

Clarification of Community Resource Service Center Development Standards and Requirements

YNHS proposed a definition for *Community Resource Service Center* which focuses upon on a demonstrated need for services and emergency shelter for pre-homeless and homeless individuals and families. The fundamental focus is to locate the facility and services only in areas of demonstrated need. The operative premise is that service goes to the need – need does not come to the service. It was not the intent of the definition to establish a broad based land use classification that is applicable within each and every area zoned Small Convenience Center (SCC). The definition requires that an applicant establish a specific need within a defined geographic area.

We have revised the definition to require a showing of “demonstrable need” within a specific geographic area. We have also sought to provide specific objective guidance to facility location. In the context of Community Development Block grants, City has designated “Renewal Community” areas¹. **Attachment A.** Homelessness is closely linked with poverty and a direct geographic correlation exists within Yakima Municipal boundaries. YNHS would propose that the Renewal Community Map serve as an overlay area and that **Community Resource Centers** be permitted only in those areas.

Community Resource Service Center is redefined as follows:

“Community Resource Service Center” means a mixed use facility providing programs, resources, assistance and temporary shelter to homeless and pre-homeless populations based on demonstrated need for facility within the immediate neighborhood or community.

(“Resource Service Center”). The land use classification carries specific restrictions and siting conditions. Planning Commission has requested a detailed set of applicable limitations, conditions and guidelines. WE would propose the following:

1. The primary purpose of the **Resource Service Center** shall be to provide resources, services and assistance to the homeless and pre-homeless within an established neighborhood and community. The **Community Resource Center** shall provide basic resources and assistance to homeless and pre-homeless persons including housing placement (temporary, transitional and permanent), case management, medical and healthcare referrals, transportation, mental health care and treatment referrals, chemical dependency case/care management and referrals, employment and job assistance, and community outreach.
2. The permitting of a **Community Resource Center** shall require that the applicant establish a demonstrable need for homeless and pre-homeless services and shelter within an immediate geographic area. Demonstrable need must be supported by substantial evidence which may include surveys, studies, expert analysis, point in time studies or summaries and such other substantial evidence provided during the

¹ City of Yakima Office of Neighborhood Development Services (ONDS) is a recipient of Federal Community Development Block Grant (CDBG) and HOME Investment Partnerships (HOME) funds and has submitted its 2014 Annual Action Plan (“Action Plan”). The Action Plan recognizes that “...ONDS maintains a good working relationship with the local continuum of care organization ...” but has not chosen to make active provision for resources addressed to the needs of homeless individuals and families within our community. The 2014 Action Plan recognizes that there is no direct allocation of funds for homeless programs but “...[t]he City is supportive of the goals and have local continuum of care organization, known as the Homeless Network of Yakima County.” In the development and implementation of CDBG and home programs, City of Yakima has identified a Renewal Community and Neighborhood Revitalization Strategy Area Boundary. **Attachment A.** The boundary map identifies specific geographic areas of low income housing needs. The identified geographic area is consistent with established service needs for pre-homeless and homeless individuals, families and populations.

hearing process. This is essentially the same approach utilized in rezone applications which require a showing of “public need.”

3. The **Resource Service Center** may only be located within areas designated Renewal Community by City of Yakima. The current Renewal Community map is included as Attachment A. This approach would create a *de facto* overlay district.

4. The facility shall be staffed 24/7 and is located in an area with demonstrated need for homeless support services.

5. The facility must be located within 1000 feet of a public transportation stop, center or hub.

6. The shelter component shall have a maximum of fifty (50) beds. All shelter services will be for temporary or emergency housing and long-term residencies shall be prohibited.

7. Site development standards and conditions shall include:

- Lot coverage, maximum building height, standard structure setbacks and standard fence height shall comply with standards for the underlying zoning district as set forth in YMC 15.05.030 Table 5-1.
- Site Screening Standard C shall apply for all facilities adjacent to R-1 properties. YMC 15.07.040 and .050 – Table 7.1
- UAZO does not have established parking standards for Community Resource Service Center facilities. YNHS proposes a parking standard of 1 parking space per 3 beds.
- Site plan shall be submitted, reviewed and approved with the land use application and through a Type II Review process.

8. The following review standards and procedures would be applicable to applications for a **Community Resource Service Center**.

- **Community Resource Service Center** would be classified as a Class (2) use in the Central Business District (CBD), General Commercial (GC), Light Industrial (M-1) and Small Convenience Center (SCC) zoning districts.
- All applications for **Community Resource Service Center** would be subject to environmental review under the State Environmental Policy Act (SEPA).

Other conditions and/or site development standards may be established through the permit and hearing review process as well as environmental review under State Environmental Policy Act (SEPA).

Applicable of “Need” to Land Use Classification.

Planning Commission has requested clarification and elaboration regarding the concept of “demonstrable need” for the resource and shelter facility within the immediate community and geographic area. Contrary to Staff’s comments, this is recognized land use standard that is, in fact, utilized within the Urban Area Zoning Ordinance (UAZO) (YMC 15.23.030D)(7)) as well as most zoning ordinances.

First, the concept of “local need” is specifically a consideration within the Small Convenience Centers (SCC) Zoning District. The purpose and intent statement includes the following:

The purpose and intent of the Small Convenience Center District is to:

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

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

YMC 15.03.010. One of the stated purposes of a Small Convenience Center is (SCC) zoning district to provide *retail services to “surrounding neighborhoods.”* This is the equivalent of requiring a **retail service** provider to establish that it serves the needs of the neighborhood it serves. A critical consideration in the current analysis relates to the definition of “retail services” which are defined in the UAZO as follows:

“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.*

YMC 15.02.020 (Definitions). The SCC purpose and intent statement specifically directs that “retail services” – and specifically health education and social services – be provided to address the “...needs of the surrounding neighborhood.” YNHS’ proposed definition adopts the geographic focus requirement and implements the ordinance directive regarding purpose and intent of the zoning district.

Second, UAZO already recognizes a “need determination” in the context of rezone applications. Zoning map amendments specifically require that an applicant establish “...[t]he public need for the proposed change.” YMC 15.23.030 (D)(7). This is a common rezone requirement. The concept of “local need” is proposed by YNHS is consistent with current ordinance proof requirements as well as the intent statements for the applicable zoning district.

