

**Proposed Zoning Ordinance Amendments for 2023 Town Warrant
As recommended by the Candia Planning Board on January 4th, 2023**

Are you in favor of the adoption of **Amendment #1** as proposed by the planning board for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #1: Article II: Impact Fee Ordinance. Amend Section 2.10 by correcting the reference from See Section 145.03:C: C to *See Section 16:03C*. (Recommended by the Planning Board by a vote of 7 to 0)

Are you in favor of the adoption of **Amendment #2** as proposed by the planning board for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #2: Article III Definitions: **Elderly Housing** by changing “apartments” to “multi-family dwelling units” to read: Housing intended for, and 100 percent of the dwelling units are occupied solely by, persons 55 years of age or older, featuring small single-family detached or attached dwelling units and ~~apartments~~ *multi-family dwelling units*. In no event shall more than four (4) occupants live in any dwelling unit of an elderly housing development. (Recommended by the Planning Board by a vote of 7 to 0)

Are you in favor of the adoption of **Amendment #3** as proposed by the planning board for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #3: Article III Definitions. Add a definition for Unnecessary Hardship to read:
Unnecessary Hardship: Owing to special conditions of the property that distinguish it from other properties in the area:

- (A) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
- (B) The proposed use is a reasonable one.

If the criteria above are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

(Recommended by the Planning Board by a vote of 7 to 0)

Are you in favor of the adoption of **Amendment #4** as proposed by the planning board for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #4: Article V Section 5.06:7a **Maximum Density for Multi-Family** to amend by adding the word “radius” to read: “The maximum number of dwelling units within an elderly housing development containing 3 or more dwelling units per building shall be based on the *radius* distance the further extent of the property is from the commonly known “Four Corners” intersection of NH 27 and NH 43 as follows:”. (Recommended by the Planning Board by a vote of 7 to 0)

Are you in favor of the adoption of **Amendment #5** as proposed by the planning board for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #5: Article V Section 5.06:7b **Maximum Density for Detached Single-Family and Attached Duplex Single-Family Dwellings** to amend by adding the word “radius” to read: “The maximum number of detached single-family dwellings or attached duplex single-family dwellings containing 1 or 2 dwelling units per building shall be based on the *radius* distance the further extent of the property is from the

commonly known “Four Corners” intersection of NH 27 and NH 43 as follows:’. (Recommended by the Planning Board by a vote of 7 to 0)

Are you in favor of the adoption of **Amendment #6** as proposed by the planning board for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #6: Article XV Section 15.04 B: **Specific Special Exemption** to amend by replacing ~~Section 5.02: A.32~~ with *Section 5.02 A:.3* to read:” In order to achieve this goal, two family and multi-family dwelling uses identified in *Section 5.02: A.3* of this Ordinance and specifically referring to this section may be permitted as Special Exceptions in the R District subject to the following safeguards:”. (Recommended by the Planning Board by a vote of 7 to 0)

Are you in favor of the adoption of **Amendment #7** as proposed by the planning board for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #7: Article XVI Section 16.03: **Assessment Methodology** to amend by replacing “entitles impact Fee: Town of Candia” with entitled “Impact Fees: Town of Candia” to read: The amount of the impact fee shall be determined by an Impact Fee Schedule prepared in accordance with the methodology established in a report by the Planning Board entitled “Impact Fees: Town of Candia” and adopted by the Planning Board. (Recommended by the Planning Board by a vote of 7 to 0)

Are you in favor of the adoption of **Amendment #8** as proposed by the planning board for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #8: Article XV Section 15.04: Special Exemption Uses. Add a new Section 15.04. G Private Burial Grounds: Private Burial Grounds (as defined by RSA 289) shall be allowed in the residential district providing the following criteria are met:

1. The requirements of NH RSA 289:3 Location are met, and
2. A site plan shall be presented to the Planning Board with the following items addressed in addition to the current Site Plan Regulations:
 - a. The GIS coordinates of the plot corners
 - b. Corner markers to be installed and listed as a condition of approval.
 - c. An easement to the plot for future access on a maintained access drive.
 - d. Upon approval by the Planning Board, the Site Plan shall be recorded on the Deed with the Registry of Deeds within 90 days of approval.

(Recommended by the Planning Board by a vote of 7 to 0)

Are you in favor of the adoption of **Amendment #9** as proposed by the planning board for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #9: Article V Section 5.02 A. Residential. Add a new Section 5.02.A.16 Private Burial Grounds and add “P” under the R heading in the Zoning District Table of Uses. (Recommended by the Planning Board by a vote of 7 to 0)

Are you in favor of the adoption of **Amendment #10** as proposed by the planning board for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #10: Article V Section 5.05 Conditional Use Permit Review Criteria to amend the first paragraph to eliminate Elderly Housing in two places to read: ~~Elderly Housing~~. A Conditional Use Permit for

~~Elderly Housing~~ may be issued by the Planning Board provided all of the following review criteria are met.”
(Recommended by the Planning Board by a vote of 7 to 0)

Are you in favor of the adoption of **Amendment #11** as proposed by the planning board for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #11: Article V Section 5.05.3: Conditional Use Permit Review Criteria to amend the section to read “*For an Elderly Housing Conditional Use Permit, the development shall be designed...*”.
(Recommended by the Planning Board by a vote of 7 to 0)

Are you in favor of the adoption of **Amendment #12** as proposed by the planning board for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #12: Article V Section 5.05.4: Conditional Use Permit Review Criteria, Amend Section 5.05.4 to replace “~~maximize~~” with “maintain” to read: The design and site layout of the proposed development shall complement and harmonize with the rural character of the Town of Candia and shall *maintain* the privacy of dwelling units and preserve the natural character of the land. (Recommended by the Planning Board by a vote of 7 to 0)

Are you in favor of the adoption of **Amendment #13** as proposed by the planning board for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #13: Article III: Definitions, Article 5.02; Table of use Regulations and Article V Section 5.07 Conditional Use Permit Standards. **Purpose: To ensure compliance with the requirements of RSA 272:72.** To establish a new definition of workforce housing and a conditional use permit process for the review and approval of workforce housing developments within the Town’s Residential and Mixed-Use Districts. Also includes new standards and provisions for the review and approval for such developments.

To see if the Town will vote for **Amendment #14** as SUBMITTED BY PETITION, for the Town of Candia zoning ordinance as follows:

ZONING AMENDMENT #14: To see if the town will vote to repeal the following section of the Candia Zoning Ordinance in its entirety: “Section 5.04 10 Waivers. Section 5.04 10 Waivers – Compliance with the individual provisions of this ordinance shall constitute the conditions required for the issuance of a Conditional Use Permit. Any provision of this ordinance may be waived, when, upon the application by the applicant to the Planning Board, the Board shall determine in its sole discretion 1) that requiring compliance with the particular provision for the granting of a Conditional Use Permit would create an unreasonable hardship and 2) that the application would be consistent with the spirit and intent of this ordinance. Requests for waivers must be written and the Planning Board must vote on each waiver request at properly noticed public hearing.” (IF YOU VOTE YES FOR THIS WARRANT ARTICLE YOU WILL REMOVE THE PLANNING BOARD’S AUTHORITY TO GRANT WAIVERS).
(Not recommended by the Planning Board by a vote of 7-0-0)