

CITY OF LACONIA - CITY COUNCIL MEETING
Government Operations and Ordinances Committee
June 17, 2019
7:00 pm
City Hall - Armand A. Bolduc City Council Chamber

1. **CALL TO ORDER**
2. **RECORDING SECRETARY**
3. **ROLL CALL**
4. **STAFF IN ATTENDANCE**
5. **GOVERNMENT OPERATIONS & ORDINANCES (Bownes, Hosmer, Cheney)**
 - 5.A. **Discussion of Historic Overlay District**

Documents:

[LACONIA HISTORIC OVERLAY DISTRICT PROPOSAL 6.5.19.PDF](#)
 - 5.B. **Short-term Rental Proposal**

Documents:

[SHORT TERM LODGING PROPOSAL DRAFT.PDF](#)
6. **Any other business that may come before the Council**
7. **ADJOURNMENT**

This meeting facility is ADA accessible. Any person with a disability who wishes to attend this public meeting and needs additional accommodations, please contact Cheryl Hebert, Meeting ADA Coordinator, at City Hall by calling (603) 527-1265 at least 72 hours in advance so that the City can make any necessary arrangements.

LACONIA HISTORIC OVERLAY DISTRICT

Purpose.

This article establishes a Historic Overlay District (HOD) in the City of Laconia pursuant to RSA 673:4 and 674:45 through 674:50. The purpose of the HOD is to preserve and promote the historic, cultural, educational, economic, and general welfare of the community by:

- A. Protecting and preserving structures, places, and properties that reflect elements of the cultural, social, economic, and political heritage of the city;
- B. Promoting the preservation, restoration, rehabilitation, and adaptive reuse of structures and places of historical, architectural, and community value as well as vistas of significance within the HOD;
- C. Conserving property values in the HOD;
- D. Protecting and enhancing the attractiveness of the HOD;
- E. Promoting the use of the HOD for the education, pleasure, and welfare of the citizens of the city.

Historic District Commission ~~and~~

A. *Organization, Membership, and Procedures.*

1. Members of the Historic District Commission shall be appointed by the City Council.
2. The Commission shall consist of between three (3) and seven (7) members. All members shall be residents of the City of Laconia; one (1) shall be a member of the Laconia City Council, and one (1) shall be a member of the Laconia Planning Board. In determining the qualifications of a Commission member, consideration will be placed on his or her demonstrated interest and ability to understand, appreciate and promote the purpose of the Commission.
3. The Commission members shall be appointed for staggered three-year terms. Members shall serve without compensation. In the event of a vacancy on the Commission, interim appointments may be made to complete any unexpired term.
4. The Commission shall annually elect a Chair, Vice Chair, and Secretary from among its membership.
5. The Commission ~~shall~~ may from time to time -adopt and ~~may from time to time~~ -amend, with the approval of the City Council and public input, -such rules and regulations as are consistent with the intention of this chapter and of state enabling legislation.

6. The Commission shall develop and submit an annual report and request for funds to the City Council. Subject to appropriations or other income, the Commission may employ clerical and technical assistants or consultants. The Historic District Commission may accept gifts of money or services, or grants, and may hold or expend such gifts or grants for the purposes of this chapter.
7. The decisions of the Commission shall be by vote of the majority of the Commission members.

B. ***Powers and Duties.*** The Historic District Commission shall review applications within the Historic Overlay District (“Historic District”) approving, approving with conditions, or denying applications, as appropriate. The HDC may assume any other responsibilities related to the Historic District consistent with RSA 674:46-a.

