

# Draft Amendments

## July 10, 2017

### 22.58.011 ~~Bed and breakfast~~Short-term rental establishments.

(a) Purpose and Intent. purpose of this section is to:

- (1) Provide property owners and residents with an opportunity to use their homes to engage in small-scale business activities.
- (2) Protect neighborhood character and stability.
- (3) Establish criteria and standards for the use of residential structures as short-term rentals.

(a) Short-term Rental Types Defined. following definitions apply to the short-term rental types allowed through the provisions of this section:

- (1) "Room Rental Establishment" means a lodging use, where individual rooms within a single dwelling unit are provided for less than 30 consecutive days for a fee by pre-arrangement. This shall include bed and breakfasts establishments.
- (2) "Dwelling Unit Rental" means a dwelling unit, typically rented in its entirety, for less than 30 consecutive days for a fee by pre-arrangement.

(b) Approval. A ~~bed and breakfast~~short-term rental establishment (~~B&B~~) is permitted in specified zoning districts subject to ~~conditional use~~administrative use permit approval in accordance with Chapter 22.68-70 FMC ~~and administrative design review approval in accordance with Chapter 22.66 FMC. A room rental establishment providing more than two bedrooms available for rent is subject to conditional use permit approval in accordance with Chapter 22.68 FMC. A B&B shall be established and operated in conformance with the following standards and criteria:~~

~~(a)~~(c) Room Rental Establishment Standards.

~~(b) The parcel upon which the B&B is to be established, and the structure, in which it will be operated, shall generally conform to all standards of the applicable zoning district.~~

- ~~(1) The B&B~~Room rentals shall be an incidental or secondary use to the primary use, which is considered to be the principal residential dwelling unit.

~~(c) The exterior appearance of the structure housing the B&B shall not be altered from its original single-family character.~~

- ~~(1)~~(2) The owner/lessee of the structure ~~housing the B&B~~ shall operate the establishment and reside on-site.

- ~~(2)~~(3) Service shall be limited to the rental of bedrooms. Meal service shall be limited to the provision of breakfast or light snacks for registered guests.

(4) A maximum of four bedrooms or suites may be made available for rent. There shall be no expansion in the number of guest rooms beyond the number approved.

~~(3)~~

(4)(5) No separate or additional kitchens for guests are permitted. Limited cooking facilities shall be allowed inside guestrooms, or inside other rooms that are used solely by guests, such as small toaster ovens, microwaves, and refrigerators.

(5)(6) Receptions, private parties or similar activities, for which a fee is paid or which are allowable as a condition of room rental, may be permitted upon a determination by the planning commission that such activities will not significantly impact the adjoining neighborhood.

~~(d) The parcel upon which the B&B is to be established shall not qualify for city approval of an accessory dwelling unit or home occupation in addition to the B&B.~~

~~(e) No B&B shall be located closer than 200 feet to another B&B, as measured in a straight line from property line to property line.~~

~~(f) A city business license shall be obtained annually in accordance with Chapter 5.04 FMC. The B&B shall be exempt from the home occupation requirements of FMC 22.58.013.~~

~~Signage shall be limited to one nameplate sign not exceeding one and one-half square feet in area mounted on an exterior wall of the structure housing the B&B.~~

(7) One off-street parking space shall be provided on-site for each rental bedroom. The number of required off-street spaces may be reduced by the number of spaces available on the street frontage adjoining the parcel upon which the B&Broom rental is to be established, if the planning commission decision-maker determines that sufficient on-street parking will exist to satisfy parking demand in the neighborhood once the B&Broom rental has been established. Any additional off-street parking provided in conjunction with the B&Broom rental shall, to the extent possible, be located to the side or rear of the structure housing the B&Broom rental in order to minimize visual impacts on the streetscape. Off-street parking shall be designed to reduce impacts on adjoining properties through the installation of vegetative screening and/or fencing. The parking surface and additional driveway surface required to provide access to the parking area shall be constructed of a permeable-, porous or pervious pavers to achieve Low Impact Development objectives and surface such as interlocking paving blocks (cement or plastic) or other porous pavement which minimizes impervious surface and achieves a superior appearance when compared with conventional asphalt or concrete pavement. For additional off-street parking standards, see Chapter 22.60 FMC. (Ord. 1246 § 15, 2000).

