training, expertise, and related work experience appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4). The professional shall provide their qualifications to the administrative official to ensure the professional has the acceptable level of qualifications and experience for the relevant critical area they will be working in.

“Recreation vehicle” means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily for temporary living quarters used during recreational, camping, travel, or seasonal conditions.

“Restore” means to re-establish the basic functional properties listed in YMC 15.27.504 that have been lost or destroyed through natural events or human activity with measures such as revegetation and removal or treatment of toxic materials.

“Restoration” does not imply a requirement for returning the site to aboriginal or pre-European settlement conditions; but rather the return of a critical area with vegetation and addressing of any toxic materials from the date of the permit.

“Revetment” means a facing placed on a bank or bluff to protect a slope, embankment, or shore structure against erosion by wave action or currents.

“Riparian vegetation” means the terrestrial vegetation that grows beside rivers, streams, and other freshwater bodies and that depends on these water sources for soil moisture greater than would otherwise be available from local precipitation.

“Riprap” means a layer, facing, or protective mound of rubble or stones randomly placed to prevent erosion, scour, or sloughing of a structure or embankment; also the stone used for this purpose.

“Scour” means the removal of underwater material by waves and currents, especially at the base or toe of a shore stabilization structure.

“Shoreline,” as used in this chapter, means those water areas, the associated features, and the land areas that are subject to the State Shoreline Management Act, as defined in RCW 90.58.030 and the city of Yakima’s current shoreline master program (definitions).

“Shore stabilization” means the construction or modification of bulkheads, retaining walls, dikes, levies, riprap, breakwaters, jetties, groins, weirs, and other structures along the shore, for the purpose of controlling stream undercutting, stream erosion or lake shore erosion.

“Single-family residence” means a detached dwelling designed for and occupied by one family, including those structures and developments which are a normal appurtenance.

“Slope” means an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

“Solid waste” means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, wood waste, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities.

“Special flood hazard area” means the land in the floodplain identified by the Federal Emergency Management Agency that is subject to a one percent or greater chance of flooding in any given year, commonly known as the one-hundred-year floodplain.

“Start of construction,” for purposes of administering Part Four, means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings or land preparation, such as clearing, grading and filling, the installation of streets or walkways, excavation for a basement, footings, piers or foundations, or the erection of temporary forms. includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of pipes, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways’ nor does it include the excavation for a basement, footings, piers or foundations or the erection of temporary accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Stream” means water contained within a channel either perennial, intermittent, or ephemeral. Streams include both natural watercourses and those modified by man (example: stream flow manipulation, channelization, and relocation of the channel). They do not include irrigation ditches, wasteways, drains, outfalls, operational spillways, canals, stormwater runoff facilities, or other artificial watercourses except those that are located within existing wetland or streams.

“Stream corridor,” as used in this chapter, means features listed and described in YMC 15.27.502.

“Structure” means anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, but not including fences or walls used as fences less than six feet in height, and including gas or liquid storage tanks when located aboveground.

“Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement,” for purposes of administering Part Four, means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:

1. Before the improvement or repair is started; or
2. Before the damage occurred to a structure.

For the purposes of this definition, “substantial improvement” occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The total value of all improvements to an individual structure undertaken subsequent to March 4, 1986, the effective date of this title, shall be used to define “substantial improvement” for said structure. The term does not, however, include either:

1. Any project for improvement to a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Use. See “use” as defined in YMC Chapter 15.02.

“Utility equipment,” for the purposes of Part Four, means all electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

“Vegetative buffer” or “buffer” means an area extending landward from the ordinary high water mark of a lake or stream and/or from the edge of a wetland which is maintained or otherwise allowed to provide support for the performance of the basic functional properties of a stream corridor, wetland and other hydrologically related critical areas as set forth in YMC 15.27.504 and 15.27.603.

“Wetland” means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

“Wildlife” means all species of the animal kingdom whose members exist in Washington in a wild state, which includes, but is not limited to, any mammal, bird, reptile, amphibian, fish, or invertebrate, at any stage of development.

“Wildlife habitat” means an area of climate, soils, vegetation, relationship to water, location and/or other physical properties which are identified as having a critical importance to the maintenance of wildlife species.

“Works” means any dam, wall, wharf, embankment, levee, dike, berm, pile, bridge, improved road, abutment, projection, excavation, channel rectification, or improvement. (Ord. 2008-46 § 1 (part), 2008).

Section 7. Section 15.27.200 of the City of Yakima Municipal Code is hereby amended to read as follows:

15.26.010 Interest—Land development fees.

A. Intent. It is the purpose of this chapter to consolidate land development fees formerly charged under environmental checklists and statements, as well as fees for street and alley vacations, shoreline permits, and pedestrian skybridges into one chapter. Consolidation will provide easy access to related charges and create a simplified means for future fee adjustments.

B. Land Use Application Fees.

Land Use Permit Type	2011 City Fee	2015 City Fee
Zoning Ordinance (YMC <u>15</u>)		
Administrative adjustments		\$340.00
<u>Cell Conditional Use</u>		<u>\$3,500.00</u>
<u>Cell Major Modification</u>		<u>\$500.00</u>
<u>Cell Minor Modification</u>		<u>\$300.00</u>
<u>Cell Standard</u>		<u>500.00</u>
<u>Cell Variance</u>		<u>\$1,500.00</u>
Class 2 review		\$365.00
Class 3 review		\$700.00
Critical area review		\$200.00
Interpretation with hearing		\$435.00
Modification of approved use		\$100.00
Nonconforming use/building		\$280.00
Overlay districts		\$340.00
Planned development		\$560.00
Rezone (base rate)		\$560.00
Shoreline permit		\$355.00
Variance		\$700.00
**Fees for zoning applications are consolidated using the highest fee only.		
Subdivision Ordinance (YMC <u>14</u>)		
Binding site plan, preliminary		\$420.00
Final long plat, binding site plan		\$270.00
Final short plat		\$90.00
Long plat alteration or easement release		\$380.00
Preliminary long plat (base rate)		\$380.00
Preliminary short plat		\$340.00
Right-of-way vacation		\$420.00

Land Use Permit Type	2011 City Fee 2015 City Fee
Short plat alteration or easement release	\$245.00
Short plat exemption	\$145.00
State Environmental Policy Act (YMC 6.88)	
SEPA checklist	\$265.00
Other Applications	
Appeals to city council	\$340.00
Appeals to hearing examiner	\$580.00
Comprehensive plan amendment (base)	\$500.00
<u>Interpretation (Without Hearing)</u>	<u>\$120.00</u>
<u>Parade and special event permit</u>	<u>\$0.00</u> <u>\$50.00</u>
Traffic concurrency	\$250.00

Section 10. 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.

Section 11. The findings within the October 19, 2011, Yakima Planning Commission's Recommendation, regarding these proposed text amendments are hereby adopted by the Yakima City Council as its findings in support thereof pursuant to YMC § 15.23.030 (F), and are incorporated herein by this reference as if fully set forth herein.

PASSED BY THE CITY COUNCIL, signed and approved this ____ day of December, 2015.

Micah Cawley, Mayor

ATTEST:

City Clerk

Publication Date: _____

Effective Date: _____