

ZONING BYLAW

TOWN OF NAHANT

MASSACHUSETTS

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ZONING BYLAW Town of
Nahant

SECTION 2

DEFINITIONS

SECTION 2.02 – DEFINITIONS

Non-Owner Occupied Short-Term Rental: A dwelling unit made available for Short-Term Rental that is neither the **Principal** Residence of the owner, nor is located within the same residential building as the owners **Principal** Residence.

Owner Occupied Short-Term Rental: The Short-Term Rental of a dwelling unit of no more than the number of lawful bedrooms within such dwelling unit that is the **Principal** Residence of its operator.

Owner Adjacent Short-Term Rental: A residential unit offered as a Short-Term Rental which is not the owner's **Principal** Residence but which is located within the same dwelling and/or parcel as the **Principal** Residence.

Short-Term Rental Operator - The person or persons offering a dwelling unit or bedroom for short-term rental, who may be either the owner or the primary leaseholder of the dwelling unit with the written permission of the property owner and the condominium association if applicable.

SECTION 4

USE REGULATIONS

SECTION 4.06 – RENTING OF ROOMS TO ROOMERS OF OR LODGERS

Renting of rooms (lodging units) in a dwelling unit for the use of not more than two roomers or lodgers, who do not constitute a housekeeping unit separate from that of the resident family, is permitted in a residential or business district provided that at least one off-street parking space is provided for each such roomer. Rooms rented to roomers or lodgers shall not have private outside entryways or separate cooking facilities. Roomers must use cooking facilities of resident family. No such rentals shall be for a period of 28 days or less.

SECTION 4.06A – SHORT TERM RENTALS

Notwithstanding Section 9.08, the Board of Appeals shall be the exclusive special permit granting authority with respect to Non-Owner Occupied Short Term Rentals. Once issued, the Special Permit shall be exclusive to the applicant and shall not be transferable without written consent from the Board of Appeals unless the transfer is between current spouses or where the original applicant transfers the special permit to a revocable or irrevocable trust where at least one of the designated beneficiaries is of the first degree relationship to the original applicant.

Special permits shall be granted by the Board of Appeals for non-owner-occupied short-term rentals, only upon its written determination that the adverse effects of the proposed use will not outweigh its beneficial impacts to the Town or the neighborhood, in view of the particular characteristics of the site or parcel, and of the proposal in relation to that site. In addition to any specific factors that may be set forth in this by-law, the determination shall include consideration of each of the following:

1. Specific factors that are set forth in Section 9 of these by-laws;
2. Compliance with all Town regulations and bylaws and laws of the Commonwealth, including all health and safety regulations;
3. The ability of the property owner, or agent/property manager to respond to complaints within a timely manner;
4. Prior experience managing a short-term rental property;
5. Sufficient off-street parking;
6. Appearance of property in comparison to the neighborhood;
7. Host-guest agreement requiring compliance with all Nahant Short-Term Rental by-laws and regulations; and
8. Prior and/or current experience with the Town including, but not limited to:
 - a. Previous or temporary residency;
 - b. Family residency;
 - c. Business properties or services; and
 - d. Other community involvement.

SECTION 4.13 – TABLE OF USE REGULATIONS

See Table 1 on accompanying pages, which is declared to be a part of this bylaw.

In the following Table of Use Regulations, uses designated by the letter “P” are permitted in the districts shown, subject to the provisions of this bylaw and other applicable laws. Uses designated by the letter “S” are prohibited in the districts shown, except to the extent they are allowed by a valid special permit issued under this bylaw. Uses designated by the letter “N” are not permitted in the districts shown. Uses not listed in Table 1 are not permitted in any district.

