

Proposed Amendments to the Town of Randolph, N.H. Land Use Ordinance – For Public Hearing December 5, 2024

Amendments to Part 1, Zoning Ordinance:

Proposed Amendment No. 1

Amendment No. 1 would clarify what uses of a dwelling are Permitted Uses, including a single Short-Term Rental, and what is considered to be Lodging which would continue to require a Special Exception from the Zoning Board of Adjustment.

Amend ARTICLE IV Section 4.03. A. which lists uses allowed by Special Exception and now reads:

- A. Hotels, motels, tourist accommodations, and/or lodging units. Includes multiple dwelling units, cottages, camps or cabins operated under a single management entity or rental service and offered for transient or seasonal use.

to read instead:

- A. Lodging

and add the following Definition to Article III:

3.xx LODGING. A building or group of buildings in which more than one dwelling unit, or guest rooms (three or more rooms if in an owner-occupied dwelling where the owner or a live-in manager is present during the period of rental) are provided for lodging, or lodging and meals, for transient or seasonal guests for compensation. Lodging includes, but is not limited to, motels, hotels, condotels, inns, lodges, and bed and breakfasts. Includes multiple dwelling units, cottages, camps or cabins operated under a single management entity, whether on a single lot or multiple lots, and offered only for transient or seasonal use. May include customary lodging amenities and facilities such as restaurants and meeting rooms.

Add the underlined text to the following Definition in Article III:

3.01 ACCESSORY BUILDING OR USE. A building or use located on the same lot as the principal building or use, and use of which is considered incidental to those of the principal building, such as, but not limited to, detached garages, swimming pools, equipment sheds, and solar energy systems for on-site use. Also includes offering one or two guest rooms in an owner-occupied dwelling, in which the owner or another member of the owner's household is present overnight during the period of rental, for compensation by up to three lodgers.

Add Short-Term Rental to ARTICLE IV Section 4.02 as a new residential use Permitted in Randolph and add the following two new Definitions to ARTICLE III:

3.xx SHORT-TERM RENTAL: A single-family dwelling (whether or not owner-occupied), owner-occupied two-family dwelling, or owner-occupied single family dwelling with accessory dwelling unit, where one unit only is offered for transient use for compensation, exclusive of those dwellings falling within the definition of Lodging.

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3.xx OWNER-OCCUPIED: Describes the principal residence or seasonal dwelling of a person or persons that holds title to the property, where at least one such person is physically present within the dwelling unit on said property for at least three months each calendar year.

Proposed Amendment No. 2

Amendment No. 2 would add tent platforms to the Definition of “Structure,” meaning the 25-foot setbacks would apply.

Add the underlined text to the following Definition in ARTICLE III:

3.52 STRUCTURE. Anything constructed or installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure, while it is located on land, usable for housing, business, commercial, agricultural, storage or other purposes either temporarily or permanently. Structure also includes swimming pools, manufactured homes, external wood boilers, solar panels, billboards, and exterior signs. Tents, yurts or other shelters made of canvas or other fabrics erected and placed on the same property for four months or less in a twelve-month period shall not be considered a structure however, platforms are considered to be structures, whether constructed for use with a tent or for another purpose.

Proposed Amendment No 3

Amendment No. 3 would update the Definitions of “Dwelling,” “Dwelling Unit,” and “Multi-Family Housing,” and add Definitions for “Single-Family Dwelling” and “Two-Family Dwelling.”

Modify the following Definitions in ARTICLE III by adding the text shown underlined and deleting the text shown crossed out:

3.12 DWELLING. ~~A structure on a permanent foundation~~ A building, or space within a building, whether site-built or presite-built, designed for and used primarily by one of more households for living quarters including permanent provisions for sleeping, eating, cooking and sanitation, residential occupancy by one or more families, but excluding recreational vehicles (RVs), campers, tents, yurts, tiny homes on wheels and lodging units including but not limited to hotels, motels, tourist homes, and overnight cabins.

3.13 DWELLING UNIT. ~~A building or portion of a building which contains a single set of living quarters to be occupied by one family group only.~~ One or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sanitary and sleeping facilities. The term does not include recreational vehicles (RVs), campers, tents, yurts or lodging units. Trailers/containers designed for the storage and/or transport of cargo may not be used for

human habitation for any length of time except when modified to comply with the NH State Building Code for a single-family dwelling.

