

Chapter 75

Village Commercial Zone (VC)

75.005 Purpose. The Village Commercial Zone shall provide areas within Benton County where commercial activities that support the local and traveling public can occur within recognized and planned Rural Unincorporated Communities (RUC). This zone shall recognize the rural village character of RUCs, the existing patterns of development, and the need for greater flexibility to allow these communities to maintain their viability. [Ord 2008-0226; Ord 2015-0271]

75.010 Application. The Village Commercial Zone shall apply to areas designated Commercial on the adopted Comprehensive Plan Map where they occur within the official boundaries of planned Rural Unincorporated Communities

75.020 Notification of Fire District. In consideration of the small lot size, proximity of forested area, and density of structures in the Village Commercial Zone, the Community Development Department shall notify the applicable fire district at the time of application for a building permit, establishment of a permitted use, or application for a conditional use permit.

75.105 Permitted Uses. The following uses are allowed in the Village Commercial Zone:

- (1) Vehicle parking lot to support permitted use.
- (2) One dwelling per parcel. A dwelling will be allowed for the employer or employee of a commercial use, either as a separate structure or occupying a portion of a commercial structure.
- (3) Residential home (care facility).
- (4) Hotels, motels, bed and breakfasts, inns, and cabin camps, limited to 35 rooms or less.
- (5) Farm use or forest use.
- (6) Accessory use or structure.
- (7) Dwelling units located above the first story of an active commercial use.
- (8) Church, grange hall, community hall, nonprofit meeting hall, or other similar non-profit community facility.

75.110 Permitted Uses – Limited Scale.

- (1) The following uses are allowed in the Village Commercial Zone, provided the use does not exceed 4,000 square feet of floor space within one or more buildings:
 - (a) Personal, medical, and business services such as beauticians, clinics, cleaners, accountants, and printers.
 - (b) Eating and drinking establishments.
 - (c) Sales and service establishments for vehicles, including autos, boats, and farm machinery.
 - (d) General and specialty retail trade establishments, except for the retail of marijuana.
 - (e) Day care for fewer than thirteen children.
 - (f) Art and craft galleries and studios.

- (g) Establishment for performance of film, theatrical, music or dance productions, limited to 300 seats.

75.120 Existing Uses.

- (1) A lawfully established commercial use existing as of July 10, 2008 in the Village Commercial Zone shall be considered an outright permitted use and shall not be classified as a nonconforming use. The total square footage, in one or more buildings, devoted to such an existing lawfully established commercial use may be expanded to a maximum of 4,000 square feet or an additional 25% of the floor area occupied on July 10, 2008, whichever is greater. The nonconforming use provisions of BCC 53.305 through 53.335 shall not apply.
- (2) A lawfully established dwelling may be replaced, remodeled or expanded without review under BCC 53.305 through 53.335. Replacement shall be allowed if it occurs within one year of the destruction or abandonment of the dwelling.
- (3) All other lawfully established uses existing as of July 24, 2008 0, 2008 in the Village Commercial Zone shall be considered nonconforming uses subject to the provisions of BCC 53.305 through 53.335.

75.205 Conditional Uses. The following uses may be allowed in the Village Commercial Zone by conditional use permit approved by the Planning Official:

- (1) Public or private school.
- (2) Hospital, sanitarium, rest home, and nursing home.
- (3) Light industry, not including the commercial growing, processing, or wholesaling of marijuana.

(Definition: LIGHT INDUSTRY: A business having noise, dust, odor, light, traffic, and hazard impacts that are similar to those experienced in general business areas. Outdoor storage is screened with sight-obscuring fences.)

- (4) Multi-Family Dwelling.
- (5) Tower for utility, communications, wind energy, or structures having similar impacts.
- (6) Recreational facility such as campground, stable, or skating rink.
- (7) Mixed-use development providing a combination of residential and commercial uses, in which each commercial use meets the size limitations of BCC 75.110.
- (8) Any use listed in section 66.105, Village Residential Zone permitted uses.

75.305 Minimum Parcel or Lot Size. The minimum parcel or lot size in the Village Commercial Zone shall be determined by the type of facilities available. The minimum parcel or lot size shall be 5000 square feet if water and sewer services will be provided by the local service district.

75.405 Site Development Plan. When a building addition, new construction, or placement of a structure is proposed in the Village Commercial Zone, the applicant shall submit a site development plan prior to the issuance of building permits. A site development plan shall contain an appropriate level of detail showing existing and proposed locations of buildings, vehicular and pedestrian access, parking, loading, landscaping, drainage, water supply, sewage disposal, public utilities, signage, building façade, and exterior lighting.

75.410 Siting Standards. All structures allowed in the Village Commercial Zone shall be sited in compliance with the following standards:

- (1) Every site shall be adequately served by water, sewage disposal, and improved roads, or final approval of the site development plan shall be contingent on assurances for the provision of the necessary facilities.
- (2) Setbacks to roads and/or property lines, when they exist, shall be utilized for landscaping and/or pedestrian improvements, subject to Planning Official approval.
- (3) Zero lot line development is allowed subject to Planning Official approval, and must conform to Fire Code in effect at the time of development.
- (4) A vision clearance area shall be maintained at the intersection of two rights-of-way, or a right-of-way and a driveway. The vision clearance area shall extend thirty (30) feet from the intersection of the right-of-way lines or a right-of-way line and a driveway. No structure, vegetation or embankment shall be permitted in a vision clearance area in excess of two (2) feet in height above the center of the road or driveway, subject to staff approval.
- (5) On-street parking and off-street parking for each commercial use shall be adequate to serve the permitted use, and may be located on adjacent parcels.
- (6) Off-street parking areas and setbacks adjacent to residential zoned areas shall be adequately landscaped and screened to create a visual buffer.
- (7) Auto access shall be designed to cause minimum interference with traffic movements on abutting streets. Where necessary, additional rights-of-way shall be dedicated to maintain adequate traffic circulation. Setbacks shall be reviewed when requiring a dedication of additional right-of-way.
- (8) The arrangement of buildings, lighting, parking areas, signs, and other facilities shall be designed and oriented to minimize noise and glare effects on adjacent residential properties.
- (9) Pedestrian access shall be considered in the design of site features to provide a clear, unobstructed path in which pedestrians are not required to share their space with autos.
- (10) A structure shall not exceed forty (40) feet in height. Structures such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, agricultural buildings, and other similar objects not used for human occupancy are not subject to the building height limitations of this code.
- (11) On any parcel adjacent to a resource zone, any use or structure not directly related to resource use shall be located as far from the resource zone as practicable considering other required setbacks, topography, drainage, resource-zone setbacks on neighboring properties, and other factors, as determined by the Planning Official. Prior to approval of such use or structure, the owner shall sign a declaratory statement to be recorded in the County Deed Records recognizing resource use of adjacent lands.