

STR Bylaw Revisions

Aug 7, 2018 STR Incorporating 7-24 PB meeting consensus and adding requested builds; also additional legal and other questions

Board: Note that questions specifically asked at last meeting are highlighted in yellow. A few other comments/questions came up during final review, for the Board’s consideration.

Short-Term Rentals (STR’s): Warrant Articles

Add to Section 9

Short-Term Rentals Bylaw:

PURPOSES:

The provisions of this bylaw section are intended to clarify the limits and uses of residential housing for Short-Term Rentals in Lenox:

- To protect neighborhoods from undue commercial activity, maintaining their character and livability;
- To minimize public safety risks for guests and visitors and to minimize possible nuisances for abutters;
- To sustain the supply and affordability of residential housing available to local community families and individuals who live and work in the region.

GENERAL STANDARDS:

- All Short-Term Rental property owners or leaseholders shall ensure that renters conduct themselves in a manner appropriate to the neighborhood.
- No rooms, single-family dwellings, apartments or permitted Accessory Dwelling Units used for Short-Term Rental purposes prior to this bylaw shall be construed as “grandfathered” unless compliant with the requirements of the Lenox Zoning Bylaw in effect when the use began and have been continuously operating since that time. All non-grandfathered uses of residential property for Short-Term Rentals must be compliant with the provisions of this bylaw and its requirements.

DEFINITIONS:

- **Short-Term Rental:** All or part of a residential dwelling unit that is used to provide overnight accommodations for any rental period less than 30 consecutive days.
- **Primary Residence:** The dwelling unit that is the domicile and legal residence of the owner or leaseholder.
- **Residential Use:** The dwelling, or room or group of rooms within a dwelling, used or intended for use by one family or household for living, sleeping, cooking and eating for 31 consecutive days or more.

Commented [pk1]: For discussion: If State law is finalized, are the provisions in this bylaw, including definitions and policy recommendations, in alignment/compliance; are there any provisions in signed State law that suggest we add, delete or change any provisions in this bylaw or the proposed General Bylaw

Commented [pk2]: Gwen to get with Attorney Bard on this – can this provision be given more detail re what can be enforced, also look at Elm Court

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Warrant Item #1: Seasonal Short-Term Rental of Rooms:

TABLE OF USES:

	R3A	R1A	R30	R15	C3A	C1A	C	I	References
Seasonal Short-Term Rental of Rooms	Y	Y	Y	Y	Y	Y	Y	Y	Section 9.X

Y=By-Right

SEASONAL SHORT-TERM RENTAL OF ROOMS:

The following requirements shall apply:

1. Rental of up to two bedrooms shall be permitted year-round.
2. The owner or leaseholder shall occupy the home during the rental period.
3. The home shall be the primary residence of the owner or leaseholder with lodging as an accessory use.
4. Registration and inspection:
 - a. A Seasonal Short-Term Rental Registration-Rooms and Certificate of Compliance are required;
 - b. Premises shall be subject to annual inspection;
 - c. One type of Short-Term Rental Registration may be held per address per year.
5. Except for a home occupation that complies with this Bylaw, no other uses shall be permitted on the property.
6. Parking must be off street, on premises, with one (1) space per bedroom rented and one (1) per owner available.
7. No additions or external modifications may be made to the property for lodging use.
8. Only continental breakfast from the common family kitchen is permitted.
9. The effective date of this provision is [discuss / add].

Commented [pk3]: Added for Board discussion

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Short-Term Rentals: Warrant Article #2

TABLE OF USES:

	R3A	R1A	R30	R15	C3A	C1A	C	I	References
Seasonal Short-Term Rental of Entire Dwelling Units	BA	BA	BA	BA	BA	BA	BA	BA	9. X-Y
Short-Term Rental of Accessory Dwelling Units	N	N	N	N	N	N	N	N	

BA=Special Permit required from the Zoning Board of Appeals.

SEASONAL SHORT-TERM RENTAL OF ENTIRE DWELLING UNITS

The following requirements shall apply:

1. Rentals shall be permitted from Memorial Day through Labor Day, and weekends only through Columbus Day.
2. The dwelling unit shall be the primary residence of the owner or leaseholder with lodging as an accessory use.
3. Registration and Inspection:
 - a. A Seasonal Short-Term Rental Registration-Entire Dwelling Unit and Certificate of Compliance are required.
 - b. Premises shall be subject to annual inspection.
 - c. One type of Short-Term Rental Registration may be held per address per year.
4. The Special Permit shall be issued only to the primary resident of the property and shall not be transferable.
5. Parking must be off street, on premises, with a maximum of two (2) vehicles used by renters.
6. Except for a home occupation that complies with this Bylaw,
 - a. no other uses shall be permitted on the property, and
 - b. no special events accessory to the Short-Term Rental may be held on the premises.
7. No additions or external modifications may be made to the property for lodging use.
8. The effective date of this provision is [discuss / add].

Commented [pk4]: Where to address Accessory Dwelling Units: How about putting this in the Use Table here? Gwen, can you or you with Attorney Bard review where to include this best?

Note also, PK has asked Gwen and Town Counsel to advise about whether Motels allowed in C by SP is consistent with this bylaw. Reference: 5.2.F.9 and recent permitting of three apartments units as Motel units/STRs in C district. This also relates, I believe, to Tom’s message about making STRS by-right in C.

Commented [pk5]: Gwen to work with JB to make this even more clear – that is, SP only to current primary resident not transferable to subsequent primary resident

Commented [pk6]: Added for Board discussion