



Town of Topsham Maine
Code Enforcement Office
100 Main St.
Topsham, Maine 04086
www.topshammaine.com

Room Rental

This handout addresses common Zoning and Building Code requirements for the rental of rooms, other codes such as but not limited to plumbing, wastewater, sewer, electrical, accessibility, etc. may also apply.

Zoning options for renting rooms (Air BnB, Other), the property owner chooses which best fits their project. Note that length of stay (minimum/maximum) is not regulated by any of the zoning standards.

Whole House rental is not room rental, the home is still considered a single family dwelling under both zoning and building codes regardless of the rental length terms

§225-6 Bed and Breakfast

A single-family dwelling, built prior to 1940, in which lodging or lodging and breakfast are offered to the general public for compensation, offering no more than three bedrooms for lodging purposes.

- ❖ The use may be permitted, conditional, or not allowed depending on the zone the home is located.
- ❖ The home must have been built prior to 1940
- ❖ A Bed and Breakfast must offer at least 1 but no more than 3 bedrooms for rent
 - Guest numbers are not limited
- ❖ Site Plan review may apply, please contact the Planning Office at 725-1724
- ❖ There are no applicable specific standards in the ordinance subject to this use

§225-6 Inn

A building, which contains a dwelling unit occupied by an owner or resident manager, in which lodging or lodging and meals are offered to the general public for compensation, offering no more than 10 bedrooms for lodging purposes, in which the entrances and exits to or from these rooms are made through a lobby or other common room.

- ❖ The use may be permitted, conditional, or not allowed depending on the zone the home is

located.

- ❖ An Inn must offer at least 1 but no more than 10 bedrooms for rent
 - Guest numbers are not limited
- ❖ There cannot be direct access/exit to/from the exterior of the building to rented rooms
- ❖ Site Plan review may apply, please contact the Planning Office at 725-1724
- ❖ There are no specific standards in the ordinance subject to this use

§ 225-54 Renting rooms and apartments.

- ❖ An apartment is a second dwelling unit not covered by this handout
- ❖ The renting of rooms under this section is an accessory use, accessory uses are conditional in the MUC-1 zone and permitted in all other zones
- ❖ Lot density requirements for two family and multifamily buildings are not applicable
- ❖ Specific ordinance standards are below:

As an accessory use in a single-family dwelling, the renting of rooms or a single apartment in a dwelling shall be permitted, provided that the following conditions are all satisfied:

- A. New external construction shall not exceed 50% of the existing floor space or 500 square feet, whichever is less.
- B. The water and sewage facilities meet all existing laws and codes.
- C. The building is owner-occupied.
- D. One sign, no larger than two square feet in area, without artificial lighting may be erected on the premises, only during times when a vacancy exists.
- E. Any apartment created under this section need not meet the requirements for multifamily housing contained elsewhere in this chapter.
- F. A permit for such use shall be obtained from the Code Enforcement Officer prior to construction and/or occupancy of such dwelling unit.

Building Code requirements for renting rooms in a home (Air BnB, Other)

- ❖ For all projects contact the State Fire Marshal Office to determine if your project is subject to NFPA regulation; (207) 626-3870

The following applies subject to the Topsham Building Code:

- 1) Renting to no more than 3 outsiders
 - a) IRC R101.2 per MUBEC amendment #3: The occupancy classification is not changed and no changes to the home are required
 - b) A residential building permit is required
- 2) Renting to more than 3 outsiders in up to 5 rented rooms
 - a) Subject to MUBEC amendment #3, these occupancies are not permitted to be constructed

under the IRC and must be reviewed under the IBC

- i) IBC 310.5.2: The occupancy classification changes to R-3, an NFPA 13D sprinkler system and other code applicable features are required. This section limits the total number of rented rooms but does not limit the number of guests
 - b) A commercial building permit is required
- 3) More than 5 rental rooms
- a) IBC 310.3: The occupancy classification is R-1, an NFPA 13 sprinkler system and other code applicable features are required. This occupancy classification is the same as for Hotels and Motels
 - b) A commercial building permit and Architectural stamped plans are required