

Proposed Regulations Permitting Short Term Rental Activity as “Short Term Non-Primary Rentals” and “Homestays”

Article II, Section 203. Definitions.

Homestay: A home occupation in which an individual who owns a dwelling and uses it as his or her permanent residence hires out, as lodging, such dwelling, or any portion thereof.

Residence, Permanent: Residential occupancy of a dwelling unit by the same individual(s) for a period of more than 180 consecutive days and the usual place of return for housing as documented by motor vehicle registration, driver’s license, voter registration, or other such evidence.

Short Term Non-Primary Rental: A dwelling unit that is not a permanent residence and that is leased in its entirety to one party for periods of less than 30 consecutive days. The term party as used in this definition shall mean one or more persons who as a single group rent a short term non-primary rental pursuant to a single reservation and payment.

Article IV, Table 4-1. General Regulations – Table of Permitted Uses.

Special Residential	SDS*	UC/CEOD	UN-E	UN-W	UN-S	NC	DDH	NRD	RDD	CDD	CRD-U	CRD-S	CRD-W
<u>Short Term Non-Primary Rental</u>	<u>*</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C**</u>	<u>C**</u>	<u>C**</u>	<u>C**</u>	<u>C**</u>	<u>P</u>	<u>P</u>	<u>P</u>

** in the short term non-primary rental overlay only

408.02. Special Development Standards.

D. Institutional, Indoor Recreation & Special Residential Uses.

6. Short Term Non-Primary Rental

- a) A short term non-primary rental shall be limited in operation to 240 days each calendar year.
- b) ~~Every short term non-primary rental shall have working smoke detectors, carbon monoxide detectors and fire extinguishers, and all equipment shall be accessible to overnight guests of the rental at all times. Every rental shall comply with requirements of the current version of the International Building Code, as determined by the City’s Building Code Official.~~
- c) Each zoning certificate for a short term non-primary rental will be valid from January 1 (or such other date during a calendar on which such certificate is issued) through December 31 of the calendar year in which the certificate is issued.
- d) A zoning certificate for a short term non-primary rental may be revoked by the Planning Director (i) in the event that three (3) or more substantiated complaints are received by the city within a calendar year, or (ii) for failure to maintain compliance with any of the regulations set forth within this section. A property owner whose zoning certificate for a rental has been revoked pursuant to this paragraph shall not

be eligible to receive any new zoning certificate for a rental, for the remaining portion of the calendar year in which the certificate is revoked, and for the entire succeeding year.

- e) A zoning certificate for any short term non-primary rental shall not be issued in the Neighborhood Conservation (NC) District, Development District Housing (DDH), Neighborhood Redevelopment District (NRD), or Redevelopment District (RDD) unless written authorization and consent is provided by fifty percent (50%) or more of all abutting property owners.

Article V, 511.04. Detailed Use Regulations: Home Occupations.

A. Purpose. It is the purpose of this Section to provide residents of the City of Auburn a wide range of opportunities in the use of their residences in profitable activities. However, the character of the City's residential areas must also be preserved. Therefore, these regulations shall ensure that such activities remain limited in scope so as not to interfere with the principal use of any residential neighborhood or development.

B. General Regulations. All home occupations shall meet the following criteria:

1. The home occupation must be clearly secondary and incidental to the use of the dwelling unit as a residence. With the exception of homestays, nNo more than 25 percent of the total floor area of the dwelling unit shall be used for the home occupation, to a maximum of 500 square feet. For the purpose of this Section, "total floor area" shall include all heated and ventilated areas within the dwelling. Garages, carports, outside storage rooms, and porches shall be excluded.

At the Planning Director's option, a floor plan of the residence may be required, indicating the specific location(s) and extent of the business activity.

2. The exterior appearance of the dwelling unit and/or premises shall not be altered, nor the occupation within the dwelling unit conducted, in any manner that would cause the premises to differ from its residential character or from the character of the neighborhood.
3. The home occupation shall be operated in the existing dwelling unit, which shall not be enlarged to accommodate the business activity.
4. No new accessory structure shall be built, nor shall any existing accessory be used, for the purpose of operating the home occupation.
5. There shall be no visible evidence that the dwelling is being used to operate a home occupation. Signs shall not be permitted. No more than two (2) company or commercial vehicles shall be parked at the premises at any time.
6. A maximum of one (1) person not residing in the dwelling may engage in the operation of the home occupation. There must be off-street parking available for this individual.

