

Amend the Windham Zoning and Land Use Regulations by Adoption of a new Section 621 as follows:

Section 621 – Short Term Rentals

621.1 Purpose - The purpose of this ordinance is to regulate short-term rentals (STRs) in a manner that protects the health, safety, and welfare of the community, while allowing limited commercial use of residential properties in appropriate zoning districts through Conditional Use Permits (CUP).

621.2 Definitions –

621.2.1 Short-Term Rental (STR): The use, rental, or lease of a residential dwelling unit or portion thereof, where the occupants pay consideration to the property owner (i.e. rental) for occupancy for a period of less than 30 consecutive calendar days. This does not include hotels, motels, inns, boarding houses, bed & breakfasts (otherwise defined herein as Business Commercial Accommodations for Transient Occupancy).

621.2.2 Owner-Occupied STR: An STR where the owner resides on the premises during the rental period.

621.2.3 Non-Owner-Occupied STR: An STR where the owner is not in residence during the rental period.

621.3 Permitted Uses

Notwithstanding the prohibitions contained in the definitions of Section 200, Short Term Rentals shall be allowed as follows:

621.3.1 Owner occupied Short Term Rentals shall be permitted through Conditional Use Permit in Rural and Residence A Districts (only)

621.3.2 Non Owner Occupied Short Term Rentals shall be permitted through Conditional Use Permit in Village Center District (only)

621.3.3 ~~No short term rentals shall be allowed in any Accessory Dwelling Unit.~~ Owner-occupied Short Term Rentals are only permitted in Duplex Dwellings, or single family residences with a single attached accessory dwelling unit.

621.3.4 Non-Owner-Occupied Short Term Rentals shall be limited to a single unit of a Duplex, multi-family dwelling, or single family residence with a single attached accessory dwelling unit.

621.4 Conditional Use Permit Requirements

Property Owners who desire to offer STRs shall apply to the Planning Board for a Conditional Use Permit which may be granted if and only if the Planning Board determines the following conditions have been met:

1. Safety Requirements: Smoke and CO detectors, and fire extinguishers are required. Egress must comply with building code.
2. Septic and Water: Occupancy = 2 persons/bedroom + 1. Septic design approval required.
3. Parking: 1 off-street space per bedroom, no street parking.
4. Trash: Secure, non-visible trash and recycling plan.
5. Responsible Party: Local 24/7 contact who can respond within 2 hours.
6. Neighborhood Compatibility: Minimize noise, traffic, and disruption.
7. Duration: CUPs are valid for one year. CUPs previously approved by the Planning Board may be renewed by the Community Development Department if there are no changes in the conditions above or changes in ownership. Re-application for a new CUP is required for changes of the above conditions or ownership changes.

621.5 Application Procedure

621.5.1- Applicants for A Conditional Use Permit shall be required to submit a completed CUP application form to be developed by the Community Development which includes requirements for the following:

- Scaled site and floor plan
- Septic approval documentation
- Contact details
- Proof of NH Meals & Rooms tax compliance
- Abutter list with associated mailing envelopes or mailing labels
- An application fee as established by the Board of Selectmen

621.5.2 The Planning Board shall schedule and conduct a public hearing on Conditional Use Permit applications before voting to grant such permits.

621.6 Required Records –

621.6.1 STR owners must maintain records of:

- Guest registration information
- Rental dates and occupancy numbers
- Complaint resolutions
- Safety equipment inspections

Records must be made available to Town officials upon request during normal business hours.

621.6.2 CUP holders must submit an annual report with their renewal application including:

- Number of rental nights
- Maximum occupancy achieved
- Any complaints received and resolutions
- Confirmation of safety equipment maintenance

621.7 – Investigation of Complaints – The Code Enforcement Officer will be responsible to investigate all complaints associated with compliance with CUP conditions of approval. Investigations may include site visit's, interviews and review of submitted evidence. In appropriate cases the Code Enforcement Officer may issue violation notices and may recommend revocation of CUPs.

621.8 Fines and Penalties- Violations shall be subject to fines and penalties under 676:17.

621.9 Revocation of CUP – The Planning Board, on recommendation of the Code Enforcement Officer, may conduct a hearing and revoke a CUP for substantial violations of CUP provisions, including noncompliance with safety requirements, false or misrepresented application materials or multiple confirmed instances of violation of CUP requirements.

621.10 Appeals – Appeals of Planning Board decisions to deny or revoke a CUP may be made to the Zoning Board of Adjustment in the same fashion as Administrative Appeals See RSA 676:5.