

THE FOLLOWING IS FOR REFERENCE ONLY. THE NEW PROPOSED RURAL GENERAL COMMERCIAL ZONING DISTRICT WAS DERIVED FROM THE EXISTING GENERAL COMMERCIAL ZONING DISTRICT, AND BELOW THE TWO ARE COMPARED IN ORDER TO GIVE CONTEXT TO THE RGC SECTION IN THE PROPOSED TITLE 20 AMENDMENT PACKET.

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~~20.62~~—20.59 **Rural** General Commercial (~~GERGC~~) District

**20.6259.010 Purpose.**

The purpose of the Rural General Commercial District is to provide ~~land areas, commensurate with the anticipated demand, for the siting of limited~~ commercial ~~uses/activities~~ which serve the surrounding community ~~with a broad range of retail goods and services. Since general commercial uses are such that they attract clientele from a relatively large trade provide job opportunities for residents of the rural area, the application of this.~~ This district may be located in either a Rural Community or Rural Business area. The district shall ~~only be utilized where transportation access can be maximized~~comply with the rural land use policies and ~~incompatible impacts to surrounding land uses minimized.~~ Property within this district may also serve to meet the multifamily needs of the community in accordance with the demands of the market place. ~~criteria set forth in the Comprehensive Plan.~~

**20.6259.050 Permitted uses.**

Unless otherwise provided herein, permitted and conditional uses shall be administered pursuant to the applicable provisions of Chapter 20.80 WCC (Supplementary Requirements) and Chapter 20.84 WCC (Variances, Conditional Uses and Appeals), ~~the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.~~

.051 Automobile, motorcycle, marine and farm implement sales, rental agencies, repair and service; provided, that all repair services are conducted within an enclosed building.

.052 Automobile service stations, car washes and public garages.

.053 Mobile home and recreational vehicle sales.

.054 Eating and drinking establishments; ~~provided, that such uses require a conditional use permit if located within airport overlay zone 2 or 3 as shown in Whatcom County Comprehensive Plan Appendix H.~~

~~.055 Rental agencies.~~

.056 Indoor commercial recreation facilities limited to bowling alleys, skating rinks, indoor theaters and physical fitness centers; provided, that such ~~uses require a conditional use permit if located within airport overlay zone 2 or 3 as shown in Whatcom County Comprehensive Plan Appendix H~~ recreation uses shall be limited to a total floor area of 5,000 square feet.

.057 ~~Passenger terminal facilities~~ Intermediate passenger intermodal terminals.

.058 Service establishment including but not limited to barber and beauty shops, laundries, dry cleaners, furniture repair, frozen food lockers, funeral parlors, animal hospitals, auction houses, financial institutions, fraternal organizations and professional offices.

.059 Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music and pet stores.

.060 Printing and publishing establishments.

.061 Public utilities, except broadcast towers, which require a conditional use permit pursuant to WCC 20.82.030(4), and water and sewer treatment plants, which require a conditional use permit pursuant to WCC 20.82.030(7).

~~.062 Rental storage establishments.~~

.063 Public ~~and~~ community facilities including police and fire stations, libraries, community centers, recreation facilities, and other similar noncommercial uses; ~~provided, that such uses require a conditional use permit if located within airport overlay zone 2 or 3 as shown in Whatcom County Comprehensive Plan Appendix H.~~

~~.064 Hotels and motels; provided, that such uses require a conditional use permit if located within airport overlay zone 2 or 3 as shown in Whatcom County Comprehensive Plan Appendix H.~~

.065 One single-family dwelling or duplex per lot of record subject to:

(1) Health department requirements regarding soil type and water supply.

~~(2) Height regulations, lot coverage, open space, development standards and performance standards shall be in accordance with the provisions of Chapter 20.20 WCC; except that side and rear yard setbacks shall be 10 feet from vacant, adjacent, commercially zoned properties.~~

~~(3)~~(2) A deed restriction recorded with the Whatcom County auditor is attached to the lot(s) at the time of building permit issuance stating that the dwelling(s) is located in a Rural General Commercial zone and buyers should be aware that commercial uses will be allowed on surrounding parcels and owners have no grounds for protest.

