

Short-Term Rental Zoning Amendment- For Public Hearing 3-31-20

The following amendments proposed to the Hanover Zoning Ordinance shall become effective only upon the Selectboard adoption of a rental housing inspection ordinance that establishes occupancy standards, and a registration and inspection process for all rental properties.

Existing definition:

non-transient

Residing in one location for more than 30 days

Existing definitions in Article III to be modified:

dwelling, owner-occupied

A dwelling unit that is the actual and **principal** primary residence of its owner, who is continuously present in the dwelling unit.

dwelling, seasonal

A one-family dwelling that is unoccupied at least 182 days in **a calendar year** ~~any 365-day period~~, including, but not limited to, a vacation home, summer cottage, or hunting or fishing camp

Proposed definitions to be added to Article III:

dwelling, investor-owned

A dwelling unit that is not the actual and principal residence of its owner.

calendar year

the period of 365 days (or 366 days in leap years) starting from the first of January, used for reckoning time in ordinary affairs.

transient

Residing in one location for 30 days or less

hosted short-term rental

An additional use of a one-family, owner-occupied dwelling where the owner is continually present on the premises during the period of the rental.

un-hosted short-term rental, seasonal

An additional use of a one-family seasonal dwelling where the owner has vacated the premises during the period of the rental.

un-hosted short-term rental

An additional use of a one-family, owner-occupied dwelling where the owner has vacated the premises during the period of the rental.

Proposed changes to Article IV:

405.7 General Residence (GR)

A. Objective: Within any community that has a built-up area with organized community services such as fire and police protection and community water and sewer service, it is necessary to provide areas for high and moderate density residential dwellings in a range of dwelling units from single family to multi-family. The location of these units depends on the readily available community services and the existing or potential servicing of these areas by public water and sewer systems. Thus, these areas are found within or adjacent to the presently built-up area of the community. Four districts in the General Residence district are provided for. These districts have similar uses and special exceptions, with additional residential uses permitted in the GR-3 and GR-4 districts. The GR districts have different lot and planned residential development (PRD) regulations depending upon their accessibility, present density, and relationship to certain municipal services and facilities.

B. Uses are permitted only if all area and dimensional requirements in the table below are met.

Permitted uses:

1. One-family dwelling
2. Two-family dwelling
3. PRD, which may include multi-
4. family dwelling, in GR-3 and GR-4
5. only
6. Senior housing development, in
7. GR-3 and GR-4 only
8. Use accessory to permitted use
- 9. Hosted short-term rental**

Uses allowed by special exception:

1. Child day care agency
2. Church
3. Convalescent home
4. Nursing home
5. Essential service
6. Forestry
7. Governmental use: limited to public safety, education, recreation, service
8. Multi-family dwelling
9. Parking and ride facility on a lot that fronts on a state-numbered highway
10. Passenger station
11. PRD, in GR-1 and GR-2 only
12. Senior housing development, in GR-1 and GR-2 only
13. Private club
14. Produce stand
15. Recreation, outdoor
16. Residential institution
17. Use accessory to special exception
- 18. Un-hosted short-term rental**

405.8 Single Residence (SR)

1. Objective: The designation Single Residence is for a district to provide for one-family dwelling units as is typical in many New England villages. With adequate safeguards, certain other types of uses such as forestry, agricultural and governmental uses will be permitted. These types of uses not only complement the single-family homes, but serve these homes as well. Three districts are provided in the Single Residence designation. In each of the districts,

similar uses are allowed, but there are varying lot regulations depending on the location of the district's present land development, and its relation to surrounding districts.

2. Uses:

Permitted uses:

1. Accessory dwelling unit, pursuant to Section 702.1
2. One-family dwelling
3. Open space subdivision in SR-1 and SR-2 only
4. Use accessory to permitted use
5. **Hosted short-term rental**

1. Uses allowed by special exception:
2. Adaptive re-use (SR-2 only)
3. Agriculture
4. Bed and breakfast
5. Child day care agency
6. Church
7. Essential service
8. Forestry
9. Governmental use: limited to public safety, education, recreation
10. Produce stand
11. Use accessory to special exception
12. **Un-hosted short-term rental**

405.9 Rural Residence (RR)

A. Objective: The Rural Residence district provides for the building of one-family dwellings outside of the built up section of the community where public water and sewer service are not generally available. Along with the rural residential use, other prime uses of the area are Forestry and Agriculture. As a special exception, certain other residential uses, special types of facilities, certain commercial establishments that are desirable in a rural area, and governmental facilities are provided for.

B. Uses:

Permitted uses:

1. Agriculture
2. Forestry
3. Governmental use: limited to education, recreation
4. Manufactured house subdivision
5. One-family dwelling
6. Two-family dwelling
7. Open space subdivision
8. Produce stand
9. Recreation, outdoor
10. Use accessory to permitted use
11. **Hosted short-term rental**

Uses allowed by special exception:

1. Adaptive re-use
2. Agriculture, forestry and environmental research and education
3. Bed and breakfast
4. Care and treatment of animals
5. Child day care agency
6. Church
7. Essential service
8. Governmental use: limited to public safety, service, cemetery, parking, garbage disposal
9. Ground-mounted solar energy system
10. Manufactured house park

11. **Un-hosted short-term rental**

405.12 Goose Pond Zoning District (GP)

A. Objective: The Goose Pond zoning district is established to distinguish the unique neighborhood around Goose Pond from surrounding areas. The Goose Pond district is an area of traditional seasonal summer camps and cottages that surround and front on Goose Pond. The primary land use is seasonal residences whose inhabitants use Goose Pond and the surrounding area recreationally. Therefore, reliable water quality, Class B or better, in Goose Pond is critical to the continued recreational use of the Pond and to the wildlife which lives in and around the pond. The residential use of Goose Pond was established and developed prior to town-wide zoning. Upon adoption of the first town-wide zoning, the Goose Pond area was classified with the Forestry district. The Goose Pond area is sufficiently distinct from the Forestry district with respect to use, building size and configuration, lot size, residential density and proximity to the waterfront of Goose Pond that a new zoning district is appropriate. The geographical boundaries of the Goose Pond district reflect these distinctions.