(8) Certification by the building official that the residence complies with fire and life and fire safety aspects is required.

(d) Dwelling Unit Rental.

(1) The number of persons per sleeping area shall comply with the International Building Code.

(2) Two off-street parking spaces shall be provided on-site.

(e) Other Regulations.

(1) Proof of ownership or approval of property owner is required.

(2) A city business license shall be obtained annually in accordance with Chapter 5.04 FMC. The room rental shall be exempt from the home occupation requirements of FMC 22.58.013.

(2)(3) The exterior appearance of the structure shall not be altered from its original maintain its original a single-family character.

(4) Signage shall comply with Chapter 22.26 FMC, Sign Regulations.

(5) Permits shall lapse and become void if the establishment ceases operation for twelve consecutive months, applicant named on the permit moves from or sells the site, or the applicant fails to maintain a valid business license.

**22.58.013 Home occupations.**

(a) Purpose and Intent. It is the purpose and intent of this section to:

(1) Protect residential areas from potential adverse impact of activities defined as home occupations;

(2) ~~Permit~~ Allow residents of the community a broad choice in the use of their homes as a place of livelihood and for the production or supplementing of personal and family income; and

(3) Establish criteria and standards for the use of residential structures for home occupations.

(b) Permit Requirement. A home occupation may be carried on upon the issuance of a business license pursuant to Chapter 5.04 FMC and the issuance of a home occupation permit by the director.

(c) Submittal Requirements. Application for a home occupation permit shall be made upon forms provided by the director, accompanied by a filing fee in accordance with the planning services fee schedule established by council resolution. The application shall be signed by the owner of the property on which the home occupation activity will occur. The application shall also be signed by the business operator if that person is different from the property owner. The director may require the submittal of a site plan of the premises, floor plans of the residence or accessory building in which the use or activity will take place, and other documentation deemed necessary to process the application. The plans shall clearly indicate the area where the use or activity will take place and any structural alterations intended to accommodate the use or activity.

(d) Categories of Home Occupation.

(1) Type I home occupations are those activities, categorized below, which comply with all performance standards set forth in subsection (f) of this section.

(A) Type I-A includes home offices, internet businesses, and similar activities that have no traffic or product pickup or deliveries.

~~(A)~~(B) Type I-B includes instruction, counseling, sales, services, and other activities that have customer traffic and/or product pickup or deliveries.

(2) Type II home occupations are those activities which do not comply with one or more of the performance standards governing Type I home occupations as set forth in subsection (f) of this section but which do comply with the performance standards governing Type II home occupations as set forth in subsection (g) of this section.

(e) Processing Requirements.

(1) The director shall approve a proposed home occupation, which complies with all Type I standards set forth in subsection (f) of this section. The director may impose conditions of approval to ensure that the business activity is conducted in a manner consistent with the standards and purpose and intent of this section.

(2) A proposed home occupation which has been determined by the director to not comply with one or more Type I standards set forth in subsection (f) of this section may be permitted subject to conditional use permit approval by the planning commission in accordance with Chapter 22.68 FMC, if the home occupation complies with the Type II standards set forth in subsection (g) of this section.

(f) Type I Home Occupation Standards.

(1) Only residents of the premises on which the home occupation is located shall carry on the home occupation.

(2) The home occupation shall be carried on entirely within a residence and/or detached accessory building. The home occupation shall occupy not more than 25 percent of the total floor area of the habitable portion of a residence. In no event shall such occupancy exceed 400 square feet.

(3) Any extension of the home occupation to the outdoors, including, but not limited to, paving of yards for parking, outdoor storage or activity, and indoor storage or activity visible from outdoors (e.g., in an open garage) is prohibited, except that vegetables, fruits, flowers and other agricultural products may be grown on the premises if production does not exceed what would normally be consumed on the premises.

(4) The home occupation shall not result in the elimination of required on-site parking.

