

## Short Term Rental Information

For any rental occupancy after October 1, 2019:

- The dwelling must be used the same as any other dwelling in the Borough of Fenwick.
- The rental can only be to a “family” as defined in the Zoning Regulations. (Both residents and renters are allowed guests and/or multiple cars; they cannot be treated differently in this respect. However, the principal purpose of the rental must be to use the property as a temporary dwelling. The rental may not be for the principal purpose of hosting parties, celebrations, or similar special events.)
- No rental can be for less than two weeks.
- There can be no more than ten rentals in any calendar year.
- Per Borough policy, all property owners are required to register their rentals in the office for the purpose of regulating use of Borough amenities. It is expected that cottage occupancy observations will match these registrations.
- Any property owner that had a rental agreement for less than a two-week period signed prior to P&Z action on July 20 should revise the rental period to two weeks or immediately contact the Zoning Enforcement Officer to discuss the situation.
- Zoning Regulations cannot be applied retroactively. If you believe you have legally established a rental history of more than 10 rentals per year or rental intervals of less than two weeks and you wish to continue, please contact the Zoning Enforcement Officer to discuss the procedure for maintaining usage at that level.

## Zoning Regulations Excerpts

### **Definitions:**

*Domicile:* A person's fixed, permanent, and principal home for legal purposes.

*Domiciliary Occupants:* As used with respect to any dwelling unit, the term means the person or persons who either (1) currently use the dwelling unit as a domicile; or (2) are the owners of record of the dwelling unit.

*Dwelling:* A building containing one (1) dwelling unit, with or without a single accessory apartment unit. No accessory apartment is allowed within a detached accessory structure.

*Dwelling Unit:* One (1) or more rooms in a building that are collectively arranged, designed, or intended for use as a domicile or seasonal home by one (1) family, and that include lawful cooking space and lawful sanitary facilities reserved for the occupants thereof.

*Family or Family Unit:* Any number of individuals, related by blood, legal adoption or marriage, living together as a single housekeeping unit; or no more than three persons not so related and living together as a single housekeeping unit. The term “family” shall include servants who reside on the premises and are compensated for specified housekeeping or healthcare duties.

*Primary Occupancy:* Occupancy of a dwelling unit by domiciliary occupants.

*Seasonal Home:* A building that is not properly equipped or otherwise available for year-round use, but that (1) would otherwise be capable of use as a domicile, and (2) is used on a seasonal basis in the same manner as a domicile would customarily be used.

*Short-term Occupancy:* Transient occupancy of a dwelling unit by one family for residential purposes other than use as a domicile.

*Short-Term Occupancy Interval:* The period of time, measured in consecutive days, during which a dwelling unit is leased or otherwise made available for short-term occupancy by any family.

#### **4.3.13 Home Occupations and On-Site Commercial Activities.**

Except as provided in Section 4.3.14 of these Regulations, no dwelling or parcel shall be used for business or commercial purposes or activities, including on-site tag sales, estate sales, or similar activities, unless the use or activity (1) does not attract or encourage customers or clients to the premises; (2) is conducted entirely within an existing dwelling or existing accessory structure solely by members of the same family occupying the dwelling unit; (3) has no exterior display, exterior storage of materials or other exterior evidence of its existence; (4) has no signage advertising its existence; and (5) does not occupy more than 30% of the floor space of the dwelling unit. When the owner of any dwelling unit allows other persons, with or without a lease, to have the primary occupancy of that dwelling unit for purposes other than a domicile, such use shall be deemed to be a commercial use and shall not be allowed except as provided in Section 4.3.14.

#### **4.3.14 Short-Term Residential Use of Dwelling Units.**

Notwithstanding the provisions of Section 4.3.13, the owner of a dwelling unit may allow one family, with or without a lease, to have short-term occupancy of that dwelling unit, but only under the following circumstances: (1) the uses of the dwelling unit must be no different in nature than those that are customary and incidental to a domicile; (2) no short-term occupancy interval shall be less than fourteen consecutive calendar days; and (3) no more than ten short-term occupancy intervals shall be permitted in any calendar year. The purpose of this section is to protect the single-family residential character of the Borough and to prohibit the rapid turnover of occupants within any particular dwelling unit in order to enhance neighborhood safety, stability and security and to reduce the possibility of conflict with nearby residents.