

CLEARANCES	Initial	Date	Date Received in Council Office:	Agenda date	Assigned to:
Originator: Brenner/Henderson		5/31		6/6/95	County Council
Division Head:				6/20/95	Public Works & CAP Proj./Council
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

**SUBJECT:** Interim ordinance to amend Whatcom County Code 20.64.705 to allow Outside Merchandising in Resort Commercial Zone on a temporary basis.

**ATTACHMENTS:**

**SUMMARY STATEMENT:** *Please complete sections of box as appropriate & explain the item below.*

Related County contract #:	Should Clerk schedule a hearing? NO / / YES / X / Requested date: 6/20/95
Amount budgeted for this item/project:	Is it (or will it be) within budget? YES / / NO / / (Please explain below)
Budget line item number(s):	N/A

This ordinance is proposed to be an Interim Zoning Control. As such, the ordinance will only be in effect for \_\_\_\_\_ months in order to allow time for the issue to be addressed by the Planning Commission. The proposal will allow the establishment of temporary (not more than 120 days per year) outdoor public markets in areas zoned Resort Commercial. This will primarily effect the Birch Bay and Glacier areas of the County.

**ORIGINATOR'S RECOMMENDED ACTION:**

Adopt the proposed interim ordinance.

**COMMITTEE ACTION TAKEN:**

**COUNCIL ACTION TAKEN:**

6/6/95: Introduced

6/20/95: Amended and adopted 6-0

*Related File Numbers:*

*Ordinance or Resolution Number (this item only):*

SPONSORED BY: BRENNER, HENDERSON

PROPOSED BY: BRENNER, HENDERSON

INTRODUCTION DATE: 6/6/95

ORDINANCE NO. 95-028

AN INTERIM ZONING CONTROL TO ADDRESS PUBLIC MARKETS AS A TEMPORARY USE IN THE RESORT COMMERCIAL ZONE

WHEREAS, citizens have requested that the Whatcom County Council consider the enactment of a change in current zoning controls in order to allow public markets in the Birch Bay area during the summer months; and

WHEREAS, the success of the Bellingham Farmers Market has shown that such markets can have a positive effect on the lives and prosperity of the citizens, farmers, and merchants of Whatcom County; and

WHEREAS, the resort character of Birch Bay and other areas zoned Resort Commercial would be an appropriate place to encourage the establishment of public markets; and

WHEREAS, the Council finds that the normal processes involved in changing a zoning control would take a period of time to conclude that would preclude any public market from being established in 1995; and

WHEREAS, the Council finds that the public interest is best served by establishing a temporary Interim Zoning Control that would allow such a public market to take place in 1995 while the process for a possible permanent change in controls moves through the Planning commission; and

WHEREAS, the County Council adopts the following findings in support of the proposed change:

FINDINGS:

- 1) Resort Commercial zone districts are restricted primarily to Birch Bay and the Glacier areas of the county and are appropriate districts for allowing this expanded commercial activity.
- 2) The existing regulations preclude outdoor merchandising in this area.
- 3) There has been a history, and proliferation, of uncontrolled outdoor merchandising in the Birch Bay area that has been difficult to regulate and has put legitimate merchants at a disadvantage.

- 1 4) A property owner has indicated a willingness to establish a public market and the  
2 Birch Bay Chamber of Commerce has endorsed the concept as a way to reduce  
3 illegal outdoor merchandising.
- 4 5) Allowance of an organized public market will provide a forum that may reduce  
5 the incidence of illegal outdoor merchandising.
- 6 6) The citizens of the County will reap economic benefits from the creation of a  
7 public market.
- 8 7) The proposed Comprehensive Plan under review in Action Item # 8 of the  
9 Design Section suggests greater flexibility and mixed uses in zones.
- 10 8) Institution of this interim control will allow a six month "test" of the change before  
11 any permanent implementation.

12 NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that  
13 Chapter 20.64 of the Whatcom County Code is hereby amended through the  
14 establishment of an Interim Zoning Control for a period of six months from the date of  
15 adoption:

16 20.64.050 Permitted Uses

17 .066 Public Markets subject to the following only:

- 18 (1) submittal of a plan which includes name, address, and phone number of  
19 the contact person; hours of operation; site layout indicating location of  
20 vendor stalls and plans for the stalls including provision for temporary tie-  
21 downs, trash disposal, parking, and rest room facilities.
- 22 (2) A maximum of 150 days per calendar year.
- 23 (3) Conformance with the setbacks of the zone with no parking or temporary  
24 use in the setbacks.
- 25 (4) Permanent or portable rest room facilities.
- 26 (5) Provision for 1.5 parking stalls per vendor, sized in accordance with WCC  
27 20.80.500.
- 28 (6) Vendors provide proof of a business license or a list of vendors with their  
29 business numbers.

1 (7) Perimeter stalls oriented away from adjacent properties, with any outdoor  
2 equipment, trash receptacles or portable toilets screened from any adjacent  
3 residential uses.

4 (8) Hours limited to 9 a.m. to 9 p.m.

5 (9) Must demonstrate compliance with accessible parking and rest room  
6 requirements (WAC 51.30)

7 (10) Buffer requirements for properties adjacent to residential zones in  
8 accordance with WCC 20.64.550.

9 (11) Non-illuminated temporary signs not to exceed a total of 32 square feet for  
10 the market in addition to signage for each individual stall.

11 (12) Compliance with the performance standards of WCC 20.64.700.

12 (13) No overnight parking on site.

13 (14) Rest rooms to be located away from residences when possible.

14 20.64.700 Performance Standards

5 .705 There shall be no storage or merchandising outdoors.

16 20.97 Definitions

17 324 PUBLIC MARKET is defines as a temporary use which allows no new  
18 construction but does allow use of existing permanent structures or temporary  
19 vendor stalls for retail sales and services designed to accommodate multiple  
20 vendors with primarily seller-produced good including produce and prepared  
21 foods.

22 BE IT FURTHER ORDAINED, that if any portion of this ordinance is found to be  
23 unlawful, all other portions shall remain in effect; and


24 BE IT FINALLY ORDAINED, that the above cited amendments are also forwarded to  
25 the Planning Commission and Planning and Development Services Department for  
26 consideration and recommendation as permanent changes to the Whatcom County Code.

27 ADOPTED this 20 day of June, 1995.

28 WHATCOM COUNTY COUNCIL

1 ATTEST:  
2 WASHINGTON

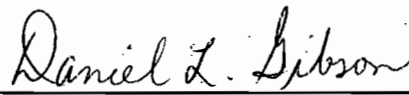
WHATCOM COUNTY,

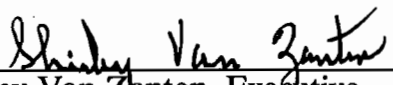
3   
4 Dana Brown-Davis, Clerk of the Council

  
Robert A. Imhof, Council Chair

5 APPROVED AS TO FORM:

Approved       Denied

6   
7 Daniel L. Gibson  
8 Civil Deputy Prosecutor

  
Shirley Van Zanten, Executive  
Date: \_\_\_\_\_