

Text of Proposed Zoning Amendments
for Public Hearing January 13, 2021 at 6:00 p.m.

Amendment No. 1

Amendment No. 1 would make several updates and clarifications throughout the Zoning Ordinance.

(Language proposed to be added shown in bold italics.

Existing language proposed to be deleted shown ~~struck out like this.~~)

- To clarify how the Ordinance is applied, Amendment No. 1 would make the following corrections in Article III. B) Application:

The provisions of this Ordinance shall apply to all uses, structures, and lots within the Town of Waterville Valley, New Hampshire, except ***those governmental uses that are exempt pursuant to state or federal laws*** ~~those publicly owned by a unit of government~~. Whenever any existing use or structure is not in conformity with the provisions of this Ordinance, it may continue to exist subject to the provisions of Article VI. Any use not ***covered by Article VI. Section A) and not specifically allowed under any other section of this Ordinance*** ~~listed as permitted use~~ shall be construed to be prohibited. No conforming use or structure shall become non-conforming or any non-conforming use or structure become further non-conforming by any manner or action whatsoever, except in accordance with the provisions of this Ordinance or by other legal action of a jurisdiction setting aside a provision of this Ordinance.

- To specify when a permit is required for a Home Occupation, Amendment No. 1 would add the following new section in Article V, Section A) Part 5) Home Occupations:

j) A permit pursuant to Article VII, Section B) is required for any home occupation involving on-site guests, visitors, clients, or nonresident employees.

- To replace various inconsistent terms for lodging with a single term, "Lodging Facility," Amendment No. 1 would:

Add, delete, or revise the following terms in Article III, Section C) Definitions as shown, with subsequent renumbering as required:

Lodging Facility- *A building or group of associated buildings where rooms, groups of rooms, or other shelter, are operated under a single management entity and offered for transient use. Includes hotel, motel, guest cottages, inn, lodge, or condotel. May include customary lodging amenities and facilities such as restaurants and meeting rooms.*

~~Accommodation Unit~~—Any room without kitchen facilities in a hotel, motel, lodge, or other building, designed for or adapted to occupancy by transient guests.

Family – The term Family is defined as:

- a) A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or
- b) A collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption, or employment as a domestic servant, or
- c) A group of unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit, pursuant to a mutual housekeeping agreement (not including a group occupying a boarding house, club, ***or lodging facility*** lodge, hotel, or motel).

~~Hotel~~—A building or group of associated buildings designed for occupancy as the temporary lodging place of individuals either in accommodation units or in dwelling units, and in which all such units are operated under a single management providing the occupants thereof the usual hotel services and facilities.

~~Inn~~—See "Hotel."

~~Lodge~~—See "Hotel."

~~Motel~~—See "Hotel."

Replace the phrase "Hotels, motels, inns, and public lodging" with the term "Lodging facilities" in Article IV, Section J) Table of Uses, Part 4) Commercial,

Replace the phrase "Public accommodation hotels, motels, and lodges" with the term "Lodging facilities" in Article V, Section C. Part 1) Minimum Off-Street Spaces,

- To add the following definition to Article III, Section C) Definitions, with subsequent renumbering as required:

Transient - A room, numbers of rooms, or dwelling unit that is offered for rent in increments of less than one month.

- To clarify that the rental of 1 or 2 bedrooms for nontransient use is allowed as an accessory use, add the following definition to Article III, Section C) Definitions, with subsequent renumbering as required:

Accessory Use - A use of a building or lot subordinate to and customarily incidental to the principal use. Includes the rental of one or two bedrooms in an owner-occupied residence for nontransient use.

- To add the following definition to Article III, Section C) Definitions, with subsequent renumbering as required:

Short term rental - A dwelling unit, designed for residential occupancy, that is offered for transient rental.

