



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

MEMORANDUM

DATE: July 12, 2019

TO: Councilor Susan Albright, Chair, Zoning & Planning Committee
Members of the Zoning & Planning Committee

FROM: Barney Heath, Director, Department of Planning and Development
James Freas, Deputy Director of Planning
Rachel Nadkarni, Long Range Planner

RE: **#128-19 Zoning Amendment for short-term rentals**

DIRECTOR OF PLANNING proposing to amend Chapter 30, City of Newton Zoning Ordinances, in order to create a short-term rental ordinance that defines the short-term rental and bed & breakfast uses, identifies what zoning districts they would be allowed in and under what criteria, conditions, limitations and permitting process

#136-19 Short-term rental ordinance with fees

DIRECTOR OF PLANNING proposing amendments to Chapter 20 and 17 of the Revised Ordinances of the City of Newton to create a short-term rental ordinance with fees that would require registration of short-term rentals with the City's Inspectional Services Department and fire inspections to protect public health and safety.

MEETING: July 15, 2019

CC: John Lojek, Commissioner of Inspectional Services
Alissa O. Giuliani, City Solicitor
Marie Lawlor and Jonah Temple, Law Department
Jonathan Yeo, Chief Operating Officer

The rise of short-term rentals through online platforms has, in a relatively short time period, significantly changed the travel/hotel industry and, at the same time, introduced lodging-type uses into formerly primarily residential neighborhoods. As with many so-called "disruptive" internet-based technologies, there are both positive and negative outcomes. Short-term rentals offer a means to generate additional income, particularly valuable to households that might otherwise struggle to stay in their home and create a platform for new entrepreneurial activity. At the same time, short-term rentals risk taking housing units out of the long-term housing marketplace, a significant issue given the region's already severe undersupply of housing and can be significantly disruptive to residential neighborhoods. The challenge is finding the appropriate balance between these factors for Newton. The proposed ordinance amendments rely on two basic ideas: the City's

treatment of other accessory uses in residential districts and the idea of a tiered set of uses based on the scale of the lodging activity.

Amendments to the City of Newton general ordinances and Zoning Ordinance to regulate short-term rentals (STRs) in Newton were first introduced to the Zoning and Planning Committee in April, 2019 in response to the passage of a State law allowing collection of lodging taxes from STRs and ongoing concerns relative to the use in certain neighborhoods in the City. Over the course of the Spring the Committee discussed the proposed ordinances at four meetings, conducted a public hearing on June 10th, and voted out a version of the ordinances on June 24th. The STR ordinances were recommitted back to the Committee by the City Council on June 27th. The following memo provides staff recommendations on the key issues in the draft ordinance.

Short-Term Rentals as an Accessory Use

The most common type of STR in Newton presents as an accessory use to the primary residential household use of a property and the proposed zoning reflects that approach. The basic notion is to allow people use a portion of their home as a STR. In this sense, STRs are similar to accessory apartments and home businesses. One of the key guiding principles in regulating each of these accessory uses has been the idea that the accessory use is “invisible from the street” in both appearance as well as in the sense of its impact on the neighborhood. The question for STRs then becomes, how do we ensure this lodging type accessory use is “invisible to the street.”

There is little outward appearance to STR accessory uses so the regulations are primarily addressing operational impacts. In the proposed ordinances, these impacts are addressed in two ways: the general ordinance regulation of nuisance factors with enforcement provisions, and the Zoning Ordinance provisions limiting the scale of the potential operation. There is an assumption that fewer guests and/or nights per year will help to limit the sense of impact on a neighborhood.

Tiered Lodging Uses Regulations

A key component of the proposed regulations of STRs is a tiered system that presents different rules and a higher degree of review as the scale of the lodging-type use increases. As proposed, the accessory STR is a by-right use, operating within a set of limits. Exceeding those limits, in terms of bedrooms or number of days a year moves an applicant to the next tier, into a Bed & Breakfast use requiring a special permit. The final tier, already existing in Newton’s zoning and not a subject of these proposed zoning amendments, is the hotel use, which is the most significant scale of lodging use and only allowed in commercial districts.

	# Rooms max	Occupants max	# Days / Year	Districts
Tier 1: Accessory STR	3	9, single party	90	Residential
Tier 2: B&B	5	NA	NA	Residential by SP
Tier 3: Hotel	NA	NA	NA	Commercial by SP

Critical Policy Choices

As noted above, the challenge of STR regulations is in striking the balance between supporting entrepreneurial economic activity and protecting neighborhoods/housing markets from disruption. The challenge is greater given the newness of this issue and the lack of experience and good models from other communities on which to rely. The section below identifies each of the individual rules proposed within the zoning and the options available.

At this point in time, staff believes the general ordinances, where the registration requirements, nuisance prevention rules, and enforcement procedures can be found, to be mostly settled. The attached draft ordinance includes minor changes that serve to clean-up and simplify the proposed ordinance but do not make substantive changes to what was previously approved.

