

**ORDINANCE 2018 – 3  
VERSION B**

**AN ORDINANCE REGARDING SHORT TERM RENTALS WITHIN THE CITY OF  
DELPHI**

WHEREAS, the City of Delphi passed Resolution 2017-8 proposing the Area Plan Commission recommend language to define AirBNB properties within the City of Delphi Zoning Ordinance;

WHEREAS, the Area Plan Commission asked the City of Delphi for its review and recommendation of language prior to the Area Plan Commission making a recommendation;

WHEREAS, the Common Council recommended short term rentals be allowed within all zoning districts of the City of Delphi as a permitted use;

WHEREAS, the Area Plan Commission provided a favorable recommendation to a memorandum prepared by the City Attorney after reviewing the Council's request;

WHEREAS, Indiana House Enrolled Act No. 1035 provides some limitations on restricting short term rentals; and

WHEREAS, the Common Council of the City of Delphi finds it is in the best interest of the City of Delphi to regulate short term rentals in the following fashion.

WHEREFORE, be it ordained by the Common Council of the City of Delphi, Indiana, the Zoning Ordinance of Delphi, Indiana be amended as follows:

**SECTION 1. ARTICLE 11. DEFINITIONS** shall include the following:

Short Term Rental – The rental of:

- A. A single family home;
- B. A dwelling unit in a single family home;
- C. A dwelling unit in a two-family or multifamily dwelling; or
- D. A dwelling unit in a condominium, cooperative, or time share;

for terms of less than thirty (30) days at a time through a short term rental platform. The term includes a detached accessory structure, including a guest house, or other living quarters that are intended for human habitation, if the entire property is designated for a single family residential use. The term does not include property that is used for any nonresidential use.

Short Term Rental Platform – An entity that:

- A. Provides a platform through which unaffiliated parties offer to rent a short term rental to an occupant; and
- B. Collects consideration for the rental from the occupant.

**SECTION 2. ARTICLE 4. SUPPLEMENTARY DISTRICT REGULATIONS** shall include the following:

**Section 21. Short Term Rentals.**

- A. A short term rental of owner occupied short term rental property is a permitted residential use under any applicable zoning ordinance in a zoning district or classification that permits residential use.
- B. The site shall have no on premise advertising.
- C. The structure shall not be altered in a manner that is not consistent with other structures in the neighborhood.
- D. Permits
  - 1. An owner shall be required to obtain a permit for each property meeting the definition of short term rental. Only one permit is required for each single family home, two-family or multifamily dwelling, condominium, cooperative, or time share that an owner rents in whole or in part. A permit covers all:
    - a. Dwelling units; and
    - b. Detached accessory structures;

located on the permitted property that the owner offers to the to the public as short term rental.

2. An owner must submit a permit application for each property for which a permit is sought. The permit application shall require the owner to provide the following information:
  - a. The owner's name, street address, mailing address, e-mail address (if applicable), and telephone number. If the owner is a corporation or partnership, the application must require the owner's:
    - i. State of incorporation or organization; and
    - ii. Names, residence addresses, and telephone numbers of the owner's principal officers or partners.
  - b. If a property manager is used, the property manager's name, street address, mailing address, e-mail address (if applicable), and telephone number.
  - c. A short description of how each of the owner's short term rentals on the property are marketed or advertised, including the following:
    - i. The advertised occupancy limits of each short term rental.
    - ii. Whether the short term rental is:
      1. A single family home;
      2. A dwelling unit in a single family home;
      3. A dwelling unit in a two-family or multifamily dwelling; or
      4. A dwelling unit in a condominium, cooperative, or time share.
3. A permit application must be made by an owner. If the owner is a corporation, partnership, or other legal entity, the permit application must be made by an officer or agent of the owner.
4. If an owner submits a permit application that meets the requirements set forth in the Delphi Zoning Ordinance, the Area Plan Commission shall issue a permit to the owner within thirty (30) days of receipt of the application.
5. If any information provided by an owner in the permit application changes, the owner shall provided updated information to the Area Plan Commission in writing within thirty (30) business days.
6. A permit expires one (1) year after the date the permit is issued.
7. The Area Plan Commission shall recommend a permit fee not exceeding one hundred fifty dollars (\$150) for each of the following:
  - a. An initial permit issued to an owner for the permitted property.
  - b. The issuance of a subsequent permit to an owner for the permitted property after the owner's previous permit has been revoked.
  - c. There shall be no permit fee for renewing a permit, including renewal of a permit that has expired.
- ~~8. A renewal application will then need to be submitted after the expiration of one (1) year, not to exceed a fee of \_\_\_\_\_.~~
9. If an owner sells all or part of a permitted property, the permit may not be transferred to the new owner. The new owner must submit an application for a new permit.
10. An owner that rents a short term rental without obtaining a valid permit commits a Class C infraction.

