

ORDERED:

A ZONING AMENDMENT TO ALLOW SHORT-TERM RENTAL UNITS IN SPECIFIED DISTRICTS AS AN ACCESSORY RESIDENTIAL USE

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 as follows, with deletions ~~double stricken through and italicized~~, and additions double-underlined and italicized:

V-G – SHORT-TERM RENTAL UNITS ACCESSORY USE~~RESERVED.~~

1. **Purposes.** *The purposes of this section V-G include:*
 - a. To provide a clear and consistent process through which certain dwelling units may be registered within the City of Newburyport for accessory use (accessory to a residential use only) as Short Term Rental Units (STRUs);
 - 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. **Specific districts where permitted.** *STRU accessory use shall be permitted by right solely in accordance with this section V-G and within the CON, HSR-A, HSR-B, R-1, R-2, R-3, B-2, B-3, and WMU 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	P	P	P	P	P	NP	P	P	NP	NP	NP	NP	NP	P

3. **Requirements.** Short-term residential unit accessory use shall mean the accessory occupancy of a dwelling unit in exchange for payment and for periods of fewer than thirty-two (32) days that is subordinate to principal residential use, indistinguishable in appearance and in its level of traffic generation from other such principal residential uses in the neighborhood, and that meets all of the following requirements:

a. Except within the Plum Island Overlay District (PIOD), the natural person licensed by the licensing board and otherwise in compliance with all applicable provisions of Article XI (Short-Term Rental Units) of Chapter 9 of the Newburyport Code, to manage the STRU accessory use shall reside for no fewer than 183 days of every calendar year in the lawful dwelling unit to which such use shall be accessory.

b. The STRU use shall be accessory to a lawful dwelling unit that makes up all or part the following three (3) principal residential uses, to the exclusion of any other principal use: One-family (Use 101), Two-family (Use 102), or Multifamily (Use 103).

c. In the B-2 and B-3 zoning districts, STRU accessory use shall be permitted solely when located above the first floor of the structure, with reasonable allowance for entryways, stairs, and elevators.

d. There shall be no external, physical evidence of the STRU accessory use to differentiate it in appearance from the principal residential use to which it is accessory, nor from other residential properties similarly situated; all forms of display and/or advertising of the accessory STRU use open to view from outside the lot shall be prohibited.

e. The STRU accessory use shall not create excessive noise, fumes, odor, dust, vibration, heat, glare, or electrical interference.

f. The STRU accessory use shall operate under a valid license issued by the licensing board and otherwise in compliance with all applicable provisions of Article XI (Short-Term Rental Units) of Chapter 9 of the Newburyport Code.

4. **Interpretation.** For the removal of all doubt, this section V-G shall not be construed to allow an STRU: (a) except as an accessory use to a principal One-family (Use 101), Two-family (Use 102) or Multifamily (Use 103) residential use; and/or (b) to operate except under a valid license issued by the licensing board and otherwise in compliance with all applicable provisions of Article XI (Short-Term Rental Units) of Chapter 9 of the Newburyport Code.