

TO THE READERS OF THIS DOCUMENT

This document is an exercise of the Noank Zoning Commission to see what commissioners, acting as individuals, see as a pathway to resolving concerns with respect to Short Term Rental issues. Some contributions are brief and conceptual. Others are more detailed and summarized in matrix form. Still others are written in text form, or as draft regulations.

None of the thoughts and ideas have been approved by the commission in any final sense; some points have received preliminary approval, for purposes of proceeding with a framework of ideas towards an eventual proposed ordinance. Therefore, everything is still subject to change.

The final page of the document is a consensus draft view that was the ending point of the commission's last consideration of the issues on June 25, 2020. This, too, is subject to change.

Many in the community have appealed to the Commission to "keep it simple." So far, it seems that the prevailing view of commissioners is that the three fundamental problems - unruly behavior, parking congestion, and a loss of the sense of neighborhood and community that may result from the continued trend towards short term rentals - defy a short and simple solution. This does not mean that commissioners do not still keep in the back of their minds the need to keep it short and keep it simple, if this can be done.

The following page presents the Commission's working draft "Statement of Purpose" to give readers a better sense of what is guiding us. The remaining pages are the individual thoughts, ideas and approaches of the commissioners.

HISTORY AND PROBLEM

The Noank Fire District has seen a great increase in the number of short-term rentals in the last four years that has been exacerbated by so-called “sharing services” such as Home Away and AirBnB. In 2016 there were six Short Term Rentals (STRs) in the Noank Fire District. In November, 2019, there were 25. In the last few years, some houses have been purchased in the fire district solely for the purpose of renting short term, defined here as renting for a period of less than thirty (30) days.

At the same time, there have been complaints from neighbors about excessive noise and unruly behavior by individuals who rent short term. In addition, some residents worry that:

1. Noank will lose its residential quality of life and its civic character because of ever-increasing numbers of visitors and rapid turnover of renters
2. Available long-term rental housing will be depleted by out-of-town visitors who are willing to pay a premium for short-term rentals.
3. Property values will deteriorate as the commercial use of properties increases.

On the other hand, some owners contend that short-term rentals are crucial to their ability to afford their homes considering ever-increasing property taxes.

Short-term rentals are not a permitted use in the Noank fire district. Unregulated short term rentals in Noank’s residential neighborhoods pose a potential threat to Noank’s public welfare, availability of housing stock, property values, residential quality and civic character.

Because of the above concerns, the zoning commission decided to create regulations for this activity.

PURPOSE

The purposes of these regulations are to:

- A. Preserve the residential character of Noank, and its close knit neighborhoods, civic life, community spirit, and sense of community which otherwise might be lost if short term rental activity were allowed to continue unabated.
- B. Balance the desire of residents to preserve the peacefulness and sense of community of their neighborhoods with the desire of property owners to rent their properties.
- C. Protect Noank from the nuisance impacts of short term rentals including noise, additional vehicles, parking and trash removal.
- D. Prevent properties from frequently turning over.
- E. Discourage replacement of permanently-occupied residences or long-term rental properties by Short Term Rentals.
- F. Ensure that administration, monitoring, compliance reporting and enforcement are efficiently and effectively accomplished and that the costs associated with such activities are borne by the Short Term Rental Operators.
- G. Maintain consistency with the purposes of The Noank Fire District Zoning Ordinance.

BETH'S PLAN

1. Three-year moratorium after you purchase a house to do STR. Thereafter, all types of property owners treated the same.

2. Between May and September, you get 2 rentals per month. A rental being defined as 1 booking with 1 customer that is 7 days in duration or less.

Issues to contend with? Weekend rentals, rentals of very short duration (less than 3 days),

3. All other times of the year, you get 2 rentals per week that are defined as being 3 days in duration or less.

4. If you have a driveway, all of your STR parking has to be on your property, as well as your own (if you are there).

5. If you don't have a driveway, you are only allowed to park 2 cars on the street plus your own (if you are there).

6. Noise restraints? As originally proposed.

7. Enforcement - three complaints in any 1 year or less period = automatic hearing on whether your STR permit will be revoked.

8. If revoked, you are banned for 2 years from STR.

Blake's Plan

OPERATIONAL STANDARDS

1. The Short Term Rental and the conduct thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood. The Short Term Rental shall not create any objectionable traffic congestion, noise, smoke, odor, or other unsuitable conditions that would set the dwelling apart from its surroundings or degrade residential property in the neighborhood.
2. A Short Term Rental Operator must be the property owner and is responsible for the conduct of its Short Term Renters and their compliance with the requirements of this section. The Short Term Rental Operator or a locally available (within Noank Fire District) secondary contact(s) must be available to respond to all complaints, emergencies and problems that may arise during the rental period, whether from renters, neighbors or municipal authorities.
3. The number of individual bedrooms made available for Short Term Rental within a dwelling unit shall not be greater than the number of lawful bedrooms in the dwelling unit.
4. Parking must be provided such that it does not impede traffic.
5. The following information shall be provided at a minimum to all Short Term Renters and provided in all Short Term Rentals in a conspicuous location:
 - a. A list of the rules and regulations for the use of the Short Term Rental, which will include all operational standards contained in this regulation.
 - b. Contact information for the Short Term Rental Operator and, for when the operator is not present or available, the contact information for a locally available (within Noank Fire District) secondary contact(s) designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors or municipal authorities.
 - c. The Short Term Rental permit.

Commented [TBP1]: This is the crux of the intent of the regulation but I don't think we need a lot of detail on each of these items. The enforcement mechanism is a neighbor's complaint and our ability to hold a public meeting and revoke a permit.

Commented [TBP2]: I think this is more reasonable than specifying within 30 minutes, 60 minutes, etc.

Commented [TBP3]: We really don't care how many off-street parking spots a property has, we just care that they don't park in a way that causes congestion i.e. two way traffic can't get by. (I'm in favor of this applying to the entire zoning regs, not just STR)

OPERATING LIMITATIONS

1. A Short Term Rental may be rented only as a whole unit to one party of Short Term Renters at any one time and not rented as separate bedrooms to separate parties.
2. The maximum number of times that the dwelling unit may be used for Short Terms Rentals is 45 days per calendar year.
3. No more than 2 Short Term Rentals per 4 week period is permitted in any unit.

Commented [TBP4]: Let's stay away from complicated formulas that try to predict every conceivable situation.

The limitations should apply to everyone equally.
Set the limitations to make investment/full-time STRs unattractive.

Commented [TBP5]: The original proposed regs said 34 days per year. I think 45 is a reasonable balance and still make investment/full-time STRs unattractive.

PERMIT APPLICATION REQUIREMENTS

1. A Short Term Rental Operator shall apply to the Zoning Enforcement Officer to obtain a Short Term Rental permit prior to the start of a Short Term Rental use and occupancy. If all required material and information is provided and complies with the requirements of this Section, the Zoning Enforcement Officer shall issue the Short Term Rental permit.
2. A Short Term Rental Operator shall send notice to owners within [150] feet of the property to be used for Short Term Rentals, informing them of the issuance of the permit and providing contact information for the Short Term Rental Operator and, for when the operator is not present or available, the contact information for a locally available secondary contact designated to respond to all emergencies and problems that may arise during the rental period. Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Zoning Enforcement Officer with the permit application.
3. A Short Term Rental Operator shall provide the following material and information to the Zoning Enforcement Officer to apply for a Short Term Rental permit:

Commented [TBP6]: I'm open to alternatives but this seems simple and reasonable.

- a. A completed application form with applicable fees.
 - b. Contact information for the Short Term Rental Operator and, for when the operator is not present or available, the contact information for a locally available (within Noank Fire District) secondary contact designated to respond to all emergencies and problems that may arise during the rental period, whether from renters, neighbors or municipal authorities.
 - c. Evidence of such mailing notice to owners within [150] feet of the property to be used for Short Term Rentals.
 - d. Copy of the proposed Short Term Rental rules and regulations to be displayed in the Short Term Rental.
4. A Short Term Rental permit is valid for two calendar years from the date of issuance. A Short Term Rental Operator must reapply in order maintain a legal Short Term Rental use.
5. A Short Term Rental permit is non-transferable. If the Short Term Rental Operator changes for any reason, such as a change in ownership of the property upon which a Short Term Rental use is legally established, the new operator must file a new application to continue the Short Term Rental use.

