

Proposed Changes to Zoning 2023 – Version 1 of 2

ORDINANCE WORDING AND EXPLANATION

Short Term Rentals – Red changes added after first hearing.

Article III, U. Short Term Rentals.

1. **Purpose:** The use of short-term rentals is regulated to preserve the traditional character of residential neighborhoods that can be negatively impacted by this type of use and to help preserve the quality and quantity of the housing stock for year-round residential use.
2. **Definition:** Short-Term Rental: A dwelling unit, where transient lodging may be provided for compensation for short stays (no less than two (2) and no more than thirty (30) consecutive nights), and where the dwelling unit would normally be considered a residential living unit not associated with regulated commercial activities such as a hotel, motel, rooming/boarding/lodging house, or a bed-breakfast.
3. **Application for Special Exception:** Short-term rentals are permitted in all zones by special exception as either a primary or accessory use of the property. In addition to the general special exception criteria found in Article VI (D)(5), the following criteria must also be met.
 - a. Prior to submitting an application for a special exception, the owner must arrange for and complete a safety inspection by the Fire Department and shall submit the inspection report as part of the application. The inspection shall be limited to determining that the following minimum safety requirements are met:
 - i. Functional Smoke and CO detectors must be installed in areas defined by the State of New Hampshire’s adopted version of the National Fire Protection Association codes and standards.
 - ii. Windows and doors functioning as the primary and secondary means of egress shall conform to the current adopted Life Safety Code requirements for One (1) and Two (2)-Family Dwellings.
 - iii. No basement space shall be used as sleeping areas unless there are properly sized egress windows and/or doors.
 - iv. A functional fire extinguisher shall be visibly installed in any kitchen area.
 - v. Safety concerns reported by lodgers or abutters may require additional inspection(s) by the Fire Department,
 - b. **Parking.** All short-term rentals shall provide a minimum of one parking space per bedroom plus one extra space. On-street overnight parking shall not be allowed.
 - c. All dwellings must be on a Class V Road or better.

5. General Requirements: The following regulations shall apply to all short-term rentals:

- a. If the property is determined to be a seasonal dwelling it may only be available for rental for no more than seven (7) months of the year.
- b. The maximum occupancy of the short-term rental shall be two persons per bedroom. Notice of the occupancy limits shall be prominently displayed in the short-term rental unit.
- c. All owners of short-term rentals shall, by June 1 of each year, submit documentation to the town demonstrating that the septic tank is pumped annually.
- d. All owners of short-term rentals shall provide a place for renters to deposit their trash and shall arrange for trash to be removed from the property at least weekly. Owners shall further assure that all properties be maintained and kept clean of debris.
- e. All owners of short-term rentals shall prominently post notice in the rental that Epsom is a residential town and that respectful behavior by the renters is expected, including complying with all rules established by the town and the owner, and
- f. All owners of short-term rentals shall file a statement with the town clerk that provides the name, address, and telephone number of a person within the state who is authorized to and responsible for addressing issues which arise at the property, and who is authorized to accept service of process for any legal proceeding brought against the owner relating to the short-term rental.

Explanation: The need for a short-term rental Ordinance has been on the planning and zoning radar for a few years. Many other municipalities throughout New Hampshire have adopted short-term rental ordinances and this is “to preserve the traditional character of residential neighborhoods that can be negatively impacted by this type of use and to help preserve the quality and quantity of the housing stock for year-round residential use.” Not having an Ordinance to regulate the short-term rentals in a municipality can cause several issues due to the absence of the owners, such as lots becoming unmaintained, thereby affecting the property values of the homes around them. These regulations also provide guidance for rental owners to ensure that a few measures are put in place to ensure the safety of their renters, and the Town’s ability to respond to these properties in the event of an emergency.

Religious Organizations

Definition

Religious Organization: Any church, body of communicants, or group that gathers in common membership for regular worship and religious observances whose identity and mission are derived from a religious or spiritual tradition, and operates as registered or unregistered, nonprofit, and voluntary entities.

Add Religious Organizations to Article II.C, Table of Uses, as permitted uses in all zones.

Amend Article III.O to read: “Religious Organizations are permitted in all Zones and subject to a site plan review, to ensure compliance with the Ordinance’s regulations of height of the structure, yard size, lot area, setbacks, open space, and building coverage requirement.”

Explanation: This is a NH Legislative change. It is a very vague House Bill that was passed (see below) by the Legislature with no guidelines or wording that would explain the intent or purpose. We have covered the definition, the zones allowed, and the wording to regulate what items can be regulated by a Municipality. This new law has an effective date as of July 1, 2022.

Current through Chapter 346 of the 2022 Legislative Session

Section 674:76 - Religious Use of Land and Structures

No zoning ordinance or site plan review regulation shall prohibit, regulate, or restrict the use of land or structures primarily used for religious purposes; provided, however, that such land or structures may be subject to objective and definite regulations concerning the height of structures, yard sizes, lot area, setbacks, open space, and building coverage requirements as long as said requirements are applicable regardless of the religious or non-religious nature of the use of the property and do not substantially burden religious exercise. RSA 674:76 Added by 2022, 291:1, eff. 7/1/2022

Seasonal Dwellings

Explanation: Section III(B)(7) ONLY relates to pre-existing nonconforming seasonal dwellings. Seasonal dwelling is not a term used anywhere else in the Ordinance therefore the PB proposes to:

Amend Article III(B)(7)(b) Seasonal Dwelling to read:

For purposes of this section only, a “seasonal dwelling” is a structure that is designed to be used or is actually used for temporary residential use for less than twelve (12) months per year, or primarily for a specific or distinct season. This term includes, but is not limited to, lake house, hunting or snowmobile lodges or camps, summer camps or lodges.

Then add a new, generally applicable definition of Seasonal Dwelling: A structure that is designed to be used, or is used, for residential use for less than six (6) cumulative months in a given year (184 days), which is not the domicile of the owner or any other individual.