

## Proposed Zoning Changes:

### **High Priority (not in order)**

- 1) Housekeeping
  - a) Page 2 Article 1 - correct spelling of Preamble
  - b) Page 3 Art 2 C.1 (b) - correct "duples" to duplex
  - c) Table of contents
    - i) Preamble page error
  - d) Article II. C. 3. B. – Special (first word) spelled wrong
- 2) Article II Section C. 4: Building Height
  - a) Use grade plane instead of grade
  - b) No current definition of grade or grade plane
  - c) New Castle, NH, Zoning
    - i) "Grade: With reference to a building or structure, means the average elevation of the ground adjoining the building or structure on the lowest side. When the ground slopes away from the exterior walls, the grade shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building, between the building and a point six feet from the building."
  - d) Conway, NH
    - i) "Building Height – The vertical distance from the lowest point of grade around the building to the man gable elevation of the building, or the top of a flat roof. The lowest point of grade shall be the lowest point at which the foundation is above the proposed or existing grade, whichever is less."
- 3) Article: III, Section C: Flood Hazard Area
  - a) Update FEMA maps (special flood hazard area)
  - b) Last revised 03/01/1994
  - c) Final maps are still pending and can be adopted by the Board of Selectmen once released. Updates will be coordinated by the state's floodplain management staff at NH Office of Energy and Planning. [http://www.granit.unh.edu/Projects/Details?project\\_id=389](http://www.granit.unh.edu/Projects/Details?project_id=389)
- 4) Add fencing provisions
  - a) Suggestions:
    - i) 1 ft setback or,
    - ii) On property line with abutters permission
    - iii) Allow up to 6 ft fence (standard heights are 4 ft and 6ft)
  - b) Dale requests using state recommended provisions
- 5) Addition of steep slopes ordinance
  - a) **Draft ordinance developed by Bruce Mayberry**
  - b) Innovative land use handbook ([https://www.des.nh.gov/repp/innovative\\_land\\_use.htm](https://www.des.nh.gov/repp/innovative_land_use.htm))
    - i) Complete chapter
      - (1) [https://www.des.nh.gov/repp/documents/ilupt\\_chpt\\_2.2.pdf](https://www.des.nh.gov/repp/documents/ilupt_chpt_2.2.pdf)
    - ii) Modal Ordinance

- 6) Addition of Minimum Disturbance Amendment
  - a) Draft ordinance developed by Bruce Mayberry
- 7) Addition of a stream buffer ordinance
  - a) Conservation commission has drafted the language

### **Medium Priority**

- 8) ADU amendments agreement
  - a) Additions:
    - i) Add 2 bedroom max
    - ii) State what kind of attachment (not breezeway)
    - iii) Not allowed on mobile/manufactured homes (674:72 1)
  - b) EX: Town of Mason
    - i) Article XX: Accessory Dwelling Unit Ordinance
    - ii) Page 22
    - iii) [http://www.mason-nh.org/Docs/Town/MAS251-2010-1\\_ZN\\_BC\\_Ord\\_Gen\\_Info\\_amended\\_3\\_2010.pdf](http://www.mason-nh.org/Docs/Town/MAS251-2010-1_ZN_BC_Ord_Gen_Info_amended_3_2010.pdf)
  - c) PB Comments:
    - i) Attached vs detached
      - (1) Court case and avoiding trellises
      - (2) Impact fees on detached ADU's?
  - d) Check state requirements
- 9) Separate conforming and non-conforming lot regulations
  - a) Set up as a chart or paragraphs
  - b) Sections to address:
    - i) ADU's, Septic's, Accessory structures
  - c) Ex. Durham
    - i) Article IX: Nonconformance, Page 54
    - ii) ([https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning/page/21491/zoning\\_ordinance\\_12-17-18.pdf](https://www.ci.durham.nh.us/sites/default/files/fileattachments/planning/page/21491/zoning_ordinance_12-17-18.pdf))
  - d) Ex. Exeter
    - i) Article 5: General Regulations, 5.1: Non-Conforming Uses
      - (1) Page 5-1
      - (2) [https://www.exeternh.gov/sites/default/files/fileattachments/building/page/13081/2016\\_final.pdf](https://www.exeternh.gov/sites/default/files/fileattachments/building/page/13081/2016_final.pdf)

### **Low Priority**

- 10) Article IV Section G
  - a) Clarify Major vs. Minor home occupation

- i) EX Case: Growing With Grace
- 11) Article II, Section D. 2: Requirements
  - a) Maximum lot coverage = 40%
    - i) Consider revision → most towns = 30%
- 12) Article IV Section I: Junk Yards
  - a) Consider adding “no more than two unregistered/uninspected vehicles”
  - b) Current language: “Consistent with NH RSA 236:112, no outdoor storage of junk shall be permitted.”
- 13) Article IV Section W. A. Impact Fees
  - a) Clarification to applicability
  - b) Current language: “The Town of Nottingham is responsible for and committed to the provision of public facilities and services at standards determined by the Town to be necessary to support development in a manner which protects and promotes the public health, safety, and welfare;”
- 14) Additions/New Provisions:
  - a) Restrict Adult entertainment/bookstores, marijuana grow facilities/dispensary’s etc. from certain zones, distance from school or daycare
  - b) Addition of AirBNB regulation
    - i) EX. Portsmouth
  - c) Accessory Structure allowed on lots without primary structure?
    - i) Define primary and accessory structure?
    - ii) Research: towns that have prohibited and towns that have not, issues?
- 15) Addition of a driveway setback
- 16) Tiny Homes
  - a) What is the state committee saying?

**Dale Suggestions**

- Fence
  - o Align with state
    - State: Can go to property line, recommendation in 1 ft back
- Grade
  - o Average grade rather than lowest point
- Noise Ordinance
  - o Complaints
  - o Time of day, special events, mechanics
  - o Generic
  - o “excessive noise can not be done between x hours and y hours”

**Passed at 2020 Town Meeting**

- 17) Housekeeping:

- a) Consistent outline (headings, numbers, etc.)
    - i) Article II, Section C – two section 2's
    - ii) Develop glossary and condense all definitions into one section
    - iii) ADU Section within Article II, Section C.2 is missing heading
      - (1) See item 4 below
  - b) Replace “grandfathered” with “non-conforming” throughout
  - c) Adding language noting the requirement of planning board review at the beginning of section that pertain to that requirement (Not included in the 2020 amendments)
    - i) Article II, Section F: Multi-Family Development
      - (1) Ex: site plan application required
  - d) Up to date legislative changes (NHRSA Amendments/Adoptions/Deletions)
  - e) Add Accessory Dwelling Unit (ADU) heading to ADU section
- 18) Article II Section C
- a) Article II Section C.1.a
    - i) Current frontage requirement of 200 feet on class 5 road or better (not included in 2020 amendments)
      - (1) Consider reducing frontage requirement (request from code enforcement)
  - b) Article II Section C .2: Residential – Agricultural District
    - i) Revise for clarity
    - ii) Specify permitted uses (single family, two family, and/or multi-family) or define “low density residential” in terms of the permitted uses
    - iii) Consider 20ft instead of 50ft setback
    - iv) Has this been a reoccurring issue that goes to the ZBA for variance?
    - v) Is there any reason why the setback distance should not change?
- 19) Temporary Housing
- a) Amendment Change
  - b) Add definition of Temporary
    - i) Multiple other contexts without definition
  - c) Create permit process
    - i) To identify when temporary dwell starts

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