

Town of Scarborough, Maine

Planning and Code Enforcement

PLANNING & CODE ENFORCEMENT POLICY

SHORT TERM RENTAL USE OF - OR WITHIN - DWELLING UNITS

Short Term Rental a/k/a STR's or "Airbnb" is a peer-to-peer accommodation market place that connects hosts (vendors of rooms/accommodations) and travelers via websites.

The Department has seen an increase in questions from the public wanting to know what is required if they wish to establish a STR listing to lease a portion or all of their home. At this time, Scarborough does not have any regulations specific to STR use, though a closer examination of our current zoning ordinance and statutes enforced by the State Fire Marshal offer some guidance on how STR is dealt with in Scarborough at this time.

The level of risk to the occupant (and perhaps the homeowner) depends a great deal on the type and nature of the space, as well as how it is used. It is reasonable to assume that a transient guest seeking only a room to sleep and bathroom facilities for a night or 2 with the owner present in the dwelling or on the property, would not be at any greater risk than a family friend or relative coming for a visit. However, if there are 2 or more rooms being leased at the same time to different guests, or if there are 2 or more complete living facilities (including cooking/living/bathing/sleeping activity) being rented without the owner on the premises, the risk exposure to occupants might be greater.

The Ordinance does not define Boarding House, but does define Accessory Unit:

A living area located within a single family dwelling or within a structure accessory to a single family dwelling, such as a garage, barn, or accessory cottage, which is designed and equipped with complete housekeeping facilities so that it can be occupied by a person or persons living independently from the persons occupying the single family dwelling. A Town approved accessory unit approved meeting the requirements of Section IX.J shall not be considered a separate dwelling unit under this ordinance, the Scarborough Subdivision Regulations, the Scarborough Growth Management Ordinance, the Scarborough Impact Fee Ordinance, the Scarborough Road Impact Fee Ordinance or the Scarborough Sewer Assessment Ordinance. [Adopted 11/05/2003, Amended 2/15/12]

Bed and Breakfast (B&B):

259 US ROUTE ONE, PO BOX 360
SCARBOROUGH, MAINE 04070-0360
PHONE: 207-730-4040 FAX: 207-730-4046
WWW.SCARBOROUGH.ME.US

A building containing not more than six guest rooms that provides lodging accommodations and food and beverage service to transient guests and contains a dwelling unit that is occupied by the owner or manager of the facility. For purposes of this definition, a transient guest is a person who occupies a guest room for no more than 28 days in any calendar year. A Bed and Breakfast is subject to performance standards contained in Section IX of this Ordinance. [05/05/10]

Hotel/Motel:

A building or group of buildings containing six or more guest rooms and offering lodging accommodations (which may include such accessory services as food and beverages, meeting rooms, entertainment and recreation) to transient guests. A hotel may provide kitchens or kitchenettes in guest rooms and will not, as a result, be considered a dwelling under this ordinance, so long as the hotel is occupied exclusively by transient guests. A transient guest is a person who occupies the hotel for no more than 186 days in any 365-day period. [11/02/94]

Lodging House:

A building in which three or more rooms are rented for living accommodations and in which no table board is furnished.

Based on the definitions, any single family dwelling regardless of rooms or occupant load, or portion of a single family dwelling that does not exceed 2 rooms and/or 3 guests is rented to transient guests, for whom no meals are prepared or served, it may occur in any district where that dwelling is located, and does not require local or state permitting. Enforcement of deed covenants or association restrictions is not the responsibility of the Town.

If it is a permitted accessory unit, it cannot be used for transient guests and must adhere to the accessory unit standards for accessory units in Section IX.J (*neither the accessory unit nor the single-family dwelling shall be rented for less than 28 continuous days*).

If a STR enterprise meets the definition of Bed and Breakfast, it may only be permitted in the RFM, RF, TVC2, and TVC3 (with restrictions), and must meet the performance standards in Section IX.T as well as any permitting/requirements from State Fire Marshal office and the Division of Health Engineering.

If a STR enterprise meets the definition of a Lodging House, it may only be permitted in the B2 and B3 zones, and must meet local and state licensing and permitting requirements.