

Draft Amendments 01/09/2018

SECTION 20 DEFINITIONS

ADD:

SHORT TERM RENTAL. A family dwelling unit in which the owner or lessee rents or offers to rent all or a part of the family dwelling unit for a period of less than 30 days. Short term rentals are a transient use.

**SECTION 60
RESIDENTIAL DISTRICTS R-2, R-1, AND R-1/2**

60A.1. Add to General Principal Uses.

Subsection (F) Short term rental of a family dwelling unit in which the owner or lessee rents or offers to rent the family dwelling unit for a period of less than 30 days containing three bedrooms or less and meeting the requirements of Section 132.

60A.2. Add to Special Principal Uses.

60A.2. (L) Short term rental of a family dwelling unit in which the owner or lessee rents or offers to rent the family dwelling unit for a period of less than 30 days containing more than three bedrooms and meeting the requirements of Section 132.

The decision as to the Districts in which the two types of Short Term Rentals are allowed, either one or both, is a policy decision for the Commission.

I would recommend the Commercial District and the Village Residential District where single family residences are a permitted use.

Add:

SECTION 132

STANDARDS AND CONDITIONS FOR SHORT TERM RENTAL

132A.GENERAL. A short term rental of a family dwelling unit as defined in Section 20 shall be subject to the following conditions for smaller units (three bedrooms or less) when allowed as a General Principal Use in a District.

A short term rental of a family dwelling unit as defined in Section 20 with more than three bedrooms shall be subject to the requirements of Section 120 and Section 130 when allowed as a Special Principal Use in a District. Where the requirements of this Section differ from the requirements of Section 120 and Section 130, the requirements of this Section 132 shall control.

132A.1. PURPOSE. The purpose of these regulations is to minimize any adverse effects of recurring transient use of family dwelling units in the Districts where permitted as a General Principal Use for smaller units (three bedrooms) and by special exception for larger units (more than three bedrooms), subject to the special standards to protect and preserve the character of Chester as described in its Plan of Conservation and Development, its property values and quality of life.

132A.2.GENERAL PRINCIPAL USE. The issuance of a Zoning Permit for short term rental of three bedrooms or less if permitted as a General Principal Use in a District, shall be subject to the following specific Special Standards:

(A) OCCUPANCY.

1. All of the occupants shall meet the definition of “Family” in Section 20.
2. The number of bedrooms shall be taken from the Assessor Records.
3. The number of occupants for each rental unit shall not exceed two (2) persons per bedroom. A child under the age of one year shall not be considered an occupant for the purpose of this regulation.

(B) SPECIAL EVENTS. For the purpose of this regulation, a Special Event will be deemed any use of the property beyond its primary use as a single family dwelling and customary incidental uses or where the event involves the participation of more than 14 persons on the property at any time during the event.

132A.3. SPECIAL PRINCIPAL USES. The issuance of a Special Exception for short term rental of more than three bedrooms if permitted as a Special Principal Use in a District, shall be subject to the following specific Special Standards:

(A) OCCUPANCY.

1. The number of bedrooms shall be taken from the Assessor Records.
2. The number of occupants for each rental unit shall not exceed two (2) persons per bedroom. A child under the age of one year shall not be considered an occupant for the purpose of this regulation.

(B) CODE COMPLIANCE. The applicant for the Special Exception shall provide the Commission with written certification from the Building Official, Fire Marshal and Public Health Director or designee, that there are no violations of the applicable Code relating to the dwelling, or the building in which the dwelling is located, or with respect to the property, nor any pending investigations regarding Code compliance.

(C) SECTION 120 AND SECTION 130 REQUIREMENTS. The Application for a Special Exception or a Special Event Permit under Section 132.A.3. (D) shall meet all the requirements of Section 120 and Section 130 of these Regulations unless the requirement is waived by the Commission.

Dedicated on- site parking for one and one-half vehicles per bedroom (rounded up to the next whole number) shall be provided and demonstrated by the site plan required under Section 120 and Section 130 of these Regulations.

The Commission may determine that the location of the short term rental is unsuitable based upon the standards of Section 120G.

(D) SPECIAL EVENTS. For the purpose of this regulation, a Special Event will be deemed any use of the property beyond its primary use as a single family dwelling and customary incidental uses or where the event involves the participation of more than 14 persons on the property at any time during the event. The maximum participants in a Special Event shall not exceed 28.

Dedicated on- site parking for one and one-half vehicles per bedroom (rounded up to the next whole number) plus one space for each 2 additional event participants shall be provided and demonstrated by the site plan required under Section 120 and Section 130 of these Regulations.

The issuance of a Special Event Permit shall be by Application for Special Event Permit under Section 132A.3. (C) .The fee for the Special Event Permit shall be established by the Commission.

(F) MANAGEMENT.

1. On-site management of the property for the entire duration of the short term rental shall be required, as a condition of the Special Exception, unless the Commission shall authorize “local management”, or a combination of both, under Section 132.A.3.2.

For the purposes of this Regulation, “on-site management” means the owner of the property or the person or persons designated by the owner, who shall be full time permanent residents of the property and available and responsible for maintaining the property, the occupancy and the activities thereon in compliance with this Regulation.

The identity of the on-site manager and the contact information shall be part of the information required for the statement of use under Section 120C.3. and shall be continuously updated so as to remain current.

2. For the purposes of this Regulation, “local management” shall mean the person, persons or entity designated by the owner the property who shall be responsible for maintaining the property, the occupancy and the activities thereon in compliance with this Regulation. The person, persons or entity shall be physically located within 15 miles of the Town of Chester, qualified to perform the responsibilities and able to be at the property at all times of short term rental occupancy within 30 minutes.

The Commission may authorize more limited on-site management, local management or a combination of both, upon request of the Applicant for the Special Exception or for a Special Event Permit, provided the Applicant shall demonstrate that the proposed management meets all the requirements of Section 120G. The Commission may only allow the exception if it determines that the location of the short term rental is suitable based upon the standards of Section 120G.

The identity of the on-site manager and the contact information shall be part of the information required for the statement of use under Section 120C.3. and shall be continuously updated so as to remain current.

(G) PERMIT RENEWAL. The Special Exception Zoning Permit shall be renewed annually and any Special Event Permit may also be renewed annually for a fee established by the Commission.

Substantial noncompliance with the conditions precedent to the issuance of the Zoning Permit and/or the Special Event Permit shall be grounds for non-renewal. Substantial evidence of illegal activity, including but not limited to one or more breaches of the peace, taking place on or with respect to the property shall be grounds for non-renewal.

Application may be made for reinstatement of a Permit after one year. The Reinstatement Application shall be made under and shall be required to meet the