7. No more than three (3) customers or clients of a home occupation business shall be present on the premises at the same time; for homestays, no more than six (6) ~~adult~~ overnight guests are allowed, per day. No customers, clients or employees shall be allowed to visit the property, nor shall business deliveries be made to a property on which a home occupation business is conducted earlier than 8:00 a.m. or later than 6 p.m.; these hours of operation shall not apply to a homestay.
8. No merchandise shall be distributed to customers on the premises.
9. No advertising material shall indicate the business hours, address, and/or physical location of the address.
10. There shall be no outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation on the premises.
11. With the exception of homestays, ~~Off~~ off-street parking shall be provided on the premises as required by Section ~~509~~ 513. Parking in connection with homestays may use available on-street parking areas, only when off-street parking cannot be accommodated.
12. The operation of a home occupation shall not create any nuisance such as excessive traffic, on-street parking, noise, vibration, glare, odors, fumes, smoke, dust, heat, fire hazards, electrical interference or fluctuation inline voltage, or hazards to any greater extent than that normally experienced in the residential neighborhood, or be present or noticeable beyond the property boundaries of the home occupation premises.
13. The operation of a home occupation shall not involve the sale of any dangerous or deadly weapons such as knives, firearms, or air guns.
14. The on-site repair of vehicles shall be prohibited as a home occupation.

In addition to the provisions (1-14) above, the following regulations shall apply to homestays:

- f) Homestays may only be established as a home occupation business in the following zoning districts: Urban Core(UC), Urban Neighborhoods-West, East, and South (UN-W, UN-E, UN-S), [Neighborhood Conservation District \(NC\)](#), [Development District Housing \(DDH\)](#), [Neighborhood Redevelopment District \(NRD\)](#), [Limited Development District \(LDD\)](#), [Redevelopment District \(RDD\)](#), Rural (R), [Comprehensive Development District \(CDD\)](#), and [Corridor Redevelopment District-Urban, Suburban, East and West \(CRD-U, CRD-S, CRD-E, CRD-W\)](#).
- g) The homestay ~~must be owner-occupied and~~ may operate no more than ~~sixty (60)~~ ~~thirty (30)~~ days per licensing year when the residence is [located in a NC, DDH, NRD, or LDD zoning district](#) ~~not owner-occupied~~. The homestay ~~must be owner-occupied,~~

~~but may operate no more than one hundred twenty (120) thirty (30) days per licensing year when the residence is not owner-occupied in a UC, UN-W, UN-E, UN-S, RDD, R, CDD, CRD-U, CRD-S, CRD-E, and CRD-W zoning district.~~

- h) No food shall be prepared for or served to guests of the homestay by the owner or the owner's agent(s) or contractor(s).
- ~~i) Every homestay shall have working smoke detectors, carbon monoxide detectors and fire extinguishers, and all equipment shall be accessible to overnight guests of the homestay at all times. Every homestay shall comply with requirements of the current version of the International Building Code, as determined by the City's Building Code Official.~~
- ~~j) By his or her application for a zoning certificate for a homestay, an applicant authorizes City inspectors to enter the subject property, upon reasonable advance written notice to the applicant, at least one (1) time during the calendar year for which the zoning certificate is valid, to verify that the homestay is being operated in accordance with the regulations set forth within this section.~~
- k) Each zoning certificate for a homestay will be valid from January 1 (or such other date during a calendar on which such certificate is issued) through December 31 of the calendar year in which the certificate is issued. During this period of validity, the owner of the homestay must occupy the dwelling as his or her residence for more than 180 days.
- l) A zoning certificate for a homestay may be revoked by the Planning Director (i) in the event that three (3) or more substantiated complaints are received by the city within a calendar year, or (ii) for failure to maintain compliance with any of the regulations set forth within this section. A property owner whose zoning certificate for a homestay has been revoked pursuant to this paragraph shall not be eligible to receive any new zoning certificate for a homestay, for the remaining portion of the calendar year in which the certificate is revoked, and for the entire succeeding year.

- C. **Application Procedures.** Any applicant for a home occupation zoning certificate shall pay a fee as established in Article IX, and submit an application form, together with any required attachments, to the Planning Director. The Planning Director shall have three (3) business days to approve or deny the application, or inform the applicant that more information is needed to reach a decision.