Third, the requirement of *demonstrable need* is also well recognized in the applicable state case law. See, e.g. *Phoenix Development, Inc. v. City of Woodinville*, 171 Wn.2d 820 (2011). (City of Woodinville Rezone Ordinance requiring “demonstrated need” for requested zoning); *Friends of Columbia Gorge, Inc., v. Columbia River Gorge Com’n*, 126 Wn. App. 363 (2005)(demonstrable need to accommodate future population); and *McNaughton v. Boeing*, 68 Wn.2d 659 (1966). In order to establish demonstrable need, a land use applicant is required to provide substantial substantive evidence establishing the need for the proposed land use action. That showing can be established through studies, surveys, objective testimony and expert opinion. There is no prescribed form for the evidence but such evidence must be based upon objective criteria (as opposed to speculation and conjecture) and evaluated and assessed by the applicable decision maker.

Finally, the requirement of “local need” is also a typical element in land use applications for low or moderate income housing. See e.g. *Zoning Bd. Of Appeals of Sunderland v. Sugarbush Meadow, LLC*, 981 N.E. 2d 690 (Mass. 2013) (review of project application for low and moderate income housing requirement to establish “substantial regional housing need”). A showing of public need is also a typical requirement in land use determinations for utility service applications including cell towers. *T-Mobile Cent., LLC, v. West Bloomfield*, 691 F.3d 794 (6th Cir. 2012) (Cellular telephone service provider action against Municipality for denial of application to build cell phone tower – sole issue whether substantial evidence existed to support the denial of the application based on need as defined by the local zoning ordinance.); *Orange County – Poughkeepsie Partnership v. Town of East Fishkill*, ____ F. Supp. ____, 215 WL 409260 (SNY 2015) (Zoning board required to consider “need for facilities” and determination must be based upon substantial evidence); and *Consolidated Edison Co. v. Hoffman*, 374 NE 2nd 105 (1978) (establishing a standard for public “necessity”). Each of these decisions require the “need” determination to be based upon substantial evidence.

YNHS has proposed a definition that incorporates “demonstrable need” as an integral element. The concept and need determination is required by the district purpose and intent statement; responsive to the purpose of providing “...health education and social services” to the “neighborhood it serves”; and is an accepted land use concept.

Applicable Development Standards and Regulations

Urban Area Zoning Ordinance (UAZO) sets forth specific site design and improvement standards. YMC Ch. 15.05. **Attachment B.** The design and improvement standards are specifically set forth in YMC 15.05.030 Table 5-1. Those standards include lot coverage, structural setbacks, maximum building height, standard fence height and standard site screen requirements. Landscaping requirements are specifically set forth in YMC 15.07.040 and .050. YNHS proposes that all such site design and improvement standards be applied to the new land use classification.

YNHS proposes, however, to establish a specific parking standard applicable to the proposed use. Applicable parking standards are set forth in YMC 15.06.040 Table 6-1. **Attachment C.** The table for Off Street Parking Standards does not include a specific land use consistent with the new zoning classification. A study has been undertaken of existing warming (emergency) shelters and determined that average parking requirements for a 50-bed shelter is between five and seven parking spots. YNHS would propose a parking standard of one space per three (3) beds.

Application of Fair Housing Act, in Comparable Legal Standards.

Municipalities are not allowed to discriminate in provision of housing opportunities to citizens based upon race, gender or disabilities. Two primary pieces of federal legislation are applicable to this situation: (1) the Fair Housing Act, and (2) Americans with Disabilities Act (ADA). Planning staff has advised that the federal laws are not applicable to homeless shelters. That advice is incorrect. Zoning actions and ordinances are specifically subject to the statutory directives.

Americans with Disabilities Act (ADA).

Many homeless persons, particularly those most in need of supportive housing, experience disabilities. Title II of the Americans with Disabilities Act (ADA) 42 USC §§ 12131-34 states “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.” The Supreme Court in *Olmstead v. L.C.*, interpreted Title II to require public entities to administer services, programs, and activities in “the most integrated setting appropriate to the needs of the qualified individuals with disabilities.” *American Planning Association* commented as follows:

In essence, *Olmstead* bans the “separate but equal” approach to accommodating the disabled. Although this decision has yet to be applied in a land use context, it certainly raises the issue of whether a community, in restricting zoning or permitting for supportive housing in any manner that limits the supply of such housing, violates the ADA.

Similar concerns are raised with respect to the application of the Fair Housing Act (FHA) and commented as follows:

One consequence of the reasonable accommodation provision of Fair Housing Act is that local jurisdictions cannot limit the number of homeless persons with disabilities who live in supported housing, such as group homes. Organizations such as Oxford House have fought and won zoning disputes concerning single-family definitions that limited the number of disabled persons that could live in a group home.

Local governments can violate the Fair Housing Act if they stop a group home or deny a reasonable accommodation due to neighbor’s fears or prejudices about persons with disability. *Statement of the Department of Justice and the Department of Housing and Urban Development*, “group homes, local land use, and the Fair Housing Act,” (August 1999). See www.usdoj.gov/crt/housing/final8_1.htm. It has also been determined that spacing requirements for supportive housing provide illegal barriers to the development of new supportive housing for the homeless. The Department of Justice and HUD have taken a position that separation requirements which have the effect of “foreclosing group homes from locating in entire neighborhoods” are not consistent with the Fair Housing Act. *Id.*

These rules are consistent with applicable land use standards applied within this state. Land use and zoning cannot discriminate or establish barriers for persons with disabilities. It is also clear in this state that land use classifications and determinations may not be based upon uninformed stereotypes, biases and prejudices. *Sunderland Family Treatment Services v. City of Pasco*, 127 Wn.2d 782, 794 (1995). The focus is on the use of the land and not the identity of the users. *Phillips Supply Co., v. Cincinnati Zoning*

Bd. Of Appeals 17 NE 3rd One (Ohio 2014). (“This is a zoning case, generally, zoning laws may regulate the use of the land, not the identity of the users.”). It is also well established that community displeasure cannot be a basis for land use decisions. *Maranatha Mining Inc. v. Pierce County*, 59 Wn. App. 795, 804 (1990).

Fair Housing Act.

