

**TOWN OF MARLOW
PLANNING BOARD**

NOTICE OF PUBLIC HEARING

**ON PROPOSED ARTICLE CHANGES IN
LAND USE REGULATIONS, ORDINANCES & PROCEDURES
OF THE TOWN OF MARLOW, NH, UPDATED 2019
FOR TOWN WARRANT**

**THURSDAY, JANUARY 18, 2024
TOWN OFFICE 7PM**

THE PLANNING BOARD PROPOSES THE FOLLOWING:

- (1) CHANGES TO THE DEFINITIONS IN ARTICLE II, SECTION 202 PAGES 1-5 (IN ALPHABETICAL ORDER).**
- (2) REPLACE CURRENT ARTICLE III, SECTION 304.3 WITH THE FOLLOWING:**
- (3) ADD THE FOLLOWING UNDER ARTICLE III AS THE NEW SECTION 305.**
- (4) CHANGE CURRENT SECTION 305 TO 306, SETION 306 TO 307, 307 TO 308, SECTION 308 TO 309, AND SECTION 309 TO 310.**
- (5) REMOVE THE FOLLOWING FROM ARTICLE II, SECTION 292: BOARDING HOUSE, LODGING HOUSE, ROOMING HOUSE, MOTEL, IN LIEU OF DEFINITION OF SHORT TERM RENTAL.**

SEE ACCOMPANYING PAGES FOR RELATED CONTENT.

FOR MORE DETAIL OF EXISTING ARTICLES AND WORDING, REFER TO: LAND USE REGULATIONS, ORDINANCES & PROCEDURES OF THE TOWN OF MARLOW NH, UPDATED 2019. COPIES MAY BE FOUND AT THE TOWN OFFICE.

Recommendations for changes to Land Use Regulations manual

Add the following to definitions Article II, Section 202 pgs. 1-5 (in alphabetical order):

ABANDONMENT:

The intentional discontinuance of a non-conforming use by the owner as indicated by conscious and willful acts signifying an intent to terminate the use including, but not limited to, the removal of fixtures and/or equipment necessary to the proper operation of the use, the failure to maintain any permits required for the legal operation of the use or the conversion of the property to another use.

NON-CONFORMING BUILDING:

A structure or part thereof not in compliance with the Zoning Ordinance covering building bulk, dimensions, height, area, yards, lot placement, or density where such structure conformed to all applicable laws, ordinances and regulations prior to the enactment of this Zoning Ordinance.

NON-CONFORMING LOTS:

Lots in existence at the time of passage of this Ordinance with less frontage and/or area than otherwise required by this Ordinance may be built upon provided that the building or structure is in compliance with all other provisions of this Ordinance including setback requirements.

PUBLIC LODGING ESTABLISHMENTS:

Any unit, group of units, dwelling building or group of buildings within a single complex of buildings that can be rented to the public.

SAVINGS CLAUSE:

Clauses that exempt existing lots of record from some or all of the current dimensional requirements of the zoning ordinance.

SHARED FACILITY:

Real property rented for residential purposes which has sleeping areas for each occupant and in which each occupant has access to and shares with the owner of the facility one or more significant portions of the facility in common, such as kitchen, dining room, bathroom, or bathing area, for which the occupant has no rented right of sole personal use.

A shared facility shall not include:

- a. Facilities rented to transient guests intended for use of less than 90 days.

- b. Rooms in hotels, motels, inns, tourist home, and other dwellings rented for recreational or vacationing use.
- c. Rooms provided ancillary to other primary purposes such as jails, student dormitories, nursing homes, hospitals, group homes, and other emergency shelters

SHORT TERM RENTALS:

All types of establishments offering accommodations for rent either by the day, week, or month, or any portion thereof, including but not limited to hotels, motels, apartment houses, rooming house inns, boarding houses trailer parks or camping areas.

Replace current Article III, Section 304.3 with the following:

Any lawful nonconforming use may be expanded or changed as a Special Exception provided that all other zoning requirements are met and the Zoning Board of Adjustment finds the expansion or change:

- a. is not substantial;
- b. will not render the premises or property less adequate;
- c. will not be less compatible with existing or future uses of neighboring properties;
- d. will not have a more adverse affect on the character of the area; i.e. will not result in an
increase in intensity considering such matters as traffic generated, number of employees,
number of shifts, noise, odor, glare, vibration, dust or smoke.

Noise, odors, and dust emitted by agricultural uses that were existent as of the date of the enactment of this Ordinance are exempt from this provision.

Add the following under Article III as the new Section 305

NON-CONFORMING BUILDINGS AND STRUCTURES

Nonconforming buildings or structures may not be altered or expanded in any way which is not in full compliance with this Ordinance except as provided herein: If an existing building or structure is in nonconformance by reason of encroachment into a required setback or conservation zone, alterations or additions within the required

setback or conservation zone may be allowed by special exception provided the Zoning Board of Adjustment finds that the alteration or addition:

- a. cannot reasonably be located in a manner which would be in compliance with the regulations;
- b. will not result in an increased non-conformity by reason of increased encroachment into the required setback or conservation zone;
- c. will not create or further unsafe conditions; and
- d. will not impair the existing or future use or enjoyment of neighboring property.

Nothing herein shall prevent the restoration, reconstruction, and/or replacement within one (1) year of a structure containing a legal non-conforming use destroyed in whole or in part by fire or other natural disaster as long as the use does not result in a new or expanded non-conforming use.

A non-conforming use which has been abandoned for a period of less than one year shall not be re-established for use other than the non-conforming use that existed at time of abandonment.

When any non-conforming use of land or building has been abandoned for one (1) year, the land and buildings shall thereafter be used only in conformity with this Ordinance.

Change current Section 305 to 306, Section 306 to 307, 307 to 308, Section 308 to 309, and Section 309 to 310

Remove the following from Article II, Section 202:
Boarding House, Lodging House, Rooming House
Motel