

DRAFT - 10-20-2020
Short Term Rental Amendments
Town of Cape Elizabeth Zoning Ordinance

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SEC. 19-1-3. DEFINITIONS

Accessory Dwelling Unit: A single subordinate dwelling unit accessory to and wholly contained within a principal building or structure and/or attached garage in which a single-family dwelling unit is the principal use.

Bed and Breakfast: A use that must be operated in conjunction with the use of a dwelling as a primary residence and that (1) provides up to nine (9) furnished bedrooms for rent to guests for 1 or more nights and having a total length of stay not to exceed 14 consecutive days, (2) is operated by the family or person residing permanently in the home; and (3) may serve 1 or more meals to guests only. (Effective March 9, 2009)

Boarding Room: A use that is accessory and incidental to the primary use of a dwelling as a residence and that (1) provides one or two furnished bedrooms for rent to lodgers for a minimum of 30 consecutive calendar days; (2) is operated by the family or person residing permanently in the home who are in residence, including overnight, during the guest rental period; (3) may serve 1 or more meals to lodgers only, and (4) provides all parking on-site. A maximum of one boarding room is allowed per multifamily building. A Boarding Room may not be a Short Term Rental.

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Hotel: A building used primarily for occupancy of individuals who are lodged with or without meals, having ten (10) or more guest rooms, and intended to be rented principally to transients on a short-term basis.

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Motel: A building or group of attached or detached buildings containing guest rooms or dwelling units, most of which have separate outside entrances and adjacent parking spaces and are intended to be rented principally to transients on a short-term basis.

Primary residence: An owner's permanent residence, which shall be documented by demonstration that the owner has a homestead exemption for the property under the Maine Homestead Property Tax Exemption statute, 36 M.R.S. §§ 681-689, as may be amended from time to time. The owner shall be the person who owns the real property, or who is the beneficiary of a revocable living trust that owns the property.

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Short Term Rental: The advertising, offering for rent, use, or otherwise making available for transient occupancy a dwelling, or portion of a dwelling for a tenancy of less than thirty (30) consecutive calendar days, excluding motels, hotels, and bed and breakfasts.

Deleted: The use of a dwelling offered for rent for transient occupancy by tenants for a tenancy of less than 30 days, excluding motels, hotels and bed and breakfasts. (Effective December 14, 2012)¶

Short Term Rental Guest: A visitor of a Short Term Rental tenant who will not be sleeping overnight on the property, provided persons on the property after

1 11:00 PM local time shall be deemed tenants and not Short Term Rental Guests
2 for the purposes of this Ordinance. (Effective December 14, 2012)

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4 **Special event facility:** A building or portion of a building, outdoor areas, and
5 related parking which is made available for consideration individuals or groups
6 to accommodate private functions including but not limited to banquets,
7 weddings, anniversaries and other similar events. Such use may include (1)
8 kitchen facilities for the preparation or catering of food, (2) the sale and/or serving
9 of alcoholic beverages for on-premises consumption, only during scheduled
10 events and not open to the general public and (3) entertainment. A special event
11 facility may be operated in conjunction with other uses. Overnight
12 accommodations may be operated on a site that is also a special event facility, and
13 are subject to all applicable provisions of the Zoning Ordinance. (Effective December
14 4, 2015)

15
16 **Tenant:** An occupant of land or premises who occupies, uses, and enjoys real
17 property for a fixed time, usually through a lease arrangement with the property
18 owner or with the owner's consent. When applied to a Short Term Rental,
19 anyone sleeping overnight shall be presumed to be a tenant. (Effective December
20 14, 2012).

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22 **SEC. 19-6-1. RESIDENCE A DISTRICT (RA)**

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24 **B. Permitted Uses**

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26 3. The following nonresidential uses:

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30 4. The following accessory uses:

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32 d. Boarding Room
33 i. Short Term Rental

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35 **SEC. 19-6-2. RESIDENCE B DISTRICT (RB)**

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37 **B. Permitted Use**

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39 3. The following nonresidential uses:

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42 4. The following accessory uses:

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43
44 d. Boarding Room. ▼

Deleted: The renting of not more than two (2) rooms within a single family dwelling provided that there is no physical alteration of the building and no change in the external appearance of the structure.

