

POSITIVE MOTION

ARTICLE 2

(Zoning Bylaw Amendment: Regulating Short-Term Rental Use)

To see if the Town will vote to amend Chapter 139 of the Town Code (Zoning) as follows:

1. Amend § 139-2 (Definitions and Word Usage), by inserting the following new term and definition and inserting it in alphabetical order.

SHORT-TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least one room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a short-term rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a short-term rental.

ACCESSORY SHORT-TERM RENTAL

A Short-Term Rental use that complies with this bylaw.

2. Amend § 139-7A (Use Chart) by inserting "Accessory Short-Term Rental" between "Tertiary Dwelling" and "Apartment Building" in the Use column and inserting the designation "A" in all columns with a "Note: Subject to the requirements of §139-38."
3. Add a new section to Chapter 139 as follows:

§139-38 ACCESSORY SHORT-TERM RENTALS

1. In residential districts, each Lot may be used as an Accessory Short-Term Rental as a permitted Accessory Use to a Principal Use, subject to the following conditions:
 - a. The Lot is used for residential use at least 30 days per calendar year (which need not be consecutive), by the Owner or an Immediate Family Member (see Provision 4 below).
 - b. The Lot is used as an Accessory Short-Term Rental for at least one day less than the Lot is occupied by the Owner or Immediate Family Member (see Provision 4 below) in that calendar year. All rental days, other than long-term rentals (rental periods with a change in occupancy in excess of 31 days), in the calendar year shall be counted as Accessory Short-Term Rental days. Sublets are prohibited.
 - c. No owner shall engage in an Accessory Short-Term Rental use on more than one Lot at any one time. On Lots with multiple Dwelling Units, the Accessory Short-Term Rental limits set forth herein are cumulative of all Dwelling Units on a Lot, and there shall be only one Dwelling Unit used as an Accessory Short-Term Rental at any one time.

- d. All Accessory Short-Term Rentals shall be registered with the Town and operated in accordance with General Bylaw § 123 of the Town Code.
 - e. If any provision in § 139-38 shall be held to be invalid by a court of competent jurisdiction, such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.
- 2. To register under General Bylaw § 123 as an Accessory Short-Term Rental Use, the Owner must submit as part of its annual registration documents: (a) copies of all rental contracts for the prior year (redacted as appropriate); (b) signed certification documenting compliance with the limitations set forth in this Bylaw regarding Residential Use, Accessory Short-Term Rental days, and any other information required by the Board of Health.
 - 3. All other Short-Term Rentals in residential districts are prohibited.
 - 4. For the purpose of this Section only, Immediate Family Members include the owner's spouse, and/or their parent(s), grandparent(s), children, brother(s) and/or sister(s).

Or to take any action relative thereto.

(Charity Benz, et al)