



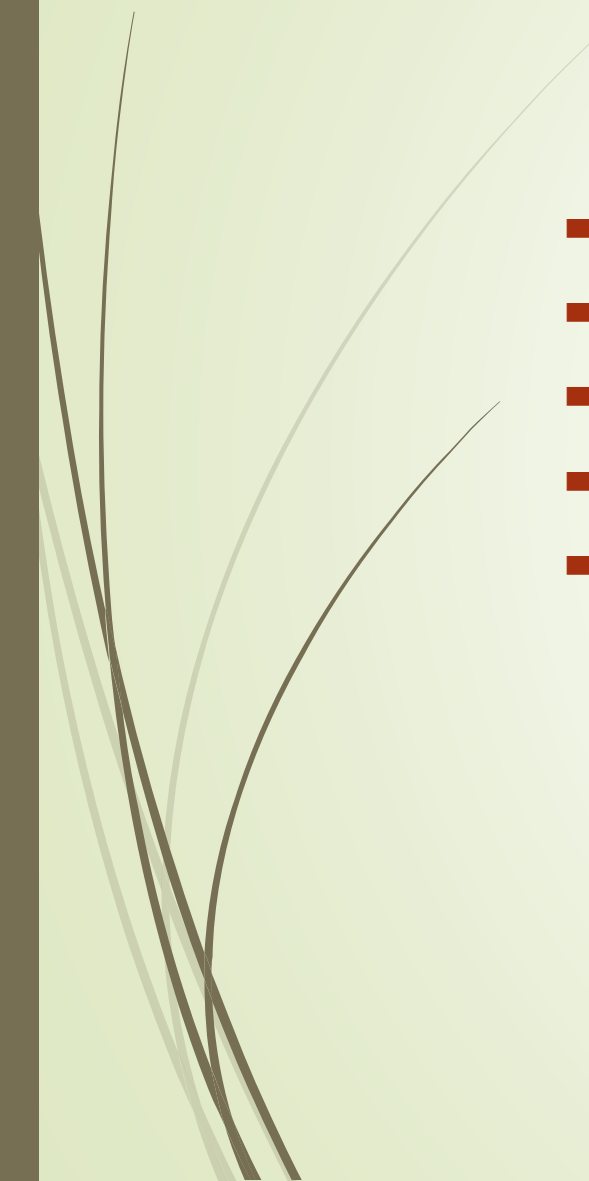
# Item 4: Short Term Rentals

Ordinance Committee

July 13, 2023



# Short Term Rental Overview

- What are short term rentals (STR's) - Terms & Definitions
  - Goal Discussion – Why Regulate?
  - How to Regulate – Options - Considerations
  - Impacts – Pros & Cons
  - Next Steps
- 

# What is a Short Term Rental (STR)?

**Residential (or accessory) unit rented for less than 30 days/nights**

- **Primary Residence Hosted** - a dwelling unit, or portion thereof, that is the primary residence of the property owner or on the owner's primary residence property owner lives on site throughout the hosting period (ADU or extra room)
- **Primary Residence Unhosted** - property owner does not live on site throughout the hosting period
- **Non-primary Residence Rental** - an entire dwelling unit that is not the primary residence of the property owner

