

AMENDMENT 2

WARRANT ARTICLE XX: Article II. Sections C, and F

Ballot Language: Are you in favor of adoption of Amendment #3 as proposed by the Planning Board for the town's zoning ordinance as follows:

Amend sections C and F to add permitted uses, clarify and amend setbacks, and amend multi-family requirements to correspond. Add seasonal dwelling to listed definitions in Article VI Section B.

Change multi-family unit minimum from four to six to comply with state law.

Proposed Amendment:

ARTICLE II ZONING DISTRICTS AND DISTRICT REGULATIONS

C. Residential - Agricultural District

This zoning district shall encompass most of the Town of Nottingham as shown on the Zoning Map, as amended. It shall be a zone of low density residential and agricultural uses consistent with the Vision of the Master Plan to retain Nottingham's rural landscape.

1. Permitted Uses

- a) Single family residences and associated accessory dwelling units
- b) Duplex or two-family residences
- c) Multi-Family not to exceed six (6) units per building
- d) Seasonal dwelling
- e) Accessory use outbuildings
- f) Farming and related agricultural uses
- g) Home occupations
- h) Manufactured homes (excluding recreational vehicles) when placed on a permanent foundation

1.2. Requirements

- a) No lot shall be less than two (2) acres in area;
- a)b) Each lot shall have a minimum contiguous frontage of two hundred (200') feet, including a curb cut for approved access, except to the extent with regard to frontage of back lots approved in accordance with Article IV, Section T.

~~b)c)~~ Each single parcel of land is required to contain a driveway (curb cut) within the required minimum frontage. The required driveway may be either a single or common/shared driveway serving no more than two residences;

(1) No Changes

(2) No Changes

~~e)d)~~ Each lot must contain a 200' x 200' square fit for building or a thirty thousand (30,000') square foot contiguous area lot envelope in which a house and septic system shall be placed to meet all existing setbacks ordinances, consisting of upland soils. However, a pre-existing non-conforming lot shall be exempt from these provisions, provided it was legal under the provisions in effect immediately prior to the passage of this Ordinance or substantial amendments thereto, where approval can be granted without substantial detriment to the public interest and without substantially detracting from or nullifying the provisions and purpose of this Ordinance.

3. Setbacks

~~a)~~ There shall be between the property line, water's edge ("reference line" as described in RSA 483-B:4 XVII), and any dwelling, and septic system(s), a minimum distance of fifty (50') feet, twenty (20') feet for grandfathered non-conforming lots of less than two (2) acres, as of the date of passage (03/08/94), in all directions. Setbacks for accessory buildings shall be fifty (50') feet minimum distance from the lot frontage property line (20') feet for grandfathered non-conforming lots of less than two (2) acres and twenty (20') feet minimum distance from the side and rear property lines. Setbacks between property lines or the water's edge and primary use buildings, septic systems, or accessory buildings shall be as follows:

<u>Setback Requirements</u>	<u>Pre-existing non-conforming lots*</u>	<u>All other lots</u>
<u>Between all property lines and any dwelling</u>	<u>20'</u>	<u>50'</u>
<u>Between lot frontage property line and accessory buildings</u>	<u>20'</u>	<u>50'</u>
<u>Between side and rear property lines and accessory buildings and septic systems</u>	<u>20'</u>	<u>20'</u>

*Applicable only to pre-existing non-conforming lots of less than two (2) acres, as of the date of passage (03/08/94)

~~2-b)~~ Special exceptions to ~~this ordinance~~ these setback provisions may be granted by the Zoning Board of Adjustment based on weighing of the following considerations, but in no case shall less than twenty (20') feet be permitted for habitable structures or non-habitable structures of fifty (50') square feet in area or greater:

~~a)(1)~~ whether the goal set forth in N.H. RSA 674:17 I. will be infringed by granting such special exception;

~~b)(2)~~ whether the terrain or configuration of the lot make it more appropriate than not for such a special exception to be granted; and

~~c)(3)~~ whether the granting of such special exception would adversely impact neighboring parcels or rural character of the Town.

~~3.4.~~ The Planning Board may require additional acreage for tracts of land which contain areas which are classified as unfit for building under definition article.

~~4.5.~~ Dwelling Units on Single Tracts - When more than one (1) dwelling unit is to be constructed on a single tract or on abutting tracts of land under the same ownership, each shall be on a plot which satisfies all requirements of this Ordinance, Subdivision Regulations and Site Plan Review and shall require a formal subdivision process or site plan review.

~~5-6.~~ Building Height - Maximum building height shall be 34 feet measured from grade.

~~6-7.~~ Accessory Dwelling Units

D. Town Center District

No Changes

E. Commercial/Industrial Zone (Route 4)

No Changes

F. Multi-family Development

1. No Changes

2. No Changes

3. Regulations

a) No Changes

b) Land Area - Multifamily Development - the minimum land area for a multifamily development complex shall be ~~six (6) acres of~~ two (2) acres per unit dwelling (e.g. 4 living units will require 8 acres of land). The site shall contain a minimum of thirty thousand (30,000') square feet of contiguous upland buildable soils per unit dwelling; and be of sufficient size as to meet all setback requirements; and meet all State of New Hampshire Water Supply and Pollution Control requirements for setbacks from wetlands.

c) No Changes

d) Density - the minimum land for a multifamily structure (not including accessory unit) shall not be less than two (2) acres of land for each dwelling unit. Each residential structure shall not contain more than ~~four (4)- six (6)~~ dwelling units. There shall be a minimum of sixty (60') feet between residential structures including attached garages.

e) No Changes

f) No Changes

4. No Changes

ARTICLE VI DEFINITIONS

B. Defined Terms - for the purposes of this Ordinance, the following definitions apply:

SEASONAL DWELLING – A residential structure that lacks one or more of the basic amenities or utilities required for year-round occupancy such as a permanent heating system, insulation, and/or year-round usable plumbing.