

CITY OF LACONIA

In the Year of our Lord two thousand and nineteen

AN ORDINANCE AMENDING CHAPTER 235, ZONING, RESIDENTIAL ACCESSORY USES

The City of Laconia ordains:

That the ordinances of the City of Laconia, as amended, be and are further amended in Chapter 235-41, as follows:

CHAPTER 235-41, ZONING, RESIDENTIAL ACCESSORY USES, ARTICLE VII SUPPLEMENTARY PROVISIONS

In Article II Definitions and Word Usage be it as amended as follows:

Lodging, Short-term

A dwelling unit where transient lodging is provided for compensation for stays of between one and 90 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 bed-and-breakfast.

In Article VII Supplementary Provisions be it as amended as follows:

Strikethrough denotes deletion, bold denotes additions.

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. A permit to use a unit of housing for Short-Term Lodging must be obtained from the Planning Department using the criteria prescribed below and the following restrictions and/or conditions apply:

1. Permitted or prohibited in the following zones:

- a. Permitted in the Commercial Resort (CR) and Shorefront Residential (SFR) zones with no limitations on the number of separate rental periods.
- b. Prohibited in Industrial (I), Industrial Park (IP) and Airport Industrial (AI) zones.
- c. Prohibited in all other zones except when the property is owner-occupied.
 - i. Short-Term Lodging in an owner-occupied property is considered an allowed accessory use only if the owner of the property resides on the property for not less than 150 days a year.
 - ii. In all zones, both an Accessory Dwelling Unit (ADU) allowed by a Special Exception granted by vote of the Zoning Board of Adjustment, and the associated primary housing unit are prohibited from being used for Short-Term Lodging.

2. 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/or 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.**

3. 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. Ensuring adherence to the noise ordinance (Chapter 167);**
- e. Any other site specific conditions imposed as part of the approval.**

4. 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.

5. 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.

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.

This Ordinance amendment shall take effect upon its passage.

Edward Engler, Mayor

Passed and approved this _____ day of _____ 2019.

Cheryl Hebert, City Clerk