~~(4) Such~~(3) This permitted use ~~requires a conditional use permit if located within airport overlay zone 2 or 3 as shown in Whatcom County Comprehensive Plan Appendix H.~~

~~.066 Duplexes and multifamily dwellings not to exceed 18 units per acre subject to:~~

~~(1) Availability of adequate public sewer, or water, and appropriate storm drainage;~~

~~(2) The maximum number of units shall be determined by the health department based on soil type and water supply;~~

~~(3) Provision of adequate right-of-way and street improvements to bring adjacent roadways up to necessary standards;~~

~~(4) Height regulations, lot coverage, open space, development standards and performance standards shall be in accordance with the provisions of Chapter 20.22 WCC;~~

~~(5) Site plan review shall be done by the technical review committee to ensure compliance with the intent of the general development standards WCC 20.62.650. Four or less units per acre are exempt from this requirement;~~

~~(6) A deed restriction recorded with the Whatcom County auditor is attached to the lot(s) at the time of building permit issuance stating that the dwelling(s) is located in a General Commercial zone and buyers should be aware that commercial uses will be only allowed on surrounding parcels and owners have no grounds for protest;~~

~~(7) Duplexes and multifamily dwellings shall not be located within airport overlay zone 2 or 3 as shown in Whatcom County Comprehensive Plan Appendix H lots created as of December 1, 2009, or lots created according to 20.59.257.~~

.067 One one-story detached accessory storage building per lot; provided, that the floor area shall not exceed ~~200 square feet~~the exempt criteria stated in the adopted edition of the International Building Code, and shall only be used for personal storage and not for habitation or business; and provided further, that the storage building shall contain no indoor plumbing but may be served with electrical power for lighting.

~~.069 Mini-day care centers and day care centers; provided, that such uses require a conditional use permit if located within airport overlay zone 2 or 3 as shown in Whatcom County Comprehensive Plan Appendix H.~~

.070 Public parks and recreation facilities included in an adopted city or county Comprehensive Plan or Park Plan.

.071 Trails, trailheads, restroom facilities and associated parking areas for no more than 30 vehicles.

.072 Activity centers.

~~.080 Major passenger intermodal terminals;~~

~~.088 Adult family homes as defined in Chapter 70.12870.128 RCW; provided, that such uses require a conditional use permit if located within airport overlay zone 2 or 3 as shown in Whatcom County Comprehensive Plan Appendix H.~~

.089 Boarding homes that are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.090 Mental health facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.091 Substance abuse facilities that provide residential treatment and are similar in size, facilities and occupancy to other residential structures permitted in the zoning district.

.094 Secure community transition facilities for sex offenders.

(1) A secure community transition facility shall not be located adjacent to, immediately across the street or parking lot from, or within the line of sight of existing risk potential facilities, which are:

- (a) Public schools;
- (b) Private schools;
- (c) School bus stops;

- (d) Licensed day care;
- (e) Licensed preschool facilities;
- (f) Public parks;
- (g) Publicly dedicated trails;
- (h) Sports fields;
- (i) Playgrounds;
- (j) Recreational and community centers;
- (k) Churches, synagogues, temples or mosques;
- (l) Public libraries;
- (m) Public and private youth camps; and
- (n) Other uses identified by the State Department of Social and Health Services pursuant to RCW ~~71.09.020~~(71.09.020(11).

“Within the line of sight” shall mean that it is possible to reasonably visually distinguish and recognize individuals. An unobstructed visual distance of 600 feet shall be considered to be within the line of sight. Line of sight may be considered to be less than 600 feet if the applicant can demonstrate that visual barriers exist or would be created that would visually screen the risk potential facility from the secure community transition facility.

(2) No more than one secure community transition facility, with a maximum of three people (other than staff), shall be located within Whatcom County.

#### **20.6259.100 Accessory uses.**

.101 One residential unit for owner-manager or caretaker when part of a building in which the primary use is located.

.102 Uses incidental to the primary permitted uses.

.103 On-site treatment and storage facilities for hazardous wastes associated with outright permitted uses or approved conditional uses subject to the most current siting criteria under Chapter ~~173-303~~173-303 WAC.