Room Limit

As shown in the tier table above, the Planning Department is recommending 3 room max for accessory STR and a 5 room max for B&Bs. Newton's zoning ordinance defines a hotel as having 6 or more guest rooms.

Occupancy Max

Again, the Planning Department recommendation can be seen in the tier table above. If the Committee chooses to retain an occupancy limit, this rule can be stated as either an absolute number (the Planning Department recommendation is 9) or tied back to the household occupancy limit of the Zoning Ordinance, which is 1 family and up to 3 unrelated (to that family) individuals. The 9 people is a more generous standard and also simpler for individuals to interpret. The Planning Department is also recommending that accessory STRs be limited to no more than one party, or associated group, at a time.

Number of Days per Year

The Planning Department is recommending a max of 90 days per year for an accessory STR. An operator would be able to get a special permit as a B&B to exceed this limit. This approach allows additional scrutiny and conditioning for higher volume establishments. The Committee could lower, raise, or eliminate this limitation.

Primary Residence

For the draft zoning ordinances, staff is proceeding with the understanding that STRs as a stand-alone or primary use, with no resident occupant of the dwelling unit, will be prohibited. Thus, no single-family homes and no dwelling units in duplexes or multi-family buildings will be allowed to be used as a STR without a resident for whom the unit is their primary dwelling. The committee has consistently not supported STRs as a stand-alone or primary use which means the operator of the STR or the B&B must use the dwelling unit as their primary residence, as measured by living there 9 out of 12 months.

The proposed draft allows both owners and renters (with landlord permission) to have an accessory STR. The greater intensity B&B use is proposed as requiring owner-occupancy, as this type of use is seen as more of a business rather than side gig, and therefore more appropriately requiring ownership of the home.

Host Present Requirement

An issue for the Committee to consider is whether to require that the STR operator be on site when guests are in residence. Planning Staff believe this requirement is unnecessary given the range of other requirements in place and concerns about enforcing this type of provision (see note below on enforcement).

STRs in Accessory Apartments

Allowing STRs in accessory apartments is a challenging issue. The intent of the accessory apartment ordinance was to create more varied housing options in the City and occupying accessory apartments with STRs would defeat that intent. It is possible that accessory apartment owners might remove the stove in these units, rendering them no longer accessory apartments in order to take advantage of STR income. It is unclear how likely that outcome would be, but the Planning Department recommendation at this time would be not to change the restriction on STRs in accessory apartments. Making that change would require docketing a separate amendment to the Zoning Ordinance from those currently proposed.

STRs in Accessory Buildings

Another issue for consideration is whether the accessory STR use should be allowed in an accessory building, by special permit or by-right. For both accessory apartments and home businesses under the current zoning ordinance these uses require a special permit in detached structures. However, an accessory STR in an accessory building could simply be treated as part of the main building, relying on the remainder of the body of regulation proposed, the zoning and the general ordinances, to address any impacts associated with this use.

Enforcement

Planning, Law and ISD have discussed the enforcement issues related to the general and zoning ordinance provisions for STRs and acknowledge that some of these requirements may be difficult to enforce. Despite this concern, the ordinance offers a set of rules that represent a means of protecting the interests of the City and neighboring property owners and that the majority of operators will follow these rules.

Attachments

Attachment A – City of Newton General Ordinance Amendment for Short-Term Rentals

Attachment B – City of Newton Zoning Ordinance Amendments for Short-Term Rentals

Attachment C - City of Newton Zoning Ordinance Amendments for Bed & Breakfasts

[CHAPTER 20]
Article IX
SHORT TERM RENTALS

Sec. 20-160. Definitions.

The meaning of the terms used in this article shall be as follows:

- (a) *Commissioner*: The commissioner of inspectional services.
- (b) *Operator*: A person or persons offering a dwelling unit or bedroom for operating a short-term rental in the City, who may be either the owner or the primary leaseholder of the dwelling unit with the written permission of the property owner and the condominium association if applicable. ~~including, but not limited to, the owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such short-term rental.~~
- (c) *Occupancy*: The use or possession or the right to the use or possession of a room in a Short Term Rental normally used for sleeping and living purposes for a period of not more than 30~~4~~ consecutive calendar days to one person or party, regardless of whether such use and possession is as a lessee, tenant, guest or licensee.
- (d) *Occupant or Guest*: A person who uses, possesses or has a right to use or possess a room in a Short Term Rental for rent under a lease, concession, permit, right of access, license or agreement.
- (e) *Short Term Rental*: The rental of one or more bedrooms (along with any associated living areas) within a dwelling unit on an overnight or short-term basis of less than 30 days to guests. The use is accessory to the primary residential use of the dwelling unit.

