

**Proposed Revision to Land Use Ordinance
regarding Roomers and Residential Rental Accommodations**

Add to Definitions

Article 2 Residential Rental Accommodation: The permitted accessory use of no more than two (2) bedrooms in a legally existing dwelling or dwelling unit. This dwelling unit shall be an owner occupied dwelling. Rooms rented may be for either short term or long term rental to a roomer who may be unrelated to the owner or occupant of the unit. Individual rooms shall be rented no more than once per week. For purposes of this section a week shall be defined as Monday through Sunday.

Roomer – A person residing in and paying rent for a room in a single-family-dwelling Residential Rental Accommodation whether or not the person eats meals on the premises. See Residential Rental Accommodation

Article 4 ZONE REGULATIONS:

Remove the following under the column entitled, "Conditional Uses Subject to Zoning Board of Appeals Review" for the following Zones.

4.5 Dock Square Zone: ~~Roomer~~,

4.6 Riverfront Zone: ~~Roomer~~

4.8 Goose Rocks Zone: ~~Roomer~~

4.9 Cape Porpoise East & Cape Porpoise West Zones: ~~Roomer~~

4.10 Cape Porpoise Square Zone: ~~Roomer~~

4.11 Free Enterprise Zone: ~~Roomer~~

4.12 Farm and Forest Zone: ~~Roomer~~

Add the following under the column entitled "Conditional Uses Subject to Zoning Board of Appeals Review" for the following Zones.

4.3 Village Residential Zone: Residential Rental Accommodation

4.4 Village Residential East Zone: Residential Rental Accommodation

4.5 Dock Square Zone: Residential Rental Accommodation

4.6 Riverfront Zone: Residential Rental Accommodation

4.7 Cape Arundel Zone: Residential Rental Accommodation

4.8 Goose Rocks Zone: Residential Rental Accommodation

4.9 Cape Porpoise East & Cape Porpoise West Zones: Residential Rental Accommodation

4.10 Cape Porpoise Square Zone: Residential Rental Accommodation

4.11 Free Enterprise Zone: Residential Rental Accommodation

4.12 Farm and Forest Zone: Residential Rental Accommodation

Add to Residential Parking Standards

Article 6.10 6. Parking for a Residential Rental Accommodation shall include one (1) additional off-street parking space per room rented, in addition to the minimum parking spaces required for the dwelling unit.

Article 7.14 Remove Article 7.14 Roomers
Add Article 7.14 Residential Rental Accommodations

A. Purpose. The purpose of allowing Residential Rental Accommodations is to authorize the use of legally-existing single-, two-, and multi-family structures for the accommodation of roomers, for compensation, while ensuring the safety of the occupants and minimizing the impact of such use on the surrounding neighborhood. Such rentals and the revenue they make to homeowner's help make Kennebunkport affordable for persons on fixed or limited incomes; enhance and diversify accommodations available to visitors and tourists; and provide travelers with affordable accommodations from which to explore Kennebunkport and the Seacoast region. If not made the subject of appropriate, limited regulations, however, the use of residential properties for Residential Rental Accommodations may create adverse impacts on surrounding residential uses including, without limitation, increased levels of traffic, parking demand, light and glare, and noise. Such impacts are deleterious to the public health, safety, and welfare of the neighborhood and the Town because they impair the livability and desirability of Kennebunkport neighborhoods for residential uses.

B. Performance Standards

No more than two (2) rooms in a Residential Rental Accommodation may be let out to Roomers provided that:

1. No separate kitchen or cooking facilities are provided for or use by the roomers;
2. No sign is located on the premises advertising the availability of rooms for lease or rent to roomers;
3. No alteration or change of the dwelling unit in its exterior appearance is made to accommodate the presence of roomers;
4. The bedroom(s) being rented shall be inspected by the Code Enforcement Officer and shall have code compliant smoke and carbon monoxide detectors in addition to complying with current building code requirements for primary and secondary means of escape;
5. The rooms occupied by the roomers do not have a separate entrance from the outside;
6. The rooms occupied by the roomers are within the principal structure;
7. The roomers use utilities which are not separately metered from those used by the remaining occupants of the dwelling unit;
8. One (1) off-street parking space per room rented shall be required as per Article 6.10 6; and
9. The owner of the Residential Rental Accommodation shall remain in residence while rooms are being rented.

C. Approval; Permit; Appeal

WG 7/7/15 7/30/15 8/7/15 6/13/16 6/30/16 7/26/16 7/28/16 7/29/16 8/8/16 9/2/16

1. Approval to operate a Residential Rental Accommodation shall be granted by the Zoning Board of Appeals contingent upon a successful property inspection by the Code Enforcement Officer subject to section B. above. Following such approval, the Code Enforcement Officer shall issue a permit. Such permit shall be issued to the property owner only, and is subject to sufficient evidence that the property is owner occupied.
2. A permit to operate a Residential Rental Accommodation shall expire upon a change in ownership or a change in owner residency status.
3. A single family dwelling approved to accommodate Roomers prior to November 8th 2016 may continue to operate under the conditions of approval as specified by the Zoning Board of Appeals including the Land Use Ordinance requirements and restrictions in effect at the time of such approval.
4. Permit shall be revoked upon confirmation of a second (2nd) confirmed Noise or Barking Dog Citation related to use of a dwelling unit by a Roomer. Permit shall also be revoked upon any confirmed violation of the requirements contained within the definition of Residential Rental Accommodation located in Article 2. Any such permit having been revoked shall not be reissued to the same property owner within one (1) year (365 days) from the date of revocation, which shall require Zoning Board of Appeals re-approval.
5. An appeal from any decision of the Code Enforcement Officer related to the issuance, non-issuance, suspension or revocation of a Residential Rental Accommodation Permit shall be taken by an aggrieved party to the Zoning Board of Appeals within thirty (30) days of the decision.

