

Chapter 19.18

Special Uses and Standards

19.18.020 Accessory Buildings and Uses

Accessory uses are customarily incidental and subordinate to the principal use of a structure or site. Therefore, new accessory uses may only be permitted when a principal use has been established. They must be: clearly secondary to, supportive of, and compatible with the principal use(s); consistent with the purpose of the zoning district; and comply with this Title. The land use category of an accessory use shall be the same as that of the principal use(s) as listed in Table 19.14-1, unless otherwise specified.

(1) Accessory Housing.

(a) Legislative Intent. The term “accessory housing units” as used in this section includes “accessory dwelling units” (ADUs) and “caretaker dwellings” as defined under YCC 19.01.070. Accessory housing that conforms to the standards in this Section shall not be counted toward the allowable density for the lot upon which it is located and shall be considered a residential use consistent with the comprehensive plan and zoning designation for the lot. The purpose of the accessory housing provisions is to: ~~Provide homeowners with an opportunity for extra income, companionship and security;~~

(i) Provide property owners with an opportunity for extra income, companionship and security;

(ii) Better utilize existing infrastructure and community resources (sewer, water, roads, etc.);

(iii) Provide a housing type that allows flexibility to respond to changing needs and lifestyles;

(iv) Add to and diversify the supply of affordable housing;

(v) Protect neighborhood character and stability by ensuring accessory housing unitsADUs are compatible with surrounding land uses;

(vi) Provide the opportunity for relatively independent living for the elderly or disabled with support from neighboring family or other care-giver, with a preference for attached or detached accessory dwelling units; and

(vii) Accommodate accessory residential quarterscaretaker dwellings, as defined in 19.01.070 in commercial, industrial, and mining zones.

(b) General Requirements.

(i) Off-street parking shall be provided as required in Chapter 19.22. ~~for both the accessory housing unit and the primary residence on the lot they are intended to serve.~~

(ii) The accessory housing unit shall meet current standards of the residential, building, mechanical, electrical, and energy codes as required for single-family dwellings.

(iii) The accessory housing unit shall have the same building setbacks as the primary structure.

(iv) A lot shall contain only one accessory housing unit.

~~(v) In all zones the primary residence and the accessory housing unit shall both be connected to a public water system as defined in Section 19.01.070, and within an Urban Growth Area, to a regional sewer system.~~

~~(vi) A lot containing an accessory housing unit shall not be subdivided, or otherwise segregated in ownership, in a way that separates the accessory dwelling unit and the primary residence on different lots. A covenant to which the County is a party shall be recorded with the County Auditor to preclude the separate sale or division of the accessory housing unit as a separate dwelling lot.~~

(c) Additional Standards for Accessory Dwelling Units. An accessory dwelling unit (ADU) is a permitted use, secondary to the primary use of a detached single-family dwelling, subject to all of the following conditions:

(i) ADUs shall not be allowed on parcels containing a ~~common wall dwelling, zero lot line dwelling,~~ duplex, multi-family dwelling, or a commercial or industrial structure/use.

(ii) The ADU and the primary residence shall share a common driveway unless the two units are allowed to access different roads.

(iii) A home business may be allowed, subject to Section 19.18.240, in either the ADU or the primary ~~unit~~ residence, but not both.

(iv) Size: The ADU's floor area shall be comprised of not more than ~~1,000~~ 1,200 square feet and shall not exceed the size of the primary ~~structure~~ residence, except for previously permitted temporary aged and infirmed residences, provided they meet all other requirements for ADUs in YCC 19.18.020. The floor plan for the ADU shall be submitted with the ADU application. ~~Living area~~ The ADU floor area includes storage areas ~~and,~~ mechanical rooms, that are accessible from the main living area, and as well as other interior residential spaces, but excludes ~~the following areas~~ garages, carports, shops, and non-contiguous storage areas from the overall gross building area.:

~~(A) The thickness of the exterior walls; and~~

~~(B) Garage areas.~~

~~(v) Ownership:~~

~~(A) Either the primary home or the ADU must be occupied by one or more owner(s) of the property as a permanent and principal residence. The owner shall live in either the primary or accessory unit. The owner-occupant must live in the structure for over six months of each calendar year, but may absent up to three years due to job relocation, sabbatical leave, education or illness. The owner may receive rent for the owner-occupied unit.~~

~~(B) Owners of an ADU must sign and record with Yakima County an owner-occupancy covenant prior to issuance of a building permit.~~

~~(C) Temporary owner absence — If the Reviewing Official determines that the owner of the ADU has violated owner-occupancy requirements, the owner shall:~~

~~1. Reoccupy the ADU;~~

~~2. Submit evidence showing compliance with Subsection A above to obtain a waiver of this owner-occupancy requirement; or~~

~~3.—Eliminate the ADU under either option in Subsection 19.18.020(1)(c)(vi) below.~~

(vi) Compatibility:

(A) Where authorized by the Allowable Land Use Table 19.14-1 in Chapter 19.14 ~~accessory dwelling units~~ ADUs may be attached to or detached from the primary residence or other permitted structure.

