

CITY OF NORTH BONNEVILLE
ORDINANCE NUMBER 1078

AN ORDINANCE OF THE CITY OF NORTH BONNEVILLE, WASHINGTON, AMENDING NORTH BONNEVILLE MUNICIPAL CODE CHAPTER 20.56 CONDITIONAL USES.

WHEREAS, updating of certain sections of this title is needed to better define conditional use regulations and coordinate with other code sections; and

WHEREAS, amending of application review criteria is needed to clarify the granting or denying of conditional use permits; and

NOW, THEREFORE, The City Council of the City of North Bonneville does hereby ordain as follows:

Section 1.

Legend: New language added = underlined
 Old language deleted = ~~strikethrough~~

Amending

CHAPTER 20.56 Conditional uses as follows:

Sections:

- 20.56.010 Purpose.**
- 20.56.020 Imposition of conditions.**
- 20.56.030 Conditional use permit--Contents, limitations and review.**
- 20.56.040 Conditional use permits issued prior to the effective date of this title.**
- 20.56.050 Application for conditional use permit.**
- 20.56.060 Application review criteria.**
- 20.56.090 Penalty for violation of conditional use permit.**

* Prior ordinance history: Ords. 722, 802, 843, 994

20.56.010 Purpose.

Certain uses, because of their unusual nature, infrequent occurrence, special requirements, possible safety hazards, or detrimental effects on surrounding properties and other similar reason, are classified as conditional uses. These may be allowed in certain zones by a conditional use permit granted by the ~~Planning Commission~~City.

20.56.020 Imposition of conditions.

When considering a ~~building~~an application for a conditional use permit, the ~~Planning Commission~~City shall consider the recommendation of the Administrator and the applicable standards, provisions, and policies established by this chapter as they pertain to the proposed use and may impose specific conditions precedent to establishing the use. The conditions may:

- A. Increase requirements in the standards, provisions or policies established by this chapter;
- B. Stipulate the exact location of the use and structures as a means of minimizing hazards to life, limb, property damage, erosion, landslides or traffic;
- C. Require structural features or equipment essential to serve the same purpose set forth in subsection B of this section;

D. Impose conditions similar to those set forth in subsections A and B of this section as deemed necessary to establish parity with uses permitted in the same district in their freedom from nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic, physical hazards and similar matters; provided, that the ~~Planning Commission~~ City may not, in connection with action on a conditional use permit, reduce the requirements specified by this title as pertaining to any use nor otherwise reduce the requirements of this title in matters for which a variance is the remedy provided;

E. Assure that compatibility shall be maintained with respect to the particular use of the particular site and in consideration of other existing and potential uses, within the general area in which the use is proposed to be located;

G. Provide time limits for the use.

20.56.030 Conditional use permit--Contents, limitations and review.

A. Contents. Each conditional use permit issued by the City shall specify the location, nature and extent of the conditional use, together with all conditions that are imposed and any other information deemed necessary for the issuance of the permit.

B. Limitations. Each conditional use permit shall become null and void upon any of the following events:

1. When a condition within the contents of the permit shall have been met, such as a time limit;

2. When the use shall have been vacated for a period of a year or more;

~~3. When any deviation from the terms of the conditional use permit occur; or~~

~~3. When a tenant of a property for which a conditional use has been granted leaves the property; except that this shall not apply to conditional uses granted for single family dwellings, but only to commercial, industrial or other uses which have to do with the tenant's activity on the property. A change in occupant/owner/operator of the use, unless the conditions of approval for the conditional use permit expressly allow the use to continue after such a change.~~

C. Review. When the property for which the conditional use permit has been granted is sold, traded or otherwise transferred to another owner, the conditional use permit shall be reviewed by the City and may be revoked for just cause. If the use is to continue in the same manner as when the permit was issued, there will be no action by the city.

20.56.040 Conditional use permits issued prior to the effective date of this title.

Where a conditional use permit was granted prior to the date of adoption of the ordinance codified in this title, the following rules shall apply:

A. If the permit was granted for a certain period of time, ~~then~~ the permit shall not be affected by the provisions of this title; provided that it shall be renewable if allowed by and is consistent with the original approval.

B. If the permit was granted without any time limitation and if the use would not be permitted under the provisions of this title, then the use shall be considered a "non-conforming use" under the provisions of this title.

20.56.050 Application for conditional use permit.

Each application for a conditional use permit ~~for a building or land use~~ shall be filed with the City on forms provided by the City. An application fee as set forth in Chapter 18.02 of this code for a conditional use permit is required at the time of submittal of the proposal.

20.56.060 Application review criteria.

A. An application for a conditional use shall be processed according to Type II land use decisions established in Chapter 18.01, Land Use Administrative Procedures.

B. In addition to review under all requirements of Chapter 18.01, based on comments from city departments and applicable agencies, the City shall review the proposal subject to the criteria contained in this chapter, and shall approve any such proposal only when consistent with all the provisions of this chapter be guided by all of the following criteria in granting or denying a conditional use permit:

1. The proposed use will not have a significant adverse effect on the health, safety and general welfare and character of adjacent land uses or the general area;
2. The proposed use shall meet or exceed the development standards that are required in the zoning district in which the subject property is situated;
3. The proposed use shall be compatible with the surrounding land uses in terms of traffic and pedestrian circulation, density, building and site design;
4. Hours and manner of operation of the proposed use will not conflict with the adjacent or nearby uses;
5. Public facilities and utilities are capable of adequately serving the proposed use;
6. Appropriate measures have been taken to minimize the possible adverse impacts that the proposed use may have on the area in which it is located;
7. That any special conditions and criteria established for the proposed use have been satisfied. In granting a conditional use permit the City may stipulate additional requirements to carry out the intent of the North Bonneville Municipal Code;
8. Any other factors deemed relevant to the City.

20.56.090 Penalty for violation of conditional use permit.

Any person who violates any term or condition of a conditional use permit shall be considered in violation of this title and shall be subject to the penalties prescribed in Section 20.62.060. The City Council may revoke a conditional use permit if any condition contained therein is violated.

Section 2.

Severability.

If any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 3.

Effective Date and Publication.

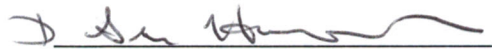
This Ordinance shall be effective five days after publication of the Ordinance, or a summary thereof consisting of its title, in the official newspaper of the City.

PASSED BY THE CITY COUNCIL ON 2/28, 2017.



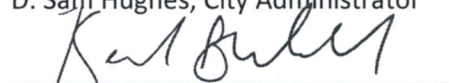
Don Stevens, Mayor

Attest:



D. Sam Hughes, City Administrator

Approved as to Form:



Ken Woodrich City Attorney