

## **Amendments to NBMC 18.06.030.**

### **18.06.030.A “A”**

1. “Abutting zones” means zoning districts sharing a common boundary. For purposes of landscaping and setback requirements, zones shall not be deemed abutting where the common boundary is at or within a street, railroad, trail, or other designated right-of-way.
2. “Accessory building” means a subordinate building, with separate means of egress, the use of which is incidental to the use of the main building and which is located on the same lot or on a contiguous lot, adjoining the principal lot, on most of one side.
3. “Accessory dwelling unit” or “ADU” means a year-round dwelling unit detached or attached to a single-family housing unit, duplex, triplex, townhome, cottage, or other housing unit. ; ADUs are no larger than 10 percent of the lot area or 800 1,000 square feet., whichever is smaller, with a maximum of one bedroom. Studios are allowed on lots less than 5,000 square feet with cooking facilities, sanitary facilities, and an independent means of access, either attached or detached to a single-family residence, ADUs must provide permanent provisions for living, sleeping, eating, cooking, and sanitation, have an independent means of access, and must be located on the same lot as a single-family residence. principal housing unit. ADUs may also be above a garage, provided the parking bays may not be converted to living space. An ADU may be allowed for sale by condominium pursuant to RCW 36.70A.681(1)(k).
4. “Accessory use” means a use incidental and subordinate to the principal use and located on the same lot or in the same building as the principal use.
5. “Administrative adjustment to standards” refers to the authority of the director of community services and/or his or her designee to change selected bulk and dimensional standards as outlined in procedures and criteria in the table of bulk and dimensional standards. An administrative adjustment may have similar or exact results, but is not the same mechanism as a variance, which may only be granted by the hearing examiner.
6. “Adult entertainment facilities” means enterprises predominantly involved, for commercial purposes, in the selling, renting, or presenting of books, magazines, motion pictures, films, video cassettes, cable television, live entertainment, performance, or activity distinguished or characterized by a predominant emphasis on the depiction, simulation, or relation to “specified sexual activities” as defined in this chapter for observation by patrons therein. Examples of such facilities include, but are not limited to, adult book or video stores and establishments offering panoramas, peep shows, or topless or nude dancing.
7. “Adult family home” means a regular family abode in which a person or persons provides personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services as regulated by the Department of Social and Health Services in Chapter 70.128 RCW and Chapter 388-76 WAC. An adult family home may provide services to up to eight adults upon approval from the Department of Social and Health Services under RCW 70.128.066. Secure community transition facilities are not considered adult family homes.
8. “Affordable housing” means owner-occupied or rental housing built on a site that was designated at the time of development approval, to accommodate a scale and finish of structure as stated in the development approval, that is intended to be affordable by households making no more than 80 percent of the median household income for the city of

North Bend as calculated using the U.S. Department of Housing and Urban Development (HUD) methodology, assuming standard Federal Housing Administration lending criteria and minimum down payments when applicable, at the time of development approval.

9. "Agricultural land" means land meeting any one or more of the following definitions:
- a. Land primarily devoted to commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.130 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production; or
  - b. Land that is currently in use for agriculture as evidenced by its current enrollment in the open space taxation program pursuant to Chapter 84.34 RCW.
10. "Agricultural land productivity" means:
- a. Any parcel of land that is 20 or more acres or multiple parcels of land that are contiguous and total 20 or more acres:
    - i. Devoted primarily to the production of livestock or agricultural commodities for commercial purposes; or
    - ii. Enrolled in the federal conservation reserve program or its successor administered by the United States Department of Agriculture; or
    - iii. Other similar commercial activities as may be established by rule; or
  - b. Any parcel of land that is five acres or more but less than 20 acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993:
    - i. One hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and
    - ii. On or after January 1, 1993, \$200.00 or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter.
11. "Alley" means an improved thoroughfare, right-of-way, or easement, narrower than a street, that provides vehicular and nonmotorized access to an interior boundary of one or more lots, and is not designed for general traffic circulation.
12. "Alterations" means a change or rearrangement of the structural parts of existing facilities, or an enlargement by extending the sides or increasing the height or depth, or the moving from one location to another. In buildings for business, commercial, industrial or similar uses, the installation or rearrangement of partitions affecting more than one-third of a single floor area shall be considered an alteration.
13. "Anchor store" means commercial establishments including but not limited to antique shops, banks and financial institutions, bookstores, microbreweries, business offices, furniture/appliance stores, general stores (but not convenience stores), hardware stores, health clubs, pharmacies, and professional offices.
14. "Assisted living facility" means any facility that provides either temporary or permanent residence for senior citizens and which provides opportunities for common dining areas,

although some facilities may offer kitchen facilities in the individual units as well. Some assisted care facilities may offer minor health services on site, such as a resident nurse.