Any terms not expressly defined in this article shall have the meaning prescribed by Massachusetts General Laws Chapter 64G, Section 1.

Sec. 20-161. Requirements for Short Term Rentals

- (a) Compliance. No Residential Unit shall be offered as a Short Term Rental except in compliance with the provisions of this ~~article~~section of the Newton Ordinances.
- (b) Registration. Operators of any Short Term Rental located in the City of Newton must register with the City in accordance with Sec. 20-162 of this ~~article~~ordinance.
- (c) No Outstanding Code Enforcement or Building Permits. Operators are prohibited from renting any Short Term Rental if the property is subject to an outstanding building, electrical, plumbing, mechanical, fire, health, housing, trash, noise or zoning code enforcement, including notices of violation, notices to cure, orders of abatement, cease and desist orders or correction notices, unpaid fines or if there are any outstanding building permits for the property.

- (d) Three or More Violations in a One YearSix-Month Period. Should a property receive three or more violations notices within a one yearsix-month period under this articlesection, or of any municipal ordinance, state law, or building code, any residential unit within the property shall be ineligible to be used as a Short Term Rental for a period of six months from the third or subsequent violation.
- (e) Annual Certification. All Operators must file with the Inspectional Services Department a sworn certification attesting to continued compliance with the requirements of this article and all applicable public safety codes. Such certification shall be filed annually on the first business day of January.
- (f) Annual Notice to Abutters. The Operator must, within thirty (30) after registration of a Short Term Rental, provide notice of such registration to all residential dwellings located within 300 feet of the Short Term Rental. Such notification shall include the contact information of the Operator and the local contact, the Operator's state registration number, and a reference to this article. This notice must thereafter be provided annually on the first business day of January. Failure to provide such notice shall constitute a violation of this ordinance. In addition to the abutter notice required upon registration set forth in Sec. 20-161 of this ordinance, all Operators must provide an annual notice of a registered Short Term Rental to all residential dwellings located within 300 feet of the Short Term Rental. Such notification shall be provided annually on the first business day of January and shall include the contact information of the Operator and the local contact, and a reference to this ordinance. Failure to provide such notice shall constitute a violation of this ordinance.

Sec. 20-162. Registration Requirements.

Operators must register with the Inspectional Services Department prior to the occupancy of any Short Term Rental that commences after September-January 1, 202019 by submitting the following:

- (a) State Certificate. A copy of the State certificate of registration issued in accordance with Massachusetts General Laws Chapter 62C, Section 67.
- (b) Local Operator Affidavit. A completed sworn Local Operator Affidavit, in a form established by the Inspectional Services Department, that at minimum contains the following information:
 - 1) Contact information of Operator and Local Contactagent/point of contact;
 - 2) Proof of ResidenceLocation of all Short Term Rentals in City owned by operator;
 - 3) Description of operation and number of rooms/units that will be rented;
 - 4) Confirmation that there isare no outstanding code enforcement or outstanding building permits;
 - 5) Signature of Operator certifying that the Short Term Rental conforms to this articleordinance and no outstanding code violations.
- (c) Smoke and Carbon Monoxide Certificate of Compliance. All Short Term Rentals must comply with the applicable smoke detector and carbon monoxide requirements for residential units set forth in Sec. 10-11 of these Ordinances and Massachusetts General Laws Chapter 148, Section 26E. Operators must schedule an inspection with the Fire

Department and receive a Certificate of Compliance indicating that the property meets the smoke detector and carbon monoxide requirements prior to the first occupancy commencing after ~~January~~September 1, 2019~~20~~. Operators shall be responsible for the smoke detector inspection/permit fee to be paid directly to the Fire Department as set forth in Sec. 17-10 of these Ordinances.

- (d) House Rules. A copy of the House Rules required to be posted and distributed in accordance with Sec. 20-1645 of this ordinance.
- (e) Registration Filing Fee. At the time of registration, Operators must pay a filing fee of \$100, an amount established by the City Council. All applicable inspection fees shall be paid directly to the inspecting department at the time of inspection.
- (f) Local Contact Information. When registering, an Operator must provide his or her name and contact information, and, in the event that the Operator is not present during the Short Term Rental, the name and contact information of an individual who is able to respond in person to any issues or emergencies that arise during the Short Term Rental within two (2) hours of being notified. Contact information must include a telephone number that is active 24 hours per day to short term rental occupants and public safety agencies. This phone number shall be included in the registration of the Short Term Rental unit at the time of registration. Failure of the local contact to respond within the stated period shall constitute a violation of this ordinance.
- (g) Proof of Residence. When registering an ~~Accessory~~ Short Term Rental, an Operator must provide evidence that he or she resides in the dwelling unit for a minimum of 9 out of 12 months~~275 days~~ during each calendar year, as demonstrated by at least two of the following: utility bill, voter registration, motor vehicle registration, deed, lease, driver's license or state-issued identification.
- (h) Permission of Owner. An Operator must certify at the time of registration that he or she is the owner of the Short Term Rental or has permission from the owner to operate the Short Term Rental.
- ~~(i) Notice to Abutters. The Operator shall, within thirty (30) after registration of a Short Term Rental, provide notice of such registration to all residential dwellings located within 300 feet of the Short Term Rental. Such notification shall include the contact information of the Operator and the local contact, and a reference this ordinance. Failure to provide such notice shall constitute a violation of this ordinance.~~

Sec. 20-163. Inspections.