(5) The home occupation shall be conducted in such a manner as to give no outward appearance nor manifest any characteristics of a business in terms of deliveries, parking, customer trips and other activities, that would infringe upon the right of the neighboring residents to enjoy a peaceful occupancy of their homes.

- (6) The home occupation shall not result in structural alteration to the interior or exterior of the structure that changes its residential character.
- (7) No equipment shall be used and no activities shall be conducted which would result in noise, vibration, smoke, dust, odors, heat, glare or other conditions exceeding in duration or intensity than those normally produced by residential use. Normal residential use shall be construed as including the above impacts only on an occasional weekend or evening basis (e.g., in connection with a hobby or home/yard maintenance), and not on a daily basis.
- (8) The home occupation shall not include: (A) automobile, truck or heavy equipment repair; (B) body work or painting; (C) outdoor storage of used parts of vehicles and used machinery in an inoperable condition; or (D) outside storage of building materials such as lumber, plasterboard, pipe, paint or other construction materials.
- (9) The home occupation shall not include parking or storage of heavy equipment, including trucks of over one ton load capacity, within a public right-of-way or on private property outside of ~~unless within~~ a fully enclosed building.
- (10) Persons in building trades and similar fields using their homes or apartments as offices for business activities conducted off the residential premises may have other employees or independent contractors; provided, that such employees or independent contractors do not perform labor or personal services on the residential premises, park on or near the residential premises, or check in at the residential premises during the course of business.
- (11) The home occupation may include limited on-premises sales of products or stock-in-trade, provided the applicant can clearly demonstrate that such sales will not be inconsistent with other Type I standards. Examples of allowable on-premises sales include cosmetics or similar products associated with a business where most products are delivered to a customer's address, hair care products associated with a barber/beauty shop and instructional materials pertinent to the home occupation, e.g., music books. The display or storage of products or stock-in-trade outside a residence or in a window is prohibited, except that vegetables, fruits, flowers and other agricultural products grown on the premises may be offered for sale out-of-doors during the growing season.
- (12) Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises. Utility consumption shall not exceed normal residential usage.
- (13) The home occupation shall not generate significantly greater traffic volume than would normally be expected in the particular residential zone or neighborhood in which the home occupation is conducted. Generally, delivery and pickup of materials to and from the premises by a commercial vehicle should not exceed two trips per week. For the purpose of this section, commercial vehicles shall not exceed a gross vehicle weight of 20,000 pounds. Also, generally, traffic generated by a home occupation should not exceed four round trips per day.

(14) If the home occupation is the type in which classes are held or instruction given, there shall be no more than two students allowed in any one class or instruction period.

~~(15) Signage shall be limited to one nonilluminated nameplate not exceeding one and one-half square feet in area mounted to an exterior wall or window of the dwelling. Signage shall be consistent with the provisions of Chapter 22.26 FMC.~~

(g) Type II Home Occupation Standards.

(1) The home occupation will not harm the character of the surrounding neighborhood~~;~~

(2) The home occupation will not include storage, use or operation of building materials, machinery, commercial vehicles or tools, unless:

(A) The activity is wholly enclosed within a structure or building;

(B) The activity would not result in noise, vibration, smoke, dust, odors, heat, glare or other conditions exceeding in duration or intensity those normally produced by residential use. Normal residential use shall be construed as including the above impacts only on an occasional weekend or evening basis (e.g., in connection with a hobby or home/yard maintenance), and not on a daily basis~~;~~

(3) The home occupation will not create a condition which injures or endangers the comfort, repose, health and safety of persons on abutting properties or streets~~;~~

(4) The home occupation will not generate excessive traffic or necessitate excessive parking beyond that normally associated with residential use in the neighborhood in which the home occupation is located~~;~~

(5) The home occupation will include no more than two nonresident employees working on-site when nonresident employees are involved. The home occupation may have additional employees or independent contractors; provided, that such employees or independent contractors do not perform labor or personal services on the residential premises, park on or near the residential premises, or physically check in at the residential premises during the course of business;

(6) The home occupation will not include the outdoor display and sale of products or stock in trade, unless the applicant can demonstrate that such on-premises sales will not result in noncompliance with other applicable standards governing Type I and Type II home occupations~~;~~ and

~~(7) The home occupation will comply with Chapter 22.26 FMC, Sign Regulations.~~

(h) Other Regulations.

