

DRAFT
Short Term Rental Amendments
Town of Cape Elizabeth Zoning Ordinance

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 Homestay: 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 guests for a minimum of 30 consecutive calendar days 1 or more nights; (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 guests only, and (4) provides all parking on-site. A maximum of one boarding room homestay is allowed per multifamily building. (Effective March 9, 2009) A Boarding Room may not be a Short Term Rental.

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.

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.

Short Term Rental: 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)

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

1 than thirty (30) consecutive calendar days, excluding motels, hotels, and bed and
2 breakfasts.

3
4 **Short Term Rental Guest:** A visitor of a Short Term Rental tenant who will not
5 be sleeping overnight on the property, provided persons on the property after
6 11:00 PM local time shall be deemed tenants and not Short ~~T~~erm Rental Guests
7 for the purposes of this Ordinance. (Effective December 14, 2012)

8
9 **Special event facility:** A building or portion of a building, outdoor areas, and
10 related parking which is made available for consideration individuals or groups
11 to accommodate private functions including but not limited to banquets,
12 weddings, anniversaries and other similar events. Such use may include (1)
13 kitchen facilities for the preparation or catering of food, (2) the sale and/or serving
14 of alcoholic beverages for on-premises consumption, only during scheduled
15 events and not open to the general public and (3) entertainment. A special event
16 facility may be operated in conjunction with other uses. Overnight
17 accommodations may be operated on a site that is also a special event facility, and
18 are subject to all applicable provisions of the Zoning Ordinance. (Effective December
19 4, 2015)

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

26
27
28 **SEC. 19-6-1. RESIDENCE A DISTRICT (RA)**

29
30 **B. Permitted Uses**

31
32 3. The following nonresidential uses:

33
34 g. ~~Short Term Rental. (Effective December 14, 2012)~~ Reserved

35
36 4. The following accessory uses:

37
38 d. HomestayBoarding Room

39 i. Short Term Rental

40
41 **SEC. 19-6-2. RESIDENCE B DISTRICT (RB)**

42
43 **B. Permitted Use**

44
45 3. The following nonresidential uses:

46
47 e. ~~Short Term Rental (Effective December 14, 2012)~~ Reserved

1
2 4. The following accessory uses:
3

4 d. ~~Boarding Room The renting of not more than two (2) rooms within a~~
5 ~~single family dwelling provided that there is no physical alteration of~~
6 ~~the building and no change in the external appearance of the structure.~~

7 i. Short Term Rental
8

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

10
11 **B. Permitted Uses**
12

13 3. The following nonresidential uses:
14

15 f. ~~Short Term Rental (Effective December 14, 2012) Reserved~~
16

17 4. The following accessory uses:
18

19 d. ~~Homestay~~Boarding Room
20

21 i. Short Term Rental

22 **SEC. 19-6-4. TOWN CENTER DISTRICT (TC)**

23
24 **B. Permitted Uses**
25

26 3. The following nonresidential uses:
27

28 ~~m. Short term rental (Effective December 14, 2012)~~
29

30 4. The following accessory uses:
31

32 k. Short Term Rental
33

34 **SEC. 19-6-5. BUSINESS DISTRICT A (BA)**

35
36 **B. Permitted Use**
37

38 3. The following nonresidential uses:
39

40 ~~o. Short Term Rental (Effective December 14, 2012)~~
41

42 4. The following accessory uses:
43

44 l. Short Term Rental

1
2 **SEC. 19-6-6 BUSINESS DISTRICT B (BB)**

3
4 **B. Permitted Uses**

5
6 4. The following accessory uses:

7
8 c. ~~Boarding Room. The renting of not more than two (2) rooms~~
9 ~~within a single family dwelling provided that there is no~~
10 ~~physical alteration of the building and no change in the~~
11 ~~external appearance of the structure.~~

12
13 h. Short Term Rental

14
15 **SEC. 19-7-8. OFF-STREET PARKING** (Effective May 12, 2002)

16
17 **A. Applicability**

18
19 Off-street parking shall be provided for all new construction, expansions, and
20 changes of use in accordance with the requirements and standards found in this
21 section.

