

## Chapter 235. Zoning

### Article VII. Supplementary Provisions

#### § 235-41. Residential accessory uses.

M. Short-term lodging. The commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging, or sleeping purposes, wherein any individual guest rents or occupies the entire dwelling unit for a period of less than 15 consecutive calendar days. For purposes of this Chapter, this use does not include the rental or occupancy of a residential accessory structure, residential accessory dwelling unit, a tent, a trailer or a mobile unit. In the case of a single parcel containing more than one dwelling unit, each dwelling unit constitutes a separate short-term residential rental use. A permit to use a dwelling unit for short-term lodging must be obtained from the Planning Department in accordance with the provisions and conditions of this section. All other zoning regulations shall apply.

(1) Use is permitted by right in the following Districts:

- (a) Commercial Resort (CR)
- (b) Shorefront Residential (SFR)

(2) Use is permitted by Special Exception in the following Districts:

- (a) Residential Rural (RR1)
- (b) Residential Rural Corridor (RR2)
- (c) Residential Single-Family (RS)
- (d) Residential General (RG)
- (e) Residential Apartment (RA)
- (f) Urban Commercial (UC)
- (g) Commercial (C)

(3) Use is prohibited in the following Districts:

- (a) Industrial (I)
- (b) Industrial Park (IP)
- (c) Airport Industrial (AI)

- (4) This use is prohibited in accessory dwelling units, single-family homes with an accessory dwelling unit, apartment buildings, boarding houses, or assisted living facilities.
- (5) A permit application must be submitted to the Planning Department and approved by the Planning Director or their designee prior to using a dwelling unit for short-term lodging. Approval will only be granted if a dwelling unit is determined to be suitable for this use in accordance with the following criteria:
  - (a) The owner of a proposed short-term lodging unit has applied for the permit and paid all applicable application fees.
  - (b) The owner of a proposed short-term lodging unit has provided the same agent information as required by RSA 540:1-b.
  - (c) The dwelling unit has passed an inspection conducted by the Zoning Technician. Such inspection will be limited to the following:
    - [1] Smoke and carbon monoxide detectors must be installed in areas defined by the City's adopted codes and must be functioning;
    - [2] All windows or doors designed to open must be able to be opened to provide emergency egress;
    - [3] No basement space must be used as sleeping areas unless there are properly sized egress windows and/or doors conforming to the City's adopted codes;
    - [4] A functional fire extinguisher must be visibly installed in all kitchen areas;
    - [5] To determine maximum occupancy of the dwelling unit, which must not exceed two persons per bedroom or 12 persons total, whichever is more restrictive;
    - [6] To determine the maximum number of vehicles allowed per rental, driveway capacity must be confirmed. On-street parking must not be allowed; and
    - [7] Safety concerns reported by lodgers or abutters may require another inspection.
  - (d) A permit application cannot be submitted without a Special Exception from the Zoning Board of Adjustment in those districts specified in § 235-41 M.(2). A Special Exception may be granted in accordance with the criteria listed in § 235-70 in addition to meeting the following requirements:
    - [1] The use is limited to a single residential dwelling unit that is owner-occupied during each period the unit is rented;
    - [2] The dwelling unit must not be used for short-term lodging for more than 120 days per year; and

- [3] The property owner must submit to the Planning Department by February 1 of each calendar year an annual report that includes the following information for the previous calendar year:
  - [a] The total number of bookings and listings; and
  - [b] The total number of days rented.
- (e) An initial permit application must be submitted within two years of receiving a Special Exception from the Zoning Board of Adjustment, where applicable.
- (f) The Planning Director or their designee may deny any permit application or revoke any previously issued permit if a dwelling unit does not meet the criteria or portion thereof.
- (6) The owner of a short-term lodging unit is responsible for:
  - (a) Removal of trash in accordance with the City's ordinance.
  - (b) Ensuring that all vehicle parking associated with the use shall comply with applicable parking regulations, and vehicles of guests and invitees must not obstruct traffic or access to other properties in the area.
  - (c) Ensuring that occupancy limits are not exceeded.
  - (d) Ensuring adherence to the City's noise regulations.
  - (e) Any other site-specific conditions imposed as part of the approval.
- (7) An aggrieved party may appeal a decision granting or denying an administrative permit to the Zoning Board of Adjustment within 30 days of the decision. The Zoning Board of Adjustment may affirm, reverse, or modify the decision appealed.
- (8) Approval for short-term lodging use will be in effect for two years from date of approval and must be renewed every two years from the date of prior approval. Approval is owner specific, and a new permit must be obtained by each new owner of a property where the use will continue to include short-term lodging subject to § 235-41 M.
- (9) Permits will be revoked for failure to comply with this chapter. If a revocation occurs, the owner may not apply for reinstatement for a period of one year from the date of revocation.
- (10) Use of a dwelling unit for short-term lodging without an approved permit or after a previous approval has expired or was revoked, will subject the property owner to fines and penalties outlined in § 235-82 of this chapter.

- (11) The use of any property for short-term lodging shall be considered abandoned if no new short-term lodging permit has been obtained within two years of the expiration of a previously issued short-term lodging permit. Once considered abandoned, a new Special Exception must be obtained from the Zoning Board of Adjustment in accordance with the provisions of this section.
- (12) Dwelling units previously approved for short-term lodging prior to July 1, 2025 may continue to be used as such. Should the use be abandoned, the owner of the dwelling unit must obtain all necessary approvals in accordance with the provisions of this section.