REVOCAION OF PERMIT

1. Whenever the Zoning Commission shall find that any of the provisions, requirements or operational standards of these regulations are not being complied with or the application material upon which the permit is not being complied with, the Commission may rescind and revoke such permit after giving due notice and the opportunity for a public hearing to the Short Term Rental Operator. A Short Term Rental Operator whose permit is revoked shall be ineligible to reapply for a new permit for a period of 1 year. A second revocation shall be permanent for that owner.

Commented [TBP7]:
Enforcement will be by neighbor complaints and the ability to revoke a permit.

The ability to revoke a permit should also deter investment/full-time STR properties.

Commented [TBP8]: I'm open to a 2 year period if it provides a stronger incentive to abide by the rules.

NIP'S PLANOptions for STR Owner/Operator Categories and Restrictions by Category
For Discussion by NZC at Meeting on July 9, 2020

<u>Category of Owner/Operator</u>	<u>Full-time Resident</u>	<u>Part-time Legal Resident</u>	<u>Part-time Seasonal Occupant</u>	<u>Absentee or Investor</u>
<u>Definitions</u>	Legal resident of CT, full-time in Noank with only occasional brief absences.	Legal resident of CT, but absent from Noank for continuous weeks or months.	Legal resident of another state while weekend or seasonal occupant of their Noank property.	A Noank property owner who is on-site less than 30 days a year.
<u>Number of Permits - RV District</u>	Total for all categories - 10 (5% of properties)	Total for all categories - 10 (5% of properties)	Total for all categories - 10 (5% of properties)	STRs not allowed.
<u>Number of Permits - Other Residential Districts</u>	10% of properties	10% of properties	10% of properties	STRs not allowed.
<u>Number of Permits per Street</u>	1	1	1	STRs not allowed
<u>Supervision of STRs</u>	Owner on site.	Designated local full-time resident representative.	Designated local full-time resident representative.	STRs not allowed.
<u>Number of Rental Rooms</u>	1 per parking space for first two spaces, 1 per ½ space for additional spaces.	1 per parking space for first two spaces, 1 per ½ space for additional spaces.	1 per parking space for first two spaces, 1 per ½ space for additional spaces.	STRs not allowed.
<u>Parking Spaces</u>	Off street spaces, including driveway but excluding yard, and excluding those needed for resident operator.	Off street spaces, including driveway but excluding yard.	Off street spaces, including driveway but excluding yard.	STRs not allowed.
<u>Adults per Bedroom</u>	2	2	2	STRs not allowed.
<u>Minimum Age of Renter</u>	25 years	25 years	25 years	STRs not allowed.
<u>Number of Rentals per Property at One Time</u>	One	One	One	STRs not allowed.
<u>Number of Families per Rental</u>	One	One	One	STRs not allowed.
<u>Events & Parties</u>	Not Allowed	Not Allowed	Not Allowed	STRs not allowed.

<u>Number of Rentals</u>				
<u>Option A - Per Week - Summer</u>	1 rental per 336 hour period, May 15-Sep 15.	1 rental per 336 hour period, May 15-Sep 15.	1 rental per 336 hour period, May 15-Sep 15.	STRs not allowed.
<u>Option A - Per Week - Not Summer</u>	1 rental per 168 hour period, 12 of the remaining 35 weeks per year	1 rental per 168 hour period, 10 of the remaining 35 weeks per year	1 rental per 168 hour period, 8 of the remaining 35 weeks per year	STRs not allowed.
<u>Option B - Number of Nights</u>	1 rental per 168 hour period, 75 nights per year.	1 rental per 168 hour period, 60 nights per year.	1 rental per 168 hour period, 45 nights per year.	STRs not allowed.
<u>Permit Fee</u>	5 nights of the average rental during off-season	5 nights of the average rental during off-season	5 nights of the average rental during off-season	STRs not allowed.
<u>Penalty for Violation of Terms of Permit</u>	1 st offense - fine = 5 nights of rental for the season in which the violation occurred 2 nd offense - 6 month suspension of permit 3 rd offense - permanent revocation of permit	1 st offense - fine = 5 nights of rental for the season in which the violation occurred 2 nd offense - 6 month suspension of permit 3 rd offense - permanent revocation of permit	1 st offense - fine = 5 nights of rental for the season in which the violation occurred 2 nd offense - 6 month suspension of permit 3 rd offense - permanent revocation of permit	STRs not allowed.
<u>Enforcement</u>	1 st offense - ZEO 2 nd & 3 rd offense - NZC	1 st offense - ZEO 2 nd & 3 rd offense - NZC	1 st offense - ZEO 2 nd & 3 rd offense - NZC	STRs not allowed.

DANA'S PLAN - LIMITED PERMITS PROPOSAL

The Zoning Commission recently adopted a Statement of Purpose for Short Term Rental (STR) regulation. It states, in part: “Balance the desire of residents to preserve the peacefulness and sense of community of the neighborhoods with the desire of property owners to rent their properties.”

In order to do this, the Commission has considered three general approaches.

1. Restrict STR activity to legal residents only.
2. Restrict STR activity only to those residences where the owner can be on site.
3. Allow everyone to operate, but restrict the number of times that an owner can rent.

The first two would eliminate many STR operators either because their home is not their legal residence and/or because they are unable to be on site during the rental period. The third approach would allow everyone to rent his or her home. However, in order for this third approach to work, the frequency that a landlord is allowed to rent must be restrictive enough to hold STR activity in check so that Noank retains its sense of community and civic character.

There is a fourth option that merits further discussion: Limited Permits. A fixed number of permits would be issued with the intent of keeping the number of landlords offering STRs constant. This, in turn, would keep STR activity fixed at approximately its present level. This is an idea that several members of the public urged the commission to consider during the public hearings in December, 2019. This is how it could work.

1. A fixed number of permits would be issued. Permits would remain the property of the fire district. If the house were sold, the permit would be returned to the fire district. That permit would go to the next person on a waiting list. Exceptions to this rule would be permitted if the property were sold to a member of the immediate family: wife, husband, children or siblings.
2. Presently, there are about 25 STR operators in Noank, eight in the village, and the remainder outside the village (Oviatt, December, 2019). A total of 30 permits would be an appropriate number based on the demand to operate STRs. Fifteen permits would be issued to those living in the RV, WC and VC districts, and fifteen would be allocated to R-12, R-20 and R-40 districts.
3. Initially, however, up to 40 permits could be made available. This higher number would allow for properties we may not have counted and for homeowners who have plans to run STRs in the short term. Twenty permits would be issued to those living in the RV, WC and VC districts, and twenty would be allocated to R-12, R-20 and R-40 districts.
4. Over time, some of the permits will be given back to the fire district. As these permits are retired, they would not be replaced. That is, the total number of permits would be allowed to dwindle without replacement until the originally specified number of 30 was reached.

5. There would be a limit of one permit per homeowner. In a situation where both an entire house and annex are available, rental of only one would be allowed.
6. Permits would be issued regardless of whether the rental is a whole house or apartment or room. Permits would not discriminate between owners who are on-site versus off-site.
7. The permit period would be one year starting in January.
8. There would be a deadline for initial application. Anyone who had not applied for a permit would not be able to apply after the deadline, but would be placed on the waiting list.
9. The cost of the permit would be \$200.00 per year, renewable each year. The cost of the permit would be consistent with the anticipated costs of running the program and would provide an incentive to turn in the permit if the landlord is renting so that others who want to rent can get one.
10. Before being granted a permit, the property must have been owned by the same person for four years in order to discourage so-called investment properties.

During past meetings, there have been objections to this proposal by members of the commission. These objections will be addressed in my presentation of the proposal.

RICK'S PLAN - EXPLANATION OF MEASURES

This plan is modeled after the Home Occupancy section of the current Noank Zoning Ordinance.

The matrix summarizes key measures. All measures are contained in the 8-page document behind the matrix. Measures in the matrix and the document that require substantive explanation are highlighted in yellow.

