

Short Term Rental Ordinance Amendments
Town of Cape Elizabeth Zoning Ordinance

SEC. 19-1-3. DEFINITIONS

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 guests for a minimum of 30 consecutive days1 or more nights; (2) is operated by the family or person residing permanently in the home who are in residence during the guest rental period; (3) may serve 1 or more meals to guests only, and (4) provides all parking on-site. A maximum of one homestay is allowed per multifamily building. (Effective March 9, 2009)

Short Term Rental: The use of a dwelling, or portion 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 11:00 PM local time shall be deemed tenants and not Short term Rental Guests for the purposes of this Ordinance. (Effective December 14, 2012)

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

SEC. 19-6-1. RESIDENCE A DISTRICT (RA) [same for RB, RC, TC, BA districts]

B. Permitted Uses

3. The following nonresidential uses:

g. Short Term Rental. (Effective December 14, 2012)

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

(Effective December 14, 2012)

A. Purpose

Cape Elizabeth residents prize the peace and quiet of their residential neighborhoods. Some property owners have capitalized on the desirability of their neighborhood by renting out their property, especially during the summer months and holidays. Neighborhood residents are concerned that short term rentals take on the character of a business operating in a residential neighborhood.

1 The purpose of this section is to balance the desire of property owners to rent their
2 properties to short term tenants and the desire of residents to preserve the peaceful
3 quiet and enjoyment of their residential neighborhoods.
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5 **B. Applicability**
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7 A Short Term Rental is permitted only after the issuance of a Short Term Rental
8 permit. ~~Notwithstanding the preceding sentence, a permit is not required for a~~
9 ~~Short Term Rental which, with any prior Short Term Rental of the property, does~~
10 ~~not exceed in the aggregate fourteen (14) days in any calendar year. Failure to~~
11 ~~obtain or renew a permit prior to offering, advertising or renting the short term~~
12 ~~rental shall require payment of double the short term rental permit fee.~~
13

14 ~~For the purpose of determining whether a permit is required, e~~Each rental ~~or non-~~
15 ~~compensated use~~ of the property ~~by any one individual or group~~ shall be deemed
16 for a period of not less than seven (7) days regardless if the actual number of days
17 the property is occupied is less than seven (7) days. Further, not more than one
18 Short Term Rental agreement shall be entered for any given property for any
19 consecutive seven-day period.
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21 **C. Review Procedure**
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- 23 1. The Code Enforcement Officer shall have the authority to issue a
24 Short Term Rental permit.
25
- 26 2. The Code Enforcement Officer shall provide a Short Term Rental
27 application to be completed by the applicant and submitted to the
28 Code Enforcement Officer accompanied by the Short Term Rental
29 permit fee as established by the Town Council. The form shall
30 include a non-exclusive checklist of code requirements that the
31 property owner shall demonstrate compliance with.
32
- 33 3. The code Enforcement Officer shall determine if the form has been
34 properly completed before any permit is issued.
35
- 36 4. The first time that a Short Term Rental permit is submitted for a
37 property, no permit shall be issued until the Code Enforcement
38 Officer has inspected the proposed Short Term Rental property for
39 compliance with the Short Term Rental Standards and compliance
40 with building code requirements. Thereafter, renewal of a Short
41 Term Rental permit shall require inspection by the Code
42 enforcement Officer of the Short Term Rental property no less than
43 once every five years. When the Code Enforcement Officer does not
44 conduct an annual inspection, the Short Term Rental owner shall
45 certify that there have been no material changes since the last
46 inspection by the Code Enforcement Officer. Any third party
47 inspection information submitted with the completed form shall
48 have been conducted within the twelve months prior to the permit
49 being issued.