3.33 MULTI-FAMILY HOUSING. A ~~dwelling residential building~~ designed for and typically occupied by three or more households living independently of each other families, regardless of the type of ownership, such as, but not limited to, condominiums, apartments, or other common wall or row-type housing units of the same type, excluding Lodging. The number of households families shall not exceed the number of ~~single-family~~ dwelling units provided.

Add the following Definitions:

3.xx DWELLING, SINGLE-FAMILY: A dwelling with one (1) dwelling unit.

3.xx DWELLING, TWO-FAMILY: A dwelling with two (2) attached independent dwelling units.

Proposed Amendment No. 4

Amendment No. 4 would expand the Definition of “Accessory Dwelling Unit (ADU),” and limit the size of a detached ADU to two bedrooms and no more than 1,200 sq. ft. of gross floor area. A second home larger than that would need to be on a separate lot. Also adds a Definition for “Gross Floor Area.”

Replace the Definition of Accessory Dwelling Unit in ARTICLE III. The Definition currently reads:

3.02 ACCESSORY DWELLING UNIT. A detached or attached dwelling unit that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

The new Definition would read:

3.xx ACCESSORY DWELLING UNIT (ADU): A dwelling unit that is either: 1. within or attached to a single family dwelling or attached garage, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land as the principal dwelling unit it accompanies; and contains an interior door between the principal dwelling unit and the accessory dwelling unit; or 2. in a detached accessory structure such as guest cottage, barn or garage, on the same lot with a single family dwelling, and containing no more than two bedrooms and no more than 1,200 sq. ft. of gross floor area.

Add the following associated Definition:

3.xx GROSS FLOOR AREA: The sum of the horizontal area of the living area on all floors of a building, measured from the exterior faces of the walls but not including unfinished cellars, attics, porches, garages, workshops, etc.

Amendments to Part 4, Randolph Town Forest Ordinance:

Proposed Amendment No. 1

Amendment No. 1 to the Randolph Town Forest Ordinance would add a requirement that the chair of the Town Forest Commission shall not be a member of the Planning Board or in a leadership role of an organization that serves as an Activity Manager.

Add the underlined text to Part A of Article XIX, 19.05 TOWN FOREST COMMISSION:

The Commission shall be composed of five persons, one of whom shall be appointed by the Planning Board from among its regular or alternate members, one of whom shall be appointed by the Randolph Conservation Commission from among its members, and three of whom shall be appointed by the Selectmen. No Commission member shall serve concurrently as Selectman or Town Treasurer. No member appointed by the Selectmen shall serve concurrently on the Planning Board or Conservation Commission. The members appointed by the Selectmen shall serve 3-year terms; however, the initial terms shall be staggered in the manner set forth for local land use boards under RSA 673:5, II. The members appointed by the Planning Board and Conservation Commission shall serve at the pleasure of the appointing body. The Chair of the Town Forest Commission shall not be a member of the Planning Board or president (or equivalent) of an organization that serves as an Activity Manager.

Proposed Amendment No. 2

Amendment No. 2 to the Randolph Town Forest Ordinance would change the dates of when the Town Forest Commission submits a draft budget to the Planning Board and when the Planning Board holds a public hearing in the draft budget.

Modify Article XIX, Section 19.12 FOREST MANAGEMENT BUDGET APPROVAL AND EXPENDITURES by adding the text shown underlined and deleting the text shown crossed out:

- A. The Commission, with the assistance of the forester and appointed activity managers, shall prepare a draft annual forest management budget, and shall present that draft to the Planning Board on or before the ~~15th day of October~~ first Thursday of January in each calendar year. The draft budget shall include:
1. The balances in the forest management revolving fund at the beginning and end of the previous year, and all sources of income or revenue received during that year, together with any applicable conditions or restrictions attached thereto;
 2. All purposes and amounts of appropriations approved by the Planning Board for the previous year, including any supplemental appropriations, shown together with the actual expenditures made pursuant to those appropriations for each purpose during that year;
 3. Any withdrawals made under Section 19.13 during the previous year;
 4. Estimated revenues to be realized over the coming year, including probable sources and conditions, if any; and

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5. The purposes and amounts recommended by the Commission to be appropriated for the use and management of the Town Forest for the coming year.
- B. ~~On or before January 15 in each calendar year~~ Before the Town's required budget hearing, the Planning Board shall hold a public hearing on the draft annual budget prepared by the Commission. The Commission, activity managers, and the general public may testify.