The Historic District Commission may consult and work in conjunction with the Heritage Commission toward a broader role in promoting historic preservation in general. Pursuant to RSA 674:44-b, the Historic District Commission may:

1. Call upon City staff, citizens, abutters to applicants, and professionals, as it sees fit, for input, consultation, and recommendations on matters before the Commission.
2. Conduct small area or community-wide surveys of historic, architectural, and cultural resources.
3. Nominate structures and districts for listing in the New Hampshire State Register of Historic Places and National Register of Historic Places and review all proposed National Register nominations within the City ; keep a record of all properties that are included in local historic districts, listed in the National Register, or determined eligible for National Register listing.
4. Prepare historic resources sections of local master plans and ensure that the impacts on historical resources are considered at every level of local decision-making.
5. Advise other local, state, and federal government entities about historical, architectural, archaeological, and cultural resources, and advocate for the identification, protection, and preservation of these resources
6. Review ~~Consult on~~ applications for zoning amendments, variances, conditional uses, and other approvals affecting property in the Historic District; ~~consult on these applications affecting property located outside of the Historic District when deemed appropriate~~
7. ~~Investigate and r~~Recommend to the Planning Board and City Council amendments to this ordinance.
8. Investigate and recommend to the Planning Board and City Council new areas for designation as historic districts.

9. Act as a liaison between local government and individuals or organizations concerned with historic preservation.
10. Educate municipal officials, historic district property owners, owners of other historic properties, and the general public about the historic district and historic preservation in general.
11. Participate in informational, advisory, and policy setting meetings about historic preservation issues, historic district commissions, heritage commissions, and the Certified Local Government program of the National Park Service.
12. Develop and administer a system of markers and monuments recognizing individual properties in the historic district; acknowledge special contributions toward historic preservation by members of the community.
13. Coordinate with other City boards in the review of items such as lighting or parking areas that might also be subject to review by those boards.
14. Undertake any other appropriate action or activity necessary to carry out its mission as embodied in this section.

Designation of Historic District

- A. *Procedures for Designation.*** The (HOD) District exists as a zoning overlay district. The District boundaries may be amended, and new historic districts may be designated and delineated following the Amendment Procedure described in Article XIV, Chapter 235-85 of the Laconia City Code.
- B. *Criteria for Designation.*** The following criteria should be considered when the Historic Commission, Planning Board, and City Council deliberate the enlargement or reduction of an existing district or the creation of a new district. In any district which contains multiple properties or structures, not every property or structure need meet these criteria. Rather, the district overall should embody a significant degree of continuity, cohesiveness, integrity, and conformity with one or more of the following criteria.
 1. The site is identified with or significantly represents or exemplifies one or more significant cultural, social, political, economic, or military events in the history of the City of Laconia, region, state, or nation.
 2. The site is associated with a person or persons of historic significance.
 3. The site embodies distinguishing characteristics of, or quality in, design, detailing, materials, craftsmanship, or a particular architectural style.

4. The site is identified as the work or representing the work of a master builder, designer, architect, engineer, or landscape architect whose individual work was influential in the development of the town, region, state, or nation.
5. The site's unique location and characteristics make it an established and appreciated element or visual landmark for the community.
6. The site's age, good condition, and special features make it worthy of preservation.
7. The site has yielded or is likely to yield significant archaeological information.
8. The site contributes to the visual continuity of the District.

Identification of the Historic Overlay District.

A Zoning Map of the HOD as amended, including all the notations, references, district boundaries, and other information shown thereon, is incorporated by reference as part of this Ordinance and is on file with the City Clerk. If there are any inconsistencies between the map and the listing of map and lot numbers under subsection (B), the listing of map and lot numbers herein shall prevail.

- A. *Locating Boundaries.*** The District lines drawn on the HOD map are generally on or parallel to a street, watercourse, or lot line, and shall, unless there are indications to the contrary, be deemed to be:
1. On the centerline of the right-of-way or watercourse;
 2. Parallel to the centerline at the distance noted; or
 3. On the lot line, or parallel to the lot line, at the distance noted in Section B.
- B. *Delineation of the District.*** The HOD is defined as that area made up of the lots listed below, including those that are City-owned lots, as delineated on the Laconia City Tax Maps, excluding road rights of way. However, any buildings or portions of buildings or stone walls or portions of stone walls that are located in any road right of way within the boundaries of the HOD shall be subject to review by the HDC. Unless otherwise noted, all of the land composing each lot shall be considered to lie within the District. Should any of the lots listed below be subdivided or combined with other lots in the future, the new lots, or applicable portions of those new lots, that are located within the overlay district as delineated herein, shall be included in the HOD.
1. Map 433, Block 225, Lot 83
 2. Map 432, Block 142, Lot 1
 3. Map 325, Block 44, Lot 1
- From the northerly side of Veterans Square along Church Street to include lots on the northern side of Church Street to the intersection of Messer St.-

