



City of Yakima

# Nonconforming Use or Structure

## Application Packet

### About this Application:

Occasionally, a site may have a nonconforming use or structure on it or the property owner/lessee may wish to expand. In order to provide flexibility, certain development standards may be modified under a Type (3) review process due to the size of the expansion. Commonly modifications include additions to garages or houses, or the expansion of an existing business.

**City of Yakima, Planning Division**

**129 North 2<sup>nd</sup> Street, 2<sup>nd</sup> Floor, Yakima, WA 98901**

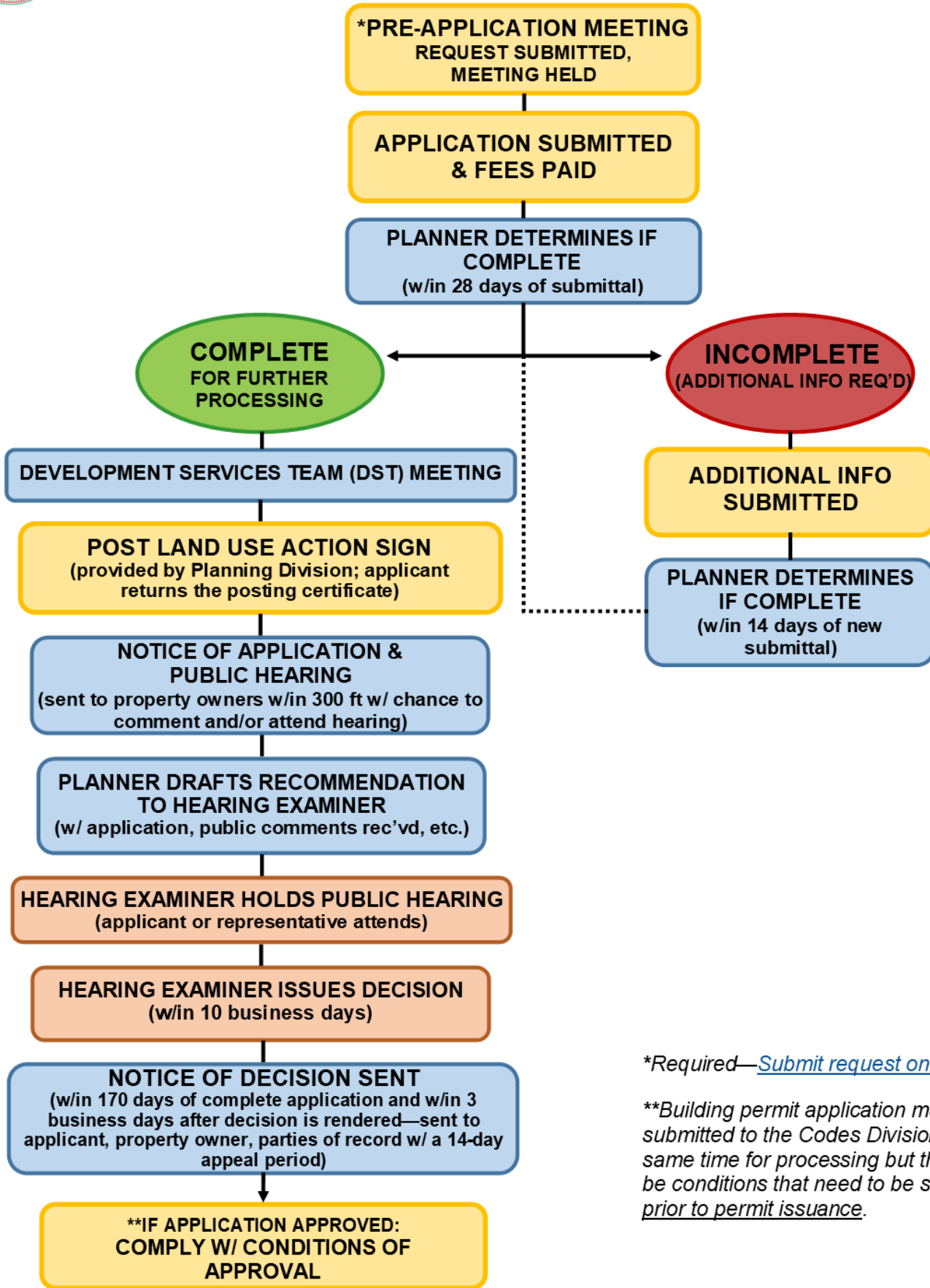
**Phone#: (509) 575-6183 Email: [ask.planning@yakimawa.gov](mailto:ask.planning@yakimawa.gov)**

Check <https://www.yakimawa.gov/services/planning/land-use-application-forms/>  
for the most current version of this application form.



CITY OF YAKIMA PLANNING DIVISION

**NONCONFORMING USE/STRUCTURE — Land Use Application Process** ([YMC Ch. 15.19](#))



\*Required—[Submit request online](#).

\*\*Building permit application may be submitted to the Codes Division at the same time for processing but there may be conditions that need to be satisfied prior to permit issuance.

NOTE: This chart shows the process of a typical Nonconforming Use/Structure application and is for demonstration purposes only.

## Flowchart (Text Description) – Nonconforming Use or Structure Application Process

The following information is provided to meet accessibility requirements.

