

Draft 2020 Proposed Zoning Ordinance Amendments December 18, 2019

ZONING AMENDMENT #1 Article III, Definitions. Amend Article II by adding the term “variance” and defined as “Permission to do something the ordinance does not permit”.

ZONING AMENDMENT #. 2, Article III, Definitions. Amend Article III adding the term “special exception” and defined as “Permission to do something that the zoning ordinance permits only under certain specified circumstances”.

ZONING AMENDMENT #3: Article IV, Manufactured Housing, Mobile Home Subdivision, and Mobile Home Parks to amend by deleting Section 7.02 H4 in its entirety.

ZONING AMENDMENT #4: Article IX, Off –Street Parking to amend Section 9.02 by striking “shall not be located within a required front yard in the "R" and "LI-1/LI-2" Districts; and in any District such spaces” and adding “in any District”. To read: Off-street parking spaces required by this Ordinance in any District shall be at least ten (10) feet from the side and rear lot lines except as provided in Section 9.03. This provision shall not apply to one family dwellings.

ZONING AMENDMENT #5: Article X, Wetlands Protection to amend Section 10.03 B by replacing “High Intensity Soil Maps” with “Site Specific Soils Maps”. To read: The District as herein defined is shown on a map designated as the "Town of Candia Wetlands Conservation District Map" and is a 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 Site-Specific Soils Maps for New Hampshire

ZONING AMENDMENT #6: Article X, Wetlands Protection to amend Section 10.06 B by deleting “the Division of Water Supply and Pollution Control of” and “under RSA 485-A:17 Wetlands Board”. To read: All construction, forestry and agriculture activities within 100 feet of any wetland shall be undertaken with special care to avoid erosion and siltation into the wetlands. The Planning Board, pursuant to its site plan review authority, may require an erosion control plan approved by the Rockingham County Conservation District for any project undertaken up-grade of a wetland. No building activity (building does not include septic systems) shall be permitted within 100 feet of any pond, flowing stream or very poorly drained soil and within 50 feet of any poorly drained soil except as provided in subsection C of this section. Where required, permits from the Department of Environmental Services shall be obtained.

ZONING AMENDMENT #7: Article X, Wetlands Protection to amend Section 10.10 A by deleting “the Division of Water Supply and Pollution Control of”, “under RSA 485-A:17 Wetlands Board” and “and the United States Army Corps of Engineers”. To read: Water impoundments for the enhancement of a wetland area with a permit from the Department of Environmental Services under Env-Wq 401.

ZONING AMENDMENT #8: Article XI Groundwater Protection to amend Section 11.11.8 by deleting “401.03(b)(1) and 501.01(b)” and replacing it with “400 and 500”. To read: Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 400 and 500 are exempt from Performance Standards 11.06.5 through 8.

ZONING AMENDMENT #9: Article XII Telecommunications/Personal Wireless Service Facilities amend Section 12.04 C 3 by deleting “civil” and replacing it with “structural”. To read: If the applicant claims that a structure is not capable of physically supporting a telecommunications/personal wireless service facility, this claim must be certified by a licensed professional structural engineer. The certification shall, at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to support the telecommunications/personal wireless service facility without unreasonable costs. The estimated cost shall be provided to the Zoning Board of Adjustment.

ZONING AMENDMENT #10: Article V Use Regulations amend Section 5.03 by deleting “Certificate of Occupancy” and replacing with “Residential Use Permit”. To read: The following accessory uses may be allowed subject to the requirements herein. All accessory uses require a Residential Use Permit.

ZONING AMENDMENT #11: Article V Use Regulations amend Section 5.03 by deleting” may be allowed by Special Exception”. To read: Customary home shops for the repair of electrical appliances, clocks, firearms, furniture and the like subject to the following:

ZONING AMENDMENT #12: Article V Use Regulations amend Section 5.03 by adding a new Section 5.03D Home Services Contractor. To read: Customary occupations such as carpenters, plumbers, electricians, landscape and excavation contractors, arborists, machinists and related trades operated by the person or persons residing in the premises subject to the following restrictions:

1. Use is clearly an accessory use to the primary use of the property.
2. The use does not change the character of the building or site.
3. The use does not employ more than one person who is not the owner of the property.
4. The use does not cause undue nuisance to neighbors by reason of noise, dust, glare, traffic, vibration, or other disruptive influences.
5. Processing of materials is prohibited.
6. Outdoor storage of material shall not be visible from the road.
7. On site manufacturing activities and retail sales are prohibited.
8. The use does not cause additional non-emergency vehicular traffic between the hours of 9:00PM and 6:00AM.

ZONING AMENDMENT #13: Article V Use Regulations amend Section 5.02 Table of Use Regulations, Type of Land Use, Residential: by inserting a new type following number 7 titled “Home Services Contractor” and allowed by Permitted by Right in the R and MX districts. Renumber the remainder of the table accordingly.

ZONING AMENDMENT #14: Article III Definitions amend the definition of Agriculture by deleting and replacing to read: Agriculture and Farming: Shall be that use delegated by NH RSA 21:34a.

ZONING AMENDMENT #15: Article V Use Regulations amend Section 5.01 by adding a new section 5.01 F Agriculture and Farming. To read: All Agricultural and farming activities shall be conducted in accordance with the NH Department of Agriculture “MANUAL OF BEST MANAGEMENT PRACTICES (BMPS) FOR AGRICULTURE IN NEW HAMPSHIRE”

ZONING AMENDMENT #16: Article V Use Regulations amend Table 5.02 F by deleting “Small scale part time” and adding “Accessory use” and “with the exception of operations with under 3 acres of land where horse, bovine or swine shall not be permitted except by special exception.. To read: (f-1) Accessory use agricultural operations whether commercial or not, including the keeping of livestock and poultry with the exception of operations with under 2 acres of land where horse, bovine or swine shall not be permitted except by special exception.

ZONING AMENDMENT #17: Article V Use Regulations amend Table 5.02 F by deleting “Large scale full time” and adding “Primary”. To read: (f-2) Primary agricultural operations including animal husbandry.

ZONING AMENDMENT #18: To add a new Four Corners Village District to the List of Zoning Districts, Article IV, Section 4.03, to amend the Table of Uses Article V, Section 5.02 and the Table of Dimensional Requirements by amending Sections 6.01A, 6.01C, 6.01E, and 6.02, which includes requirements for setbacks, lot width, lot frontage, lot shape and lot dimension, and adding Section 6.04 concerning building materials, roof design and fenestration in the Four Corners Village District.

The purpose of the amendment is to allow mixed moderate density residential and small-scale commercial uses compatible with a village setting; permit new development, redevelopment and infill construction that increases the economic viability of the 4 Corners Village District; and allow for a range of housing types and sizes that can accommodate the current and future needs of residents at all life stages and income levels.