

ORDINANCE NO. 2024-04

AN ORDINANCE OF THE CITY OF SEASIDE, OREGON ADDING CHAPTER 120 TO TITLE XI OF THE SEASIDE CODE OF ORDINANCES.

WHEREAS, the City of Seaside has issued business licenses for Vacation Rental Dwellings since 1992, and

WHEREAS, Vacation Rental Dwellings and Bed and Breakfasts have been conditionally permitted uses regulated through the Seaside Zoning Ordinance in some residential zones, and

WHEREAS, it appears to the City of Seaside that these activities are more appropriately regulated through a business regulation process rather than a land use process and that it is therefore necessary to add Vacation Rental Dwelling, Vacation Rental Condominium, and Bed & Breakfast requirements to Title XI Business Regulations.

NOW, THEREFORE, THE CITY OF SEASIDE ORDAINS AS FOLLOWS:

SECTION 1. Chapter 120 SHORT TERM RENTALS is hereby created within Title XI Business Regulations as follows:

120.01 PURPOSE

The short-term rental business license is made available in recognition of the desire of many people to rent their single dwelling, attached multi-dwelling condominium, or rooms in their primary residence for periods of less than 30 days, and also in recognition of the need of the City to regulate such activities to reduce impacts on other City residents and for the protection of public health and welfare.

120.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accessory Dwelling Unit (ADU): An interior, attached, or detached residential structure that is used in connection with or that is accessory to a single dwelling. Unlike a guesthouse, an ADU will include a kitchen and function as an independent dwelling unit.

Bedroom: A room or other space, at least 70 sq. ft., within a dwelling unit designed, intended, or used for sleeping. Roll-out beds, fold-out couches, or other temporary sleeping accommodations including tents and recreational vehicles shall not be considered a sleeping area and may not be used to increase the allowed occupancy of a short-term rental.

City: Means the City of Seaside.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, sanitation, and only one cooking area. A cooking area is a discrete area within a structure with any means of cooking, including a hot plate, stove, oven, cooktop, or any cooking apparatus other than a microwave or toaster.

Single-Dwelling Detached: A structure in which all habitable portions thereof are connected structurally and comprise one dwelling unit.

Single-Dwelling Attached: That portion of a structure comprising a single dwelling unit within a larger structure with more than three dwelling units in which all habitable portions thereof are connected structurally, each dwelling unit is connected by a common party wall, and each dwelling unit is on its own lot.

Multi-Dwelling: A structure in which all habitable portions thereof are connected structurally and which is comprised of more than three dwelling

units under common ownership or individually owned under condominium ownership, which does not meet the definition of Single-Dwelling Attached.

Duplex: A structure that contains two dwelling units, either under common ownership on a single lot or under separate ownership on separate lots.

Triplex: A structure that contains three dwelling units, either under common ownership on a single lot or under separate ownership on separate lots.

Homestay Lodging: A single-dwelling attached or single-dwelling detached that is the owner's primary residence and in which individual rooms or a guest house may be rented for a period of less than 30 days.

Guest House: A detached structure used for sleeping purposes that does not contain a cooking facility. A guest house is not an Accessory Dwelling Unit.

Landscaping: Permanent features or plantings such as fencing, curbing, walls, shrubs, trees, bushes, grass, and other similar features that discourage or prohibit the parking of a vehicle.

Owner(s): The people or person, partnership, corporation, association, or other legally recognized person(s) or entity holding title to the dwelling unit in accordance with law.

Short-Term Rental: A dwelling unit, individual rooms within a dwelling unit, or a guest house made available to rent to any person for a period of less than 30 days. Stays in a dwelling unit for no consideration are not considered short-term rentals. Homestay lodging, vacation rental dwelling, and vacation rental condominiums are each specific types of short-term rental.

Vacation Rental Dwelling: A single-dwelling attached or single-dwelling detached that is not the owner's primary residence and which may be rented for a period of less than 30 days.

