

Proposed Short-Term Rentals Zoning Language for Public Hearing 11/18/2021

A. Intent

1. To preserve the traditional character of residential neighborhoods that can be negatively affected by this type of use.
2. To help preserve the quality and quantity of the housing stock for year-round residential use.
3. To ensure the safety of Short-Term Rental occupants.
4. To allow Freedom property owners to generate income from their properties to offset some taxes and make some contribution toward maintenance.

B. Districts

1. STRs will be allowed as a permitted use in all districts if the license process includes abutter notice.
2. If the licensing process does not include abutter notice, STR will require a special exception from the Zoning Board of Adjustment (ZBA).
3. In cases where owners are reapplying for an STR after having their license revoked, the STR will require a special exception from the Zoning Board of Adjustment (ZBA).

C. Definitions

1. Allowed Occupancy is the number of guests allowed in a licensed STR. Occupancy calculation is two people per bedroom approved by NH Department of Environmental Services Subsurface Division for septic capacity plus two. Number of beds in the STR is not the measure of allowed occupancy.
2. Annual Maximum STR Use means the maximum days in a calendar year (January 1 to December 31) which the STR may be rented to paying guests.
3. Bedroom means a room that contains a minimum of seventy (70) square feet, a horizontal dimension of at least seven feet, and a window or opening that can be used for emergency egress. The construction of a bedroom advertised for an STR must have been authorized by a building permit and meet all requirements of the International Residential Code adopted by the state of NH.
4. Guest/Guests means the individual or individual(s) paying the owner to occupy the short-term rental for the purposes of staying overnight. It also includes friends and acquaintances of the renters who visit the STR during the rental period.
5. Local contact person means an individual who is personally available by telephone and who maintains the ability to be onsite in compliance with the requirements of the license and who has access and authority to assume management of the short-term rental. An agent or professional property management company that meets the availability requirements can serve as the local contact person.
6. On-site Parking means parking that is provided on the rental property for all guests and includes 1.5 for the first bedroom and 0.5 for each additional bedroom with the total equaling the next highest full space. [Note: this definition will be added to section 1004 of the zoning ordinance.]
7. Safety Inspections means inspections that assess the safety of the STR, including but not limited to life safety, fire safety, electrical, gas, and plumbing safety.
8. Short-Term Rental means the provision of transient lodging for compensation in the primary dwelling unit on a lot in Freedom for stays of between one and thirty 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, or bed-and-breakfast. It excludes accessory dwelling units (attached and detached), campers, and camping trailers. A STR may or may not be facilitated through a booking agent.
9. STR - Hosted means a dwelling unit where the owner is in residence on the same lot of record of the rental or resides in the rental unit as the guest(s) during the rental period.
10. STR License means a license granted by the Freedom Board of Selectmen (BOS) to a property owner who meets all requirements set by the BOS. (See separate licensing information at townoffreedom.net)
11. STR Operator means any and all of the following: (i) the person who is a legal owner of a short-term rental; (ii) a person who has the legal right to possession of a short-term rental; (iii) a person who has a legal right to receive or collect any monies as rent for the occupancy of a short-term rental; and (iv) any manager, agent, representative or other similar person acting under the authority or at the direction of the owner or other operator of a short-term rental.

- 12 STR Owner means the person or persons who is renting out their primary dwelling unit for a short-term rental.
- 13 STR - Unhosted means the licensed owner of the STR is not occupying the STR dwelling unit, nor is the owner residing on the same lot of record as the guest(s) during the rental period.

D. Standards

1. A short-term rental (STR) may not be established, advertised, or rented until a license to operate a short-term rental has been issued by the Board of Selectmen or their agent. The property owner shall submit an application to operate a short-term rental to the Zoning Officer. The town will review the application for compliance with all Building, Fire, and Life Safety Codes and complete a septic review. STR do not require a site plan review.
2. Those areas of the premises open to use by guest(s) remain subject to periodic safety inspections at the discretion of the town.
3. Short-term rentals are permitted for a total of 45 days in any calendar year.
4. Short-term rentals are allowed in all districts (as provided in section B) but are limited to the number of licenses per district as determined by the Freedom Board of Selectmen.
5. No owner shall allow the occupancy limits of the STR as approved in the licensing process to be exceeded. If the renters do not comply, it remains the responsibility of the owner.
6. All STR guest parking must be off-street on the lot of the STR owner. All guest(s) of the STR must park on the property. No renter or guest may park on the street at any time.
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 ten 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”)

Prohibitions

1. Incidental camping. A STR license does not authorize incidental camping, which means any overnight camping, sleeping in tents or other temporary shelter in the yard or on decks attached to the short-term rental unit, or sleeping in travel trailers or recreational vehicles or parked on the short-term rental property.
2. Outdoor fires. Fires in STRs are allowed only in firepits approved and with a permit issued by the Fire Chief.
3. Subletting. Guests are prohibited from subletting a short-term rental. Only operators with a valid STR license may advertise and rent a residential unit as a short-term rental.
4. Special events. Weddings, family reunions, corporate events, commercial functions, and any other similar events are prohibited from occurring at a short-term rental property when it is rented.