

Ordinance No. 122208

The City of Seattle - Legislative Department

CB 115671
AN ORDINANCE relating to land use and zoning, amending Sections 23.44.051, 23.45.160 and 23.54.15 of the Seattle Municipal Code, to modify the standards for Bed and Breakfast uses in single family and multifamily zones and to clarify parking requirements for Bed and Breakfast uses.

Council Bill/Ordinance sponsored by: Richard Conlin
walk-in 7/24/06
Councilmember

Committee Action: *Passed*
3-1
PS, TR, JG
RC

CF No. _____

Date Introduced:	<i>JUL 24 2006</i>	
Date 1st Referred:	<i>JUL 24 2006</i>	To: (committee) <i>Urban Development & Planning</i>
Date Re - Referred:	To: (committee)	
Date Re - Referred:	To: (committee)	
Date of Final Passage:	Full Council Vote: <i>9-0</i>	
Date Presented to Mayor:	Date Approved: <i>8/17/06</i>	
Date Returned to City Clerk:	Date Published: <i>5/17</i>	T.O. <i>[initials]</i> F.T. <i>[initials]</i>
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

8-7-06 Passed AS Amended

This file is complete and ready for presentation to Full Council. Committee: _____ (initial/date)

Law Dept. Review OMP Review City Clerk Review *TCG* Electronic Copy Loaded Indexed

ORDINANCE

122208

AN ORDINANCE relating to land use and zoning, amending Sections 23.44.051, 23.45.160 and 23.54.15 of the Seattle Municipal Code, to modify the standards for Bed and Breakfast uses in single family and multifamily zones and to clarify parking requirements for Bed and Breakfast uses.

WHEREAS residential development standards are intended to ensure that the appearance, size, and use of structures in residential zones are consistent with surrounding and adjacent residential neighborhoods; and

WHEREAS maintaining the character of residential neighborhoods requires that proposed bed and breakfasts meet certain development standards that are consistent with neighborhood character and conditions in residential neighborhoods; NOW THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 23.44.051 of the Seattle Municipal Code, which was last amended by ordinance 121285, is amended as follows:

23.44.051 Bed and breakfasts

A ((Bed)) bed and ((breakfasts)) breakfast use ((are)) is permitted if it meets ((provided they meet)) the following standards:

A. General Provisions.

1. ((A business license for the)) The bed and breakfast use ((is)) must have a business license issued by ((secured from)) the Department of Finance;

2. The bed and breakfast use must be ((is)) operated by ((the fee)) an owner who owns at least a 50% interest in ((of)) the dwelling in which the bed and breakfast is located;

3. An ((The fee)) owner who owns at least a 50% interest in the dwelling must ((resides)) 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 (2) people who reside outside the dwelling unit ((are)) may be employed, with or without compensation, in the operation of the bed and breakfast use;



1 5. The bed and breakfast use is operated within the principal structure, and a bed
2 and breakfast use may not locate in a principal structure that is less than 5 years old;

3 6. ~~((No exterior structural alterations are needed or made to accommodate the bed~~
4 ~~and breakfast use.~~

5 7.)) There is no evidence of the bed and breakfast use from the exterior of the
6 structure except for a sign permitted by Section 23.55.020D1;

7 ~~((8))7. The bed and breakfast use has no more than ~~((three (3)))~~ five(5) guest~~

8 rooms~~((or suites available to guests))~~, provided that this limitation does not apply to bed and

9 breakfasts that were established on or before and have been continuously operated as a bed and

10 breakfast since April 1, 1987; and

11 ~~((9))8. Parking is provided as required in Chapter 23.54.~~

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

14 C. Dispersion. Any lot line of property containing any proposed new bed and breakfast
15 use must be located six hundred (600) feet or more from any lot line of any other bed and
16 breakfast use.

17 D. Neighborhood Mitigation provisions.

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

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

23 3. The owner's operating plan includes quiet hours, limits on programmed on-site
24 outdoor activities, and parking policies to minimize impacts on residential neighbors.

1 4. The delivery of goods and services associated with the bed and breakfast use are
2 accommodated at a time and in a manner that will limit, to the extent feasible, impacts on
3 surrounding properties.

4 5. The operating plan shall be distributed to all residents and property owners within
5 three hundred (300) feet of the proposed bed and breakfast use. The distributed plan shall
6 reference this Section and provide contact information for the Department of Planning and
7 Development's Review and Inspection Center and contact information for the operator of the bed
8 and breakfast. Applicants for a permit to establish a bed and breakfast use shall provide proof to
9 the Department of Planning and Development that they made a good faith effort to provide the
10 required distribution prior to issuance of a permit establishing the use.

12 Section 2. Section 23.45.160, of the Seattle Municipal Code, which section was last
13 amended by Ordinance 112777, is amended as follows:

14 **SMC 23.45.160 Bed and breakfasts.**

15 A bed ((Bed)) and ((breakfasts)) breakfast use may be operated in a dwelling unit that is
16 at least 5 years old ((existing as of the effective date of this Land Use Code)) by a resident of the
17 dwelling unit under the following conditions:

18 A. The bed and breakfast use must have a business license issued by the Department of
19 Finance.

20 B. The operation of a bed and breakfast use may be conducted only within a single
21 dwelling unit.


22 C. ((B-)) The bed and breakfast shall be operated within the principal structure and not in
23 an accessory structure. ((It shall not require structural alterations.))

24 D. Interior and exterior alterations consistent with the development standards of the
25 underlying zone are permitted.



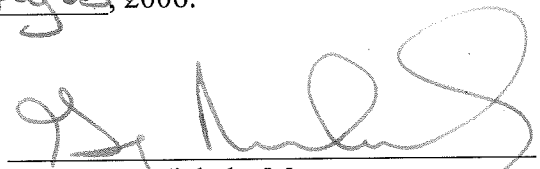
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Passed by the City Council the 7th day of August, 2006, and signed by me in
open session in authentication of its passage this 7th day of August, 2006.



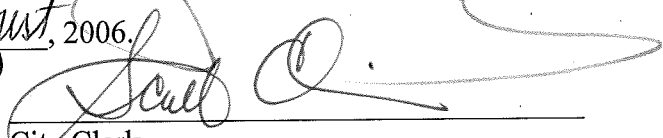
President _____ of the City Council

Approved by me this 17th day of August, 2006.



Gregory J. Nickels, Mayor

Filed by me this 22nd day of August, 2006.



City Clerk

(Seal)



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Legislative	Elaine Ko 48618	NA

Legislation Title:

AN ORDINANCE relating to land use and zoning, amending Sections 23.44.051, 23.45.160 and 23.54.15 of the Seattle Municipal Code, to modify the standards for Bed and Breakfast uses in single family and multifamily zones and to clarify parking requirements for Bed and Breakfast uses.

• **Summary of the Legislation:**

The proposed legislation establishes new standards for conversion and development of bed and breakfast uses in single family and multifamily zones..

• **Background:**

This Council Bill replaces CB 115568 which contained references in the title to code sections that are no longer proposed to be amended.

• *Please check one of the following:*

This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*





Legislative Department
Seattle City Council
Memorandum

Date: August 3, 2006
To: All Councilmembers
From: Ketil Freeman, Central Staff
Subject: C.B. 115671 – Modifying standards for Bed-and-breakfast Uses in Single Family and Multifamily Zones.

**DIVIDED REPORT OF THE URBAN DEVELOPMENT AND PLANNING (UDP)
COMMITTEE**

Background

On July 26, 2006, the UDP Committee discussed C.B. 115671. This legislation, sponsored by Councilmember Conlin, modifies development standards for bed-and-breakfast uses in single family and multifamily zones. The UDP Committee has previously discussed and held a public hearing on C.B. 115568, an earlier iteration of the bill, which has been modified and reintroduced as a result of Committee discussion and public testimony.

Among other things, C.B. 115671: 1) establishes that bed-and-breakfast uses may not be located in a principal structure less than 5-years old, 2) establishes that single family houses may be structurally altered consistent with the development standards of the underlying zone to accommodate a bed-and-breakfast use, 3) establishes a 600' dispersion requirement for bed-and-breakfast uses, 4) changes the allowable number of guest rooms from 3 to 5 (The Land Use Code currently allows up to 3 bedrooms *or suites*, which can contain multiple guest rooms), and 5) establishes neighborhood mitigation provisions to mitigate the impact of bed-and-breakfast uses. Unlike C.B. 115568, C.B. 115671 does not contain the requirement that bed-and-breakfast uses obtain an administrative conditional use permit.