Vacation Rental Condominium: A dwelling unit within a multi-dwelling under a condominium form of ownership which may be rented for a period of less than 30 days.

120.03 Issuance of License; Fees

No person shall make a short-term rental available for rent without first obtaining a short-term rental license pursuant to the following requirements:

- 1. Application:** Applications must be submitted to the Community Development Department on a form specified by the department. The department will review the application for completeness and notify the applicant of any incomplete items within thirty days. The applicant will then have thirty days to submit any missing items; if the applicant fails to do so, the application will expire.

Upon determining that an application is complete, the department will review the application and the associated dwelling unit and property for compliance with the standards in this chapter, substantial compliance with the City of Seaside's adopted building and fire codes, and all applicable laws.

The applicant will have 180 days from the date the application is deemed complete to schedule and complete an inspection with Community Development staff and demonstrate that the application meets all of the requirements of this chapter. If the applicant fails to do so, the application will expire. If an application expires, the applicant is required to wait 180 days before re-applying.

The applicant must be an owner of the property at the time of submitting an application.

- 2. Application Fee:** An application and inspection fee of \$500.00 is due at the time of submittal. The application fee will not be refunded should the application be canceled, expired, or denied. The fee for an inspection separate from an application is \$100.00.

3. **Annual Business License Required:** The applicant is required to obtain a business license after their short-term rental license application is approved and prior to any short-term rental, and to maintain a business license thereafter.
4. **Non-Transferrable:** A short-term rental license is specific to a particular property and owner, and is non-transferrable and void upon the subject property transferring ownership. New property owners are required to obtain their own short-term rental license in order to operate a short-term rental. Notwithstanding the foregoing, new owners are provided a 90-day grace period from the date the title is recorded to close out or honor existing short-term rental bookings without first obtaining a short-term rental license. No new bookings shall be allowed until a short-term rental license for the new owner is approved.
5. **Accessory Use:** Renting a dwelling or part of a dwelling short-term is required to be accessory to the primary, residential use of the dwelling. Applicants must demonstrate, by written documentation, the primary, residential use.
6. **Waiting Period for New Vacation Rental Dwellings:** Short-term rental license applications for Vacation Rental Dwellings are subject to a 90-day waiting period, after approval and prior to issuance of the license, if the property was not previously licensed within the 30-day period prior to the application. Short-term rental license applications for a Vacation Rental Dwelling in a newly constructed building may not be submitted until two years after the issuance of a Certificate of Occupancy. Properties located in areas where 100% density is allowed for Vacation Rental Dwellings are not subject to the waiting periods in this section.
7. **Transient Lodgings Tax:** All short-term rentals are required to collect and remit transient lodgings taxes pursuant to Chapter 32 of the Seaside Code of Ordinances and fully comply with all other requirements of that chapter.

120.05 General Standards for all Short-Term Rentals

All short-term rental licensees shall comply with the following standards:

1. **Local Contact:** A local contact whose primary residence is within Clatsop County must be identified by the owner. The local contact will serve as an initial contact person if there are issues regarding the operation of the short-term rental. The local contact must be available twenty-four hours a day to respond to reported issues within two hours. The local contact is required to maintain a complaint log of reported issues that must be made available upon request by the City's Code Compliance Official.

Short-term rental owners are required to report in writing to the city, the homeowner's association if applicable, and to property owners within 100ft of their short-term rental the name and contact information for the Local Contact. Upon changing local contacts, short-term rental owners shall immediately notify in writing the City, their homeowner's association (if applicable), and property owners within 100ft of their short-term rental of the new local contact's name and contact information.

A preferred contact, who does not reside within Clatsop County, may be listed for a short-term rental; however, a preferred contact does not replace the requirement for each short-term rental to list a local contact who resides in Clatsop County.

2. **Signage:** Short-term rentals may elect to place signage on their dwelling. Signage is limited to one 1.5 sq. ft., non-illuminated, name plate.
3. **Required Postings:** Short-term rentals are required to have their short-term rental license, business license, occupancy certificate, parking map, tsunami evacuation map, and good neighbor rules posted in a conspicuous place within the short-term rental.