\*\*Excludes hotels, bed and breakfast, and recreational lodging facilities





# Regulation Types

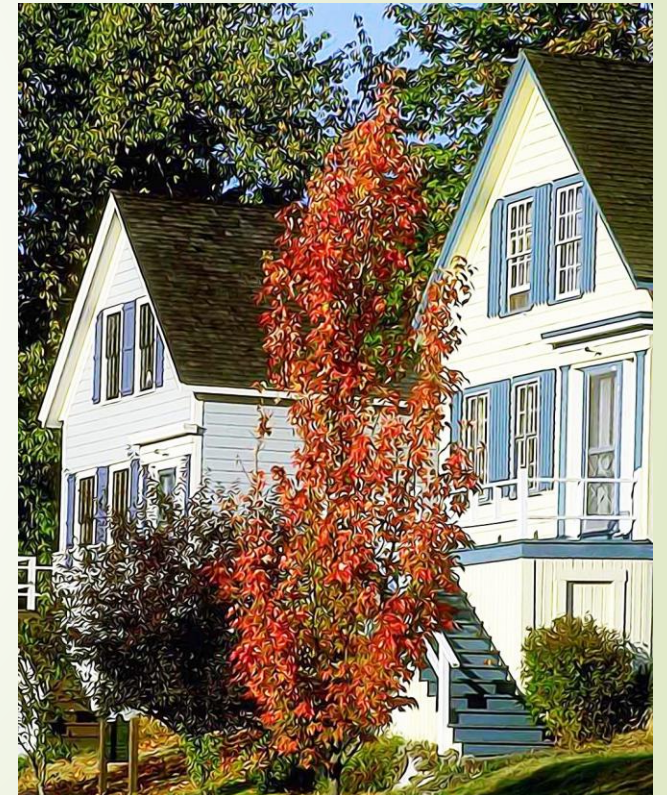
- ▶ Registration (Portland) – requires short-term rental units to be registered annually
- ▶ License (Kennebunkport) – issues a specific number of licenses per year and requires annual renewal



Is SRT Ordinance the Right Option?

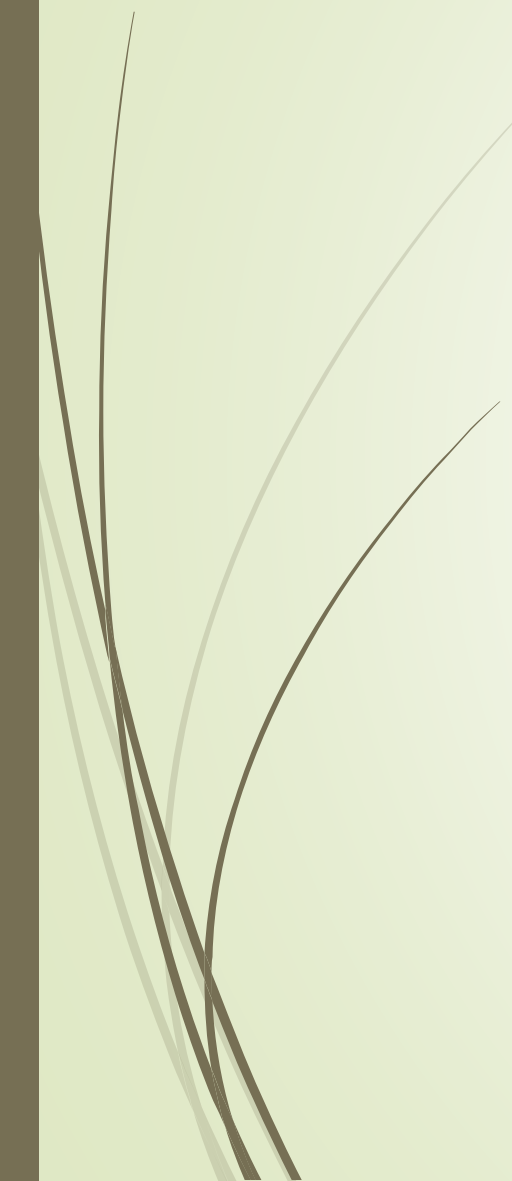
# Step One – Define Goals of the STR Ordinance

- ▶ Protect Neighborhoods
  - ▶ Noise
  - ▶ Traffic
  - ▶ Character
  - ▶ Safety
- ▶ Increase Tourism Opportunities
- ▶ Create Accountability – Licensing/Permitting/Registration
- ▶ Safety – Inspections
- ▶ Prevent Proliferation of Corporate Investment
- ▶ Protect Housing Stock
- ▶ Create Penalties for Violations