Purview of the Commission

A. *Activity Within the Historic District Overlay District Subject to Review.* Approval of the HDC is required for the following activity within the HOD:

1. Modifications to the exterior architectural appearance (See definition) of the property including erection of new structures (See definition for “Structure” in the Historic District), additions to existing structures, alterations to existing structures, demolition of existing structures or portions of existing structures, or relocation of any structure into, out of, or within the HOD.
2. Installation, modification, or removal of exterior freestanding lighting structures.
3. Erection, alteration, or removal of any kind of wall, barrier or fence.
4. Installation of pavement or other impervious or semi-impervious material on the ground or establishment of any parking or driveway area.
5. Installation of any new roofing material where the material, form, or color will change significantly. However, where failure to repair a roof will result in immediate damage to the structure the Code Enforcement Officer may grant approval for emergency temporary repairs and immediately notify the HDC, which will then review the work at its next opportunity (unless exempt under Section B., below)
6. Signage, except for temporary signs, such as political, contractor, and real estate signs.
7. Removal or destruction of any healthy tree with a diameter at breast height (4-1/2 feet above grade) of 12" or ~~more~~ more, unless recommended by an arborist for good cause.
8. Any substantial change in topography (cuts and fills).
9. Building and ground-mounted utilities and roof penetrations that would be visible from a public street within the Historic District at any time of the year, unless necessary for public safety.

B. *Activity Exempt from Review.* No review or Certificate of Approval shall be required for the following:

1. Work performed on the interior of buildings. Except for those buildings that have been designated by the establishment of a Historic District as significant for their architectural or artistic value.
2. General maintenance and in-kind repair which does not involve any significant change in materials or the outward appearance of the structure or site. Alternative materials may be used for general maintenance when the material and its application have been preapproved by the HDC.

3. Installation or removal of any plant materials (except for tree removal as described above).
4. Any of the following items if they are situated on a building or on a lot such that no part of them will be visible from a public street within the Historic District at any time of the year: antenna, wall siding, a change in roofing material, outbuilding not exceeding 400 square feet, deck, swimming pool, fence, patio, wall, barbecue pit, satellite dish, solar panels, roof vents and other structures situated on or penetrating through the roof, septic tank, leach field, well, any other utilities, and other yard appurtenances.
5. Construction, alteration, or demolition of any structure or element of a structure that the Code Enforcement Officer certifies as being the only means of avoiding an immediate health or safety emergency prior to the HDC convening a meeting to consider the matter. In such an instance, the Code Enforcement Officer shall immediately notify the Commission of his or her certification. The HDC will review such work at its first opportunity if it deems appropriate.
6. Painting or staining a building when the color will not change.
7. Colors of paint and stain applied to a residential or commercial structure of little historical or architectural distinction.
8. Flagpoles, mailboxes, window air conditioning units in a single-family residence or accessory apartment, utility poles.
9. Installation of any new roofing material where the material, form, or color will not change significantly.
10. Items which are not explicitly addressed in this subsection but for which the proposed work clearly:
 - a. would not have any significant adverse impact;
 - b. would be barely noticeable, if at all, from any public street; and
 - c. would be consistent with the intent of this article, all as reasonably determined by the Planning Department in consultation with the HDC chair.

Procedures for Review of a Certificate of Approval.

A. **Application:** In order to be considered at the next scheduled HDC meeting, an application for a Certificate of Approval shall be submitted to the Laconia HDC through the Planning Department no fewer than 10 days prior to that meeting. When the deadline would fall on a weekend or holiday, the application must be submitted by the next workday. In the case of a special meeting, the chair may allow for a shorter timeframe for submission of materials. Applications must be emailed, postmarked, or hand delivered to City Hall by midnight on the day of the deadline.

