

**CITY OF NOOKSACK
2016 DEVELOPMENT REGULATIONS UPDATES**

19.04.030 Amendments to Comprehensive Plan General Provisions - Procedure - Notice.

Changes to the Comprehensive Plan, ~~other than~~including text and map amendments but not including a site-specific change in current zoning district boundaries or classifications proposed pursuant to Section 19.04.040 of this Chapter, shall be considered applications to amend the Comprehensive Plan and shall be completed consistent with the provisions of the Public Participation Process and Plan Amendment Process established with the Comprehensive Plan. The application shall be made on such form or forms as the City may from time to time require. The application shall be accompanied by an application fee as established in Section 16.01.085 provided, however, that the City shall refund the application fee if the City Council decides not to docket the proposed amendment.

19.04.040 Applications for Amendment to Comprehensive Plan District Boundaries or Classifications - Notice.

Any person may make application for a change in the Comprehensive Plan current zoning district boundaries or classifications where such application would amend the current zoning boundaries or classifications to be consistent with the future zoning boundaries or classifications as set forth in the Comprehensive Plan. The application shall be made on such form or forms as the City may from time to time require. The application shall be processed as a Class III action pursuant to the provisions of Chapter 16.01 and shall be accompanied by a nonrefundable application fee as established in Section 16.01.085.

19.04.060 Applications for Amendments to Development Regulations - Notice. Any person may make application to amend the text set forth in Titles 16, 18 and 19 of the Nooksack Municipal Code, which constitute the City's Development Regulations adopted to implement the Comprehensive Plan. The application shall be made on such form or forms as the City may from time to time require. The application shall be processed consistent with requirements established under RCW 36.70A, the Growth Management Act and the notification procedures set forth in the Public Participation Process and Plan Amendment Process established with the Comprehensive Plan. The application shall be accompanied by an application fee as established in Section 16.01.085; provided, however, that the City shall refund the application fee if the City Council decides not to docket the proposed amendment.

Chapter 19.18
CONCURRENCY

Sections:

19.18.010 Concurrency required..

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Any development or redevelopment that increases the demand and need for capital facilities as defined in this section shall be subject to the following:

- A. Development and redevelopment activities subject to this section shall not receive approvals from the city until the zoning administrator makes a determination that all

- required capital facilities meeting adopted level of service or other standards will be available to serve the proposed development at the time the development is established.
- B. For the purposes of this section, capital facilities shall include the following whether provided by the city or other governmental agency: domestic water, sanitary sewer, storm sewer, streets and other transportation facilities, park and recreation facilities, law enforcement, fire protection, and schools.
- C. In the event that the zoning administrator makes a determination that one or more capital facilities will not be available as required by this section, then the administrator shall identify the capital improvements necessary to ensure compliance with this section Said improvements shall be provided to the applicant in writing and may be included as conditions of approval attached to required permits.
- D. Except as noted below, all required capital improvements shall be completed prior to completion of authorized development activities in conformance with established conditions of approval; otherwise, final approval of permitted activities shall be withheld until all such improvements have been completed.
- E. Where found to be reasonable and appropriate by the administrator, permits may be issued by the city based on the posting of a performance bond, in a form acceptable to the city attorney, in an amount equal to one hundred fifty (150%) percent of the estimated cost of required improvements not completed prior to permit issuance. The estimated cost for all such improvements utilized in calculating the dollar amount of the bond shall be based on the cost for the city to complete said improvements while meeting governmental prevailing wage and other requirements under municipal contracts.
- F. Following completion of all required improvements, the administrator shall make a written finding that the development has met the concurrency requirements established in this section.
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19.12.020 Zoning Administrator. The Mayor of Nooksack or his or her designee shall be the zoning administrator and shall be responsible for administering all requirements set forth in this Title consistent with the goals and policies established in the Comprehensive Plan.

19.40.030 Residential District - Permitted Uses.

[Amend subsection (A) as follows.]

- (A) Single Family Dwellings, including site-built, manufactured and modular homes, limited to one single-family dwelling per lot of record.