(1) Home occupations shall comply with all other local, state or federal regulations pertinent to the activity pursued, and the requirements or permission granted or implied by this section shall not be construed as an exemption from these regulations.

(2) Home occupation permits are issued to an individual applicant and shall not be transferred or otherwise assigned to any other person. The permit will automatically expire when the applicant named on the permit application moves from the site or

moves the business from the site. The home occupation shall also automatically expire if the permittee fails to maintain a valid business license or the business license is suspended or revoked. The home occupation shall not be transferred to any site other than that described on the application form.

(3) Two or more home occupation permits may be issued for the same location if it is determined that the sum of the businesses still meets the requirements of this chapter.

~~(2)(4)~~ The home occupation will comply with Chapter 22.26 FMC, Sign Regulations.

(i) Exemptions. The following activities shall be exempt from the provisions of this section:

(1) Garage sales, yard sales, bake sales, occasional parties for the sale or distribution of goods or services, and other like uses; provided, that any such garage sales and yard sales involve only the sale of household goods, none of which were purchased for the purpose of resale. If the collective total of all such sales and/or parties exceeds four events or 12 days in any calendar year, then such sales and/or parties shall be considered a home occupation; ~~and~~

(2) Family day-care facilities licensed by the Washington State Department of Social and Health Services; ~~and~~

(3) Telecommuting, remote work and other alternative work options in which the person is an employee and the work does not violate the requirements of a Type I home occupation.

(j) Permit Fee Exemptions. Nonprofit organizations as defined by FMC 5.04.100c must apply for a home occupation permit but are exempt from a home occupation permit fee. Nonprofit organizations that are categorized as Type II home occupations are not exempt from the conditional use permit fee.

## **22.58.024 Outdoor parking or storage of vehicles.**

(a) ~~Outdoor Storage of Inoperable~~ Vehicles. The outdoor parking or storage of inoperable vehicles or parts ~~thereof is permitted-prohibited~~ in a residential district ~~for a period not to exceed six days. Outdoor storage for a period exceeding six days is permitted in a residential zoning district, except as~~ subject to the following provisions:

(1) The outdoor storage of no more than ~~three~~-two inoperable vehicles and vehicle parts is permitted when they are screened from neighboring properties and the public right-of-way by a solid fence or approved landscaping.

(2) Storage of inoperable vehicles is prohibited in required front or side yard setback areas.

~~(4)(3)~~ Open-Unenclosed or unscreened storage of inoperable vehicles is permitted for a 14-day period while a vehicle is undergoing or awaiting repairs.

~~(2) In no event shall any outdoor storage of commercial vehicles in excess of 10,000 GVW be permitted.~~

~~(3)~~(4) Approved landscaping is defined as follows:

