1451-ORD
04/02/15

CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 6223

AN ORDINANCE of the City of Bellevue, Washington, amending land use charts to identify "rooming house" as an allowed use in R-10, R-15, R-20, R-30, OLB, F1, F2, F3, BR-OR, BR-RC, BR-R, BR-CR, BR-ORT, and EH-A land use districts, amending general development requirements applicable to "rooming houses," amending the definitions of "bed and breakfast," "boarding house," and "family," creating new definitions of "rooming house" and "single housekeeping unit," repealing Ordinances Nos. 6128, 6152, 6172, and 6219 providing for severability, and establishing an effective date.

WHEREAS, the Bellevue Comprehensive Plan seeks to maintain and strengthen the vitality, quality, and character of Bellevue's residential neighborhoods while providing housing choices and affordability; and

WHEREAS, the Bellevue City Council has received concerns from citizens about the rental of multiple rooms in residential dwellings to unrelated individuals and under separate lease agreements, and the impacts of such rentals; and

WHEREAS, the Bellevue City Council has determined that this rental practice and its real and potential impacts threaten the vitality, quality, stability, and single-family character of Bellevue's residential neighborhoods, and that action is warranted to diminish this threat; and

WHEREAS, the concerns and impacts identified by citizens include the erosion of single-family neighborhood character, from a stable neighborhood character to one that is more transitory, increased density, declining property maintenance, and increased on-street parking, traffic, noise, and instances of speeding, among others; and

WHEREAS, since September 23, 2013 this rental practice has been regulated under interim regulations adopted by the Bellevue City Council as an emergency measure, first by the adoption of Ordinance No. 6128 and subsequently extended by Ordinances Nos. 6152, 6172, and 6219; and

WHEREAS, the purpose of the interim regulations was to provide the Planning Commission sufficient time to develop permanent regulations for City Council consideration to address the rental practice in question; and

WHEREAS, the Planning Commission, as requested by Council and consistent with guiding principles provided by the City Council, has developed draft permanent regulations for consideration by the City Council; and

WHEREAS, the Planning Commission held a public hearing on the proposed permanent regulations on September 10, 2014 after providing legally required public notice; and

WHEREAS, the Planning Commission, after holding said public hearing, and giving due consideration to balancing the interests of private property owners and public health and safety, recommended that the City Council approve the proposed amendments; and

WHEREAS, the City Council finds that the proposed amendments meet the decision criteria of LUC 20.30J.135 and are consistent with the Comprehensive Plan, enhance the public health, safety and welfare, and are not contrary to the best interest of the citizens and property owners of the City of Bellevue; and

WHEREAS, the City of Bellevue has complied with the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, and the City's Environmental Procedures Code, (Chapter 22.02 BCC); now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 20.10.440 – Residential Land Use Charts - of the Bellevue Land Use Code is hereby amended to add "rooming house" as a permitted use in the following land use districts: R-10, R-15, R-20, R-30, OLB, CB, F1, F2, and F3, and to add the following related note 17:

17. See LUC 20.20.700 for general development requirements for Rooming House.

The "rooming house" use listing shall be placed in the use chart immediately above the "Senior Citizen Dwellings" listing.

Section 2. Section 20.25D.070 of the Bellevue Land Use Code is hereby amended to add "rooming house" as a permitted use in the following land use districts: BR-OR,BR-RC, BR-R, BR-CR, and BR-ORT, and to add the following related note 6:

6. See LUC 20.20.700 for general development requirements for Rooming House.

The "rooming house" use listing shall be placed in the use chart immediately above the "Hotels and Motels" listing.

Section 3. Section 20.25F.010 of the Bellevue Land Use Code is hereby amended to add "rooming house" as a permitted use in the following land use district: EH-A, and to add the following related note 12:

12. See LUC 20.20.700 for general development requirements for Rooming House.

The "rooming house" use listing shall be placed in the use chart immediately below the "Five or more dwelling units per structure" listing.

Section 4. Section 20.20.700 of the Bellevue Land Use Code is hereby amended to read as follows:

20.20.700 Rooming houses.

A. Rooming Houses, where permitted, shall comply with the following:

1. The Rooming House shall be located in a detached single-family dwelling on its own parcel; and

2. The Rooming House shall offer no more than four rooms for rent to not more than a total of five individuals at any one time; and

3. All rooms offered for rent shall be legally-established bedrooms; and

4. An owner, landlord, or registered agent shall be identified as the party responsible and accountable for compliance with the provisions of this section. Said party shall be local, and the name and contact information for that party shall be filed with the City prior to establishing the rooming house; and

5. Legal on-site parking exists or shall be provided in a quantity equal to the number of bedrooms leased or available for lease; and

6. Appropriate provisions shall be made for maintenance of the property exterior; and

7. Appropriate provisions shall be made for refuse collection, including trash, recycling, and yard waste.

B. A Rooming House shall comply with City of Bellevue noise and nuisance laws and health and safety codes, and with all other applicable City and State codes and regulations.