- (a) The Inspectional Services Department, Health and Human Services Department, and Fire Department may conduct inspections of any Short Term Rental as may be required to ensure safety and compliance with all applicable ordinances and local, state, and federal codes, including but limited to the provisions of this article. All inspecting departments shall keep records of inspections and visits to the property throughout each year.

~~Sec. 20-164. Compliance with City Ordinances and State and Local Codes.~~

- ~~(a) All Short Term Rentals shall comply with all applicable ordinances and local, state, and federal codes applying generally to residential properties in the City, including but not limited to the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.~~
- ~~(b) Short Terms Rentals shall not produce noise, vibration, glare, fumes, odors, traffic or parking congestion beyond that which normally occurs in the immediate residential area, nor shall any Short Term Rental result in the repeated disruption of the peace, tranquility, or safety of the immediate residential neighborhood.~~

Sec. 20-164⁵. Responsibilities of Operators.

- (a) General Responsibility. The Operator shall be responsible for the proper supervision, operation, and maintenance of the Short Term Rental in accordance with the requirements of this article and all other pertinent laws, regulations, and codes. The Operator shall also be responsible for the behavior and activity of guests that results in a violation of this ordinance. The appointment of an agent shall in no way relieve the Operator from responsibility for full compliance with the law.
- (b) No Nuisance. Short Terms Rentals shall not result in the disruption of the peace, tranquility, or safety of the immediate residential neighborhood through the production of noise, vibration, light, glare, trash, fumes, odors, traffic, parking congestion, or any other nuisance beyond that which normally occurs in the immediate residential area.
- (c) Compliance with City Ordinances and State and Local Laws. All Short Term Rentals shall comply with all applicable ordinances and local, state, and federal codes applying generally to residential properties in the City, including but not limited to the City's Zoning Ordinance, Chapter 30 of the Revised Ordinances of the City.
- ~~(b)~~(d) Commercial Events Prohibited. A Short Term Rental property shall not be used for a commercial event during its occupancy as a Short Term Rental. Commercial events include luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings for direct or indirect compensation.
- ~~(e)~~(e) Agreements with Occupants. Operators may not enter into any rental agreements that are inconsistent with the terms of this article.
- ~~(d)~~(f) Minors. No Short Term Rental shall be rented to any unemancipated person who is younger than eighteen (18) years of age.
- ~~(e)~~(g) Occupant Registries. The Operator of every Short Term Rental must maintain, in permanent form, a registry log of occupants. It must include the names and home addresses of occupants, occupant's license plate numbers if traveling by car, dates of stay, and the

room assigned to each occupant. The registry log must be available for inspection by any City official upon request.

~~(f)~~(h) Fire Prevention Notice. Operators shall post in a visible place inside the short-term rental unit information regarding the location of any fire extinguishers, gas shut off valves, fire exits and fire alarms in the unit and building.

~~(g)~~(i) House Rules. Operators shall institute house rules ~~as necessary~~ to prevent the Short Term Rental from being a cause of complaint to the Police Department or a cause of nuisance or annoyance to the neighbors or neighborhood.

1) House rules ~~should~~ must make occupants aware of the City's ordinances and the Operator's policies, which shall be in writing. At a minimum, house rules shall adequately address the following:

- i. Noise control, including use of audio equipment that may disturb the peace
- ii. Adherence to laws regarding disorderly behavior
- iii. Proper garbage disposal
- iv. Location of parking stalls on the property
- v. Neighborhood parking regulations and restrictions
- vi. Occupancy limits according to the City's Zoning Ordinance
- vii. Any other provisions as may be required by City Officials.

2) Operators shall ensure all occupants are aware of the house rules by distributing them prior to the date of occupancy and posting them in a visible place.

~~(h)~~(j) Egress and Access. Operators shall be responsible for ensuring that adequate egress is provided in accordance with the Massachusetts State Building Code, 780 CMR.

~~(i)~~(k) Maintenance. The building and all parts thereof shall be kept in good general repair and properly maintained.

~~(j)~~(l) Burden of Proof and Cooperation. The burden of proof is placed on the Operator to demonstrate that they are operating within the limits of this article. Operators must cooperate with any enforcement or investigation proceedings under this article.