19.40.040 Residential District - Conditional Uses. The following conditional uses may be permitted within the Residential District by the City Council upon application and in accordance with Chapter 19.56:

- A. Barber and beauty shops under 600 sq. ft.;
- B. Dance, music and voice studios under 750 sq. ft.;
- C. Florist shops, nurseries under 1,000 sq. ft.;
- D. Photographic studio under 500 sq. ft.;
- E. Public utility yards;

- F. Manufactured home subdivisions consistent with Chapter 18.32;
- G. Duplex and Multiple (three or more) family housing;
- H. Daycare facilities, adult daycare and adult family homes;
- I. Accessory dwelling unit, attached to a single-family dwelling, situated on a lot of record containing a minimum of 9,600 square feet of lot area, having exterior materials and appearance substantially matching the primary dwelling, and subject to all other City requirements, including but not limited to off-street parking requirements and utility connection charges.
- J. Uses not specifically called out in Sections 19.40.030 or 19.40.040 that are similar in character, size and impact and that are consistent with the purpose of the district.

19.40.110 Residential District - Dwellings Occupied by Handicapped Individuals or Groups.
Residential dwellings occupied by handicapped individuals or groups shall be regulated in the same manner as dwellings occupied by families, unrelated groups and non-handicapped individuals.

19.24.030 Commercial District - Permitted Uses. The uses permitted within the commercial district are as follows:

- A. Retail stores and shops or services;
- B. Barbers and beauty shops;
- C. Cabinet and craft shops;
- D. Cleaning and laundry agencies, Laundromats;
- E. Dance, music and voice studios;
- F. Drive-in restaurants, restaurants, food stands, bars;
- G. Financial institutions;
- H. Florists, Nurseries;
- I. Furniture outlets;
- J. Grocery stores, delicatessens, bakeries;
- K. Laboratories - medical, dental, optical;
- L. Offices - dental, insurance, legal, medical, real estate;
- M. Photographic studios;
- N. Pharmacies;
- O. Printing, blueprinting, publishing;
- P. Public utility yards;
- Q. Indoor public or private recreational facilities;
- R. Public and community facilities including police and fire stations, libraries, community centers and other related uses;
- S. Residential units accessory to other permitted uses;
- T. Public uses and utilities;
- U. Electric vehicle battery charging stations.

19.28.030 Light Industrial District - Permitted Uses. The uses permitted within the light industrial district are as follows:

- A. Beverage bottling plants;

- B. Cabinet shops;
- C. Contractor’s storage yards;
- D. Cleaning and laundry agencies;
- E. Dairy products processing;
- F. Equipment rental and sales yards;
- G. Food processing plants;
- H. Ice manufacturing, cold storage;
- I. Lumber yards;
- J. Machine shops;
- K. Public utility yards;
- L. Railroad yards and shops;
- M. Trucking terminals;
- N. Vehicle and tire repair shops; **and**
- O. Warehousing;
- P. Electric vehicle battery charging stations; and
- Q. Public uses and utilities.

19.28.040 Light Industrial District Conditional Uses. The following conditional uses may be permitted in the light industrial district by the City Council upon application and in accordance with the provisions of Chapter 19.56:

- A. Retail stores and services;
- B. Sign shops;
- C. Commercial fueling operations;
- D. Those adult entertainment businesses defined ~~in~~ and regulated pursuant to Nooksack Municipal Code ~~Section 8.16.020~~ Chapter 5.14 as adopted and amended including:
 - 1. Adult book stores;
 - 2. Adult motion picture theaters;
 - 3. Adult arcades;
 - 4. Adult cabarets; and
 - 5. Adult motels.

Provided that they are subject to the following conditions:

- i. In order to avoid adverse effects on the surrounding neighborhood, not more than one of such uses may be located within three hundred feet of another such use.
- ii. It is unlawful to establish any of these uses within three hundred feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver files a petition with the City that indicates approval of the proposed regulated use by fifty-one percent of the persons owning, renting or doing business within a radius of three hundred feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses at which no contact has been made.

E. Uses not specifically called out in Sections 19.28.030 or 19.28.040 that are similar in character, size and impact and that are consistent with the purpose of the district.