

ORDINANCE 1482

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ESTABLISHING INTERIM ZONING CONTROLS RELATED TO HOME OCCUPATION BUSINESS LICENSES, PROVIDING FOR SEVERABILITY, DECLARING AN EMERGENCY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the Growth Management Act requires the City Council to adopt a comprehensive plan and to adopt development regulations that are consistent with and implement the comprehensive plan; and

WHEREAS, the City Council accordingly adopted various zoning districts in accordance with the City’s comprehensive plan, which are codified at NBMC 18.10, and in which a home occupation business license may be granted upon satisfaction of listed criteria; and

WHEREAS, the City Council did not intend in adopting home occupation regulations that a home occupation business license could be granted in non-residential zones for land uses that would otherwise be prohibited in the underlying zoning districts; and

WHEREAS, the City Council finds it necessary to clarify its intent in adopting the home occupation regulations 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 home occupation business licenses are not issued for uses inconsistent with the intent of the City Council;

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

Section 1. NBMC Table 18.10.030 Amended. Section 1.53 of NBMC Table 18.10.030 is hereby amended to read as follows, and to add the text below under the existing “Notes” heading which now follows Section 6.70 of NBMC Table 18.10.030:

RESIDENTIAL	LDR	CR	HDR	NB	DC	IC	IMU	USOD	EP-1	EP-2	POSPF	EMB-MPOD and LCOD	TL-MPOD
1.53 Home Occupations**	P	P	P	P	P		P	P	P				P

NOTES:

** Subject to the provisions of Section 1.53 in NBMC Table 18.10.050.

Section 2. NBMC Table 18.10.050 Amended. NBMC Table 18.10.050 is hereby amended to be read as follows:

<p>1.53 Home Occupations</p>	<p>a. A North Bend business license is required, <u>and a home occupation may only be undertaken in a residential dwelling unit in which the operator of the home occupation actually resides. A home occupation business license shall be issued under and subject to NBMC 5.04, and shall further be subject to the following provisions:</u></p> <p>b. <u>A hHome occupation business license shall not be granted in any case for involve automobile-related services, direct sale of merchandise on the premises, warehousing of materials, or manufacturing that involves the conversion of raw materials, <u>medical marijuana collective gardens or any other use involving legal sales or exchanges of marijuana, the provision of tattoos, or the provision of body piercings.</u> Interior, incidental storage not to exceed 500 and 300 cubic feet of materials, respectively, for single-family and multifamily housing units, is permitted. Exterior storage is prohibited, except for the growing or storing of plants in rear or side yards of SFDDs that are associated with the home occupation.</u></p> <p>c. Not more than 25 percent or 500 square feet, whichever is less, of the total floor area of a dwelling unit shall be devoted to the home occupation, excluding attached garages and other accessory structures.</p> <p>d. No more than one person who is not a resident of the dwelling can participate in the home occupation.</p> <p>e. No use of electrical or mechanical equipment which would change the fire rating of the structure or which would create audible or visible interference in radio or television receivers or which would cause fluctuations in line voltage outside the dwelling is allowed. If deemed necessary, the business shall be inspected</p>
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by the fire marshal, and the applicant must commit to implement all required fire safety measures within a stated time period.

f. In addition to parking required for the residents and one permitted nonresident employee, there can be no more than two vehicles parked on or in the vicinity of the property as a result of the business at any one time.

g. There can be no more than two deliveries per day either to or from the residence by a private delivery service, and no other use of a commercial vehicle other than that normally used by the applicant or an employee is allowed.

h. In approving, conditioning, or denying an application for a home occupation business license, the city may consider, in addition to respective criteria for each use, the following:

~~1. i.~~ The location of the proposed facility in relation to traffic impacts and safety concerns to the adjacent neighborhood.

~~2. j.ii.~~ The impacts the proposed facility may have on the residential character of the neighborhood.

~~3. k.iii.~~ The cumulative impacts of the proposed facility in relation to similar city-approved facilities in the immediate vicinity.

~~4. l.iv.~~ The imposition of a condition under which the city reserves the right to impose conditions or to reconsider the facility within a certain timeframe from approval date, based on complaints filed with the city for violation of family day care or home occupation business license facility standards.

~~i.i. Except in the Low-Density Residential, High-Density Residential, and Cottage Residential zoning districts, no home occupation business license will be issued for a use that is otherwise prohibited in the underlying zone.~~

Section 3. Adoption of Interim Development Regulations: The City Council adopts this ordinance as an interim zoning control pursuant to RCW 36.70A.390. The City Council shall hold a public hearing within 60 days of the adoption of this ordinance and may adopt findings of fact thereafter in addition to those findings of fact described in Section 5 of this ordinance.

Section 4. 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 5. 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 “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 5TH DAY OF MARCH, 2013.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: March 13, 2013
Effective: March 5, 2013

Susie Oppedal, City Clerk