45 i. Short Term Rental

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1 **SEC. 19-6-3. RESIDENCE C DISTRICT (RC)**

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3 **B. Permitted Uses**

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5 3. The following nonresidential uses:

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8 4. The following accessory uses:

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10 d. Boarding Room
11 i. Short Term Rental
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13 **SEC. 19-6-4. TOWN CENTER DISTRICT (TC)**

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15 **B. Permitted Uses**

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17 3. The following nonresidential uses:

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21 4. The following accessory uses:

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23 **k. Short Term Rental** SEC. 19-6-5. BUSINESS DISTRICT A (BA)

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24
25 **B. Permitted Use**

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27 3. The following nonresidential uses:

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31 4. The following accessory uses:

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33 l. Short Term Rental
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35 **SEC. 19-6-6 BUSINESS DISTRICT B (BB)**

36
37 **B. Permitted Uses**

38
39 4. The following accessory uses:

- 40
41 c. Boarding Room.
42
43 h. Short Term Rental
44

Deleted: The renting of not more than two (2) rooms within a single family dwelling provided that there is no physical alteration of the building and no change in the external appearance of the structure.

45 **SEC. 19-7-8. OFF-STREET PARKING** (Effective May 12, 2002)
46

1 **A. Applicability**

2
3 Off-street parking shall be provided for all new construction, expansions, and
4 changes of use in accordance with the requirements and standards found in this
5 section.

6
7 **B. Minimum Requirements for Off-Street Parking**

8
9 Off-street parking shall be considered an accessory use when required or provided
10 to serve any legal use located in any zone except as set forth in the following
11 sections. An off-street parking space shall be a minimum of nine (9) feet wide by
12 eighteen (18) feet long may be open or covered. The Planning Board may allow
13 up to twenty percent (20%) of the parking requirement to be met with "compact
14 car" spaces that are a minimum of eight (8) feet wide by sixteen (16) feet long
15 provided that such spaces shall be clearly marked as "compact car parking". Each
16 parking space must be sited to allow access and exit without obstruction.
17 Handicapped parking shall be provided in compliance with the Americans with
18 Disabilities Act and applicable State requirements. In order to determine
19 compliance with this section, the owner or applicant shall submit a plan showing
20 the physical layout of all required off-street parking areas. Any change in the
21 evidence or conditions upon which the plan is approved shall nullify such
22 approval.

23
24 1. Parking shall be provided on the lot occupied by the use for which
25 the parking is required, or on an adjacent lot owned or controlled by
26 such use. In addition, uses located within the Town Center, BA or
27 BB District or a Short Term Rental (limited to paragraph a below)
28 may provide all or part of the required off-street parking through
29 any of the following:

- 30
31 a. Private off-street parking located on another lot that is located
32 within one mile of the subject lot and that is controlled by long-
33 term written lease or ownership by the applicant.
34
35 b. Off-street parking shared with other uses (consistent with
36 paragraph 2 below) located within one mile of the subject lot,
37 provided that the Planning Board finds that there is adequate
38 parking capacity to meet the parking requirements of all uses
39 sharing the parking due to variation in the time of parking
40 demand and that the shared parking is available to the applicant
41 through a written lease or other enforceable agreement.
42

43 4. The following minimum number of spaces, rounded up to the
44 nearest whole number, shall be provided and maintained for each
45 use on a lot, including each use within all buildings. The Planning
46 Board may reduce by up to thirty percent (30%) the required parking
47 for the reuse of a building existing as of June 4, 1997. In granting
48 such a reduction, the Planning Board must find that:
49

1 c. Commercial

2
3 12. Short Term Rental 1 space per 2 tenants, with
4 a minimum of 2 spaces
5 (Effective December 14,
6 2012).