Councilmembers Conlin, Godden and Rasmussen attended the Committee on July 26th as did the UDP Committee Chair, Councilmember Steinbrueck. At the Committee, Councilmember Godden introduced three amendments to C.B. 115671. These amendments would: 1) require that a structure be owned continuously for 5-years prior to establishing a bed-and-breakfast use, 2) reinstate an existing provision in the Land use Code prohibiting exterior structural alterations to accommodate a bed-and-breakfast use, and 3) change the number of allowable guest rooms from 3 to 4 (See parenthetical information above about suites v. guest rooms). The first two amendments did not receive seconds from the Committee. The third amendment failed on a 2-2 vote for lack of a majority.

Majority Position (Councilmembers Steinbrueck, Conlin & Rasmussen)

- The changes to the Land Use Code allow bed-and-breakfast establishments as accessory uses in single-family and multifamily zones while providing that the use is not disruptive to the character of single-family neighborhoods.
- Allowing alterations of an existing single-family structure, consistent with the standards of the underlying zone, to accommodate a bed-and-breakfast is equitable. Owners of bed-and-



breakfast establishments should be allowed to make the same modifications as a single-family homeowner. Moreover, current requirements forbidding structural alterations to accommodate a bed-and-breakfast use are unenforceable. Prospective bed-and-breakfast owners can simply make the alterations prior to establishing the bed-and-breakfast use.

- Five guestrooms is the minimum number of rooms for registration of a bed-and-breakfast in national guides and publications. Limiting the number of allowed rooms to fewer than five would put bed-and-breakfast owners at a severe competitive disadvantage. Additionally, setting a maximum of five guestrooms will ensure that levels of activity attributable to the number of guests will be commensurate with levels of activity contemplated in the Land Use Code for single family uses. The Code currently allows up to 8 unrelated people to occupy a single-family dwelling unit.
- Finally, neighborhood mitigation provisions in C.B. 115671, which require an operating plan with quiet hours, parking policies and limits to on-site outdoor activities, will minimize the potential for disruption to the peace and quiet of near neighbors and ensure that bed-and-breakfasts fit seamlessly in single-family neighborhoods.

Minority Position (Councilmember Godden)

- Permitting prospective bed-and-breakfast owners to structurally modify single-family houses to accommodate a bed-and-breakfast use puts at risk the architectural and historical integrity of larger, vintage single-family homes. If bed-and-breakfast uses are to be truly accessory to the principal use of a structure as a single-family home, then structural alterations should not be necessary. Moreover, regulations for bed-and breakfast uses should be consistent with SMC 23.44.050 regarding home occupations, which do not allow external alterations to accommodate a home occupation.
- Based on a preliminary survey of existing bed-and-breakfast uses conducted by Councilmember Godden's staff, it does not appear as if there is a compelling reason to modify development standards to encourage bed-and-breakfast uses. Owners responding to the survey indicated that current bed-and-breakfast uses operate at vacancy rates ranging from 30% to 80%. Moreover, given the recent boom in downtown hotel construction, it does not seem likely that there will be a future paucity of lodging for visitors to our City.
- Placing limits on bed-and-breakfast uses in single family-zones would not be unprecedented. Austin, Texas and Honolulu, Hawaii currently have moratoriums on bed-and-breakfast uses to curb their proliferation in single-family neighborhoods. Spokane, Vancouver (WA), Port Townsend and Portland all have conditional use provisions and Spokane limits permits to historical buildings only.
- Limiting the number of guest rooms to fewer than five should not be a hardship on bed-and-breakfast operators. While a claim was made that in order to be listed in industry publications like AAA, a minimum of 5 bedrooms is required, this is not the case. Listings can be found for bed and breakfasts with fewer than 5 rooms in AAA publications. Also, outside of industry publications, there are a variety of ways to advertise. Moreover, limiting the number of guestrooms is the only enforceable regulatory means to ensure that bed-and-breakfast uses are not disruptive to single-family character. Operating plans alone will not guarantee that there will not be parking impacts as well as noise impacts associated with the comings and goings of guests.



1 6. ~~((No exterior structural alterations are needed or made to accommodate the bed~~
2 ~~and breakfast use.~~

3 7.)) There is no evidence of the bed and breakfast use from the exterior of the
4 structure except for a sign permitted by Section 23.55.020D1;

5 ((8))7. The bed and breakfast use has no more than ((three (3))) five(5) guest
6 rooms((or suites available to guests)), provided that this limitation does not apply to bed and
7 breakfasts that were established on or before and have been continuously operated as a bed and
8 breakfast since April 1, 1987; and

9 ((9))8. Parking is provided as required in Chapter 23.54.