22
23 **B. Minimum Requirements for Off-Street Parking**

24
25 Off-street parking shall be considered an accessory use when required or provided
26 to serve any legal use located in any zone except as set forth in the following
27 sections. An off-street parking space shall be a minimum of nine (9) feet wide by
28 eighteen (18) feet long may be open or covered. The Planning Board may allow
29 up to twenty percent (20%) of the parking requirement to be met with “compact
30 car” spaces that are a minimum of eight (8) feet wide by sixteen (16) feet long
31 provided that such spaces shall be clearly marked as “compact car parking”. Each
32 parking space must be sited to allow access and exit without obstruction.
33 Handicapped parking shall be provided in compliance with the Americans with
34 Disabilities Act and applicable State requirements. In order to determine
35 compliance with this section, the owner or applicant shall submit a plan showing
36 the physical layout of all required off-street parking areas. Any change in the
37 evidence or conditions upon which the plan is approved shall nullify such
38 approval.

39
40 1. Parking shall be provided on the lot occupied by the use for which
41 the parking is required, or on an adjacent lot owned or controlled by
42 such use. In addition, uses located within the Town Center, BA or
43 BB District or a Short Term Rental (limited to paragraph a below)
44 may provide all or part of the required off-street parking through
45 any of the following:
46

- 1 a. Private off-street parking located on another lot that is located
- 2 within one mile of the subject lot and that is controlled by long-
- 3 term written lease or ownership by the applicant.
- 4
- 5 b. Off-street parking shared with other uses (consistent with
- 6 paragraph 2 below) located within one mile of the subject lot,
- 7 provided that the Planning Board finds that there is adequate
- 8 parking capacity to meet the parking requirements of all uses
- 9 sharing the parking due to variation in the time of parking
- 10 demand and that the shared parking is available to the applicant
- 11 through a written lease or other enforceable agreement.
- 12

13 4. The following minimum number of spaces, rounded up to the

14 nearest whole number, shall be provided and maintained for each

15 use on a lot, including each use within all buildings. The Planning

16 Board may reduce by up to thirty percent (30%) the required parking

17 for the reuse of a building existing as of June 4, 1997. In granting

18 such a reduction, the Planning Board must find that:

- 19 c. Commercial
- 20
- 21
- 22 12. Short Term Rental 1 space per 2 tenants, with
- 23 a minimum of 2 spaces
- 24 (Effective December 14, 2012)
- 25
- 26

27 **SEC. 19-8-11. USE OF RECREATIONAL CAMPING VEHICLE OR OTHER**

28 **TEMPORARY RESIDENTIAL UNIT**

29

30 The use of a travel trailer, motor home, or other recreational camping vehicle as a

31 temporary or permanent dwelling, or a Short Term Rental is prohibited in all

32 districts. A travel trailer, motor home, or other recreational camping vehicle may

33 be used on an occasional basis for temporary occupancy by the lot its owner. For

34 the purpose of this section, occasional basis shall mean occupancy on not more

35 than three (3) nights in any thirty (30) day period. Unoccupied travel trailers,

36 motor homes, or recreational camping vehicles may be parked or stored on a lot

37 in any district provided the lot is owned by the owner of the unit. A motor home

38 or recreational camping vehicle which is the primary vehicle of temporary guests

39 may also be parked on the lot for the duration of their stay.

40

41 **SEC. 19-8-14. SHORT TERM RENTAL STANDARDS**

42 (Effective December 14, 2012)

43

44 **A. Purpose**

45

46 Cape Elizabeth residents prize the peace and quiet of their residential

47 neighborhoods. Some property owners have capitalized on the desirability of

1 their neighborhood by renting out their property, especially during the summer
 2 months and holidays. Neighborhood residents are concerned that short term
 3 rentals take on the character of a business operating in a residential neighborhood.
 4 In order to preserve the fabric of residential neighborhoods, to minimize the
 5 negative impacts of transient occupation on adjacent residents, to maintain
 6 housing availability for long-term residents and to protect the public safety of
 7 visitors and residents, the operation of Short Term Rentals must be efficiently and
 8 effectively regulated to balance the respective interests of town residents. The
 9 purpose of this section is to balance the desire of property owners to rent their
 10 properties to short term tenants and the desire of residents to preserve the peaceful
 11 quiet and enjoyment of their residential neighborhoods.
 12

