

ORDINANCE 1115

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, AMENDING THE CITY'S SHORT-TERM RENTALS (STR) ORDINANCE, CHAPTER 5.40 LANGLEY MUNICIPAL CODE (LMC); PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, LMC Chapter 5.40 contains regulations for short-term rentals; and

WHEREAS, unregulated short-term rentals introduce the possibility for adverse consequences including a reduction in affordable housing and the commercialization of residential neighborhoods; 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 Langley residents and workers; and

WHEREAS, limiting the number of non-hosted short-term rental properties operating in the City is in the public interest to conserve limited housing resources and protect Langley's community character; and

WHEREAS, short-term rentals provide a benefit to the City by expanding the number and type of lodging facilities and will provide increased lodging tax revenue to the City; and

WHEREAS, the City Council finds that lodging uses are important to the local economy and appropriate under certain conditions but that the rights of property owners to use their property for economic benefits should be balanced with the rights of property owners to enjoy the comfort and repose of residential neighborhoods; and

WHEREAS, the City Council finds that the short-term rental uses that fail to follow the City's permitting standards may place them at an unfair advantage to legitimate lodging uses; and

WHEREAS, the City Council finds it appropriate to review and update development regulations from time to time to ensure that such regulations are

understandable, consistent with current Federal and State law and the current and future circumstances of the City, and enforceable; and

WHEREAS, the City has a current annual limit of 30 type IV short-term rental licenses (non hosted, whole home) and 50 accessory dwelling units (ADU), attached or detached, used for short-term rentals in order to preserve Langley's community character and to minimize the potential adverse impacts of this use in residential neighborhoods; and

WHEREAS, since adoption of LMC 5.40, the City has never had more than 15 Type IV short-term rentals or 30 short-term rentals in accessory dwelling units and for the reasons outlined above, finds it beneficial to reduce the limits.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings. The above recitals are hereby adopted in support of the zoning amendments set forth herein.

Section 2. LMC Chapter 5.40, Amended. Langley Municipal Code Chapter 5.40 "Short-Term Rental License," is hereby amended to limit the number of Type IV short-term rental licenses to be issued in one year to ~~30~~ **15** and limit the maximum number of accessory dwelling units, attached or detached, used as short-term rentals to ~~50~~ **30**, all as set forth in Exhibit A attached hereto and incorporated by this reference as if fully set forth herein. The remainder of LMC 5.40 shall remain in full force and effect as currently adopted or hereafter amended.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Codification of Amendments. The City Council authorizes the City Clerk to correct any non-substantive errors herein, codify the amendments, and publish the amended code.

Section 5. Effective Date. This Ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five days from the

date of publication.

**ADOPTED BY THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, AT
A REGULAR MEETING THEREOF, THIS ___ DAY OF _____, 2024.**

CITY OF LANGLEY

Krista “Kennedy” Horstman, Mayor

State of Washington
County of Island

This record was acknowledged before me on _____ by Tara McDivitt.

Notary Public, State of Washington

Published: _____

EXHIBIT A
Amendments to LMC Chapter 5.40 Short-Term Rental License

Chapter 5.40
SHORT-TERM RENTAL LICENSE

Sections:

- 5.40.010 Purpose.**
- 5.40.020 Short-term rental – Definitions.**
- 5.40.030 Short-term rental – License required.**
- 5.40.040 Short-term rental – License application issuance and renewals.**
- 5.40.050 Suspension or revocation of license – Criteria and appeal.**
- 5.40.060 Violation – Penalty.**

5.40.010 Purpose.

The purpose of this chapter is to establish a licensing system for all short-term rentals (“STR”) and to provide criteria to limit the number of Type IV short-term rentals in the City.

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5.40.030 Short-term rental – License required.

- A. No person, firm or corporation shall advertise or operate a short-term rental within the city without having first obtained a short-term rental license from the City.
- B. Licenses shall be issued to the owner or STR operator, shall not be transferable except by inheritance and do not run with the land except as otherwise permitted in this code.
- C. The number of Type IV short-term rental licenses to be issued in one year is limited to ~~30~~ **15**.
- D. Short-term rental license fees shall be established by City Council by resolution.
- E. For Type IV STR, only one short-term rental license shall be issued per owner.
- F. The maximum number of accessory dwelling units (ADU), attached or detached, used as short-term rentals shall be limited to ~~50~~ **30**.
- G. Short-term rental licenses shall expire on December 31st of the year for which they are issued.
- H. A Langley business license is required for both the owner and manager of a short-term rental in addition to the short-term rental license.

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5.40.060 Violation – Penalty.

- A. Any person who advertises or operates a short-term rental without a valid short-term rental license or who fails to comply with any other provision of this chapter or a condition of license approval shall be deemed to be in violation of this chapter for each day during which the business is so engaged in or carried on. Any person who fails or refuses to pay a fee required under this chapter, or any part thereof, on or before the due date shall be deemed to be operating a business without having obtained a license.

B. Any person found to have violated any provision of this chapter shall be subject to a civil penalty not to exceed \$500.00 per violation and/or suspension or revocation of an issued short-term rental license. Each day of violation shall be considered a separate offense.

C. Failure to obtain or maintain a currently valid license and operating a short-term rental within the city shall constitute a public nuisance pursuant to Chapter 8.12. Any remedy provided by this code with respect to a public nuisance is in addition to other remedies provided under this chapter or as may be allowed by law.