~~(k)~~(m) False Information. Submission of false information shall constitute a violation of this ordinance. ~~be cause for the Commissioner to suspend or terminate an Operator's right to operate an accommodation.~~

Sec. 20-1656. Enforcement, Violations and Penalties.

(a) Enforcement. The Inspectional Services Department and the Newton Police Department or their designees shall be responsible for enforcement of this ordinance, including any rule or regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.

- (b) Notice of violation. The Commissioner or designee shall issue a written notice of any violation of this article to the Operator. Said notice shall describe the prohibited condition and order that it be remedied within thirty (30) days of receipt of the notice. ~~If such condition is not remedied within that time, the Commissioner may take action to impose the fines described in Sec. 20-166(c) of this ordinance.~~
- (c) Penalties. Any Operator who violates any provision of this ordinance shall be subject to suspension or termination of the certificate to operate a Short Term Rental and a fine of not more than three hundred dollars (\$300.00) for each violation. Each day a violation occurs shall be a separate offense. The Commissioner shall notify the Massachusetts Commissioner of the Department of Revenue of all such suspensions or terminations. Where non-criminal disposition of this section by civil fine has been provided for in sections 17-22 and 17-23 of these revised ordinances, as amended, pursuant to the authority granted by G.L. c. 40, section 21D, said violation may be enforced in the manner provided in such statute. The civil penalty for each such violation is set forth in section 17-23(c).
- (d) Violations of building, health, or fire code. Any action by the Commissioner to suspend, terminate or issue fines under this section shall not bar any other separate action by any other City Department for health, fire safety, building code or any other violations.
- (e) Failure to Register. Any person who offers or operates a Short Term Rental without first registering with the City shall be fined three hundred dollars (\$300.00) per violation per day. Each day's failure to comply with a notice of violation or any other order shall constitute a separate violation.

Sec. 20-1667. Effective Date.

~~The provisions of this Article IX is Ordinance shall take effect on September-January 1, 2020+9. Beginning on October 1, 2019, or on an earlier date as may be determined by the Commissioner of Inspectional Services, the City may receive applications for registration and conduct inspections for Operators who apply before the effective date.~~

Sec. 20-1678. Severability.

The provisions of this article are severable. If any provision, paragraph, sentence, or clause, of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

Sec. 20-1689. Reserved.

- ii. The utilization for the purpose of the home business of more than 30 percent of the ground floor area of the dwelling unit;
 - iii. The presence of more than 3 customers, pupils, or patients for business or instruction at any one time, subject to the provision of a number of parking spaces sufficient to accommodate the associated activity;
 - iv. The use of a detached accessory building, exterior structure, or land outside the residence for the primary purpose of, or accessory to the home business; provided, however, that no home business shall be permitted in any detached accessory building which is used as an accessory apartment pursuant to the provisions of Sec. Sec. 6.7.1.C. or Sec. 6.7.1.D.; and
 - v. The waiver of the off-street parking requirement.
2. In Multi-Residence Districts. The City Council may grant a special permit for a home business in accordance with standards listed in Sec. 6.7.3

(Ord. No. 191, 01/17/77; Ord. No. S-260, 08/03/87; Ord. No. T-264, 03/01/93; Ord. No. B-2, 02-20-18)

6.7.4. Scientific Research and Development Activities

- A. Defined.** Activities necessary in connection with scientific research or scientific development or related production, accessory to activities permitted as a matter of right, so long as it is found that the proposed accessory use does not substantially derogate from the public good.
- B. Standards.** Notwithstanding anything in this Sec. 6.7.4, no recombinant DNA research shall be permitted as an accessory use.

(Ord. No. R-238, 03/15/82)

6.7.5. Short-Term Rental

- A. Defined.** The rental of one or more bedrooms (along with any associated living areas) within a dwelling unit on an overnight or short-term basis of less than 30 days to guests. The use is accessory to the primary residential use of the dwelling unit.

B. Standards.

1. A resident seeking to operate a Short-Term Rental must register with the City in accordance with Sec. 20-162 of the Revised Ordinances of the City of Newton.
2. The short-term rental accessory use is permitted in any residential use, excluding associations of persons living together in a common dwelling, congregate living, elderly housing, lodging house, dorms, and similar.
3. There may be no signage associated with a Short-Term Rental.
4. The burden of proof is placed on the resident registered with the City as the operator of the Short-Term Rental to demonstrate that they are operating within the limits of this section.
5. The resident of the dwelling unit must occupy the dwelling unit for a minimum of 9 out of 12 months during each calendar year.
6. The short-term rental use is limited to no more than 90 days per year.
7. The maximum number of bedrooms on the site that can be rented to overnight or short-term guests is 3 and the maximum number of guests is 9.
8. A short-term rental can only be rented under 1 contract at a time.
9. A short-term rental in a detached structure on the same lot may be allowed by special permit.
10. Temporary During Leasing. Short-Term Rentals in multi-unit buildings with a minimum of 10 units in a business or mixed-use district may occupy residential units with short-term rentals for up to six months while units marketed as for rent are vacant by special permit. Units designated as affordable may not be used as short-term rentals. Temporary Short-Term Rentals must register with the City as per Sec. B.1 above.
11. The effective date for this section 6.7.5 is January 1, 2020.

