

**City of Shady Cove**

**Ordinance No. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SHADY COVE AMENDING THE SHADY COVE CODE OF ORDINANCES, INCLUDING ORDINANCES 225 AND 275, TO AMEND VACATION RENTAL DWELLINGS, (SHORT-TERM RENTALS), AS A CONDITIONAL USE IN RESIDENTIAL AND GENERAL COMMERCIAL DISTRICTS.**

**Whereas**, The City Council of the City of Shady Cove desires to update the conditions set forth for Short-Term Rentals; and

**Whereas**, The City Council of the City of Shady Cove desires to remove obsolete, redundant, and generally update the Planning Code;

**THE COUNCIL OF THE CITY OF SHADY COVE ORDAINS AS FOLLOWS:**

The title of "Vacation Rental Dwellings" is changed to "Short Term Rentals (STR)"

Section 154: Zoning table of contents is amended to reflect Short Term Rentals (STR) instead of Vacation Rental Dwellings. This change is defined in Exhibit B.

Sections 154.475 thru 154.479 are amended to include additional stipulations, delete obsolete stipulations and clarify existing stipulations for short term rentals (STR). These changes are defined in Exhibit A.

The conditional uses section contained in Section 154.037 (Low Density Residential District, R-1) of the Shady Cove Code of Ordinances is amended to reflect short term rentals (STR) instead of vacation rental dwellings. This change is defined in Exhibit B.

The conditional uses section contained in Section 154.052 (Medium Density Residential District, R-2) and Section 154.067 (High Density Residential District, R-3) of the Shady Cove Code of Ordinances is amended to reflect short term rentals (STR) instead of vacation rental dwellings. This change is defined in Exhibit B.

The conditional uses section contained in Section 154.082 (General Commercial District, G-C) of the Shady Cove Code of Ordinances is amended to add short term rentals (STR) to the list of conditional uses. This change is defined in Exhibit B.

**Exhibit A (attached)**

Amendments to Vacation Rental Dwellings Ordinance 275 (ref. Sections 154.475 thru 154.479 in Shady Cove Code of Ordinances):

- Exhibit B changes from the original Vacation Rental Dwellings Ordinance 275 were incorporated.
- The Ordinance name is changed from "Vacation Rental Dwellings" to "Short Term Rentals (STR)"
- Allowable zoning districts were added to the beginning
- More specificity in maximum occupancy in Standards-1
- Changed maximum vehicles to 2 in Standards-2
- Added original Ordinance 275 Exhibit B clauses in Standards-10, 11,12
- Removed exemptions for VRBO registry in Standards-12
- Added new provisions per Council discussion in Standards-12, 13, 14
- Removed attached garage provision in Safety Requirements-1
- Add additional stipulations for shared driveways/roadways and shared water source in General-4, 5
- Cleanup/clarification of language in Enforcement-1, 2, 3, 4

**Exhibit B (attached)**

Amendments to various sections of the Zoning Chapter (Ordinance 225) to:

- Change Vacation Rental Dwellings to Short Term Rentals (STR)
- Add STRs to District G-C as a conditional use

**Appeal**

- A. The owner, or person in charge protesting any citation of any sections of this Ordinance, shall file with the City, a written statement which will specify the basis for the protest. The statement will be referred to the City Council or Municipal Court Judge, as appropriate, as part of the next scheduled meeting or court date. At the time set for consideration of the abatement, the owner or other person may appear and be heard and the Council or Municipal Court Judge, as appropriate will thereupon determine whether or not a nuisance or offense, in fact, exists. If it is determined **that it does exist**, the owner, or other person shall, within 10 days of that determination complete the abatement.
- B. If the owner, or person in charge of the property, objects to the assessment for abatement, a written objection may be heard by the City Council in the manner described in "A" above.

**Penalties and Damages**

- A. In addition to the cost and assessments provided in this Ordinance, a violation may be prosecuted in the Municipal Court of the City of Shady Cove, and be punished by a fine **of** not more than \$500.
- B. Each day's violation constitutes a separate violation. The abatement shall not constitute a penalty for violating the Ordinance.
- C. The remedies specified herein will not be deemed exclusive and the City may, at its option, seek to enforce the provisions of this Ordinance by exercising its legal or equitable remedies in any court of competent jurisdiction.
- D. When an offense has been committed that results in ascertainable damages to any person, based upon conviction thereof, in addition to any other sentence, the Court may order that the defendant make restitution to the victim.

**Infraction**

- A. Neither party shall have the right to a jury trial at the trial of any infraction.

**Severability**

- A. Invalidity of a section or part of a section of this Ordinance will not affect the validity of remaining sections or parts of Sections.

**Savings Clause**

- A. The amendment of any Ordinance noted in these sections will not preclude any action against any person violating this Ordinance prior to the effective date of this Ordinance.

**Adopted** by the City Council of the City of Shady Cove this \_\_\_\_ day of \_\_\_\_\_, 2025.

**Approved:**

**Attest:**

\_\_\_\_\_  
John Ball  
Mayor

\_\_\_\_\_  
Michele Parry  
City Administrator

**Council Vote:**

Mayor Ball \_\_\_\_\_  
Councilor Nuckles \_\_\_\_\_  
Councilor Mitchell \_\_\_\_\_  
Councilor Winfrey \_\_\_\_\_

## SHORT TERM RENTALS

Approval of this ordinance adds vacation rentals as a conditional use in all residential districts and commercial district G-C for 30 days or less.

