

Short-Term Rental Zoning Bylaw Amendment

Re-organize Section 8, Special Regulations so that:

Section 8.1, Lodging: Motels, Hotels, Inns

Section 8.2, Lodging: Resorts

Section 8.3, Lodging: Bed and Breakfast Inns

Section 8.4: Short-Term Rental of Private Homes

Delete Section 8.8.1, Seasonal Rental of Rooms

Insert into **Section 4, Definitions:**

Dwelling: A building occupied or suitable for occupancy as a residence but not including trailers or mobile homes however mounted.

OR

Dwelling: A building occupied or suitable for occupancy as a residence but not including trailers or mobile homes however mounted or commercial accommodations offered for periodic occupancy, e.g. motel, hotel except for where otherwise explicitly permitted in this Zoning Bylaw.

Short-Term Rental: Renting of one's primary residence, guest rooms in that dwelling, or an Accessory Dwelling Unit for less than thirty (30) days.

Primary Residence: The dwelling which is the legal residence of the occupant. Proof of legal residence may be determined by Homestead Exemption, state tax filing, voter registration, etc.

Short-Term Rental, Entire Dwelling: Renting of one's entire primary residence for less than thirty (30) days

Short-Term Rental, Guest Rooms: Renting of four (4) or fewer guestrooms in one's primary residence for less than thirty (30) days.

Short-Term Rental, Accessory Dwelling Unit: Rental of an Accessory Dwelling Unit that is compliant with Section 9.2 of the Lenox Zoning Bylaw for home sharing.

Short-Term Rental Host: The person renting their entire dwelling, guestrooms, or Accessory Dwelling Unit.

Guest Room: A room used or intended to be used by one or more guests for living or sleeping purposes located within a dwelling, dwelling unit, or accessory dwelling unit. A guest room includes but is not limited to bedrooms, living rooms, family rooms, dining rooms, kitchens, dens, finished basements and enclosed porches but would exclude bathrooms, closets, corridors, hallways, stairways, unfinished basements and open porches.

Commented [GM1]: The Planning Board has yet to determine which dwelling definition they will use.

Create new Section:

8.4 Short-Term Rental of Private Homes

8.4.1 Permission by District

	R3A	R1A	R30	R15	C3A	C1A	C	I	References
<i>Short-Term Rental, Entire Dwelling</i>	BA	BA	BA	BA	BA	BA	BA	BA	Section 8.4
<i>Short-Term Rental, Non-Primary Resident Host</i>	N	N	N	N	N	N	N	N	
<i>Short-Term Rental, Guestrooms</i>	Y	Y	Y	Y	Y	Y	Y	Y	Section 8.4
<i>Short-Term Rental, Accessory Dwelling Unit</i>	BA	BA	BA	BA	N	N	N	N	Section 8.4, Section 9.2

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

Y=By-Right

N=Prohibited

8.4.2 Regulation of Short-Term Rental Activities

8.4.2.1 Purpose

This section of the Lenox Zoning Bylaw is intended to codify the activity of Short-Term Rental in Lenox; to balance community goals to protect the safety of guests and neighbors; to maintain the character and livability of residential neighborhoods; to sustain the supply and affordability of residential housing; to help residents share in the economic opportunities presented by our tourist economy and to introduce greater regulatory fairness among different types of commercial lodging.

8.4.3 Special Permit Required for Short-Term Rental of Entire Dwellings and Accessory Dwelling Units

1. Short-Term Rentals of entire dwellings are required to obtain a Special Permit from the Zoning Board of Appeals per Section 3.4 of the Lenox Zoning Bylaw.
2. Short-Term Rentals of Accessory Dwelling Units are required to obtain a Special Permit from the Zoning Board of Appeals per Section 3.4 of the Lenox Zoning Bylaw.

8.4.4 General Requirements

The requirements of Section 8.4.5 shall apply in all zoning districts.

1. All Hosts shall be the dwelling's legal resident or in the case of the Accessory Dwelling Units, the legal owner of the principal dwelling.

~~1-2.~~ Hosts may rent their licensed Short-Term Rental for up to sixty (60) days per calendar year.

~~2-3.~~ Hosts may operate one (1) Short-Term Rental registration per calendar year.

~~3-4.~~ The maximum number of off-street parking spaces shall be two.

~~4-5.~~ No special events accessory to the Short-Term Rental may be held on the premise.

~~5-6.~~ There shall be no visible evidence of Short-Term Rental from the street or adjacent lot. This includes outdoor storage.

~~6-7.~~ _____ There shall be no change in the exterior appearance of the dwelling. Any additions or external modifications shall not deviate from the residential character of the area.

8.4.5 Short-Term Rental of Guest Rooms or Accessory Dwelling Units

1. In the case of Short-Term Rental, Guest Rooms, the host shall occupy the dwelling during the rental period.
2. In the case of Short-Term Rentals, Accessory Dwelling Units, the host shall occupy the principal dwelling during the rental period.

8.4.6 Registration and Inspection

1. All Short-Term Rental Hosts must complete a registration application with the Town Clerk of Lenox by filing their street address, e-mail, telephone number, number of guest rooms, parking accommodations with the Office of Town Clerk. The resident shall submit a notarized affidavit certifying that the premise is and will continue to be their principal legal residence. Documentation of legal residence may be requested including Homestead Exemption, state tax filing, voter registration. The Select Board or its designee may set and periodically revise a schedule of fee for registration, permit application, and inspections of Short Term Rental properties.

2. All Short-Term Rental Hosts must file an application with the Building Inspections Department. The Building Commissioner shall have sixty (60) days to schedule an inspection of the site. If an inspection is not scheduled within sixty (60) days, a temporary permit may be issued.
3. The Building Commissioner shall inspect the premise to determine adherence to applicable building, safety, sanitary, and housing codes and maximum occupancy and issue a permit if compliance is demonstrated.
4. When Short-Term Rental Hosts demonstrate receipt of applicable local zoning and building permits, the Short-Term Rental Host shall be granted a registration number and registration certificate from the Town of Lenox.
5. The Short-Term Rental Host shall have one year to operate with their registration number. In order to be considered a legal Short-Term Rental, the Host will be required to apply for an annual renewal through the Inspections Department. The annual renewal will be granted so long as the Host demonstrates:
 - a. Adherence to local and state building, safety, sanitary and housing codes.
 - b. Adherence to all applicable state and local tax and insurance laws.
6. The Short-Term Rental Host shall display their registration number at all times both in their online listings, any other form of listing, and at their Short-Term Rental property.
7. Any property owner found to be in violation of any provision described in this Section shall be subject to enforcement and penalty as described in Section 3.2 of the Lenox Zoning Bylaw. As part of the enforcement process, the Town or its agent(s) shall have the authority to request online hosting platforms to deny or immediately remove listings that do not include a valid license number or which have not timely renewed their license with an annual Building Inspections Department renewal.