

Proposed Amendments to NBMC 18.34

NBMC 18.34.030 Applicability, exemptions, relation to other codes, and effect.

- A. Applicability. As necessary, compliance with design standards is checked at both the conceptual land use approval stage and the building permit stage. The design standards apply to:
 1. All new residential and nonresidential construction and exterior tenant improvements (TIs) that require a building permit under the International Building Code (IBC), except as noted under subsection B of this section, must follow these standards and guidelines.
 2. Exterior-only nonresidential building or structure tenant improvements that require a building permit, where such improvements equal or exceed 20 percent of the King County assessed valuation of a building or structure.
 3. Exterior-only multifamily residential building or structure tenant improvements that require a building permit, where such improvements equal or exceed 20 percent of the assessed valuation of a building or structure.
 4. In addition to building permits, design standards apply to site plan approvals that precede issuance of building- or construction-related permits. For example, the standards apply to parking and landscaping reviews, subdivisions, short subdivisions, binding site plans, development agreements, conditional use permits and variances. The degree of application depends on the specific land use action.
 5. Clearing/grading permits. Where a clearing/grading permit is required, the clearing and grading plan shall be reviewed for compliance with applicable design standards.
 6. Where any single development project element triggers the design standards, the standards apply to all project improvements proposed. The purpose of this provision is to ensure that development improvements properly complement and coordinate with one another.
- B. Exemptions.
 1. All development that does not require a building permit under the International Building Code (IBC).
 2. Developments listed as exempt from other construction permits (e.g., exempt from clearing and grading permit).
 3. Interior-only tenant improvements.
 4. Exterior tenant improvements that do not meet threshold guidelines noted in subsections (A)(2) and (A)(3) of this section.
 5. Exterior tenant improvements that are “in-kind” maintenance and/or repair only.
 6. Manufactured home design is regulated under NBMC performance standards, Table 18.10.050(1.12).

Applicants are encouraged to consult with city staff at the preapplication meeting or earlier to determine applicability and exemptions. In cases where these standards conflict with a concomitant or development agreement (existing at the time of adoption of these

standards), the principles set forth in the concomitant or development agreement supersede these standards.

C. Deviation from Standards. An applicant may request a deviation from strict conformance to provisions of the design standards and guidelines set forth in NBMC [18.34.010](#) through [18.34.090](#).

In approving deviations from the standards, the community and economic development director shall prepare written findings that the proposed deviation is justified based on one of the following, and must find that the deviation is otherwise consistent with the purpose and intent of the provision from which the deviation is being sought, as well as the purpose and intent of the design standards and guidelines as a whole:

1. Site-specific limitations that prevent a building design from adhering to the design standards and guidelines;
2. The deviations better accommodate or improve the existing physical conditions of the subject property in the sole discretion of the community and economic development director; or
3. The deviations enable implementation of low impact or sustainable design techniques that may not otherwise be possible under strict conformance to the design standards and guidelines.
- 3.4. The deviation is necessary to ensure that the design standards as otherwise applied do not violate RCW 36.70A.630(b).

D. Relation to Other Codes. The design standards supplement and/or complement the city's zoning code (this title), critical areas regulations (Chapters [14.05](#) through [14.12](#) NBMC), International Building Code (NBMC Title [15](#)), and other land use regulations. // Where design standards conflict with other land use regulations, or where uncertainty exists regarding the interpretation of the standards, respective provisions of NBMC [18.04.020](#), Conflicting regulations, and NBMC [18.04.030](#), Interpretation, shall apply. // Residential and nonresidential developments often use covenants, conditions and restrictions (i.e., CC&Rs). CC&Rs typically address any number of design-related matters, for example, building colors, roof materials, sign guidelines, or otherwise. CC&Rs for development projects shall not be inconsistent with the design standards. As part of city review, the CC&Rs for development projects shall be reviewed by the city for consistency with the design standards. Project-related permits shall not be issued where CC&Rs would be inconsistent with design standards.

E. Effect. The design standards and design guidelines carry the full effect of the police power to regulate the public health, safety, and welfare per enabling authority outlined in NBMC [18.34.010](#).

Design standards are obligatory and utilize the terms "shall," "must," "required" and like synonyms, as well as antonyms such as "prohibited" or "not allowed." City staff and/or affected decision makers have authority to deny development projects where design standards are not followed.

Applicants are encouraged to follow design guidelines which utilize the terms "should," "preferred," "recommended" and like synonyms, as well as antonyms "discouraged," "not preferred" and the like. City staff and/or affected decision makers shall not have authority to deny development projects where design guidelines are not summarily or cumulatively followed in a development project.

NBMC 18.34.050 Single-family and cottage residential.

H. Lot Layout and Design. The following standards shall be applied to the layout and design of subdivisions and short subdivisions:

1. Lots shall front to a public street, a park or a common open space tract owned by the city or the applicable homeowners association, unless infeasible due to the shape of existing lot lines or the presence of topographic constraints.
2. A shared driveway/access is allowed in limited circumstances when approved by the director, and shall not be used to serve more than four residences. Where access to more than four residences is needed, a public street shall be provided, constructed to the applicable minimum planning/design street standard in Chapter [19.01](#) NBMC and the city of North Bend public works standards.
3. Lots with double frontages (where streets other than an alley exist on opposing property lines) are permitted only when all of the following circumstances apply:
 - a. When such lots are adjacent to a collector or arterial street or where necessary due to topography or other site limitations;
 - b. When limited to a maximum of 250 linear feet of double frontage for all applicable lots along such collector or arterial street;
 - c. If rear lot lines within a subdivision face a street, a minimum 15-foot landscape buffer shall be required between the rear lot line and the adjacent street right-of-way or easement. Said landscape buffer shall consist of Type 2 landscaping per the landscape regulations in Chapter [18.18](#) NBMC and, when provided for a subdivision, shall be placed in a tract owned and maintained by the applicable homeowners association or otherwise in collective ownership and maintenance of all homeowners within the development.
4. ~~Subdivisions shall additionally meet the following lot size and width variation criteria:~~
 - a. ~~Lot Width. No more than two adjacent residential lots shall have the same width. Variation shall be not less than 10 feet.~~
 - b. ~~Lot Size. Single family lot sizes shall vary. Not more than two adjacent lots shall be of the same size ("same size" is defined as within 500 square feet in area relative to each other) and shall vary as follows:~~
 - i. ~~Thirty three percent of the total number of lots shall vary from the minimum lot size by a minimum of 2,000 additional square feet. Thirty three percent of the total number of lots shall vary from~~

~~the minimum lot size by a minimum of 4,000 additional square feet.~~

NBMC 18.34.060 Multifamily residential.

D. Building Mass and Scale. To ensure that residential building mass and scale is appropriate to North Bend's small city context and is human in scale.

Articulation and/or modulation of primary facades and facades in public view shall be used to break up building mass and scale. Unmodulated primary and publicly viewable facades should not extend more than 30 feet. Modulation should be sufficient to break up wall planes. Roofline articulation should also be utilized, and can be accomplished with multigabled roofs, stepped roofs, or otherwise.

Facade and roofline articulation should be complemented with other architectural features as appropriate to architectural style, including variation in building materials; variation in fenestration; variation in building color; and elements like porches, chimneys, and finer details.

Building location on a lot, including subtle variations in front yard and side yard setbacks, should be utilized to reduce building mass and bulk, especially on larger development projects. For example, front yard setbacks might vary by five feet (see single-family and cottage performance standards in NBMC).

~~All structures shall have a maximum building height of 35 feet. A mix of density and building types is encouraged, but in no case shall individual buildings contain over 10 dwelling units.~~