

## MEMORANDUM

TO: Cape Elizabeth Planning Board  
FROM: Maureen O'Meara, Town Planner  
DATE: May 15, 2012  
SUBJECT: Short Term Rental Amendments

### Introduction

The Cape Elizabeth Town Council referred to the Planning Board the review of proposed Short Term Rental Amendments. The Planning Board has discussed the amendments at four workshops. Under Sec. 19-11, the Planning Board must hold a public hearing before making a recommendation to the Town Council.

### Procedure

- The Board should begin by summarizing the substance of the amendments.
- In accordance with the Planning Board Rules of Procedure, the public must be provided an opportunity to comment on every item before the Planning Board.
- At the close of the comment period, the Planning Board should review the proposed amendments and discuss any desired revisions. The Planning Board may consider each potential amendment by consensus and then vote to accept all amendments.
- At the close of discussion, the Board has the option to table the amendments to a public hearing which can be scheduled for June 19th, or table the amendments to the June 5th workshop, or both.

### Discussion

Attached is the most recent draft amendments, revised per the May 1, 2012 Planning Board workshop comments. Below is a summary of the amendments.

<u>Page/Line</u>	<u>Description</u>
1/36	The Short Term rental definition has been revised to refer to the "use" rather than the dwelling.
1	The Transient definition has been deleted.
11/29	The parking requirement for short term rentals has been moved to the end of the list under commercial.

- 11/49 In the purpose statement, references to “single family” have been changed to “residential” and a reference to transient has been deleted.
- 12/5 The applicability section has been revised to include a mandatory 3-day minimum rental period, that 3 days equals 7 days for the purpose of measuring the duration of rental.
- 12/12 C,1 has been reworded for clarity.
- 12/30 Third party inspections must be conducted within 12 months of the permit application instead of within the calendar year.
- 12/52 Should replaced with shall
- 13/14 Two options have been provided to describe code compliance for short term rentals. Option A reflects discussion at the workshop. Option B references specific code sections. It also departs from the residential code and uses a lodging house requirement, which is consistent with the direction of the Planning Board workshop discussion. A willingness to depart from the residential building code and use provisions from the commercial code is the only way to apply life safety code requirements, because the types of life safety code requirements requested do not exist for single family homes. Option C references a suggestion to add emergency egress ladders.
- 14/23 Good neighbor guidelines have been added.
- 14 The 30,000 sq. ft. reference has been deleted.
- 14/25 The rental intensity section has been revised to establish a maximum tenancy at 10, and to exclude non-bedroom areas from the calculation.

Motion for the Board to Consider

**A. Motion to Table to Public Hearing**

BE IT ORDERED that, based on the materials reviewed and the facts presented, the Planning Board tables the Short Term Rental Amendments to the June 19, 2012 meeting of the Planning Board, at which time a public hearing will be held.

**A. Motion to Table to Workshop**

BE IT ORDERED that, based on the materials reviewed and the facts presented, the Planning Board tables the Short Term Rental Amendments to the June 5, 2012 meeting of the Planning Board