Vacation rentals that were included in the City's trial between June 1, 2014 and December 31, 2014 will be grandfathered, and exempt from the conditional use requirement, provided that the owner of that property has a valid vacation rental Business License for fiscal year 2015-2016. Should the property owner of the grandfathered residence fail to meet the foregoing or expand the size of that residence, the conditional use process will be in effect.

## STANDARDS

1. Maximum occupancy: ten people with a limit of two persons per bedroom. Sleeping shall be confined within the residence.
2. Maximum number of vehicles: two
3. Vehicles must be parked on the rental property, not on the public right of way
4. Not more than 50% of the front yard setback area may be used for parking. The balance must be "landscaped" to prevent parking
5. No outdoor activities, constituting a nuisance or loud noise are permitted after 9:00pm
6. Vacation rentals must comply with all City policies, standards and ordinances
7. Animals, other than service animals, are not permitted
8. Vacation rental property owners must subscribe to a scheduled waste collection service and provide garbage receptacles on the property
9. With the exception of enclosed barbecues, any outside fire is prohibited
10. Owner shall provide liability insurance
11. The City shall maintain a registry of vacation rentals
12. Accessory Dwelling Units (ADU) shall not be used as a vacation rental
13. Short Term Rental Conditional Use approval shall be granted to the applicant.
14. Failure to acquire or renew the Business License associated with the vacation rental, or change of ownership of the property, will void the approval on the Short Term Rental. The applicant must reapply in full for approval.

## SAFETY REQUIREMENTS

1. Smoke alarms must be present and functioning. Smoke alarms 10 years and older must be replaced with new smoke alarms that have a 10-year battery and hush button. Smoke alarms must be installed on each floor of the residence, including basement
2. At least one 2A-10BC rated fire extinguisher must be visible and readily accessible for each floor of the residence including basement, if existing. Portable fire extinguishers shall be fully charged and serviced annually
3. Exit doors cannot be blocked to prevent egress. Corridors and exit ways must be free of obstructions. Each sleeping room will have at least one operable window for use as a secondary means of escape
4. At least one plug-in rechargeable flashlight will be readily accessible on each occupied floor of the residence
5. If on the second floor, there is no other means of escape, two story vacation rentals must provide a roll out ladder for use as a secondary means of escape

EXHIBIT "A"

6. A carbon monoxide alarm must be present and functioning in a structure having a carbon monoxide source as defined in ORS 105.836

GENERAL

1. A 500 foot minimum spacing between vacation rental properties and only on the same side of the river is required
2. Written consent is required from all adjoining property owners, including properties across a City-owned street that would adjoin if the street was not present
3. A copy of the vacation rental standards shall be posted in a conspicuous place inside the vacation rental
4. Owners of vacation rental property must have a local contact, and provide the City Administrator with the name and telephone number for that contact
5. Written consent is required from at least 75% of affected property owners if the vacation rental property is accessed by a shared driveway or private roadways. A copy of the written consent is to be provided to the City Administrator
6. Written consent is required from at least 75% of the affected property owners if the vacation rental property uses a shared water source. A copy of the written consent is to be provided to the City Administrator.
7. Transient Occupancy Tax will apply to all rentals of 30 days or less

ENFORCEMENT

1. Annually, prior to the issuance of a Business License for vacation rentals, the City's code enforcement officer will make a visit to the premise. The visit will ensure that all safety requirements (smoke alarms, fire extinguishers, flash lights and exit provisions) are in place as well as a posted sign reflecting vacation rental standards
2. Complaint handling:
  - a. Any confirmed complaint made to the City, regarding vacation rentals, will be evaluated by the City Administrator for validity. If deemed valid the complaint will be directed to the City's CSO or code enforcement officer for action
  - b. Complaints filed directly with the Sheriff's Office, will be handled by that group. Information concerning resultant action will be provided to the City Administrator
3. Valid complaint action:
  - a. A first valid complaint will result in a warning to the property owner.
  - b. A second valid complaint is subject to a fine of up to \$500.00 per day, for each day during the period of the rental which generated the complaint
  - c. A third valid complaint will result in cancellation of the Business License, and may include additional fine(s)
4. Property owners offering their property for vacation rental without going through the conditional use process and/or possessing a valid Business License is a violation of this ordinance. In addition to a cease and desist order, the property owner will be subject to a fine of up to \$500.00 for each day the property is/was rented for vacation purposes.

EXHIBIT "B"

Amendment to Zoning chapter table of contents (ref. Chapter 154 in Shady Cove Code of Ordinances; Ordinance 225):

Change        Vacation Rental Dwellings  
  
To              Short Term Rentals (STR)

Amendment to Low Density Residential District, R-1 – Conditional Uses (ref. Section 154.037 in Shady Cove Code of Ordinances; Ordinance 225):

Change        (J) Vacation rental dwellings; and  
  
To              (J) Short term rentals (STR) ; and

Amendment to Medium Density Residential District, R-2 – Conditional Uses (ref. Section 154.052 in Shady Cove Code of Ordinances; Ordinance 225):

Change        (L) Vacation rental dwellings; and  
  
To              (L) Short term rentals (STR) ; and

Amendment to High Density Residential District, R-3 – Conditional Uses (ref. Section 154.067 in Shady Cove Code of Ordinances; Ordinance 225):

Change        (L) Vacation rental dwellings; and  
  
To              (L) Short term rentals (STR) ; and

Amendment to General Commercial District, G-C – Conditional Uses (ref. Section 154.082 in Shady Cove Code of Ordinances; Ordinance 225):

Change        (J) Scientific or technical research facilities and laboratories; and  
                  (K) Zoos.  
  
To              (J) Scientific or technical research facilities and laboratories;  
                  (K) Zoos; and  
                  (L) Short term rentals (STR).