AN ORDINANCE amending Sections 22.214.030, 23.44.051, 23.45.504, 23.45.545, 23.84A.024, 23.84A.030, and 23.84A.036 of the Seattle Municipal Code (SMC); and adding a new Section 23.42.060 to the SMC; relating to short-term rental uses and bed and breakfast uses.

WHEREAS housing vacancy rates are at low levels, making it increasingly difficult for people to obtain permanent housing; and

WHEREAS, removal of residential units from the long-term housing market contributes to low vacancy rates; and

WHEREAS, the conversion of long-term housing units to short-term rentals could result in the loss of housing for Seattle residents; and

WHEREAS, it is in the public interest that short-term rental uses be regulated in order to help preserve housing for long-term tenants; and

WHEREAS, the business model of short-term rental agencies depends upon participation and contact with local short-term rental operators; and

WHEREAS, the standards for the operation of short-term rental uses contained in this ordinance help to preserve the availability of housing for long-term rentals by limiting the number of short-term rentals a person can operate, reduce negative effects on affordable housing, and protect the safety and livability of residential neighborhoods; and

WHEREAS, the City Council finds that this ordinance is necessary to protect and promote the health, safety, and welfare of the general public; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

CITY OF SEATTLE
ORDINANCE ________________
COUNCIL BILL ________________

...title

...body
Section 1. Section 22.214.030 of the Seattle Municipal Code, last amended by Ordinance 124312, is amended as follows:

22.214.030 Applicability

A. The registration provisions of this Chapter 22.214 shall apply to all rental housing units with the exception of:

1. Housing units lawfully used as short-term rentals for periods not to exceed three consecutive months and not consecutively used by the same individual or individuals for more than three months in any 12-month period;

2. Housing units rented for not more than 12 consecutive months as a result of the property owner, who previously occupied the unit as a primary residence, taking a work-related leave of absence or assignment such as an academic sabbatical or temporary transfer;

3. Housing units that are a unit unavailable for rent;

4. Housing units in hotels, motels, inns, bed and breakfasts, or similar accommodations that provide lodging for transient guests, but not including short-term rentals as defined in Section 23.84A.024 unless the short-term rental qualifies for exemption under subsection 23.214.030.A.1;

5. Housing units in facilities licensed or required to be licensed under RCW chapter 18.20, RCW 70.128, or RCW 72.36, or subject to another exemption under this Chapter 22.214;

6. Housing units in any state licensed hospital, hospice, community-care facility, intermediate-care facility, or nursing home;

7. Housing units in any convent, monastery, or other facility occupied exclusively by members of a religious order or congregation;
8. Emergency or temporary (-) shelter or transitional housing accommodations;

9. Housing units owned, operated, or managed by a major educational or medical institution or by a third party for the institution; and

10. Housing units that a government entity or housing authority owns, operates, or manages; or units exempted from municipal regulation by federal, state, or local law.

* * *

Section 2. A new Section 23.42.060 is added to the Seattle Municipal Code as follows:

23.42.060 Short-term rentals

Short-term rental uses are subject to the following provisions:

A. Short-term rental uses are permitted in any structure established as a dwelling unit unless (1) the proposed use is in a dwelling unit established as a caretaker’s quarters, or (2) the proposed use is over water or otherwise prohibited by the shoreline regulations contained in Chapter 23.60A.

B. A short-term rental use may be located in a dwelling unit or an accessory dwelling unit.

C. Business license

1. All operators of short-term rental uses shall have a valid business license tax certificate issued by the Department of Finance and Administrative Services.

2. All operators of short-term rental uses shall have a valid short-term rental operator’s license issued by the Department of Finance and Administrative Services.

D. Number of residents and guests. The total number of residents and guests occupying a dwelling unit that includes a short-term rental may not exceed the maximum number
of residents allowed in a household by this code. For sites with an accessory dwelling unit, the total number of residents and guests occupying both the dwelling unit and any accessory dwelling units may not exceed the number of residents allowed for a household.

E. Short-term rental uses may display signs identifying the use if the signs are permitted by Chapter 23.55.

F. If a short-term rental operator provides breakfast, light snacks, or both to guests, the facility and operator must meet applicable health and safety regulations including but not limited to regulations of Public Health—Seattle & King County and the Washington State Department of Health.

G. Notwithstanding Sections 23.42.100, 23.42.102, and 23.42.104, short-term rental uses, as defined in Section 23.84A.024, in existence prior to adoption of Council Bill _______ shall comply with the requirements of this Chapter 23.42 no later than one year from the adoption of Council Bill _______.

