



CITY OF AMESBURY
IN THE YEAR TWO THOUSAND TWENTY-ONE

SPONSORED BY:



Kassandra Gove, Mayor



Pam Gilday, District 1, City Council

BILL No. 2021- 105

An Ordinance to establish this zoning ordinance for short term rentals of residential units in the City of Amesbury.

Summary: Like many communities in the Merrimack Valley and on the North Shore, Amesbury is a desirable location to visit. Individual property owners and agencies such as Airbnb and VRBO provide an “away from home” experience by offering residential units to guests as an alternative to the more traditional hotel stay. However, this practice can have a negative impact on community services such as police and fire, disrupt neighborhood peace with noise, traffic, and related issues, and erode a community’s long-term residential rental unit inventory. Therefore, the City of Amesbury shall establish zoning regulations that define the type of residential unit that can be used as a short-term rental in the City of Amesbury, the minimum length of stay for rental agreements for such units, and the residency requirements that must be met by a homeowner in order to offer their residential property as a Short-Term Rental Unit in the City of Amesbury.

Whereas the term *Short-term rental* is defined in [MGL Chapter 64G](#) as *an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.*

Whereas in addition to the zoning regulations for Short-Term Rental Units as specified in this Short-Term Rental Unit Regulation Ordinance, an annual licensing requirement for all Short-Term Rental Units in the City of Amesbury must also be met, as specified in City Council bill 2021-093, which is also referred to as the Short-Term Rental Unit License Ordinance.

Be it Ordained by the City Council of the City of Amesbury assembled, and by the authority of the same as follows:

The Amesbury City Council does hereby accept the following zoning ordinance regulations for all residential properties being considered for allowed use when applying for a Short-Term Rental Unit License in the City of Amesbury.

All the following regulations must be met in order for the Short-Term Rental Unit to be allowed in the City of Amesbury as an allowed use.

- The following criteria apply to every zoning classification and zoning district in the City of Amesbury for which residential uses are currently allowed by City of Amesbury zoning.
- Short term rental units are allowed in the following residential structure types only:
 - A - Single family home.
 - B - Single family home with attached or detached apartment that is legally rentable to non-family members.
Note: The owner's residence and the attached or detached apartment are allowed consideration as a Short-Term Rental Unit.
 - C - Duplex or two-family home in which the homeowner owns both properties.
The owner's residence and the other co-joined property are allowed as a Short-Term Rental Unit.
- The minimum short term rental length is 5 days.
- The maximum number of times that a residential unit can be rented in a single calendar year is 4.
- A Short-Term Rental Unit cannot be subleased to a third-party, nor can a sublease of a long term rental be used as a Short-Term Rental Unit.
- The homeowner must reside in the single family home or within one unit of the duplex or 2-family home for which they own both properties, for a minimum of 183 days per calendar year and must provide proof that the residential property is their primary residence.
- One off-street parking space is required for every Short-Term Rental Unit. In addition, further parking requirements may be required as specified in Amesbury's *Traffic and Parking Regulations*.

Compliance with the above regulations is required by applicants for obtaining and maintaining a license to offer a residential unit in the City of Amesbury as a Short-Term Rental Unit.

Related Documentation and Reference

The following links are intended for use as informational reference material to those reviewing and acting upon this ordinance and to all those interested in learning more about Short Term Rentals and their legislation in the state of Massachusetts and beyond.

- Jan 2, 2019 FYI - <https://www.mma.org/gov-baker-signs-short-term-rental-bill/>
- Nov 30, 2020 FAQ - <https://www.mass.gov/info-details/room-occupancy-excise-tax>
- Chapter 337 of the Acts of 2018 (to modify MGL Chapter 64G etc) - <https://malegislature.gov/Laws/SessionLaws/Acts/2018/chapter337>
- Amesbury zoning bylaw and zoning map available on Amesbury Planning Board page <https://www.amesburyma.gov/planning-board/pages/zoning-by-laws-and-maps>
- [MGL Chapter 64G](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64G) – Term definitions and more
- Related - community impact fee - <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64G/Section3D>
- Related - local room/excise tax - <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIX/Chapter64G/Section3A>
- Frequently Asked Questions on Short Term Rentals – Room Occupancy Amendments – <https://dls.gateway.dor.state.ma.us/gateway/DLSPublic/FAQMaintenance/8>