E. Revocation of Permit

- a. If three (3) or more citations for ordinance violations are issued to an owner for a permitted property within a calendar year, the permit for that permitted property may be revoked for a period not more than one (1) year after the date the permit is revoked. The Area Plan Commission shall provide notice and a hearing for revocation.
- b. Revocation of the permits shall be conducted under the notice and hearing procedures of the Area Plan Commission for revocation of other permits issued.
- c. An owner may apply for a permit for a short term rental for which a previous permit of the owner was revoked by the Area Plan Commission. However, a new permit may not be issued until any outstanding fines are paid for ordinance violation citations issued to the owner with regard to use of the short term rental.

**SECTION 3. ARTICLE 3. SCHEDULE OF DISTRICT REGULATIONS** shall include the following:

Within section 1. U-1 Urban Residential District, a. Permitted Uses and Structures. 11. Owner Occupied short term rentals.

Within section 1. U-1 Urban Residential District, b. Uses permitted as Special Exception by Board of Zoning Appeals. 12. Non Owner Occupied short term rentals

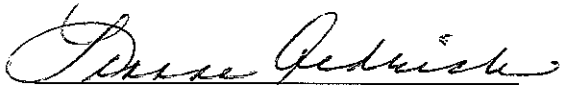
**SECTION 4. ARTICLE 3. SCHEDULE OF DISTRICT REGULATIONS** shall be amended as follows:


Section 2. U-2 Urban Residential District, a. Permitted Uses and Structures, subdivision 1 The uses permitted and as regulated in numbers 1, 3, 4, 5, 8, 9, and 11 of U-1 Urban Residential District.

Section 2. U-2 Urban Residential District, b. Uses Permitted as Special Exceptions by Board of Zoning Appeals, subdivision 1. The special exceptions permitted and as regulated in numbers 1, 2, 3, 4, 5, 7, 8, 9, and 12 of U-1 Urban Residential District.

**SECTION 5.** That this amendment to the zoning ordinance shall be in full force and effect upon its passage and approval by the Mayor. Previous ordinances in conflict therewith are hereby revoked.

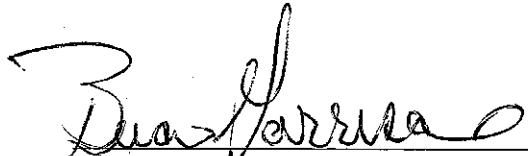
Passed and adopted by the Common Council of the City of Delphi, Indiana this 1<sup>st</sup> day of AUGUST, 2018.

  
Attest: Leanne Aldrich, Clerk-Treasurer

  
Shane Evans, Presiding Officer

COUNCIL MEMBERS

  
Carolyn Pearson, President Pro Tempore

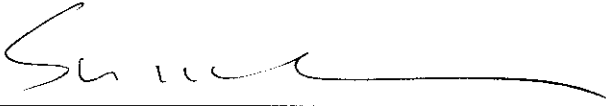
  
Brian Garrison

  
Dale Seward

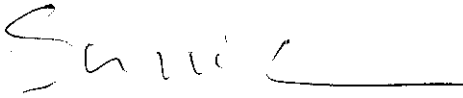
  
Michael Shockley

  
Richard Traeger

Presented by me to the Mayor this 6<sup>th</sup> day of AUGUST, 2018.

  
Shane Evans, Presiding Officer

Approved by me, the Mayor, this 6<sup>th</sup> day of AUGUST, 2018.

  
Shane Evans, Mayor

OR

Vetoed by me, the Mayor, this \_\_\_ day of \_\_\_\_\_, 2018.

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Shane Evans, Mayor

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Attest: Leanne Aldrich, Clerk-Treasurer