Fair Housing Act prohibits housing discrimination against individuals with disabilities. 42 U.S.C. § 3604(f)(2) (unlawful to discriminate against any person based on handicap on provision of “services or facilities in connection with a dwelling). It also requires local governments to make reasonable accommodation in development and application of zoning ordinances. The courts have held that homeless shelters are “dwellings” for the purposes of the FHA. *Woods v. Foster*, 884 F. Supp. 1169, 1173 (N.D. Ill. 1995) (finding a homeless shelter to be a “residence” for the purposes of the Fair Housing Act); *United States v. Hughes Memorial Home*, 396 F. Supp. 544, 548-49 (W.D. VA. 1975) (finding that children who lived in a group home for more than two months are considered “residents” of that home for zoning purposes and application of Fair Housing Act). The disabled, in this context, includes recovering alcoholics and addicts, people with Human Immunodeficiency Virus (HIV), and mental illness.

A municipalities refusal to modify the application of its zoning ordinance to accommodate a homeless shelter may constitute a violation of the anti-discrimination/reasonable accommodation provisions of the Fair Housing Act, 42 USC § 3601 et seq. and the Americans with Disabilities Act of 1990. See Section 12101 et. seq. See, e.g. *Homeless Action Committee v. City of Albany*, 1997 WL 876956 (N.D.N.Y. 1997) (consent order allowing homeless shelter). The municipalities failure “to make reasonable accommodations” in its rules in order to afford handicapped persons “equal opportunity” for housing has been found to establish liability and responsibility. *City of Edmonds v. Washington State Building Code Council*, 18 F. 802 (9th Cir. 1994), as affirmed in *City of Edmonds v. Oxford House, Inc.*, 514 US 725 (1995).

The court in *Support Ministries for Persons with AIDS, Inc., v. Village of Waterford*, 808 F. Supp. 120 (N.D.N.Y. 1992) held that the Village and village officials violated FHA by enacting and applying a zoning ordinance that discriminated against HIV-infected homeless persons. A violation of Section 3604 of the FHA can be proven by showing either “discriminatory intent” or “disparate” treatment. *Id.*² An FHA violation is also established through disparate impact analysis in which it has been stated:

Need to prove no more than the conduct of the Defendant[s] actually and predictably results in ...discrimination; in other words, that it has a discriminatory effect. The plaintiff need make no showing whatsoever that the action resulting...discrimination and housing was...[by a desire to discriminate against the handicapped] effect, and not motivation, is the touchstone.

The courts have specifically found that the prohibition against handicapped discrimination applies to State or local land use decisions and practices. See, e.g. *Stewart B McKinney Foundation, Inc. v. Town Planning and Zoning Com'n of Fairfield*, 790 F. Supp. 1197 (D. Conn. 1992). Federal courts in other jurisdictions have held that the reasonable accommodations clause is meant to require towns to take

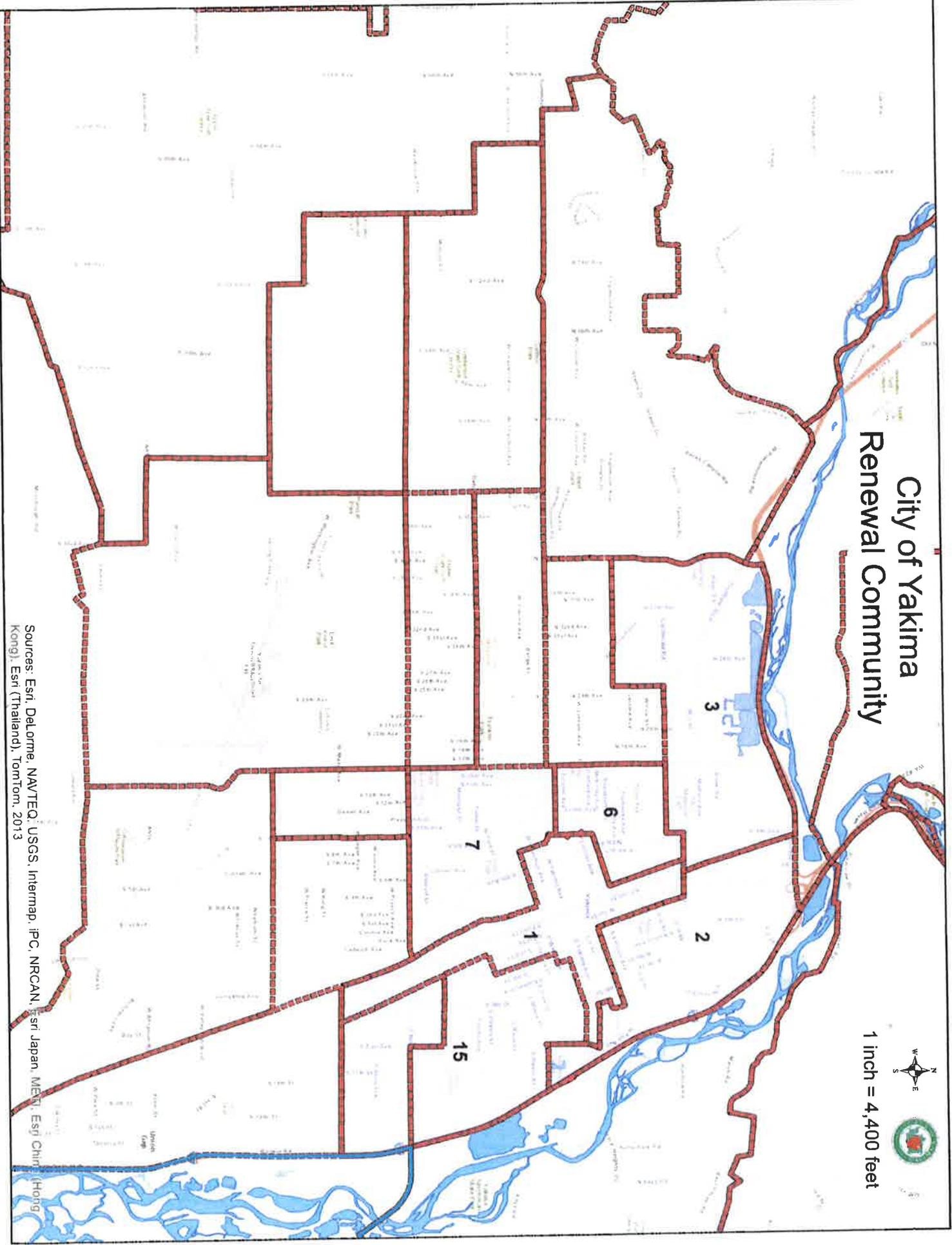
² Discriminatory intent can be established simply by reliance upon stereotypes, biases and public prejudices. The court and support ministries noted that “...expressions of irrational fear of AIDS and misinformation about the disease were rampant. In addition, there were some blatant expressions of prejudice toward the ‘illegal or chosen lifestyles’ ... which may have helped to bring this illness about.” The opposition and bowing to political pressures was found to be evidence of discriminatory intent. It was also suggested that some of the proposed residents “...were formerly alcohol and/or illegal drug users.” It is also clear that substance abuse is a “handicap” for purposes of the applicable laws.