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7 **SEC. 19-8-11. USE OF RECREATIONAL CAMPING VEHICLE OR OTHER**
8 **TEMPORARY RESIDENTIAL UNIT**

9
10 The use of a travel trailer, motor home, or other recreational camping vehicle as a
11 temporary or permanent dwelling, or a Short Term Rental is prohibited in all
12 districts. A travel trailer, motor home, or other recreational camping vehicle may
13 be used on an occasional basis for temporary occupancy by the lot owner. For the
14 purpose of this section, occasional basis shall mean occupancy on not more than
15 three (3) nights in any thirty (30) day period. Unoccupied travel trailers, motor
16 homes, or recreational camping vehicles may be parked or stored on a lot in any
17 district provided the lot is owned by the owner of the unit. A motor home or
18 recreational camping vehicle which is the primary vehicle of temporary guests
19 may also be parked on the lot for the duration of their stay.
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21 **SEC. 19-8-14. SHORT TERM RENTAL STANDARDS**

22 (Effective December 14, 2012)

23
24 **A. Purpose**

25
26 Cape Elizabeth residents prize the peace and quiet of their residential
27 neighborhoods. Some property owners have capitalized on the desirability of
28 their neighborhood by renting out their property, especially during the summer
29 months and holidays. Neighborhood residents are concerned that short term
30 rentals take on the character of a business operating in a residential neighborhood.
31 In order to preserve the fabric of residential neighborhoods, to minimize the
32 negative impacts of transient occupation on adjacent residents, to maintain
33 housing availability for long-term residents and to protect the public safety of
34 visitors and residents, the operation of Short Term Rentals must be efficiently and
35 effectively regulated to balance the respective interests of town residents. The
36 purpose of this section is to balance the desire of property owners to rent their
37 properties to short term tenants and the desire of residents to preserve the peaceful
38 quiet and enjoyment of their residential neighborhoods.
39

40 **B. Permitted Short Term Rentals**

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41 The following types of Short Term Rentals may be allowed after obtaining all
42 required permits. Short Term Rental types not listed below are prohibited. Only
43 one Short Term Rental may be operated on a lot in a calendar year, and limited to
44 only one of Short Term Rental types listed below for the calendar year. For the
45 avoidance of doubt, for example, if the owner of a Short Term Rental receives all
46 required permits to be a "primary residence hosted" type of Short Term Rental in
47

1 one calendar year, then the owner may not switch the type of Short Term Rental
2 to "primary residence unhosted," (or any other type) until the following calendar
3 year. Where operation of a Short Term Rental must include that the Short Term
4 Rental owner is "in residence," the intent is that the owner shall be living on the
5 lot, or abutting lot as the case may be, and managing the Tenants.

7 **1. Primary residence hosted.** A Short Term Rental may be operated by a
8 property owner in their primary residence when the property owner is in
9 residence, including overnight, during the tenancy of the Short Term Rental
10 tenants with no limit on the total number of days operated as a Short Term Rental.
11 Each Short Term Rental tenant must comply with the minimum seven (7) day stay
12 requirement.

14 **2. Primary residence unhosted.** A Short Term Rental may be operated by a
15 property owner in their primary residence when the property owner is not in
16 residence during the tenancy of the Short Term Rental tenants. The property may
17 be used as a Short Term Rental for no more than forty-two (42) days per calendar
18 year.

20 **3. Seven (7) acres plus Short Term Rental.** A Short Term Rental may be
21 operated by a property owner in their primary residence or non-primary residence
22 when the property owner is in residence or not in residence during the tenancy of
23 the Short Term Rental tenants, where the lot is seven (7) acres or more in size.
24 (Land abutting the Short Term Rental lot in the same ownership may be counted
25 toward the minimum lot size. Abutting shall mean any lot that shares a lot line or
26 is located directly across a road right-of-way from the primary residence. Abutting
27 land used to meet the seven (7) acres requirement may not be counted towards
28 more than one Short Term Rental.) The property may be used as a Short Term
29 Rental for no more than one-hundred eighty-two (182) days per calendar year.

31 **4. Short Term Rental Adjacent.** One Short Term Rental may be operated by a
32 property owner in a non-primary residence when the Short Term Rental owner's
33 primary residence is located on the same lot as the primary residence or on an
34 abutting lot. (Abutting shall mean any lot that shares a lot line or is located directly
35 across a road right-of-way from the primary residence.) The property owner must
36 be in residence during the tenancy of the Short Term Rental tenants. The property
37 may be used as a Short Term Rental for no more than one-hundred five (105)
38 calendar days per calendar year. If a property owner operates a Short Term Rental
39 Adjacent, the owner shall not operate any other Short Term Rental on the lot, or
40 abutting lot, during the same calendar year. For example, an owner operating a
41 Short Term Rental Adjacent on a lot (or abutting lot) shall not be able to also obtain
42 a permit for a Primary resident hosted Short Term Rental (or any other Short Term
43 Rental) during the same calendar year.

