

Ordinance No. 629

An ordinance amending the Forks Zoning Code to address

WHEREAS, the City established guidelines for various in-home business uses within its existing zoning code;

WHEREAS, inquiries have been made regarding in-home rentals of rooms for visitors;

WHEREAS, the Forks Planning Commission discussed the matter and determined that the Forks Zoning Code needed to be amended to address this need;

WHEREAS, the Forks Planning Commission voted to recommend to the City Council the proposed amendment found herein;

WHEREAS, the City Council held a public hearing on this matter at its \_\_\_\_\_ meeting;

WHEREAS, the Council determined that the best means of addressing this administrative issue would be to amend said ordinance;

BASED THEREON, THE CITY COUNCIL OF THE CITY OF FORKS DOES ORDAIN AS FOLLOWS:

1. Amending FMC 17.75.045. FMC 17.75.045 is hereby amended and with the new amending text being underlined, and where applicable where text is being replaced, the replaced text being stricken through:

**17.75.045 Home enterprise within home – Cases when permitted outright.**

(1) Home enterprises within the home shall be permitted outright, even if other home enterprises may require special or conditional use permits, only in the following situations; provided, that the specific conditions found herein are met:

(a) Catalog-based sales enterprises that may or may not be associated with hosting parties for purposes of product review and ordering;

(b) Internet-based sales, services and/or transactions where no additional employees beyond the regular and usual occupants of the home associated with the enterprise are required to work at the home based business;

(c) Art- or craft-based enterprises where there is no separate facility required for the enterprise and no additional employees are required or associated with the home-based enterprise; and

(d) Professional-based services where no additional employees are required or associated with the home-based enterprise.

(e) Vacation/Visitor rentals where no more than two lodging units within the home are being leased or rented for transitory stays for periods of less than 30 days. In addition, the following are also applicable:

1. Has the following safety equipment installed within the home:
  - a. Smoke/fire detectors;
  - b. Fire extinguisher;

2. Has a legally permitted in-structure restroom;
3. Has obtained the necessary business licenses, Department of Health licenses, and registered accordingly with the State Department of Revenue;

(2) In order to be permitted outright, the above home enterprises within the home must also be able to comply without additional structural modifications to the home with the following:

- (a) Signage shall not exceed that found elsewhere within this chapter of the code;
- (b) No additional parking spaces are required for the business, ~~nor will be constructed or built~~ beyond existing parking for the home occupants;
- (c) No separate entrance is required or will be required to accommodate the business enterprise; and
- (d) Vehicle traffic associated with the home enterprise is infrequent and does not exceed that associated with a residential dwelling that did not have a business enterprise. (Ord. 595 § 1, 2011; Ord. 514 § 1, 2004)

2. Amending FMC 17.10.225. FMC 17.10.225 is hereby amended and with the new amending text being underlined, and where applicable where text is being replaced, the replaced text being stricken through:

**17.10.225 Home enterprise within a separate facility with less than 2,000 square feet.**

A. "Home enterprise within a separate facility with less than 2,000 square feet" means any activity, including professional services, carried out for gain by a resident and conducted in a separate facility, having no more than 2,000 square feet in total floor space, from the resident's dwelling unit. Such activity may employ no more than five full-time or part-time employees. (Ord. 433, App. A, 1997)

B. Vacation/Visitor rentals are a permitted outright use when the separate facility is being leased or rented for transitory stays for periods of less than 30 days; and, where the following conditions are being met:

1. The separate space is no greater than 500 sq. feet and there are no more than two beds within said space for lease or rent;
2. Has been added or remodeled pursuant to a properly issued building permit;
3. Has the following safety equipment installed:
  - a. Smoke/fire detectors;
  - b. Fire extinguisher;
4. Has a legally permitted in-structure restroom;
5. Has obtained the necessary business licenses, applicable Department of Health license, and registered accordingly with the State Department of Revenue;
6. No additional parking spaces are required-beyond existing parking for the home occupants;

3. Amending FMC 17.10.055. FMC 17.10.055 is hereby amended and with the new amending text being underlined, and where applicable where text is being replaced, the replaced text being stricken through:

**17.10.055 Small Inn.**

~~B & B Inn “Small inn” means overnight visitor accommodations and a morning meal in a dwelling unit being leased or rented for transitory stays for periods of less than 30 days; and, the facility is no greater than eight lodging units and having no more than a total of 6,000 square feet, that provided to with the visitors usually staying only for a few days in exchange for compensation.~~

- 4. Amending FMC 17.10.325. FMC 17.75.325 is hereby amended and with the new amending text being underlined, and where applicable where text is being replaced, the replaced text being stricken through:

**17.10.325 Motel/hotel/Inn.**

“Motel/hotel/inn” means a facility, having nine or more lodging units, or being greater than 6,000 square feet, offering that offers short term lodging accommodations to the general public, and may provide as providing additional services, such as meals, restaurants, meeting rooms, entertainment, and recreational facilities.

- 5. Adding FMC 17.10.567. FMC 17.10.567 is hereby added.

**17.10.567 Vacation/Visitor Rental**

“Vacation/Visitor Rental” means any activity where either a portion or the entirety of a structure is being leased or rented for transitory stays for periods of less than 30 days and which may, or may not, require additional licenses from local and/or state agencies. When an existing use associated with a building is being converted to this purpose, the separate designation within the land use matrix (FMC 17.15.060) shall be controlling as to the nature of the permit required.

Effective Date. This ordinance shall take effect five days after it has been published within the City’s journal of record as provided for by law.

Passed by the City Council on the \_\_\_\_\_ 2017.

\_\_\_\_\_  
Bryon Monohon, Mayor

Authenticated and Attested to:

Approved as to Form:

\_\_\_\_\_  
Audrey Grafstrom, Clerk/Treasurer

\_\_\_\_\_  
William R. Fleck,  
Attorney/Planner

**17.15.060 Land use matrix.**

**C – Conditional P – Permitted**

**S – Special X – Prohibited** ii See FMC [17.75.045](#), Home enterprises within home – Cases when permitted outright.

Use	(Very Low Density) Residential 1	(Low Density) Residential 2	(Moderate Density) Residential 3	(High Density) Residential 4	C-1 Low Density Commercial	C-2 Moderate Density Commercial	C-3 High Density Commercial	Public Land	Industrial Park Zone	Industrial – General (I)
<b>B-&amp;B</b> <u>Small inn</u>	S	S	C	C	P	S	S	X	X	X
Home enterprise within home	S/Pii	S/Pii	S/Pii	Pii	Pii	Pii	Pii	X	X	X
Home enterprise within separate facility with	S*	S*	S*	S*	P	P	P	X	X	X

<b>less than 2,000 sq. ft.</b>										
<b>Use</b>	<b>(Very Low Density) Residential 1</b>	<b>(Low Density) Residential 2</b>	<b>(Moderate Density) Residential 3</b>	<b>(High Density) Residential 4</b>	<b>C-1 Low Density Commercial</b>	<b>C-2 Moderate Density Commercial</b>	<b>C-3 High Density Commercial</b>	<b>Public Land</b>	<b>Industrial Park Zone</b>	<b>Industrial – General (I)</b>
<b>Motel/hotel/ Inn</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b><u>Vacation/ Visitor Rental</u></b>	<b>S</b>	<b>S</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>X</b>	<b>X</b>	<b>X</b>

\* Vacation/Visitor Rental may be permitted pursuant to FMC 17.10.225

ii See FMC 17.75.045, Home enterprises within home – Cases when permitted outright.