- (A) Vegetative Screen. The approved landscaping must consist of: evergreen shrubs, at a rate of one per five lineal feet of landscape strip; or closely spaced evergreen trees, at a rate of one per eight lineal feet of landscape strip, or a combination of the two in separate sections. The screen may consist of either overlapping clusters or a solid row of material. If overlapping clusters are used, the overlap should be at least one-half plant width. Spacing shall be as follows: evergreen trees for the landscape screen at no greater than eight feet on center, with no more than 10 feet on center between cluster; shrubs for the landscape screen shall be no greater than five feet on center, with no greater than seven feet on center between clusters. Vegetative screening materials shall have a minimum mature height of six feet. Installation of vegetative ground cover is encouraged but not required within the planting area; or
- (B) Berm. The approved landscaping must consist of an earthen berm a minimum of four feet high, measured from street curb or the crown of the adjacent paved way for road frontages or existing grade for interior lot lines. Vegetative groundcover shall cover a minimum of 50 percent of the landscape strip area at maturity. Berms less than six feet in height shall be planted with evergreen shrubs, at a rate of one per four lineal feet of landscape strip, to a mature height equal to or greater than six-foot high berm. The screen may consist of either overlapping groupings or a solid row of material. If overlapping groupings are used, the overlap should be at least one-half plant width. Shrub spacing shall be no greater than four feet on center, with no greater than six feet on center between groupings; and
- (C) Canopy Vegetation. In addition to the requirements of subsection (a)(4)(A) of this section, Vegetative Screen, and subsection (a)(4)(B) of this section, Berm, trees, at a rate of one per 25 lineal feet of lot line, shall be interspersed throughout the landscape strip in groupings or uniform rows. Spacing shall be no greater than 25 feet on center with uniform spacing or 50 feet on center between groupings. Minimum mature height shall be 20 feet;
- (D) Screen Width. All approved landscaping shall be located adjacent to the lot line with no required vegetation located greater than 30 feet from the lot line. No buildings or impervious surfaces, with the exception of pedestrian walks connecting the site to adjacent property, shall be located between the interior edge of the screen width and the lot line.

- (b) Commercial Vehicles. Outdoor parking or storage of semi-trucks, semi-cabs, tractor trailers, heavy equipment, or any commercial vehicles in excess of 10,000 gross vehicle weight (GVW), is not permitted in a residential zone whether located on a public right-of-way or private property. This provision does not apply to temporary parking for delivery, pick-up, moving or service activities. Heavy construction/development equipment may only be parked on a site that is undergoing a permitted or approved activity.
- (c) ~~Outdoor Storage of Boats and Nonmotorized~~ Recreation Vehicles, Watercraft and Trailers. The outdoor storage of up to two (total) motorized boats or nonmotorized recreation



vehicles, motorized or nonmotorized watercraft, and trailers is permitted in a residential zoning district, subject to the following provisions:

- (1) ~~Nonmotorized recreation vehicles include, but are not limited to, camper trailers, tent trailers, and boat and recreation vehicle trailers. For this chapter a motorized or nonmotorized watercraft on a trailer shall be counted as one vehicle.~~ Nonmotorized recreation vehicles do not include bicycles and similar sports equipment.
  - (2) ~~The combined limit on the number of boats and nonmotorized recreational vehicles that may be stored on a parcel is two, except as permitted in subsection (b)(3) of this section. A boat on a trailer shall be counted as one boat. One such vehicle may be stored in the side yard, provided it is parked on permeable, porous or pervious pavers to achieve Low Impact Development objectives, does not extend beyond the front of the house, and is screened from the closest abutting property by a solid fence or approved landscaping as defined in subsection (a)(3) of this section.~~
  - (3) ~~Outdoor storage of additional boats and/or nonmotorized recreation A vehicles shall be~~ may be stored in the side street side yard or rear yard; provided it is parked on permeable, porous or pervious pavers to achieve Low Impact Development objectives and is screened from neighboring properties and the public right-of-way by a solid fence or approved landscaping as defined in subsection (a)(~~3~~4) of this section. ~~Storage of additional vehicles is prohibited in required front or side yard setbacks.~~
  - (4) If there is no reasonable access to a rear or side yard, one vehicle may be located in the front yard if parked on the driveway, perpendicular to the right-of-way, provided the vehicle does not extend beyond the property line and is screened from the closest abutting property by approved landscaping at least six feet in height; or
  - (5) A vehicle may be parked on the driveway of a residence for a period not to exceed three days in a seven day period for the purpose of loading and unloading.
  - (6) Subject to the above restrictions, recreational vehicles may be occupied on a temporary basis not to exceed 30 days within one calendar year. Exceptions may be approved by the Director for a period not to exceed 6 months when temporary shelter is required to support an individual experiencing serious illness and needing assistance from the property owner on which the recreational vehicle is located
- (d) Passenger Vehicles. Parking in locations other than a designated driveway or parking surface is not permitted in required front or side street side yard setbacks in a residential zoning district. Parking shall be permitted upon designated driveways and parking surfaces as defined in FMC 22.60.008(e) and (h).