

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 27, 2020

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

Be it ordained by the City Council of the City of Newburyport as follows:

THAT the Zoning Ordinance, Appendix A of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended pursuant to Section XII-B "Adoption and Amendment" as follows:

Section V-D: Table of Use Regulations

Add the following new residential use to the Table of Use Regulations, along with the additional footnote associated therewith:

USE	NUM	CON	HSR-A, HSR-B	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Short Term Rental Unit ^(j)	111	SP	P	P	P	P	NP	P ^k	P ^k	NP	NP	NP	NP	SP	P

(j) See Section XXXIII for additional requirements and restrictions applicable to Short Term Rental Units.

(k) In order to maintain "active frontage" commercial space to along public ways, Short Term Rental Units shall not be permitted on the first floor of any structure facing a public way within the B-2 and B-3 Districts.

Section XXXIII: Short Term Rental Units (STRUs)

Insert a new Section XXXIII, entitled "Short Term Rental Units (STRUs)" as follows:

XXXIII-A Purposes.

The purpose of this Section is to:

1. Provide a clear and consistent process through which certain dwelling units may be registered within the City of Newburyport for use as so-called Short Term Rental Units (STRUs) subject to compliance with requirements as specified herein; and

2. To responsibly incorporate the growth of the so-called home-share industry into Newburyport's existing neighborhoods by striking a fair balance between the preservation of long-term year-round housing, including affordable and moderately priced housing (*with or without deed restrictions*) and the flexibility required for residents to benefit from this new industry.
3. To ensure that neighborhood concerns with STRUs, including, but not limited to trash, noise and parking, are addressed so as to avoid adverse impact on overall neighborhood character or property values.

XXXIII-B Definitions.

Unless specified herein, all terms used in this Section XXXIII shall be as defined in Massachusetts General Laws (MGL) Chapter 94G Section 1, entitled "Definitions."

Residential Unit: A Residential Unit is a dwelling unit within a dwelling classification as a residential use, as those terms are defined in the Zoning Ordinance, but excluding: a congregated living complex; elderly housing; a group residence, limited: a homeless shelter; orphanage; temporary dwelling structure; and transitional housing. The term "Residential Unit" shall not include a hotel, motel, executive suite, or other non-residential use.

Short-Term Rental Unit (STRU): The use of a Residential Unit for residential occupancy by a person or persons for a period of fewer than thirty (30) consecutive days for a fee. A Short Term Rental Unit may or may not be facilitated through a Booking Agent.

XXXIII-C Short Term Residential Units (STRUs) within the City.

No Residential Unit within the City of Newburyport shall be offered as a Short Term Rental Unit (STRU) except in compliance with the provisions of this Section XXXIII, and in accordance with any License issued for said STRU by the Newburyport Licensing Commission pursuant to the Newburyport Code of Ordinances Chapter 9 (Licenses, Permits and Business Regulations) Article X (License Required for Short Term Rental Units).

XXXIII-D Effective Date

The provisions of this Ordinance, Section XXXIII, shall take effect on June 1, 2020.

XXXIII-E Severability

The provisions of this section are severable and, in the event that any provision of this section is determined to be invalid for any reason, the remaining provisions shall remain in full force and effect.

Councilor James J. McCauley
Councilor Charles F. Tontar