TABLE 1

“It is the intention of the committee to require a Special Permit for”

TABLE OF USE REGULATIONS

<u>Description of Use</u>	<u>Zoning Districts:</u>					
	<u>R-1</u>	<u>R-2</u>	<u>B-1</u>	<u>B-2</u>	<u>NR</u>	<u>P</u>
Short-Term Rental - Non-Owner Occupied¹	SP	SP	SP	SP	N	N
Short-Term Rental - Owner Adjacent¹	P	P	P	P	N	N
Short-Term Rental - Owner Occupied¹	P	P	P	P	N	N
Single-family detached dwelling	P	P	P	P	N	P
Non-profit religious or educational purposes (see definition and Note 3 below) (STM 2019)	P	P	P	P	P	P
Municipal buildings & other public uses	P	P	P	S	N	P
Non-profit outdoor recreational uses	P	P	P	S	P	P
Golf Course	N	S	N	N	S	S
Agriculture, horticulture, floriculture, or viticulture (on site of 5 acres or more)	P	P	P	P	P	P

¹ A Short-Term Rental property shall not be used for a commercial event during its occupancy as a Short-Term Rental. Commercial events include but are not limited to luncheons, banquets, parties, weddings, meetings, charitable fundraising, commercial or advertising activities, or other gatherings.

Neighborhood convenience retail store not exceeding 2,500 square feet or employing more than 3 persons	N	N	P	N	N	N
Other retail stores	N	N	S	N	N	N
Professional offices not exceeding 2,500 square feet or employing more than 5 persons	N	N	P	S	N	N
Other professional offices	N	N	S	S	N	N
General office use	N	N	S	S	N	N
Banks and automated teller machines	N	N	S	N	N	N
Restaurants	N	N	S	N	N	N
Catering establishment	N	N	S	N	N	N
Fast-order food establishment	N	N	N	N	N	N
Consumer service establishment	N	N	S	N	N	N
Theatre uses or places of assembly	N	N	S	S	N	S
Offices or meeting place for non-profit civic or historic organization	N	N	P	S	N	P
Bowling alley or other enclosed place of amusement or assembly	N	N	S	N	N	N
Membership Club (see definition)	N	N	P	N	N	N
Gasoline Station	N	N	S	N	N	N
Automobile repair garage	N	N	S	N	N	N
Commercial parking lot	N	N	S	N	N	N
Non-hazardous research (see definition)	N	N	S	S	S	N
Computer facilities (such as a computer service bureau or training center)	N	N	S	S	N	N

Arts & crafts studios	N	N	P	S	N	N
Music Studios	N	N	P	S	N	N
Video studios	N	N	P	S	N	N
Exercise & dance studios	N	N	P	S	N	N
Day care center	N	N	S	S	N	S
Family day care home (Continued)	P	P	P	P	N	N
Boathouse or structure for golf club, public skating or swimming, or other recreational structures	S	S	S	S	S	S
Hotel or motel	N	N	N	N	N	N
Auto rental or sales	N	N	N	N	N	N
Junkyard or used auto parts yard	N	N	N	N	N	N
Conservation uses related to water, plants & wildlife	P	P	P	P	P	P
Environmental monitoring	P	P	P	P	P	P
Accessory decorative gardens or vegetable gardens	P	P	P	P	P	P
Accessory uses incidental to the above permitted uses, subject to the limitations of Section 4.12	(See Section 4.12)					
Marijuana Establishments	N	N	S	N	N	N
Marijuana Treatment Centers	N	N	S	N	N	N

Zoning Districts:

R-1	Residential R-1
R-2	Residential R-2
B-1	Business B-1
B-2	Business B-2
NR	Natural Resource
P	Public

Legend:

P	Permitted Use
N	Not a Permitted Use
S	Special Permit Required

Notes: 1. Some uses may require site plan review. See Section 9.09.

2. It is the intent of this zoning bylaw not to create any industrial districts and not to permit any industrial uses anywhere in town.

3. Uses or structures for Nonprofit Religious or Educational Purposes are allowed in a Natural Resource District to the extent required by M.G.L. c. 40A, § 3. (STM 2019

End

FINAL 2-14-23