44 **C. Short Term Rental Requirements**

48 **1. Permit required.** ~~No~~ Short Term Rental shall be advertised, rented or
49 operated without first obtaining a Short Term Rental Permit. ~~A Short Term Rental~~

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- Deleted: is permitted only after the issuance of a Short Term Rental permit. Notwithstanding the preceding sentence, a permit is not required for a Short Term Rental which, with any prior Short Term Rental of the property, does not exceed in the aggregate fourteen (14) days in any calendar year.

1 permit shall be valid for the calendar year in which the permit is issued. A permit
2 application received more than thirty (30) days after the permit deadline, which
3 shall be January 2nd of the year the Short Term Rental will be operating, shall be
4 considered late. The property must remain in compliance with the Short Term
5 Rental permit for the entire calendar year in which the permit is issued. A Short
6 Term Rental permit may only be issued to the property owner of the lot where the
7 Short Term rental is located and a lessee of the lot may not operate a Short Term
8 Rental.

9
10 Failure to obtain a Short Term Rental permit prior to advertising, offering for rent,
11 or use of the Short Term Rental shall require payment of double the Short Term
12 Rental permit fee. Once notified by the town that a Short Term Rental has been
13 operated without a permit, a permit application shall be submitted within seven
14 (7) calendar days or shall be considered an additional violation. The permit
15 applicant must make a diligent effort to meet permit requirements.

16
17 The second failure to obtain a Short Term Rental permit for a property within a
18 five (5) year period shall result in a prohibition from obtaining a permit for the
19 property for one (1) year.

20
21 2. Advertising. It shall be unlawful to advertise occupancy or use of a Short
22 Term Rental that would violate Sec. 19-8-14 of the Zoning Ordinance. For the
23 purposes of this section, the term "advertise" shall mean any form of
24 communication for marketing that is used to encourage, persuade or manipulate
25 viewers, readers or listeners into contracting for goods and/or services as may be
26 viewed through various media included, but not limited to newspapers,
27 magazines, flyers, handbills, television commercials, radio, signage, direct mail,
28 websites or text messages. No Short Term Rental shall be advertised that does not
29 have a current Short Term Rental permit. The Short Term Rental advertising must
30 be consistent with the terms of the Short Term Rental permit and must include the
31 current Short Term Rental permit number. Advertising of the Short Term Rental
32 must state that the Short Term Rental must be rented for a minimum period of
33 seven (7) consecutive days.

34
35 3. Minimum stay length. No more than one (1) rental/use of the Short Term
36 Rental shall occur in a seven (7) day period. When a rental or non-compensated
37 use of the property by any one (1) individual or group, including but not limited
38 to personal or family use by the property owner, of less than seven (7) days occurs,
39 the property shall remain vacant for the remaining portion of the seven (7) day
40 period. Any tenancy of the property for less than thirty (30) days shall be
41 considered operation of a Short Term Rental and require a Short Term Rental
42 permit pursuant to the terms of the Zoning Ordinance.

43 4. Registration record. The Short Term Rental owner must (a) maintain
44 accurate, up-to-date records of all rental transactions involving the Short Term
45 Rental, including the number of tenants and the length of their stays, and
46 upcoming reservations; and (b) present said information to Town inspection
47 officials upon request. Failure of the Short Term Rental owner to provide this

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Deleted: shall be deemed for a period of not less than seven (7) days regardless if the actual number of days the property is occupied is less than seven (7) days. Further, not more than one Short Term Rental agreement shall be entered for any given property for any consecutive seven-day period.

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1 information within five (5) business days of a Town request for the same shall be
2 considered a violation of this section.

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3 5. Multi-family and multiplex units. No Short Term Rental may be operated
4 on a lot containing a multifamily dwelling unit unless all of the dwelling units
5 are held in common ownership. No Short Term Rental shall be operated on a
6 property containing five (5) or more dwelling units.

