

Draft Town Council motion

WHEREAS, the Town Council has received complaints that short-term rental operations in residential neighborhoods have disrupted the peaceful quiet enjoyment that Cape Elizabeth residents expect;

WHEREAS, the bulk of short-term rental complaints have originated on properties which are not the primary residence of the property owner;

WHEREAS, the Town Council has determined that the existing regulations on short-term rentals has not adequately addressed the threat to the public welfare relating to compatibility with residential uses and preservation of the character of the neighborhoods in which they are located, and to the availability of housing stock in the Town;

WHEREAS, the Town Council has determined that a short-term rental operated by someone, in their primary residence, will be more diligent in managing the short-term rental and preserving the peaceful quiet enjoyment of their neighbors;

WHEREAS, the Town has adopted zoning in the Town Center and Business A Districts that require commercial uses on the first floor which promote commercial vitality, a pedestrian-friendly environment, and short-term rental operations on the first floor is incompatible with these commercial districts' purposes;

WHEREAS, the Town Council intends to improve enforcement by requiring that all short-term rentals obtain a permit, by reinforcing Town regulations and by adding third-party enforcement services;

WHEREAS, the Town Council wants to preserve some opportunity for property owners to earn short-term rental income to defray taxes and housing costs;

WHEREAS, the Town Council seeks to balance the competing interests of property owners wishing to rent their residential properties to short-term rental guests for compensation against the interests of residents wishing to preserve the traditional peace and quiet of their residential neighborhoods; and to ensure the safety of occupants of short-term rentals;

WHEREAS, the Town Council has adopted a moratorium on the issuance of new short-term rental permits which will expire on June 30, 2021;

WHEREAS, the Town has engaged in a thorough and transparent public process with expansive opportunity for written comment and oral testimony that included a Town Council workshop on September 4, 2019, eight Ordinance Committee meetings, four Planning Board workshops, a Planning Board hearing open to the public on November 17, 2020, four Town Council workshops and four Town Council meetings, including a public hearing on February 8, 2021;

NOW THEREFORE, the Town Council adopts the Short Term Rental amendments.