15. “Attached accessory dwelling unit” means an accessory dwelling unit located within or attached to a principal housing unit, such as a single-family unit, duplex, triplex, townhome, cottage, or other housing unit. The attached accessory dwelling unit must be affixed to the residential structure on the property.

1516. “Attached, structure or building” means a structure or building joined or fastened to another structure or building by any means to become one continuous structure or building.

#### **18.06.030.D. “D.”**

1. “Design guidelines” means standards and principles relating to a variety of land use and community elements, including but not limited to site design, building design, landscaping, parking, signage, and pedestrian amenities, as found in North Bend’s design review regulations, Chapter 18.34 NBMC.

2. “Detached accessory dwelling unit” means an accessory dwelling unit that is partly or entirely of a building that is separate and detached from a principal housing unit, such as a single-family unit, duplex, triplex, townhome, cottage, or other housing unit. A detached accessory dwelling unit located attached to or above a non-residential, freestanding structure on the property is considered detached. For example:

a. A freestanding garage with an accessory dwelling unit is a detached accessory dwelling unit.

b. A freestanding accessory dwelling unit may share a wall with a second freestanding accessory dwelling unit and meet the adopted definition of “detached accessory dwelling unit”.

23. “Detached building” means a building that is not attached to any other building.

34. “Development” means any manmade alteration of unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment and materials and subdivision of land. For properties within the floodplain, development also includes the removal of more than five percent of the native vegetation on the property, or alteration of natural site characteristics.

45. “Development agreement” means an agreement that sets forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by a local government planning under Chapter 36.70A RCW. A development agreement may be with a person having ownership or control of real property within the city’s jurisdiction or for real property outside its boundaries as part of a proposed annexation or a service agreement.

56. “Dock” means a basin for moorage of boats, including a basin formed between the extension of two piers or the area between a bank or quay and a pier. Docking facilities may include wharves, moorage or docks or any place or structure connected with the shore or upon shorelands provided for the securing of a boat or vessel.

67. “Dwelling, duplex” means a building containing two dwelling units totally separated from each other by an unpierced wall extending from ground to roof. Duplex units may have separate legal lots.

78. "Dwelling, multifamily" means a building containing two or more dwelling units, including units that are located one over the other. Multifamily dwellings typically occupy one common legal lot, however, as with duplexes, they may have separate legal lots.
89. "Dwelling, single-family" means a detached building designed for and occupied exclusively by one family and the household employees of that family.

**18.06.030.P. "P."**

1. "Park" means a site designed or developed for recreational use by the public including but not limited to major categories of:
  - a. Indoor park facilities (activity centers, swimming pools);
  - b. Outdoor park facilities for active recreation (sportfields, playfields, and related);
  - c. Outdoor areas for passive recreation (conservation areas, typically with nonmotorized trails).
2. "Parking space" means a space within or without a building, exclusive of driveways, at least 10 feet by 20 feet, used to temporarily park a motor vehicle and having access to a public street or alley.
3. "Performance standards" means guidelines, standards, and/or criteria that govern permitted and/or conditionally permitted land uses.
4. "Permanent supportive housing" is subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services pursuant to RCW 36.70A.030. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW.
5. "Permitted use" means any use authorized or permitted alone or in conjunction with another use in a specified district and subject to the limitations of the regulations of such use district.
6. "Pervious surface" means a surface which does not prevent or retard the entry of water into the soil mantle as under natural conditions prior to development.
7. "Place" means an open, unoccupied, named space, other than a street or alley, at least 25 feet in width, permanently reserved and so recorded in the county records as the principal means of access to abutting or adjacent property.
8. "Primary use" means the principal or predominant use to which the property is or may be devoted, and to which all other uses on the premises are accessory.

9. "Principal unit" means the primary residential unit on a lot, such as a single-family housing unit, duplex, triplex, townhome, cottage, or other housing unit, located on the same lot as an accessory dwelling unit.

109. "Professional offices" means offices maintained and used as a place of business conducted by persons such as doctors, dentists, osteopathic physicians, naturopathic physicians, chiropractors, optometrists (but wherein no overnight care for patients is given), and by engineers, attorneys, architects, accountants and other persons or firms providing services in a manner that creates land use impacts similar to the specific uses listed above.

