

ORDINANCE NO. 2025-09

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
TOPPENISH, WASHINGTON, CREATING A NEW CHAPTER 17.54 OF
THE TOPPENISH MUNICIPAL CODE (TMC), AND REPEALING TMC
SECTION 17.56.050 RELATING TO HOME OCCUPATIONS,
PROVIDING FOR SEVERABILITY AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, the Toppenish Municipal Code (TMC) currently contains regulations for Home Occupations are located within the chapter that does not provide expedient allowance of new home businesses, and

WHEREAS, the existing regulations do not provide sufficient provisions for appeals, revocations, and protections to neighboring properties, and

WHEREAS, the Toppenish Planning Commission recommended approval of a proposal to repeal the existing Home Occupations code section and create a new chapter at its July 16, 2025, meeting; and

WHEREAS, the Council considered the proposal at its regular City Council meeting on August 11, 2025.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON DO ORDAIN AS FOLLOWS:

Section 1: Creation of New TMC Chapter: A new Chapter 17.54 of the Toppenish Municipal Code is hereby created and Section 17.56.050 is repealed and reads as follows:

Chapter 17.54
Home Occupations

Sections:

- 17.54.010 Purpose**
- 17.54.020 Application**
- 17.54.030 Administrative decision**
- 17.54.040 Approval Criteria**
- 17.54.050 Appeal**
- 17.54.060 Revocation of license and appeal**

17.54.010 Purpose

The purpose of this chapter is to establish a means of providing for the conduct of business to be permitted as accessory to an established residence. The purpose is to create an administrative framework to authorize such uses that do not pose a disruption to or conflict with the existing and planned residential environment.

17.54.020 Application

Applications for a home occupation shall be submitted to the City on forms provided by the Development Services department with a fee as required, that may be amended from time to time, contained with the City's fee schedule.

17.54.030 Administrative decision

Home occupation permits may be issued as defined in TMC 17.08.170, by the zoning administrator or their designee, within the R1 and R2 residential districts or in a circumstance where a property is used for residential purposes and the proposed home occupation is not in conflict with the permitted uses of the underlying zoning.

17.54.040 Approval criteria

Applications for a home occupation shall be approved following the review by the zoning administrator or their designee once the applicant has shown that their business conforms with all of the following criteria:

A. There must be a residence on site, and property owner must provide approval for the home occupation business.

B. The home occupation must be of a service character or service-oriented only. Retail sales of goods are permissible only if incidental and directly pertaining to the service being offered.

C. The home occupation shall be allowed in any attached portion of the dwelling unit or in a detached accessory building. All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed accessory building.

D. The aggregate of all space within any or all buildings devoted to a home occupation shall not occupy more than the lesser of: (1) 500 square feet in floor area; or (2) 3035 percent of the residence's floor area.

E. Only one accessory building, including detached garages, shall be allowed on the premises. One storage structure of 120 square feet or less shall be excluded from this provision.

F. The premises shall at all times be maintained as residential in appearance, cleanliness and quietness.

G. Where customers are served on the premises of the home occupation a minimum of one off-street parking space shall be provided in addition to any and all spaces required for the principal use as provided by this title.

H. Any home occupation which is objectionable due to unsightliness or an emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited.

I. One unlighted sign not exceeding two square feet in area pertaining to the home occupation shall be permitted in lieu of, not in addition to, any name plate provided for in Chapters 17.28 and 17.32 TMC. Such sign shall not be located in the required front or side yards setback areas.

J. No media or off-premises advertising shall give the address or location of the home occupation.

K. The home occupation may only be operated and staffed with residents of the property.

L. Client visits may only occur during the hours between 8:00 AM and 8:00 PM.

M. No more than eight customer vehicles may visit the site per day.

N. No materials that are explosive, highly flammable, corrosive, radioactive or toxic may be utilized or discarded on the premises of the home occupation.

O. Services to patrons shall be arranged only by appointment.

P. All stock and goods must be produced on site, by hand, without the use of automated or production line equipment.

Q. Delivery and shipments to and from the site with frequency that would involve commercial motor vehicles are prohibited.

R. The home occupation cannot require the use of electrical or mechanical equipment that would change the fire rating of the structure.

S. The home occupation shall not increase the water or sewer use so that the combined total use of the dwelling and the home occupation is significantly more than the average for residences in the neighborhood.

T. Any home occupation authorized under the provisions of this code shall be open to inspection and review at all reasonable times by enforcement officials for purposes of verifying compliance with the conditions of approval and other provisions of this code.

J. A home occupation special property use permit may contain such other conditions as the hearing examiner may deem necessary to preserve the district and to assure compatibility with permitted uses.

K. The city shall notify the adjacent property owners and applicant of its intent to approve or deny a home occupation special property use permit, together with any conditions. Notification shall be made by mail only. The notice shall include:

1. A description of the proposal and decision of the city, including any conditions of approval;

2. A place where further information may be obtained; and

3. A statement that the decision of the city will be final, unless an appeal requesting a public hearing is filed with the city clerk within 15 days of the date of the notice.