Key Measures:

Matrix:

1. Definition of “Hosted” vs. “Non-Hosted” Rental - Hosted allows the owner or his agent to live next door, or across the street, or in the property immediately abutting the back yard. This gives the non-hosted STR community a bit more flexibility to rent their house by the hosted rules while still maintaining sufficient control over the behavior of patrons (Page 7).
2. STR after Enactment for those Operating Prior to Enactment - These measures (“Exceptions”) give the benefit of the doubt to STR operators who claim they’ve never had complaints and manage their STRs properly. It allows all to continue renting as much as they do now but the first time there is a complaint verified by the ZEO (and perhaps after a hearing), they are required to comply with the “pool” limits: one rental per month for non-hosted or one rental every two weeks for hosted rentals (Page 2).
3. Participants at Parties and Events - Provides a numerical cap on party attendees. Events at non-hosted rentals are prohibited (Pages 2, 8).
4. Number of Permits per Person - In the event a person owns several houses prior to enactment, this measure allows her/him to continue with that number, and no additional permits can be obtained for houses purchased after the date of enactment (Page 3).
5. Number of Bedrooms - Number authorized by the town on property assessment, or four, whichever is less; capped at four, no more than 8 persons over age 12 in the party (Page 3).
6. Parking Spaces - Off street, with two exceptions: a) if only street parking is available, then at the sole discretion of the ZEO’s confirmation, street parking is allowed, capped at two spots; b) for any lot for which the parking is non-conforming, allow the same non-conformity for the renters as for the owners, but not more than that allowed for the owner (Page 4).

Document

1. Monitoring of Use - Pro-rated cost borne by owner and failure to pay results in immediate permit revocation, without hearing (Page 1).
2. Liability - All liability for code, health, safety, and tax and insurance compliance borne by owner; Noank Fire District “held harmless” (Page 2).
3. Liability & Inspection Statements - Requires signature for liability assignment, allows inspection by ZEO (Page 5).
4. Permit Transfer - Prohibited except from parents to children, with all rights and privileges of parents permit afforded to children, e.g. moratorium does not apply (Page 6).
5. Owner’s Agent - Must agree in writing to be the problem solver (page 7).

SUMMARY OF MEASURES - SEE EXPLANATION OF MEASURES

<u>Category of Rental</u>	<u>Hosted Rental</u>	<u>Non-Hosted Rental</u>
<u>Definitions</u>	Owner/agent must be present during all rentals or in proximity	Owner/agent is not present/in proximity during rentals
<u>Moratorium on STR</u>	No moratorium	Prohibited for first 3 years for houses purchased after date of enactment
<u>Rental Periods</u>	One rental per two week period	One rental per month (30 day period)
<u>STR After Enactment for Those Operating Prior to Enactment</u>	Allowed w/o limit until first verified complaint; then 1 rental/2 weeks	Allowed w/o limit until first verified complaint; then 1 rental/month
<u>Responsibility for Behavior of Renters</u>	Owner/agent on Site	Owner's agent available in 20 minutes
<u>Events</u>	Allowed	Prohibited

	<u>Hosted and Non-Hosted Rentals</u>
<u>Permit Required</u>	Revocable; \$1,000 fine for operating without a permit
<u>Minimum Age of Renter</u>	25
<u>Unruly Behavior</u>	Prohibited between the hours of 10:00 PM and 9:00 AM
<u>Participants at Parties</u>	2 times the number of adults (or 4 times the number of bedrooms)
<u>Number of Permits per Person</u>	One (for houses purchased after date of enactment; number owned prior to date of enactment, if used for STR during the prior period, allowed)
<u>Number of Rentals per Property at One Time</u>	One
<u>Number of Rentals per Dwelling At One Time</u>	One
<u>Number of Bedrooms Authorized to be Rented</u>	Number identified by Town, or four, whichever is less
<u>Persons Over Age 12 per Bedroom</u>	2
<u>STR-Specific Signage</u>	Prohibited
<u>Parking Spaces per Bedroom</u>	Off street, one space per bedroom for first two bedrooms, one for each two bedrooms thereafter, with exemptions for absence of availability and non-conforming lots
<u>Cost of Monitoring & Enforcement</u>	Borne by the owner
<u>Liability for Health, Safety, Fire and Tax Rules</u>	Resides with the owner, Fire District held harmless
<u>Record-Keeping</u>	Retention for 3 years
<u>Permit Fee</u>	\$100, plus monitoring cost (pro-rated)
<u>Permit Period</u>	1-2 years
<u>Enforcement</u>	Permit revocation, cease and desist order

LIMITATIONS ON PERMITTED SHORT TERM RENTAL USES - Any dwelling may be operated as a short term rental, as defined in paragraph (E) of this subsection, if the owner complies with all of the following and is issued a permit in accordance with this section:

A. Approval of Use:

1. Permission - Beginning on [DATE], Short Term Rentals are permitted as an accessory residential use in a dwelling in the RV, R-12, R-20, R-40, VC, and WC zoning districts provided the Short Term Rental Operator complies with the requirements of this Section. Prior to [DATE], Short Term Rentals were not a permitted use in any zoning district in the Fire District. Any Short Term Rental use existing as of [DATE], unless established prior to the date of this Zoning Ordinance, and thus qualifying as a legal non-conforming use is illegal and unauthorized. Any Short Term Rental use that does not comply with the requirements of this Section after [DATE], is an illegal and unauthorized use subject to zoning enforcement.
2. Permit Requirement - For each dwelling to be used for Short Term Rentals, the Operator shall apply for, and receive from, the Zoning Enforcement Officer a Short Term Rental Permit prior to the start of Short Term Rental use and occupancy.
3. Non-Impairment of Uses - A Short Term Rental business and the conduct of the Short Term Renters thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood. The Short Term Renters shall not create any noise, smoke, odor, or other unsuitable conditions that would set the dwelling apart from its surroundings or degrade residential property in the neighborhood.
4. Responsibility - A Short Term Rental Operator is responsible for the conduct of his or her Short Term Renters and the Short Term Renters' compliance with the requirements of this section. Failure of a Short Term Rental Operator to control the conduct of his or her Short Term Renters may result in the revocation of the Short Term Rental Permit.
5. Monitoring of Use - The number of STR permits issued in Noank, and their use, shall be monitored by the Noank Zoning Enforcement Officer by any means practicable, including the use of commercially available, internet-based monitoring applications. The annual cost of any such monitoring activity shall be borne by the STR Operators, and shall be apportioned among the qualified STR permit holders as determined by the Noank Zoning Commission, after an annual public hearing of the Commission for this purpose. Said annual cost and apportionment shall be estimated by the Zoning Commission for the initial year of permitting and shall be projected for each succeeding year based on the number of permits issued and the cost of the monitoring services for the previous year. Failure of an STR Operator to pay the annual assessment for monitoring of use by the anniversary date of permit issuance shall be grounds for permit revocation without notice.

6. Liability - If approved under paragraph (1) of this section, a Short Term Rental Operator accepts all liability for compliance with building codes, public health codes, fire codes and insurance and tax requirements as may be required by federal, state and local governments. The Short Term Rental Operator shall hold the Noank Fire District harmless from any litigation that may result from the Short Term Rental Operator's Short Term Rental business.

B. Requirements and Operational Standards:

1. Moratorium on Use - No person who purchases a dwelling in the Noank Fire District after the date of adoption of this ordinance, other than for a dwelling that is owner-occupied or occupied by an Owner's Agent as a Hosted Short Term Rental, shall be authorized to operate the dwelling as a Non-Hosted Short Term Rental until a period of three (3) years after the date of purchase has expired.
2. Duration of Rental Period, Non-Hosted - A Non-Hosted Short Term Rental shall not be rented to more than one (1) party of Short Term Renters in any month, as defined in the definitions section (E) of this ordinance (i. e. shall not be rented more than once per 30 day period). Short Term Rentals shall not be sublet to any party of renters other than the initial party such that two or more rental parties would occupy the Short Term Rental property during the Short Term Rental period.

Exception - For owners who were operating prior to the date of enactment of this ordinance, unlimited short term renting can occur, until the first complaint due to parking non-compliance or unruly behavior as defined herein is verified by the ZEO; then, one rental per month.

3. Duration of Rental Period, Hosted - A Hosted Short Term Rental shall not be rented to more than one (1) party of Short Term Renters in any two-week period, as defined in the definitions section (E) of this ordinance. Short Term Rentals shall not be sublet to any party of renters other than the initial party such that two or more rental parties would occupy the Short Term Rental property during the Short Term Rental period.