1. **Application materials.** The application package shall include the items listed below, when applicable, [as determined by the HDC](#):

- a. Application Form. A completed application form as provided by the Planning Department.
- b. Site Plans. Site Plans if deemed critical to preservation of the Historic District may be required to be produced by the applicant. Site plans must be drawn to scale clearly depicting existing conditions and proposed work. ~~If, after submission of application, -topographic plans are determined to be required will be required~~ as part of a site plan review, then the plans shall be provided as soon as possible and all review time periods shall pause pending delivery of the topographical plan. submitted if the HDC determines that they would be helpful to review. For other projects, at the HDC's discretion, particularly where there is a significant change in grade over the site or in the vicinity of the proposed new building, the applicant shall provide topographic plans. Where topographic plans are submitted, they shall show the existing grades and finish grades at the foundation and within 10 feet of the building on all sides, in sufficient detail to clearly discern the precise existing and finish grades. When a site plan review with the Planning Board is involved, the HDC may request to see any other drawings in the plan set where it determines that examination of such drawings may enhance the HDC's review.
- c. Elevation Drawings. Elevation drawings to scale of each affected facade of the building, structure or sign, clearly depicting existing conditions and proposed work. Building heights shall be given as specified in the Zoning Ordinance (See definition for "Building Height") and in accordance with a topographic plan if one is submitted, above. In addition, the heights for the highest points of the building shall be provided. On larger or more complex projects, the HDC may require that a fixed benchmark, near but not on the site, be provided. When a new building is proposed or when any roof or the height of an existing building is proposed to be raised, the following shall be provided: elevation drawings of pertinent facades, including building heights, of all buildings on adjacent lots that are within 20 feet of the subject lot.
- d. Details. Detail drawings of project-specific elements.
- e. Photographs. Photographs of each side of any building proposed for alterations, additions or demolition, and one of the overall sites.
- f. Samples. Samples, swatches, colors, and/or manufacturer's cut sheet of materials to be used as appropriate.
- g. Other Items. Any other items which the Commission may reasonably need to conduct its review, including perspective drawings of the subject buildings; accurate, to-scale renderings of nearby buildings; and any type of rendering, view, or model which shows the proposed construction in context.

The Commission may, at its discretion, waive requirements for the submission of any or all of the above items as well as for drawings to be precisely drawn to scale

on smaller or less complex projects. There is no application fee for applications to the Historic District Commission.

2. Other Requirements.

- a. Measurements. Measurements on all plans, including building heights, shall be provided in a clear manner. When revised plans are submitted the measurements shall be provided in a manner consistent with prior plans.
- b. Revisions. When subsequent revised plans are submitted the revised plans shall clearly indicate every change from the prior set of plans.
- c. Elements subject to review. It is the responsibility of the applicant to point out or highlight, in some clear manner, every element of the proposed project that is subject to HDC review.

Changes made by other boards. When any change in the design approved by the HDC, pertinent to any element subject to HDC review, is made by another body, such as the Planning Board or Zoning Board of Adjustment, the plans shall be brought back to the HDC for review and unresolved differences shall be brought to the City Council for final determination. ~~approval.~~

B. *Review of the Application.*

1. Determination of Appropriateness. In deliberating whether to grant or deny a Certificate of Approval, the HDC shall make a determination as to the appropriateness of the work proposed by determining whether or not the proposal conforms to the provisions of this article.
2. Scheduling and Completeness. The HDC will consider applications at its scheduled meetings. At that time a determination shall be made whether the application under consideration is complete in accordance with the list of required items, above, and whether or not further information is needed by the Commission in order to accept the application. When a project is approved a determination of completeness is understood to be part of the approval.
3. Dialogue with Applicant. The applicant may present his or her application at the Commission meeting(s). When there are aspects of the proposal which may not conform to this article, the Commission, at its discretion, may advise the applicant to find reasonable cost approaches to meet his or her objectives with a project which still conforms to the standards of this article.
4. Public Hearing. ~~At its discretion, when deemed appropriate, t~~The Commission is required authorized to hold a public hearing on any application at which time opinions of abutters and interested citizens shall be heard. Notice of the Public Hearing shall be sent to abutters and posted in a newspaper of general circulation at

least ten (10) calendar days prior to the hearing. In the case of significant projects that involve demolition, the HDC may hold an additional public hearing any time after the start of construction to allow for concerns to be identified and conveyed to the applicant and City enforcement officials. Applicants shall be invited but are not required to attend any such public hearing.

