**Amendment 2: Article II. Section C**

**Ballot Language:**

To be developed.

**Proposed Amendment:**

1. 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.

### Permitted Uses

#### Single family residences and associated accessory dwelling units

#### Duplex or two-family residences

#### Seasonal dwelling

#### Senior housing

#### Family day care home

#### Bed and breakfast

#### Accessory use outbuildings

#### Farming and related agricultural uses

#### Home occupations

#### Manufactured homes (excluding recreational vehicles) when placed on a permanent foundation

#### Utility structures of less than two hundred square feet in area designed to provide utility services to residential customers. All such structures shall apply for site plan approval from the planning board.

#### Churches, synagogues, parish houses, convents, day nurseries, kindergartens, and day care centers.

#### Municipal buildings, schools, and institutions of higher learning.

#### Recreation and community center buildings and grounds for games and sports.

### Requirements

#### No lot shall be less than two (2) acres in area;

#### 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.

#### 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. Shared driveways will be kept to the common boundary.
				2. Shared driveways will be put in each owner’s deed of record.

#### Each lot must contain a 200’x 200’ square 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.

### Setbacks

### Setbacks between property lines or the water’s edge and primary use buildings, septic systems, or accessory buildings shall be as follows:

|  |  |  |
| --- | --- | --- |
| Setback Requirements | Pre-existing non-conforming lots\*  | All other lots |
| Between all property lines or water’s edge\*\* and any dwelling | 20’ | 50’ |
| Between all property lines or water’s edge\*\* and septic systems | 20’ | 50’ |
| Between lot frontage property line and accessory buildings  | 20’ | 50’ |
| Between side and rear property lines and accessory buildings | 20’ | 20’ |

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

\*\*Water’s edge defined as “reference line” per RSA 483-B:4 XVII.

### Special exceptions to 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:

* + - * 1. whether the goal set forth in N.H. RSA 674:17 I. will be infringed by granting such special exception;
				2. whether the terrain or configuration of the lot make it more appropriate than not for such a special exception to be granted; and
				3. whether the granting of such special exception would adversely impact neighboring parcels or rural character of the Town.

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

### 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.

### Building Height - Maximum building height shall be 34 feet measured from grade.

### Accessory Dwelling Units

**Staff Comment:**

Amendments to Article II Section C. were recommended by Nottingham Code Enforcement and Planning Staff. All edits are intended to provide clarity to the ordinance.

Septic setback for Nottingham is currently 50’ (20’ for pre-existing non-conforming parcels) from the parcel boundaries. The state of NH requires 10’.

For board discussion, the following summarizes current dimensional standards in surrounding community ordinances:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Municipality** | **Min. lot size** | **Frontage** | **Front setback** | **Side setback** | **Rear setback** |
| [Deerfield](https://www.townofdeerfieldnh.com/sites/deerfieldnh/files/uploads/2016deerfieldzoningordinance_0.pdf) | 3 acres | 200’ | 40’ | 37.5’ | 37.5’ |
| [Barrington](https://www.barrington.nh.gov/sites/barringtonnh/files/uploads/zo_2018_v1_5_as_amended_3-12-19_0.pdf) | 80,000 sf | 200’ | 40’ | 30’ | 30’ |
| [Lee](https://www.leenh.org/sites/leenh/files/uploads/2018_final_zoning_regulations_rev_04162018.pdf) | 85,000 sf | 250’ | 50’ | 25’ | 25’ |
| [Northwood](https://www.northwoodnh.org/assets/municipal/10/Northwood_Development_Ordinance_2018.pdf) | 2 acres | 150’ | 20’ | 20’ | 20’ |
| [Raymond](https://docs.wixstatic.com/ugd/e2e37e_faabfe9785384f94a3462cd6dd4cee52.pdf) | 2 acres | 200’ | 30’ | 30’ | 30’ |
| [Epping](http://townofepping.com/wp-content/uploads/2019/06/All_Zoning_2019.pdf) | 88,000 sf | 200’ | 30’ | 25’ | 25’ |