affirmative steps such as make changes, waivers or exceptions to their zoning rules which will give people with disabilities the same housing opportunities as those without disabilities. *See e.g. Turning Point, Inc. v. City of Caldwell*, 74 F.3d 941 (9th Cir. 1996) (holding in favor of a homeless shelter's action against City and City Planning Commission arising from requirement contained within a conditional use permit requiring annual site reviews of the homeless shelter); *Risenhouse v. Township of Upper South Hampton*, 804 F. Supp. 683, 695-700 (E.D. PA. 1992) (concluding that a township ordinance imposing a requirement that group homes be spaced 1000 feet apart constitutes discriminatory treatment in violation of FHA); *Oxford House, Inc. v. Town of Babylon*, 819 F. Supp. 1179 (E.D. N.Y. 1993) (holding that municipal ordinance that define "family" as being biological relationships was violative of FHA and resulted in disparate impact on persons with disabilities). The development of ordinance provisions or failure to reasonably accommodate disabled persons in legislative enactments may give rise to claims for violation of the Fair Housing Act.

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ATTACHMENT A

City of Yakima Renewal Community



Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, MENI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2013

ATTACHMENT B

Chapter 15.03 ZONING DISTRICTS

Sections:

- 15.03.010 Purpose and establishment of zoning districts.
- 15.03.020 District and map overlay intent statements.
- 15.03.030 Map of zoning districts and overlays.

15.03.010 Purpose and establishment of zoning districts.

The following zoning districts are established to protect the public health, safety and general welfare by implementing the goals and policies adopted in the Yakima urban area comprehensive plan.

Residential Districts

- Suburban Residential District (SR)
- Single-Family Residential District (R-1)
- Two-Family Residential District (R-2)
- Multifamily Residential District (R-3)

Commercial Districts

- Professional Business District (B-1)
- Local Business District (B-2)
- Historical Business District (HB)
- Small Convenience Center District (SCC)
- Large Convenience Center District (LCC)
- Central Business District (CBD)
- General Commercial District (GC)
- Regional Development District (RD)
- Airport Support District (AS)

Industrial Districts

- Light Industrial District (M-1)
- Heavy Industrial District (M-2)

District Overlays

- Airport Safety Overlay (ASO)

- Floodplain Overlay (FO)
- Greenway Overlay (GO)
- Institutional Overlay (IO)
- Master Planned Development Overlay (PD)

(Ord. 2008-46 § 1 (part), 2008: Ord. 2001-04 § 1, 2001: Ord. 2947 § 1 (part), 1986).

15.03.020 District and map overlay intent statements.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Establish and preserve high-density residential districts by excluding activities not compatible with residential uses;
2. Locate high-density residential development more than twelve dwelling units per net residential acre in areas receiving the full range of urban services;

3. Locate high-density residential development near neighborhood shopping facilities; and
4. Locate high-density residential development so that traffic generated by the development does not pass through lower-density residential areas.

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

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

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

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

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

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

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

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

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

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

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

2. Accommodate small commercial centers, generally two to five acres in size, where most of the commercial uses have located in a coordinated manner around a common parking lot and one major commercial approach driveway.

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

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

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

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

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

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

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

M. Regional Development District (RD). The purpose of the regional development district is to provide high visibility from the interstate and state highways of the city of Yakima to provide regional commerce, office campus, recreation, large-scale retail, culture, and large multiple mixed uses. This district is characterized by very intensive development and a variety of land uses including retail sales

and service establishments, high-density residential development, financial institutions, professional office buildings, hotels, condominiums, and corporation headquarters.

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

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

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

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

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

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

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

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

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

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

1. Protect natural drainage system associated with floodways and floodplains;
2. Ensure that new development will not affect the flood elevations in surrounding areas;
3. Ensure adequate protection of life, health, and property from flood events;

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

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

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

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

1. Make the greenway more attractive and accessible to the public;
2. Assure development conserves shoreline vegetation and controls erosion;
3. Implement the Yakima County/city shoreline master program and the Yakima River Regional Greenway Plan;

4. Limit development to activities which are particularly dependent on a location in the greenway;
5. Preserve and protect the fragile natural resources and culturally significant features along the greenway;
6. Increase public access to publicly owned areas of the greenway where increased use is desirable;
7. Protect public and private properties from the adverse effects of improper development in hazardous shoreline areas; and
8. Give preference to uses creating long-term over short-term benefits.

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

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

The institutional overlay includes provisions to:

1. Make the institution more compatible and accessible to the public;
2. Assure development has the ability for future expansion;
3. Provide increased protection such as increased buffers as the institution locates closer to residential districts, especially R-1; and
4. Utilize the goals and policies of the Yakima urban area comprehensive plan. (Ord. 2011-52 § 2 (part), 2011: Ord. 2008-46 § 1 (part), 2008: Ord. 2001-04 § 2, 2001; Ord. 95-13 §§ 1, 2, 1995; Ord. 3019 § 11, 1987; Ord. 2947 § 1 (part), 1986. Formerly 15.03.030).

15.03.030 Map of zoning districts and overlays.

A. Adoption, Changes, Filing, and Replacement.

1. The zoning districts established by this title are defined as shown on the official zoning map for the Yakima urban growth area. The official zoning map, together with all the explanatory material thereon, is adopted by reference and declared to be a part. In addition, any adopted overlay shall be displayed on the zoning map as identified by the adopted ordinance.
2. The official zoning map for the unincorporated portion of the Yakima urban growth area shall be maintained in the Yakima County planning division. The city of Yakima department of

community and economic development shall maintain the official zoning map for that portion of the Yakima urban area within the Yakima city limits.

