

Text amendment PLPZ 2021 00513	Text amendment To define and restrict Short term Rentals
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APPLICATION SUMMARY:

Staff is proposing the following amendment to the Building Zone Regulations (Bold to be added):

Section 6-5(43.4) Short term Residential Rental –

The temporary rental of part or all of a residential property for fewer than thirty consecutive nights at a time. This is permitted in all Zones, provided that:

- 1. The Short-term rental is in a structure with a Certificate of Occupancy for a dwelling unit. Short-term rental of accessory units approved under Section 6-99 of the BZR is not permitted.**
- 2. The Short-term rental shall only be used for lodging-type uses. Nonlodging uses, including, but not limited to, parties, receptions, weddings, filming, photo shoots, corporate retreats and fundraisers, shall not be allowed.**

Sec. 6-154. PARKING AND GARAGES FOR RESIDENTIAL PURPOSES. (6/11/86)
On lots used for single-family residence purposes, **Short-term rentals**, or for boarding or rooming houses, sufficient garage space or outdoor parking space shall be provided to accommodate the passenger cars used by the residents of such premises. (6/1/2017)

PURPOSE:

The purpose of this proposal is to define and restrict Short-term rentals. It is also to address parking for these uses.

BACKGROUND:

Short term rentals have not previously been limited.

A workshop was held on 9/29/2020 where a multitude of various options on how and why to regulate Short term rentals were discussed.

THE ISSUES:

According to Zoning Enforcement staff, we receive a call every 2 months or so. They focus on the following:

- 1) Increase in traffic, number of parked cars etc., that are associated with additional occupants.
- 2) Renting out of an inappropriate structure; e.g., someone converted a garden shed
- 3) Most calls stem from rentals in multi-family dwellings.

Issues of noise or other disturbance are handled by the Police as they would be for any disturbance. By including Short term rental in Section 6-154, it would now be clear that there must be adequate parking.

HOW MANY UNITS ARE IN TOWN NOW?:

Performing a basic search on AirBnb.com and VRBO.com, it appears there are approximately 300 rental units. There are over 15,000 residential units in Town.

CURRENT REGULATIONS:

There are no regulations that speak specifically to STRs. However, related sections include:

Section 6-95(4) allows: “The keeping of not more than two (2) roomers or boarders by a resident family only in a detached single-family dwelling, exclusive of employees on the premises.”

Section 6-5(43) defines a Rooming House as: “Rooming House shall mean a dwelling in which rooms for living purposes are rented for compensation to five (5) or more persons other than the members of the family of the proprietor.” This use is permitted by special permit in the R-6 zone only.

OPTIONS:

- 1) Continue to use existing public safety codes, noise ordinance. And zoning regulations (usually for instances of rental of illegal units) to enforce against complaints.
- 2) Municipalities across the country use a variety of techniques to control STRs, including:
 - a. durational caps on rentals;
 - b. caps on the number of days property may be rented during the year;
 - c. density controls;
 - d. special permit requirements;
 - e. parking requirements;
 - f. neighbor notification;
 - g. establishing a registration system;
 - h. owner-occupancy requirements; and
 - i. distinguishing between single-family, multifamily, and mixed-use neighborhoods

COMMENTS:

Several comments were made from members of the public at the workshop. The comments included:

1. Requesting the Commission define Short term rentals, definition of STR;
2. Identify number of days,
3. Requiring an application to the Commission to establish themselves as a viable Short term rental. This would then trigger notifying neighbors

4. Noting that discussing who is in the house is in violation of fair housing laws
5. Private property rights need to be respected too
6. It was noted anecdotally that the existing Short term rentals were good for the Town economically because they provide an option to “expensive hotels” and also allowed people to try out Greenwich during the pandemic. Lastly that they provided additional options for people desirous of additional income such as an elderly person wanting to stay in town with an income source

PLAN OF CONSERVATION AND DEVELOPMENT:

In order to proceed with any regulation change, the Commission must make a finding of conformance to the Plan of Conservation and Development.



Regulating Airbnb Rentals through Zoning in Connecticut

By: Julia Singer Bansal, Associate Analyst
September 28, 2018 | 2018-R-0200

Issue

In the context of zoning regulations, do Airbnb rentals differ from traditional bed and breakfasts? Provide examples of how Connecticut municipalities are regulating Airbnb rentals.

Summary

Airbnb is a platform that allows property owners to rent out rooms, suites, or entire dwellings, generally on a short-term basis (i.e., for fewer than 30 days). According to slides from a 2017 Connecticut Bar Association presentation, municipalities across the country use a variety of techniques to control Airbnb rentals, including:

1. durational caps on rentals;
2. caps on the number of days property may be rented during the year;
3. density controls;
4. special permit requirements;
5. parking requirements;
6. neighbor notification;
7. owner-occupancy requirements; and
8. distinguishing between single-family, multifamily, and mixed-use neighborhoods (*Id.* at slide 69).

To research how Airbnb rentals are regulated in Connecticut, we reviewed information available through the [Connecticut Planning Professionals listserv](#), a UConn-managed discussion forum for land use professionals. We also directly contacted certain municipalities for more information.



We identified only one Connecticut municipality, Hartford, that adopted a zoning regulation specifically regulating short-term rentals like **Airbnb** rentals. We provide a summary of the city's regulation below.

In other municipalities, hosted **Airbnb** rentals are often treated like bed and breakfasts (e.g., Canton, Kent, Newington, and Woodstock) or boarding houses (e.g., Canton and Kent). We found that zoning regulations generally did not address unhosted rentals (i.e., renting an entire property to guests); (but Hartford's regulation applies to hosted and unhosted rentals). Below, in Table 1, we provide (1) six examples of how zoning regulations apply to **Airbnb** rentals in Connecticut municipalities and (2) the municipality's definition of bed and breakfast, if one exists.

