



CITY OF SOUTH PORTLAND

LINDA C. COHEN  
Mayor

SCOTT T. MORELLI  
City Manager

EMILY F. SCULLY  
City Clerk

SALLY J. DAGGETT  
Jensen Baird Gardner & Henry

District One  
CLAUDE V.Z. MORGAN

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District Two  
KATHERINE W. LEWIS

\_\_\_\_\_

District Three  
EBEN ROSE

\_\_\_\_\_

District Four  
LINDA C. COHEN

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District Five  
ADRIAN T. DOWLING

\_\_\_\_\_

At Large  
MAXINE BEECHER

\_\_\_\_\_

At Large  
SUSAN HENDERSON

**IN CITY COUNCIL**

**ORDINANCE #13-17/18**

THE COUNCIL of the City of South Portland hereby ordains that Chapter 27, "Zoning," of the "Code of Ordinances of the City of South Portland, Maine" be, and hereby is, amended as follows (additions are underlined; deletions are ~~struck out~~):

**CHAPTER 27**

**ZONING**

**ARTICLE I. ADMINISTRATIVE PROVISIONS**

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**GENERAL PROVISIONS**

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**Sec. 27-112. Conformity.**

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(f) Occupancy or use of dwellings for short-term rentals are subject to the requirements of Chapter 14 of the Code of Ordinances.

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**Sec. 27-119. Prohibited uses.**

Subject to the provisions herein governing lawfully existing nonconforming uses, any use not expressly enumerated herein as either a permitted use or a special exception use shall be considered prohibited in that zoning district.

**Secs. 27-~~119~~-120 - 27-130. Reserved.**

**ARTICLE II. DEFINITIONS**

**Sec. 27-201. Definitions.**

Except where specifically defined herein, all words used in this Chapter shall carry their customary meanings. Words used in the present tense include the future, and the plural includes the singular; the word "lot" includes the word "plot"; the word "building" includes the word "structure"; the word "shall" is always mandatory; and "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

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*Bed & breakfast inn.* A private residence that offers sleeping accommodations on a transient basis to the general public ~~to lodgers~~ in 12 or fewer rooms for rent, in the innkeeper's (owner or operator) principal residence while renting rooms to lodgers, and serves breakfasts at no extra cost to its lodgers. For the purpose of this definition, a lodger means a person who rents a room in a bed & breakfast establishment for fewer than 30 consecutive days. The term does not include a short-term rental as defined herein and regulated under Chapter 14 of the Code of Ordinances.

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*Dwelling.* A building designed or used as the living quarters for one or more families. The term shall not be deemed to include a bed & breakfast inn, hotel, inn, motel, rooming house or trailer.

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*Home occupation.* An occupation or profession which is: Customarily carried on in a dwelling unit or in a building or other structure accessory to a dwelling unit; carried on by a member of the family residing in the dwelling unit; clearly incidental and secondary to the use of the dwelling unit for residential purposes and does not detract from the basic character of the neighborhood; conforms with the following conditions:

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(e) The home occupation shall not use more than twenty-five (25) per cent of the total floor area of the residential structure.

(f) The following are examples of permitted uses under this definition:

- (1) Office of doctor, dentist, lawyer, engineer, or member of similar recognized profession.
- (2) Office of teacher or musician.
- (3) Office of real estate broker or salesman or insurance agent.
- (4) Use of premises for dressmaking or millinery.
- (5) Letting of rooms or taking of boarders [for 30 or more consecutive days to the same person\(s\)](#), to a maximum of two (2) persons, conducted by resident occupants only.
- (6) Family day care home.
- (7) Group day care home.

(g) The following uses are specifically prohibited [as a home occupation](#):

- (1) Tourist camps, cabins, [bed & breakfast inns, inns](#), motels, hotels, ~~and~~ mobile home parks [and short-term rentals](#).
- (2) Restaurants or other public eating places.

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*Inn.* A business conducted in a building and containing one to twenty sleeping rooms rented on a transient basis to the general public for a period not to exceed 90 days in any 120 consecutive day period. Public dining facilities may be included but no cooking facilities or kitchens are permitted in any of the rooms rented to the public. [The term does not include a short-term rental as defined herein and regulated under Chapter 14 of the Code of Ordinances.](#)

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[Short-term rental means the use, control, management or operation of a dwelling unit or accessory dwelling unit, in whole or in part; for dwelling, sleeping or lodging purposes; for less than 30 consecutive days; for compensation, directly or indirectly. Short-term rentals are not available to walk-ins who arrive without a reservation. Short-term rentals do not have signage either on- or off-site identifying, advertising, and/or providing way finding related to the use of the dwelling unit for lodging purposes. The term shall not be deemed to include a bed & breakfast inn, hotel, inn, motel, rooming house, trailer or home occupation.](#)

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Fiscal Note: Less than \$1,000

February 6, 2018