

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

This application was left open at the second November due to a question that arose about potential liability to the Town should someone rent out space in a residential dwelling, such as a basement, that didn't meet Building Code with respect to emergency escapes and rescue openings as defined in Section R310 of the 2018 CT State Building Code. It was further postponed at the December Hearing to incorporate public comments to clarify that affordable housing units are not eligible for use as a Short Term Rental due to the income and other restrictions outlined in the Affordability Plans associated with each unit.

Section R310 of the 2018 CT State Building Code

For one and two family dwellings:

Section R310 of the 2018 CT State Building Code [CSBC] – **Emergency Escape and Rescue Openings:**

Basements, habitable attics and every sleeping room shall have not less than one operable escape and rescue opening that opens directly to into a public way, yard or court that opens to a public way.

Exception – In existing buildings, basements or attics being converted to habitable space without sleeping rooms are not required to have emergency escape and rescue openings.

Emergency escape and rescue openings can be windows meeting the size requirements of Section R310.2 CSBC or doors direct to the outside.

A minimum of one such openings is required in each sleeping room.

REVISED LANGUAGE (in red) BASED ON THE ABOVE COMMENTS

(proposed language in bold and red):

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

The temporary rental of part or all of a residential dwelling for fewer than thirty consecutive nights at a time.

Sec. 6-93. PERMITTED USES IN RA-4, RA-2, RA-1, R-20 AND R-12 Zones.

(a) The following principal uses are permitted in RA-4, RA-2, RA-1, R-20 and R-12 Zones and all other principal uses are expressly excluded:

(1) Detached single family dwellings, one (1) per lot.

(2) Streets, parks, playgrounds, public school grounds and Town buildings and uses.

(3) Short-term Residential Rental subject to the following:

- A. **A Short-term rental shall be permitted only in those portions of a structure covered by a Certificate of Occupancy for a dwelling unit.**
- B. **All rooms rented for the purpose of sleeping must have emergency escape and rescue openings in conformance with the Connecticut State Building Code.**
- C. **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, is prohibited.**
- D. **Short-term Residential Rental is considered separate and apart from a rooming house (Section 6-5(43)) or a boarding house (Section 6-5(4)) and both are not permitted on a given property at the same time.**
- E. **Short-term Residential Rental of accessory units (Section 6-99) or of Below Market Rate Dwelling Units (6-110(b)(5)) is prohibited.**

Sec. 6-97. USE REGULATIONS FOR R-7 ZONES.

(a) The following principal uses shall be permitted and all other principal uses are expressly excluded in R-7 zones:

- (1) All uses permitted in RA-4 zones and uses permitted under Sec. 6-94. (10/27/83)

Sec. 6-98. USE REGULATIONS FOR R-6 ZONE.

(a) The following principal uses are permitted and all other principal uses are expressly excluded in the R-6:

- (1) All uses permitted in R-7 zones.

Sec. 6-154. PARKING AND GARAGES FOR RESIDENTIAL PURPOSES. (6/11/86)

On lots used for single-family residence purposes, **Short-term Residential Units**, 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)

ORIGINAL REPORT:

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.