5. Professional Advice. The Commission may seek advice from such professional, educational, cultural, or other sources as is deemed necessary.
6. Recommendations. The Commission may make nonbinding recommendations to the applicant on elements outside of its purview such as planting materials.
7. Setting parameters. When the Commission deems appropriate in dealing with violations of this ordinance and other matters, it ~~shall~~ may work with property owners in a flexible manner in setting timeframes and other benchmarks to guide how and when specific work must be completed.

C. *Action on an Application.*

1. To the extent practical and appropriate, as determined by City staff, an applicant may file applications for permits simultaneously to the Planning Board and the Commission. Reviews shall be coordinated by the City staff to ensure that all necessary approvals are obtained and are as consistent with one another as possible.
2. The HDC shall take action on all applications within forty-five (45) days of the meeting at which the Commission accepts the application as complete. This time frame may be extended by consent, at the request of the Historic Commission or request of the applicant, for an additional period not to exceed forty-five (45) days. In cases where the HDC requests additional information/documentation/materials and continues an application from one meeting to another, the application shall be deemed to have been not complete at that first meeting unless accepted as complete.
3. The Commission shall file a Certificate of Approval or a Certificate of Denial with the Planning Department. Failure by the Commission to act within the period of time specified above shall be deemed to constitute approval of the application as submitted. A Certificate of Approval, or approval by default of the Commission to take action, shall be effective for one year after the date of approval. If the applicant has neither obtained a building permit (or an extension for one) nor substantially commenced work within this timeframe then the approval shall automatically be deemed null and void.
4. When an application is rejected as being incomplete or denied, the reason(s) for the decision shall be conveyed to the applicant by certified mail and clearly stated in the minutes of the Commission.
5. Oversight of construction. At its discretion, on larger or more sensitive projects, the Commission may recommend ~~that~~ an architect to oversee construction of the elements and details of the building that are part of the HDC's approval to ensure that the building is constructed correctly in accordance with the approval. The HDC may

request that progress reports be submitted to the City and it may identify the requested parameters for those progress reports.

6. Once a certificate of approval has been issued, any proposed changes to that approval shall be brought back to the HDC for review and approval. However, if a proposed change is very minor, then the Planning Department may approve the proposed change, in consultation with the HDC chair, provided:
 - a. The change is deemed to be insignificant;
 - b. The change would be barely noticeable, if at all, from any public street; and
 - c. The change would be consistent with the intent of the earlier approval.

D. Appeals. Any applicant, persons, or organizations aggrieved by a decision of the HDC may appeal the decision to the Laconia Zoning Board of Adjustment in accordance with RSA 674:33 and any appeal procedures specified in the City Ordinances.

E. Enforcement. The provisions of this article shall be enforced as provided for in Chapter 235, Article XIII of the Laconia City Code. No building permit shall be issued for any project until the Building Inspector determines that the proposed plan is in conformance with the design approved by the HDC. No certificate of occupancy (except for a temporary certificate of occupancy, as appropriate) shall be issued until the Building Inspector determines that the project has been built in accordance with the plans approved by the HDC. The Building Inspector shall determine in the course of regular inspections that all work is in compliance with the plans approved by the HDC. When appropriate, the Building Inspector may issue a stop work order at his or her reasonable discretion.

Standards for Review.

The following standards shall be used by the HDC in reviewing applications for Certificates of Approval.

