

## Article# 43: Zoning By-law: 2025 Proposed Short Term Rentals

To see if the Town will vote to amend the Town of Stoughton Zoning Bylaw November 18, 2015 as amended through May 15, 2024, Section 3.1.4, Table of Use Regulations, and create a new Section 7.5 Short-Term Rental Units, as set forth below, with text to be inserted shown in **bold underline**, or take any other action relative thereto.

### Section 3.1.4 - TABLE OF USE REGULATIONS

Principal Uses	Residential					Business			Industrial	
	R-M	R-U	R-C	R-B	R-A	GB	NB	HB	I	I2
F. ACCESSORY USES										-
<b><u>23. Short-Term Rental Units</u></b> <b><u>(See Section 7.5)</u></b>	<b><u>N</u></b>	<b><u>BA</u></b>	<b><u>BA</u></b>	<b><u>BA</u></b>	<b><u>BA</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>	<b><u>N</u></b>

## **7.5 Short-Term Rental Units.**

### **7.5.1 Purposes.**

- 1. Protect and maintain the residential character of existing neighborhoods.**
- 2. To define short-term rental use and regulate the use of short-terms rentals in the town;**
- 3. With the overall well-being of residents and neighborhoods in mind, to strike a balance between competing interests such as the need for long-term rental housing and the benefits of short-terms rentals.**
- 4. To minimize the adverse effects on residential properties and neighborhoods that may arise from residential properties being used as short-terms rentals.**

### **7.5.2 Definitions. Except as otherwise specified herein, all terms used in this Section 7.5 shall be as defined in 830 CMR 64G.00 (Room Occupancy Excise).**

**SHORT TERM RENTAL UNIT (STRU) means any rental of all or part of a dwelling unit rented out through the use of advance reservations, for a fee, for a period of not more than 31 consecutive calendar days, excluding: hotels licensed under M.G.L. Chapter, 140, Section 6; motels licensed under M.G.L. Chapter 140, Section 32B; or lodging establishments licensed under M.G.L. Chapter 140, Section 23.**

**CERTIFIED PLOT PLAN means a stamped drawing, drawn to a measurable scale by a state-registered engineer or a state-registered land surveyor that shows a parcel of land, its boundary lines and total square footage, and locates all existing structures (e.g. house, decks, pools, garages, fences, driveways, sheds, and parking spaces).**

**OPERATOR means a natural person who is an owner of record of the dwelling unit or is legally authorized to act in relation to the STRU as the owner of record. Such owner may be, without limitation, an individual owner, alone or together**

with others, a trustee of a trust, a manager of an LLC, or an officer of a corporation. A natural person legally authorized to act for the record owner shall be duly designated by the licensing authority as the responsible party for an STRU.

OPERATOR'S AGENT means any natural person who or entity that manages an STRU on behalf of an operator, including a property manager, property management company, or real estate agency.

### **7.5.3 General Requirements for STRU:**

1. All STRU shall require a special permit in all zoning districts in which single family homes are allowed as-or-right;
2. An STRU special permit shall be personal to the applicant, shall not be transferable, and shall not run with the land. In this context, "personal to the applicant" means that the special permit shall lapse if the applicant ceases to have a substantial ownership interest, direct or beneficial, in the STRU;
3. An STRU may only be established within a lawful dwelling unit and not be allowed within an accessory building or accessory dwelling unit;
4. There shall be a minimum of one (1) off-street parking space per STRU in addition to the parking spaces that are required by the underlying zoning district for the principal dwelling;
5. Events that include tents or amplified music or which would customarily require a license or permit are not allowed;
6. A STRU is not allowed on any property with outstanding violations of the Building Code, Fire Code, Board of Health, Town General Bylaws or unpaid Taxes;
7. The operator shall make those specific physical improvements as required by the building commissioner, fire department, board of health and/or zoning board of appeals to achieve compliance with applicable laws, prior to initiating any STRU use on the subject property.
8. There shall be no external, physical evidence (including any signs or other advertising) of the STRU to differentiate it in appearance from the residential premises in which it is located, nor from other residential properties similarly situated;
9. The STRU shall not create excessive noise, fumes, odor, dust, vibration, heat, glare, or electrical interference nor shall occupants of the STRU create litter or other common nuisances.
10. Using an operator's agent does not relieve the operator of any of their duties to comply with every provision of this section 7.5, nor their legal liability for any failure to so comply, including the limitation on number of STRU's per operator. An operator's agent is not limited in how many STRU's they may manage for different operators.

11. The operator shall comply with all applicable federal, state and local laws and regulations. Notwithstanding this requirement, an STRU may be established on a lot or within a building that is lawfully nonconforming to a provision of this zoning ordinance.

#### **7.5.4 Application Requirements for STRU:**

1. Each application for an STRU special permit shall include all the following information, as applicable. Additional information may be required by the non-zoning, licensing process provided for elsewhere in the Stoughton Code of Ordinances:
  - a. Evidence that the operator is the record owner of the STRU (e.g. an assessors card), or is legally authorized to act in relation to the STRU as the record owner;
  - b. (A) certified plot plan, (B) proposed site plan that indicates: (1) proposed structure(s) at the property; (2) location of any proposed STRU; and (3) off-street parking area(s) to accommodate all uses of the property, including the proposed STRU, and (C) interior floor plan(s) that indicate (1) the bedroom(s) proposed for use by STRU guests, the operator, and any other person occupying the proposed STRU, and (2) the location of kitchen facilities and/or bathrooms for use by occupants; and

#### **7.5.6 Ineligible STRU Structures. Notwithstanding anything in this zoning bylaw to the contrary, the following dwelling units and structures shall be ineligible for any STRU use.**

1. A dwelling unit that has been designated as below-market or income-restricted subject to affordability covenants, or that is otherwise subject to housing or rental assistance under local, state or federal law, including, without limitation, so-called inclusionary or Section 8 housing;
2. A dwelling unit subject to any requirement of local, state or federal law that prohibits the leasing or sub-leasing of the unit or use of the unit as an STRU;
3. "Accessory Dwelling Units" as that term is defined in the Stoughton Zoning Bylaw,
4. Campers, trailers, recreational vehicles, mobile homes, boats, tents, lean-tos, or any other similar space, or structure, whether temporary or permanent.
5. Any portion of a hotel, lodging house, or bed and breakfast use.
6. Any dwelling unit where STRUs have been prohibited by a legally binding agreement, such as a condominium bylaw.
7. Accessory buildings to a principal dwelling unit.

#### **7.5.7 Severability. If any provision of this Section 7.5 Short-Term Rental Unit is found to be invalid by a court of competent jurisdiction, the remainder of Section 7.5 shall not be affected but shall remain in full force. The invalidity of any provision of this Section shall not affect the validity of the remainder of this Zoning By-Law.**