TOWN OF KILLINGTON

SUMMARY OF PROPOSED ZONING BYLAW AMENDMENTS

FOR ADOPTION BY SELECT BOARD ON MAY 5, 2020 HEARING

(These modified DEFINITIONS and all of SECTION 407 – SHORT-TERM RENTAL OF DWELLING UNIT would be inserted into the current 100+ page Zoning Bylaws)

(Edits show clarifications approved at April 21, 2020 hearing)

DEFINITIONS

Dwelling Unit Capacity: The number of Bedrooms in a Dwelling Unit shall determine the Dwelling Unit Capacity. A Dwelling Unit shall have one Bedroom for every two occupants for which the Dwelling Unit is intended to provide accommodations. For example, a three-bedroom Dwelling Unit shall have a Dwelling Unit Capacity of six persons. Dwelling Unit Capacity shall be stated in both number of Bedrooms and in number of occupants and labeled as such on all plans and statements required by these Zoning Bylaws.

NOTE: If there is a state or local wastewater permit which requires a different Dwelling Unit Capacity, then that permit shall ~~be taken into consideration when determining~~ determine the capacity of the Dwelling Unit. "Clean Slate" Permit Exemptions only pertain to wastewater systems constructed prior to July 1, 2007 that do not have either a local or state wastewater permit. Existing municipal wastewater permits issued prior to July 1, 2007 remain in effect.

Dwelling Unit Capacity – Short Term Rental: When used as a Short-Term Rental, the Dwelling Unit Capacity shall be increased by an additional two occupants. For example, a three-bedroom Dwelling Unit shall have a Dwelling Unit Capacity of eight persons ((3 bedrooms X 2) + 2) when used as a Short-Term Rental. A Dwelling Unit subject to a Vermont Land Use (Act 250) Permit shall be limited to the Dwelling Unit Capacity stated on that permit and shall not be increased by an additional two units when used as a Short-Term Rental.

Hotel / Lodge: A hotel, motel, or lodge consisting of a Building(s) or portion thereof kept, used, maintained, advertised, or held out to the public to provide overnight accommodations to said public for compensation, by the renting of rooms or a bed within a room. The renting of an entire Dwelling Unit for 16 occupants or less does not constitute a lodging operation; however, such use may qualify as a Short-Term Rental depending upon the extent of use. See Definition of "Short-Term rental".

NOTE: A Short-Term Rental constitutes a "Hotel" for purposes of the State of Vermont Rooms and Meals Tax. See 32 V.S.A. §9202(3).

Short-Term Rental: A furnished house, condominium, or other dwelling room or self-contained dwelling unit rented to the transient, traveling, or vacationing public for a period of fewer than 30 consecutive days and for more than 14 days per calendar year.

NOTE: The Short-Term Rental of a Dwelling Unit in or of a Building qualifies the Building as a "public building" subject to the jurisdiction of the State of Vermont Division of Fire Safety pursuant to 30 V.S.A. §2730(a)(1)(D).

SECTION 407 – SHORT-TERM RENTAL OF DWELLING UNIT

1. The Short-Term Rental of a Dwelling Unit requires a Zoning Permit (hereinafter in this section referred to as a Short-Term Rental Registration) from the Zoning Administrator. A person shall not commence the use of a Dwelling Unit as a Short-Term Rental unless and until the Zoning Administer issues the requisite Short-Term Rental Registration.

2. An application for Short-Term Rental Registration shall, for Dwelling Units with an occupancy of 8 or less, require self-certification of compliance with the following consistent with the Town Zoning File; or, for Dwelling Units with a Dwelling Unit Capacity of greater than 8 occupants, copies of the following:

A. The State of Vermont Wastewater and Water Supply Permit for the property for Dwelling Units constructed or occupied after June 30 ~~July 1~~, 2007, OR, ~~and a~~ the local zoning or septic permit~~, if any,~~ for Dwelling Units constructed before July 1, 2007, OR, the Listers Property Card with the number of bedrooms indicated if a local zoning or septic permit does not exist for Dwelling Units constructed before July 1, 2007.

B. A State of Vermont Land Use (Act 250) Permit if subject to Act 250 jurisdiction.

C. An inspection report with occupancy approved ~~The Public Building Permit~~ from the State of Vermont Division of Fire Safety for Dwelling Units with a Dwelling Unit Capacity of greater than 8 occupants. For Dwelling Units with an occupancy of 8 or less the self-certification form in subsection 2(E) below shall suffice.

D. The Posting of Contact Information required by 18 V.S.A. §4467.

E. The education materials required by 18 V.S.A. §4468(a), including without limitation the self-certification form pertaining to health and safety precautions that Short-Term Rental operators must take into consideration prior to renting a Dwelling Unit required by 18 V.S.A. §4468(b).

F. Proof that the liability insurance policy that covers the Dwelling Unit extends bodily injury and property damage insurance coverage that occurs during or as result of the use of the Dwelling Unit as a Short-Term Rental.

G. If the proposed Short-Term Dwelling Unit Capacity is for greater than 16 ~~or more~~ occupants ((7 bedrooms X 2) + 2), the use shall only be allowed in a Zoning District which allows "Hotel/Lodge" use and the applicant shall also obtain Site Plan Approval from the Planning Commission pursuant to §510 in addition to a Short-Term Rental Registration.

3. No Registration for the Short-Term Rental of a Dwelling Unit shall be issued unless the applicant has self-certified (for Dwelling Units with an occupancy of 8 or less) or has obtained and submitted to the Zoning Administrator (for Dwelling Units with a capacity of greater than 8 occupants) the documents and permits set forth in subsection 2 above.

4. The duration of a Short-Term Rental Registration shall be one year from the date of issuance.

5. The number of lessees, guests, or other persons using a Dwelling Unit pursuant to the Short-Term Rental lease or other agreement with the Short-Term Rental Registration holder shall not exceed the Short-Term Dwelling Unit Capacity of the Dwelling Unit.

6. The use of a Dwelling Unit by a number of lessees, guests, or other persons in excess of the Short-Term Rental Dwelling Unit shall constitute a violation of §407 by the Registration holder and/or the person with whom the Registration holder contracted for the Short-Term Rental of the Dwelling Unit.