Section 3. Section 23.44.051 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

23.44.051 Bed and breakfasts

((A bed and breakfast use is permitted if it meets the following standards))

A. ((General provisions)) New bed and breakfast uses. Subject to Section 23.76.026, proposed bed and breakfast uses are prohibited after the effective date of Council Bill _______. Proposed uses that would have been classified as a bed and breakfast use before that date may qualify and be permitted as a short-term rental use.

B. Existing bed and breakfast uses
1. Existing bed and breakfast uses are not deemed to be nonconforming uses, notwithstanding Sections 23.42.100, 23.42.102, and 23.42.104. Except as provided below, an existing bed and breakfast use is a use that has one or more of the following: a land use permit from The City of Seattle establishing the bed and breakfast use, a valid food service establishment permit for a bed and breakfast use issued by Public Health—Seattle & King County; or a valid transient accommodation license for a bed and breakfast use issued by the Washington State Department of Health. A bed and breakfast use that was discontinued for one year immediately preceding the effective date of Council Bill __________ is not an existing bed and breakfast use.

2. Existing bed and breakfast uses are subject to the following requirements:

   ((1-)) a. The bed and breakfast use shall have a valid business license tax certificate issued by the Department of Finance and Administrative Services;

   ((2-)) b. The bed and breakfast use shall be operated by ((an owner)) the primary resident of the dwelling unit where the bed and breakfast is located; ((who owns at least a 50 percent interest in the dwelling in which the bed and breakfast is located);

   3. An owner who owns at least a 50 percent interest in the dwelling shall reside in the structure in which the bed and breakfast use is located during any period in which rooms are rented to guests;

   4. No more than two people who reside outside the dwelling unit shall be employed, with or without compensation, in the operation of the bed and breakfast use;

   5. The bed and breakfast use shall be operated within the principal structure, which shall be at least five years old;
There shall be no evidence of the bed and breakfast use visible from the exterior of the dwelling unit except for a sign permitted by subsection 23.55.020.D.1; 

The bed and breakfast use shall have no more than five guest rooms, provided that this limitation does not apply to bed and breakfast uses that were established on or before April 1, 1987, and that have been continuously operated as a bed and breakfast since that date; and

e. A bed and breakfast use may be located in a dwelling unit or an accessory dwelling unit.

Parking shall be provided as required in Chapter 23.54.

Alterations to single-family structures. Interior and exterior alterations consistent with the development standards of the underlying zone are permitted.

Dispersion. Any lot line of property containing any proposed new bed and breakfast use must be located 600 feet or more from any lot line of any other bed and breakfast use.

Neighborhood mitigation provisions

1. The owner will make public transit information available to patrons, and the owner’s operating plan must describe how the transit information will be made available to patrons.

2. The design of the structure in which the use is located and the orientation of the access will minimize impacts, such as noise, light and parking, to neighboring structures.

3. The owner’s operating plan includes quiet hours, limits on programmed on-site outdoor activities, and parking policies to minimize impacts on residential neighbors.
4. The delivery of goods and services associated with the bed and breakfast use are accommodated at a time and in a manner that will limit, to the extent feasible, impacts on surrounding properties.

5. The operating plan shall be distributed to all residents and property owners within 300 feet of the proposed bed and breakfast use. The distributed plan shall reference this Section 23.44.051 and provide contact information for the Seattle Department of Construction and Inspections’ Review and Inspection Center and contact information for the operator of the bed and breakfast. Applicants for a permit to establish a bed and breakfast use shall provide proof to the Seattle Department of Construction and Inspections that they made a good faith effort to provide the required distribution prior to issuance of a permit establishing the use.)

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Section 4. Subsection 23.45.504.C of the Seattle Municipal Code, which section was last amended by Ordinance 124843, is amended as follows:

23.45.504 Permitted and prohibited uses

* * *

C. Accessory uses. The following accessory uses are permitted in all multifamily zones, subject to the standards in Section 23.45.545, if applicable:

1. Private garages and carports;
2. Private, permanent swimming pools, hot tubs, and other similar uses;
3. Solar collectors, including solar greenhouses;
4. Open wet moorage accessory to residential structures;
5. Uses accessory to parks and playgrounds, pursuant to Section 23.45.578;
6. Bed and breakfasts ((in a dwelling unit that is at least five years old)) lawfully operating prior to the effective date of Council Bill _______;

7. Recycling collection stations;

8. Urban farms with planting area not more than 4,000 square feet. Urban farms with greater than 4,000 square feet of planting area may be allowed as an administrative conditional use to any use permitted outright or as a conditional use. The Director may grant, condition, or deny a conditional use permit in accordance with subsection 23.42.051.B; and

9. Accessory dwelling units.

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Section 5. Subsection 23.45.545.G of the Seattle Municipal Code, which section was last amended by Ordinance 124378, is amended as follows:

23.45.545 Standards for certain accessory uses

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G. Bed and breakfast uses. ((A bed and breakfast use may be operated under the following conditions:))

1. New bed and breakfast uses. Subject to Section 23.76.026 (vesting), proposed bed and breakfast uses are prohibited after the effective date of Council Bill _______.

