

CHAPTER 1133. SHORT-TERM RENTAL (STR) REGULATIONS

1133.01. Purpose.

Short-Term Rental (STR) regulations are established to achieve the following purposes:

- (a) To provide the opportunity for property owners to supplement their income by leasing part or all of their property to short-term tenants.
- (b) To diversify available housing options for temporary residents, and those in need of temporary housing.
- (c) To protect the affordability of housing in the City of Delaware.
- (d) To protect the residential character of neighborhoods in the City of Delaware.
- (e) To encourage economic development and support partner agencies and events by allowing for tourist accommodations in the historic Downtown.

1133.02. Types of Short-Term Rentals.

For the purposes of this Chapter, "Short-Term Rentals" shall include Hosted Short-Term Rentals and Non-Hosted Short-Term Rentals. This Chapter shall not apply to Hotels, Motels, or Boarding Houses, as otherwise defined in this Code.

1133.03. General Regulations for all Short-Term Rentals.

- (a) Permitted locations.
 - (1) Short-Term Rentals shall be permitted by-right in the C-DC Zoning District.
 - (2) Short-Term Rentals shall be permitted in zoning districts where single and two-family residential dwelling units are permitted with the following specifications:
 - A. Short-Term Rentals shall be permitted by-right where there is an existing Accessory Dwelling Unit (ADU) pursuant to Chapter 1127.
 - B. Short-Term Rentals shall be a conditionally permitted use where there is not an existing Accessory Dwelling Unit (ADU) pursuant to Chapter 1127.
- (b) Registration required. All persons wishing to operate a Short-Term Rental shall register with the City of Delaware Planning and Community Development Department in accordance with Section 1129.04.
- (c) Number of permitted Short-Term Rentals. There shall be a maximum of one (1) Short-Term Rental Permit per fee simple lot.
 - (1) For **hosted short-term rentals**, one STR Permit shall allow the owner to host multiple short-term tenants simultaneously in separate rooms. There shall be a permanent resident host on-site pursuant to the definition of "hosted short term rental".
 - (2) For **non-hosted short-term rentals**, one STR Permit shall allow for the rental of a full dwelling unit to one short-term tenant or group.
 - (3) Each individual, family, or commercial entity shall be able to register for a maximum of one hosted short-term rental and one non-hosted short-term rental.

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- (d) Parking.
 - (1) In the C-DC Zoning District, no additional off-street parking shall be required.
 - (2) In zoning districts where single- and two-family dwelling units are permitted, no additional off-street parking shall be required in locations where on-street parking is available within one block. In locations where on-street parking is not available within one block, the short-term rental shall provide one (1) additional off-street parking space for every two possible separate tenants. This may include space on an existing driveway.
- (e) Exterior appearance. In no way shall the appearance of the structure be altered resulting from the Short-Term Rental other than one sign, not to exceed two square feet in area, non-illuminated and mounted flat against the wall of the principal building.
- (f) Required posting.
 - (1) All short-term rental hosts shall provide tenants with a current version of the “City of Delaware Short-Term Rental Guidelines” packet as provided by the Department of Planning and Community Development.
 - (2) All short-term rental hosts shall include their current Short-Term Rental Registration number in all listings of their short-term rental.

1133.04. Short-Term Rental Registration Requirements and Procedures.

- (a) Registration application requirements. Applications to operate a Short-Term Rental shall be submitted in accordance with the checklist on file with the Planning and Community Development Department.
 - (1) *Review by Director of Planning and Community Development.* The Director of Planning and Community Development (Director) shall review the submitted application for completeness pursuant to the submission requirements outlined in the checklist on file.
 - (2) *Required Inspection.* After an application for a Short-Term Rental permit has been deemed complete, the Director shall forward the application to the Planning and Community Development Code Enforcement Division and City of Delaware Fire Department to schedule an inspection to review the site for compliance with all City codes.
 - (3) *Fees.* Upon passage of the required site inspection, the applicant shall pay all fees as determined by City Council to receive their permit.
- (b) Registration expiration. Short Term Rental Registration Permits shall be in effect for one calendar year from April 1 of the current year – March 31 of the following year. All permits shall expire on March 31 of each calendar year regardless of date received.
 - (1) Registration renewal. Applicants shall re-apply each year they intend to operate a short-term rental.
- (c) Registration revocation.
 - (1) Any Short-Term Rentals found to be operating without first registering with the City shall be caused to cease operations until such time as a Registration application has been filed, accepted (including the required inspection), and paid in-full.
 - (2) Any Short-Term Rentals with three violations of any City Code or Ordinance shall be caused to cease operations and any Short-Term Rental Registration shall be revoked for the remainder of

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the registration period. The applicant may re-apply the following year contingent upon coming into compliance with all City Codes and Ordinances.

DEFINITIONS

“Short-Term Rental” shall mean a residential dwelling unit, or a portion of a residential dwelling unit, that is rented, or offered for rent, in exchange for a rental fee, for a period of 30 consecutive days or less. These may be advertised and rented through third-party services like AirBnB or VRBO or be a Bed and Breakfast.

“Host” shall mean a person who occupies as their primary residence a residential dwelling unit located on the same lot as a short-term rental.

“Hosted Short-Term Rental” shall mean that a host has a physical presence at their primary residence located on the same lot as a short-term rental during the entire period that the short-term rental is rented.

“Non-hosted Short-Term Rental” shall mean that a host is absent from their primary residence located on the same lot as a short-term rental during some or all of the period that the short-term rental is rented.

“Primary Residence” shall mean a residential dwelling unit that a person physically occupies and live in on a day-to-day basis. A person may only have one primary residence.

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