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

12 C. Dispersion. Any lot line of property containing any proposed new bed and breakfast
13 use must be located six hundred (600) feet or more from any lot line of any other bed and
14 breakfast use.

15 D. Neighborhood Mitigation provisions.

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

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

21 3. The owner's operating plan includes quiet hours, limits on programmed on-site
22 outdoor activities, and parking policies to minimize impacts on residential neighbors.

23 4. The delivery of goods and services associated with the bed and breakfast use are
24 accommodated at a time and in a manner that will limit, to the extent feasible, impacts on
25 surrounding properties.



1 Section 2. Section 23.45.160, of the Seattle Municipal Code, which section was last
2 amended by Ordinance 112777, is amended as follows:

3 **SMC 23.45.160 Bed and breakfasts.**

4 A bed ((Bed)) and ((breakfasts)) breakfast use may be operated in a dwelling unit that is
5 at least 5 years old ((existing as of the effective date of this Land Use Code)) by a resident of the
6 dwelling unit under the following conditions:

7 A. The bed and breakfast use must have a business license issued by the Department of
8 Finance.

9 B. The operation of a bed and breakfast use may be conducted only within a single
10 dwelling unit.

11 C.((B-)) The bed and breakfast shall be operated within the principal structure and not in
12 an accessory structure. ((It shall not require structural alterations.))

13 D. Interior and exterior alterations consistent with the development standards of the
14 underlying zone are permitted.

15 E. There shall be no evidence of such ((occupation))use from the exterior of the
16 structure other than a ((permitted)) sign permitted by Section 23.55.022D1, so as to preserve the
17 residential appearance of the structure.

18 F.((C-)) No more than two (2) people who are not residents of the dwelling may be
19 employed in the operation of a bed and breakfast, whether or not compensated.

20 G.((D-)) Parking shall be required as provided in Chapter 23.54.

21 Section 3. Chart A of Section 23.54.015, of the Seattle Municipal Code, which section
22 was last amended by ordinance 121828, is amended as follows:

23 **Chart A**

24 **For Section 23.54.015**

25 **Parking**

26 * * *



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Use

Parking Requirements

Bed and Breakfast

1 space for each dwelling unit, plus 1 space for each 2 guest rooms ((~~or suites~~)).

* * *

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2006, and signed by me in open session in authentication of its passage this ____ day of _____, 2006.

President _____ of the City Council

Approved by me this ____ day of _____, 2006.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2006.

City Clerk

(Seal)



STATE OF WASHINGTON – KING COUNTY

--SS.

201955
CITY OF SEATTLE, CLERKS OFFICE

No.

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:122208 ORDINANCE

was published on

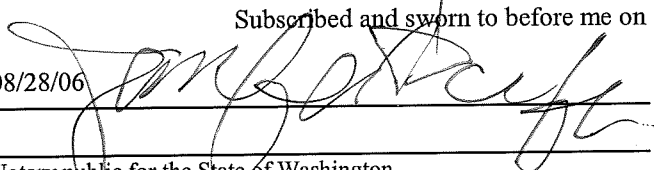
08/28/06

The amount of the fee charged for the foregoing publication is the sum of \$ 248.40, which amount has been paid in full.

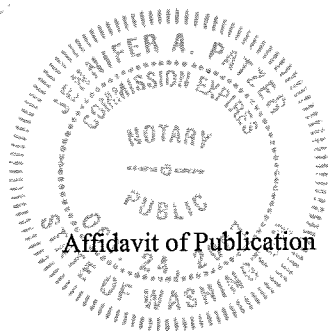


Subscribed and sworn to before me on

08/28/06



Notary public for the State of Washington,
residing in Seattle



State of Washington, King County

City of Seattle

ORDINANCE 122208

AN ORDINANCE relating to land use and zoning, amending Sections 23.44.051, 23.45.160 and 23.54.15 of the Seattle Municipal Code, to modify the standards for Bed and Breakfast uses in single family and multifamily zones and to clarify parking requirements for Bed and Breakfast uses.

