

ORDINANCE NO. 1625

AN ORDINANCE AMENDING BANDON MUNICIPAL CODE TITLE 16.42 – DEFINITIONS, AMENDING SECTION 17.92.090.K REGARDING VACATION RENTAL DWELLINGS, AND ADOPTION OF THE VRD-OVERLAY ZONE.

WHEREAS, an application was initiated by the Planning Commission to amend Bandon Municipal Code Section 16.42.010 Definition of a Vacation Rental Dwelling, and 17.92.090.K regarding Conditional Use Permit requirements for Vacation Rental Dwellings; and

WHEREAS, the Planning Commission held a public hearing on May 24, 2018 on this matter in accordance with legal notice requirements and procedures; and

WHEREAS, the Planning Commission found the proposed zone change to serve the public interest and to be consistent with the Bandon Comprehensive Plan, and forwarded a recommendation of approval to the City Council; and

WHEREAS, the City Council did hold a public hearing on July 2, 2018 on this matter in accordance with legal notice requirements and procedures and unanimously directed that an ordinance be prepared to adopt the requested zoning code text amendment.

NOW, THEREFORE, THE CITY OF BANDON ORDAINS AS FOLLOWS:

Section 1. The Bandon Municipal Code Section 16.42.010 - Definition of a Vacation Rental Dwelling - is modified as follows:

“Vacation Rental Dwelling (VRD)” means an existing single-family detached dwelling, or portion thereof, which is rented, or is available for rent (whether advertised or not) for a period of less than one month to a family, group, or individual. A VRD is considered to be a commercial use.

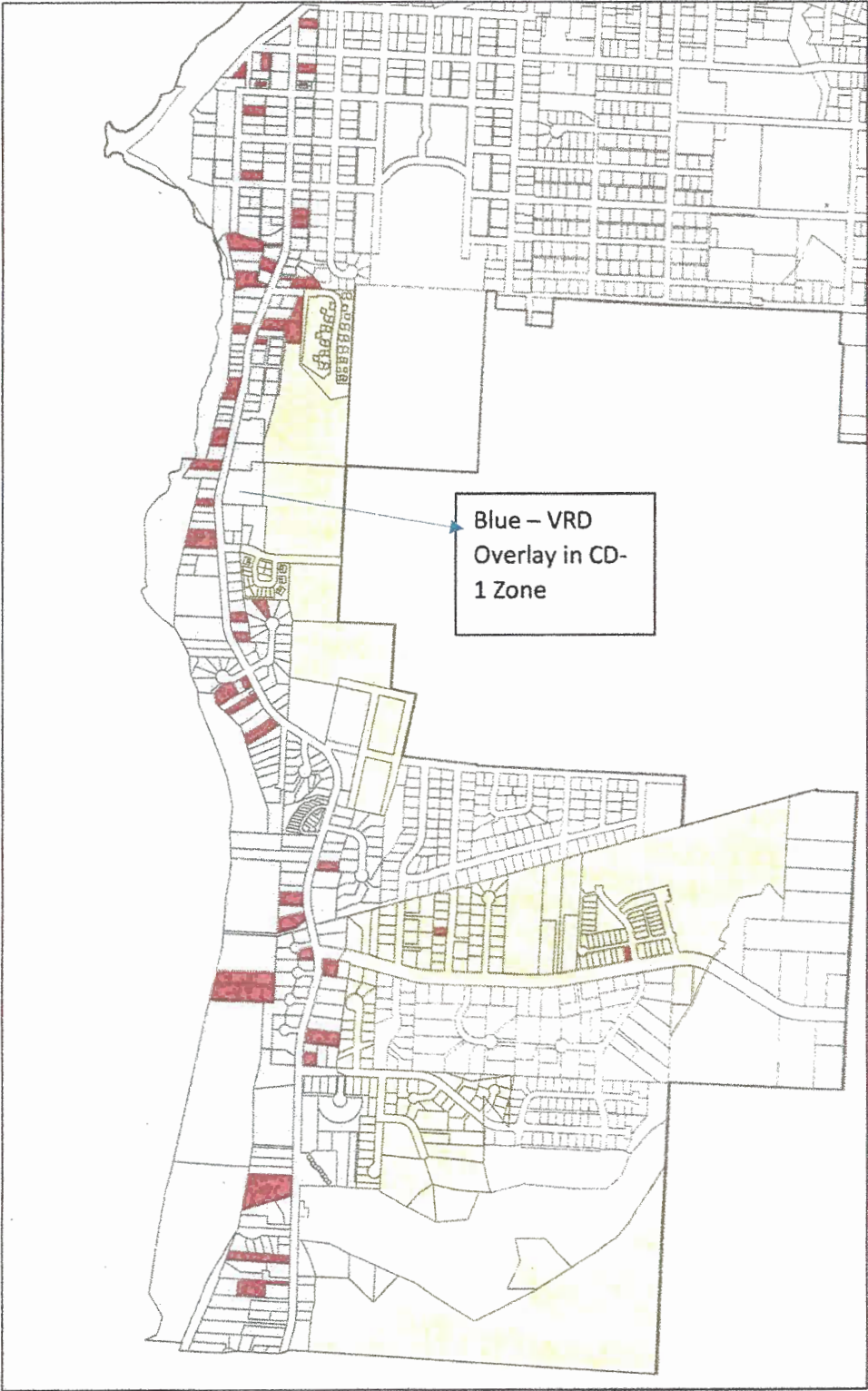
Section 2. The Bandon Municipal Code Section 17.92.090.K regarding Conditional Use Permit requirements for Vacation Rental Dwellings is modified as follows:

