

ORDERED:

**A ZONING AMENDMENT TO ALLOW SHORT-TERM RENTAL UNITS IN SPECIFIED DISTRICTS**

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

**THAT** the Zoning Ordinance of the City of Newburyport, Massachusetts (the “Zoning Ordinance”) be amended to insert a new Section V-G, as follows:

**V-G – SHORT-TERM RENTAL UNITS ~~RESERVED~~**

**1. Purposes. *The purposes of this section V-G include:***

- a. To define short-term rental use and regulate the use of short-terms rentals in the City. :*
- b. To incorporate responsibly the growth of the so-called home-share industry into Newburyport’s existing neighborhoods by striking a fair balance between the preservation of permanent housing, including affordable and moderately priced housing (with or without deed restrictions), and the flexibility required for residents to benefit from this new industry; and*
- c. To ensure that potential negative impacts from STRUs, including, but not limited to, impacts upon public health and fire safety, and due to increased trash, noise, traffic, and parking, are mitigated to avoid adverse impacts on overall neighborhood character or property values.*

**2. Definitions**

Unless specified otherwise herein, all terms used in Section V-G shall be as defined in 830 CMR 64G.00 (Room Occupancy Excise).

**Home-Share Rental Unit:** An STRU that is the Operator’s Primary Residence and is rented as an STRU while the Operator is not personally and physically present overnight. .

**License Commission:** The License Commission of the City of Newburyport.

**Limited-Share Rental Unit:** An STRU that is the Operator’s Primary Residence, and is rented as a STRU while the Operator is personally and physically present overnight.

**Operator:** A natural person who is an owner of record of the Residential Unit, or is legally authorized to act in relation to the STRU as the owner of record. Such owner may be, without limitation, an individual owner, alone or together with others, a trustee of a trust, a manager of an LLC, or an officer of a corporation. An owner legally authorized to act for the record owner shall be duly designated by the licensing authority as the responsible party for a STRU. Only one natural person may be an Operator.

**Owner-Adjacent Rental Unit:** A STRU that is not the Operator’s Primary Residence but is located on the same Lot as the Primary Residence of, and is owned by said Operator.

**Primary Residence:** The Residential Unit designated by the Operator as his/her principal place of residence, and in which the Operator resides for no fewer than 183 days of every year.

**Residential Unit:** A Residential Unit is a lawful dwelling unit that makes up all or part of the three (3) following principal residential uses as identified in this Ordinance: One-family (Use 101), Two-family (Use 102) or Multifamily (Use 103). For purposes of this section, the term “Residential Unit” shall not include any other use contained in the Newburyport Zoning Ordinance.

**Short Term Rental Unit (“STRU”):** A Residential Unit made available by its Operator, in exchange for payment or other consideration, for residential occupancy by others for any period of less than thirty-two (32) consecutive days,

**3. Specific districts where permitted. STRU use meeting the definition of either Home-Share Rental Unit, Limited-Share Rental Unit or Owner-Adjacent Unit shall be permitted by right solely in accordance with this Section V-G and within the R-2, R-3, B-2, B-3 zoning districts.**

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	111	NP	NP	NP	P	P	NP	P	P	NP	NP	NP	NP	NP	NP

**4. Requirements and Restrictions. Each STRU shall comply with the following requirements:**

- a. In the B-2 and B-3 zoning districts, a STRU shall be permitted solely when located above the first floor of the structure.
- b. There shall be no external, physical evidence of the STRU to differentiate it in appearance from the single-family, two-family, or multi-family residential premises in which it is located, nor from other residential properties similarly situated. All forms of display and/or advertising of the STRU use open to view from outside the lot shall be prohibited.

- c. The STRU shall not create excessive noise, fumes, odor, dust, vibration, heat, glare, or electrical interference.
- d. The STRU shall operate under a valid license issued by the Licensing Commission and shall comply with all applicable laws, ordinances, codes, rules and regulations.
- e. Only an Operator may offer a STRU for rent.
- f. Except in the PIOD, and as is otherwise provided for Owner-Adjacent Rental Units, no Operator may offer more than one STRU at a time.
- g. Parking- STRU shall a plan to provide Off-street (on or off-site) parking area(s) to accommodate all uses of the property, including the proposed STRU
- h. Occupancy and Use Limitations
  - i. **Limited-Share Rental Units-**
    - 1. There is no limitation on the number of days per year that an Operator may make a Limited-Share Rental Unit available for occupancy.
    - 2. Occupancy of a Limited-Share Rental Unit shall be limited to a maximum of three (3) bedrooms for guests and a maximum of six (6) guests, and at least one (1) additional bedroom shall be exclusively used and occupied by the Operator during the pendency of the use by STRU guests.
  - ii. **Home-Share Rental Units-**
    - 1. There is no limitation on the number of days per year that an Operator may make a a Home-Share Rental Unit available for occupancy; provided, however, that except within the PIOD, the total number of days the Unit is occupied when the Operator is not physically present overnight shall not exceed a total of ninety (90) days per each licensing year.
    - 2. Occupancy of a Home-Share Rental Unit shall be limited to a maximum of four (4) bedrooms and a maximum of eight (8) people.
  - iii. **Owner-Adjacent Rental Units-**
    - 1. There is no limitation on the number of days per year that an Operator may make an Owner-Adjacent Unit available for occupancy.
    - 2. An Owner-Adjacent Rental Unit shall be allowed in two-family or three-family dwellings only where all dwelling units are owned by the Operator.
    - 3. An Operator of an Owner-Adjacent Residential Unit in a multifamily residential dwelling may not make available at the same time both the

*Owner-Adjacent Residential Unit and a Home Share or Limited-Share Rental Unit serving as the Operator's Primary Residence.*

**5. Ineligible Residential Units**

- a. No STRU providing affordable housing and listed on the Town's subsidized housing inventory may be used for short-term rental.*
- b. No camper, trailer, recreational vehicle, mobile home, tent, lean-tos, temporary structure or similar space may be used as a STRU.*
- c. No unit for which an in-law apartment special permit has issued shall be used as a STRU.*

**6. Exempt Units**

The following uses of a dwelling unit shall be exempt from Section V-G:

- a. **Residential units contracted for hospital or convalescent stays.** The use of a dwelling unit or portion thereof (1) under a written contract between the owner of such dwelling unit and a health-care facility, government entity, non-profit organization registered as a charitable organization with the Secretary of the Commonwealth of Massachusetts or classified by the United States Internal Revenue Services as a public charity or private foundation, or (2) for the temporary housing in such unit of natural persons who are being treated for trauma, injury, or disease, or of their family members; and*
- b. **Residential units used for furnished institutional or business stays:** The use of a dwelling unit or portion thereof under a written contract between the owner of such dwelling unit and an institution or business, for the temporary housing of employees or other individuals affiliated with such institutions or business, provided, however, that the minimum duration of such stay shall be ten (10) days.*
- c. **Plum Island:** STRUs located within the Plum Island Overlay District (PIOD) may be used for any number of days (consecutive or non-consecutive). An Operator of such STRUs need not meet any Primary Residence requirement under this Section, and is not limited in the number of STRU's said Operator may make available within the PIOD.*