

# ORDINANCE 1481

## **AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ESTABLISHING INTERIM ZONING CONTROLS RELATED TO PERMITTED USES IN THE COTTAGE RESIDENTIAL ZONE, PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY, AND ESTABLISHING AN EFFECTIVE DATE**

**WHEREAS**, the North Bend Municipal Code, Comprehensive Plan, and Zoning Map provide for a Cottage Residential (“CR”) zoning district; and

**WHEREAS**, approval of a planned neighborhood district (“PND”) under NBMC 18.12 is now required for any development in the CR district; and

**WHEREAS**, the purpose of a PND is to encourage a greater variety of mixed housing types, sizes, and prices, including innovative and/or affordable housing, with flexible bulk and dimensional standards, and which are designed to be compatible with neighboring properties; and

**WHEREAS**, as currently adopted, NBMC 18.12 PND is unclear regarding the mix of housing types permitted within the CR District; and

**WHEREAS**, NBMC Chapter 18.10.030 Permitted and Conditional Uses, 18.40.040 Bulk and Dimensional Standards, and 18.10.050 Performance Standards are vague as they could be read to permit standard sized single family residential housing units within the Cottage Residential district; and

**WHEREAS**, the intent of the City Council in adopting the Cottage Residential district was to encourage innovative housing types of predominantly single-family detached housing, but in size and scale smaller than standard sized single family residential units (i.e., “cottage” housing), including a maximum of 15 percent attached housing on smaller lots with densities from six to ten dwelling units per gross acre, in order to create greater choices for homebuyers of varying economic means in North Bend; and

**WHEREAS**, in adopting the Cottage Residential district, the City Council did not intend to allow standard sized single family homes in neighborhoods in the Cottage Residential District; and

**WHEREAS**, the City Council finds it necessary to clarify its intent in adopting the Cottage Residential zoning district through these Interim Zoning Controls, which will allow sufficient time for the Planning Commission to evaluate and recommend any

necessary further code amendments, while also ensuring that applications to develop projects inconsistent with the intent of the City Council do not vest;

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

**Section 1. Adoption of Interim Zoning Controls.** The City Council adopts as interim zoning controls under RCW 36.70A.390 the amendments to (a) NBMC Chapter 18.10.030 Permitted and Conditional Uses, attached as Exhibit A; (b) NBMC 18.40.040 Bulk and Dimensional Standards, attached as Exhibit B; and (c) NBMC 18.10.050 Performance Standards, attached as Exhibit C. Notwithstanding any other provision of this ordinance or of the North Bend Municipal Code, no “dwelling, single family” as defined in NBMC 18.06 other than “cottage” or “cottage housing development,” as also defined in NBMC 18.06, shall be permitted in the Cottage Residential zoning district.

These interim zoning controls shall be effective for six months from the effective date of this ordinance, unless subsequently renewed after a public hearing and entry of findings of fact.

**Section 2. Findings of Fact and Public Hearing.** Pursuant to RCW 36.70A.390, the City Council shall hold a public hearing within 60 days of the adoption of these interim zoning controls and may adopt findings of fact thereafter in addition to those findings of fact described in Section 4 of this ordinance.

**Section 3. 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 4. Effective Date:** This Ordinance, as a public emergency ordinance necessary for the protection of the public health, public safety, public property, or public peace, shall take effect and be in full force immediately upon its adoption. Pursuant to *Matson v. Clark County Board of Commissioners*, 79 Wn. App. 641, 904 P.2d 317 (1995), underlying facts necessary to support this emergency declaration are included in the

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“WHEREAS” clauses, above, all of which are adopted by reference as findings of fact as if fully set forth herein.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 5<sup>TH</sup> DAY OF MARCH, 2013.**

**CITY OF NORTH BEND:**

**APPROVED AS TO FORM:**

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**Kenneth G. Hearing, Mayor**

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**Michael R. Kenyon, City Attorney**

**ATTEST/AUTHENTICATED:**

Published: March 13, 2013

Effective: March 5, 2013

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**Susie Oppedal, City Clerk**