

SHORT-TERM RENTAL ORDINANCE

Durham, NH
Adopted February 3, 2020

***EXCERPTS FROM ZONING ORDINANCE**

Section 175-7. Definitions

Short-term rental. An accessory use to an owner-occupied single-family residence containing, in addition to living accommodations for the owner and the owner's family, not more than three sleeping rooms, for the purpose of providing to the general public, for compensation, lodging, with or without breakfast, for less than thirty consecutive days. A short-term rental is not considered a home occupation.

Section 175-53. Table of Uses

Residential Zones:

Rural (R)	<i>Special exception</i>
Residence A (RA)	<i>Special exception</i>
Residence B (RB)	<i>Special exception</i>
Residence C (RC)	<i>Special exception</i>

Retail/Commercial Zones:

Central Business (CB)	<i>Permitted</i>
Professional Office (PO)	<i>Permitted</i>
Church Hill (CH)	<i>Permitted</i>
Courthouse (C)	<i>Permitted</i>
Coe's Corner (CC)	<i>Permitted</i>

Research/Industrial Zones:

Office Research - Route 108 (OR)	<i>Special exception</i>
Mixed Use and Office Research (MUDOR)	<i>Special exception</i>
Office Research Light Industry (ORLI)	<i>Special exception</i>
Durham Business Park (DBP)	<i>Not permitted</i>

175-109. Standards for Specific Uses

R. **Short-term rental.** The following terms and conditions apply to a short-term rental.

1. A short-term rental may not be established until a permit to operate a short-term rental has been issued by the Zoning Administrator. The property owner shall submit an application to operate a short-term rental to the Zoning Administrator. The proposal shall be reviewed for compliance with all Building, Fire, and Life Safety Codes. Site plan review is not required for a short-term rental.
2. Special Exceptions. In those districts where a short-term rental is allowed by special exception, the property owner shall obtain a special exception prior to issuance of a permit to operate a short-term rental. The following specific requirements apply to special exceptions for short-term rentals:

- a. ZBA Hearing. For notification purposes, abutting properties shall include those lots within 300 feet of the subject property.
 - b. Other Conditions. The Zoning Board of Adjustment may set additional conditions on the special exception based upon potential impact of the proposal to the neighborhood.
3. The site where the short-term rental is located must be the property owner's primary residence.
 4. The property owner or a member of the property owner's family must be on the premises overnight each night while the property is rented.
 5. Those areas of the premises open to use by lodgers remain subject to periodic safety inspections per state law.
 6. No recreational vehicle, travel trailer, tent, or other temporary shelter may be used by the renter(s) on the premises in conjunction with the short-term rental.
 7. Signage is restricted to the following:
 - a. One non-illuminated sign not exceeding two square feet. If ground mounted the sign must be set back at least 10 feet from all lot lines and be no taller than three feet. If mounted on the house no part of the sign may be higher than the top of the first floor windows.
 - b. Non-advertising auxiliary signs (such as "No Parking Here" and "Entrance to the Right") that are non-illuminated and do not exceed one square foot for each sign.