1140. "Prohibited uses" means land use activities, including associated buildings and/or structures, that are specifically prohibited by this zoning code, as listed in endnotes to Table 18.10.030.

1244. "Public utility" means a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas and transportation for persons and freight.

#### **18.06.030.S. "S."**

1. "School, elementary, junior or senior high, including public, private and parochial" means an institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Washington State Board of Education.
2. "Secondary use (incidental or accessory)" means a minor or second use for which a lot, structure or building is designed or employed in conjunction with but subordinate to its primary use.
3. "Secure community transition facilities" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any other community-based facilities established under Chapter 71.09 RCW and operated by the secretary or under contract with the secretary.
4. "Semiprivate facility" means any facility to which a class or a group of the public is permitted to attend or use subject to the regulations of a club or other organization owning or regulating such facility.
5. "Senior citizen" means a person aged 62 or older.
6. "Senior citizen housing" means:
  - a. Housing which is exclusively devoted to housing for, and restricted to use by, senior citizens, as this term is defined in this section, either under the Housing and Urban Development (HUD) Section 2.02 Program and contracts and guidelines pertinent thereto or, after the expiration of such contracts and direct applicability of such guidelines, under the provisions of those contracts and guidelines which were in effect at the expiration of the applicability of Section 2.02 financing to any particular senior citizen project which has been established under such a Section 2.02 program.

- b. Any change of use from that of senior citizen housing will immediately cause all provisions of the zoning code to apply without regard to the bulk and dimensional standards of Table 18.10.040 or the reduced-parking requirement of NBMC 18.16.090, which otherwise may apply to senior citizen housing, and should housing be so changed from senior citizen housing, alternatives will immediately be required in order to gain code compliance, such as vacating units which cause excess density and conversion of such vacated units to facilities for use in common by the remaining project residents; and further, such as by immediately securing additional parking so as to meet parking requirements, or by converting additional dwelling units so as to meet parking requirements. Any delay that may be allowed by the city in implementing any application of municipal code requirements will not constitute a waiver of the full applicability of requirements of this zoning code, and developers of senior citizen housing will be deemed to be fully on notice that any bonus or requirement reduction relating to senior citizen housing applies only so long as the project is used for senior citizen housing.
  - c. Any developer of senior citizen housing is obligated to give six months' prior notice to the city of intent to abandon senior citizen housing status, and if the new use does not comply with requirements of this title, including but not limited to those pertaining to bulk and parking requirements, the occupancy permit for the building shall be revoked.
- 7. "Setback" means the distance that buildings and structures must be placed from respective front, side, and rear lot lines, subject to the provisions outlined in Table 18.10.040, Bulk and Dimensional Standards.
  - 8. "Shelter station" means a shelter for the protection from the elements of the waiting customers of a public transportation system.
  - 9. "Shopping complex" means individual commercial uses, typically divided in units, that are attached in a common building.
  - 10. "Short term rental" means a lodging use, that is not a hotel or motel or bed and breakfast, in which a dwelling unit, or portion thereof, is offered or provided to a guest by a short-term rental operator for a fee for fewer than 30 consecutive nights.
  - 1140. "Sign" means any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.
  - 1244. "Solid planting" means a planting of evergreen trees and shrubs which will prevent a through and unobscured penetration of sight or light.
  - 1342. "Specified sexual activities" means human genitalia in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, sodomy, or erotic fondling; touching or display of human genitalia, pubic region, buttocks, or female breasts.
  - 1443. "Standard sized single-family home" means homes larger than 1,700 square feet in size.
  - 1544. "Story" means that part of a building lying between two floors or between the floor and ceiling of the highest usable level in the building.
  - 1645. "Street" means a public thoroughfare which affords the principal means of access to abutting properties.
  - 1746. "Structural alterations" means any change in load or stress of the loaded or stressed members of a building or structure.

1847. "Structure" means a combination of materials constructed and erected permanently on the ground or attached to something having a permanent location on the ground. Not included are residential fences less than six feet in width, retaining walls, rockeries and similar improvements of a minor character less than three feet in height.

1948. "Substandard lots" means where an existing, recorded lot is substandard in width or area, and where the owner of the substandard lot does not own abutting lots which taken together would satisfy current lot width and area requirements, one single-family house may be constructed on a substandard lot, provided any new structure or substantial alteration to an existing structure must satisfy the current setback and lot coverage requirements of the zoning district in which it is located.