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**CITY OF FIRCREST
ORDINANCE NO. 1604**

**AN ORDINANCE OF THE CITY OF FIRCREST, WASHINGTON,
AMENDING ORDINANCE 1246 SECTION 15 AND FMC 22.58.011
BED AND BREAKFAST ESTABLISHMENTS INCORPORATING
SHORT-TERM RENTALS.**

WHEREAS, the City has identified code amendments based on concerns discussed at the April 17, 2017 City Council study session; and

WHEREAS, the Planning Commission held study sessions on June 6, 2017 and July 10, 2017; and

WHEREAS, the City submitted a *Notice of Intent to Adopt* to the Washington State Department of Commerce on July 18, 2017, which was issued to state agencies for a 60-day comment period as required pursuant to RCW 36A.70 RCW, and no adverse comments were received; and

WHEREAS, the City issued a *Determination of Nonsignificance* on July 20, 2017 with a 14-day comment period ending August 3, 2017, and no adverse comments were received; and

WHEREAS, the Planning Commission conducted a public hearing on August 15, 2017 to accept public testimony and comment on the proposed amendments; and

WHEREAS, the Planning Commission adopted the following findings in support of approval of the proposed amendments, in consideration of the criteria listed in Section 22.78.004 FMC, prior to final action:

(a) The proposed amendment is consistent with the goals, objectives and policies of the comprehensive plan, in particular:

Policy H1.1 Effectively implement zoning regulations, including design standards and guidelines, to help support the stability of established residential neighborhood.

Policy LU5.6 The character of existing single-family residential neighborhoods should be preserved and enhanced.

Policy LU5.9 To expand local economic opportunities for Fircrest's residents, home occupations that are compatible with the surrounding residential area shall be encouraged.

WHEREAS, the City Council conducted a public hearings on October 10 and October 24, 2017 to accept public testimony and comment on the proposed amendments. Now, Therefore,

THE CITY COUNCIL OF THE CITY OF FIRCREST DO ORDAIN AS FOLLOWS:

Section 1. Ordinance 1246 §15 and FMC 22.58.011 are hereby amended to read as follows:

1 **22.58.011 Short-term rental establishments.**

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

3 (1) Provide property owners and residents with an opportunity to use their homes to
4 engage in small-scale business activities.

5 (2) Protect neighborhood character and stability.

6 (3) Establish criteria and standards for the use of residential structures as short-term
7 rentals.

8 (b) Permit Requirements. A short-term rental establishment may be carried on upon
9 the issuance of a business license pursuant to Chapter 5.04 FMC and the issuance of a
10 short-term rental permit by the director.

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

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

23 (1) "Room Rental Establishment" means a lodging use, where individual rooms within
24 a single dwelling unit are provided for less than 30 consecutive days for a fee by pre-
25 arrangement. This shall include bed and breakfast establishments.

26 (2) "Dwelling Unit Rental" means a dwelling unit, typically rented in its entirety, for
27 less than 30 consecutive days for a fee by pre-arrangement.

28 (e) Processing Requirements.

29 (1) The director shall approve a proposed short-term rental establishment, which
30 complies with all the performance standards set forth in this section, except as provided
31 in (e)(2). The director may impose conditions of approval to ensure that the activity is
32 conducted in a manner consistent with the standards and purpose and intent of this
section.

(2) A proposed 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.

(f) Room Rental Establishment Standards.

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

(2) The owner/lessee of the structure shall operate the establishment and reside on-
site.

(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.

(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 microwaves, and refrigerators.

(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

1 the planning commission that such activities will not significantly impact the adjoining
2 neighborhood.

3 (7) One off-street parking space shall be provided on-site for each rental bedroom. The
4 number of required off-street spaces may be reduced by the number of spaces available
5 on the street frontage adjoining the parcel upon which the room rental is to be
6 established, if the decision-maker determines that sufficient on-street parking will exist
7 to satisfy parking demand in the neighborhood once the room rental has been
8 established. Any additional off-street parking provided in conjunction with the room
9 rental shall, to the extent possible, be located to the side or rear of the structure housing
10 the room rental in order to minimize visual impacts on the streetscape. Off-street parking
11 shall be designed to reduce impacts on adjoining properties through the installation of
12 vegetative screening and/or fencing. The parking surface and additional driveway
13 surface required to provide access to the parking area shall be constructed of permeable,
14 porous or pervious pavers to achieve Low Impact Development objectives and a
15 superior appearance when compared with conventional asphalt or concrete pavement.
16 For additional off-street parking standards, see Chapter 22.60 FMC. (Ord. 1246 § 15,
17 2000).

18 (8) Certification by the building official that the residence complies with fire and life
19 safety aspects is required. Inspection fee may apply.

20 (g) Dwelling Unit Rental.

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

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

24 (h) Other Regulations.

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

26 (2) The room rental shall be exempt from the home occupation requirements of FMC
27 22.58.013.

28 (3) The exterior appearance of the structure shall maintain its original character.

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

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

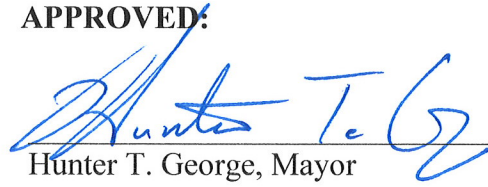
Section 2. Severability. If any section, sentence, clause or phrase of this title shall be
held to be invalid or unconstitutional by a court of competent jurisdiction, such
invalidity or unconstitutionality shall not affect the validity or constitutionality of any
other section, sentence, clause or phrase of this title.

Section 3. Publication and Effective Date. A summary of this ordinance consisting of
its title shall be published in the official newspaper of the city. This ordinance shall be
effective five (5) days after such publication.

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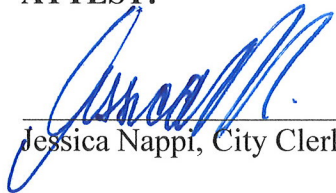
**PASSED BY THE CITY COUNCIL OF THE CITY OF FIRCREST,
WASHINGTON, at a regular meeting thereof this 14th day of November, 2017.**

APPROVED:




Hunter T. George, Mayor

ATTEST:



Jessica Nappi, City Clerk

APPROVED AS TO FORM:



Michael B. Smith, City Attorney

DATE OF PUBLICATION:

EFFECTIVE DATE: