

BROOKLINE PLANNING BOARD

~~Proposed deleted items~~ *Proposed changes*

Amendment No. XXXXX

SECTION 2450 SHORT TERM RENTAL ORDINANCE

This is a new Ordinance that has a permit requirement for Short Term Rentals, a required life safety inspection, and outlines an enforcement procedure.

SECTION 2450: SHORT TERM RENTAL ORDINANCE

2450.01 PURPOSE AND INTENT

The Purpose and Intent of this Ordinance is:

1. to promote the health, safety, and general welfare of the citizens of the Town of Brookline and its visitors;
2. to encourage economic activity that is beneficial to the Town and its citizens while protecting peaceful enjoyment for their neighbors and abutters;
3. to help meet the goals of the Economic Development Chapter of the Master Plan to expand business development to offset the high tax burden placed on residential property owners; and
4. to help maintain the Town's traditional New England look and feel and its rural community character.

2450.02 AUTHORITY

The Planning Board is hereby authorized under NH RSA 674:16 to regulate the location and use of buildings, structures, and land used for business, industrial, residential, or other purposes. The Planning Board, under NH RSA 674:21 is hereby authorized to grant Conditional Use Permits as an innovative land use control.

2450.03 DEFINITIONS

The following definitions shall apply to this section of the Ordinance. General definitions can be found in Section 200.

- A. Short-term Rental (STR) – The rental of a residential dwelling unit for a term of less than thirty (30) consecutive days. STRs can apply to a single room, a separate suite or an entire house but not to a hotel, motel, or Tourist or Motor Court.
- B. STR Owner – Any property owner who receives payment for operating an STR unit.
- C. STR Operator – A person, or entity, designated by the owner of an STR who shall be responsible for operating the STR in compliance with the law. The STR Owner may designate themselves as the STR Operator.

2450.04 GENERAL REQUIREMENTS

Short-term Rental establishments shall be subject to the following general requirements:

- A. Rental unit must be a dwelling unit.
- B. STR Units may be rented for no more than 180 days per calendar year.
- C. STR Units rented to the same person or party must be for a term of less than thirty (30) consecutive days.
- D. STR Units must have one designated STR Operator authorized to hear complaints and address remedies, who is able to provide response to the site within 60 minutes.
- E. Off-street parking must be provided with a minimum of one (1) and a maximum of two (2) parking spaces per rented bedroom, in addition to parking for any other dwelling residents. One additional renter's visitor parking space is allowed per unit.
- F. STRs must comply with all local, state, and federal laws and regulations.
- G. STR units must meet the following Performance Standards:
 1. No objectional circumstances such as noise, excessive traffic, excessive outside activities, loud music, or large numbers of people are allowed.
 2. Quiet hours are 9:00PM to 7:00AM and no renter's visitor to the STR are allowed to stay during the quiet hours.
 3. STR Units must provide adequate measures for trash disposal.
 4. STR Units must comply with all Fire Safety requirements. Renters must obtain daily burn permits.
 5. Performance standards apply to both the renter and their visitors.

2450.05 PROCEDURE

- A. STR Owner seeking a Short-Term Rental Permit shall first apply for a Site Plan approval from the Planning Board in accordance with Section B: Site Plan Regulations, and Section B - 3: Short Term Rental Regulations.
- B. The Planning Board shall determine whether the STR Owner has presented sufficient evidence supporting the Performance Standards outlined in Section 2450.04 G and the following questions, to make the findings that the use as proposed may be granted a Conditional Use Permit:
 - 1. Will not detract from the residential character of the lot.
 - 2. Is subordinate and incidental to the main residential use of the dwelling.
 - 3. Will not create excessive traffic, noise or odors in the neighborhood where it is proposed.
 - 4. Will not be a hazard to Public Safety or Life Safety.
 - 5. Will not adversely affect the character of the neighborhood, nor otherwise be injurious, obnoxious or offensive.
- C. Permits are granted for one year. For permit renewals, an annual Life Safety Inspection by the Building and Fire Departments must be submitted with the renewal application. The Conditional Use Permit is not transferable.
 - 1. If violations of the conditions of the permit occur, a compliance hearing must be conducted by the Planning Board to determine if the permit may be revoked.

2450.06 ENFORCEMENT

Short Term Rentals will have the following escalating enforcement of this Ordinance.

- A. Initial complaints
 - 1. Initial complaints concerning the STR shall be directed to the STR Operator. The STR Operator shall resolve the issue within 24 hours. If the STR Operator is unable to resolve the issue, the complaint shall be moved to the next step.
- B. Additional or Unresolved Complaints
 - 1. If the STR Operator is unable to resolve the complaint, the details of the complaint must be shared in writing with the Code Enforcement Officer (CEO). The CEO shall follow the enforcement procedures outlined in Section 2500 of this Ordinance.

2450.07 APPEALS

All appeals shall be conducted in accordance with Section 2500 of this Ordinance.

2450.08 CONFLICTS AND SEVERABILITY

This Section shall comply with Section 2900 of this Ordinance.