6.7.6. Watchman or Caretaker

- A. Defined.** [reserved]

3.4.2. Accessory Uses Allowed

- A. By Right in All Residence Districts.** Such accessory purposes as are proper and usual with detached single-family dwellings or detached two-family dwellings, including but not limited to:
1. Housing of resident domestic employees;
 2. Renting of rooms for not more than 3 lodgers;
 3. Parking or storage of recreational trailers or vehicles, provided that if not parked or stored within a garage or other enclosed structure, such trailer or vehicle shall not be parked or stored within the area between any front line of the principal building and the street line, or stored within the side or rear setback, and further provided that such trailer or vehicle may be parked in the side or rear setback for a period not to exceed 7 days;
 4. Parking or storing of not more than 1 commercial vehicle per lot, subject to Sec. 6.7.3;
 5. Home businesses subject to Sec. 6.7.3; and
 6. Accessory apartments, subject to Sec. 6.7.1.
 7. Short-term rentals, subject to Sec. 6.7.5.

B. By Special Permit in All Residence Districts.

The text of section 3.4.2.B. 1 is in effect until December 31, 2019. After that date refer to section 3.4.4.

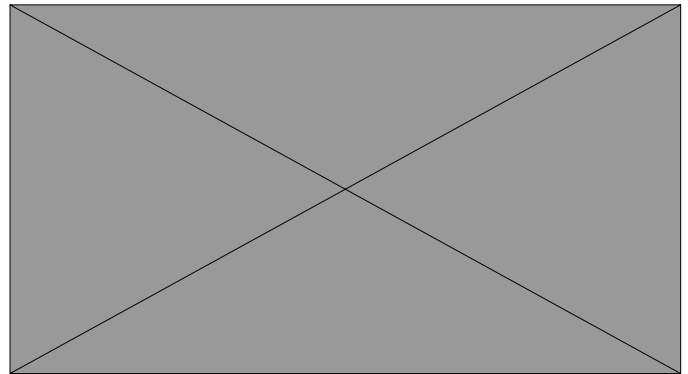
1. A private garage with provision for more than 3 automobiles, or a private garage of more than 700 square feet in area, or more than 1 private garage per single-family dwelling;
2. Internal and detached accessory apartments subject to provisions of Sec. 6.7.1;
3. Home businesses subject to the provisions of Sec. 6.7.3; and
4. Accessory purposes as are proper and usual with the preceding special permit uses and are not injurious to a neighborhood as a place for single-family residences.

(Ord. No. S-260, 08/03/87; Ord.No. S-322, 07/11/88; Ord. No. T-114, 11/19/90; Ord. No. V-274, 12/06/99; Ord. No. A-78, 06/20/16; Ord. No. A-95, 12/05/16; Ord. No. A-99, 01/17/17; Ord. Nol. A-105, 03/06/17)

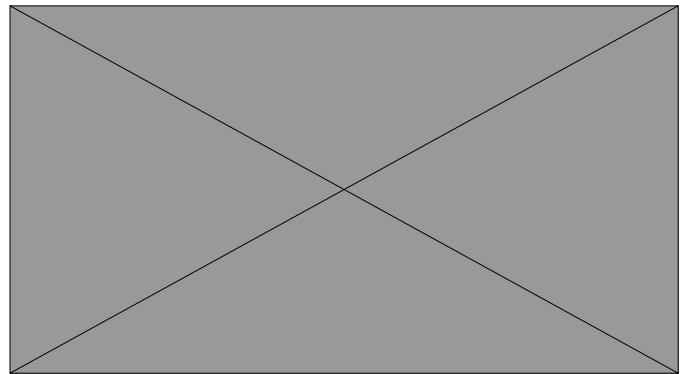
3.4.3. Accessory Buildings

- A.** Except as provided in Sec. 6.9, accessory buildings shall conform to the following requirements:

1. An accessory building shall be no nearer to any side or rear lot line than 5 feet, and no nearer to any front lot line than the distance prescribed for the principal building.



2. An accessory building with a sloping roof shall have a maximum height of 22 feet. An accessory building with a flat roof shall have a maximum height of 18 feet. An accessory building shall have no more than 1½ stories.



3. The ground floor area of an accessory building shall not exceed 700 square feet.

The text of section 3.4.3.A.4 is in effect until December 31, 2019. After that date refer to section 3.4.4.