3. Each official zoning map shall be identified by the adopted ordinance of the appropriate jurisdiction and the date of adoption. The official zoning map maintained by the county/city shall be the final authority as to the current zoning status of land.

4. Any changes in the district boundaries established by this title shall be made in accordance with the provisions. The official zoning map shall be promptly changed after the amendment has been approved by the respective legislative body.

5. No changes of any kind shall be made on the official zoning map except in conformance with the procedures. Any unauthorized change by any person(s) shall be considered a violation and punishable as provided under YMC Chapter [15.25](#).

6. If the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the legislative body may, by resolution, adopt a new official zoning map, which shall supersede the prior official zoning map. The new official zoning map may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof.

B. Basis for Mapping the Floodplain Overlay Area, Warning and Disclaimer of Liability. The floodplain overlay shall be that area within the one-hundred-year floodplain shown on the federal flood insurance rate maps (FIRM) for the city and county. The Federal Emergency Management Agency (FEMA) periodically updates these maps. (Ord. 2011-52 § 2 (part), 2011: Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986. Formerly 15.03.040).

The Yakima Municipal Code is current through Ordinance 2015-010, passed March 3, 2015.

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City Website: <http://www.yakimawa.gov/> (<http://www.yakimawa.gov/>)

City Telephone: (509) 575-6037

ATTACHMENT C

Chapter 15.05 SITE DESIGN AND IMPROVEMENT STANDARDS

Sections:

- 15.05.010 Purpose.
- 15.05.020 Site design requirements and standards.
- 15.05.030 Creation of new lots—Subdivision requirements.
- 15.05.040 Vision clearance.
- 15.05.050 Street right-of-way dedication.
- 15.05.055 New development improvement standards.
- 15.05.060 Administrative adjustment of certain basic development standards allowed.

15.05.010 Purpose.

The purpose of this section is to establish certain basic development requirements. These are the minimum criteria that must be met to assure land use compatibility and promote the public health, safety and welfare. Some of these requirements are flexible and the administrative official or hearing examiner may adjust them under YMC Chapter 15.10. (Ord. 2008-46 § 1 (part), 2008: Ord. 2947 § 1 (part), 1986).

15.05.020 Site design requirements and standards.

A. Table of Site Design Standards and Subdivision Requirements. The provisions of this chapter and the requirements in Table 5-1 and Table 5-2 are established for all development in the zoning districts indicated.

B. Development on Nonconforming Lots. Development on nonconforming lots is governed by this section and YMC 15.19.040. Except as limited by this title, any permitted use may be allowed on any lot legally created prior to the adoption of this title. Such development and structures are subject to the following additional provisions:

1. Detached single-family dwellings erected on nonconforming lots must meet the following criteria:
 - a. The setback dimensions of the structure conform to the regulations of this title;
 - b. The lot has at least twenty feet of frontage on, or a minimum twenty-foot-wide access easement to, a public or private road;
 - c. All other site design and development criteria other than the lot size requirements of Table 5-2 are met.
2. Zero lot line, common wall, or duplex development may be permitted on such lots in the R-2, R-3 and B-1 districts only if the conditions of subsection (B)(1) of this section are met.
3. Multifamily development may be permitted in the R-2, R-3, B-1, CBD and GC districts only if the criteria of subsection (B)(1) of this section are met.

4. Zero lot line, common wall, duplex or multifamily development is not allowed on such lots in the SR and R-1 zones unless such development is the replacement or reconstruction of a destroyed or damaged existing use, as defined in YMC Chapter 15.19.

5. Any permitted use or structure may be placed on a lot that is nonconforming as to width and/or lot area in the industrial and commercial districts, but only if the criteria of subsection (B) (1) of this section are met.

C. **Maximum Lot Coverage.** Maximum lot coverage is the percentage of net land area of a site that can be covered with structures and other impervious surfaces. The maximum lot coverage in each district is shown in Table 5-1. In the SR and R-1 districts, this standard is intended to protect the open character of each district, and ensure that land is available to accommodate septic tanks and drainfields. The intent in the R-2 and R-3 districts is to provide areas for landscaping and recreation. Maximum lot coverage requirements in the commercial districts are intended to promote development consistent with the character of the district, protect setbacks, and provide the opportunity to integrate open space and landscaping plans into the design and placement of the structure and off-street parking.

D. **Structure Setbacks.** Are the minimum structure setbacks permitted in a particular zoning district with Type (1) review. In the residential districts, structure setbacks are intended to provide privacy, light, air and emergency access. Setbacks along easements and rights-of-way are intended to minimize the impacts from traffic on adjoining property owners. In the commercial districts, building setbacks provide visual clearance along streets and areas for sitescreening and landscaping. Structure setbacks are required in the industrial districts to provide fire protection, emergency access, and to reduce impacts on adjacent districts of lower intensity. No structure shall be built or located on or in an easement. The use of an access easement by a structure shall only be allowed upon vacation/alteration of the easement in accordance with provisions established in the city/county subdivision ordinance. The standard structure setback in each district is shown in Table 5-1.

E. **Setbacks for Residential Accessory Structures.**

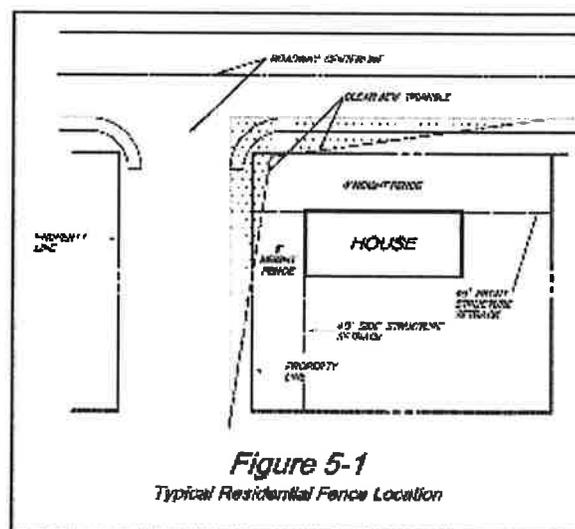
1. **Residential Accessory Structures Requiring a Building Permit.** The minimum setback for residential accessory structures in the residential districts shall be at least five feet from the side property line, five feet from the rear property line, and up to, but not within, the required front yard setback; provided, that the accessory structure(s) shall not encroach on a public easement and applicable street setbacks are observed.