.104 Family day care homes and mini-day care homes; provided, that such uses conform to the definition of home occupation, WCC 20.84.150; ~~and further provided, that such uses require a conditional use permit if located within airport overlay zone 2 or 3 as shown in Whatcom County Comprehensive Plan Appendix H.~~

.105 Indoor storage of durable and nondurable goods.

#### **20.6259.150 Administrative approval uses.**

.151 Rental storage establishments.

.152 Outdoor storage of durable and nondurable goods; provided neighboring uses are adequately screened.

.153 Assembly and manufacturing of prefabricated wood building and components.

#### **20.59.200 Conditional uses.**

~~.151 Commercial wholesaling.~~

~~.152~~202 Churches and cemeteries.

- ~~.153203~~ Amusement parks, outdoor theaters and other outdoor commercial recreation, including golf courses.
- ~~.154~~ ~~Recreational vehicle parks for transient motor homes and tourist trailers.~~
- ~~.155.204~~ ~~Hotels and motels.~~
- ~~.205~~ Animal kennels.
- ~~.156206~~ Commercial truck service facilities including truck fueling, repair and storage operations, overnight accommodations and restaurants.
- ~~.157 Deleted by Ord. 96-056.~~
- ~~.158 Residences on premises in a commercial structure where any business is conducted other than taverns, restaurants and recreational facilities provided:~~
- ~~(1) All height limits and setback requirements can be met.~~
- ~~(2) The overall residential density does not exceed 12 units per acre.~~
- ~~.159209~~ Trailheads with parking areas for more than 30 vehicles.
- ~~.160210~~ Public campgrounds.
- ~~.161211~~ Public or private parks that are not included in an adopted city or county Comprehensive Plan or Park Plan.
- ~~.162212~~ Athletic fields.
- ~~.183213~~ State education facilities.
- ~~.184214~~ State and local correction facilities.
- ~~.185215~~ Type I solid waste handling facilities.
- ~~.186216~~ Type II solid waste handling facilities.
- ~~.189219~~ Boarding homes that are larger than other residential structures permitted in the zoning district.
- ~~.190220~~ Mental health facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.
- ~~.191221~~ Substance abuse facilities that provide residential treatment and are larger than other residential structures permitted in the zoning district.
- ~~.192222~~ Mental health facilities that provide crisis care.
- ~~.193223~~ Substance abuse facilities that provide crisis care.
- ~~.194224~~ Outpatient mental health facilities.
- ~~.195225~~ Outpatient substance abuse treatment facilities, including opiate substitution treatment clinics.
- ~~.196226~~ Mitigation banks as a form of compensatory mitigation for wetland and habitat conservation area impacts when permitted in accordance with the provisions of Chapter 16.16 WCC; provided, applications for mitigation banks shall be processed as a major development project pursuant to Chapter 20.88 WCC.
- 20.62-20059.250 Prohibited uses.**
- ~~.201251~~ All other uses.
- ~~.202252~~ Adult businesses.

**20.62.25059.255 Minimum lot size.**

~~The .256 For commercial purposes, the~~ minimum lot size shall be consistent with the area required to meet the building setback, lot coverage and development standards of this district.

**~~20.62.251 Large commercial retail.~~**

~~Retail establishments with a floor area less than 35,000 square feet are allowed in the General Commercial (GC) Zone. Retail establishments within the General Commercial Zone of a short-term planning area of an urban growth area are allowed up to 65,000 square feet; provided, that:~~

~~(1) The floor area of adjacent stores shall be aggregated in cases where the stores (a) are engaged in selling of similar or related merchandise and operate under common ownership or management; (b) share check stands, a warehouse, or a distribution facility; or (c) otherwise operate as an associated, integrated or cooperative business enterprise.~~

~~(2) Two thousand square feet of interior loft floor area for purposes of storage or mechanical equipment is exempt from the 65,000 square feet maximum floor area.~~

~~(3) Retail establishments with a floor area exceeding 35,000 square feet require connection to public sanitary sewer and water services at urban levels of service.~~

~~20.62.255.257 For residential purposes, the minimum lot size shall be 5 acres.~~

**20.59.300 Minimum lot frontage.**

For the purpose of dividing property, minimum lot frontage shall be sufficient to provide adequate access and utility development, and meet applicable building setback, buffer, open space and development standards of the district. In no case shall the frontage be less than 30 feet.