17.54.050 Appeal

Appeals of the zoning administrator's decision to the conditions of approval or the denial of a home occupation shall be submitted to the zoning administrator and reviewed by the Hearing Examiner in accordance with TMC 2.50.080. Appeals may only be filed by the applicant.

17.54.060 Revocation of license and appeal

A home occupation permit may be revoked by the zoning administrator if the zoning administrator find the home occupation no longer complies with the approval criteria set forth in 17.54.040 or the home occupation permit's approval criteria. The permit holder may file a written appeal to the revocation in accordance with TMC 17.54.050.

Section 2: Repeal of TMC Section. Section 17.56.050, set forth below, is repealed.

TEXT TO BE REPEALED

17.56.050 Home occupations.

Special property permits may be issued for home occupations as defined in TMC 17.08.170, by the zoning administrator or his/her designee, within R1 and R2 residential districts only, subject to the following provisions:

A. There must be a residence on site, and the proprietor of the home occupation business must reside in that residence.

B. The home occupation must be of a service character or service-oriented only. Retail sales of goods are permissible only if incidental and directly pertaining to the service being offered.

C. The home occupation shall be allowed in any attached portion of the dwelling unit or in a detached accessory building. All aspects of the conduct of a home occupation shall be confined, contained and conducted within the dwelling or within a completely enclosed accessory building.

D. The aggregate of all space within any or all buildings devoted to a home occupation shall not occupy more than the lesser of: (1) 500 square feet in floor area; or (2) 30 percent of the residence's floor area.

E. Only one accessory building, including detached garages, shall be allowed on the premises. One storage structure of 120 square feet or less shall be excluded from this provision.

F. The premises shall at all times be maintained as residential in appearance, cleanliness and quietness.

G. Where customers are served on the premises of the home occupation a minimum of one off-street parking space shall be provided in addition to any and all spaces required for the principal use as provided by this title.

H. Any home occupation which is objectionable due to unsightliness or an emission of odor, dust, smoke, noise, glare, heat, vibration or similar causes discernible on the outside of any building containing such home occupation shall be prohibited.

I. One unlighted sign not exceeding two square feet in area pertaining to the home occupation shall be permitted in lieu of, not in addition to, any name plate provided for in Chapters 17.28 and 17.32 TMC. Such sign shall not be located in the required front or side yards.

J. A home occupation special property use permit may contain such other conditions as the hearing examiner may deem necessary to preserve the district and to assure compatibility with permitted uses.

K. The city shall notify the adjacent property owners and applicant of its intent to approve or deny a home occupation special property use permit, together with any conditions. Notification shall be made by mail only. The notice shall include:

1. A description of the proposal and decision of the city, including any conditions of approval;
2. A place where further information may be obtained; and
3. A statement that the decision of the city will be final, unless an appeal requesting a public hearing is filed with the city clerk within 15 days of the date of the notice. (Ord. 2019-17 § 1, 2019).

Section 3. Severability: If any section, sentence, clause or phrase of this ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Corrections: The city clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the corrections of scribes/clerical errors, and any references thereto references.

Section 5. Effective Date: This ordinance shall be effective five days after publication of a summary thereof.

ADOPTED by the Toppenish City Council at its regular meeting held on August 11, 2025.



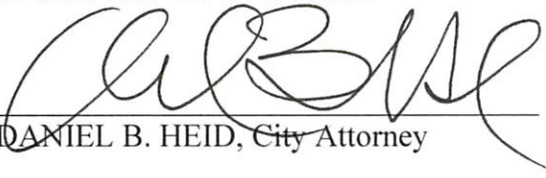
ELPIDIA SAAVEDRA, Mayor

ATTEST:



HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:



DANIEL B. HEID, City Attorney

CLERK'S CERTIFICATION

I, the undersigned, the duly chosen qualified and acting Clerk of the City of Toppenish, Washington, and keeper of the records of the Council of the City (herein called the "Council"), DO HEREBY CERTIFY:

1. That the attached Ordinance 2025-09 (herein called the "Ordinance") is a true and correct copy of an Ordinance of the City, as finally passed at a meeting of the Council held on the 11th day of August, 2025, and duly recorded in my office.
2. That said meeting was duly convened and held in all respects in accordance with law, and, to the extent required by law, due and proper notice of such meeting was given; that a quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the passage of the ordinance; that all other requirements and proceedings incident to the proper passage of the Ordinance have been duly fulfilled, carried out and otherwise observed; and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Toppenish, Washington, this 12th day of August, 2025.




Heidi Riojas, CMC – City Clerk

Official Newspaper: *Sunnyside Sun*

Published: August 20, 2025

Effective: August 25, 2025

DECLARATION OF THE PRESIDENT

I, the undersigned, do hereby certify that the enclosed copy of the report of the Commission on the Status of Women, as presented to the General Assembly of the United Nations, is a true and correct copy of the original report as presented to the Commission.

Witness my hand and the seal of the United Nations at New York, this 15th day of December, 1945.

Truman

THE PRESIDENT OF THE UNITED STATES OF AMERICA

Truman