Proposed uses that would have been classified as a bed and breakfast use before that date may qualify and be permitted as short-term rental uses.

2. Existing bed and breakfast uses

   a. Existing bed and breakfast uses are not deemed to be nonconforming uses notwithstanding Sections 23.42.100, 23.42.102, and 23.42.104 (nonconforming use regulations). Except as provided below, an existing bed and breakfast use is
a use that has one or more of the following as of the effective date of Council Bill: a land use permit from The City of Seattle establishing the bed and breakfast use, a valid Food Service Establishment permit for a bed and breakfast use issued by Public Health—Seattle & King County; or a valid transient accommodation license for a bed and breakfast use issued by the Washington State Department of Health. A bed and breakfast use that was discontinued for one year immediately preceding the effective date of Council Bill is not an existing bed and breakfast use:

b. The bed and breakfast use has a valid business license certificate issued by the Department of Finance;

2. The operation of a bed and breakfast use is conducted within a single dwelling unit;

3. The bed and breakfast use is operated within the principal structure and not in an accessory structure;

4. There shall be no evidence of a bed and breakfast use visible from the exterior of the dwelling unit other than a sign permitted by subsection 23.55.022.D.1; and

5. A bed and breakfast use may be located in a dwelling unit or an accessory dwelling unit.

6. No more than two people who are not residents of the dwelling may be employed in the operation of a bed and breakfast, whether or not compensated; and

6. Parking is required pursuant to Chapter 23.54. Interior and exterior alterations consistent with the development standards of the underlying zone are permitted.)
Section 6. Section 23.84A.024 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

**23.84A.024 “L”**

* * *

“Lodging use” means a commercial use in which the primary activity is the provision of rooms to transients. Lodging uses include but are not limited to the following uses:

1. “Bed and breakfast” means a lodging use ((τ)) where rooms within a single dwelling unit are provided to transients by a resident operator for a fee by prearrangement on a daily or short-term basis. A breakfast and/or light snacks may be served to those renting rooms in the bed and breakfast.

2. “Hotel” means a lodging use ((τ)) located in a structure in which access to individual units is predominantly by means of common interior hallways, and in which a majority of the rooms are provided to transients for a fee on a daily or short-term basis.

3. “Motel” means a lodging use ((τ)) located in a structure in which access to individual units is predominantly by means of common exterior corridors, and in which a majority of the rooms are provided to transients on a daily or short-term basis, and in which off-street parking is provided on the lot.

4. “Short-term rental” means a lodging use, that is not a hotel or motel, in which a dwelling unit or portion thereof is provided to guests by a short-term rental operator for a fee for fewer than 30 consecutive nights. A dwelling unit or portion thereof that is used by the same individual or individuals for 30 or more consecutive nights is not a short-term rental.

* * *
Section 7. Section 23.84A.030 of the Seattle Municipal Code, last amended by Ordinance 124378, is amended as follows:

23.84A.030 “P”

* * *

“Preliminary plat” means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision, that is submitted to furnish a basis for the approval or disapproval of the general layout of a subdivision.

“Primary residence” means a person’s usual place of return for housing as documented by motor vehicle registration, driver’s license, voter registration, or other similar evidence. A person may have only one primary residence.

“Principal structure” means the structure housing one or more principal uses as distinguished from any separate structures housing accessory uses.

* * *

Section 8. Section 23.84A.036 of the Seattle Municipal Code, last amended by Ordinance 125272, is amended as follows:

23.84A.036 “S”

* * *

“Short subdivision” means the division or redivision of land into nine (9) or fewer lots, tracts, parcels, sites, or divisions for the purpose of sale, lease, development, or financing.

“Short-term rental.” See “Lodging use.”
“Short-term rental operator” means any person who is the owner or tenant of a dwelling unit, or portion thereof, who provides a dwelling unit, or portion thereof, for short-term rental use.

“Shoulder” means the graded area between the roadway edge and the sidewalk, or slope line where there is no sidewalk, on the portion of a street where there are no curbs.

* * *

Section 9. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance, or the invalidity of its application to any person or circumstance, does not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.
Section 10. This ordinance shall take effect on January 1, 2018.

Passed by the City Council the ______ day of ______________________, 2017,

and signed by me in open session in authentication of its passage this _____ day of

__________________________, 2017.

__________________________________

President __________ of the City Council

Approved by me this ______ day of ______________________, 2017.

__________________________________

Edward B. Murray, Mayor

Filed by me this ______ day of ______________________, 2017.

__________________________________

Monica Martinez Simmons, City Clerk

(Seal)