

## 2011 RECOMMENDED ZONING ORDINANCE AMENDMENTS

The Planning Board held a public hearing for input on the following amendments to the Zoning Ordinance on January 20, 2011. The amendments were approved as written below and recommended by the Planning Board for placement on the ballot for voting on March 8, 2011 at Town Hall.

(The question is written as it will be placed on the ballot. The text, which will not be on the ballot, is shown with deleted language as ~~striketrough~~ text and changes or additions shown in *italic* print.)

Article 2. To see how the Town will vote by official ballot on the proposed amendments, as recommended by the Planning Board, to the Town Zoning Ordinance as follows:

1. Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article 300.2 – Zoning Map to clarify the location of the map

300.2: Zoning Map: The districts, as established, are shown on a map entitled “Town of Holderness Zoning Map” and become a part of this Ordinance. This map is on file ~~with the Holderness Planning Board~~ at the Town Hall. ~~(See Appendix A) Map for general reference only. Use Appendix A for specific boundaries.~~

2. Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article 400.8.1 – to clarify the measurement of the setback from roads

400.8.1: There shall be a minimum distance *of thirty-five (35) feet* between any ~~building~~ ~~or~~ structure and the edge of the *right-of-way* of any public highway, street or roadway ~~right-of-way of thirty-five (35) feet.~~

3. Are you in favor of the adoption of Amendment No.3 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article 400.8.1.1 – to clarify the building setback measurement from side or back property lines

400.8.1.1: No ~~building~~ ~~or~~ structure or water supply (well) shall be located within thirty-five (35) feet of any ~~lot~~ *property* side or back lines on which it is located. ~~or from the reference line of a lake or pond, ordinary high water line of perennial streams, or edge of wetland. This thirty five (35) foot segment will be maintained as a native vegetative or woodland buffer. Access pathways through these areas may not exceed four (4) feet in width. Permitted signs and fences and bridges for recreational use are exempt from these setback requirements.~~ 3/10

4. Are you in favor of the adoption of Amendment No.4 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article 400.8.1.2 – regarding the building and well setback measurement and regulation from water or wetlands

~~400.8.1.2: No dwelling shall be erected within fifty (50) feet of the reference line of a lake or pond, ordinary high water line of a perennial stream or wetland. No structure, temporary, or permanent, other than stairs to docks, shall be permitted within thirty five (35) feet of the reference line. No structure, other than stairs to docks, or water supply (well) shall be located within fifty (50) feet from the reference line of a lake or pond, ordinary high water line of perennial streams, or edge of wetland. This fifty (50) foot segment will be maintained as a native vegetative or woodland buffer. Access pathways through these areas may not exceed six (6) feet in width. Permitted signs, fences less than six feet, and bridges for recreational use are exempt from these setback requirements.~~  
3/10

5. Are you in favor of the adoption of Amendment No.5 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Delete Article 400.8.3 – duplicate language

~~400.8.3: No dwelling shall be erected within fifty (50) feet of the reference line. No structure, temporary or permanent, other than stairs to docks, shall be permitted within thirty five (35) feet of the reference line.~~

6. Are you in favor of the adoption of Amendment No.6 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article 1000.2.3 – to clarify the requirements of a septic site assessment

*1000.2.3: As required by the NH Department of Environmental Services and in accordance with RSA 485-A:39, prior to the execution of a purchase and sale agreement for any developed waterfront property contiguous to or within two hundred (200) feet of the reference line of a fresh water body, coastal waters, or a river and which uses a septic disposal system, two copies of a Site Assessment form shall be filed with the Town Clerk. One shall be given to the Planning Board and the other shall be given to the Compliance Officer who shall review it with the Selectmen. This form is required by the State prior to executing a purchase and sale agreement on any property within 200 feet of a public water body greater than ten (10) acres. (3/96) (RSA 485-A:39)*

7. Are you in favor of the adoption of Amendment No.7 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Amend Article 700 – to clarify regulations regarding expansion of non-conforming uses, structures, and lots

SECTION 700: NONCONFORMING USES, STRUCTURES, OR LOTS (3/97)

700.1: Uses

~~700.1.1 All properties whose active use is nonconforming when this ordinance is passed and adopted may continue in the same use. A nonconforming use may be changed only to a use which is permitted in the district in which the property is located or one which is permitted by Special Exception if the Special Exception is granted by the Zoning Board of Adjustment.~~

~~700.1.2: If a nonconforming use is discontinued or abandoned for one year, it shall thereafter conform to the regulations for the district and the nonconforming use may not thereafter be resumed without approval of the Board of Adjustment. All properties whose active use was nonconforming as of passage of this ordinance or prior to subsequent adoption of amendments may continue in the same use.~~

~~700.1.3: Nonconforming uses may not be expanded. A nonconforming use that is discontinued for one year with an intent to abandon that use, shall thereafter conform to the regulations for the district and the nonconforming use may not thereafter be resumed without variance approval of the Board of Adjustment.~~

~~700.1.4: Nonconforming uses may not be expanded in a manner which is substantially different from the use to which it was put before expansion. All expansions shall meet the regulations of the district in which the activity occurs. (3/02)~~

700.2: Structures

700.2.1: Nonconforming buildings or structures may be repaired, improved, or expanded, provided:

700.2.1.1: No alteration shall increase the nonconformity according to the requirements of this Ordinance, including use regulations, and all other dimensional and area requirements.