C. The owner, landlord, or registered agent designated pursuant to Section A.4 above shall be the "person responsible for the violation" in any civil violations proceedings under the terms of Chapter 1.18 BCC for failure to comply with this section. Tenants shall not be identified as responsible parties by virtue of signing a lease prepared by the owner, landlord, or registered agent for renting a room in a Rooming House.

Section 5. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Bed and Breakfast" to read as follows:

20.50.012 Bed and Breakfast. An owner-occupied dwelling which temporarily houses guests for profit. A Bed and Breakfast does not include a Rooming House as defined in LUC 20.50.044. (Refer to LUC 20.20.140 for General Development Requirements applicable to Bed and Breakfast uses).

Section 6. Section 20.50.012 of the Bellevue Land Use Code is hereby amended to revise the definition of "Boarding House" to read as follows:

20.50.012 Boarding House. An owner-occupied dwelling in which individuals unrelated to the owner are housed and/or fed for profit. This definition includes Transient Lodging as defined in LUC 20.50.048. (Refer to LUC 20.20.140 for General Development Requirements applicable to Boarding House uses). A boarding house does not include a Rooming House as defined in LUC 20.50.044.

Section 7. Section 20.50.020 of the Bellevue Land Use Code is hereby amended to revise the definition of "Family" to read as follows:

20.50.020 Family. Not more than four adult persons, unless all are related by blood, marriage, or legal adoption, living together as a single housekeeping unit. A group of related persons living in a household shall be considered a single housekeeping unit. Provided: A group of more than four unrelated adult persons living together in a dwelling unit may also be included within the definition of "Family" if they demonstrate to the Director that they operate in a manner that is functionally equivalent to a Family. Factors that shall be considered by the Director include whether the group of more than four unrelated persons:

a. Shares the entire dwelling unit or acts as separate roomers;
b. Includes minor, dependent children regularly residing in the household;
c. Can produce proof of sharing expenses for food, rent, or ownership costs, utilities, and other household expenses;
d. Shares common ownership of furniture and appliances among the members of the household;
e. Constitutes a permanent living arrangement, and is not a framework for transient living;
f. Maintains a stable composition that does not change from year to year or within the year;
g. Is not a society, fraternity, sorority, lodge, organization or other group of students or other individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary; or
h. Can demonstrate any other factors reasonably related to whether or not the group of persons is the functional equivalent of a family.

The Director shall issue a written determination of whether a group of more than four unrelated adult persons are operating in a manner that is functionally equivalent to a family.

For purposes of this definition and notwithstanding any other provision of this Code, children with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) will not be counted as unrelated persons.
Section 8. Section 20.50.044 of the Bellevue Land Use Code is hereby amended to add a new definition of "Rooming House" to read as follows:**20.50.044 Rooming House**. A non-owner-occupied dwelling that is subject to multiple leases or in which rooms are offered for rent or lease on an individual room basis. (Refer to LUC 20.20.700 for General Development Requirements applicable to Rooming House uses).

Section 9. Section 20.50.046 of the Bellevue Land Use Code is hereby amended to add a new definition of "Single Housekeeping Unit" to read as follows:

20.50.046 Single Housekeeping Unit. One household where all the members have common access to and common use of all living, kitchen, and eating areas within the dwelling unit, and household activities and responsibilities such as meals, chores, expenses and maintenance of the premises are shared or carried out according to a household plan or other customary method. If the dwelling unit is rented, the household members must jointly occupy the unit under a single lease in order to be considered a single housekeeping unit.

Section 10. Amortization for Certain Nonconforming Uses. Notwithstanding Section 20.20.560 of the Bellevue Land Use Code, any use of a structure or of land which does not conform to the regulations of the district in which the use exists due to changes in the definitions or other Land Use Code provisions adopted by this ordinance, which use lawfully existed on the date such changes became effective, shall be discontinued upon expiration of the last lease or one year from effective date of this ordinance, whichever occurs earlier.

Section 11. Repeal. Ordinances Nos. 6128, 6152, 6172, and 6219 are hereby repealed.

Section 12. Severability. Should any provision of this ordinance or its application to any person or circumstance be held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 13. This ordinance shall take effect and be in force five (5) days after adoption and legal publication.

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Passed by the City Council this 6th day of April, 2015 and signed in authentication of its passage this 6th day of April, 2015.

(SEAL)

Claudia Balducci, Mayor

Approved as to form:

Lori M. Riordan, City Attorney

Attest:

Myrna L. Basich, City Clerk

Published April 9, 2015