- To make the following corrections in Article III, Section C) Definitions:

Two-Family Residential Unit – A single-family residential dwelling with an accessory dwelling unit (ADU), with an interior door between the two units, ~~and the two units being maintained in the same ownership entity.~~

a) One dwelling unit shall be identified as the primary dwelling unit and the other as the accessory dwelling unit.

b) ~~Either the primary dwelling unit or the accessory dwelling unit, or both, may be rented.~~

b) e) The two-family residential unit shall be maintained in the same ownership entity, and neither dwelling unit can be conveyed separately.

Amendment No. 2

Amendment No. 2 would add "Renting 1 or 2 bedrooms in an owner-occupied dwelling for transient use with approval as a Home Occupation" as a new use, to be allowed as an accessory use in the High Density Residential (HDR) District, Village Commercial (VC) District, and Commercial (C1) District (Article IV, Section J) Table of Uses, Part 1) Residential).

Amendment No. 3

Amendment No. 3 would add "Renting 1 or 2 bedrooms in an owner-occupied dwelling for transient use with approval as a Home Occupation" as a new use, to be allowed as an accessory use in the Low Density Residential (LDR) District (Article IV, Section J) Table of Uses, Part 1) Residential).

Amendment No. 4

Amendment No. 4 would add Bed and Breakfast as a new use.

The following new term would be added to Article III, Section C) Definitions and subsequent definitions renumbered:

Bed and Breakfast - A single-family dwelling, occupied either by the owner or a live-in manager, with five or fewer guest rooms for transient use, all within the principal building. No provisions for cooking or warming food in guest rooms. May offer breakfast only, exclusively for guests.

"Bed and breakfast" would be added as a new use to be allowed by Special Exception in the High Density Residential (HDR) District and to be allowed as a Permitted Use in the Village Commercial (VC) District (Article IV, Section J) Table of Uses, Part 4) Commercial).

Amendment No. 5:

Amendment No. 5 would add a new section to Article V - Supplemental Regulations to enable any dwelling unit to be rented out as a Short Term Rental of homes for up to 30 days per year without a permit:

T) Short Term Rentals

#) In any District the owner of a dwelling unit in full compliance with this Ordinance and the NH State Building Code may rent that dwelling unit as a Short Term Rental for up to 30 days per calendar year as an accessory use without obtaining an additional permit pursuant to Article VII, Section B).

Amendment No. 6

Amendment No. 6 would add Short Term Rental as a new use in the High Density Residential (HDR) District, Village Commercial (VC) District and Commercial (C1) District. This would enable owners of dwellings in these districts to obtain permits to rent their dwellings out as Short Term Rentals for an unlimited number of days each year.

In Article V - Supplemental Regulations, add the following new section:

T) Short Term Rentals

#) The owner of a dwelling unit in full compliance with this Ordinance and the NH State Building Code may be granted a permit pursuant to Article VII, Section B) to rent that dwelling unit as a Short Term Rental in any District where "Short Term Rental" is shown as a Permitted Use in Article IV, Section J) Table of Uses, Part 4) Commercial.

In Article IV, Section J) Table of Uses, Part 4) Commercial, add "Short Term Rental" as a new use to be allowed as a Permitted Use in the High Density Residential (HDR) District, Village Commercial (VC) District, and Commercial (C1) District.

Amendment No. 7:

Amendment No. 7 would add Short Term Rental as a new use in the Low Density Residential (LDR) District. This would enable owners of dwellings in LDR to obtain permits to rent their dwellings out as Short Term Rentals for an unlimited number of days each year.

In Article V- Supplemental Regulations, add the following new section:

T) Short Term Rentals

#) The owner of a dwelling unit in full compliance with this Ordinance and the NH State Building Code may be granted a permit pursuant to Article VII, Section B) to rent that dwelling unit as a Short Term Rental in any District where "Short Term Rental" is shown as a Permitted Use in Article IV, Section J) Table of Uses, Part 4) Commercial.

In Article IV, Section J) Table of Uses, Part 4) Commercial, add "Short Term Rental" as a new use to be allowed as a Permitted Use in the Low Density Residential (LDR) District.