

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

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

- a. ~~The VRDs are only allowed in~~ single-family detached dwellings, ~~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 20~~30~~% of the ~~single-family detached~~ dwelling units within 250 feet of the subject property, and located in a zone where VRD's are allowed, are permitted, operated, or used as VRD's. For the purposes of this calculation, the numerator and the denominator shall include the subject property;;
- c. In the CD-1 zone, dwelling 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, ~~and~~ CD- 3, and C-3 zones;
- d. The VRD Conditional Use Permit is valid for ~~the named applicant of record a specific owner of a specific dwelling~~ and is not transferable ~~to a new applicant~~. ~~Upon change in named applicant due~~The permit shall become null and void when the owner to sale, transfer, or other reason, the CUP shall become null and void. sells or transfers the real property. A new applicant shall apply for a new conditional use permit~~No owner shall be issued a new VRD permit who holds another VRD permit~~;
- e. 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;
- f. VRD's ~~without private~~with shared private beach access shall provide written permission from all persons with an interest in a ~~private~~shared 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;
- g. 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;
- h. Occupancy of any VRD shall not exceed 3 people per bedroom up to a maximum of 10 people. The occupancy determined by the Planning Commission may be less than the maximum allowed.
- g.i. 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 choose to limit the number of parking spaces allowed;

j. 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 _____ size receptacle for solid waste.
~~Evidence shall be provided ensuring that there is regular garbage removal from the premises;~~

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. ~~The name and~~ €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~~ six months, 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 S smoke detectors shall be provided in all potential and actual sleeping areas, whether or not such detectors are required by the building code.
- ~~d.~~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;
- ~~e.~~ Tsunami Preparedness – all VRD's shall post the Bandon Tsunami Evacuation Route map in a conspicuous location within the dwelling;
- f.
- ~~g.~~ ~~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~~
- ~~h.~~ ~~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.

i.g. 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.

h. Approved Vacation Rentals shall be required to apply for a change of use or occupancy with the Building Department to Commercial Residential.

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.

Add definition:

“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.