

MEMORANDUM

TO: Cape Elizabeth Planning Board
FROM: Maureen O'Meara, Town Planner
DATE: May 1, 2012
SUBJECT: Short Term Rental Amendments

Introduction

The Planning Board is continuing to review amendments referred to them by the Town Council regulating short term rental of dwellings. The attached amendments have been revised to reflect Planning Board's April workshop discussion. Below is a summary of the individual revisions.

Summary of revisions

The total number of pages of the amendments has been reduced by deleting Zoning Ordinance provisions that were included for reference but not proposed to be amended. The revisions made at the April workshop are listed below, by page and line number.

<u>Page/line</u>	<u>Description</u>
1/10	The current dwelling unit definition has been provided for reference.
1/36	The Short Term rental definition has been revised to include Bed and Breakfasts as an explicit exclusion.
1/47	A new definition of transient has been added. The tenant definition has not been revised, but sample definitions have also been provided.
2/13	This is existing language in the Zoning Ordinance describing how enforcement occurs. The enforcement provision in the draft amendments has been deleted.
3/40	Short term rental in the RA District has been moved from the residential use to the nonresidential use subcategory of permitted uses.

- 5/28 Short term rental in the RB District has been moved from the residential use to the nonresidential use subcategory of permitted uses.
- 7/19 Short term rental in the RC District has been moved from the residential use to the nonresidential use subcategory of permitted uses.
- 8/48 Short term rental has been added as a permitted nonresidential use in the Town Center District.
- 9/7 A reference to the Short Term Rental standards has been added to the Town Center District.
- 9/49 Short term rental has been added as a permitted nonresidential use in the Business A District.
- 10/10 A reference to the Short Term Rental standards has been added to the BA District.
- 13/17 The first line of the purpose statement has been revised to replace "single family" with "residential" neighborhoods.
- 13/25 A new applicability section has been drafted. This section creates the situation where short term rentals of less than 2 weeks a year do not require an application. The section defines any 3 day period of rental as a one-week rental, only for the purpose of determining if an application is needed. This is shown in brackets at the request of the Planning Board.
- 13/35 The line in brackets is needed to replace the prior line if the applicability section is adopted by the Planning Board.
- 14/13 The Planning Board had asked to include this section in brackets as they consider if it should be deleted.
- 14/37 Subsection 4 has been added to clearly tie all the standards to submission requirements.
- 14/46 In response to the Planning Board's interest in making clear what life safety codes will apply, a list has been added specifying smoke detectors, carbon monoxide detectors and a fire extinguisher.

- 15 All of this page has been revised to move standards that previously applied only to lots of less than 30,000 sq. ft. to apply to all Short Term Rentals.
- 15/20 The parking paragraph has been revised to address grammatical errors.
- 15/34 The building evacuation plan has been included as a separate item on the list instead of combining it with emergency responder info.
- 15/44 The limit on rental intensity standard has been revised to fix a number on the maximum number of guests at 10, instead of making it 50% of the number of tenants.

Next Steps

This is the Planning Board's fourth workshop on the Short Term Rental amendments. No deadline has been placed by the Town Council, however, the Zoning Ordinance provides the Planning Board with 60 days to consider amendments.

The Board should review the amendments and discuss any additional revisions. If only minor revisions are desired, the Board may want to place the amendments (with revisions) on the next available regular Planning Board meeting agenda in order to take public comment and to hold a public hearing.

If major revisions are needed, the Board should place the amendments on the next workshop for more review.