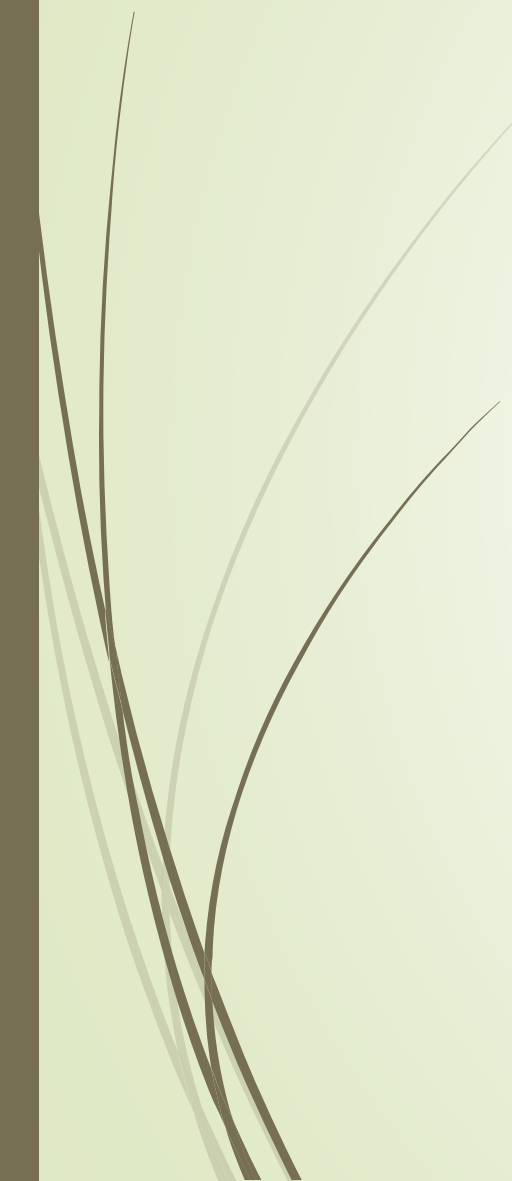


# Decisions – Where & When

- ▶ Town wide
  - ▶ Location Based
    - ▶ Specific Zoning Districts
    - ▶ Specify Areas
  - ▶ Open or limited to a max number per year – License Caps/Lottery
  - ▶ Time – Seasonal only or all year
  - ▶ Allow/prohibit non-permanent structures such as tents and recreational vehicles
- 



# Decisions – Who

- ▶ Primary Residence Only
  - ▶ On-Site Owner or Operator
  - ▶ Owner Occupied or Corporate
- 





# Decisions - How

- Create STR Ordinance
- Register only or License required
- Inspections – none, annual – specific time period
- Determine Fees
- Violations and Penalties
- Administration Plan



# Potential Considerations....

- Zoning Compliance
- Ownership Verification (only one permitted or many)
- Tax Compliance
- Occupancy levels
- Parking Requirements
- Fees and how to use revenue
- Insurance & Liability
- Advertising – Signage
- Code Inspections
  - Water and septic
  - Electric
  - Pool Inspections
- Safety Inspections
  - Pets
  - Carbon monoxide
- Snow Removal
- Trash Service
- Noise
- Violations and Penalties



# Town Staff Involved

- Town Clerk
  - Assessing
  - Public Safety
  - Code Enforcement
  - GIS
  - Others...
- 



# Associated Costs & Benefits...

- Implementation
- Initial Inspections and Registration/Licensing
- On-going Tracking
- Annual Inspections
- Annual Registration/Licensing
- Annual License Fee
- Protect Neighborhoods