4. **Code Compliance:** A short-term rental shall remain in substantial compliance with the City’s adopted building and fire codes, applicable state laws, and the City of Seaside Code of Ordinances.
5. **Re-Inspection:** All short-term rentals are required to be available for inspection by the City’s Code Compliance Official annually, subject to the applicable fee.

120.06 Vacation Rental Dwelling Standards

In addition to the standards in Section 120.05, Vacation Rental Dwellings shall comply with the following standards:

1. **Vacation Rental Dwelling Approved Locations:** Short-term rental licenses are permitted for vacation rental dwellings only in the following locations:
 - Properties that abut Sunset Blvd. from the Tillamook Head Parking area north to Ocean Vista Dr. including Whaler’s Point.
 - Properties that abut Ocean Vista Dr. north to S. Edgewood St.
 - All properties that abut S. Edgewood St. north to Avenue U from S. Edgewood St. west to the ocean shore.
 - Those properties that abut Avenue U east to the Necanicum River.
 - Properties that are west of the Necanicum River to the ocean shore north of Avenue U to 1st Ave.
 - Properties that are west of Holladay Dr. to the ocean shore from 1st Ave. north to 12th Ave.
 - Properties that are west of the Necanicum River to the ocean shore from 12th Ave. north to the Necanicum River estuary.(See Exhibit A)
2. **Spatial Distribution:** The density of Vacation Rental Dwellings within 100ft of an applicant’s property shall not exceed the percentage specified below depending on the property's location. Density is calculated by determining the total number of tax lots any portion of which are within 100ft of the applicant’s property that are licensed Vacation Rental Dwellings and dividing that number by the total number of tax lots any portion of which are within 100ft of the subject property. The subject property is not counted when calculating density percentages. For purposes of this calculation, condominium complexes will be treated as one tax lot.

100% Density

- Properties that have ocean frontage from the southern end of Sunset Blvd. north to Ocean Vista Dr.
- Properties that are on the east side of Ocean Vista Dr. across from the Cove parking lot north to the Sailor’s Grave.
- Properties that have ocean frontage north from the Sailors Grave to the end of N. Columbia St.
- Properties west of S Columbia St to the ocean shore from Avenue G north to Avenue A.
- Properties west of N. Downing St. to the ocean shore from 1st Ave. north to 9th Avenue.

50% Density

- Properties that abut Ocean Vista Dr. from the intersection of S. Edgewood St. north to Avenue U.
- Properties on the west side of Beach Drive from Avenue U north to Avenue G.

30% Density

- Properties that abut the east side of Sunset Blvd. from the Tillamook Head parking area north to the Cove Parking Lot
- Properties west of the Necanicum River to Beach Dr. from the intersection of Ocean Vista Dr. and S Edgewood St. north to Avenue A.
- Properties excluded from the 100% density areas west of N Holladay Dr. from 2nd Avenue north to 12th Avenue.
- Properties excluded from the 100% density areas west of the Necanicum River from 12th Ave. north to the Necanicum River estuary.

(See Exhibit B)

- 3. Parking:** One 9ft x 18ft off-street parking space must be provided for each bedroom in the unit, but in no event shall fewer than two off-street spaces be provided. The off-street parking spaces shall be easily accessible to renters and not require maneuvering that would deter renters from using them. Off-street parking areas using easement driveways shall provide space for maneuverability on the Vacation Rental Dwelling's property so renters are not required to back down from the easement to access the public right of way.

Parking spaces located inside garages or carports must have a minimum headroom clearance of 8ft. The garage door or carport opening must be a minimum of 8ft wide.

Off-street parking spaces and their access are required to be surfaced, concrete, pavers, or asphalt if access to those areas is from a surfaced public or private street. Street parking is strictly prohibited for guests of Vacation Rental Dwellings.