Exception - For owners who were operating prior to the date of enactment of this ordinance, unlimited short term renting can occur, until the first complaint due to parking non-compliance or unruly behavior as defined herein is verified by the ZEO; then, one rental per two week period.

4. Limit on Unruly Behavior - No loud music, or loud noises including loud conversations, or smoke or noxious odors shall be allowed on the Short Term Rental property between the hours of 10:00 PM and 9:00 AM.

5. Parties and Events - No parties shall be allowed with more than twice the number of authorized renters in the rental contract attending or four times the number of authorized bedrooms in the dwelling, inclusive of the rental party. Events are prohibited at non-hosted rentals.

6. Response to Complaints - The Short Term Rental Operator or one of the Owner's Agents must respond at the Short Term Rental property within twenty (20) minutes of being contacted concerning an emergency, complaint, or problem to resolve non-compliance with the provisions of this ordinance.
7. Whole Unit Rental - A Short Term Rental shall be rented only as a whole unit to one party of Short Term Renters (one contract) at any one time and shall not be rented as separate bedrooms to separate parties.
8. One Permit per Owner, After Enactment - No owner of a house purchased after the date of enactment of this ordinance shall operate more than one Short Term Rental dwelling in the Noank Fire District unless he or she owned such houses prior to the date of enactment and operated STRs during that time, in which case he or she can operate those houses as STRs.
9. Number of Rentals per Property at One Time - Only one dwelling per property can be rented as a Short Term Rental at any one time.
10. Number of Bedrooms Authorized to be Rented - The number of bedrooms made available for Short Term Rental within a dwelling shall not be greater than the number of lawful bedrooms in the dwelling, or four, whichever is less.
11. Number of Renters Allowed - The number of persons over age 12 residing as renters in the dwelling shall not exceed twice the number of lawful bedrooms, or four, whichever is less.
12. Use of an Accessory Structure - The use of any accessory structure as a Short Term Rental unit, which structure is not otherwise authorized for use as a dwelling in the Noank Fire District, is prohibited.
13. Information to Renters - The following information and a copy of the Short Term Rental permit shall be provided to all Short Term Renters and posted in all STR dwellings in a conspicuous location:
 - a. List of Rules - A list of the rules and regulations for the use of the Short Term Rental which will include all relevant requirements and operational standards contained in this section.
 - b. Non-Impairment Notice - A statement that the conduct of Short Term Renters shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood and that the Short Term Renters shall not create any noise, smoke, odor, or other unsuitable conditions that would set the dwelling apart from its surroundings or degrade residential property in the neighborhood.
 - c. Unruly Behavior Notice - A statement prohibiting loud music, or loud noises including loud conversations, or smoke or noxious odors, between 10:00 PM and 9:00 AM.
 - d. Disposal of Waste Notice - Instructions for disposal of waste per the Fire District's trash and recycling programs.
 - e. Parking Plan - Instructions for parking on the property.

- f. Floor Plan - A floor plan of the dwelling showing emergency exit routes in the dwelling from all bedrooms and common areas to be used by Short Term Renters. The floor plan shall also be posted in all bedrooms and common areas to be used by Short Term Renters.
 - g. Contact Information - Contact information for the Short Term Rental Operator and, for when the operator is not present or available, the contact information for Owner's Agents.
14. Record Keeping - A Short Term Rental Operator shall keep accurate records of the date and number of persons in each rental party, and make them available upon request of the Zoning Enforcement Officer, and retain such records for a period of three years.
15. Signage - No signs advertising the Short Term Rental use are permitted on the property.
16. Parking - Parking for Short Term Renters must be provided in accordance with these Regulations, amended as follows:
- a. Spaces per Bedroom - One off-street parking space per bedroom offered for rental for the first two bedrooms, and one off-street space for every two bedrooms after that (e.g., 3 or 4 bedrooms = 3 spaces).
 - b. Spaces in Addition to Owner's - If the dwelling at which the Short Term Rental use is located is occupied by the Short Term Rental Operator during the rental period, the parking spaces required for the Short Term Rental use are in addition to the spaces required for the Operator and the Operator's family.
 - c. Off-Street Parking and Exception - Off-street parking shall be required for Short Term Rental users, except that, if parking at the dwelling at which the Short Term Rental use is located consists of street parking only, as determined at the sole discretion of the Noank Zoning Enforcement Officer, then street parking in approved Town of Groton parking areas shall be allowed for Short Term Renters, not to exceed two parking spaces in total (owner's space included).
 - d. Non-Conforming Lot Exemption - If parking at the property at which the Short Term Rental use is located is a non-conforming use, the same parking opportunity shall be allowed for Short Term Renters as for the Owner except that no more public parking opportunity than that allowed for the owner shall be allowed for the renter.
17. Individual Bedroom Rentals - The short term rental of individual bedrooms in a dwelling shall be further limited by the following:
- a. Number of Rooms - No more than four bedrooms may be rented per dwelling and the bedrooms shall be rented only as a whole unit to one party of Short Term Renters (one contract) at any one time and shall not be rented as separate bedrooms to separate parties.
 - b. Operator Occupied - Non-hosted short term rentals of individual bedrooms is prohibited.
 - c. Cooking and Food Service Prohibited - No cooking or use of kitchen facilities shall be allowed in any individual room rented on a short term rental basis and no food shall be prepared therein.

C. Permit Application Requirements:

1. Application - A Short Term Rental Operator shall apply to the Zoning Enforcement Officer to obtain a Short Term Rental permit. If all required material and information is provided and complies with the requirements of this Section, the Zoning Enforcement Officer shall issue the Short Term Rental permit.
2. Corporate Ownership - (NECESSARY?) Any partnership, trust, LLC, or corporate applicant for a Short Term Rental Permit shall provide documentation naming all partners, members, settlors, trustees, beneficiaries, shareholders, officers, and directors, and submit a statement verifying that none of those names are partners, members, settlors, trustees, beneficiaries, shareholders, officers and directors, or any other corporation or partnership, or an individual Owner that already holds or has applied for a STR License in Noank.
3. Application Materials - A Short Term Rental Operator shall, not less than twenty-one (21) days prior to short term rental use and occupancy, provide the following material and information to the Zoning Enforcement Officer:
 - a. Form - A completed application form with applicable fees.
 - b. Liability Statement - A statement signed by the Short Term Rental Operator whereby he or she accepts all liability for compliance with building codes, public health codes, fire codes and insurance and tax requirements as may be required by federal, state and local governments and by which the Short Term Rental Operator holds the Noank Fire District harmless from any litigation that may result from the Operator's Short Term Rental business.
 - c. Inspection Statement - A statement signed by the Short Term Rental Operator authorizing the Noank Zoning Enforcement Officer to inspect the premises at his or her own discretion to confirm compliance with all rules and postings required by this section.
 - d. Contact Information - Contact information for the Short Term Rental Operator and, for when the operator is not present or available, the contact information for, and a signed statement from, each Owner's Agent attesting to their agreement to serve in this capacity as set forth in Section B(6).
 - e. Rules - A copy of the Short Term Rental rules to be displayed in the dwelling.
 - f. Property Plan - A plan of the property on which the dwelling is located showing (1) the location of trash and recycling containers and the rules for waste disposal by Short Term Renters per the Fire District's trash and recycling programs; and (2) the required parking areas for the Short Term Rental use.
 - g. Floor Plan - A floor plan of the dwelling showing the bedroom(s) and common areas to be used by Short Term Renters, and emergency exit routes in the dwelling from all bedroom(s) and common areas to be used by Short Term Renters. The plan shall specify the maximum number of Short Term Renters for each bedroom.
 - h. List of Neighbors - A list of owners of properties within one hundred and fifty (150) feet of the property on which the Short Term Rental will be operated.
4. Notice to Adjacent Owners - Within ten (10) days of receipt of a Short Term Rental permit, the Short Term Rental Operator shall send notice to owners within one hundred and fifty

(150) feet of the property to be used for Short Term Rentals, informing them of the issuance of the permit and providing contact information for the Short Term Rental Operator and, for when the operator is not present or available, the contact information for all Owner's Agents. Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Zoning Enforcement Officer within twenty-one (21) days of receipt of the permit. If the Operator fails to complete this action, the permit shall be revoked without notice.