Attachment C: Zoning Ordinance Amendments for B&Bs

of the institutional use and for those exceeding 10 acres of land, the vegetative buffer shall be a minimum of 100 feet, and for those exceeding 20 acres of land, the vegetative buffer shall be a minimum of 150 feet.

(Rev. Ords. 1973 §24-1; Ord. No. S-260, 08/03/87; Ord. No. S-287, 12/07/87)

6.3.15. Theatre, Hall

A. **Defined.** [reserved]

Sec. 6.4. Commercial Uses

6.4.1. Animal Service

A. **Defined.** Animal Services, including but not limited to sales and grooming and veterinary services; excluding overnight boarding.

(Ord. No. A-4, 10/01/12)

6.4.2. ATM, Standalone

A. **Defined.** A standalone automated teller machine (ATM) not located on the same lot as a bank, trust company or other banking institution.

6.4.3. Bakery, Retail

A. **Defined.** A bakery selling products at retail and only on premise.

6.4.4. Bank

A. **Defined.** Bank, trust company or other banking institution.

B. **Standards.**

1. Drive-in facilities are prohibited in the Business 1 through 4, Mixed Use 1 and 2, and Limited Manufacturing districts.

(Ord. No. S-260, 08/03/87; Ord. No. T-12, 03/20/89; Ord. No. T-75, 03/05/90)

6.4.5. Bed & Breakfast

A. **Defined.** A single unit residential building providing rooms for temporary, overnight lodging, with or without meals, for paying guests. Rooms may be independently let to unrelated or unaffiliated guests.

B. **Required Standards.**

1. A bed & breakfast use must be owner occupied.
2. The maximum number of bedrooms on the site that can be rented to overnight or short-term guests is 5.
3. A common gathering space, such as a parlor, dining room, or living room, must be maintained for guest use.
4. Cooking facilities are not permitted in guest rooms.

6.4.6. Bowling Alley

A. **Defined.** [reserved]

6.4.7. Business Incubator

A. **Defined.** [reserved]

6.4.8. Business Services

A. **Defined.** [reserved]

6.4.9. Car-Sharing Service, Car Rental, Bike Rental, Electric Car-Charging Station

A. **Defined.** [reserved]

6.4.10. Car Wash

A. **Defined.** An establishment for washing automobiles where 3 or more vehicles may be washed simultaneously.

(Rev. Ords. 1973 §24-1)

6.4.11. Country Club Facilities

A. **Defined.** Dining rooms, conference or meeting facilities and clubhouses associated with a country club or golf course.

6.4.12. Drive-In Business

A. **Defined.** A retail or consumer use of land or a building in which all or part of the business transacted is conducted by a customer from within a motor vehicle. Includes drive-in food establishments.

(Ord. No. 312, 02/05/79)

6.4.13. Dry Cleaning or Laundry, Retail

A. **Defined.** [reserved]

Sec. 3.4. Allowed Uses

3.4.1. Residential Districts Allowed Uses

Residential Districts	SR1	SR2	SR3	MR1	MR2	MR3	MR4	Definition/ Listed Standards
Residential Uses								
Single-family, detached	P	P	P	P	P	P	P	Sec. 6.2.1
Two-family, detached	--	--	--	P	P	P	P	Sec. 6.2.2
Single-family, attached	SP	SP	SP	SP	SP	SP	SP	Sec. 6.2.3
Multi-family dwelling	--	--	--	--	SP	SP	SP	Sec. 6.2.4
Association of persons in a common dwelling	SP	SP	SP	SP	SP	SP	SP	Sec. 6.2.6
Lodging house	--	--	--	SP	SP	SP	SP	Sec. 6.2.7
Congregate living facility	SP	SP	SP	SP	SP	SP	SP	Sec. 6.2.8
Dormitory (5-20 persons)	SP	SP	SP	SP	SP	SP	SP	Sec. 6.2.9
Dormitory (20+ persons)	L	L	L	L	L	L	L	Sec. 6.2.9
Cluster development for open space preservation	SP	SP	SP	SP	SP	SP	SP	Sec. 6.2.12
Residential care facility	--	--	--	--	--	SP	SP	Sec. 6.2.13
Civic/Institutional Uses								
Cemetery, private	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.1
Club, clubhouse	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.2
Family child care home, large family child care home, day care center	L	L	L	L	L	L	L	Sec. 6.3.4
Hospital	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.7
Library, museum or similar institution	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.8
Nonprofit institution	--	--	--	SP	SP	SP	SP	Sec. 6.3.9
Public use	L	L	L	L	L	L	L	Sec. 6.2.10
Religious institution	L	L	L	L	L	L	L	Sec. 6.3.12
Sanitarium, convalescent or rest home, other like institution	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.13
School or other educational purposes, non-profit	L	L	L	L	L	L	L	Sec. 6.3.14
School or other educational purposes, for-profit	SP	SP	SP	SP	SP	SP	SP	Sec. 6.3.14
Scientific research and development activities, accessory	SP	SP	SP	SP	SP	SP	SP	Sec. 6.7.4
Commercial Uses								
Bed & Breakfast	SP	SP	SP	SP	SP	--	--	Sec. 6.4.5
Funeral home	--	--	--	--	SP	SP	--	Sec. 6.4.15
Radio or television transmission station or structure	SP	SP	SP	SP	SP	SP	SP	Sec. 6.4.27
Industrial Uses								
Wireless communication equipment	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	P/L/SP	Sec. 6.9
Open Space Uses								
Agriculture on a parcel of 5 or more acres	P	P	P	P	P	P	P	Sec. 6.6.1
Agriculture on a parcel under 5 acres	SP	SP	SP	SP	SP	SP	SP	Sec. 6.6.1
Resource extraction	SP	SP	SP	SP	SP	SP	SP	Sec. 6.6.4
Riding school, stock farm	SP	SP	SP	SP	SP	SP	SP	Sec. 6.6.5