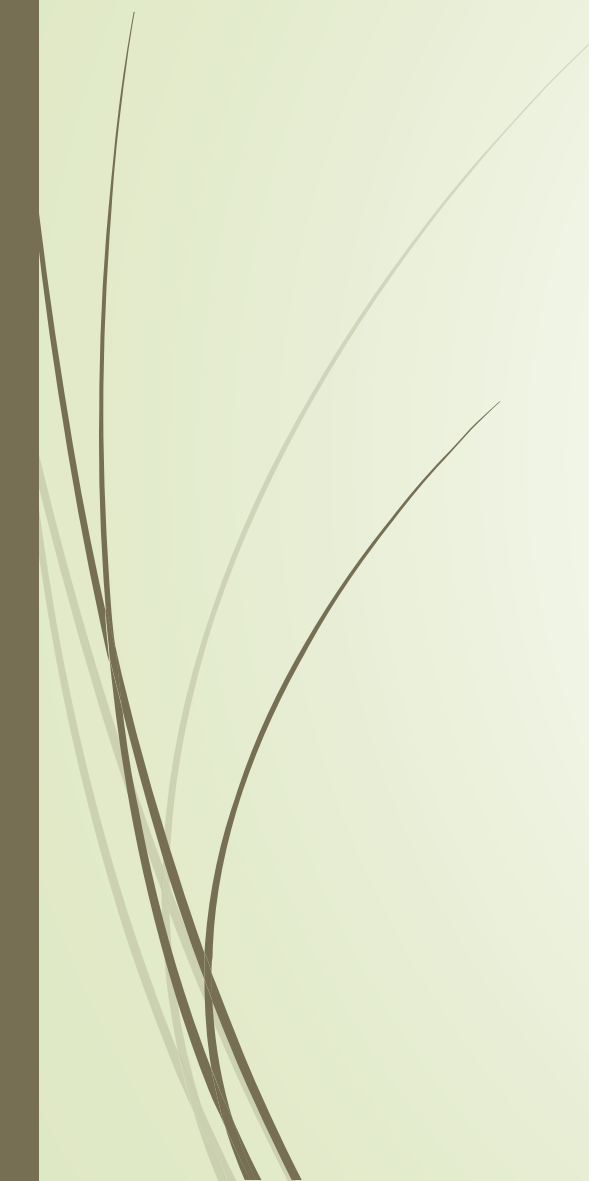


# Next Steps

- Define Goals
- Data collection- Outsource
  - Address Identification and GIS Integration
- Committee or Public Process
- Draft Ordinance
- Implementation Plan
- Public Outreach



# Questions and Discussion





# Item 5: Seafood Sales – Farm Stands & Home Based Business Discussion

Ordinance Committee

July 13, 2023



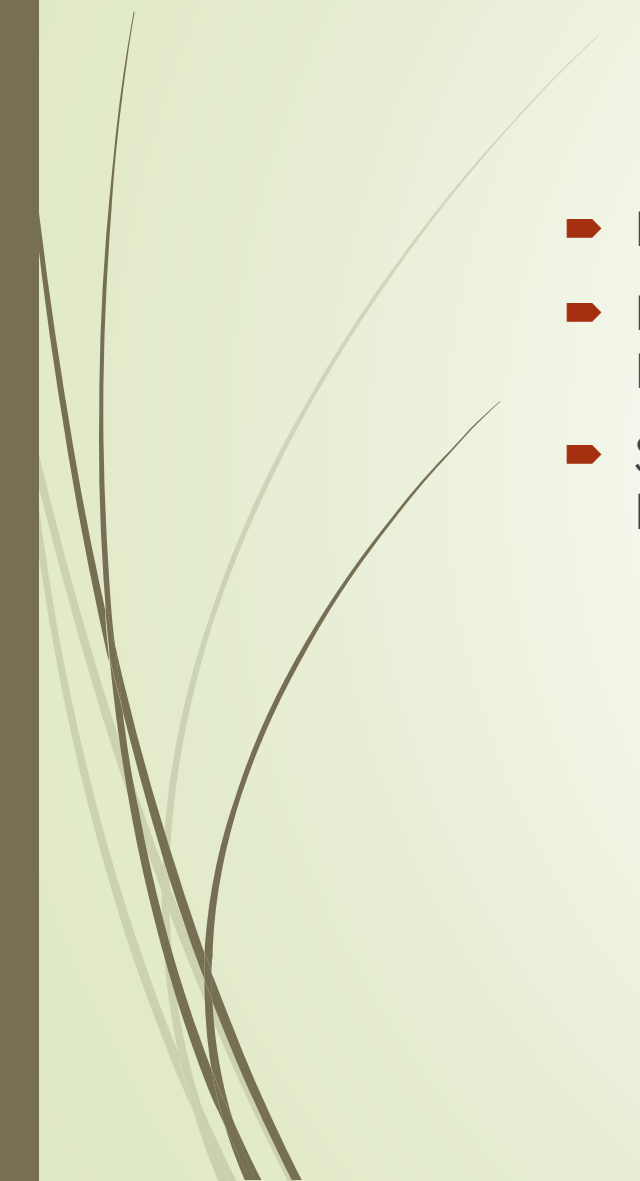
# Request & Background

- ▶ Staff has received a request from a local commercial shellfish harvester hoping to sell products directly to people at their home.
- ▶ Currently the only method to allow seafood sales on residential property is for the applicant to request a Special Exception for a home occupation through the Zoning Board of Adjustment