5. Duration of Permit - An initial Short Term Rental permit shall be valid for the calendar year in which issued (or for 365 days).
6. Permit Renewal - Short Term Rental Permits for Short Term Rentals that have not generated complaints to the Zoning Enforcement Officer during the permit period shall be renewable for a period of two years. If complaints have been received, the renewal period shall be for one year.
7. Reapplication Window - A Short Term Rental Operator must reapply fourteen (14) days prior to the first date of rental in the next permit period in order to maintain a legal Short Term Rental use. If the permit lapses, a new application must be submitted for a new initial permit and no short term renting shall be authorized until the new permit has been issued.
8. Permit Transferability - A Short Term Rental permit is non-transferable other than through family succession (from parents to children). If the Short Term Rental Operator changes for the reason of family succession, the new operator shall be allowed all rights and privileges of the initial permit. If ownership of the property changes for any other reason, the new operator must file a new initial application to be authorized to conduct the Short Term Rental use and no such initial rights and privileges shall accrue to the new owner.
9. Change in Owner's Agents - The Short Term Rental Operator (Owner) is responsible for ensuring that the Owner's Agents are available during any time the rental property is occupied by Short Term Renters. In the event an Owner's Agent changes during a permit period, the Short Term Rental Operator shall notify the Noank Zoning Enforcement Officer of the name and contact information for any new Owner's Agent(s) within five (5) business days by emailing nfdzoning@gmail.com. The absence of an Owner's Agent when called upon is grounds for permit revocation.

D. Revocation of Permit and Penalties:

1. Revocation Rule - Whenever the Zoning Commission shall find, in the case of any Short Term Rental permit granted under the provisions of this Section, that any of the provisions, requirements or operational standards stated in this Section are not being complied with, the Commission may rescind and revoke such permit after giving due notice and the opportunity for a public hearing to the Short Term Rental Operator. Such hearing will be noticed and held in accordance with Chapter 124 of the Connecticut General Statutes.

2. Revocation for First Offense - A Short Term Rental Operator whose permit is revoked shall be ineligible to reapply for a new permit for a period of 365 days from the date of revocation.
3. Revocation for Second Offense - A Short Term Rental Operator who has a permit revoked twice shall be ineligible to reapply for a new permit for a period of three (3) years from the date of revocation.
4. Revocation for Third Offense - A Short Term Rental Operator who has a permit revoked three times shall be permanently prohibited from receiving another Short Term Rental permit.
5. Penalties - The penalty for violation of any of the provisions of this section shall be as set forth in the Connecticut General Statutes for violation of cease & desist orders, except that operating without a permit shall be subject to a \$1,000 fine per occurrence.

E. Definitions:

1. Short Term Rental (STR) - Any rental of a residential dwelling, apartment, or suite or bedroom within a dwelling, in exchange for payment either monetary or in kind services, as residential accommodations for a duration of less than thirty (30) days.
2. Short Term Renter - Any person or persons occupying a dwelling, apartment, or suite or bedroom within a dwelling, as a Short Term Rental. One of the STR Renters in each rental party must be over the age of (25).
3. Short Term Rental Operator/Owner - The person or persons offering a dwelling, apartment, or suite or bedroom within a dwelling for Short Term Rental, who must be the owner(s) of the property on which the Short Term Rental will be located.
4. Hosted Rental - A Short Term Rental at which the Owner or Owner's Agent resides on the short term rental property during each rental period, or on property immediately contiguous to the rented property (side yard, back yard, across the street), at the same time a Short Term Renter resides on the rented property.
5. Non-Hosted Rental - A Short Term Rental at which the Owner or Owner's Agent does not reside on the short term rental property during each rental period, or on property immediately contiguous to the rented property (side yard, back yard, across the street), at the same time a Short Term Renter resides on the rented property.
6. Owner's Agent(s) - A person or persons designated by the Operator/Owner in his or her absence who agrees in writing to respond to all emergencies, complaints, and problems that may arise during the rental period, whether from renters, neighbors or municipal authorities.
7. Owner - (IS THIS NECESSARY?) Owner shall include owner, partner, member, settlor, trustee, beneficiary, shareholder, officer, or director of an entity.

8. Week - The seven day period from noon Monday through noon on the following Monday.
9. Two-Week Period - Any 14 day period from noon Monday through noon of the second Monday following the initial day of the period.
10. Month - Any 30 day period from the initial date of the rental period through 30 days later.
11. Party - A gathering with not more than twice the number of adults authorized in the contract, or four times the number of authorized bedrooms in the dwelling.
12. Event - Commercial scale gatherings with (a) more than twice the number of adults authorized in the contract or four times the number of authorized bedrooms in the dwelling, or (b) with commonly commercialized services such as catered food and drink, disc-jockeyed music, amplified musical instruments, etc.

LARRY'S SHORT TERM RENTAL INPUT DOCUMENT 7/1/20**1. Purpose:**

The Noank Fire District has seen a great increase in the number of short-term rentals in the last four years that has been exacerbated by so-called “sharing services” such as Home Away and AirBnB. In 2016 there were six Short Term Rentals (STRs) in the Noank Fire District. In November, 2019, there were 25. In the last few years, some houses have been purchased in the fire district solely for the purpose of renting short term, defined here as renting for a period of less than thirty (30) days.

At the same time, there have been complaints from neighbors about excessive noise and unruly behavior by individuals who rent short term. In addition, some residents worry that:

1. Noank will lose its residential quality of life and its civic character because of ever-increasing numbers of visitors and rapid turnover of renters
2. Available long-term rental housing will be depleted by out-of-town visitors who are willing to pay a premium for short-term rentals.
3. Property values will deteriorate as the commercial use of properties increases.

On the other hand, some owners contend that short-term rentals are crucial to their ability to afford their homes considering ever-increasing property taxes.

Short-term rentals are not a permitted use in the Noank fire district. Unregulated short term rentals in Noank’s residential neighborhoods pose a potential threat to Noank’s public welfare, availability of housing stock, property values, residential quality and civic character.

Because of the above concerns, the zoning commission decided to create regulations for this activity.

PURPOSE

The purposes of these regulations are to:

- A. Preserve the residential character of Noank, and its close knit neighborhoods, civic life, community spirit, and sense of community which otherwise might be lost if short term rental activity were allowed to continue unabated.
- B. Balance the desire of residents to preserve the peacefulness and sense of community of their neighborhoods with the desire of property owners to rent their properties.
- C. Protect Noank from the nuisance impacts of short term rentals including noise, additional vehicles, parking and trash removal.
- D. Prevent properties from frequently turning over.
- E. Discourage replacement of permanently-occupied residences or long-term rental properties by Short Term Rentals.

- F. Ensure that administration, monitoring, compliance reporting and enforcement are efficiently and effectively accomplished and that the costs associated with such activities are borne by the Short Term Rental Operators.
- G. Maintain consistency with the purposes of The Noank Fire District Zoning Ordinance.

2. Definitions:

- a. Short Term Rental (STR) - Any rental of a residential dwelling unit, or of a bedroom or suite within a dwelling unit, in exchange for payment either monetary or in kind services, as residential accommodations for a duration of less than thirty (30) consecutive days.
- b. Short Term Renter - Any person or persons occupying a dwelling unit, or a bedroom or suite within a dwelling unit, as a Short Term Rental. STR Renters must be over the age of (25).
- c. Short Term Rental Operator - The person or persons offering a dwelling unit or bedroom for Short Term Rental, who must be the owner of the property on which the Short Term Rental will be located.
- d. Locally Available Secondary Contact(s) - A person or persons designated by the Operator in his or her absence to respond to all emergencies, complaints, and problems that may arise during the rental period, whether from renters, neighbors or municipal authorities.
- e. Operator Occupied - A Short Term Rental at which the Short Term Rental Operator (the Owner) or a Locally Available Secondary Contact resides on the rented property or on property immediately contiguous to the rented property at the same time a Short Term Renter occupies a bedroom or suite on the rented property.
- f. Party House - Any property which is rented on a short term basis and at which large (greater than 20 people) gatherings frequently occur.
- g. Off-Street Parking Area: An area located on the STR property, under or outside of a building or structure, designed and used for the temporary parking of motor vehicles, including all-weather surfaced off-street parking spaces, garages, or private driveways.

3. Approval of Use:

- a. Beginning on [DATE], Short Term Rentals are permitted as an accessory residential use in a dwelling in the RV, R-12, R-20, R-40, VC, and WC zoning districts provided the Short Term Rental Operator complies with the requirements of this Section XX. Prior to [DATE], Short Term Rentals were not a permitted use in any zoning district in the Fire District.