A. General Principles

1. Every reasonable effort shall be made to minimize alteration of the significant features of the property unless necessary for public safety.
2. The distinguishing original qualities or character of the property shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided where possible.
3. All structures and sites shall be recognized as products of their own time. Alterations that have no historical basis or that are made to create an earlier appearance shall be discouraged.
4. Changes that may have taken place in the course of time are evidence of the history and development of the property. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a property shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in design, color, texture, and other visual qualities whenever possible. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other structures if at all possible.
7. Every reasonable effort should be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
8. Contemporary design for alterations and additions to existing properties should not be discouraged when such designs do not destroy significant historical, architectural, or cultural material, and when those designs are compatible with the size, scale, color, material, and character of the property, neighborhood, and surrounding environment.
9. Whenever possible, new additions or alterations to structures should be done in such a manner that if those additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

A. *Elements of Design.* Proposals should be harmonious with existing structures within the District. The Commission shall consider the following elements of design when evaluating an application:

1. Scale. The scale of a building is its size relative to common reference points: e.g. the human body and nearby structures. New construction should be consistent with the dominant cornice and peak or ridge height of other nearby structures within the HOD. Inordinately low buildings create a void at upper floor levels that interrupts the feeling of enclosure. Disproportionately tall buildings overpower other structures.
2. Proportions. Proportion deals with height, width, depth, and spacing relationships and is important both in the overall dimensions of the building and in its individual components.

B. *New Construction.* New construction is an essential process in a vital community, representing the current phase of an evolution that has been ongoing since the settlement of Laconia. Contemporary architecture may be appropriate, provided that it is respectful of the historic fabric of the District. New construction within the Historic District should be consistent with Sections A and B, above.

C. *Demolition or Removal.* No existing building or other structure may be demolished or moved out of the Historic Overlay District until approval has been granted by the HDC. Demolition or removal from the District of a contributing structure is strongly discouraged and shall

rarely be permitted. An application which includes a detailed plan for the reuse of the site shall be submitted, and the Commission shall determine the appropriateness of the plan. It shall only be approved if the applicant demonstrates that 1) denial of the application would result in extreme hardship unique to the subject property or the plan for redevelopment of the site is considered to be beneficial overall for the Historic District and the city as a whole; and 2) the Commission has approved a detailed redevelopment plan for the site. Financial hardship of the owner of the property shall not constitute a hardship for this purpose.

D. Other Issues

1. Parking. Parking areas, particularly when paved and unbroken by landscaping, can have a significantly deleterious impact upon historic areas. All parking areas for other than single-family uses shall be located at the rear of buildings. Where ~~the Commission determines that~~ such placement is not practicable, parking may be located at the side of buildings provided that no part of the parking area is located forward of the side or front elevation of the building.
2. Screening. All utility elements such as dumpsters, garbage cans, propane tanks, aboveground oil tanks, and ground-mounted air conditioning units shall be screened and located such that they are not visible from a public way.
3. The U.S. Secretary of the Interior’s “Guidelines for historic Preservation” shall also serve as a guide for the Commission.

Required Maintenance and Demolition by Neglect.

- A. **Responsibility**. A property owner in the HOD is prohibited from allowing ~~the his or her~~ property to deteriorate in the manner specified in section B and failing to correct those conditions.
- B. **Conditions**. Property owners shall maintain their property to prevent the following from occurring. The HDC may will take any appropriate measures ~~on its own, or~~ in coordination with the Zoning Enforcement Officer, to affect conformance with this requirement. Where one or more of the following is occurring, such that the level of deterioration is significant and the integrity of the property is threatened, the HDC may make a finding that the property is subject to Demolition by Neglect.
 1. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, splitting, listing, collapsing, or buckling.
 2. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, collapsing, or buckling.
 3. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, collapsing, or buckling.
 4. Deterioration or crumbling of exterior plasters or mortars.

5. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
6. Defective protection or lack of weather protection for exterior wall and roof coverings, including paint, or weathering due to lack of paint, peeling paint, or lack of other protective covering.
7. Rotting, holes, and other forms of decay.
8. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, wall facings, and architectural details that causes delamination, instability, loss of shape and form, collapsing, or crumbling.
9. Heaving, subsidence, or cracking of sidewalks, steps, or pathways.
10. Deterioration of fences, gates, and accessory structures.
11. Deterioration, except by irreversible natural processes, of vegetation, trees, shrubs, plantings, and all landscaping.
12. Deterioration that has a detrimental effect upon the special character of the Historic Overlay District as a whole.
13. Deterioration of any exterior feature so as to create or permit the creation of any conditions hazardous or unhealthful to life, environment, or other property.
14. Severely peeling or deteriorating exterior paint.
15. Other conditions as determined by the Code Enforcement Officer (CEO) or the Commission.