# Home Occupations

- ▶ Permitted in all residential zones and permit fish or shellfish sales.
  - ▶ Home Occupation requires Special Exception approval from the Zoning Board of Appeals.
  - ▶ Sales may not take place at a stand, rather they are required to be in a building.
- 



# Farm Stands



- ▶ Permitted in the RF district but the definition does not include shellfish or fish.
- ▶ **DEFINITION** - A building, structure, or outdoor location with a total area devoted to retail sales of 400 square feet or less, the primary activity of which is retail sales of agricultural products grown, raised, or produced by a Commercial Agriculture or Commercial Animal Husbandry use or Accessory Agricultural Activities as well as other agricultural and related food products not produced by the Commercial Agricultural or Commercial Animal Husbandry use or Accessory Agricultural Activities and handmade crafts and similar products.
- ▶ Farm Stands are subject to performance standards



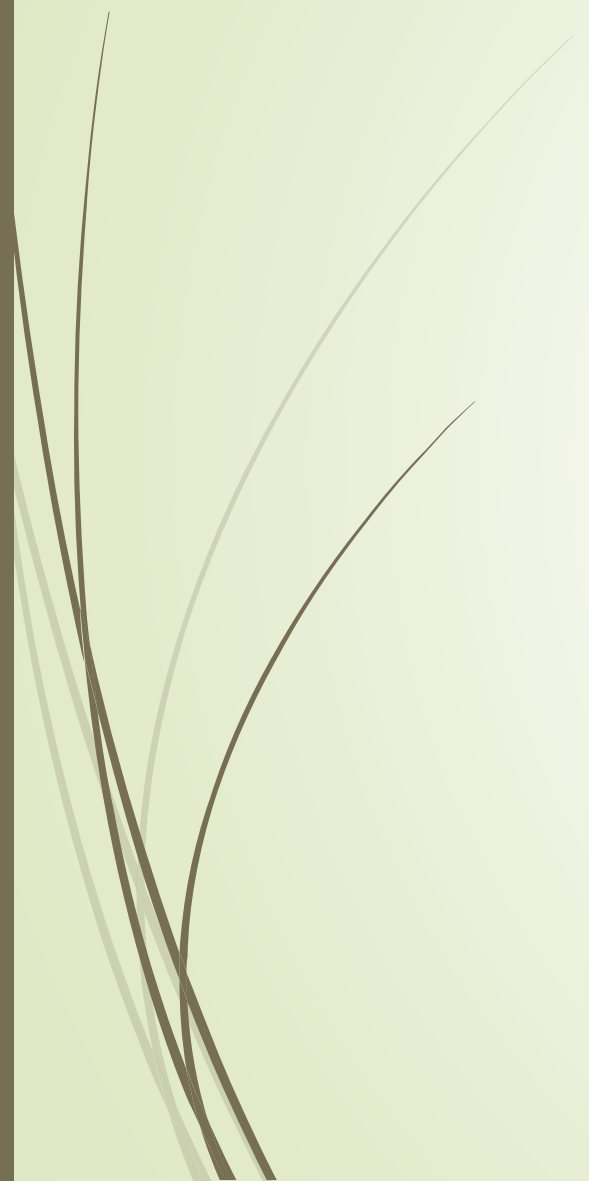
# Accessory Agriculture Activities

- ▶ Permitted in all residential districts subject to performance standards, but do not include fish or shellfish.
- ▶ **DEFINITION** - The growing of plants including but not limited to forages and sod crops, grains and seed crops, fruits and vegetables, ornamental and nursery stock, and flowers and/or the keeping, breeding, or raising of animals, other than household pets, that is incidental and subordinate to the primary use of the property for residential or nonresidential use in which the agricultural products are primarily for use by the owner, lessor, or occupant of the property.
- ▶ Subject to performance standards



