

ORDINANCE 1654

AN ORDINANCE MAKING CHANGES TO TITLE 16.12 OF THE BANDON MUNICIPAL CODE REGULATING VACATION RENTAL DWELLINGS AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF BANDON ORDAINS AS FOLLOWS:

Title 16, Application Review Procedures and Approval Criteria

Section 1. 16.12, Conditional Uses, is amended to provide as follows (bold language is new, strikethrough is removed):

16.12.090(K):

Vacation Rental Dwellings. Vacation rental dwellings (VRDs) are a conditional use in the CD-1, CD-2, CD-3, and C-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.~~

Definitions: "Owner" for the purposes of this chapter, means the natural person or legal entity that owns and holds legal and/or equitable title to the property. If the owner is a natural person, or where the natural person has transferred their property to a trust where the natural person is the trustor, that person can have an ownership right, title, or interest in no more than one dwelling unit that has a VRD permit. If the owner is a business entity such as a partnership, corporation, a limited liability company, a limited partnership, a limited liability partnership or similar entity, any person who owns an interest in that business entity shall be considered an owner and such person can have an ownership right, title, or interest in no more than one dwelling unit that has a VRD permit.

All vacation rental dwellings shall comply with the following ~~provisions~~ **approval criteria.**

- a. ***VRDs are only allowed in single-family detached dwellings. ~~The single-family detached dwelling proposed for the VRD~~ Any dwelling proposed as a VRD shall be at least three years old, calculated from the date of issuance of a certificate of occupancy from the City of Bandon;***
- b. ***~~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;~~ Including the subject property, the saturation rate within a 250-foot radius of the subject property must be less than 30%. The saturation rate is calculated using the following ratio:***

Numerator: Subject property + permitted VRD units (each unit within a multi-family VRD is counted individually)

Denominator: Subject property + eligible properties (single-family detached dwellings)

- c. ***In the CD-1 zone, ~~single-family detached~~ dwellings units 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, CD- 3, and C-3 zones;

- d. ~~The VRD Conditional Use Permit is valid for a specific owner of a specific dwelling 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. The permit shall become null and void when the owner sells or transfers the real property. No owner shall be issued a new VRD permit who holds another VRD permit;~~

~~Tsunami Preparedness — all VRD's shall post the Bandon Tsunami Evacuation Route map in a conspicuous location within the dwelling; MOVED~~

~~No more objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor is emitted from the VRD than a normal neighborhood dwelling; MOVED~~

- e. VRD's without shared 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;
- f. 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;
- g. **The applicant shall provide evidence that the VRD's will be maintained at or above the level of surrounding dwellings in the neighborhood, including landscaping, signage and exterior maintenance;**
- h. **The applicant shall provide evidence that the property can accommodate VRD's shall have one off-street parking space for each bedroom in the VRD, but in no case have less than with a minimum of 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. The Planning Commission may limit the allowable parking area and the number of parked cars allowed on-site;**

~~Evidence shall be provided ensuring that there is regular garbage removal from the premises; MOVED~~

~~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; MOVED~~

~~Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done in accordance with the City of Bandon requirements; MOVED~~

~~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; MOVED~~

- ~~i. 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;~~
- ~~j. Property owners shall be required to comply with the requirements of all other permitting agencies.~~

~~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.~~

~~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.~~

~~Smoke detectors shall be provided in all potential and actual sleeping areas, whether or not such detectors are required by the building code. MOVED~~

2. General Regulations:

- ~~a. There shall be an owner or designated local management person immediately available to handle complaints and problems on a 24-hour basis. Contact information of the designated local management person shall be updated annually and 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;~~
- ~~b. Compliance with all reporting and accounting requirements of the transient occupancy tax ordinance shall be done in accordance with the City of Bandon requirements;~~
- ~~c. 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;~~*

- d. **Carbon Monoxide and** smoke detectors shall be provided in all potential and actual sleeping areas, whether or not such detectors are required by the building code.*
- e. No more objectionable traffic, on-street parking, noise, smoke, light, dust, litter or odor may be emitted from the VRD than a normal neighborhood dwelling;*
- f. ~~Evidence shall be provided ensuring that there is regular garbage removal from the premises;~~ Weekly solid waste collection service shall be provided during all months that the dwelling is available as a rental pursuant to this chapter. The property must provide a 96-gallon receptacle for solid waste. Receptacles must be removed from City right-of-way within 24-hours after pick-up.*
- g. Tsunami Preparedness – all VRD’s shall post the Bandon Tsunami Evacuation Route map in a conspicuous location within the dwelling;*
- h. At the direction of the City Manager, other informational materials may be required to be posted in a conspicuous location within the dwelling. The City shall provide such materials at no cost to the property owner.*
- i. A rental permit shall be posted within the dwelling adjacent to the front door. The permit shall state the name, address, and telephone number of the contact person required by this chapter. The permit shall also identify the address of the VRD, the maximum number of occupants permitted to stay overnight, the day(s) established for solid waste collection, and non-emergency Bandon Police number.*

3. Compliance

- a. Vacation Rental Dwellings that are out of compliance with the requirements of 16.12.090(K)(2) as of the effective date of the ordinance codified in this section shall, within 120 days after said date, be brought into compliance.**
- b. Violation of the requirements specified herein shall constitute grounds for revocation of the permit. Additionally, the city may institute appropriate actions or proceedings to prevent, restrain, correct, abate, or remove and unlawful location of a vacation rental dwelling in violation of this chapter. The owner(s) of a building where a violation has been committed shall be guilty of a violation of this title and shall be subject upon conviction to a fine of \$750, per BMC 1.04. Each day under which the violation continues shall be considered a separate offense.**

Section 2. The City Recorder, at the request of, or with the concurrence of the City Attorney, is authorized to administratively correct any reference error contained herein or in other provisions of the Bandon Municipal Code, to the provisions added, amended, or repealed herein.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof. Further, if this Ordinance is remanded back to the City Council for further action by the Oregon Land Use Board of Appeals, those sections, subsections, sentences, clauses, phrases or portions that do not require action on remand shall be deemed separate, distinct, and independent provisions and such remand shall not affect their validity or effect.

Section 4. This Ordinance shall take effect pursuant to Section 37 of the Bandon Charter, the thirtieth day after its enactment.


PASSED to a second reading this 6 day of March 2023 on a roll call vote, 6-0-0.

ADOPTED by the City Council this 6 day of March 2023 on a roll call vote, 6-0-0.



Mary Schamehorn, Mayor

Attest:



June Hinojosa, City Recorder