C. ***Enforcement Actions.*** Upon written notification by the HDC to the Code Enforcement Officer regarding noncompliance with this section, the CEO shall investigate, and if in non-compliance, send written notification to the owner of the property in question, informing the owner of the noncompliance and ordering that the condition be corrected within 60 days. If the owner chooses to contest the CEO's notification with respect to either the existence of the conditions or the number of days allowed for correction, the owner may appeal to and request a hearing before the HDC no later than 30 days following the mailing of the notification. At the hearing, the owner and the CEO may present evidence, after which the HDC shall enter an Order affirming, modifying, or rejecting the CEO's notification.

A building permit for all repairs shall be issued by the Code Enforcement Officer after having received a complaint from the HDC. Building permit guidelines and regulations will be followed and monitored by the Code Enforcement Officer. If a building owner fails to

comply, the Code Enforcement Officer shall notify in writing the ~~City Manager~~
~~Administrator~~ and ~~City Town~~ Council of a breach of this regulation.

D. *Waivers and Hardship Cases.* The HDC may grant a waiver of up to one year from part or all of this ordinance in cases where strict compliance would create a financial hardship.

Appeals.

Appeals of any actions taken by, or orders issued by the HDC, may be taken to the Laconia Zoning Board of Adjustment by any owner or tenant of property wholly or partly within the HOD, as well as by any other person, agency or group, if aggrieved by a ruling of the Laconia HDC. The Laconia Zoning Board of Adjustment shall hear and act upon such appeals within the periods of time prescribed by New Hampshire status.

Short-Term Lodging Proposal to City Council

Third Draft – May 17, 2019 (Incorporating feedback from legal counsel - in RED)

Definition: Add to 235-13

Short-Term Lodging or Lodging, Short-term

A dwelling unit where transient lodging is provided for compensation for stays of between one and 184 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 or bed-and-breakfast.

New Zoning Section

235-41:M Residential Accessory Uses

M. Short-term Lodging. The use 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. Permitted in all zones except IP, I, and AI, providing the following conditions are met:

1. A Short-Term Lodging application will be reviewed and approved or denied by the Planning Department as an Administrative Decision to determine suitability for this use in a particular dwelling unit, using the following criteria:
 - a. The owner of a proposed Short-term Lodging unit shall apply for the Administrative Decision and pay the review and abutter notification fees.
 - b. The owner of a proposed Short-term Lodging unit shall provide the same agent information as required by RSA 540:1-b.
 - c. As part of the application approval process the dwelling unit must pass a joint inspection by the Fire Department and the Building Code Enforcement Department which shall be limited to the following:
 - i. Smoke/CO detectors must be installed in areas defined by the City's adopted codes and must be functioning.
 - ii. All windows or doors designed to open must be able to be opened to provide emergency egress.
 - iii. No basement space shall be used as sleeping areas unless there is properly sized egress windows and doors conforming to the City's adopted codes.
 - iv. A functional fire extinguisher shall be visibly installed in any kitchen area.
 - v. To determine maximum occupancy of the dwelling unit, floor space square footage shall be confirmed to conform to the City's adopted codes.
 - vi. To determine maximum number of vehicles allowed per rental, driveway capacity shall be confirmed. On-street parking shall not be allowed.
 - vii. Safety concerns reported by lodgers or abutters may require another inspection.

2. The owner of a Short-term Lodging unit will be responsible for:
 - a. Removal of trash in accordance with the City's ordinance;
 - b. Ensuring that all parking of vehicles is on site;
 - c. Ensuring that occupancy limits are not exceeded;
 - d. Any other site specific conditions imposed as part of the approval.

3. Short term lodging applications shall be reviewed and approved or denied within 30 days of receipt of a complete application. Notice of the approval or denial will be mailed to the applicant and abutters as defined in RSA 672:3. 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 ZBA may affirm, reverse or modify the decision appealed.

