

**AGENDA**

**SCARBOROUGH TOWN COUNCIL  
WEDNESDAY – MARCH 7, 2007  
REGULAR MEETING – 7:30 P.M.**

**Order No. 07-35.** Move approval of the first reading on the request of the Town Manager to act on the proposed amendments to Chapter 405, the Zoning Ordinance concerning change of ownership of Guest Rooms in nonconforming hotels or motels and schedule the public hearing for Wednesday, March 21, 2007.

**Amendment to Zoning Ordinance Concerning  
Change of Ownership of Guest Rooms in Nonconforming Hotels or Motels**

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that Section III.E (Non-Conforming Uses of Structure) of the Zoning Ordinance of the Town of Scarborough, Maine is amended by adding the following new subsection 5:

5. If the ownership of a nonconforming hotel or motel is changed so that one or more of the guest rooms is individually owned, such change shall be considered a change in the nonconforming use, unless the use of the premises is restricted by condominium declaration, deed restriction or restrictive covenants recorded in the Cumberland County Registry of Deeds, as follows:
  - (a) All rooms must be offered to and actually be available for occupancy by members of the general public for at least 180 days in any 365-day period.
  - (b) At all times when the hotel or motel is open for business, at least \_\_\_\_% of the rooms must be available for nightly rentals.
  - (c) At all times when the hotel or motel is open for business, a front desk or office shall be staffed for the purpose of registering guests and accepting payment of the room charges.
  - (d) A central telephone switchboard system must be maintained.
  - (e) A central mail delivery system must be maintained.
  - (f) A central management and reservation system must be maintained.
  - (g) Housekeeping and linen service must be provided.
  - (h) Room keys for each room shall be distributed by front desk/office personnel to guests upon their arrival and collected from guests upon their departure.
  - (i) No kitchens shall be added to any room.
  - (j) No rooms shall be expanded or enlarged or combined with other rooms.

(k) A sign must be displayed on the exterior of the premises containing the word "hotel," "motel," "inn," or similar designation indicating the availability of rooms for rent to the general public.

If a change of guest room ownership is not restricted as specified above, it shall not be allowed except pursuant to a miscellaneous appeal for a change in nonconforming use under section III.F of this ordinance. For purposes of this subsection (5), the term hotel or motel includes any facility offering lodging accommodations for hire in guest rooms, including hotels, motels, inns, tourist courts, motor courts, motor lodges, guest cabins and the like. A nonconforming hotel or motel shall not be defined by or governed by the definition of "hotel/motel" in section VI, which is intended to apply only to new uses.