

## RECOMMENDED CHANGES TO THE ZONING ORDINANCE

This is for the Planning Board to review, revise and amend, keeping the Zoning Ordinances in mind, for the purpose of preparing final versions of these or other recommendations to become warrant articles for the 2019 Town elections.

### REVISED DRAFT FOR 1<sup>ST</sup> PUBLIC HEARING 12-19-18

11-14-18

Proposed for Warrant Articles:

**Zoning Amendment #1: Article III, Definitions. Accessory Dwelling Unit:** to amend by striking or detached to conform to the special exception conditions as per Article XV 15.04 E7, a second dwelling unit may not be detached but must be attached to the principal dwelling. To read: **Accessory Dwelling Unit:** "A second dwelling unit attached ~~or detached~~ which is permitted by a land use control regulation to be located on the same lot, plat, site or other division of land as the principal dwelling unit. RSA 674:21.

**Zoning Amendment #2: Article V, Section 5.01 D. Parking, Storage, or use of Major Recreational Equipment. Purpose:** to ensure this restriction applies to all zoning districts not just the R district. Amend by adding in any district with the Town of Candia. To read: "No such equipment shall be parked or stored in the front yard area in the R district. ~~Nor and~~ shall it not be used for living, sleeping, or housekeeping purposes ~~on the premises in any district within the Town of Candia~~."

**Zoning Amendment #3: Article V, Section 5.02 Table of Use Regulations. Purpose:** To correct the omission of A in the A through F series under Residential and include a previously omitted reference to Home Shop to ensure consistency with the table of uses and permit the use by special exception "S" in the R district and Mixed Use district and prohibited anywhere else "—".

An A was omitted. Amend to add an A **to read: Section 5.02A Residential:**

**ADD 13. Home Shop (5.02A-13)** in 5.02A Residential.

**Zoning Amendment #4: Article V, Section 5.02 (A-5) Residential.** Intent: To allow short term rentals in the R district. Omit not intended for occupancy by transient guests or tourists. To read: 5. Boarding, ~~or rooming house not intended for occupancy by transient guests or tourists~~ rooming, and short term rental accommodations not to exceed 14 consecutive days. Permitted by Special Exception subject to the provisions of Section 15.02 Special Exception Standards.

**Zoning Amendment #5: Article V, Section 5.02 F (f-1)** Amend to add one acre per large domesticated animal and recognize small scale operations as being ~~a maximum of less than~~ six (6) large animals. To read: Small scale part-time agricultural operations whether commercial or not, including the keeping of livestock and poultry: subject to the following conditions for large domesticated animals; one (1) acre per animal i.e. horses, cows, llamas and the like limited to six (6) large animals.

**Zoning Amendment #6: Article V, Section 5.02 (f-2)** Amend to add best management practices and one acre per large animal. Add commercial stables. To read: Large scale full-time agricultural operations

including animal husbandry subject to best management practices and the following conditions for large domesticated animals and/or commercial stables; The facility shall conform to the following:

1. One acre of contiguous non-wetland land per large domesticated animal required; i.e. horse, cow, llama and the like.
2. No barn, shelter, or building used for boarding said animals or the storage of feed or supplies shall be located closer than 60 feet from any property line.
3. Animal waste shall not be stored closer than two hundred (200) feet from any property line or surface waters.
4. The area used for grazing, exercising, or training shall be securely fenced to prevent the animals from straying or a suitable restraint shall be provided.

**Zoning Amendment #7: Article XIV, Section 14:06.** Purpose: to ensure consistency with RSA 674:33, I-a, which provides for a 2 year period. Strike one (1) year and ADD two (2) years

To read: “Variances and special exceptions shall expire unless used within a period of ~~one year~~ two (2) years from the date granted. The Board may for good cause shown extend such period by as much as one year.”

**Zoning Amendment #8: Article XVI, Section 16.04 C: Filing of Complaints:** Purpose: To provide the proper citation to Section 16.01A and to eliminate the word “immediately” from the text.

Amend 14.01A with 16.01A Building Inspector Duties. Amend: Strike 14.01A and replace with 16.01A. Strike the word immediately.

To Read: Wherever any violation of this Ordinance occurs, any person may file a complaint in regard thereto in writing to the Building Inspector. The Building Inspector shall ~~immediately~~ investigate said complaint, and, finding a violation to exist, shall act according to paragraph ~~14.01A~~ 16.01A of this Ordinance.

**Zoning Amendment #9: Article X, Section 10.2 Definitions** Problem: The Zoning Ordinance references High Intensity Soil Maps while subdivision and site plan regulations & applications reference Site Specific Soils. Amend to make Zoning Ordinance consistent with the regulations and applications.

A. ~~High Intensity Soil Maps~~ NHDES Site Specific Soils Maps for New Hampshire, Standards and Origins. The most recent document prepared by the Society of Soil Scientists of Northern New England detailing the standards for making ~~High Intensity Soil Maps~~ NHDES Site Specific Soils Maps on file with the Rockingham County Conservation District.