2. **Residential Accessory Structures Not Requiring a Building Permit.** The minimum setback for a residential accessory structure in a residential district shall be at least five feet from all side and rear property lines, existing structures, and up to, but not within, the required front yard setback; provided, that the accessory structure shall not encroach on an easement.

F. **Maximum Building Height.** Maximum building height is intended to maintain building heights compatible with the character and intent of the district. The maximum building height in each district is shown in Table 5-1.

G. Fences and Walls—Standard Height. The following provisions shall govern the location and height of fences and walls:

1. In the front yard: fences and walls may be placed on or behind the property line. However, no fence or wall shall exceed four feet in height within the required front yard setback area. In residential districts, six feet shall be the maximum height in the front yard behind the required setback. See Figure 5-1, Typical Residential Fence Location. In commercial and industrial districts, eight feet shall be the maximum height in the front yard behind the required setback.
2. In the side yard and street side yard: fences and walls may be placed on or behind the property line. In residential districts, six feet shall be the maximum height; provided, that no six-foot street side yard fence shall extend past the front corner of the dwelling into the front yard or be located within the clear view triangle. See Figure 5-1, Typical Residential Fence Location. In the commercial and industrial districts, eight feet shall be the maximum height.
3. In the rear yard: fences and walls may be placed on or behind the property line. In the residential districts six feet is the maximum fence or wall height in the rear yard; provided, that when the rear yard abuts a designated arterial, the maximum height shall be eight feet. Eight feet is the maximum rear yard fence height in the commercial and industrial districts.
4. Within the clear view triangle: no fence, hedge or wall, exceeding two and one-half feet in height, shall be placed in the clear view triangles established in YMC 15.05.040.
5. Fences over six feet in height: all fences over six feet in height shall meet the provisions of the International Building Code.
6. Fence height in combination with a retaining wall: no combination of a fence and retaining wall shall exceed a height of ten feet, measured from the lower elevation, except existing retaining walls at the time of the passage of this title will be allowed a three-and-one-half-foot fence above the retaining wall.



H. Access Required. All new development shall have a minimum of twenty feet of lot frontage upon a public road or be served by an access easement at least twenty feet in width. The purpose of this

standard is to provide for vehicular access to all new development; provided, the construction of single-family and two-family dwellings on existing legally established lots is exempt from the requirements of this section.

I. **Recreational Screen.** A recreational screen is 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, ballfields, and playgrounds. The specific standard for screen height in Table 5-1 does not apply to recreational screening as established by this title. The height and materials for screens will be evaluated by the administrative official based on the need, safety requirements, and relationship to residential and commercial properties and streets.

J. **Sidewalk Requirement.** Sidewalks on one side of the street are required with new construction (except single-family structures). A sidewalk is required if one exists within two hundred feet of the development on the same side of the street. Replacement of existing sidewalk is required only if existing sidewalk presents a safety hazard, except that for applications under the jurisdiction of the city of Yakima, the provisions of Title 12 of the Yakima Municipal Code shall prevail over the provisions of this section to the extent of any conflict between such provisions.

K. **Swimming Pools.** Swimming pools are permitted as an accessory use to: dwellings, hotels/motels, boardinghouses, retirement homes, other residential uses, schools, and recreational facilities when all of the following provisions are met:

1. **Setbacks.**
 - a. **Front yard:** The swimming pool, apron, and pump house meet the required front yard setback in Table 5-1.
 - b. **Side and rear yard:** The swimming pool and pump house are set back at least three feet from the property line. The swimming pool apron may extend up to the property line.
 - c. **From an easement:** The swimming pool, apron, and pump house may extend up to, but shall not encroach upon, an easement.
2. **Fencing.** The area around the pool is enclosed by a protective fence not less than four feet in height.

L. **Development within the State Fair Park.** The following structures may be developed, maintained, altered, expanded, or erected within the State Fair Park without further zoning review provided such development is consistent with YMC 15.04.200(C), Allowable Uses, SEPA mitigation where required, the development standards of this code and other construction permit requirements:

1. Administrative and operational offices.
2. Auditoriums, meeting and exhibit halls.
3. Bars and drinking facilities.
4. Campgrounds.

5. Caretaker and/or employee residential quarters.
6. Equestrian facilities.
7. Exposition structures.
8. Grandstand facilities.
9. Libraries and museums.
10. Livestock barns.
11. Motorized sports facilities.
12. Parking facilities. (Ord. 2011-52 § 5, 2011; Ord. 2010-16 § 6, 2010; Ord. 2008-46 § 1 (part), 2008; Ord. 2005-81 § 4, 2005; Ord. 2001-13 § 48, 2001; Ord. 95-36 § 3, 1995; Ord. 93-81 §§ 23—25, 1993; Ord. 3106 §§ 11, 12, 1988; Ord. 3019 §§ 21—23, 1987; Ord. 2947 § 1 (part), 1986).

15.05.030 Creation of new lots—Subdivision requirements.

A. **Table of Subdivision Requirements.** The provisions of this section and the requirements set forth in Table 5-2 are hereby established for all subdivisions in the zoning districts indicated. In the case of conflict between the text and tables, the text shall govern. Additional subdivision requirements are established in YMC Title 14.

B. **Maximum Number of Dwelling Units Permitted Per Net Residential Acre.** Maximum number of dwelling units permitted per net residential acre is used to determine the maximum number of dwelling units permitted within a single subdivision, short subdivision, mobile home park, multifamily development, or planned residential development. This standard is intended to:

1. Assure that residential densities in new subdivisions, multifamily developments, or planned residential developments are compatible with the existing or planned level of public services and the density of the zoning district;
2. Permit the clustering of dwelling units (when clustering occurs, open space shall be provided in accordance with YMC 15.09.030); and
3. Permit a variety of residential dwelling types within a development.

The following formula shall be used to determine the maximum number of dwelling units permitted for any particular subdivision, short subdivision, mobile home park, multifamily development or planned residential development:

THE MAXIMUM NUMBER OF UNITS PERMITTED ON A SITE = (the total site area in acres) — (the area of streets, rights-of-way, and access easements, in acres) X (the maximum number of dwelling units permitted per net residential acre).