~~700.2.1.2: Expansion of existing structures either on a nonconforming lot or in the case where there are two or more dwellings on a lot may be approved by the Board of Selectmen on a case by case basis providing other requirements in this section are met and the spirit of this Ordinance is maintained. This authority may not be passed on to an assignee. (3/04)~~

~~700.2.1.3: The property owner must have all required state approvals and shall satisfy the Selectmen and Health Officer that provisions for sewage disposal and water supply are acceptable.~~

~~700.2.1.4: Any structures adding cubic footage that are located on nonconforming lots must also provide the Selectmen and Health Officer with a septic site assessment done by an approved person and provide evidence that the septic system complies with RSA 485-A:38. (3/02)~~

700.2.1.5: No expansion of any kind shall occur in any setback. (3/02)

700.2.1.6: Adding a pitched roof will not be considered an expansion provided it does not increase any living or storage space.

~~700.2.2: Nonconforming buildings or structures which are demolished, destroyed by fire or natural disaster may be rebuilt or replaced in accordance with (the above provision) Article VIII, Section B, 1. The rebuilding or replacing must be completed within two years from the time the building or structure was destroyed. Selectmen may grant an extension to this time for reasonable cause. A nonconforming structure which has been destroyed or partly destroyed may be rebuilt with the following limitations: The rebuilt structure shall not exceed the dimensional size of the original structure. If the reconstruction of a destroyed or demolished nonconforming structure is not completed within two (2) years of the building's destruction or demolition, any new building located on the property shall be built conforming to standards identified elsewhere in this ordinance.~~

*700.3.1: Any structure increasing cubic footage that are located on nonconforming lots must also provide the Selectmen and Health Officer with a septic site assessment done by a permitted subsurface sewer or waste disposal system designer and provide evidence that the septic system complies with RSA485-A:38. (3/02)*

**8.** Are you in favor of the adoption of Amendment No.8 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

Add and Amend Article 1300. Definitions – to add, amend, or delete definitions for the following terms: Accessory Structure, Building, Building Footprint, Commercial, Commercial Services, Consumer Services, Dwelling Unit, Home Occupation, Impervious Area or Surface, Living Space, Non-conforming Lot, Non-conforming Use or Structure, Structure, and Wetlands

Accessory Structure – A structure ~~incidental~~ *secondary* to and *serving the principal structure or use and is on the same lot as the primary principal structure*. When used in connection with agricultural uses “accessory structure shall include all structures customarily used for agricultural purposes. (3/97)

Building – Any structure having a roof and intended for the shelter, housing, or enclosure of persons, animals, or property.

*Building Footprint : The exterior dimensions of a structure, including, but not limited to, any permanent extensions such as decks, porches, balconies, steps, breezeways, chimneys and the overhang or drip line.*

*Commercial – Any use involving in part or in whole the sale of merchandise, materials, or services, but not including home occupations as defined in the Ordinance.*

~~*Commercial Services—A business which provides services off site, such as logging, dozing, landscaping, excavation, and trucking. Equipment may be stored and repaired on the premises with no material stored on the site. 3/94*~~

~~*Consumer Services—A business which provides or sells a service rather than a product, which is an accessory use to the resident, such as, electricians, plumbers, carpenters, masons, or maintenance services. No outside material storage is allowed and no more than one business related vehicle will be allowed on the premises. 3/94*~~

*Dwelling Unit – One room 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 *designed or used for residential purposes* containing independent cooking, sanitary facilities, and adequate room for (3/04) sleeping facilities. It shall include sectional homes, rental cottages (3/04), and modular units provided these units meet the standards of the local building or structure code, but shall not include camper or recreational vehicles, motel, hotel, lodging house, or similar structure.*

~~*Home Occupation – A business, profession or trade not allowable at that location as a principal use, conducted inside a dwelling or building accessory thereto as an accessory use Any use conducted by a member of the family within a dwelling or an accessory building which is incidental to the use of the dwelling as a residence and conforming to the criteria set forth under General Provisions. (3/98)*~~

*Impervious Area or Surface: Any modified surfaces including, but not limited to, the area of the building footprint, paved, gravel, or crushed stone driveways, parking areas, and walkways unless designed to effectively absorb or infiltrate water.*

*Living Space: This area includes three dimensional, fully enclosed space used for indoor living, calculated in cubic feet in area, including dormers and lofts, but does not include crawl spaces and screened in porches so long as windows are not installed.*

*Non-Conforming Lot – A lot which was lawfully created but which does not conform to the current minimum dimensional requirements specified for the zone in which it is located.*

*Non-Conforming Use or Structure – An activity or a structure or a portion thereof, which lawfully existed before the adoption or amendment of this ordinance, but which does not*

*conform to all of the current terms and standards for the zone in which it is located and contained in this ordinance.*

Structure – Anything constructed or erected *using materials or a combination of materials*, including signs, the use of which requires location on the ground or attachment to something having location on the ground. *A structure shall also include subsurface mechanisms such as, but not limited to, septic systems, swimming pools, and wells. It shall not include a minor installation, such as a fence less than six (6) feet high, mailbox or flagpole.*

Wetlands – ~~means~~ An area that is inundated *or saturated* by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions *as defined by RSA 482-A:2, X and as it may be amended. (3/08)*