- b. A Permit shall be required for the STR use of a dwelling unit. Operating a STR in the Noank Fire District without an approved Permit shall be in violation of this Ordinance. No more than one STR permit shall be granted to any one individual or entity controlled by the same individual, regardless of number of properties owned in the District. Once a permit is issued, it is not transferable to another person, entity or property.
- c. The STR permits qualified to be issued in Noank zoning districts shall be monitored by the Noank Zoning Enforcement Officer by any means practicable, including the use of commercially available, internet-based monitoring applications. The cost of any such monitoring/enforcement activity shall be borne by the STR Operators, and shall be apportioned among the qualified STR permit holders as determined by the Noank Zoning Commission, after an annual public hearing of the Commission for this purpose. Said annual cost and apportionment shall be estimated by the Zoning Commission for the initial year of permitting and shall be projected for each succeeding year based on the number of permits issued and the cost of the monitoring services for the previous year.
- d. A Short Term Rental Operator accepts all liability for compliance with building codes, public health codes and insurance and tax requirements as may be required by federal, state and local governments. The Short Term Rental Operator shall hold the Noank Fire District harmless from any litigation that may result from the Operator's Short Term Rental business.

4. Permit Requirements for Short-Term Rental Property

- a. A Short Term Rental Operator shall apply to the Zoning Enforcement Officer to obtain a Short Term Rental permit. If all required material and information is provided and complies with the requirements of this Section, the Zoning Enforcement Officer shall issue the Short Term Rental permit.
- b. Application Materials. A Short Term Rental Operator shall provide to the Zoning Enforcement Officer a completed application form with applicable fees. Permit fees shall be established by the Noank Executive Committee upon the recommendation of the Noank Zoning Commission; and may be amended from time to time. The permit fee shall be stated on the STR Permit application. A completed application form includes:
 - 1. A statement signed by the Short Term Rental Operator authorizing the Noank Zoning Enforcement Officer to inspect the premises at his or her own discretion to confirm compliance with all rules and postings required by this section.
 - 2. Contact information for the Short Term Rental Operator and, for when the operator is not present or available, the contact information for all Locally Available Secondary Contacts.
 - 3. A copy of the Short Term Rental rules and regulations to be displayed in the Short

Term Rental dwelling unit including the STR permit number)

4. A plan of the property on which the dwelling is located showing (a) the location of trash and recycling containers and the rules for waste disposal by Short Term Renters per the Fire District's trash and recycling programs; and (b) the required parking areas for the Short Term Rental use.
 5. A floor plan of the dwelling showing the bedroom(s) and common areas to be used by Short Term Renters, and emergency exit routes in the dwelling from all bedroom(s) and common areas to be used by Short Term Renters. The plan shall specify the maximum number of Short Term Renters for each bedroom.
 6. A list of owners of properties within one hundred and fifty (150) feet of the property on which the Short Term Rental will be operated.
- c. Duration of Permit. An initial Short Term Rental permit shall be valid for the calendar year in which issued.
 - d. A Short Term Rental Operator must reapply (60) days prior to the first date of rental in each succeeding year in order to maintain a legal Short Term Rental use. If this reapplication term lapses, a new application must be submitted for a new initial permit. Permit fee is yearly.
 - e. Non-Transferable. A Short Term Rental permit is non-transferable other than through legal family succession. If the Short Term Rental Operator changes for any reason, such as a change in ownership of the property upon which a Short Term Rental use is legally established, the new operator must file a new initial application to be authorized to conduct the Short Term Rental use.
 - f. In the event a Short Term Rental Operator's Locally Available Secondary Contacts change during a permit period, the Short Term Rental Operator shall notify the Noank Zoning Enforcement Officer and the owners of property identified in section 4.b.6 of the contact information for new Locally Available Secondary Contacts within five (5) business days by emailing nfdzoning@gmail.com.

5. Informational Packet.

An Informational Packet shall be provided to Renters and shall be posted conspicuously in the common area of the STR displaying the requirements of this Ordinance applicable to the STR use, including, but not limited to:

- a. Information on maximum occupancy.
- b. Applicable noise and use restrictions.

- c. Location(s) of off-street parking.
- d. Direction that trash shall not be stored within public view, except within proper containers for the purpose of collection, and provision of the trash collection schedule.
- e. Contact information for the LAS.
- f. Emergency information, including but not limited to, Groton Police Department address & directions from the property and phone numbers (emergency and non-emergency); Directions to nearest medical facilities such as hospitals & urgent care centers; Evacuation routes.
- g. The Renter's responsibility not to trespass on private property or to create disturbances.
- h. Notification that the Renter is responsible for complying with this Ordinance and that the renter may be cited by the town for violating any provisions of this Ordinance.
- i. No loud music, or loud noises including loud conversations, or smoke or noxious odors shall be allowed on the Short Term Rental property between the hours of 9:00 PM and 8:00 AM.
- j. No parties or events shall be allowed.

6. Requirements and Operational Standards.

Short Term Rentals are subject to the following Requirements and Operational Standards:

- a. No person who purchases a dwelling unit in the Noank Fire District after the date of adoption of this ordinance, other than a Full-Time Resident who resides in the unit, shall be authorized to operate the dwelling as a Short Term Rental until a period of three (3) years after said date of purchase has expired.
- b. A Short Term Rental business and the conduct of the Short Term Renters thereof shall not impair the residential character of the premises nor impair the reasonable use, enjoyment and value of other residential property in the neighborhood. The Short Term Renters shall not create any noise, smoke, odor, or other unsuitable conditions that would set the dwelling apart from its surroundings or degrade residential property in the neighborhood.
- c. A Short Term Rental Operator is responsible for the conduct of his or her Short Term Renters and the Short Term Renters' compliance with the requirements of this section. Failure of a Short Term Rental Operator to control the conduct of his or her Short Term Renters may result in the revocation of the Short Term Rental Permit.

- d. The Short Term Rental Operator or one of the Locally Available Secondary Contacts must be able to respond at the Short Term Rental property within (60) minutes of being contacted concerning an emergency, complaint, or problem.
- e. A Short Term Rental shall be rented only as a whole unit to one party of Short Term Renters (one contract) at any one time and shall not be rented as separate bedrooms to separate parties.
- f. Only one dwelling unit per parcel can be rented as a Short Term Rental at any one time.
- g. If parking at the property at which the Short Term Rental use is located is a non-conforming use, the same parking opportunity shall be allowed for Short Term Renters as for the Short Term Rental Operator.
- h. Notice to Adjacent Owners. Within ten (10) days of receipt of a Short Term Rental permit, the Short Term Rental Operator shall send notice to owners within one hundred and fifty (150) feet of the property to be used for Short Term Rentals, informing them of the issuance of the permit and providing contact information for the Short Term Rental Operator and, for when the operator is not present or available, the contact information for all Locally Available Secondary Contacts. Evidence of such mailing, in the form of United States Post Office Certificates of Mailing, shall be submitted to the Zoning Enforcement Officer within twenty-one (21) days of receipt of the permit. If the Operator fails to complete this action, the permit shall be revoked without notice.
- i. Occupancy. Maximum occupancy of the rental shall be two persons per provided bedroom. Children over the age of twelve (12) shall count toward occupancy. Unaccompanied minors shall not be permitted.
- j. Restrictions on Use. A Short-Term Renter may not use a residential property for a purpose not incidental to its use for lodging or sleeping purposes. This restriction includes, but is not limited to, using the STR for a wedding, reception, bachelor or bachelorette party, banquet, concert, fundraiser, sponsored event, corporation party/retreat, or other special event. Such activities/events or any similar group activity are commercial activities/uses and are prohibited. Total individual STR rentals cannot exceed 100 nights per year.
- k. Parking. The STR Owner must list parking restrictions in their advertisement(s) for rent, limiting vehicles to available off-street spaces in accordance with this Ordinance. Renters shall be limited to one vehicle per bedroom and sufficient off-street parking, as defined by this Ordinance, shall be provided.
- l. Noise and Nuisance. Disruptive noise shall be prohibited at all times. Quiet hours shall be observed between the hours of 9:00 p.m. and 8:00 am.

