

BELFAST PLANNING BOARD MEETING
WEDNESDAY, July 12, 2023
Public Hearing and Ordinance Amendment Workshop

Format of Amendment: Language/text in **black font** is existing language in the Ordinance that is proposed to be changed by this amendment. Language/text proposed to be added to the existing Ordinance is shown in **Red Font** and a ~~Red-Strike~~ through is proposed language/text that was reject by the Planning Board. Language/text proposed to be deleted from the existing Ordinance is shown in ~~Blue Strike-through-Font~~. Staff notes to the Board are highlighted in **Green Text**.

Role of the Belfast Planning Board: The Belfast Planning Board is responsible for conducting a public hearing and offering its recommendation to the Belfast City Council regarding proposed amendments to the land use regulations in the City Code of Ordinances. The Planning Board has discussed this proposed amendment at several meetings, and is now presenting its proposed amendments for public hearing. Post the hearing, the Board will discuss public comment that may be offered at the public hearing, and vote on its recommendation to the City Council. The Planning Board, in crafting its recommendation to the Council, has the authority to make changes to the language presented in the Planning Board public hearing draft amendments. The Planning Board is an administrative/quasi-judicial body, and does not have the authority to adopt, amend, or repeal an Ordinance. That authority is vested solely with the City Council, the legislative body for the City. The City Council, after it receives the Planning Board's recommendations, will conduct two public readings (First Reading and Second Reading) and at least one duly noticed public hearing on the proposed amendments. The City Council has the authority to adopt, reject, change, or table the amendments presented by the Planning Board. If the Council adopts the amendments, they will become part of the City Code of Ordinances

PROPOSED ORDINANCE AMENDMENTS SUBPRT. A. (City Council)

CHAPTER 14 BUSINESS

Article X Short Term Rentals

DIVISION 1 Generally

Sec. 14-380. Purpose of article

The purpose of this article is to establish a procedure and standards for the City to annually monitor ~~and review the impact~~ short-term rentals ~~have on the City's housing stock~~. The City finds it is in the public health, safety, and economic welfare to ~~monitor such establishments, collect data and ensure each unit meets basic code requirements~~, understand the impact short term rentals ~~has~~ may have on the City.

Sec. 14-381. City Council order

The City Council grants the Planning and Codes Department staff and the Code Enforcement Officer the powers to enforce a short-term rental registry on their behalf.

Sec. 14-382 Other applicable codes

All short-term rental units dwellings shall be subject to all local ordinances, including applicable sections in chapter 72. Housing and Lodging.

PROPOSED ORDINANCE AMENDMENTS SUBPRT. B. (Planning Board)

CHAPTER 66 GENERAL PROVISIONS

Sec. 66-1 Definitions.

Hotel

~~See "Motel."~~

A building in which lodging, or meals and lodging are transient in nature and offered to the general public for compensation and which ingress and egress to and from the rooms are made primarily through an inside lobby or office and offer no less than four rooms for rent.

Motel

~~A building or group of detached or connected buildings used for lodging by the traveling public, in return for payment. The term "motel" shall include "hotel."~~

A building or group of buildings in which lodging is transient in nature and offered to the general public for compensation and where entrances to room are made directly from the outside of the building and offer no less than four rooms for rent. Motels include terms such as sporting camps and cottages.

CHAPTER 72 HOUSING AND LODGING

Article I. In General

Sec. 72-1 through Sec. 72-50. (Reserved)

Article II. Short-Term Rental Registration

Division 1. Generally

Sec. 72-51 Purpose of the article

The purpose of this article is to establish a procedure and standards for the City to annually monitor short-term rentals. The City finds it is in the public health, safety, and economic welfare to understand the impact short term rentals may have on the City.

Sec. 72-52 Definition

STR:

An STR is an abbreviation for short-term rental.

Short-term Rental:

A short-term rental is a residential dwelling unit that is advertised or intended for used for rent of less than 28 consecutive days. ~~Also known as a short-term rental unit.~~ A short-term rental is not a State or City licenesd lodging established such as but not limited to hotel, motel, or bed and breakfast.

Owner Occupied:

An advertised STR where the owner of the rental unit lives on the same premise as the advertised unit.

Management Company:

A person or business that maintains and operates a short-term rental unit but does not own the unit and has an agreement from the property owner to operate the unit.

~~**Second Home:**~~

~~A residential dwelling unit that is not the owner's primary residence.~~

Short-term Rental registry

A city data base of all residential dwelling units advertised for rent of less than 28 consecutive days. The registry includes all property owners, management companies, and the location of the STRs, or any other pertinent data.

Local Contact Person:

An individual who is personally available by telephone and in person who has authority to address issues that may arise in a timely manner. A local contact person shall be available on site within 24 hours of a complaint.

Sec. 72-53. Penalty

~~A person or management company~~ property owner operating or advertising a short-term rental unit within the City without the required short-term rental registration shall be subject to a civil penalty of \$100 per day for all days of operation without the required registration as set forth in 30-A M.R.S. 4452.