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7 **D. Review Procedure**

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- 9 1. The Code Enforcement Officer shall have the authority to issue a
10 Short Term Rental permit.
- 11 2. The Code Enforcement Officer shall provide a Short Term Rental
12 application to be completed by the applicant and submitted to the
13 Code Enforcement Officer accompanied by the Short Term Rental
14 permit fee as established by the Town Council in the Town Fee
15 Schedule. The form shall include a non-exclusive checklist of code
16 requirements that the property owner shall demonstrate compliance
17 with.
- 18 3. The Code Enforcement Officer shall determine if the form has been
19 properly completed before any permit is issued.
- 20 4. The first time that a Short Term Rental permit is submitted for a
21 property, no permit shall be issued until the Code Enforcement
22 Officer has inspected the proposed Short Term Rental property for
23 compliance with the Short Term Rental Standards and compliance
24 with building code requirements. Thereafter, renewal of a Short
25 Term Rental permit shall require inspection by the Code
26 Enforcement Officer of the Short Term Rental property no less than
27 once every five (5) years. When the Code Enforcement Officer does
28 not conduct an annual inspection, the Short Term Rental owner shall
29 certify that there have been no material changes since the last
30 inspection by the Code Enforcement Officer. Any third party
31 inspection information submitted with the completed form shall
32 have been conducted within the twelve months prior to the permit
33 being issued.
- 34 5. The Code Enforcement Officer shall review the permit application
35 for compliance with the Short Term Rental Standards.
- 36 6. If the Code Enforcement Officer determines that the proposed Short
37 Term Rental application complies with the Short Term Rental
38 Standards, a Short Term Rental permit shall be issued. The permit
39 may be subject to suspension by the Code Enforcement Officer if the
40 Short Term Rental property becomes non-compliant with the Short
41 Term Rental Standards.
- 42
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1 Term Rental Standards, and may be revoked as provided in 19-8-
2 14.(G).

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4 **E. Submission Requirements**

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5
6 The Short Term Rental permit application shall include the following information:

- 7
- 8 1. Location. The street address and map/lot number of the Short Term
- 9 Rental property. If the property is not located on a public road, the
- 10 form shall include directions to the property from a public road.
- 11
- 12 2. Contact Person/Owner Responsibility. The name of the owner of
- 13 the Short Term Rental property and contact information, including
- 14 address and telephone number. In addition, if someone other than
- 15 the owner is acting as the local contact person, contact information
- 16 for that person shall also be provided. If there will be different
- 17 contact persons for different time periods during the year, the form
- 18 shall include the applicable contact person for each time period.
- 19 Regardless of who enters the Short Term Rental agreement, or who
- 20 may be designated as the owner's contact person, the property
- 21 owner shall be responsible for compliance with the Short Term
- 22 Rental Ordinance provisions.
- 23
- 24 3. Availability. The registration form shall include when, during the
- 25 calendar year, the Short Term Rental will be available for rental. If
- 26 this changes, the owner shall notify the Code Enforcement Officer.
- 27 4. All information needed to demonstrate compliance with the
- 28 standards listed in Subsection F below.

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30 **E. Standards**

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31 The Code Enforcement Officer shall issue a Short Term Rental permit upon the
32 applicant satisfying the above requirements if the following standards are met:

- 33
- 34
- 35 1. Code compliance. An applicant's property, without limitation,
- 36 comply with the following building safety requirements
- 37 (International Residential Code, IRC, and the International Building
- 38 Code, IBC;
- 39
- 40 a. Smoke Alarms: A smoke alarm is required in each bedroom.
- 41 A smoke alarm is also required outside of each bedroom and
- 42 in the immediate vicinity. A smoke alarm is also required to
- 43 be on each story of the dwelling, including basements and
- 44 habitable attics. The alarms shall be interconnected as much
- 45 as reasonably possible. (Reference IRC Section R314);
- 46
- 47 b. Carbon Monoxide Alarms: If a house has an attached garage
- 48 or a fuel fired appliance, a carbon monoxide alarm shall be

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installed outside each bedroom and in the immediate vicinity. (Reference IRC Section R315);

- c. Portable Fire Extinguishers: At least one (1) portable fire extinguisher shall be mounted in a prominent location. One (1) size/type 2/A is required or two (2) size/type 1/A extinguishers;
- d. Emergency Lighting: At least one (1) hardwired emergency light with battery backup is required per 1200 square feet of living space. The lights must be positioned to illuminate the path of egress to the maximum extent. There also must be exterior lighting that is permitted to be solar powered. Exception: The house lighting has a backup power source that automatically activates.

