

ORDINANCE 1774

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, RELATING TO THE CITY'S ZONING CODE, NBMC TITLE 18; AMENDING NBMC SUBSECTION 18.14.010(A) RELATING TO SITE PLAN REVIEW APPLICABILITY; AMENDING NBMC SUBSECTION 18.16.040(B) RELATING TO CHANGE OF USES FOR OFF-STREET PARKING; AMENDING NBMC SUBSECTION 18.34.050(A) RELATING TO DESIGN STANDARDS FOR SINGLE-FAMILY AND COTTAGE RESIDENTIAL PROPERTIES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, North Bend Municipal Code (“NBMC”) Title 18 contains the City’s development standards; and

WHEREAS, the City desires to amend the development standards relating to site plan review applicability, change of use requirements for off-street parking, and design standards for single family and cottage residential properties (collectively “Proposed Amendments”); and

WHEREAS, the City submitted a *Notice of Intent to Adopt* the Proposed Amendments to the Washington State Department of Commerce on January 31, 2022, which was issued to state agencies for a 60-day comment period as required pursuant to Chapter 36A.70 RCW, and no comments were received; and

WHEREAS, a State Environmental Policy Act (“SEPA”) Determination of Non-Significance (“DNS”) and notice of public hearing were issued for the Proposed Amendment on February 25, 2022, with a comment deadline of March 14, 2022, and three public comments and one agency comment have been received; and

WHEREAS, the City of North Bend Planning Commission held a public hearing on the Proposed Amendments on March 10, 2022, wherein public and commissioner testimony was received and addressed; and

WHEREAS, the City Council finds that the Proposed Amendments are consistent with the requirements of the Growth Management Act, Chapter 36.70A RCW, and followed the procedural requirements of the NBMC; and

WHEREAS, the City Council finds that the procedural, public notice, public participation, and all other requirements set forth in NBMC Chapter 20.08 (Comprehensive Plan and Development Regulation Amendment Procedures) have been satisfied;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings of Fact: The WHEREAS clauses set forth above are incorporated as findings of fact as if fully set forth herein.

Section 2. NBMC 18.14.010(A), Site Plans – Applicability, Amended: North Bend Municipal Code Subsection 18.14.010(A) (Applicability) is hereby amended as follows:

A. Site plan review and approval shall be required prior to issuance of a building permit (If required) when provided under this chapter. Site plan review shall be required for the following:

1. All new nonresidential uses for the location of any building or any multifamily development in which more than two dwelling units would be contained.
2. Nonresidential expansion, new, and/or change of outdoor use area including but not limited to expanded parking, storage, or outdoor seating.
- 2.3. The expansion of any building or development.

Section 3. NBMC 18.16.040(B), Off-Street Parking – Expansion, Enlargement or Change of Use, Amended: North Bend Municipal Code Subsection 18.16.040(B) (Off-street parking – Expansion, enlargement or change of use) is hereby amended as follows:

B. Change of Use.

1. When a residential structure is changed into a commercial structure, excluding a home occupation use, off-street parking shall be provided for the commercial use as required by this chapter. The change of use provision shall not apply in the downtown commercial (DC) zoning district when improvements are less than 50 percent of the assessed value of the structure over a 10-year period.

2. When a non-residential use is changed into a different non-residential use, off-street parking shall be provided for the new use as required by NBMC table 18.16.090, when the new use requires additional parking greater than the existing use.

a. Exemptions:

- i. No additional parking space need be provided where the number of additional parking spaces required for the new use is less than 10 percent of the parking spaces on site.
- ii. If no more than a total of 3 parking spaces are required for the new use.

Section 4. NBMC 18.34.050(A), Single-Family and Cottage Residential, Amended:

North Bend Municipal Code Subsection 18.34.050(A) (Single-family and cottage residential) is hereby amended as follows:

A. The following section of this chapter outlines the design standards and guidelines for new single-family and cottage homes ~~over two units/ lots~~. This section should also be read along with performance standards in NBMC 18.10.050 for associated cottage and single-family design standards. This section is organized as follows:

1. Subsection A of this section, Single-Family and Cottage Residential.
2. Subsection B of this section, Architectural Style and Related Matters.
3. Subsection C of this section, Materials and Color.
4. Subsection D of this section, Building Mass and Scale.
5. Subsection E of this section, Building Orientation.
6. Subsection F of this section, Garages.
7. Subsection G of this section, Setback Variation.
8. Subsection H of this section, Lot Layout and Design.

Section 5. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 6. Effective Date: This ordinance shall be published in the official newspaper of

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the City, and shall take effect and be in full force five (5) days after the date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND,
WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5TH DAY OF
APRIL, 2022.**

CITY OF NORTH BEND:

Rob McFarland, Mayor

APPROVED AS TO FORM:

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: April 15, 2022

Effective: April 20, 2022

Susie Oppedal, City Clerk