# Options & Input Requested

- ▶ While a path currently exists for seafood sales through the Special Exception for home occupation process, staff requests input on making seafood sales a permitted use, similar to other agriculture products in residential districts
- ▶ Farm Stands – Add Commercial Shellfish or Fishing use?
- ▶ Accessory Agriculture use - Could add a provision to sell products 'caught or harvested' in excess.
- ▶ Home Occupation – Should Special Exception approval from ZBA remain?



# Questions and Discussion



# Item 6: Seasonal Parking Lot Discussion



Ordinance Committee

July 13, 2023



# Request & Background

- ▶ Staff has received a request to permit an unimproved grass parking lot for seasonal overflow parking at Scarborough Beach State Park.
- ▶ The Zoning Ordinance, in Section XI Off Street Parking Regulations, states that site plan approval is required before any parking or vehicular use is established.



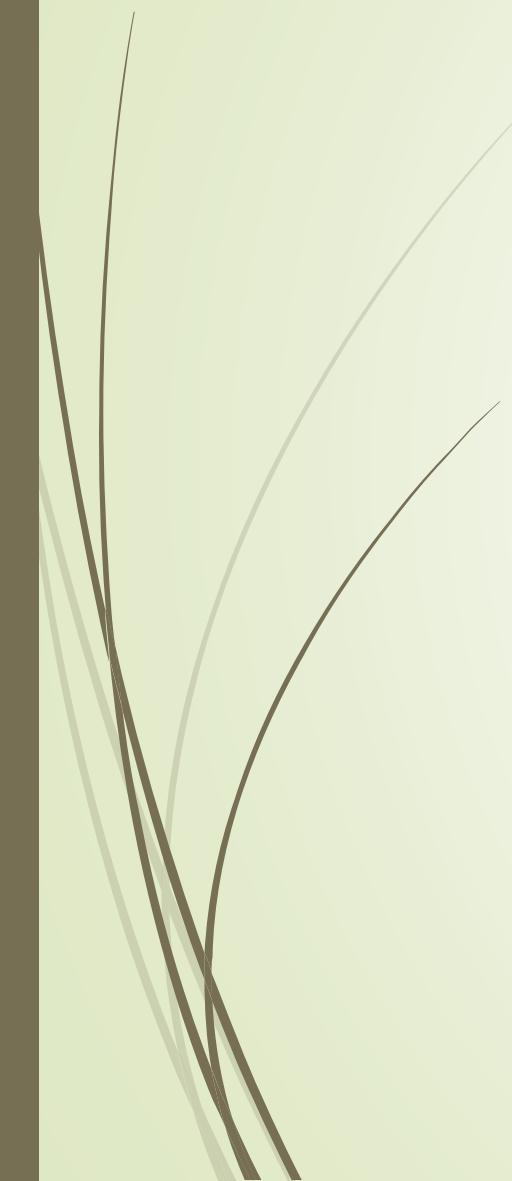
# Current Ordinance Language

- ▶ The Zoning and Site Plan Review Ordinances speak to paved parking areas and the required engineering detail for such projects.
  - ▶ Silent concerning temporary parking requirements
  - ▶ Temporary or seasonal parking must meet permanent/paved parking standards
- ▶ Zoning Ordinance, in section XI.K., specifies “where off street parking for any use other than single or two-family dwellings is required or provided, the surface of driveways...and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability of fine gravel.”
- ▶ Also states “a system of surface drainage shall be provided in such a way that the water runoff shall not run over or across any public sidewalk or street.”





# Items to Consider

- ▶ Safety – Fire Access on-site, Traffic
  - ▶ Pedestrian Access
  - ▶ Entryways
  - ▶ Monitoring
  - ▶ Stormwater – Parking and Impervious Cover
  - ▶ Tree Preservation and Protection
- 



# Questions and Discussion