Hartford's Short-Term Rental Regulation

Hartford's short-term rental regulation requires operators to obtain a zoning permit before offering short-term rentals and establishes limitations related to (1) rental frequency and rental length, (2) owner-occupancy, (3) maximum number of guests, and (4) rentals that become a nuisance to neighbors. The regulation defines short-term rentals as “[t]he temporary rental of part or all of a property to any temporary renters for no more than 21 cumulative days during any 6 month period, with no property being used for such temporary rental more than 3 times during any 6 month period.”

Under the regulation, no more than four adults, in addition to related minor children, may use a single dwelling unit as a short-term rental at the same time. The regulation sets minimum usable floor area requirements of 70 square feet for one person and 50 square feet for each additional person, including children age one or older. The property owner must host any short-term rentals operated on a lot with only a single-family home or in a single-family home district.

The regulation specifies that short-term rental operators must obtain a zoning permit from the city; permits are valid for three years. A special permit from the zoning commission is required if an operator seeks to exceed the regulation's default frequency and cumulative rental period limits. The city's zoning administrator may revoke a zoning permit or special permit if he or she learns that the rental has become a nuisance to neighbors ([Hartford Zoning Regs § 3.5.1\(E\)](#)).

Regulation of Airbnb Rentals in Select Municipalities

Table 1: Select Municipalities' Definition of "Bed and Breakfast" and Regulation of Airbnb Rentals

Canton	Bed and Breakfast, as Defined in Zoning Regulations	Regulation of Airbnb Rentals
	<p>“Overnight accommodations and a morning meal in a dwelling unit (B & B) provided to transients for compensation” (two types: minor and major) Regs § 2.2</p> <p>Minor (permitted as of right in residential zones): owner lives on the lot; limited to three guests; rented rooms must be accessed from within the structure; structure must meet lot area and dimensional requirements for the district; rented rooms cannot have cooking facilities Regs § 3.3.B</p> <p>Major (permitted with zoning commission’s site plan and special permit approval): operator lives on the lot; structure must meet lot area and dimensional requirements for the district; rented rooms cannot have cooking facilities; adequate water and sewage disposal; compatible with the character of the surrounding area; complies with any parking screening requirements; structure is approved by Fire Marshal and Building Official; may provide other services (e.g., banquet facilities, massages, restaurant) Regs § 3.3.D</p>	<p>According to the Planning and Community Development Department, Airbnb rentals generally are regulated as bed and breakfasts or boarding houses</p> <p>A boarding house is permitted with the zoning commission’s site plan and special permit approval in residential districts; defined as “[a]n owner occupied dwelling that provides for the renting of rooms or board to not more than three (3) paying guests, other than members of the owner’s family” Regs § 2.2</p> <p>Bed and breakfasts require a zoning enforcement official-issued permit and zoning commission’s site plan approval in business and industrial districts Regs § 4.1.B.5</p>
Hartford	<p>“A facility providing temporary lodging to the general public consisting of no more than 6 sleeping rooms with daily room cleaning services, without in-room kitchen facilities, in either an owner-occupied principal structure or in a principal structure on the same lot of an owner-occupied accessory structure” Regs § 3.3.1(B)</p> <p>Among other requirements, a bed and breakfast must be located in a structure that is at least 75 years old, serve breakfast, and give guests access to guestrooms via a common space, not a separate exterior entrance Regs § 3.3.1(B)</p>	<p>Airbnb rentals are generally regulated under the city’s short-term rental provision, summarized above</p>
Fairfield	None	<p>Regulations allow property owners in most residential districts to take on up to two boarders, but lease period must be at least 30 days (in one residential district, a special permit is required before boarders can be taken on) Regs §§ 31.2.19, 5.1.2, 10.4, 11.1.2</p>

Table 1 (continued)

	<i>Bed and Breakfast, as Defined in Zoning Regulations</i>	<i>Regulation of Airbnb Rentals</i>
Kent	<p>“A single-family dwelling in which the owner resides and in which sleeping accommodations and breakfast (but no other meals) may be provided to guests for compensation” Regs § 2200</p> <p>Depending on the zone, bed and breakfasts may have a maximum of three to six guest rooms; sanitarian or sewer commission must certify that water and sewerage systems are adequate; screening may be required to create a buffer from neighboring uses Regs § 6300</p>	<p>According to the Land Use Department, Airbnb rentals are not regulated if they are unhosted rentals; if the rental is hosted and breakfast is served, a special permit for a bed and breakfast is required; a special permit for a boarding house is required for other hosted rentals</p> <p>A boarding house is “[a] single-family dwelling in which the owner resides and in which rooms may be let and board may be furnished to not more than six individuals in addition to the owner's family” Regs § 2200</p>
Newington	None	According to the Town Planner’s Office, neither bed and breakfasts nor Airbnb rentals are permitted in residential zones
Woodstock	<p>“[A] dwelling, in which lodging and meals are offered or provided for compensation to one to twelve persons for limited periods of time not exceeding 30 consecutive days; the owner shall live on the property” Regs Art. II, Definitions</p>	<p>According to the Town Zoning Office, Airbnb rentals are considered to be bed and breakfasts and thus must obtain a zoning (home occupation) permit</p> <p>Requirements for home occupations include: (1) no more than half of the finished floor area of a dwelling unit may be used for the occupation and (2) the occupation is incidental and secondary to the residential use of the lot Regs Art. VI, § E</p>

JSB:cmg