

**ARTICLE \_\_\_\_**  
**(Zoning and General Bylaw Amendments: Short-Term Rentals)**

To see if the Town will vote to amend Sections 139 (Zoning Bylaw) and 123 (Short-Term Rental General Bylaw) as follows *(NOTE: new language is shown as highlighted text, language to be deleted is shown by strikeout; these methods to denote changes are not meant to become part of the final text and, further, that non-substantive changes to the numbering of this bylaw be permitted in order that it be in compliance with the numbering format of the Code of the Town of Nantucket)*:

A. Amend the Zoning Bylaw as follows:

1. Add or amend the following definitions to §139-2 Definitions and Word Usage (It is the intent of this bylaw that the defined terms contained herein shall have the same meaning as set forth in Massachusetts General Laws c. 64G):

**ACCESSORY USES**

Separate structures, buildings or uses which are subordinate and customarily incidental to a principal structure, building or use located on the same lot. A Short-Term Rental shall be deemed an Accessory Use if it complies with the requirements of §139-7A (Use Chart).

**HOSTED STAY**

An overnight stay whereby a Short-Term renter occupies a portion of a Dwelling Unit where the Owner or Operator is present or occupies a second Dwelling Unit on the same Lot where the Owner or Operator is present. An Owner or Operator is considered present when the Owner or Operator is on the premises except during the daytime and/or work hours.

**OPERATOR**

A person or other legal entity operating a Short-Term Rental including, but not limited to, the Owner or proprietor of such premises, the lessee, sublessee, mortgagee in possession, licensee or any other person otherwise operating such Short-Term Rental, except that the lessee of a Short-Term Rental shall not be considered an Operator.

**OWNER**

Any person who alone, or severally with others, has legal or equitable title or beneficial interest in any dwelling unit; a mortgagee in possession; or agent, trustee or person appointed by the courts. An Owner can be a single person, a marital unit, a group of people, LLC, or a trust. The Owner may also be referred to as the Operator, or the host.

## SHORT-TERM RENTAL

A dwelling unit or portion(s) thereof that is not a transient residential facility, where: (i) at least one room or dwelling unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance. Rental periods with a change in occupancy in excess of 31 calendar days shall not be considered a Short-Term Rental. The rental of property for a total of 14 days or less in any calendar year shall not be considered a Short-Term Rental.

2. Amend § 139-7A (Use Chart) by inserting Short-Term Rental between Tertiary Dwelling and Apartment Building in the Use column and inserting the designation A in all district columns except the Commercial Industrial (CI) District, where the designation N shall be inserted.
3. Insert the following footnote in the Use Chart under Short-Term Rental:

Notwithstanding anything to the contrary in §139 of the Town Code, and except for Hosted Stays, **a Dwelling Unit may not be used by the Owner or Operator as a Short-Term Rental for more than a total of 49-days between June 15 and August 31 or more than 70-days in any calendar year.** In order to qualify for the A use designation in the Use Chart, a Short-Term Rental must be operated in compliance with all applicable provisions of §123 of the Town Code. If a Lot contains more than one Dwelling Unit **and each dwelling unit is rented separately as a Short-term Rental**, each day that each Dwelling Unit is used as a Short-Term Rental shall count as one day towards the maximum of **49 or 70-days, as applicable.** A Dwelling Unit may not be subleased to any other person or legal entity during any period that it is used as a Short-Term Rental. All other Short-Term Rentals shall be prohibited as either a Principal or Accessory Use.

B. Amend the General Bylaws as follows:

1. Add the following new section to §123- 3L:

Short-Term Rentals shall be subject to the following limitations: (1) seven changes in occupancy between June 15 and August 31; (2) the minimum stay between June 15 and August 31 shall be seven days; and (3) A Dwelling Unit shall not be rented as a Short-Term Rental for a total of more than 49-days between June 15 and August 31 or a total of more than 70-days in any calendar year. If a Lot contains more than one Dwelling Unit and each dwelling unit is rented separately as a Short-term Rental, each day that each Dwelling Unit is used as a Short-Term Rental shall count as one day towards the maximum of 49 or 70-days, as applicable.

Or take any other action relative thereto.

*(Select Board for Planning Board)*

*Quantum of Vote for passage of this Article is 2/3.*