13 **B. Permitted Short Term Rentals Applicability**

14
 15 The following types of Short Term Rentals may be allowed after obtaining all
 16 required permits. Short Term Rental types not listed below are prohibited. Only
 17 one Short Term Rental may be operated on a lot in a calendar year, and limited to
 18 only one of Short Term Rental types listed below for the calendar year. For the
 19 avoidance of doubt, for example, if the owner of a Short Term Rental receives a
 20 permit to be a "primary residence hosted" type of Short Term Rental in one
 21 calendar year, then the owner may not switch the type of Short Term Rental to
 22 "primary residence unhosted," (or any other type) until the following calendar
 23 year. Where operation of a Short Term Rental must include that the Short Term
 24 Rental owner is "in residence," the intent is that the owner shall be living on the
 25 lot, or abutting lot as the case may be, and managing the Tenants.
 26

27 1. **Primary residence hosted.** A Short Term Rental may be operated by a
 28 property owner in their primary residence when the property owner is in
 29 residence, including overnight, during the tenancy of the Short Term Rental
 30 tenants. The Short Term Rental must be located within the host's dwelling unit and
 31 not in an area functioning as a separate dwelling unit. Use of the property as a
 32 Short Term Rental must be in compliance with the rental intensity requirement.
 33

34 2. **Primary residence unhosted.** A Short Term Rental may be operated by a
 35 property owner in their primary residence when the property owner is not in
 36 residence during the tenancy of the Short Term Rental tenants. The property may
 37 be used as a Short Term Rental for no more than forty-two (42) days per calendar
 38 year.
 39

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

1
2 **4. Short Term Rental Adjacent.** One Short Term Rental may be operated by a
3 property owner in a non-primary residence when the Short Term Rental owner's
4 primary residence is located on the same lot as the Short Term Rental or on an
5 abutting lot. (Abutting shall mean any lot that shares a lot line or is located directly
6 across a road right-of-way from the primary residence.) The property owner must
7 be in residence during the tenancy of the Short Term Rental tenants. The property
8 may be used as a Short Term Rental for no more than one-hundred five (105)
9 calendar days per calendar year. If a property owner operates a Short Term Rental
10 Adjacent, the owner shall not operate any other Short Term Rental on the lot, or
11 abutting lot, during the same calendar year. For example, an owner operating a
12 Short Term Rental Adjacent on a lot (or abutting lot) shall not be able to also obtain
13 a permit for a Primary resident hosted Short Term Rental (or any other Short Term
14 Rental) during the same calendar year.

15
16
17 **C. Short Term Rental Requirements**

18
19 **1. Permit required.** NoA Short Term Rental shall be advertised, rented or
20 operated without first obtaining a Short Term Rental Permit. is permitted only
21 after the issuance of a Short Term Rental permit. Notwithstanding the preceding
22 sentence, a permit is not required for a Short Term Rental which, with any prior
23 Short Term Rental of the property, does not exceed in the aggregate fourteen (14)
24 days in any calendar year. A Short Term Rental permit shall be valid for the
25 calendar year in which the permit is issued. A permit application received more
26 than thirty (30) days after the permit deadline, which shall be January 2nd of the
27 year the Short Term Rental will be operating, shall be considered late. The
28 property must remain in compliance with the Short Term Rental permit for the
29 entire calendar year in which the permit is issued. A Short Term Rental permit
30 may only be issued to the property owner of the lot where the Short Term rental
31 is located and a lessee of the lot may not operate a Short Term Rental.

32
33 Failure to obtain a Short Term Rental permit prior to advertising, offering for rent,
34 or use of the Short Term Rental shall require payment of double the Short Term
35 Rental permit fee. Once notified by the town that a Short Term Rental has been
36 operated without a permit, a permit application shall be submitted within seven
37 (7) calendar days or shall be considered an additional violation. The permit
38 applicant must make a diligent effort to meet permit requirements.

39
40 The second failure to obtain a Short Term Rental permit for a property within a
41 five (5) year period shall result in a prohibition from obtaining a permit for the
42 property for one (1) year.

43
44 **2. Advertising.** It shall be unlawful to advertise occupancy or use of a Short
45 Term Rental that would violate Sec. 19-8-14 of the Zoning Ordinance. For the
46 purposes of this section, the term "advertise" shall mean any form of
47 communication for marketing that is used to encourage, persuade or manipulate
48 viewers, readers or listeners into contracting for goods and/or services as may be
49 viewed through various media included, but not limited to newspapers,

1 magazines, flyers, handbills, television commercials, radio, signage, direct mail,
2 websites or text messages. No Short Term Rental shall be advertised that does not
3 have a current Short Term Rental permit. The Short Term Rental advertising must
4 be consistent with the terms of the Short Term Rental permit and must include the
5 current Short Term Rental permit number. Advertising of the Short Term Rental
6 must include the statement, "[The Short Term Rental] is available for one (1) rental
7 per seven (7) day period [or in the case of a Primary residence hosted Short Term
8 Rental, 2 rentals per seven (7) day period], and may be rented for a partial week
9 as long as the Short Term Rental remains vacant for the remainder of the seven (7)
10 day rental period.

