

ORIGINAL

ORDINANCE 2009 - 29

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SUNNYSIDE, WASHINGTON, AMENDING  
TITLES 5 AND 17 OF THE SUNNYSIDE MUNICIPAL CODE TO DEFINE, AND  
IMPLEMENT ZONING REGULATIONS CONCERNING THE OPERATION OF,  
“DANCE HALLS” WITHIN THE CITY OF SUNNYSIDE**

**WHEREAS**, the operation of dance halls within the city limits for the purposes of hosting parties and dances has become an issue of concern to many city residents, the Sunnyside Police Department, and the City Council;

**WHEREAS**, the City of Sunnyside Police Department has received more than one hundred (100) calls for police service at dance halls during the past five years, including 24 calls for police service during one thirty (30) day period in mid-2007;

**WHEREAS**, many requests for police service at dance halls arise from altercations between individuals attending events at dance halls and individuals living in nearby residential neighborhoods affected by the noise and/or activities at these dance halls;

**WHEREAS**, the City of Sunnyside zoning code, as set forth in Sunnyside Municipal Code Title 17, contains no regulations with respect to dance halls so as to ensure dance halls are reasonably separated from residential neighborhoods;

**WHEREAS**, the City Council finds and determines that amending the City's zoning code to ensure that dance halls operate at a set minimum distance from residential neighborhoods is in the best interest of residents of the City of Sunnyside and will promote the general health, safety and welfare.

**WHEREAS**, Chapter 5.28 of the Sunnyside Municipal Code requires that licenses be obtained by individuals or entities seeking to host a public dance;

**WHEREAS**, achieving the foregoing requires the definitions of “cabaret” and “public dance hall,” as set forth in Sunnyside Municipal Code § 5.28.010, to be revised, as these definitions currently overlap to a considerable degree;

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY**

**COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

**Section 1.** Sunnyside Municipal Code section 5.28.010 is hereby amended to read as follows:

**5.28.010 Public dance defined – Exceptions to requirements.**

For the purpose of this code, the following definitions shall apply:

A. “Public dance” means any dance to which members of the public may gain admission with or without payment of any fee. A dance at a private party to which admission is by invitation and without a charge is not a public dance.

B. “Cabaret” means a tavern, cocktail lounge, dining room, or restaurant, that is regulated in any manner by the provisions of Title 66 RCW and where, as an ancillary activity, dancing is permitted on any designated floor space or in any connected building.

C. “Dance hall” means any building, pavilion, property, room, hall, or part thereof, where, for a fee or other consideration, public or private dance events and/or dancing is permitted or conducted, regardless of whether alcohol is served, consumed or permitted and regardless of whether said dance event and/or dancing is ancillary to other activities, such as parties, celebrations, reunions, or other similar events.

D. “Public teenage dance” means any dance or ball to which the public generally may gain admission with or without payment of an admission fee.

E. “Public adult dance” means any dance or ball to which the public may generally gain admission with or without payment of an admission fee, where alcoholic beverages are served or consumed.

F. Except where the context clearly indicates otherwise, the requirements for a public dance do not apply to the following:

1. A dance operated, held and sponsored by a fraternal, veteran, service or charitable organization which is generally recognized as such and is registered as a nonprofit organization in the State of Washington, by a bona fide church or by a political party organization eligible to be on the ballot in Washington State which is held on the premises owned or regularly leased by the organization;

2. A dance operated, held or sponsored by a generally recognized nonprofit organization registered as such in the State of Washington when held on premises licensed as a cabaret or public dance hall and which is part of a special function of said organization and is not held primarily for the purposes of being a public dance;

3. A dance operated, held or sponsored by an educational institution either in or not in conjunction with a recognized student group which is held on the premises of the institution, attendance to which dance is restricted to students and members of the educational institution and individual guests thereof. This exception is not applicable to dances open to members of another school not co-sponsoring it as a joint activity or open to members of the public.