- 4. Residential Yard Areas:** Front, side, and rear yards must maintain a residential appearance by limiting off-street street parking within yard areas. At least 50% of each yard area that is not occupied by buildings must be permanently landscaped so that parking will not dominate the yard.
- 5. Trash Service:** Weekly solid waste pick-up is required during all months. All trash and recycling containers are required to have wind latches installed. Container size shall be sufficient to accommodate the occupancy of the Vacation Rental Dwelling as determined by the Code Compliance Official based on solid waste industry standards.
- 6. Occupancy:** The maximum number of renters shall not exceed three persons per bedroom with a maximum total occupancy of ten persons (whichever is less) unless an automatic fire suppression sprinkler system is installed in the dwelling in which case, the maximum total occupancy shall not exceed twelve persons (whichever is less). In the event a Vacation Rental Dwelling does not have sufficient parking to accommodate the number of bedrooms, the occupancy will be calculated at three persons per available off-street parking space. When calculating maximum occupancy, the number of persons includes any visitors to the property at any time during the rental.
- 7. Outdoor Fire Rings, Fireplaces, Hot Tubs, and Spa Facilities:** If these outdoor facilities are provided, their use will only be allowed between the hours of 7:00 a.m. and 10:00 p.m. These hours must be posted along with any other established rules governing the use of the amenity.
- 8. House Numbers:** A house number, clearly visible from the street shall be installed and maintained by the property owner.
- 9. Pets:** If the Vacation Rental Dwelling allows pets and they generate three (3) complaints within twelve (12) months related to running at large, trespassing, or causing a disturbance due to excessive barking; pets will be prohibited from that Vacation Rental Dwelling.

120.07 Vacation Rental Condominium Standards

In addition to the standards in Section 120.05, Vacation Rental Condominiums shall comply with the following standards:

1. **Occupancy:** The occupancy of a Vacation Rental Condominium shall not exceed three persons per bedroom and shall not exceed six people (whichever is less). When calculating maximum occupancy, the number of persons includes any visitors to the property at any time during the rental.
2. **Off-Street Parking:** Two 9ft x 18ft off-street parking spaces are required for each Vacation Rental Condominium. A parking map directing renters to which spaces are available for their use is a required posting inside the condominium. Street parking is strictly prohibited for all renters of Vacation Rental Condominiums.
3. **Trash Service:** Trash services for the multi-dwelling building shall be of sufficient size to accommodate the total number of units in the building.

120.08 Homestay Lodging Standards:

In addition to the standards in Section 120.05, Homestay Lodging establishments shall comply with the following standards:

1. **Owner Occupancy Required:** The property shall be the owner's primary residence and must be owner-occupied during the guest's stay.
2. **Maximum Rental Units:** The maximum number of separately rentable units within a Homestay Lodging shall be two. Each rentable unit shall have no more than one bedroom.
3. **Guest Occupancy:** The total occupancy shall not exceed five renters per homestay lodging.
4. **Parking:** Two 9ft x 18ft off-street parking spaces are required for the residents of the Homestay Lodging plus one 9ft x 18ft off-street parking space for each separately rentable unit. The guest parking spaces shall be independent of the two required owner parking spaces allowing independent access to the rental property.

Off-street parking spaces and their access are required to be surfaced, concrete, pavers, or asphalt if access to those areas is from a surfaced public or private street. Street parking is strictly prohibited for renters of Homestay Lodging establishments.
5. **Trash Service:** Weekly solid waste pick-up is required during all months. All trash and recycling containers are required to have wind latches installed. Container size shall be sufficient to accommodate the occupancy of the Homestay Lodging establishment as determined by the Code Compliance Official based on solid waste industry standards.

120.09 Complaints

All complaints regarding Short-Term Rentals which are submitted to the City will initially proceed through the informal resolution process provided herein. If the complaint is unresolved after completion of the informal resolution process, then a more formal process shall be utilized as set forth below.