11
12 3. **Rental Intensity.** No more than one (1) rental/use of the Short Term Rental
13 may occur in a seven (7) day period, except that a Primary residence hosted may
14 be allowed up to two (2) rental/uses in a seven (7) day period. When a ach rental
15 or non-compensated use of the property by any one (1) individual or group,
16 including but not limited to personal or family use by the property owner, of less
17 than seven (7) days occurs, the property must remain vacant for the remaining
18 portion of the seven (7) day period, except that a Primary residence hosted Short
19 Term Rental may be allowed no more than two (2) rental uses in a seven (7) day
20 period. Any tenancy of the property for less than thirty (30) days shall be
21 considered operation of a Short Term Rental and require a Short Term Rental
22 permit pursuant to the terms of the Zoning Ordinance. shall be deemed for a
23 period of not less than seven (7) days regardless if the actual number of days the
24 property is occupied is less than seven (7) days. Further, not more than one Short
25 Term Rental agreement shall be entered for any given property for any consecutive
26 seven-day period.

27 4. **Registration record.** The Short Term Rental owner must (a) maintain
28 accurate, up-to-date records of all rental transactions involving the Short Term
29 Rental, including the number of tenants and the length of their stays, and
30 upcoming reservations; and (b) present said information to Town inspection
31 officials upon request. Failure of the Short Term Rental owner to provide this
32 information within five (5) business days of a Town request for the same shall be
33 considered a violation of this section.

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

38 **DC. Review Procedure**

- 39
40 1. The Code Enforcement Officer shall have the authority to issue a
41 Short Term Rental permit.
42
43 2. The Code Enforcement Officer shall provide a Short Term Rental
44 application to be completed by the applicant and submitted to the
45 Code Enforcement Officer accompanied by the Short Term Rental

1 permit fee as established by the Town Council in the Town Fee
2 Schedule. The form shall include a non-exclusive checklist of code
3 requirements that the property owner shall demonstrate compliance
4 with.
5

- 6 3. The Code Enforcement Officer shall determine if the form has been
7 properly completed before any permit is issued.
8
- 9 4. The first time that a Short Term Rental permit is submitted for a
10 property, no permit shall be issued until the Code Enforcement
11 Officer has inspected the proposed Short Term Rental property for
12 compliance with the Short Term Rental Standards and compliance
13 with building code requirements. Thereafter, renewal of a Short
14 Term Rental permit shall require inspection by the Code
15 Enforcement Officer of the Short Term Rental property no less than
16 once every five (5) years. When the Code Enforcement Officer does
17 not conduct an annual inspection, the Short Term Rental owner shall
18 certify that there have been no material changes since the last
19 inspection by the Code Enforcement Officer. Any third party
20 inspection information submitted with the completed form shall
21 have been conducted within the twelve months prior to the permit
22 being issued.
23
- 24 5. The Code Enforcement Officer shall review the permit application
25 for compliance with the Short Term Rental Standards.
26
- 27 6. If the Code Enforcement Officer determines that the proposed Short
28 Term Rental application complies with the Short Term Rental
29 Standards, a Short Term Rental permit shall be issued. ~~A permit~~
30 ~~shall be valid for one (1) year from date of issuance.~~ The permit may
31 be subject to suspension by the Code Enforcement Officer if the Short
32 Term Rental property becomes non-compliant with the Short Term
33 Rental Standards, and may be revoked as provided in 19-8-14.(GF).
34

35 **ED. Submission Requirements**

36
37 The Short Term Rental permit application shall include the following information:
38

- 39 1. Location. The street address and map/lot number of the Short Term
40 Rental property. If the property is not located on a public road, the
41 form shall include directions to the property from a public road.
42
- 43 2. Contact Person/Owner Responsibility. The name of the owner of
44 the Short Term Rental property and contact information, including
45 address and telephone number. In addition, if someone other than
46 the owner is acting as the local contact person, contact information
47 for that person shall also be provided. If there will be different
48 contact persons for different time periods during the year, the form
49 shall include the applicable contact person for each time period.