**~~20.62.300 Minimum density.~~****~~.301 Hotels and motels~~ 20.59.320 Maximum building size.**

~~.321 Except as otherwise specifically allowed in this chapter, maximum allowable floor area shall not exceed 12,000 square feet.~~

~~.322 Grocery stores shall not exceed a maximum floor area ratio of .60. 35,000 square feet.~~

**20.62.35059.400 Building setbacks.**

Building setbacks shall be administered pursuant to WCC 20.62.55059.600 and 20.80.200.

**20.62.40059.450 Height limitations.**

Maximum building height shall not exceed 35 feet. Height of structures shall also conform, where applicable, to the general requirements of WCC 20.80.675.

**20.62.45059.500 Lot coverage.**

No more than 30 percent of a parcel shall be occupied by buildings or structures.

**20.62.50059.550 Open space.**

At least ~~40~~15 percent of the site shall be kept free of buildings, structures, hard surfacing, parking areas and other impervious surfaces.

**20.62.55059.600 Buffer area.**

~~.601~~ When ~~parcels~~a parcel situated within this district ~~adjoin an Urban adjoins a Rural or~~ Residential, ~~Urban Residential Medium Density, Residential Rural or Rural~~ District, ~~side and rear yard~~ or county or state roads designated as or proposed for improvements to principal arterial status, setbacks ~~from property lines adjoining these districts~~ shall be increased to 25 feet ~~along the property line(s) adjacent to the named districts~~. Said area shall be landscaped consistent with the requirements of WCC 20.80.345.

~~.602~~ Buffers shall be further increased in the following situations:

~~(1) When a parcel situated within this district adjoins a Rural comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.~~

~~(2) For a lot of record created as of the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining this designation shall be increased to 50 feet.~~

~~(3) For a lot of record created after the effective date of this ordinance, and adjoining an Agriculture, Commercial Forestry, Rural Forestry, or Mineral Resource Area comprehensive plan designation (as designated on map 8 of chapter 2 of the Whatcom County Comprehensive Plan), setbacks from property lines adjoining these designations shall be increased to 100 feet.~~

~~(4) Buffer areas required in (1), (2), and (3) may include public rights-of-way or granted vehicular access easements in a subdivision, binding site plan, or short subdivision.~~

**20.62.60059.650 Sign regulations.**

Sign regulations shall be administered pursuant to WCC 20.80.400.

**20.62.65059.700 Development criteria.****20.62.65159.702 Landscaping.**

Refer to WCC 20.80.300 for landscaping requirements.

**20.62.65259.703 Off-street parking and loading.**

Off-street parking and loading shall be administered pursuant to WCC 20.80.500.

**20.~~62.653~~59.704 Drainage.**

All development activity within Whatcom County shall be subject to the stormwater management provisions of the Whatcom County Development Standards unless specifically exempted.

No project permit shall be issued prior to meeting submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.

**20.~~62.654~~59.705 Driveways.**

Consistent with WCC 20.80.640, driveway plans shall be reviewed by the county engineer or State Department of Highways, as applicable.

**20.~~62.655~~59.706 Access.**

Access shall conform to the provisions of WCC 20.80.565.

**20.~~62.656~~59.707 Lighting.**

Lighting shall be designed to avoid excessive glare onto neighboring properties, and to not create safety hazards or unreasonable interference with adjacent uses.

**20.~~62.657~~59.708 Binding site plan.**

Should the commercial use be developed as part of a binding site plan, it shall be administered pursuant to WCC Title 21 (Subdivision Regulations) and additional requirements, as applicable.

**20.~~62.700~~59.750 Performance standards.**

The following provisions shall apply to all uses within this district:

~~.701~~751 There shall be no storage or handling of hazardous, explosive, highly flammable materials which would cause fire, explosion or safety hazards, except the storage and dispensing of gasoline in service stations.

~~.702~~752 There shall be no production of noise at any property line of any use in this district in excess of the average intensity of street and traffic noise found in the district.

~~.703~~753 There shall be no emission of dust, dirt, odors, smoke, or toxic gases and fumes.

~~.704~~754 There shall be no production of heat, glare or vibration perceptible from any property line of the premises upon which such heat, glare or vibration is being generated.