Sec. 72-54. Ordinance Enactment.

The enactment of the short-term rental registry requirement shall take place 120 days after the City Council adopts this amendment. Once the short-term rental ordinance is enacted, property owners will have an additional 120 days to register their short-term dwelling units before any after the fact fees are applied.

The City shall notify property owners of the short-term rental registry by placing an ad in the local newspaper and by including a notice of the registry requirements in the direct mailing for property taxes as soon as possible after enactment.

Sec. 72-55. through 72-100 reserved

Division 2. Registration

Sec. 72-101. Planning and Codes Department responsible

The City Council hereby grants to Planning and Codes Department staff and the Code Enforcement Officer the right on the Council's behalf to issue, deny, and monitor the STR registry.

Sec. 72-102. Display

A registration issued by the Planning and Codes Department shall be required for all short-term rental units that meet the City's definition of a short-term rental unit. ~~If a structure has more than one short-term dwelling unit then the owner and/or operator must display the registration for each of the approved units.~~ All registered short term rental units must display the approved registration inside the unit.

Sec. 72-103. Registration Requirements

1. Dwelling units that are required to be registered.

- (a) Any residential STR dwelling unit located within the bounds of the City of Belfast must register the dwelling unit with the Planning and Codes Department.
- (b) Any lodging establishment already licensed with the State and City is exempt from this provision.
- (c) Any persons renting out a room that is part of a residential dwelling unit is exempt from this provision.

2. Application required

The applicant must submit an application to apply for the short-term rental registry. The Planning and Codes Department is responsible for creating the application and may amend the application as needed. The application must have but is not limited to the following requirements:

- property address and map and lot
- owner
- number of available off street parking spaces
- total number of guests allowed
- the management company overseeing the STR
- local contact person or persons who are available at any time

3. Initial and renewal registration

(a) Initial registration.

Any ~~person~~ property owner or management company on behalf of the property owner wishing to operate a short-term rental unit must register ~~any residential~~ the short term rental ~~dwelling~~ unit with the Planning and Codes Department before advertising said ~~residential~~ short term rental ~~dwelling~~ unit.

(b) Registration renewal

Any ~~person~~ property owner or management company on behalf of the property owner already registered as a short-term rental unit who desires to continue operating beyond the expiration of the registration must apply for and obtain a registration renewal.

4. Registration time period

A short-term rental registration is valid for one year from February 1st to January 31st of the following year. An applicant has 60 days past February 1st to renew the registration.

Sec. 72-104 Issuance

The ~~Planning and Codes Department~~ Code Enforcement Officer shall approve the issuance of the initial registration or the renewal registration upon receipt of a complete application and payment of fees.

Sec. 72-105. Fees

1. Registration Fee

Each application for the short-term rental registration, initial or renewed, must be accompanied by a fee in the amount to be set by the City Council (~~\$50~~). No application will be considered without payment of such fee.

Staff is recommending an application fee of \$50. The fee will be decided by the Council.

2. After the Fact Registration Fee

If a person or management company does not register a short-term rental unit or does not renew the yearly registration requirement, then the after the fact registration fee is ~~\$500~~ shall be applied as set by the City Council.

Staff is recommending an after the fact permit fee of \$500. The reason is to incentivies owners to register their STR and to sign up for the registration during the registration time period.

Sec. 72-106. ~~Term~~; Transfer

Each short-term rental unit initially registered with the Planning and Codes Department shall be effective until February 1, ~~occurring after the date of issuance. All such registrations must be renewed annually on or before February 1.~~ No registration is assignable or transferable.

Sec. 72.108 — Inspection of premises

~~(a) The City shall require the Code Enforcement officer to inspect all short-term rental before said unit is registered with the City. code enforcement officer, fire inspector, and health officer and any other appropriate City official shall have the right to enter and inspect the premises of any short-term rental unit for which an application for a short-term rental registration has been completed and submitted to the Planning and Codes Department. Inspections will be based on public health, safety and welfare requirements, and the applicable zoning regulations (chapter 102), plumbing code, electrical code and building code adopted by the City. Inspection will include, but not be limited to, life safety, property maintenance, water supply, and waste disposal. No entry or inspection shall be made without the permission and presence of the owner or the owner's designee. Entry and inspection shall be during business hours, or at a reasonable time to be arranged by the Code Enforcement Officer and applicant.~~

~~(b) The Planning and Codes department and/or the code enforcement office shall may inspect each short-term rental unit once every other year.~~

Sec. 72- 107 Suspension or revocation

~~The Planning and Codes Department and~~ The Code Enforcement Officer may suspend or revoke the short-term rental registration due to noncompliance with any part of the City Code of Ordinances.

Sec. 72-110 through 72-140 (reserved)

Division 3 Appeal

Sec. 72-141. Zoning Board of Appeals

Any owner or operator of a short-term rental unit may appeal any written decision of the Code Enforcement Officer to the Zoning Board of Appeals per Sec. 102-131.