1 Regardless of who enters the Short Term Rental agreement, or who
 2 may be designated as the owner's contact person, the property
 3 owner shall be responsible for compliance with the Short Term
 4 Rental Ordinance provisions.
 5

- 6 3. Availability. The registration form shall include when, during the
 7 calendar year, the Short Term Rental will be available for rental. If
 8 this changes, the owner shall notify the Code Enforcement Officer.
 9
- 10 4. All information needed to demonstrate compliance with the
 11 standards listed in Subsection FE below.
 12

13 **FE. Standards**
 14

15 The Code Enforcement Officer shall issue a Short Term Rental permit upon the
 16 applicant satisfying the above requirements if the following standards are met:
 17

- 18 1. Code compliance. An applicant's property, without limitation, must
 19 comply with the following building safety requirements code
 20 sections of the International Residential Code, IRC, and the
 21 International Building Code, IBC:
 22
- 23 a. IRC Section R 314, Smoke Alarms: A smoke alarm is required
 24 in each bedroom. A smoke alarm is also required outside of
 25 each bedroom and in the immediate vicinity. A smoke alarm
 26 is also required to be on each story of the dwelling, including
 27 basements and habitable attics. The alarms shall be
 28 interconnected as much as reasonably possible. (Reference
 29 IRC Section R314);;
 30
- 31 b. IRC Section R 315, Carbon Monoxide Alarms: If a house has
 32 an attached garage or a fuel fired appliance, a carbon
 33 monoxide alarm shall be installed outside each bedroom and
 34 in the immediate vicinity. (Reference IRC Section R315);
 35
- 36 c. IBC Section 906, Portable Fire Extinguishers: At least one (1)
 37 portable fire extinguisher shall be mounted in a prominent
 38 location. One (1) size/type 2/A is required or two (2)
 39 size/type 1/A extinguishers. The building shall be
 40 considered to be an R-1 Occupancy (Boarding House) for the
 41 purpose of determining the type and location of portable fire
 42 extinguishers;
 43
- 44 d. IBC Section 1006.2, 1006.3 and 1006.4. Means of Egress
 45 Illumination. Emergency Lighting: At least one (1) hardwired
 46 emergency light with battery backup is required per 1200
 47 square feet of living space. The lights must be positioned to
 48 illuminate the path of egress to the maximum extent. There
 49 also must be exterior lighting that is permitted to be solar

1 powered. Exception: The house lighting has a backup power
2 source that automatically activates.
3

4 The applicant shall provide floor plans of the dwelling unit that
5 shows the location of the alarms, fire extinguisher(s) and emergency
6 lighting.
7

8 2. Building evacuation plan. A building evacuation plan shall be
9 prominently posted in the Short Term Rental property during the
10 rental period.
11

12 3. Sanitary waste disposal. The applicant shall submit information
13 demonstrating that adequate sanitary waste disposal is available in
14 compliance with the Town of Cape Elizabeth Subsurface Wastewater
15 Disposal Ordinance, as determined by the Code Enforcement
16 Officer, or that the property is served by public sewer.
17

18 ~~The information shall include the total number of bedrooms~~
19 ~~included in the property, any additional sleeping space, and the~~
20 ~~total number of tenants that the property accommodates. The total~~
21 ~~number of tenants used to determine adequacy of sanitary waste~~
22 ~~disposal shall not be less than the total number of tenants that the~~
23 ~~property is advertised to accommodate. For the purpose of~~
24 ~~evaluating the adequacy of a subsurface disposal system, every two~~
25 ~~tenants shall be equivalent to one bedroom.~~
26

27 4. Parking. The applicant shall include a depiction of how parking will
28 be provided for tenants and guests on the same lot where the Short
29 Term Rental is located, and/or include a written agreement for off-
30 site parking at a specified location, to comply with the Off-Street
31 Parking Standards, Sec. 19-7-8. Garage parking spaces not allowed
32 for tenant use shall not be used to meet the Short Term Rental
33 parking requirement. On-street parking by Short Term Rental
34 tenants or guests is prohibited. No bus shall be parked at the Short
35 Term Rental property during any rental period.
36

37 5. Rental Agreement Addendum. The Short Term Rental permit
38 application shall be submitted with an addendum, to be attached to
39 Short Term Rental agreement between owner and tenant, that shall
40 be provided to all tenants. The Town shall not be responsible for
41 enforcement of the rental agreement of addendum. The rental
42 agreement addendum shall include the following:
43

- 44 a. Primary and secondary cContact person and contact
45 information; A contact person must be available to tenants at
46 all time of rental period (24/7).
47 b. Emergency responder contact information;
48 c. Building evacuation plan;
49 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.