B. Poorly Drained Soil: as defined by the National Cooperative Soil Survey or further defined by ~~High Intensity Soil Maps~~ NHDES Site Specific Soils Maps for New Hampshire. On file with the Rockingham County Conservation District.

C. Qualified Soil Scientist: a person qualified in soil classification and mapping who is recognized by the State Board for Licensure.

D. Very Poorly Drained Soil as defined by the National Cooperative Soil Survey or further defined by ~~High Intensity Soil Maps~~ NHDES Site Specific Soils Maps for New Hampshire.

**Zoning Amendment #10: Article X, Section 10.03: District Boundaries** Amend to clarify poorly drained soils, correct typo and add new #4 regarding the criteria.

**A. Establishment of a District**

2. areas of poorly drained soils ~~½ acre or more in size~~ and;

3. areas of poorly drained soils of any size if contiguous to ~~S~~ surface waters such as lakes, ponds and streams subjected to high water tables for extended periods of time.

ADD 4. Identified as a wetland meeting Army Corps of Engineers criteria, by a wetlands scientist in conjunction with a subdivision or site plan application.

**Zoning Amendment #11: Article X, Section 10.03: District Boundaries**

**B. Location of the District**

The District as herein defined is shown on a map designated as the “Town of Candia Wetlands Conservation District Map” and is part of the Official Zoning Map for the Town of Candia. This map is considered as a guide only. The precise location of a wetland boundary in any particular case must be determined by on-site inspection of soil types and vegetation. This data will be prepared by a qualified soil scientist using the standards of ~~High Intensity Soil Maps~~ NHDES Site Specific Soils Maps for New Hampshire.

**Zoning Amendment #12: Article X, Section 10.05: Permitted Uses**

C. Lot size determination - Amend to add buildable acres.

Areas designated as having poorly drained soils may be used to fulfill up to 50% of the minimum lot size required by this Ordinance and Subdivision Regulations, provided the non-wetland area is at least one and one-half (1 ½) contiguous buildable acres, and shall accommodate primary structures and required utilities such as sewage disposal and water supply, including primary and auxiliary leach field locations.

**Zoning Amendment #13: Article V, 5.03 Accessory Uses. ADD NEW SECTION.**

Purpose: To expand the allowable uses in the R district in recognition of Candia’s diverse occupations and livelihoods – 3 levels. Allowed by Special Exception “S” in the Residential district and permitted by right in the Commercial and Light Industrial districts “P” and is not allowed in the Mixed Use district “—”.

1. 5.03E-1 Home Service Contractor (level 1). Permitted by Special Exception and subject to the provisions of Section 15:02. Includes customary tradesmen such as carpenters, plumbers, electricians, painters, and machinists and the like. Subject to the following restrictions:
  - 1) The accessory use is practiced exclusively by the owner of the lot of record.
  - 2) Outdoor storage of material is prohibited anywhere in the front yard.
  - 3) On site retail sales is prohibited.
  - 4) No more than one employee shall be employed at the site who is not the owner of the lot of record.
  - 5) Use does not cause any recurring non-emergency vehicular traffic between the hours of 7PM and 6AM or on holidays observed by the town.
  
2. 5.03E-2. Home Service Contractor (level 2). Permitted by Special Exception and subject to the provisions of Section 15.02. Includes customary occupations such as landscapers and arborists. Subject to the following restrictions:
  - 1) The accessory use is practiced exclusively by the owner of the lot of record.
  - 2) Outdoor storage of material is prohibited anywhere in the front yard.
  - 3) On site retail sales is prohibited.
  - 4) No more than one employee shall be employed at the site who is not the owner of the lot of record.
  - 5) The use does not cause any recurring non-emergency vehicular traffic between the hours of 7PM and 6AM or on holidays observed by the town.
  - 6) Equipment storage must be beyond the following setbacks:
    - Front Lot Line 100’
    - Side Lot Lines 50’

3. 5.03E-3. Home Service Contractor (level 3). Permitted by Special Exception and subject to the provisions of Section 15.02. Includes truck operators and occupations requiring the use of construction equipment. Subject to the following restrictions:
  - 1) Minimum lot size is 5 acres.
  - 2) Minimum road frontage is 300'
  - 3) No more than 2 Class 8 vehicles are permitted.
  - 4) The accessory use is practiced exclusively by the owner of the lot of record.
  - 5) Outdoor storage of material is prohibited anywhere in the front yard.
  - 6) No more than one employee shall be employed at the site who is not the owner of the lot of record.
  - 7) On site processing of materials is prohibited.
  - 8) On site retail sales is prohibited.
  - 9) The use does not cause any recurring non-emergency vehicular traffic between the hours of 7PM and 6AM or on holidays observed by the town.
  - 10) Equipment and material storage must be beyond the following setbacks:
    - Front Lot Line 150'
    - Side Lot Lines 75'