

Proposed Amendments
Durham Zoning Ordinance
Short-term Rental Establishments
Changes from Town Council document proposed by Planning Board
November 13, 2019

Proposed additions by the Planning Board are shown like this

~~Proposed deletions by the Planning Board are shown like this~~

Note that the provisions shown in Article II (Short-term rental/bed and breakfast definition) and Article VIII below are existing provisions incorporating changes proposed by the Town Council. The section in Article XX below, proposed by the Town Council, is all new. In all sections, only changes from the Town Council amendment proposed now by the Planning Board are marked. The Town Council proposed no changes to definitions in Article II other than for a short-term rental/bed and breakfast.

ARTICLE II - DEFINITIONS

SHORT-TERM RENTAL BED AND BREAKFAST – An accessory use to an owner-occupied single-family residence containing, in addition to living accommodations for the owner and the owner’s family, not more than three *individual* sleeping rooms, for the purpose of providing to the general public, for compensation, lodging *and bathroom facilities*, with or without breakfast, for less than thirty consecutive days. A *short-term rental bed and breakfast* is not considered a home occupation.

HOTEL – A building containing seven (7) or more *individual* sleeping rooms or suites, each *with a private bathroom having a private bathroom attached thereto*, for the purpose of providing overnight lodging facilities to the general public for stays of less than *thirty consecutive days two (2) consecutive weeks* for compensation, *with or without meals*, and usually providing on-site *dining facilities*, recreational services, function rooms, housekeeping, laundry and related services. Access to *individual* guest rooms is provided through interior corridors. (See Article XX)

INN – An owner-occupied, single-family residence containing, in addition to living accommodations for the owner and his or her family, *four (4) to not more than* six (6) *individual* sleeping rooms, without cooking facilities, for the purpose of providing to the general public, for compensation, lodging, bathroom facilities and breakfast to overnight patrons only and for *less than thirty consecutive days no longer than two (2) consecutive weeks*.

MOTEL – A building containing seven (7) or more *individual* sleeping rooms or suites, *each with a private bathroom having a private bathroom attached thereto*, for the purpose of providing overnight lodging facilities to the general public for compensation for stays of less

than thirty consecutive days ~~two (2) consecutive weeks~~ with or without meals, and usually providing on-site function rooms, housekeeping, laundry and related services. Access to individual guest rooms is provided directly from the outside or from exterior corridors or walkways. ~~, walkways, or balconies.~~ (See Article XX)

ARTICLE VIII – VARIANCES AND SPECIAL EXCEPTIONS

A. **Criteria for the Granting of Special Exceptions.** The Zoning Board of Adjustment is authorized to grant a special exception in accordance with RSA 674:33 IV, as amended. The board shall grant a special exception if and only if it finds that all of the following general criteria, along with additional specific criteria for particular uses and activities given elsewhere, are met. The following are conditions of all special exceptions.

1. That the use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the kind and nature of other uses in the vicinity or by reason of obvious and adverse violation of the character or appearance of the neighborhood.
2. That the use will not be injurious or noxious and thus detrimental to the neighborhood by reason of any of the causes stated in Part B. Zoning Districts (See Table of Contents) of this chapter.
3. That the use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, excessive noise, or comparable adverse causes, impacts, or conditions.

➤ *Change name in the table from “~~Bed & Breakfast~~” to “Short-term rental.” Relocate this use from Section VII in the table to Section III. Residential Uses under “Uses Accessory to a Single Family Residential Use.” Change the allowance for a Bed and Breakfast under each zone as follows:*

ARTICLE XII.1 – USE AND DIMENSIONAL STANDARDS

175-53. Table of Uses.

Residential Zones:

Rural	SE
Residence A (RA)	SE
Residence B (RB)	SE
Residence C (RC)	SE

Retail/Commercial Zones:

Central Business (CB)	P
Professional Office (PO)	P
Church Hill (CH)	P
Courthouse (C)	P
Coe's Corner (CC)	P

Research/Industrial Zones:

Office Research - Route 108 (OR)	SE
Mixed Use and Office Research (MUDOR)	SE
Office Research Light Industry (ORLI)	SE

ARTICLE XX – STANDARDS FOR SPECIFIC USES

L. Hotels and Motels. *A stay in a hotel or motel is restricted to less than thirty days (as defined in Article II – Definitions). However, a guest or guests may stay in a hotel or motel for thirty days or longer if allowed by special exception. The maximum that may be allowed by a special exception is a stay of 60 consecutive days and 90 days in any 6 month period. No person may stay in a hotel or motel as a guest for more than 60 days in a row, nor more than 90 days in any 6 month period.*

R. H. Short-term rental Bed and Breakfast. The following terms and conditions apply to a *short-term rental Bed and Breakfast.*

1. A *short-term rental bed and breakfast* may not be established until a permit to operate a *short-term rental bed and breakfast* has been issued by the Zoning Administrator. The property owner shall submit an application to operate a *short-term rental bed and breakfast* to the Zoning Administrator who will review the proposal for compliance with all Building, Fire, and Life Safety Codes. Site plan review is not required for a *short-term rental bed and breakfast.*
2. Special Exceptions. In those districts where a *short-term rental bed and breakfast* is allowed by special exception, the property owner shall obtain a special exception prior to issuance of a permit to operate a *short-term rental bed and breakfast.* The following specific requirements apply to special exceptions for *short-term rentals bed and breakfasts:*
 - a. ZBA Hearing. For notification purposes, abutting properties shall include those lots within 300 feet of the subject property.

b. Other Conditions. The Zoning Board of Adjustment may set additional conditions on the special exception based upon potential impact of the proposal to the neighborhood.

~~b. Expiration. Any approved special exception shall expire if the property is not used pursuant to the special exception for 24 consecutive months.~~

~~3. Expiration. If the property is not used as a bed and breakfast for 24 consecutive months the permit to operate the bed and breakfast shall expire (along with the special exception, above).~~

3. 4. The site where the short-term rental bed and breakfast is located must be the property owner's primary residence.

~~4. 5. The property owner or a member of the property owner's family must be on the premises overnight each night while the property is rented.~~

~~The property owner must be on the premises while the property is rented.~~

~~5. 6. Those areas of the premises open to use by lodgers remain subject to periodic safety inspections per state law.~~

~~The property owner shall register the bed and breakfast with the Durham Rental Housing Program and maintain compliance with the program's requirements.~~

~~7. The property owner shall provide to the Zoning Administrator a copy of their current New Hampshire Meals and Rooms Tax License and proof of payment of the New Hampshire Meals and Rooms Tax on an annual basis.~~

~~8. Vehicular parking and access shall be provided on the site as reasonably determined by the Zoning Administrator.~~

6. 9. No recreational vehicle, travel trailer, tent, or other temporary shelter may be used by the renter(s) on the premises in conjunction with the short-term rental bed and breakfast.

7. 10. Signage is restricted to the following:

- a. One non-illuminated sign not exceeding two square feet. If ground mounted the sign must be set back at least 10 feet from all lot lines and be no taller than three feet. If mounted on the house no part of the sign may be higher than the top of the first floor windows.

- b. Non-advertising auxiliary signs (such as “No Parking Here” and “Entrance to the Right”) that are non-illuminated and do not exceed one square foot for each sign.

~~*11. Any lighting on site shall be fully shielded to prevent glare onto the road and any neighboring properties.*~~