1. The complainant shall attempt to communicate with the designated local contact. The complainant shall describe the problem in detail and the requested resolution to the local contact.
2. The local contact shall promptly respond to the complainant and make reasonable efforts to remedy any situation that is out of compliance with the provisions of this chapter. The local contact is required to take action on a complaint within 2-hours of receiving notice.
3. If the response from the local contact is not satisfactory to the complainant, the complainant may file a complaint, in writing, to the City.
4. The City shall notify the property owner and property manager/local contact of the complaint. The owner or their property manager/local contact shall respond to the complaint in writing within five (5) days of the notification. The response shall list

the date and time they were contacted regarding the complaint, the steps they took to resolve the complaint, and the steps they will take to prevent the same type of complaint in the future.

5. The City's Code Compliance Official shall document the complaint and response and issue a written determination to the parties involved. The Code Compliance Official may mediate any issues with a short-term rental and complainants. If the Code Compliance Official finds a violation of this chapter, the Code Compliance Official may take further enforcement action.

120.10 Enforcement

A person who violates or permits the violation of any of the provisions of this chapter shall, upon conviction thereof, be subject to a penalty as specified below. Each day on which a violation occurs or continues shall constitute a separate offense.

1. First offense: \$250 fine.
2. Second offense within a one-year period: \$500 fine and suspension of short-term rental license for a period of 6 months, or if unlicensed, a six-month waiting period before a license may be issued.
3. Third offense within a one-year period: \$1000 fine and revocation of a short-term rental license. The short-term rental license holder, and any other owner of the same property, will be ineligible to re-apply for a short-term rental license for a period of one year, provided the license holder remains an owner of the property. If unlicensed, a one-year waiting period shall apply before a license may be issued.
4. Fourth offense within a one-year period: \$1500 fine and permanent revocation of a short-term rental license. The short-term rental license holder, and any other owner of the same property, will be ineligible to re-apply for a short-term rental license while the license holder remains an owner of the property. If unlicensed, the owners shall be ineligible to apply for a short-term rental license.
5. Subsequent offenses within a one-year period: \$2000 fine.

120.11 Short-Term Rentals Prohibited

Short-term rentals are prohibited in the following dwellings and properties:

1. Properties that contain Accessory Dwelling Units.
2. Duplexes, except duplexes with each unit on a separate lot.
3. Triplexes, except triplexes with each unit on a separate lot.
4. Multi-dwelling attached apartment buildings not under a condominium form of ownership.
5. Properties with two or more single-dwelling detached units on one lot.

120.12 Estuary Properties

Pursuant to the purchase and sale agreement for the Estuary Park, twenty-five percent (25%) of the dwelling units incorporated in the Planned Development of tax lots 61015BC03800, 61015BC04201, 61015BC03000, and 61015BC02900 (See Exhibit C) shall be eligible for short-term rental licenses, notwithstanding any spatial distribution or dwelling unit type restrictions in this chapter, provided those dwelling units meet all other requirements of this chapter. The specific dwelling units to be eligible for short-term rental licenses under this section shall be designated by the developer at the time of the development approval and shall not be subject to change thereafter. No other dwelling units within said tax lots shall be eligible for short-term rental licenses.

120.13 Non-Liability of the City of Seaside

Neither the city nor any official or employee of the City shall be liable for any damages, or claims from any owner or third party relating to the enforcement of any provision of this chapter.

120.14 Delegation of Authority

The City of Seaside Community Development Department is delegated the authority and responsibility to adopt rules, procedures, forms, and practices consistent with the overall intent of this chapter, to implement, administer, and operate the licensing program for the city.

120.15 Severability

Each section, sentence, clause, and phrase hereto are declared severable. If any section sentence clause, or phrase of this chapter is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this chapter.

ADOPTED by the City Council of the City of Seaside on this ___ day of _____, 2023, by the following roll call vote:

- YEAS:
- NAYS:
- ABSTAIN:
- ABSENT:

SUBMITTED to and **APPROVED** by the Mayor on this ___ day of _____, 2023.

STEVE WRIGHT, MAYOR

ATTEST:

Spencer Kyle, City Manager

Exhibit A:



Exhibit B:



Exhibit C:

