

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned To:
Originator: County Council		12/01/95		12/12/95	Council
Division Head:					
Dept. Head:					
Prosecutor:	DG	12/4/95			
Purchasing/Budget:					
Executive:					

SUBJECT:

Interim zoning control, public markets as a temp use in resort commercial zones

ATTACHMENTS:

Proposed ordinance

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

Related County Contract #:	Should clerk schedule a hearing? (Y/N) N	Requested Date:
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CLERK'S RECOMMENDED MOTION (for final action):

I move to approve to adopt the ordinance.

COUNCIL ACTION TAKEN:

1995-254-A

12/12/95: Council Introduction

1/2/96: Adopted as amended 7-0. Ord. #96-002

Related File Numbers:

Ordinance or Resolution Number (this item only):

Ord. 96-002

1 WHEREAS, the County Council adopted the following findings in support of the
2 change:

3 FINDINGS:

- 4 1) Resort Commercial zone districts are restricted primarily to Birch Bay and the
5 Glacier areas of the county and are appropriate districts for allowing this
6 expanded commercial activity.
- 7 2) The existing regulations preclude outdoor merchandising in this area.
- 8 3) There has been a history, and proliferation, of uncontrolled outdoor
9 merchandising in the Birch Bay area that has been difficult to regulate and has
10 put legitimate merchants at a disadvantage.
- 11 4) A property owner has indicated a willingness to establish a public market and the
12 Birch Bay Chamber of Commerce has endorsed the concept as a way to reduce
13 illegal outdoor merchandising.
- 14 5) Allowance of an organized public market will provide a forum that may reduce
15 the incidence of illegal outdoor merchandising.
- 16 6) The citizens of the County will reap economic benefits from the creation of a
17 public market.
- 18 7) The proposed Comprehensive Plan under review in Action Item # 8 of the
19 Design Section suggests greater flexibility and mixed uses in zones.
- 20 8) ~~Institution of this interim control will allow a six month "test" of the change before~~
21 ~~any permanent implementation.~~ A six month implementation of this interim

1 zoning change has not proven to be detrimental to the community.

2 NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that
3 Chapter 20.64 of the Whatcom County Code is hereby amended through the
4 establishment of an Interim Zoning Control for an additional period of six months from
5 the date of adoption of this ordinance.

6 20.64.050 Permitted Uses

7 .066 Public Markets subject to the following only:

- 8 (1) Submittal of a plan which includes name, address, and phone number of
9 the contact person; hours of operation; site layout indicating location of
10 vendor stalls and plans for the stalls including provision for temporary tie-
11 downs, trash disposal, parking, and rest room facilities.

- 12 (2) A maximum of 150 days per calendar year.

- 13 (3) Conformance with the setbacks of the zone with no parking or temporary
14 use in the setbacks.

- 15 (4) Permanent or portable rest room facilities.

- 16 (5) Provision for 1.5 parking stalls per vendor, sized in accordance with WCC
17 20.80.500.

- 18 (6) Vendors provide proof of a business license or a list of vendors with their
19 business numbers.

- 20 (7) Perimeter stalls oriented away from adjacent properties, with any outdoor

1 equipment, trash receptacles or portable toilets screened from any adjacent
2 residential uses.

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

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

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

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

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

11 (13) No overnight parking on site.

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

13 20.64.700 Performance Standards

14 .705 There shall be no storage outdoors.

15 20.97 Definitions

16 .324 PUBLIC MARKET is defined as a temporary use which allows no new
17 construction but does allow use of existing permanent structures or temporary
18 vendor stalls for retail sales and services designed to accommodate multiple
19 vendors with primarily seller-produced goods including produce and prepared

1 foods.


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

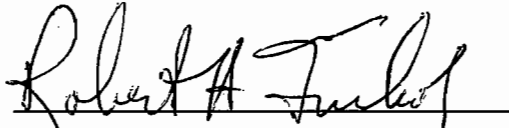
4 BE IT FINALLY ORDAINED, that the above cited amendments are also forwarded to
5 the Planning Commission and Planning and Development Services Department for
6 consideration and recommendation as permanent changes to the Whatcom County Code.

7 ADOPTED this 2 day of January, 1995⁶

8 WHATCOM COUNTY COUNCIL
9 WHATCOM COUNTY,

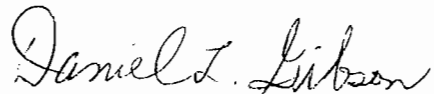
9 ATTEST:
10 WASHINGTON

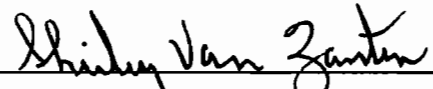
11 
12 Dana Brown-Davis, Clerk of the Council


Robert A. Imhof, Council Chair

13 APPROVED AS TO FORM:

Approved Denied

14 
15 Civil Deputy Prosecutor


Shirley Van Zanten, Executive

16 Date: 1-5-96