Deleted: IBC Section 906,

Deleted: . The building shall be considered to be an R-1 Occupancy (Boarding House) for the purpose of determining the type and location of portable fire extinguishers

Deleted: IBC Section 1006.2, 1006.3 and 1006.4. Means of Egress Illumination.

The applicant shall provide floor plans of the dwelling unit that shows the location of the alarms, fire extinguisher(s) and emergency lighting.

- 2. Building evacuation plan. A building evacuation plan shall be prominently posted in the Short Term Rental property during the rental period.
- 3. Sanitary waste disposal. The applicant shall submit information demonstrating that adequate sanitary waste disposal is available in compliance with the Town of Cape Elizabeth Subsurface Wastewater Disposal Ordinance, as determined by the Code Enforcement Officer, or that the property is served by public sewer.
- 4. Parking. The applicant shall include a depiction of how parking will be provided for tenants and guests on the lot where the Short Term Rental is located, and/or include a written agreement for off-site parking at a specified location, to comply with the Off-Street Parking Standards, Sec. 19-7-8. Garage parking spaces not allowed for tenant use shall not be used to meet the Short Term Rental parking requirement. On-street parking by Short Term Rental tenants or guests is prohibited. No bus shall be parked at the Short Term Rental property during any rental period.
- 5. Rental Agreement Addendum. The Short Term Rental permit application shall be submitted with an addendum, to be attached to Short Term Rental agreement between owner and tenant, that shall be provided to all tenants. The Town shall not be responsible for enforcement of the rental agreement addendum. The rental agreement addendum shall include the following:

Deleted: The information shall include the total number of bedrooms included in the property, any additional sleeping space, and the total number of tenants that the property accommodates. The total number of tenants used to determine adequacy of sanitary waste disposal shall not be less than the total number of tenants that the property is advertised to accommodate. For the purpose of evaluating the adequacy of a subsurface disposal system, every two tenants shall be equivalent to one bedroom....

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- a. Primary and secondary contact person and contact information; A contact person must be available to tenants at all time of rental period (24/7).
- b. Emergency responder contact information;
- c. Building evacuation plan;
- d. Maximum number of tenants and guests;
- e. Parking arrangements, including a prohibition of tenants and guests parking on-street or in a manner that impedes access by emergency vehicles to the property or any other dwelling in the neighborhood;
- f. Maximum number of tenants and guests allowed at the property;
- g. Good neighbor guidelines;
- h. Copy of the Miscellaneous Offenses Ordinance.

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6. Limit on rental intensity. The maximum tenant capacity of a Short Term Rental shall be limited to no more than two (2) tenants per bedroom, plus two (2) additional tenants for no more than one (1) additional sleeping space.

Deleted: and property owner is not either living on an abutting lot or in a separate dwelling in the same lot

Deleted: more than two tenants per bedroom, shall not allow use of non-bedroom areas for sleeping, and shall not allow

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_____ If a Short Term Rental property is operated on a lot of thirty-thousand (30,000) sq. ft. or less in size, the Short Term Rental permit shall not allow occupancy by more than eight (8) tenants at any time. The number of Short Term Rental guests shall be limited to eight (8) at any time. On site parking shall be limited to four (4) parking spaces.

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7. Response requirement. Failure of the owner/contact person to respond to a Short Term Rental tenant or guest inquiry during the Short Term Rental tenancy, including check-in, within thirty (30) minutes shall be considered a violation of Sec. 19-8-14, Short Term Rental Standards.

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8. Good neighbor conduct. The Code Enforcement Officer shall consider any complaints received about behavior at the Short Term Rental that diminishes the peaceful quiet enjoyment of property by residents within one thousand feet (1,000') of the Short Term Rental property line. Disruptive outdoor behavior may include but not be limited to smoking, swearing, lewd gestures or conduct, late hour noise, pet control, substance use, parking and speeding. The Code Enforcement Officer may deny issuance of the permit based on complaints that the Short Term Rental owner, tenants or guests have diminished the peaceful quiet enjoyment of neighborhood residents. An appeal of the Code Enforcement Officer's decision to issue or deny a Short Term Rental permit based on this standard shall be heard by the Town Council.

