

Draft Short Term Rental and Related Regulation Amendment

Commission Commentary on the draft Regulations shall be noted by an asterisk and by italics.

SECTION 20 DEFINITIONS

ADD:

TRANSIENT ACCOMMODATIONS. Overnight lodging for persons, with or without meals (See Hotel, Motel, Bed and Breakfast and Short Term Rental).

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 overnight lodging for a period of less than 30 days. Short term rentals are a transient accommodation use.

ADD:

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 as a General Principal Use in the following Districts:

RESIDENTIAL DISTRICTS R-2, R-1, AND R-1/2
PLANNED RESIDENTIAL DISTRICT (PRD)
CHESTER VILLAGE DISTRICT
COMMERCIAL DISTRICT
CONTROLLED DEVELOPMENT DISTRICT (CDD), WATERFRONT
DESIGN DISTRICT, RESEARCH AND LIGHT MANUFACTURING
DISTRICT (RLM)

**** The Commission has included Short Term Rentals as a General Principal Use in this draft in all Districts. The inclusion of Short Term Rentals as a General Principal Use in any District in the draft is not a final decision of the Commission.***

The Commission has the right in its discretion to remove Short Term Rentals as a General Principal Use in any of the above listed Districts in the Regulation it may adopt only after receipt of evidence and comment at the Public Hearing required for adoption of the new Regulations.

ADD:

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 in all the above listed Districts.

** The Commission has also included Short Term Rentals as a Special Principal Use in this draft in all Districts.*

The inclusion is not a final decision of the Commission.

The decision as to the Districts in which a Short Term Rental will be allowed as a General Principal Use and/or as a Special Principal Use will be a discretionary decision of the Commission in the Regulation it may adopt, made only after receipt of evidence and comment at the Public Hearing required for the adoption of the new Regulations.

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 when allowed as a General Principal Use or a Special Principal Use in a District.

**The regulations under Section 132A.2. shall be applicable in those Districts which the Commission in its discretion has determined appropriate for Short Term Rentals to be a General Principal Use.*

The regulations under Section 132A.3. shall be applicable in those Districts which the Commission in its discretion has determined appropriate for Short Term Rentals to be a Special Principal Use authorized by Special Exception.

All discretionary decisions of the Commission identified in the Draft will be made only after receipt of evidence and comment at the Public Hearing required for the adoption of the new Regulations.

132A.1. PURPOSE. The purpose of these regulations is to minimize any adverse effects of recurring transient accommodation use of family dwelling units in the Districts where permitted as a General Principal Use and by Special Exception where permitted as a Special Principal Use by establishing 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:

**** The Commission has provided a three bedroom limit for a General Principal Use in this draft. The maximum number of bedrooms allowed for a General Principal Use is a discretionary decision of the Commission.***

(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.

****The number is a discretionary decision of the Commission.***

4. The number of short term rentals in any specific time period, or the duration of any short term rental, is not limited by this regulation.

**** The Commission has provided for no limitation on the number of rentals, or for the duration of any single rental for a General Principal Use in this draft. The establishment of limits on the number of rentals and/or the duration of any single rental is a discretionary decision of the Commission.***

(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, including but not limited to, weddings, banquets, parties, or where the event involves the participation of more than 14 persons on the property at any time during the event. No outdoor Special Events shall be permitted before 9:00 a.m. or after 11:00 p.m.

**** The Commission has provided limits for Special Events in this draft. The establishment of limits on the number of participants, the hours of Special Events, the prohibition of outdoor Special Events, or the prohibition of any Special Events is a discretionary decision of the Commission.***

(C) EXCEEDING ESTABLISHED LIMITS. A property owner or lessee may only exceed the limits established under Section 132A.2.4, if any, or the requirements under Section 123.A.2 (B) by issuance of a Special Exception under Section 132A.3, subject to the requirements of Section 132A.3.

**** In the event the Commission in its discretion imposes limits on the number and duration of Short Term Rentals, or the conditions for Special Events, the Commission***

may allow those limits to be exceeded by Special Exception under Section 132A.3. as a discretionary decision of the Commission.

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 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.

**** The Commission has provided that a short term rental of more than three bedrooms is a Special Principal Use requiring a Special Exception. The number of bedrooms for a Special Principal Use is a discretionary decision of the Commission.***

(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.

****The number is a discretionary decision of the Commission.***

(B) CODE COMPLIANCE. The application for the Special Exception shall be referred to the Building Official, Fire Marshal and Public Health Director or his designee for review and comments.

No Special Exceptions shall be granted unless the Applicant shall provide the Commission with written certification from the Building Official, Fire Marshall and Pubic Health Director or his designee, that there are no outstanding violations of record 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 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.

Parking requirements is a discretionary decision of the Commission.

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, including but not limited to, weddings, banquets, parties, or where the event involves the participation of more than 14 persons on the property at any time during the event. No outdoor Special Events shall be permitted before 9:00 a.m. or after 11:00 p.m.

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.

**** The Commission has provided limits for Special Events in this draft. The establishment of limits on the number of participants, the hours of Special Events, the prohibition of outdoor Special Events, or the prohibition of any Special Events is a discretionary decision of the Commission.***

(E) 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 dwelling on the subject property, qualified to perform the responsibilities and able to be at the property at all times of short term rental occupancy within 30 minutes the qualifications to perform the responsibilities shall be determined by the Commission, consistent with the character of the use.

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.

3. The Applicant shall be required to provide evidence of general liability insurance for the Short Term Rental use meeting reasonable commercial standards.

(F) 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 of any special Exception, including any Special Event Permit issued under Section 132A.3(D), 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 provisions of Section 132A.3.

****The duration of the Permit and the conditions for renewal is a discretionary decision of the Commission.***