



# CITY OF SALEM PLANNING BOARD

2018 OCT -3 AM 9:44

CITY CLERK  
SALEM, MASS.

## Report to City Council

October 3, 2018

At its meeting on September 20, 2018 the Planning Board discussed the proposed Zoning Ordinance amendments relative to Section 3.0—Table of Principal and Accessory Uses and Section 10.0—Definition relating to short-term rentals.

The Planning Board voted, six (6) in favor (Matt Venio, Noah Koretz, Matt Smith, Carole Hamilton, Kirt Rieder, DJ Napolitano) and none opposed, to recommend that the City Council approve the amendments with modifications as presented below:

The recommended *modifications* are shown in italics and deletions are shown as strikethrough below. Commentary from the Planning Board is noted in bullets below each modification.

### Section 3.0 Table of Principal and Accessory Uses

	RC	R1	R2	R3	B1	B2	B4	B5	I	BPD	NRCC
Non-Owner Occupied Short-Term Rentals	N	<del>N</del> BA	BA	BA	BA	BA	BA	BA	N	N	BA

- The Planning Board recommends non-owner occupied short-term rentals be allowed by special permit by the Board of Appeals in the NRCC zoning district. The Board recommends moving this cell into *Sec. 8.4.5 Table of Uses – NRCC District* of the Salem Zoning Ordinance with a “BA”.
- The Planning Board recommends by a four (4) to two (2) vote that non-owner occupied short-term rentals be allowed by special permit by the Board of Appeals in the R1 zoning district. Those voting in favor of recommendation were concerned that allowing this use in some, but not all residential zones presents an equity issue. They noted that the special permit process allows the special permit granting authority the ability to deny issuance of a special permit to ‘problem properties’ or in a location that this use is deemed not suitable. They do not agree with the argument that this use is the same as a boarding house or bed and breakfast. The dissenters noted that there are differences between the residential zones and that introducing this type of use in a property is more disruptive in an R1 zone than in an R2 or R3 zone. They noted that there is more turnover in R2 and R3 neighborhoods as well as more rental units.



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## Section 10.0. Definitions

Section 10.0 to be revised:

***Non-Owner-Occupied Short-Term Rental:*** A dwelling unit where the owner does not live in either the unit, the building, or otherwise on the property and which was being used as a Short-Term Rental prior to the date the general ordinance, Chapter 15 Short-Term Rentals, was filed with the City Clerk for consideration by the City Council. *A Short-Term Rental is the use of a dwelling unit for residential occupancy for a period of fewer than thirty (30) consecutive calendar days for a fee. A Short-Term Rental may or may not be facilitated through an online booking agent.*

~~***Short-Term Rental:*** A Short-Term Rental is the use of a dwelling unit for residential occupancy for a period of fewer than thirty (30) consecutive calendar days for a fee. A Short-Term Rental may or may not be facilitated through an online booking agent.~~

- The Planning determined it was not necessary to have a definition for a term that is not within the Salem Zoning Ordinance outside of another term's definition. The Board recommends removing the definition for "Short-Term Rental" and adding the language in italics to the definition of "Non-Owner-Occupied Short-Term Rentals."

If you have any questions regarding this matter, please feel free to contact Tom Daniel, AICP, Director of Planning & Community Development, at 978-619-5685.

Yours truly,

*Matthew Veno /AG*

Matthew Veno, Vice Chair

cc: Ilene Simmons, City Clerk