1. Applicant submits request for a Pre-Application Meeting with our Development Services Team prior to submitting an application (required) - visit our website for details:  
<https://www.yakimawa.gov/services/planning/pre-application/>
2. Applicant submits application and pays the fee.
3. Planner determines if application is complete within 28 days of submittal.
  - a. If complete, go to Step 3.
  - b. If incomplete, additional information is requested. Once additional is submitted, the planner has 14 days to determine if the new information is complete. If still incomplete, step 2b is repeated.
4. Planner schedules the application to be reviewed by the Development Services Team (DST) at an upcoming meeting.
5. A Notice of Application and Public Hearing is sent to property owners within 300 feet of the subject property for a chance to comment and/or attend the hearing.
6. Planner forwards their recommendation to the Hearing Examiner along with the application, any public comments received, etc.
7. Hearing Examiner holds the public hearing which the applicant or applicant's representative attends.
8. Hearing Examiner issues decision within 10 business days from the date the hearing was closed.
9. A Notice of Decision is sent within 170 days from when the application was determined to be complete and within 3 business days of receiving it from the Hearing Examiner to the applicant, property owner, and parties of record for a 14-day appeal period.
10. If the application is approved, applicant must comply with any conditions of approval. A building permit application may be submitted to the Codes Division at the same time for processing but there may be conditions that need to be satisfied prior to permit issuance.

NOTE: This chart shows the process of a typical Nonconforming Use or Structure application and is for demonstration purposes only.





# NONCONFORMING USE OR STRUCTURE LAND USE APPLICATION FORM (CONT'D)

## APPLICATION QUESTIONS:

1. Type of proposed action (check all that apply):

Change from one nonconforming use to another nonconforming use

Proposed Use: \_\_\_\_\_

Expansion of a nonconforming use

Nonconforming use being expanded: \_\_\_\_\_

Expansion of a nonconforming structure

How is the structure nonconforming: \_\_\_\_\_

2. Existing land use (must be taken from [YMC Ch. 15.04](#), Table 4-1):

3. Will the proposed change:

Increase residential density?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Increase the amount of required parking by more than 10% or 20 spaces?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Increase/decrease use/structure by more than 50% (includes previous modifications) of the existing use or structure?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Change or modify any special condition previously imposed under Class (1), (2), or (3) Review?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Increase the height of any structure?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Adversely reduce the amount of existing landscaping or the amount or location of required landscaping?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Add a drive-thru or include hazardous materials?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Expand an existing non-conforming use (except provided for in YMC § 15.19.080) or render a structure non-conforming?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Increase the degree of nonconformity of the structure?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Cause nonconformance with any other development standards of the district in which it is located?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Create or materially increase any adverse impacts or undesirable effects?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

4. Is the new use or change in use proposed:

A nonconforming structure occupied by a Class (1) or Class (2) use or a single-family dwelling or duplex?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Dissimilar in character and hours to the operation and the use approved or existing?	<input type="checkbox"/> Yes	<input type="checkbox"/> No

5. Explain how are the proposal and associated improvements compatible with neighboring land uses:





# CITY OF YAKIMA SITE PLAN CHECKLIST

## For Land Use Review & Building Permits



**Site plans required for land use review and building permits shall include the items listed below.**

Sections from the Yakima Municipal Code are referenced by some items to help guide applicants. This is not a comprehensive list. View the full Yakima Municipal Code here: <https://www.codepublishing.com/WA/Yakima/>

- Property address, parcel number, and zoning designation;
- Legal description of the land;
- North arrow and scale of drawing;
- Name of applicant, phone number, signature of property owner and project name;
- Actual dimensions and shape of the lot to be built upon;
- Sizes and location of existing structures on the lot to the nearest foot;
- Location and dimensions of proposed structures and uses;
- All structure setbacks ([YMC § 15.05.030](#));
- Lot coverage calculations ([YMC § 15.05.020\(C\)](#));
- Clearview triangle ([YMC § 15.05.040](#));
- Size and location of proposed and existing utility easements and other easements;
- Location and size of required site drainage facilities including on-site retention;
- Adjacent Right-of-Way dedication and frontage improvements;
- Distance(s) of structures to property line and to the centerline of the Right-of-Way ([YMC §15.05.030](#), Table 5-1);
- Location of ingress and egress, including curb cuts intersecting with streets and dimensions of proposed or existing driveways ([YMC § 15.06.065](#));
- Location and size of parking stalls with accessible parking spaces and aisles identified ([YMC Ch. 15.06](#));
- Location of electric vehicle (EV) infrastructure;
- Parking circulation plan with proposed landscaping and sitescreening ([YMC Ch. 15.06](#));
- Location and size of new or existing loading spaces ([YMC § 15.06.130](#));
- Proposed and existing signage ([YMC Ch. 15.08](#)); and
- Proposed or existing mailbox location.

**A site plan for development in the floodplain overlay shall also include the following information:**

- Size and location of floodplain and floodway on the lot;
- Elevation in relation to the one-hundred-year flood level of the lowest floor (including basement) of all structures;
- Elevation in relation to mean sea level of any structure that has been floodproofed;
- Certification by a registered professional engineer or architect that established floodproofing standards have been met;
- Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and
- Any other site plan requirements identified in [YMC Ch. 15.27](#) Part Four.

*Additional information may be requested. Projects requiring work in the public right-of-way or involving city water main lines or sewer main lines will be required to submit civil plans to the Engineering Division for review.*