**Section 2.** Except as amended herein, Chapter 5.28 of the Sunnyside Municipal Code shall remain unchanged.

**Section 3.** Sunnyside Municipal Code section 17.44.020 is hereby amended to read as follows:

**17.44.020 Permitted uses.**

The following are permitted uses in the B-2 zone:

1. Amusement enterprises, billiards, pool, bowling, roller rinks, dance halls and outdoor and indoor theaters are a permitted use, subject to the restrictions and definitions contained in SMC 17.44.025 and 17.44.027;
2. Automobile service stations and/or repair garages;
3. Automobile, motorcycle, snowmobile, bicycle, boat and farm machinery sales lots, new and used accessory sales including service facilities when conducted entirely within an enclosed building;
4. Bakery shops and confectioneries;
5. Blueprint and photostating establishments;
6. Building supply outlets, retail and wholesale to include lumber, paint, plumbing, electrical supplies and the like;
7. Car washing establishments;
8. Carpet cleaning establishments;
9. Clothing and furniture sales;
10. Clubs and other places of entertainment operated as commercial enterprises, subject to the restrictions and definitions contained in SMC 17.44.027;
11. Department and variety stores;
12. Drugstores;
13. Farm, feed, seed and fertilizer retail sales;
14. Florists, retail;
15. Food stores (retail only): grocery, delicatessen, produce stands, meat and fish shops, and food processing for sale at retail on the premises, but excluding the killing and dressing of any flesh or fowl;
16. Grounds for game or sports, parks, country clubs, recreational and community center buildings, gymnasiums and other similar activities not operated for profit;
17. Hardware, appliances and electrical items, retail and wholesale sales only;
18. Hotels, motels and inns;
19. Locks and gunsmiths;
20. Music stores;
21. Nurseries, landscaping materials, retail and wholesale;

22. Office equipment and supplies, sales and service;
23. Pawnshops or secondhand stores;
24. Restaurants and drive-ins;
25. Sporting goods;
26. Tailors, dressmakers, milliners;
27. Upholstery, paperhanging and decorator shops;
28. Similar retail and service establishments dealing directly with the consumer;
29. Uses permitted in the P-B zone, SMC 17.36.020, other than residential uses, except as provided in SMC 17.64.020(W);
30. Those special property uses permitted in the B-2 zone as specified in SMC 17.64.020.

**Section 4.** New section 17.44.027 of the City of Sunnyside Municipal Code is hereby enacted as follows:

**“17.44.027 Permitted uses – Dance halls**

Dance halls, as defined in SMC 5.28.010, are permitted uses in the B-2 zone but may not be located within 1,000 feet from any area zoned R-1, R-1M, R-2, R-3, M-H or other residential zoning district hereafter adopted; provided, however, that this restriction shall not apply to any event defined as an exempt public dance pursuant to SMC 5.28.010(F).”

**Section 5.** Sunnyside Municipal Code section 17.48.020 is hereby amended to read as follows:

**17.48.020 Permitted uses.**

The following are permitted uses in the B-3 zone:

1. Alcohol beverage retail sales;
2. Amusement enterprises: billiards, pool, bowling, roller rink, dance hall, theater and the like, subject to the restrictions and definitions contained in SMC 17.48.025;
3. Art supply retail sales;
4. Automobile, bicycle, boat, snowmobile and motorcycle sales lots, new and used and accessory sales, including service facilities when conducted entirely within an enclosed building;
5. Bakery shops and confectioneries;
6. Banks, finance and loan companies;
7. Barber, beauty and other personal services;
8. Clothing and furniture sales;
9. Department and variety stores;
10. Drugstores;
11. Dry-cleaning, pressing and dyeing plants operated in conjunction with retail service counter;
12. Eating and drinking establishments;
13. Florists, retail;

14. Food stores (retail only): grocery, delicatessen, meat and fish, but excluding the killing or dressing of any flesh or fowl;
15. Hardware, appliance and electrical items, retail sales;
16. Libraries, museums and art galleries;
17. Music stores;
18. Newspaper, radio and television stations and job-printing establishments;
19. Office buildings, government and private;
20. Office equipment and supplies, sales and service;
21. Paint retail sales;
22. Photographic studios and camera supply stores;
23. Shoe repair shops;
24. Sporting goods sales;
25. Specialty shops;
26. Tailors, dressmakers, milliners;
27. Upholstery, paperhanging and decorator shops and the like;
28. Those special property uses allowable in the B-3 zone as specified in

SMC 17.64.020;

29. Outside display of merchandise in a B-3 zone shall be permitted, subject to the condition that the display of merchandise shall be placed on the sidewalk in such a manner so as to provide an unencumbered path for pedestrian traffic on said sidewalk, with the path being of a minimum width of four and one-half feet, and so as not to otherwise interfere with or obstruct the flow of pedestrian traffic on the sidewalk outside of the store, or general ingress or egress to the door of the store; provided, however, that the outside display of merchandise shall be limited to occur with a frequency of no more than six days per month; further provided, that City-wide merchandise events shall not be included among the six days per month. The merchant or merchants seeking to display merchandise on the City sidewalks shall obtain a permit for the same from the City Clerk's office;