17.92.090.K. Vacation Rental Dwellings.

Vacation rental dwellings (VRD’s) are a conditional use in the CD-1 and CD-2 and CD-3 zones and are subject to the requirements of this chapter. Conditional use permits are a discretionary decision by the City subject to review by the Planning Commission. VRD’s are not an outright permitted use in the CD-zones. All vacation rental dwellings shall comply with the following provisions:

1. *The single-family detached dwelling proposed for the VRD shall be at least three years old, calculated from the date of issuance of a certificate of occupancy;*
2. *Less than 30% of the single-family detached dwellings within 250 feet of the subject property, and located in a zone where VRD's are allowed, are VRD's;*
3. *In the CD-1 zone, single-family detached dwellings proposed for VRD status may be located only in the VRD-overlay zone as indicated on the attached map. VRD's are allowed as a conditional use in all areas of the CD-2 and CD-3 zones;*
4. *The VRD Conditional Use Permit is valid for the **named applicant of record** and is not transferable to a new applicant. Upon change in named applicant due to sale, transfer, or other reason, the CUP shall become null and void. A new applicant shall apply for a new conditional use permit;*
5. *Tsunami Preparedness – all VRD's shall post the Bandon Tsunami Evacuation Route map in a conspicuous location within the dwelling;*
6. *No more objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor is emitted from the VRD than a normal neighborhood dwelling;*
7. *VRD's without private beach access shall provide written permission from all persons with an interest in a private beach access to be used by the VRD or positive action to notify renters of the location and required use of public beach access points shall be taken;*
8. *VRD's using a joint access driveway shall provide evidence that all other owners of property utilizing the private access agree to the proposed vacation rental dwelling using the private access;*
9. *VRD's will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;*
10. *VRD's shall have one off-street parking space for each bedroom in the VRD, but in no case have less than two off-street parking spaces. A bedroom is defined as an enclosed sleeping area with a built-in closet. Approved off-street parking areas shall be available to accommodate full occupancy of the VRD without the use of on-street parking;*

11. Evidence shall be provided ensuring that there is regular garbage removal from the premises;
12. There shall be an owner or designated local management person immediately available to handle complaints and problems on a 24-hour basis. The name and contact information of the designated local management person shall be kept on file in the Police Department and Planning Department. The owner or management person shall be available by phone and physically able to respond to the VRD within a reasonable time period;
13. Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done in accordance with the City of Bandon requirements;
14. If the VRD activity ceases for a period of one year, **or fails to be rented for more than 10 nights within a calendar year**, as determined by the transient occupancy tax receipts **and rental documentation**, the VRD permit becomes null and void with no further proceedings;
15. Occupancy of any VRD shall not exceed 3 people per bedroom up to a maximum of 10 people. The Planning Commission shall determine the maximum occupancy of the VRD based upon bedrooms, parking, overall home floor plan and site plan, and other factors determined by the Commission based upon neighborhood characteristics outlined in item 6 above and others deemed significant. The occupancy determined by the Planning Commission may be less than the maximum allowed
16. VRD's require a conditional use permit (CUP). All criteria for a CUP must be addressed and included as part of the application materials. The applicant shall also address the surrounding neighborhood and provide information how the proposed VRD is appropriate given the specific characteristics of the neighborhood.
17. The applicant shall provide an annual report to the Bandon Planning Department showing compliance with all conditions and ordinance requirements. Failure to provide such report **shall** result in revocation of the Conditional Use Permit.
18. Smoke detectors shall be provided in all potential and actual sleeping areas, whether or not such detectors are required by the building code.

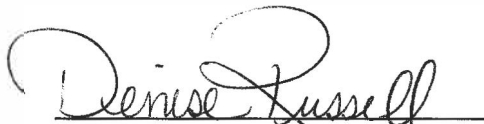


PASSED to a second reading this 6th day of August 2018 on a roll call vote, 5:1:0.

ADOPTED by the City Council this 10th day of September 2018 on a roll call vote, 5:1:0.


Mary Schamehorn, Mayor

Attest:


Denise Russell, City Recorder