

APPROVED AT THE APRIL 26, 2022 ANNUAL TOWN MEETING

ARTICLE #27 Zoning – Short-Term Rentals: To see if the Town will vote to amend various sections of the Zoning Bylaw to modify certain provisions related to Short-Term Rentals, with new language shown in bold italics, as follows, or take any other action relative thereto:

1. Amend Section 202.5 – Use Regulation Table, by adding a new row entitled “***A13 Short-Term Rentals***”⁵⁴, as shown:

202.5 Use Regulation Table	Res.	RS-40	B1 ²¹	B2 ²¹	B3 ²¹	RMDOD ⁴⁴	MU	APD	AED	MOD	HMOD1	HMOD2	VC1	VC2	VC3	VC4
A. RESIDENTIAL																
<i>A13 Short-Term Rentals</i> ⁵⁴	yes	yes	yes	yes	no	no	yes	yes	no	yes	no	no	no	no	no	no

2. Amend Section 202.5 – Use Regulation Table - Footnotes, by adding the following new Footnote 54 as shown:

54. Short-Term Rentals may be allowed by-right if they meet the criteria outlined in Section 418.

3. Amend the Zoning Bylaw by adding the following new Section 418 as shown:

418 SHORT-TERM RENTALS

418.1 Purpose: To provide for the orderly operation of short-term rentals for residential properties that balance private, neighborhood and public interests, and will:

1. ***Protect and maintain the residential character of existing neighborhoods.***
2. ***Protect public health and safety.***
3. ***Enable residents to better afford to live here, maintain their properties and contribute to the community.***
4. ***Ensure the continued revenues to the Town from the short-term rental excise tax.***

418.2 Definitions:

SHORT-TERM RENTALS (STR) - defined as owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, boarding or lodging house, or guesthouse, inn or bed and breakfast establishment, where at least one room or unit is rented to an occupant or occupants for 1-31 consecutive days at a time; and all accommodations are reserved in advance. All STRs shall be transient in nature and not rented to the same occupant month to month.

418.3 Ineligible Units: The following are not eligible to be rented as STRs.

1. *Dwellings designated as income restricted or are subject to affordability covenants.*
2. *Family-related or affordable accessory apartments.*
3. *Dwellings subject to any outstanding building, sanitary, zoning or fire code violations.*

418.4 Registration & Inspections:

1. *All short-term rentals shall be registered annually through the Yarmouth Health Department in accordance with General Bylaw Chapter 108 – Occupancy of Buildings, and shall adhere to all their health and safety requirements, including occupancy limitations based on inspections.*
2. *Rental certificates shall be displayed on the property in a prominent location and shall include 24-hour local contact information.*
3. *The Town reserves the right to post rental locations and contact information on the Town Website per MGL Ch. 64G, Section 14.*

418.5 General Provisions:

1. **Trash Removal:** *All household trash shall be removed from the premises immediately after occupancy is concluded, and at a minimum once per week.*
2. **Parking:** *Adequate on-site parking shall be provided, with a minimum of one space/bedroom. There shall be no parking on lawns, no overnight street parking, and no street parking that impedes traffic or traffic safety at any time.*
3. **Duration:** *Renting for less than two (2) consecutive nights is prohibited.*
4. **Type of Rentals:**
 - a. *STRs are for Residential uses only. No large scale events including but not limited to weddings, corporate events, class/family reunions, and photo shoots.*
 - b. *No events that include tents or amplified music.*
 - c. *Shall not adversely affect the residential character of the neighborhood nor interfere with any reasonable person’s enjoyment of their residence.*
5. **Pets:** *Adherence to any and all state and local regulations regarding pets.*
6. *Use of RVs, campers or sleeping tents is prohibited.*
7. *Short Term Rentals shall meet all local and state regulations, including but not limited to building and fire codes, health codes, water supply and wastewater disposal.*

418.6 Sunset Clause: *Section 418 – allowing Short Term Rentals, along with corresponding provisions of A13 of Section 202.5 – Use Regulation Table, shall expire, and its terms shall no longer remain in effect as of 11:59 PM, November 13, 2024. During this time period, the Town will undertake a more detailed planning process related to Short-Term Rentals. Any STR use that complies with the terms of this bylaw shall be permitted to continue up to and including the sunset of this bylaw, at which time it shall lapse.*

Explanation:

This Article would amend the zoning bylaw to allow for short-term rentals (STRs) while incorporating general provisions to balance maintaining the residential character of existing neighborhoods, and ensuring the continued revenues to the Town from the short-term rental tax. The STR tax brought in \$1,342,723 to the Town in Fiscal Year 21 (FY 21), with over \$1,163,390 collected for FY 22 through January 2022. STRs are a vital revenue stream for the Town to help fund our wastewater initiative to improve our estuaries and retain our quality of life.

The recent legal case of *Styller vs Zoning Board of Appeals of Lynnfield* in July 2021 brought attention to how STRs are, or are not, addressed in Zoning Bylaws. Although the Health Department requires annual registration, inspections and setting of occupancy loads for rental properties, our current Zoning Bylaw does not expressly regulate short term rentals. Although STRs may have historically been viewed as customary accessory uses, the recent case law brought into question the legality of STRs throughout Massachusetts. This Article would allow for STRs by-right in a simple timely manner to avoid problems with upcoming summer vacation rentals and the revenue they generate for wastewater. Some limited provisions have been included to retain the residential character of our neighborhoods by regulating trash removal, parking, duration of rental, and type of rentals.

Understanding the Town may wish to undertake a more detailed planning process related to Short-Term Rentals, a sunset clause has been added to the Article. Under this sunset clause, the STR provisions in this Article would expire on November 13, 2024, unless amended at a future Town Meeting.

Board of Selectmen Recommends (4-0-1)
Planning Board Recommends (5-0)

(Yarmouth Planning Board)

2/3 Vote Required