30. Pet stores, as defined in SMC 17.04.030;

31. On site hazardous waste treatment and storage as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the State siting criteria adopted pursuant to the requirements of RCW 70.105.210;

32. A merchant shall be permitted to operate a catering stand on that portion of any sidewalk in front of or alongside of his or her place of business in the B-3 zone, subject to the following conditions:

a. The catering stand shall be placed on the sidewalk in such a manner so as to provide an unencumbered path for pedestrian traffic on said sidewalk, with the path being of a minimum width of four and one-half feet, and so as not to otherwise interfere with or obstruct the flow of pedestrian traffic on the sidewalk outside the store, or general ingress or egress to the door of the store;

b. Permissible merchandise displayed or offered for sale at such catering stand shall be limited to coffee beverages and coffee-

based beverages, including but not limited to espresso and other similar coffee-based beverages, together with ingredients used to make such beverages, and including such specialty beverages, such as "Italian sodas" and other food products commonly associated with and sold from catering stands commonly known as "espresso bars"; and  
c. The merchant desiring to operate an espresso catering stand shall obtain a permit for the same from the City Clerk's office pursuant to Chapter 12.32 SMC.

**Section 6.** New section 17.48.025 of the City of Sunnyside Municipal Code is hereby enacted as follows:

**"17.48.025 Permitted uses – Dance halls**

Dance halls, as defined in SMC 5.28.010, are permitted uses in the B-3 zone but may not be located within 200 feet from any area zoned R-1, R-1M, R-2, R-3, M-H or other residential zoning district hereafter adopted; provided, however, that this restriction shall not apply to any event defined as an exempt public dance pursuant to SMC 5.28.010(F)."

**Section 7.** Sunnyside Municipal Code section 17.56.020 is hereby amended to read as follows:

**17.56.020 Permitted uses.**

The following are permitted uses in the M-1 zone:

- A. All uses permitted in the B-2 General Commercial zone, excepting the residential uses, subject to the restrictions and definitions contained in SMC 17.44.025 and 17.44.027 including, but not limited to, the dimensional separation of 1,000 feet between dance halls and any area zoned R-1, R-1M, R-2, R-3, M-H or other residential zoning district hereafter adopted, which dimensional separation shall be applicable to the M-1 zone to the same extent as provided for the B-2 zone;
- B. Blacksmiths or horseshoeing shops;
- C. Bus repair and storage terminals;
- D. Cabinet, carpenter, plumbing, heating and welding and machine sheet metal shops;
- E. Cold storage plants;
- F. Electrical power or light distribution stations;
- G. Farm machinery assembly, repair and sales;
- H. Farm feed-and-seed, bulk wholesale and retail;
- I. Food processing and wholesale quantities, including bakeries, dairy products;
- J. Fuel oil, gasoline and petroleum products in unpressurized tanks of 15,000 gallons or less capacity, storage and sales;
- K. Laboratories for research and testing;
- L. Lumberyards, contractor's yards and building supply yards;

- M. Manufacturing, processing or fabricating of previously prepared materials;
- N. Optical and scientific instruments, jewelry and clock, musical instrument manufacturer;
- O. Public utility installations storage yards;
- P. Repairing and servicing of industrial equipment machinery, except railroad equipment;
- Q. Scrap paper, rags storage, sorting or baling when conducted within a building;
- R. Tire recapping and retreading;
- S. Truck terminals, repair shops, mini-storage facilities as defined in SMC 17.04.030, and hauling and storage yards, and excluding auto wrecking yards;
- T. Wholesaling storage lots and warehouses;
- U. Animal shelters;
- V. Blueprinting and photostating establishments;
- W. Gas or liquefied petroleum in approved metal cylinders for storage and sales;
- X. Mixing plants for concrete or paving materials and manufacture of concrete parts products;
- Y. Those special property uses permitted in the M-1 zone as specified in SMC 17.64.020;
- Z. On-site hazardous waste treatment and storage as an accessory use to any activity generating hazardous waste and lawfully allowed in this zone; provided, that such facilities meet the State siting criteria adopted pursuant to the requirements of RCW 70.105.210.

**Section 8.** If a section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Section 9.** This ordinance shall be effective five days after passage, approval and publication as required by law.

PASSED this 28<sup>th</sup> day of December, 2009.

  
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PABLO GARCIA, MAYOR

ATTEST:

  
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DEBORAH ESTRADA, CITY CLERK

APPROVED AS TO FORM:

Menke Jackson Beyer Ehlis & Harper, LLP  
Attorneys at Law

  
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