~~1.—Attached to the primary residence;~~

~~2.—Attached to or above an existing detached garage serving the primary residence;
or~~

~~3.—Detached from the primary residence and/or detached garage.~~

(B) The attached or detached ADU shall be located within 100 feet at the closest point, from the primary residence, except for previously permitted temporary aged and infirmed residences, provided they meet all other requirements for accessory dwelling units ADUs in YCC 19.18.020.

~~(B) The front entrance to the ADU shall be designed to be clearly secondary to the primary residence main entrance from a right-of-way or access easement (utilizing elements such as landscaping, lattice work, architectural design, etc...).~~

~~(C) The ADU's exterior walls shall be designed to be similar in color and building materials to the primary detached dwelling.~~

~~(D) Any exterior stairs shall be placed in the rear or side yard.~~

(E) Potable water: The ADU and the primary residence shall both connect to a public water system as defined in Section 19.01.070, and shall meet Yakima Health District requirements. The ADU and the primary dwelling unit will share a single sewer and water connection, unless the local sewer and/or water purveyor requires separate connections. Outside of Urban Growth Areas, the two dwellings may use separate on-site sewage disposal systems.

(F) Sanitary disposal system: within an Urban Growth Area, the primary residence and the ADU shall both be connected to a public sewer system as defined in Section 19.01.070 and required in YCC 19.25-2 for two connections. Outside of the UGA, the requirements of YCC 19.25-2 for two connections shall apply. All sanitary disposal systems must meet Yakima Health District requirements.

~~(vii)~~ (ix) Elimination. The Reviewing Official retains the right with reasonable notice to withdraw occupancy approval if any of the requirements under Subsections (1)(b) and (c) of this Section are violated. If the County withdraws occupancy, the property owner may:

(A) If attached, merge the existing ADU to the ~~single-family dwelling~~ primary residence;
or

(B) If detached, use the building for an approved use only, or remove the structure from the premises.

(d) Additional Standards for Caretaker Dwellings. One caretaker dwelling for the occupancy of guards, watchmen, or property caretakers is permitted as an accessory use in the SCC, LCC, GC, M-I and M-2, and MIN zoning districts. A caretaker dwelling is also permitted in the B-1, B-2, and HTC districts when the dwelling is located within the structure used for the principal use. No other dwelling unit(s) shall be allowed on the same parcel.

Chapter 19.14 ALLOWABLE LAND USE TABLE

	AG	FW	MIN	R/ELDP	R-10/5	RT	RS	HTC	SR	R-1	R-2	R-3	B-1	B-2	SCC	LCC	GC	M-1	M-2
Accessory dwelling unit*† – Attached to a SFR	2	2		2	2	2	2		2	2	1 ⁽²⁾	1 ⁽²⁾							
Accessory dwelling unit*† – Detached from a SFR	2	2		2	2	2	2		3 ⁽²⁾	3 ⁽²⁾	3 ⁽²⁾ 2 ⁽²⁾	3 ⁽²⁾ 2 ⁽²⁾							
Two-family dwelling (duplex)*							1		3 ⁽²⁾	3 ⁽²⁾	1	1							

Chapter 19.22 PARKING AND LOADING

Table 19.22-2. Off-Street Parking Standards

LAND USE	MINIMUM NUMBER OF PARKING SPACES
A. Residential.	
1. Accessory Dwelling Unit	1 space
2. Single-family, Two-family and Multifamily (10 units or less) dwellings, and caretaker dwellings	2 spaces/dwelling unit. Single-family and Two-family parking may be tandem.
3. Multifamily dwelling containing more than 10 units	2 spaces/dwelling unit

Chapter 19.35 ADMINISTRATIVE ADJUSTMENTS, MODIFICATIONS AND VARIANCES

19.35.020(3) Administrative Adjustments

(b) The Reviewing Official shall not have the authority through the administrative adjustment process to modify the requirements for:

- (v) Standards in Chapter 19.18, except adjustments to ~~visibility of a front entrance of an accessory dwelling unit,~~ the siting of manufactured and mobile homes outside Urban Growth Areas or the Rural Transitional and Rural Settlement zoning districts, resource setbacks as specified in this Section and special events for bed and breakfasts in excess of 12 per year;