

# ORDINANCE 1807

## AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, AMENDING NORTH BEND MUNICIPAL CODE SECTION 18.30.040 RELATING TO NONCONFORMING USES AND REPAIR/RESTORATION IN THE EVENT OF DAMAGE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

**WHEREAS**, the City of North Bend regulates non-conforming uses in Chapter 18.30 of the North Bend Municipal Code (“NBMC”); and

**WHEREAS**, NBMC 18.30.040 requires that a property owner of a nonconforming use receive permits and commence work within one year from the date of any destruction thereto if the property owner seeks to restore such nonconforming use; and

**WHEREAS**, the City has determined it is in the public interest to increase the amount of time for property owners to restore nonconforming uses to two years, knowing that these events causing destruction, such as fires, cannot be predicted and the process to achieve permits and begin construction can be lengthy; and

**WHEREAS**, City staff submitted proposed draft amendments NBMC Section 18.30.040 to the Washington Department of Commerce for review on March 6, 2024; and

**WHEREAS**, the Planning Commission reviewed these amendments and held a Public Hearing at their April 3, 2024 meeting and recommended approval;

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

**Section 1. NBMC Section 18.30.040, Amended:** Section 18.30.040 of the North Bend Municipal Code (Nonconforming use – Repair/restoration if damaged) is hereby amended to read as follows:

### **18.30.040 Nonconforming use – Repair/restoration if damaged.**

A nonconforming building, structure, or land use (as applicable) having been damaged or destroyed by fire or other calamity to any extent may be restored, and its immediate previous occupancy or use existing at the time of such destruction may be continued or be resumed; provided, that the necessary permits are issued and reconstruction

work is commenced within ~~one year~~ *twenty-four (24) months* of the date of such destruction; provided, that:

A. Such building, structure, or land use (as applicable) must either be located exactly in its previous footprint and envelope, or made to conform to the bulk, dimensional, and performance standards of the zoning district in which it lies;

B. Nonconforming signs (nonconforming as to use or bulk regulations) must meet existing zoning district regulations if damaged beyond 50 percent of replacement valuation of the sign, excluding the sign support structure;

C. In no case shall any prohibited uses as designated under NBMC 18.10.030 be permitted to be repaired or restored if damaged beyond 25 percent of assessed valuation.

**Section 2. 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 3. Effective Date:** This ordinance shall be published in the official newspaper of 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 7<sup>TH</sup> DAY OF MAY, 2024.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Mary Miller, Mayor**

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**Kendra Rosenberg, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: May 17, 2024

Effective: May 22, 2024

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**Susie Oppedal, City Clerk**