P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed

Business, Mixed Use & Manufacturing Districts	BU1	BU2	BU3	BU4	BU5	MU1	MU2	MU3	MU4	M	LM	Definition/ Listed Standard
Bank, up to 5,000 square feet	P	P	P	P	--	SP	P	SP	P	--	P	Sec. 6.4.4
Bank, over 5,000 square feet	P	P	P	P	--	SP	SP	SP	P	--	P	Sec. 6.4.4
<u>Bed & Breakfast</u>	<u>SP</u>	<u>SP</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	<u>--</u>	Sec. 6.4.5
Bowling alley	--	P	--	--	--	--	--	--	--	--	P	Sec. 6.4.5
Business incubator	P	P	P	P	--	P	P	P	--	P	p	Sec. 6.4.6
Business services	--	--	--	--	--	SP	P	--	--	--	--	Sec. 6.4.7
Car-sharing service, car rental, bike rental, electric car-charging station	P	P	P	P	P	P	P	P	P	--	P	Sec. 6.4.8
Car wash	--	--	--	--	--	--	--	--	--	SP	--	Sec. 6.4.9
Drive-in business	SP	SP	SP	SP	--	--	--	--	--	--	SP	Sec. 6.4.11
Dry cleaning or laundry, retail	P	P	P	P	--	SP	P	P	P	--	--	Sec. 6.4.12
Fast food establishment	--	SP	--	--	--	--	--	--	--	--	SP	Sec. 6.4.13
Fuel establishment	--	SP	--	--	--	SP	SP	--	--	SP	SP	Sec. 6.4.14
Funeral home	SP	SP	SP	SP	--	--	SP	--	--	--	--	Sec. 6.4.15
Health club, above or below ground floor	P	P	--	P	--	P	P	P	SP	P	P	Sec. 6.4.16
Health club, ground floor	P	P	--	P	--	SP	SP	SP	SP	P	P	Sec. 6.4.16
Hotel or lodging establishment	SP	SP	SP	SP	SP	--	SP	SP	SP	--	--	Sec. 6.4.17
Job printing, up to 3,000 square feet (area used for work and storage)	P	P	P	P	--	--	P	--	--	P	--	Sec. 6.4.18
Job printing, over 3,000 square feet (area used for work and storage)	SP	SP	SP	SP	--	--	SP	--	--	P	--	Sec. 6.4.18
Kennel	--	--	--	--	--	--	--	--	--	P	P	Sec. 6.4.19
Office	P	P	P	P	P	P	P	L	L/ SP	P	P	Sec. 6.4.20
Office of a contractor, builder, electrician or plumber or similar enterprises	--	L	--	--	--	--	--	--	--	--	L	Sec. 6.4.21
Open-air business	SP	SP	SP	SP	--	--	--	--	SP	--	SP	Sec. 6.4.22
Outdoor storage	--	SP	--	--	--	--	--	--	--	--	--	Sec. 6.4.23
Parking facility, accessory, single level	P	P	P	P	--	P	P	--	P	P	P/ SP	Sec. 6.4.24
Parking facility, non-accessory, single level	SP	SP	SP	SP	--	SP	SP	--	SP	SP	SP	Sec. 6.4.24
Parking facility, accessory, multi-level	SP	SP	SP	SP	--	SP	--	--	P	SP	SP	Sec. 6.4.24
Parking facility, non-accessory, multi-level	SP	SP	SP	SP	--	SP	--	--	SP	SP	SP	Sec. 6.4.24
Personal service, up to 5,000 square feet	P	P	P	P	--	--	P	P	P	--	P	Sec. 6.4.25
Personal service, over 5,000 square feet	P	P	P	P	--	--	P	SP	SP	--	P	Sec. 6.4.25
P = Allowed by Right L = Allowed Subject to Listed Standards SP = Special Permit by City Council Required -- Not Allowed												