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G. Suspension and Revocation of Permit

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1 In addition to the provisions of Sec. 19-3-6, Violations, a permit for a Short Term
2 Rental may be suspended or revoked if the Code Enforcement Officer determines
3 that one or more substantiated complaints regarding Short Term Rentals of a
4 property have been made in a three (3) year period. The Police Department may
5 provide a report of conditions observed in plain sight to the Code Enforcement
6 Officer, but enforcement of the Zoning Ordinance shall remain with the Code
7 Enforcement Officer.

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- 8
9 1. Complaint. Any individual or town official may file and/or initiate
10 a complaint against a Short Term Rental permit holder. If the Police
11 Department or the Code Enforcement Officer receives a complaint,
12 they shall visit the property. The Police Department shall generate a
13 report of the facts its officers have observed upon a visit, and
14 statements made to them regarding the Short Term Rental. The
15 Police Department shall then forward the report to the Code
16 Enforcement Officer.

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18 When the Code Enforcement Officer receives a report from the Police
19 Department, or the Code Enforcement Officer has responded to a
20 complaint or independently investigated, the Code Enforcement
21 Officer shall inspect the property and shall collect information
22 related to the complaint, including notifying the property owner and
23 requesting information regarding the complaint. Within five (5)
24 days of receiving a Police Report or complaint, the Code
25 Enforcement Officer shall determine if the complaint is
26 substantiated. A complaint is substantiated when the Code
27 Enforcement Officer concludes that one or more violations of the
28 Short Term Rental provisions occurred.

- 29
30 2. First Substantiated Complaint. Once the Code Enforcement Officer
31 has made a finding of a substantiated complaint, the Code
32 Enforcement Officer shall notify the property owner in writing.
33 The notification shall require the property owner to meet with the
34 Code Enforcement Officer within five (5) business days from the
35 date of the written notification, or such other time as is agreed upon
36 by the Code Enforcement Officer, to identify ways in which the
37 violation(s) will be corrected. The owner will agree to take all
38 necessary measures to correct the violation(s), which measures shall
39 be memorialized in a written agreement at the conclusion of the
40 meeting and shall be fully implemented within one (1) week of said
41 meeting unless another date is agreed to by the Code Enforcement
42 Officer. Failure of the property owner to enter into such an
43 agreement at the conclusion of the meeting will be deemed a second
44 violation of the Short Term Rental provisions. In addition, the Code
45 Enforcement Officer may suspend the Short Term Rental permit for
46 a term not to exceed thirty (30) days.

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48 3. Second Substantiated Complaint. Once the Code Enforcement
49 Officer has made a finding of two (2) substantiated complaints, the

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Code Enforcement Officer shall notify the property owner in writing that the Short Term Rental permit shall be suspended for the remainder of permit year but not less than six (6) months. When less than six (6) months remains in the calendar year, no Short Term Rental Permit may be submitted in the next calendar year until six (6) months after the second substantiated complaint. Late permit fees shall apply.

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Deleted: of not less than thirty days, nor more than one → hundred twenty days.

The notification shall require the property owner to meet with the Code Enforcement Officer within five (5) business days from the date of the written notification, or such other time as is agreed upon by the Code Enforcement Officer, to identify ways in which the violation(s) will be corrected. The owner will agree to take all necessary measures to correct the violation(s), which measures shall be memorialized in a written agreement at the conclusion of the meeting and shall be fully implemented within one (1) week of said meeting unless another date is agreed to by the Code Enforcement Officer. Failure of the property owner to enter into such an agreement at the conclusion of the meeting will be deemed a violation of the Short Term Rental provisions.

4. Third Substantiated Complaint. Once the Code Enforcement Officer has made a finding of three (3) substantiated complaints, the Code Enforcement Officer shall notify the property owner in writing that the Short Term Rental permit has been revoked for three (3) years.

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5. Appeal. An appeal to the Zoning Board of Appeals as an Administrative Appeal may be taken by any person aggrieved by a determination of the Code Enforcement Officer pursuant to Section 19-5-2(A).

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7. Effective Date. [to be determined. Should include termination of all existing permits on date of amendments enactment and transition to new permit system].

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Deleted: The Short Term Rental provisions of the ordinance shall be fully effective as to all contracts for short Term Rentals executed on or after 30 days from date of enactment, and shall further apply to all contracts in effect on such date to the extent the application of these provisions would not result in a substantial impairment of such existing contracts.