- m. Appearance & Signage. No outdoor advertising signs marketing the STR, such as, but not limited to, “For Rent” or “Vacancy”, allowed on the site. Signage, not to exceed two (2) square feet, is permitted to identify the owner name and street number of the dwelling. There shall be no exterior indication that the home is available for a STR.
- n. Compliance with Town Ordinances. STRs shall comply with all Town Regulations and/or Ordinances.
- o. Subletting. Subletting of a STR by a party who is not the owner of said property is prohibited.
- p. Dwelling. STRs are permitted only within the principal residential dwelling unit. The use of any accessory structure for a STR is prohibited without a Zoning Variance.
- q. Inspection. STR Property is subject to inspection, with a minimum of twenty-four (24) hour notice, by the Designated Official to determine compliance with these requirements.

7. Revocation of Permit; Fines for Non-Compliance

- a. Whenever the Zoning Commission shall find, in the case of any Short Term Rental permit granted under the provisions of this Section that any of the provisions, requirements or operational standards stated in this Section are not being complied with, the Commission may rescind and revoke such permit after giving due notice and the opportunity for a public hearing to the Short Term Rental Operator. Such hearing will be noticed and held in accordance with Chapter 124 of the Connecticut General Statutes. Fine structure is as follows:

	1st violation	2nd violation	3rd violation	4 th violation
Fine for advertising a property for short-term rent (online or offline) without first having obtained a permit or complying with local listing requirements	\$200 per day	\$400 per day	\$650 per day	Upon the fourth or subsequent violation in any twenty-four month period, the local government may suspend or revoke any permit. The suspension or revocation can be appealed.
Fine for violating any other requirements of the local government's short-term rental regulation	\$250 per day	\$500 per day	\$750 per day	

- b. A Short Term Rental Operator whose permit is revoked shall be ineligible to reapply for a new permit for a period of 365 days from the date of permit revocation.

- c. A Short Term Rental Operator who has a permit revoked twice shall be permanently prohibited from receiving another Short Term Rental permit.

Marshall Short-Term Rental (STR) Proposal

July 1, 2020

I. Introduction

Noank is a special place. It is not just its great location, lovely setting, beautiful and quaint houses, restaurants, parks, stores, cemetery, church, boatyards, access to the Mystic River and Long Island Sound, and a rich history. More than anything it is about community. Volunteers support the Fire Department, the parks, the cemetery, the water department and the trash pick-up (with lowest rates in the area for both), the Ram Island Yacht Club, Noank Zoning, the VFW, the Noank Band, and the Noank Baptist Church (a community treasure), and even the Noank Rowing Club. A lot of volunteers are needed in this small community! There is also the support that neighbors readily give one another - meals during times of illness, rides to the airport, sitting with a person in Hospice, encouraging and supporting each other's passions and activities, and keeping spirits of our neighbors high by such things as parades, Christmas caroling, and gathering outside our houses at 6 pm daily to accompany the melodious Church Bells with our own enthusiastic racket during the COVID-19 pandemic. The list goes on and on.

This closeness and sense of community has been eroded to some extent by the increased proportion of houses that have been purchased as vacation homes. Many of these people are lovely, but they are not here very much. When we lose too many of our neighbors, we lose our community. We have no control over who buys houses when they come up for sale, and we try to welcome all who come here. However, it is important to be very careful to ensure that any STR regulations do not contribute to the hollowing out of our community and that the current residents are not negatively impacted by STRs. On the other hand, a limited amount of STR activity can help some of our dear neighbors remain in their homes. The trick is to find a good balance.

II. Proposed Regulations

The emphasis of this regulatory approach is to limit how many properties can be used for STRs, with minimal restrictions on how often they can be rented. There are two types of permits that are allowed: (1) room rental with owner present; (2) whole-house rental with owner absent (with two choices about how whole-house rentals could be implemented). The following regulations apply to all types of rentals:

1. Permits will only be given to a natural person, whose name appears on the deed to the property, or a trust, if the beneficiary of the trust is a natural person. LLCs and other business entities are not allowed to operate STRs.
2. The STR owner/operator must have owned the house for 5 years prior to applying for an STR license.
3. The license is for one year and must be renewed annually.

4. Each natural person and their family group (mother, father, children) may have no more than one permit.
5. The permit does not transfer with the house to a different owner except to immediate family (husband to wife, parent to child, brother to sister).
6. There shall be no signs on the property advertising the rental.
7. All advertising and websites (on-line, newspapers, etc) shall contain the permit number.
8. As part of the registration process, the STR owner acknowledges that they can be selected for an audit, randomly or in response to complaints, to determine whether the rules are being followed. Failure to comply with an audit can result in revocation of the permit.
9. All renters must belong to the same party (same rental contract).
10. No parties or loud activities; no trash outside the house; no noxious odors.
11. Quiet hours shall be observed between the hours of 9:00 pm and 8:00 am. "Quiet" includes no loud music, noise, or conversations.

A. Renting Bedrooms in a House

1. The house in which the bedrooms are rented must be the principal residence of the property owner.
2. The owner must be in residence for at least 285 days per year (approximately 9.5 months).
3. The owner or a designated host must be on the property at the time of the rental.
4. The rental is for 1-2 bedrooms with a private or shared bathroom.
5. Kitchen facilities are not provided, either shared or in-suite. No food is provided.
6. Maximum occupancy is two persons per provided bedroom. Children over the age of 12 shall count toward occupancy. Unaccompanied minors shall not be permitted.
7. One on-site parking space must be available for each bedroom rented.
8. There must be one day between the day that one short-term renter leaves and the next short-term renter arrives.
9. Annual permit fees will be set between 1-2 times the average cost of daily room rentals in the Noank Fire District. They will be determined each summer, and they will go into effect at the beginning of the following calendar year.

B. Renting an Apartment

Apartments are NOT ALLOWED to be used as STRs. There is a shortage of apartments in the Fire District for long-term renters. Further decreasing the number of long-term-rental apartments eliminates an important part of our community.

C. Whole-House Rentals

Allowing all houses to be used as STRs can result in fewer neighbors overall, make the community less desirable to people who want to join a thriving, active community, and make it easier to buy Noank houses as vacation houses. There are two good ways to limit the allowable number of STRs. Both approaches have been successfully employed in other communities.

The first way is to limit the number of licenses. The advantages to this option are that: (1) the number of licenses will be known, which helps planning (e.g., hours needed for ZEO and clerk); (2) the people who are currently operating STRs should be able to continue doing so, and (3) because the number of STR houses will be limited, more rental activity can be allowed without negatively impacting the community. The disadvantages are that: (1) commercial owners can apply for licenses, but there would not be many of them due to the limited number of available licenses; (2) being a part-time owner in Noank could be made more attractive by being able to rent the house as a STR during much of the year. Again, the small number of licenses mitigates this problem. In addition, a 5-year waiting period after purchase of the property discourages these groups from buying a house for the purpose of an STR.

In past discussions in the Noank Zoning Commission, there have been two objections to limiting the number of licenses. The first is that it will cause competition and rancor in the community. There has been no fact-checking to document this problem in other communities. In fact, in Durango, CO, it is not an issue. The second objection is that it is not fair to someone who needs the income in order to keep their house in this high-tax district, yet is behind others on a long waiting list. This problem is ameliorated by their being able to rent bedrooms while waiting for their whole-house rental license.

The second way is to require that the property be the principal residence of the STR operator. This ensures that the people who are renting their homes as STRs are members of the Noank Fire District community.

These are the parts of the regulation that apply to both regulatory options.

1. Limit of two adults per bedroom, and no more than 10 people total (all ages). Unaccompanied minors shall not be permitted.
2. All renters must belong to the same party (same rental contract).
3. There can be no more than one short-term-rental unit on the property.

4. New rentals can be initiated no more often than once per week (with the week beginning on Monday and ending on Sunday). There must be one day between the day that one short-term renter leaves and the next short-term renter arrives.
5. The owner, or a designated representative, must be available to respond on-site at the Short-Term Rental property within 60 minutes of being contacted concerning an emergency, complaint, or problem.
6. One off-street parking space is required for the first bedroom, two parking spaces for 2-3 bedrooms, three parking spaces for 4-5 bedrooms, and four parking spaces for 6-7 bedrooms.
7. No parties or events are allowed. No more than 20 guests may visit the house at any one time.
8. Annual fees will be set to cover the expenses incurred by the Noank Fire District for administration of the STR program. These will be adjusted on an annual basis.

