

Short Term Rentals General Bylaw and Zoning Bylaw Drafts Summary December 15, 2022

Short Term Rentals (STR) in South Hadley are considered any rental of all or part of a dwelling unit for 28 consecutive days or less, including home sharing and vacation rentals. Other communities may define them for greater or fewer number of days. STRs are sometimes referred to as AirBNB or VRBO, however both are rather companies that provide an online reservation platform for short term rentals. Thus, throughout the bylaws and this discussion, the term “short term rental” is used as defined above.

The presence of STRs in communities can pose great benefits as well as challenges. A number of STRs were operating in South Hadley illegally until September 2022 when cease and desist orders issued by the Building Commissioner came into effect. The South Hadley Zoning Bylaw clearly states that any use not recognized in the Bylaw is considered prohibited. Thus, due to their presence within South Hadley, and their presence nationally in growing numbers, it is prudent to develop regulations to manage their existence within the community to protect and enhance the essential characteristics of and quality of life within existing residential neighborhoods for all residents. Regulations also have the intended purpose of protecting the health, safety and welfare of tenants and the surrounding community, and providing a means by which responsibilities for owners and tenants are codified, and compliance with such is required for continued operation.

Full copies of the draft bylaws can be viewed online here:
<https://www.southhadley.org/1318/ProposedDraft-Bylaws>

Zoning Bylaw – PROPOSED

The purpose of a Zoning Bylaw is to regulate the use (activity on a specific parcel of land) within each of the twelve zoning districts in South Hadley. Such regulation includes whether or not the use is allowed, by what form of zoning permit, if any, and the standards that the use must comply with. Zoning permits for STRs are proposed to be either by Site Plan Review or Special Permit. Issuance of a zoning permit in no way waives any rental operation from complying with all applicable local, state and federal building, fire and other codes and regulations.

STRs are classified as either Owner Occupied or Non-Owner Occupied.

Owner Occupied STRs are proposed to be allowed as follows:

- by Site Plan Review in the four Residential zoning districts (RA1, RA2, RB, RC) and the Agricultural zoning district;
- by-right in the four Business zoning districts (BA1, BA, BB, BC); and,
- prohibited in the Industrial zoning districts.

Non-Owner Occupied STRs are proposed to be allowed as follows:

- by Special Permit in the Residential, Agricultural and Business Zoning Districts
- prohibited in the Industrial zoning districts

General Bylaw – PROPOSED

The purpose of a General Bylaw is to establish regulations that are not legally permitted within zoning, and apply generally townwide irrespective of zoning. The primary purpose of the General Bylaw is to create a licensing and registration process for all STRs, and a process for inspections and complaints. Non-compliance with the stated requirements and standards for operation as defined within the General Bylaw will result in suspension or termination of the STR license.

The General Bylaw designates the Building Commissioner as both the licensing agent and enforcement officer. The limit on the total number of STR licenses in South Hadley shall be twenty-five (25). Of the total number of licenses, no more than five (5) shall be non-owner occupied.

Comments and Questions

A Public Hearing will be held on Monday, February 6, 2023, at 7 PM via Zoom. Login information is available on the posted legal notice here:

<https://www.southhadley.org/DocumentCenter/View/10132/Legal-Ad---Short-Term-Rental-Bylaws-Public-Hearing---February-6-2023--7PM>

Hard copies of the draft bylaws may be viewed in the Planning and Conservation Department at Town Hall, Room U6 at 116 Main Street, South Hadley.

Questions or comments may be sent to:

Anne Capra, Director of Planning and Conservation
acapra@southhadleyma.gov