- (1) The Goose Pond District is fully subdivided and increases in either the density of residences or additional uses are prohibited. District regulations have been established to ensure these restrictions will be enforced.
- (2) Uses permitted in the area are consistent with the dominant seasonal residential use and strong orientation to Goose Pond. Recognizing that residents are concerned with the quiet enjoyment of their property and the pond, commercial uses and other uses that are acceptable in the surrounding Forestry district are not compatible with this concept. Of paramount importance is maintaining the water quality in Goose Pond so that it is safe for swimming and other water based recreational activities and can support a healthy aquatic ecosystem. Therefore, the use of NH DES approved advanced septic technology in lieu of traditional leach fields is encouraged.

B. Uses:

Permitted uses:

1. Seasonal dwelling
2. Use accessory to permitted use
3. **Hosted short-term rental**
4. **Un-hosted short-term rental, seasonal**

Uses allowed by special exception:

1. Essential service
2. Use accessory to special exception

405.10 Forestry and Recreation (F)

A. Objective: Much of Hanover, due to its steep slopes, remoteness, types of soils and similar limiting factors, should have a very low intensity of use in order not to permanently damage the land and not to cause undue burdens on the Town for providing municipal services. In these areas, the primary land use will be forestry with some agricultural operations. Another acceptable land use for such an area is recreation, mainly of the outdoor type. Residential use, because of the inaccessibility and remoteness of much of this land, is limited to seasonal dwellings and then only as a special exception. Certain other land uses in selected areas of the Forestry District will be allowed as special exceptions, including certain limited commercial,

recreational pursuits, removal of earth and other limited governmental and commercial activities that will not be harmful to the area.

It is intended that land in the F District shall not be used for occupancy on any continuing basis that would require public services including furnishing transportation for school purposes or furnishing police and fire protection except for buildings used for second or vacation homes.

B. Uses:

Permitted uses:

1. Agriculture
2. Forestry
3. Governmental use: limited to recreation
4. Parking associated with recreation area
5. Produce stand
6. Recreation, outdoor
7. Sawmill, temporary
8. Use accessory to permitted use
9. **Hosted short-term rental**
10. **Un-hosted short-term rental, seasonal**

Uses allowed by special exception:

1. Agriculture, forestry and environmental research and education
2. Communication/tele-communication facility
3. Essential service
4. Governmental use: limited to public safety, service, garbage disposal, cemetery, parking
5. Ground-mounted solar energy system
6. Removal of natural materials
7. Sawmill
8. Seasonal dwelling

9. Structure associated with outdoor recreation
10. Use accessory to special exception

Proposed changes to Section 519

519 Rentals

519.1 The owner of record of a property containing one or more rental units is solely responsible for compliance with the provisions of this section.

519.2 A non-owner-occupied dwelling unit may be rented as a residence for an unrelated family limited to three persons or a related family. No tenant may rent any space to additional roomers.

519.3 Rooms without separate cooking facilities may be rented in any owner-occupied dwelling unit to not more than three non-transient persons. Rooms may not be rented in non-owner-occupied dwelling units. Off-street parking adequate for occupants of the rented rooms must be provided pursuant to Article X.

519.4 Short-term rental is subject to the following provisions:

A. The use of rooms without separate cooking facilities in a one-family dwelling unit for hosted short-term rental to transient guests is permitted.

B. The use of a one-family dwelling unit for un-hosted short-term rental to not more than three unrelated transient guests is permitted. Un-hosted short-term rental may not occur in an accessory dwelling unit.

C. Short-term rentals, hosted and un-hosted, are permitted for a total of 90 days in any calendar year, except that un-hosted rentals may not exceed 30 days within the 90 days permitted.

D. Short-term rentals, hosted or un-hosted, are permitted only in a dwelling that is the principal residence of its owner. Short-term rentals, hosted or un-hosted, are not permitted in investor-owned dwellings.

E. Seasonal short-term rental to transient guests is permitted only in seasonal dwellings and for not more than 182 days in any calendar year.

F. All short-term and seasonal short-term rental uses must be duly registered by the Town.

G. Off-street parking must be provided in accordance with Article X.

Proposed changes to Section 1002

1002 Schedule of minimum requirements for off-street parking spaces

1002.1 In all districts off-street parking spaces must be provided as follows:

Use categories	Minimum number of off-street parking spaces required
Rooming house, motel, hotel	1 for each living accommodation
Bed & breakfast/Tourist home	3 for the dwelling unit plus 1 for each bedroom for guests
One-family dwelling unit	2 per unit
Roomer	1 for each roomer
<u>Hosted Short-term rental</u>	<u>1 for each rented bedroom</u>
<u>Un-hosted Short-term rental</u>	<u>2 per unit</u>
Senior housing development Independent living	1.1 per dwelling unit and 1 for each 1.5 employees based on the highest expected average employee occupancy
Assisted Living	1 for each 1.5 employees based on the highest expected average employee occupancy
Affordable	0.75 per dwelling unit

Multi-family, PRD	1.5 per dwelling unit for the first bedroom and 0.5 spaces for each additional bedroom with total spaces equaling the next highest full space
-------------------	---