Any fraction of a dwelling unit shall be rounded up to the next whole number if one-half or over or down to the next whole number if less than one-half. Once approved under the provisions of

this title, no subdivision, resubdivision, or short subdivision shall be further modified or divided in a manner that will raise the density of the subdivision beyond the maximum number of dwelling units permitted per net residential acre by Table 5-2; provided, that development exceeding the maximum number of dwelling units per net residential acre may be allowed in the R-1 and R-2 districts as a Class (3) use in accordance with Table 4-1. This higher-density development shall be allowed only on those limited occasions when, after Class (3) review, the hearing examiner finds that the location and site plan of the project is such that the higher density would be compatible with neighboring land uses and the level of public services, and is consistent with the goals and objectives in the Yakima urban area comprehensive plan.

The application of this provision shall not prohibit the subdivision of land already developed with more dwelling units than would be permitted by this section when:

1. The lots created meet the lot size and lot width requirements established in Table 5-2;
2. The existing structures meet the building area and setback requirements in Table 5-1; and
3. No new dwelling units are built.

C. **Minimum Lot Size.** Minimum lot size is the smallest lot size permitted in a particular zoning district when land is subdivided, short platted, resubdivided, or when lot lines are adjusted. No lot shall be created that is smaller than the applicable minimum lot size standard established in Table 5-2.

1. In residential districts, this standard is intended to maintain the residential character of the area and will vary by dwelling type, the suitability of the land for development, and the type of water and sewer system. The following are the minimum lot size requirements in the residential districts, except when the Yakima health district determines that a larger area is necessary for the safe installation of approved water supply and sewage disposal systems:

Situation	Required Minimum Lot Size
In the floodplain, airport, and greenway overlay districts:	One acre (provided the minimum lot size of the underlying zoning district shall apply, when, in the opinion of the reviewing official, the lot has a buildable area outside the overlay district and a plat restriction prohibits development on that portion of the lot within the overlay district).

Situation	Required Minimum Lot Size
Individual water system and individual sewer system:	One-half acre.
Public or community water system and an individual sewer system:	14,500 square feet.
Individual water system and the regional or an approved community sewer system:	9,600 square feet.
Public or community water system and the regional or an approved community sewer system:	See Table 5-2.

2. The smaller lot size for zero lot line, attached, and multifamily dwellings does not permit an increase in the maximum number of dwelling units per net residential acre established in subsection B of this section. Any lots created for zero lot line, attached, and multifamily dwellings shall be so designated on the face of the plat or short plat.

3. In the local business district, the minimum lot size is intended to maintain the character of the district and provide adequate space for off-street parking and landscaping.

4. The minimum lot sizes in the small and large convenience center districts and industrial districts are intended to accommodate the large uses permitted in these districts and maintain vacant land in relatively large parcels that can be easily assembled when development is proposed.

D. Standard Lot Width. Standard lot width is the minimum lot width generally permitted in a particular zoning district. The intent of this standard is to prevent irregularly shaped lots along, and to control access to, rights-of-way.

E. Concurrent Subdivision and Zoning Review Required. Any application for a long subdivision which proposes a use or configuration of land or improvements requiring Class (2) or (3) review under this title shall, at or prior to the filing of such application, also file an application for such review under this title. Such application shall be heard by the hearing examiner concurrently with the subdivision application using the procedures for Class (3) review.

Table 5-1. Design Requirements and Standards

SITE DESIGN REQUIREMENTS AND STANDARDS			ZONING DISTRICTS									
			SR	R-1	R-2	R-3	HB	B-1	B-2	SCC	LCC	CBD
DEVELOPMENT ON EXISTING LOTS OR PARCELS			See YMC <u>15.05.020</u> and <u>15.19.02</u>									
LOT COVERAGE ¹			60%			80%			85%	90%		
STANDARD STRUCTURE SETBACKS ⁶ (in feet)	FRONT	Arterials ²	60						4'			
		Collector	50									
		Arterials ²	45						3'			
		Local Access ²	37.50									
		Private Road ²	10									
	SIDE	Arterials ²	50						4'			
		Collector	40									
		Arterials ²							30			
		Local Access ²	32.50									
		Private Road ²	5			10			C			
		Private Access Easement ³ , Alley, or Property Line ⁷	5						20			
		Residential District ⁴				or 1/2 building height, wh						
	REAR ⁶	Alley or Property Line	15		15		15		C			
		Residential District ⁴							20			
MAXIMUM BUILDING HEIGHT (in feet)			35			50			35		50	N/A
STANDARD FENCE HEIGHT ⁶			See YMC <u>15.05.020(G)</u>									
In Required Front Setbacks			Not Permitted									

STANDARD SCREEN HEIGHT	Behind Required Front Setbacks	15
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NOTES:

1. Landscaping may be required pursuant to YMC Ch. 15.06.
2. The setback is measured from the centerline of rights-of-way (or access easement, in the case of private roads). In the residential districts, the minimum front yard setback shall be twenty feet from the front property line and the minimum side yard setbacks shall be ten feet from the side property line abutting the right-of-way.
3. The setback is measured from the edge of the access easement.
4. Measured from abutting residential district.
5. Additional setbacks may be required to conform to sitescreening requirements in YMC Ch. 15.07.
6. The rear setback from arterials, collectors, and local access streets shall be the same as the front yard setback requirements from arterials, collectors, and local access streets, provided the required rear setbacks shall not be less than the required setbacks from the property line. (See also Note 3)
7. Zero lot line dwelling units are allowed a zero-foot setback from one side property line not abutting a right-of-way. (See YMC Ch. 15.09).

