

PROPOSED BYLAW ON SHORT-TERM RENTALS

§139-__ SHORT-TERM RENTALS

1. In residential districts, each Lot may be used as a Short-Term Rental ("STR") for 28 days (4 weeks) per calendar year as a permitted accessory use to a Principal Use, subject to the following conditions:
 - a. The Lot is used for Residential Use at least 32 days per calendar year.
 - b. The Lot may be used as an STR for an additional 7 days (1 week) for every additional 28 days (4 weeks) of Residential Use beyond the minimum in Subsection 1.a.
 - c. On Lots with multiple Dwelling Units, the STR limits set forth herein are cumulative of all Dwelling Units on a Lot, and there shall be only one Dwelling Unit used as an STR at any one time;
 - d. There shall be a minimum stay of 4 days for STRs throughout the year, except July and August when the minimum stay shall be 7 days;
 - e. A Lot shall have no more than eight changes in STR occupancy during a calendar year; and
 - f. All Short-Term Rentals shall be registered with the Town and operated in accordance with General Bylaw § 123.
2. Exemptions. All STRs occurring when the Lot is Owner Occupied shall be permitted as of right and exempt from the limitations set forth in this provision, except that Subsection 1.d above shall apply. Cottage colonies that were operating as Short-Term Rentals prior to 1972, when Nantucket enacted zoning, are exempt from the provisions of this Section.
3. To register under General Bylaw § 123 as an accessory use STR, the Owner must submit as part of its annual registration documents: (a) copies of all rental contracts for the prior year (redacted as appropriate); (b) signed certification documenting compliance with the limitations set forth in this Bylaw regarding Residential Use, STR days, turnovers and any other information required by the Planning Department or pursuant to regulations promulgated by the Board of Health governing the use of STRs.
4. All other STRs in residential districts are prohibited.
5. For the purposes of this Section only, Residential Use shall mean occupied by the Owner or tenancy of at least 32 consecutive days without sublet.

ILLUSTRATIVE EXAMPLES (not part of proposed Warrant Article):

1. A year-round resident lives in house on a Lot from October 1 to May 31 (243 days of Residential Use), but moves out during the summer months. The Lot may be used as an STR for 11 weeks (4-week allowance plus additional 211 days of Residential Use results in a total of 7 additional weeks of permitted STR use).
2. A Lot has 60 days of Residential Use by an off-Island owner. The Lot may be used as STR for a total of 35 days (5 weeks) (4 weeks allowance plus the additional 28 days of Residential Use results in an additional 7 STR days).
3. A Lot has both a primary and secondary dwelling. The Owner, who resides in the primary dwelling most of the year, moves into the secondary dwelling during the summer. The dwellings on the Lot (depending on which the Owner is in) may be used as STR without limitation on STR days.
4. A Lot is rented to a teacher for 9 months from October 1 until May 31 (273 days of Residential Use). The Lot may be used as an STR for 12 weeks of the calendar year (4 week allowance plus an additional 8 weeks for each of the additional month of tenancy by the teacher), but the use is capped at 8 turnovers.