

**AMENDMENT TO ORONO LAND USE ORDINANCE
TO DEFINE AND INCORPORATE “STUDENT HOME” AS A LAND USE**

Section 18-31, Definitions, of Chapter 18, Land Use Ordinance, of the Orono Code of Ordinances is amended by adding the following definitions, to be inserted in alphabetical order:

Student means, for the sole purpose of recognizing “student home” as a land use within this Ordinance, an individual who attends or has accepted admission to an undergraduate program at a university, college, community college, technical college, trade school, commercial school, or similar institution, or is on a summer, semester or other scheduled break from the institution. An individual enrolled in a graduate program is not a “student” for the purpose of this Ordinance unless he or she is living in a dwelling unit with two or more undergraduate students.

Student home means a single-family detached, single-family attached, two-family, or multifamily dwelling in which one or more of the dwelling units is occupied by three or more “students,” as defined in this Ordinance, at least one of whom is paying rent, lease fee, or a similar fee for the right to occupy the dwelling unit or portion thereof, whether or not the “students” are legally related; provided, however, that the following are not student homes:

- A single-family dwelling occupied by “students” but also occupied as a primary, year-round residence by the dwelling’s owner of record and such owner is not a “student”;
- A two-family or multifamily dwelling within which one or more of the dwelling units is occupied by “students” and one of the dwelling units is occupied as a primary, year-round residence by the dwelling’s owner of record and such owner is not a “student”;
Note: In cases where the dwelling is owned by an entity of record, a shareholder, member, or other principal of the entity shall be deemed the owner of record for the two foregoing primary, year-round, nonstudent residency requirements.
- A dwelling in which “students” are living with their parent or parents as a primary, year-round residence, or in which the parent is one of the “students”;
- Community living facilities, dormitories, fraternities and sororities, and rooming houses, as these terms are defined or used in this Ordinance;
- Dwellings owned and managed by the University of Maine, whether on campus or off campus.

Further amend Chapter 18, Land Use Ordinance, by inserting a new Section 18-150 as follows:

Sec. 18-150. Student homes

- (a) Certificate of occupancy required: No student home shall be created, established or occupied without first obtaining a certificate of occupancy and any other required permit authorizing such use from the Code Enforcement Officer.
- (1) Before issuing a certificate of occupancy, the Code Enforcement Officer shall be satisfied that the property containing the proposed student home complies with Chapter 8, Article III, Housing Code, Division 3, Minimum Standards, of the Orono Code of Ordinances.
- (2) The certificate of occupancy shall be conditioned upon the owner of the property registering the rental unit as required by Chapter 8, Article IV, Rental Unit Registration, for any year in which the property includes a rental unit as defined in the Rental Registration Ordinance.
- (3) A dwelling legally occupied prior to [EFFECTIVE DATE OF THIS AMENDMENT] in a manner that falls within the definition of “student home” may continue as a student home without a certificate of occupancy provided it continues to register annually under Chapter 8, Article IV, Rental Unit Registration.
- (4) A dwelling unit for which a certificate of occupancy as a “student home” has been received may subsequently be used in a manner that does not constitute a student home without voiding the certificate of occupancy for future use as a “student home;” provided, however, that any dwelling unit or use shall comply with any other applicable inspection and code requirements.
- (b) Student home as an allowed use: A student home is allowed within any zoning district, provided that the type of dwelling in which the student home will be created, established or occupied must be an allowed use within the zoning district it is located.
- (c) Compliance with limit on number of unrelated persons: Any student home shall comply with the standard in this Ordinance within the definition of “family” for the allowable number of unrelated persons per dwelling unit in the zoning district in which the student home is located. A student home that, as of [EFFECTIVE DATE OF THIS AMENDMENT] was legally nonconforming as to allowable number of unrelated persons in the zoning district in which it is located may continue as a legally nonconforming use as long as it complies with the applicable nonconforming use standards as set forth in Section 18-304(d) of this Ordinance and all other applicable standards.