Table 5-2. Subdivision Requirements

Subdivision Requirements			Zoning Districts							
			SR	R-1	R-2	R-3	HB	B-1	B-2	SCC
Maximum Number of Dwelling Units Permitted per Net Residential Acre			See YMC Ch. 15.04, Table 4-1							
Minimum Lot Size (in square feet) ⁽³⁾	Residential Uses See Definitions in YMC Ch. 15.02	Detached S.F. Dwelling	6,000							
		S.F. Dwelling, Zero Lot Line ⁽⁴⁾	4,000	3,500	6,000 Where Permitted					
		S.F. Dwelling, Common Wall								
		Two-Family Dwelling	8,000	7,000						
		Multifamily Dwellings and PD—Residential	Density May Not Exceed Maximum Number of Dwelling Units Residential Acre							

Subdivision Requirements		Zoning Districts									
		SR	R-1	R-2	R-3	HB	B-1	B-2	SCC	LCC	
		10,000			5,000			10,000			
Standard Lot Width ⁽²⁾ (in feet)	ALL Except Common Wall Dwelling (Per Unit)	60	50			Non					
	Common Wall Dwelling (Per Unit)		50	35	35 Wher						

NOTES:

1. In the residential districts, these minimums apply when lots are served by a public or community water system and either the regional or approved community sewer system.
2. The lot width at the rear line of the required front yard shall not be less than fifty feet. (Note: this provision only applies to those districts with a minimum lot width of fifty feet or larger.)
3. One acre shall be the minimum lot size in residential districts within the floodplain and greenway overlays.
4. See special development standards for zero lot line development, YMC 15.09 040.
5. Lots created for utility purposes may be created below the minimum lot size listed in YMC Ch. 15.05, Table 5-2, as long as the lot is designated as "nonbuildable lot for utility purposes" on the face of the plat and the proposed lot is reviewed for compatibility. The lot must still meet the minimum lot width established in YMC Ch. 15.05, Table 5-2, and structures built on the lot must still meet the setback requirements in YMC Ch. 15.05, Table 5-1.
(Ord. 2012-34 §§ 3, 4, 2012; Ord. 2011-52 § 6, 2011; Ord. 2010-16 § 7, 2010; Ord. 2008-46 § 1 (part), 2008; Ord. 2001-04 § 5 (Att. A), 2001; Ord. 95-13 § 6, 1995; Ord. 3106 § 13, 1988; Ord. 3019 §§ 24, 25, 1987; Ord. 2947 § 1 (part), 1986).

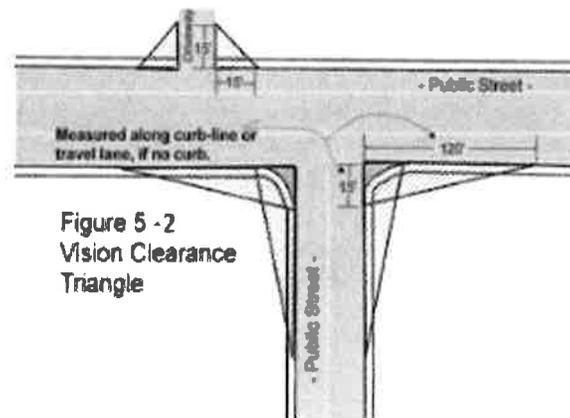
15.05.040 Vision clearance.

A. Intersections. All corner lots at unsignalized street intersections or railroads shall maintain, for safety vision purposes, a vision clearance triangle. The vision clearance triangle shall measure fifteen feet by one hundred twenty feet along the perpendicular lengths formed by three points including:

1. A point at the intersection of the extended curb lines or pavement edge/travel lanes;
2. A point measured one hundred twenty feet from the first point, forming a line along the adjacent perpendicular street curb line or pavement edge/travel lane; and
3. A point measured fifteen feet from the first point, forming a line.

Nothing within the vision clearance triangle shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between the heights of two and one-half and ten feet above the centerline of grades of intersecting streets (and/or railroads) or the future intersection centerline where improvements are planned with the six-year road improvement program, on file in the city engineering division. (See Figure 5-2.)

B. Driveway Curb Cuts or Alleys. This applies only to uses established under the terms of this title. A vision clearance triangle shall be maintained at all driveways, curbcuts, and intersections of an alley with a public street, for vision safety purposes. The vision clearance triangle shall measure fifteen feet along the perpendicular street curb lines, pavement edge, or travel lane of the public street and fifteen feet along the driveway or alley. The third side of the triangle shall be a straight line connecting the fifteen-foot sides described above. No sign or associated landscaping shall be placed within this triangle so as to materially impede vision between the heights of two and one-half and ten feet above the centerline grade of the streets.



(Ord. 2008-46 § 1 (part), 2008: Ord. 93-81 § 26, 1993; Ord. 3106 § 14, 1988: Ord. 2947 § 1 (part), 1986).

15.05.050 Street right-of-way dedication.

All new development shall dedicate, where necessary, street right-of-way in conformance with the standards in the county/city subdivision ordinance and the arterial street plan adopted in the Yakima urban area comprehensive plan, except that for application under the jurisdiction of the city of Yakima, YMC Title 12 shall prevail over the provisions of this section to the extent of any conflict between such provisions. (Ord. 2008-46 § 1 (part), 2008: Ord. 2001-13 § 49, 2001: Ord. 2947 § 1 (part), 1986).

15.05.055 New development improvement standards.

All development within the Yakima urban growth area (UGA) must meet the urban standards of the city of Yakima including the following.

1. Fire apparatus access roads for multiple-family residential developments and one- or two-family residential developments shall be subject to the provisions of Sections D106 and D107, respectively, of Appendix D of the International Fire Code (2009 Edition). Additionally, such residential developments shall be subject to the requirements of Section D105 of Appendix D, International Fire Code (2009 Edition), pertaining to aerial fire apparatus roads, as applicable. All

provisions of the International Fire Code referenced above are hereby adopted and incorporated herein by this reference, as now existing or as hereafter amended and adopted by the city. Minimum requirements for the primary and secondary access will be at least twenty feet wide, unobstructed, paved lanes.

2. In order to promote safety for emergency access and circulation within and between new developments, cul-de-sac streets (public or private) shall not exceed 600 feet. (Ord. 2012-34 § 5, 2012; Ord. 2008-46 § 1 (part), 2008).

15.05.060 Administrative adjustment of certain basic development standards allowed.

Administrative adjustment of some of the basic development standards in this chapter are authorized under the zero lot line provisions of YMC Chapter [15.09](#) and [15.10](#). Except as allowed by those provisions, no reduction of these standards is permitted except pursuant to YMC Chapter [15.21](#). (Ord. 2008-46 § 1 (part), 2008; Ord. 2947 § 1 (part), 1986).

The Yakima Municipal Code is current through Ordinance 2015-010, passed March 3, 2015.

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