Following are the regulations that apply specifically to the two choices of who can have whole-house short-term rental permits: i.e., (a) limited number of permits or (b) principal residence.

C.1. Limited Number of Permits

1. The number of permits will be limited to 5% total in the combined Village Residential (RV), Waterfront Commercial (WC), and Village Commercial (VC) district, and 5% total in the combined R-12, R-20, and R-40 district (all other parts of Noank). The permits will be issued in the order in which a completed permit is received, with a waiting list for those above the allowable limits. If a permit is revoked or not renewed, a new application for a permit will not be given any priority on the waiting list.
2. There must be one day between the day that one short-term renter leaves and the next short-term renter arrives.
3. The house must be used as a STR in order to keep the permit. If there has been no rental activity in 6 months, the permit will be revoked.

D.1. Principal Residence

1. The house must be the legal residence of the STR operator, and the operator must be in residence for at least 285 days per year (ca 9.5 months).
2. Permits will only be given to a natural person, whose name appears on the deed to the property, or a trust, if the beneficiary of the trust is a natural person. If the permit holder is a natural person, their name must appear on the deed to the property on which the dwelling unit to be rented is located,

- and the person must possess at least a fifty percent fee simple ownership interest in the property. If the permit holder is a trust, the trust must possess at least a fifty percent fee simple ownership interest in the property.
3. If the number of whole-house short-term-rental permits exceeds 5% of the total number of properties, but is less than 10%, then new rentals can be initiated no more often than once per month. If the number of whole-house rental permits reaches 10% but is less than 15%, then new rentals can be initiated no more often than twice per quarter (Jan-March, April-June, July-Sep, Oct-Dec). If the number of whole-house rental permits exceeds 15%, then new rentals can be initiated no more often than once per quarter. These limits apply separately to two areas of Noank: the combined RV, VC, and WC district, and the combined R-12, R-20, and R-40 districts.

III. How are the Goals written by the Noank Zoning Commission (June 2020) accomplished?

A. Preserve the residential character of Noank, and its close-knit neighborhoods, civic life, community spirit, and sense of community which otherwise might be lost if short-term-rental activity were allowed to continue unabated.

Close-knit neighborhoods require having neighbors. In the case of room-rental permits and principal-residence whole-house rental permits, permits are limited to those who live here in our community for most of the year. If there is a limit on the number of whole-house rental permits, there is no residency requirement, but it will be unlikely that any house will have a cluster of STRs around them due to the limited number of houses allowed as STRs.

Commercial investors are not allowed when the rental property is the primary residence - i.e., for room rentals and for principal-residence whole-house rentals. In the case of allowing only a limited number of permits, the number of commercial investors will not be large due to the overall limited number of permits available. They also may be discouraged by the potential wait time for the permit.

The regulations do not encourage more people to buy homes in Noank as vacation homes, using STRs to subsidize their purchase and house maintenance. The 5-year waiting period is an important deterrant, as is the principal-residence requirement. In the case of allowing only a limited number of licenses (which does not require that the home be the principal residence), there could be an additional wait time before a license becomes available beyond the requisite 5-year waiting period.

The 5-year waiting period also give new residents the opportunity to become integrated into Noank's culture before initiating STRs.

These regulations preserve rental apartments, which are critical for young adults, families, single professionals of all ages, etc. (see section III.E. below).

B. Balance the desire of residents to preserve the peacefulness and sense of community of their neighborhoods with the desire of property owners to rent their properties.

Allowing short-term rentals to exist as legal entities provides some help to neighbors who are having difficulty meeting their expenses.

Sense of community is preserved by the requirement for room rental and whole-house primary-residence permits that the owner be in residence 285 days per year. For the option of a limited number of whole-house STR permits, sense of community is preserved by limiting the number of STR houses in the community.

Preserving the peacefulness of the community is discussed in III.C below.

C. Protect Noank from the nuisance of short-term rentals including noise, additional vehicles, parking, and trash removal.

The regulations require that renters be considerate of their neighbors re: noise, parking, parties, etc. For noise, there are requirements for time of day for various types of sounds that can be bothersome to neighbors, limits on number of renters who can reside in the house, a requirement that the renters all belong to the same group (contract), and not allowing parties or events. On-site parking spaces must be provided. Trash removal is more completely covered in proposals by other Commissioners, and these details should be included in any set of regulations.

D. Prevent properties from frequently turning over.

For all STRs, there must be one day between the day that one short-term renter leaves and the next short-term renter arrives. For whole-house rentals, there can be no more than one rental initiated each week. In addition, if there are a limited number of whole-house permits, there will not be many houses engaging in the activity, and they will be limited by where they are located in the Noank Fire District, which will help prevent clusters in any one location.

E. Discourage replacement of permanently-occupied residences or long-term rental properties by Short-Term Rentals.

Noank's limited, but important, supply of apartments is protected by not allowing any apartments to be used as STRs.

Requiring that whole-house STRs be the primary residence for most of the year means that all STR houses will remain the principal residence of the operator.

If the limited-number-of-licenses option is used, there may be some, but not a lot, of permanently-occupied residences that are converted to full-time STRs, or vacation homes used as STRs during most of the year.

F. Ensure that administration, monitoring, compliance reporting, and enforcement are efficiently and effectively accomplished and that the costs associated with such activities are borne by the Short-Term-Rental Operators.

The Noank Fire District will need to issue and renew all permits, prevent STR operators from operating without a license, monitor for and resolve problems re: non-compliance with the regulations (Host Compliance estimates that 85% of the Operators are law-abiding, and 15% are not), follow up and resolve all complaints from the community, and revoke licenses when necessary.

All of the STR requirements must be enforceable with minimal additional staff hours required in addition to a contract with a professional company that provides assistance with registration, illegal-activity monitoring, generation of letters, complaint-handling, and report-generation on data of importance to the ZEO, Fire District Attorney, Executive Committee, and Zoning Commission.

All the requirements in this set of proposed regulations are quantifiable (albeit some more exactly than others). This set of regulations has stayed away from such options as allowing parking in the street at whole-house rentals if the owner and family park in the street. If parking in the street is allowed in STR cases where the owners of the house must use on-street parking, it requires not only that car registration be provided at the time of the initial application and for the annual renewal for each of the occupants living in the house to determine how many on-street spaces are currently used by the occupants. Also, more importantly, there is no way to determine and enforce how many cars parking on the street are associated with a particular house. Importantly, in consideration of our full-time residents, currently some residents do not have enough parking for all of their guests, the local businesses do not have enough parking, and, as Ed Johnson has told us, safety in getting emergency vehicles through the streets is an issue. We need to look at the unintended consequences of all options that seem like a good idea at first blush.

Preliminary Consensus of Commission through June 25, 2020

<u>Moratorium on STR</u>	STR prohibited for first 3 years of ownership, after enactment	
<u>Supervision of STRs</u>	Owner on site, or designated local full-time resident representative.	
<u>Number of Rental Rooms</u>	1 per parking space for first two spaces, 1 per ½ space for additional spaces.	
<u>Parking Spaces</u>	Off street spaces, including driveway but excluding yard, and excluding those needed for resident operator.	
<u>Adults per Bedroom</u>	2	
<u>Minimum Age of Renter</u>	25 years	
<u>Number of Permits per Person</u>	1	
<u>Number of Rentals per Property at One Time</u>	One	
<u>Accessory Buildings</u>	Prohibited for STR unless authorized as a legal dwelling	
<u>Number of Rental Parties per Dwelling</u>	One	
<u>Events</u>	Not Allowed	
<u>Number of Rentals/Time Period</u>		
<u>Option A - Per Period - Summer/Other</u>	1 rental per X hour period, May 15-Sep 15.	Proposed: 1 rental/month May 15-Sep 15; 2 rentals per month rest of year
<u>Option B - Number of Nights</u>	1 rental per XX hour period, YY nights per ZZ time period	
<u>Option C - Number of Rentals per Month</u>	X	1/2
<u>Administrative Provisions</u>		
<u>Permit Fee</u>	X	
<u>Permit Period</u>	1-2 years	
<u>Enforcement</u>	Permit suspension/revocation for violation of rules by permit holder, \$XX fine for operating without a permit	