WHEREAS residential development standards are intended to ensure that the appearance, size, and use of structures in residential zones are consistent with surrounding and adjacent residential neighborhoods; and

WHEREAS maintaining the character of residential neighborhoods requires that proposed bed and breakfasts meet certain development standards that are consistent with neighborhood character and conditions in residential neighborhoods; NOW

THEREFORE

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A. General Provisions.

1. ((A business license for the) The bed and breakfast use ((is) must have a business license issued by ((secured from) the Department of Finance;
2. The bed and breakfast use must be ((is) operated by ((the fee) an owner who owns at least a 50% interest in ((of) the dwelling in which the bed and breakfast is located;
3. An ((The fee) owner who owns at least a 50% interest in the dwelling must ((resides) 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 (2) people who reside outside the dwelling unit ((are) may be employed, with or without compensation, in the operation of the bed and breakfast use;
5. The bed and breakfast use is operated within the principal structure, and a bed and breakfast use may not locate in a principal structure that is less than 5 years old;
6. ((No exterior structural alterations are needed or made to accommodate the bed and breakfast use.

7-) There is no evidence of the bed and breakfast use from the exterior of the structure except for a sign permitted by Section 23.55.020D1.

((6)7. The bed and breakfast use has no more than ((three (3)) five (5) guest rooms (or suites available to guests)), provided that this limitation does not apply to bed and breakfasts that were established on or before and have been continuously operated as a bed and breakfast since April 1, 1987; and

((9)8. Parking is provided as required in Chapter 23.54.

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

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

D. 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 three hundred (300) feet of the proposed bed and breakfast use. The distributed plan shall reference this Section and provide contact information for the Department of Planning and Development's 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 Department of Planning and Development that they made a good faith effort to provide the required distribution prior to issuance of a permit establishing the use.

Section 2. Section 23.45.160, of the Seattle Municipal Code, which section was last amended by Ordinance 112777, is amended as follows:

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A bed ((Bed) and ((breakfasts) breakfast use may be operated in a dwelling unit that is at least 5 years old (existing as of the effective date of this Land Use Code) by a resident of the dwelling unit under the following conditions:

- A. The bed and breakfast use must have a business license issued by the Department of Finance.
- B. The operation of a bed and breakfast use may be conducted only within a single dwelling unit.
- C. ((B-) The bed and breakfast shall be operated within the principal structure and not in an accessory structure. ((It shall not require structural alterations:))
- D. Interior and exterior alterations consistent with the development standards of the underlying zone are permitted.
- E. There shall be no evidence of such ((occupation) use from the exterior of the structure other than a ((permitted) sign permitted by Section 23.55.022DL, so as to preserve the residential appearance of the structure.
- F. ((C-) No more than two (2) people who are not residents of the dwelling may be employed in the operation of a bed and breakfast, whether or not compensated.
- G. ((D-) Parking shall be required as provided in Chapter 23.54.

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- 7.) There is no evidence of the bed and breakfast use from the exterior of the structure except for a sign permitted by Section 23.55.020D1.

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B. The operation of a bed and breakfast use may be conducted only within a single dwelling unit.

C. ((B-)) The bed and breakfast shall be operated within the principal structure and not in an accessory structure. ((It shall not require structural alterations.))

D. Interior and exterior alterations consistent with the development standards of the underlying zone are permitted.

E. There shall be no evidence of such ((occupation)) use from the exterior of the structure other than a ((permitted)) sign permitted by Section 23.55.022D1, so as to preserve the residential appearance of the structure.

F. ((C-)) No more than two (2) people who are not residents of the dwelling may be employed in the operation of a bed and breakfast, whether or not compensated.

G. ((D-)) Parking shall be required as provided in Chapter 23.54.

Section 3. Chart A of Section 23.54.015, of the Seattle Municipal Code, which section was last amended by ordinance 121828, is amended as follows:

Chart A

For Section 23.54.015

Parking

Use -- Parking Requirements

Bed and Breakfast -- 1 space for each dwelling unit, plus 1 space for each 2 guest rooms ((or suites)).

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 7th day of August, 2006, and signed by me in open session in authentication of its passage this 7th day of August, 2006.

Nick Licata

President of the City Council

Approved by me this 17th day of August, 2006.

Gregory J. Nickels, Mayor

Filed by me this 22nd day of August, 2006.

(Seal) Judith Pippin

City Clerk

Publication ordered by JUDITH PIPPIN,
City Clerk

Date of publication in the Seattle Daily
Journal of Commerce, August 28, 2006.

9/28(201955)