

3821: Short-term Vacation Rentals

A short-term vacation rental property, for the purpose of this Section, is defined as a residential dwelling unit, or any room therein, available for lease or exchange for a term of less than thirty (30) consecutive days, rented to no more than one booking party at a time. A short-term vacation rental property as regulated by this section is differentiated from a bed and breakfast establishment, which is regulated by Section 3803 of this Code.

3821.01: Purpose and Applicability

- A. The purpose and intent of this section of the Code, together with the Short Term Rental (STR) Ordinance No. 20, amended from time to time, is to establish comprehensive licensing regulations to safeguard the public health, safety and welfare by regulating and controlling the use, occupancy, location and maintenance of short-term vacation rental properties within the unincorporated areas of Summit County.
- B. These regulations are also intended to ensure that short-term vacation rentals are operated in a manner that is compatible with the surrounding neighborhood and protects the overall community character.
- C. The regulations set forth in this Code section shall apply to short-term vacation rental property only, as defined herein. This Code section shall not apply to the furnishing of lodging services in hotels, motels, lodges or bed and breakfast establishments, timeshares / fractional ownership units within a building operating akin to that of a hotel / motel with a central check-in located within such facility, or to properties with long-term leases.
- D. This Code section shall not supersede any private covenants or deed restrictions prohibiting short-term vacation rental property.
- E. In addition to the requirements set forth herein, short-term vacation rentals shall abide by all other applicable sections in this Code, the STR Ordinance, and other applicable Summit County laws, rules, and regulations.

3821.02: Zoning Districts Where Permitted

- A. Figure 3-2 identifies where short-term vacation rentals may be allowed in various County zoning districts. Short-term vacation rentals are also allowed in the antiquated residential zoning districts remaining in effect listed in Section 3305.01, unless specifically prohibited in that zoning district.
- B. PUDs: A short-term vacation rental may be permitted in specific PUDs that allow residential uses, without necessitating a PUD modification, provided such use complies with the licensing requirements of the STR Ordinance and Section 3821 *et seq.* A PUD may be amended to provide for standards and criteria that differ from those of the STR Ordinance and Section 3821 *et seq.* provided the purpose and intent of the STR Ordinance and Section 3821 continues to be met. Short-term vacation rentals shall not be permitted in a PUD which specifically prohibits such use.
- C. Short-term vacation rentals of deed restricted affordable workforce housing or employee housing properties is prohibited unless specifically authorized by the deed restriction for the property.

3821.03: License and Review

- A. License Required: A license issued by the Local Licensing Authority is required for each short-term vacation rental property in unincorporated Summit County. A person seeking to obtain a license shall file an application with the County Planning Department in accordance with the requirements set forth in this section of the Code and Summit County Ordinance No. 20, as amended from time to time, setting forth the licensing requirements for short-term vacation rentals.
- B. Review Process for STR License: Short-term vacation rental applications will be reviewed through the Class 1 administrative review process. If the Planning Department finds that the application complies with the STR Ordinance, Section 3821 of the Code, and any other applicable Summit County laws, rules, and regulations, the Planning Department shall issue a short-term vacation rental license. The license shall be issued in the name of the owner and shall not be transferable. All short-term vacation rental properties shall receive a license prior to advertising or operation.
- C. Additional Review Process for STRs Requiring a CUP:
 - a. For any short-term vacation rental in the Resort Overlay Zone which proposes an occupancy of 20 or more persons, or outdoor parking of 6 or more vehicles, the application shall be reviewed as a Class 2 conditional use permit as further described in Section 3821.05.
 - b. For any Type III license in the Neighborhood Overlay Zone, the application shall be reviewed as a

Conditional Use Permit as further described in Section 3821.05.

3821.04: Overlay Zone Districts and License Types

Overlay Zone Districts: In order to distinguish between traditional Resort areas and Neighborhood areas, two overlay zone districts have been established per 4300 of the Code for the purposes of regulating short-term vacation rentals, a STR Resort Overlay Zone and a STR Neighborhood Overlay Zone.

A. STR Resort Overlay Zone

1. License Type Allowed:

- a) A Resort license is permitted within the Resort Overlay Zone.

B. STR Neighborhood Overlay Zone

1. License Type(s) Allowed:

a) Type I License:

- a. Applicability: To apply for a Type I license, the STR must be the owner's primary residence. A primary residence is that which is occupied by the owner as that individual's principal place of residence a minimum of 9 months out of the year.

b. Maximum Nights Offered for Rent:

- i. Owner is on-site during rental and engaged in partial home rental (i.e. a bedroom or bedrooms rented to one-booking party at a time): no limit on nights rented;
- ii. Owner is absent during rental and is renting as an entire unit: no more than 60 nights per year, as calculated from October 1 through September 30.

c. Review Process: STR license.

- b) Type II License: Rental may not exceed 120 nights per year, as calculated from October 1 through September 30.

a. Review Process: STR license.

- c) Type III License: Maximum number of nights rented is unlimited, unless a limit is specified by the CUP.

a. Review Process: CUP in accordance with 3821.05 and STR license. The CUP must be approved prior to applying for a Type III license.

3821.05: Criteria for Review for Conditional Use Permit

A. STR Resort Overlay Zone: A Class 2 administrative conditional use permit application shall be required for any proposed short-term vacation rental in the STR Resort Overlay Zone which proposes an occupancy of 20 or more people or outdoor parking of 6 or more vehicles.

B. Neighborhood Overlay Zone: A Conditional Use Permit for a Type III license is required prior to application for a Type III license in the Neighborhood Overlay Zone. An STR with a Type III license may be rented in excess of 120 nights per year. The following minimum standards and accompanying review process shall apply to Type III STR applications in the Neighborhood Overlay Zone. It is noted that these are the minimum standards to request a CUP review, the criteria for approval of a CUP are found in 3821.05.C, below.

1. On Single-Family Lots:

a. Minimum Standards:

- i. A minimum of 100 feet between residential improvements designed for human occupancy on the subject property and said improvements on any adjacent or neighboring property; i.e. any interior living space including exterior improvements such as patios, hot tubs, and fire pit; but not including detached unoccupied garages or sheds. The applicant shall provide evidence of compliance with this distance requirement as part of their application materials. The Review Authority may require a certified survey if the materials provided are insufficient to determine distance to adjacent residential structures; or,
- ii. An Accessory Apartment or Accessory Dwelling Unit having received a certificate of occupancy and in compliance with the provisions of Section 3809.03.E.1 concerning occupancy of the unit.