6. Limit on rental occupancyintensity. 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.

If a Short Term Rental property is operated on a lot of thirty-thousand (30,000) sq. ft. or less in size and property owner is not either living on an abutting lot or in a separate dwelling in the same lot, the Short Term Rental permit shall not allow more than two tenants per bedroom, shall not allow use of non-bedroom areas for sleeping, and shall not allow occupancy by more than eight (8) tenants at any time. The number of Sshort T-term Rrental guests shall be limited to eight (8) at any time. On site parking shall be limited to four (4) parking spaces.

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.

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.

GF. Suspension and Revocation of Permit

In addition to the provisions of Sec. 19-3-6, Violations, a permit for a Short Term Rental may be suspended or revoked if the Code Enforcement Officer determines

1 that one or more substantiated complaints regarding Short Term Rentals of a
2 property have been made in a three (3)-year period. The Police Department may
3 provide a report of conditions observed in plain sight to the Code Enforcement
4 Officer, but enforcement of the Zoning Ordinance shall remain with the Code
5 Enforcement Officer.

- 6
7 1. Complaint. Any individual or town official may file and/or initiate
8 a complaint against a Short Term Rental permit holder. If the Police
9 Department or the Code Enforcement Officer receives a complaint,
10 they shall visit the property. The Police Department shall generate a
11 report of the facts its officers have observed upon a visit, and
12 statements made to them regarding the Short Term Rental. The
13 Police Department shall then forward the report to the Code
14 Enforcement Officer.

15
16 When the Code Enforcement Officer receives a report from the Police
17 Department, or the Code Enforcement Officer has responded to a
18 complaint or independently investigated, the Code Enforcement
19 Officer shall inspect the property and shall collect information
20 related to the complaint, including notifying the property owner and
21 requesting information regarding the complaint. Within five (5)
22 days of receiving a Police Report or complaint, the Code
23 Enforcement Officer shall determine if the complaint is
24 substantiated. A complaint is substantiated when the Code
25 Enforcement Officer concludes that one or more violations of the
26 Short Term Rental provisions occurred.

- 27
28 2. First Substantiated Complaint. Once the Code Enforcement Officer
29 has made a finding of a substantiated complaint, the Code
30 Enforcement Officer shall notify the property owner in writing.
31 The notification shall require the property owner to meet with the
32 Code Enforcement Officer within five (5) business days from the
33 date of the written notification, or such other time as is agreed upon
34 by the Code Enforcement Officer, to identify ways in which the
35 violation(s) will be corrected. The owner will agree to take all
36 necessary measures to correct the violation(s), which measures shall
37 be memorialized in a written agreement at the conclusion of the
38 meeting and shall be fully implemented within one (1) week of said
39 meeting unless another date is agreed to by the Code Enforcement
40 Officer. Failure of the property owner to enter into such an
41 agreement at the conclusion of the meeting will be deemed a second
42 violation of the Short Term Rental provisions. In addition, the Code
43 Enforcement Officer may suspend the Short Term Rental permit for
44 a term not to exceed thirty (30) days.

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46 3. Second Substantiated Complaint. Once the Code Enforcement
47 Officer has made a finding of two (2) substantiated complaints, the
48 Code Enforcement Officer shall notify the property owner in writing
49 that the Short Term Rental permit shall be suspended for the a period

~~remainder of the 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. 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) one calendar years.

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).

6. Effective Date. ~~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.~~

The Short Term Rental amendments shall be effective July 1, 2021. Any Short Term Rental permit in effect and issued prior to July 1, 2021 shall expire on June 30, 2021. On June 1, 2021, the Code Enforcement Officer will begin accepting for review a Short Term Rental permit application that is in compliance with the Short Term Rental amendments that become effective on July 1, 2021. All Short Term Rental permits issued after June 30, 2021 shall expire on January 2, 2022.

The 2021 permit fee for any property with an existing short term rental permit shall be \$250. The 2021 permit fee for any property

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that does not have a short term rental permit shall be \$500.
Commencing in 2022, the Short Term Rental Permit fee shall be
determined in the Town Fee Schedule.