4. Approval for Short-Term Lodging use will be in effect for one year from date of approval and must be renewed annually from date of first approval according to fee schedule defined in section 235-92 of this chapter. **Approval is owner specific; change of ownership shall require a new application.**

5. Approved Short-term Lodging units may be rented for a maximum of 12 separate rentals or a maximum of 184 nights, whichever occurs first.

6. Approvals may be revoked for failure to comply with this Ordinance or with any conditions of approval imposed as part of the approval. In general, the first violation of a requirement will result in a warning; the second in a civil penalty of \$275; and the third in a revocation of the approval. If a revocation occurs, the owner may not apply for reinstatement for a period of one year.

7. Using a dwelling unit for Short-Term Lodging without an Administrative Approval, or after a previous approval has expired or was revoked, will subject the property owner to fines and penalties outlined in section 235-82 of this chapter.

Planning Department Administrative Approval Form

The Planning Department will create a form specifically for Short-Term Lodging application/approval and will outline the process, fees, and inspection criteria and renewal process. It will also outline the enforcement process.

Complaints MUST be made to a proper authority and can NOT be anonymous. Noise to police, trash to DPW, parking (on city accepted streets) to police or (on private roads) to condo/homeowner's association. **Must be a record** of complaint as it was happening for noise or parking, or as soon as can be reasonably expected to DPW or associations. **This will be outlined to abutters when they are notified, and the form will indicate how they can appeal and how/when they need to file complaints.** Maybe notification to property the management company? Database shared between city departments (police/DPW).

Trash to be removed by property owner or a third party provider at checkout time. No curbside placement/pickup.

Parking to be determined. All parking must be in driveway or defined parking spaces. NO on-street parking.

Occupancy to be determined. Up to 200 sq ft max 2 people (cottage/motel units converted to condo?), each additional person requires additional 200 sq ft.(fire code)

Contact Info must be on file with Planning Department, as part of application.

Must be posted in unit with other "Rules of the House." Can be provided to abutters and other city agencies (Police/Fire/DPW etc). Define info for Rules of the House posting...parking restrictions, trash, noise, etc.

Planning Department to create and **manage a database** to manage renewal notices and for information to be shared with other city departments. Posted on-line. (Privacy issues?)

NH RSA References: *(important sections underlined for emphasis)*

78-A:4-a Advertisements of Short-Term Rentals. – Any advertisement for a short-term rental by print, display, publication, distribution, or online listing offering a short-term rental shall include the meals and rooms license number of the operator, as defined in RSA 78-A:3, IV. Violation of the provisions of this section may result in a warning from the department of revenue administration that the operator's license may be revoked, suspended, or denied. The warning shall include notification to the operator of his or her obligation to obtain a meals and rooms license and pay the meals and rooms tax under this chapter. Subsequent violations of the provisions of this section may constitute sufficient cause for revocation, suspension, or denial of license. Nothing in this section shall be construed to change or alter the nature of the use of a property for the purpose of determining compliance with a local zoning ordinance.

Source. 2016, 323:2, eff. Aug. 23, 2016.

78-A:3 Definitions

III. "Hotel" means an establishment which holds itself out to the public by offering sleeping accommodations for rent, whether or not the major portion of its operating receipts is derived from sleeping accommodations. The term includes, but is not limited to, inns, motels, tourist homes and cabins, ski dormitories, ski lodges, lodging homes, rooming houses, furnished room houses, boarding houses, private clubs, hostels, cottages, camps, chalets, barracks, dormitories, and apartments.

VII. "Permanent resident" means any occupant who has occupied any room in a hotel for at least 185 consecutive days. (*i.e. short term = 184 or less*) (*motor vehicles are 180 days or less*)

RSA676:17 and RSA676:17-a. \$275 first offense, \$550 each subsequent offense with each day being a subsequent offense, right to collect filing fees and other legal costs including attorney fees. Must go to court.

TO DO LIST:

Update fee schedule for new Short-Term Lodging Administrative Review – Fee must reflect the city's actual costs in processing the application, i.e. staff time.

Create new STL Admin Form

Update Parking regulation to add category or note for Short-term lodging.