



# TOWN OF PEMBROKE

Town Hall ~ 311 Pembroke Street, Pembroke, New Hampshire 03275 Tel: 603-485-4747

## COURTESY LISTING PEMBROKE PLANNING BOARD POSTING OF PROPOSED 2018 AMENDMENTS TO THE ZONING ORDINANCE

The following proposed changes to the Town of Pembroke Zoning Ordinance are being proposed by the Planning Board for the March 13, 2018 Town Meeting.

Proposed language is underlined and existing language is crossed out.

**Proposed Zoning Amendment #1** Public Hearing completed on December 12, 2017

Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

### **§ 143-18.1 Accessory dwelling units.**

**One Accessory Dwelling Unit (ADU) shall be permitted in accordance with the NH Planning and Land Use Regulations RSA 674:71, 674:72, 674:73 as amended.**

**Further,** one ADU shall be permitted in all zones that allow single Family Detached Dwelling Units by special exception from the zoning board of adjustment with the following stipulations.

- A. An accessory dwelling unit shall be clearly incidental to the primary use of the property for a single-family dwelling. Such accessory living space shall not exceed 750 square feet and all appropriate town building codes shall be followed.
- B. An accessory dwelling unit may be constructed either within or attached to the single-family dwelling.
- C. At least one interior connecting door or other access for persons to pass between the accessory dwelling unit and the single-family dwelling must be included.
- D. Septic system design/capacity shall be approved by the NH Department of Environmental Services and provided to the Town.
- E. **A minimum of** one off street parking space shall be provided for an accessory dwelling unit, however, no new curb cut from the street shall be constructed.

- F. Exterior construction and material shall be uniform and compatible with the single-family dwelling.
- G. There shall be only one electric, water, and sewer service for both units.
- H. This section of the ordinance does not preclude the applicant from having to comply with applicable sewer and water connection fees.

**Proposed Zoning Amendment #2** Public Hearing completed on November 14, 2017

Are you in favor of the adoption of Amendment #2 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

**§ 143-68 Aquifer Conservation (AC) District.**

- F. Special Exceptions: For use which may be allowed by special exception in the underlying zoning district the Zoning Board of Adjustment must first find, in written findings of fact, that all of the following are true:
  - (1) The proposed use will not have a detrimental effect on the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;
  - (2) The proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer, or in the storage capacity of the aquifer;
  - (3) The proposed use will discharge no wastewater on site other than that which is permitted under the provisions of this section; and
  - (4) The proposed use complies with all other applicable sections of this section.

The Zoning Board of Adjustment may require that the applicant for a special exception provide data or reports prepared by a professional engineer or qualified groundwater consultant to assess any potential damage to the aquifer that may result from the proposed use. The Zoning Board of Adjustment may engage such professional assistance as it requires to adequately evaluate such reports and to evaluate, in general, the proposed use in light of the above criteria. Costs for any of the above-mentioned services shall be paid by the applicant.

Prior to rendering a decision on an application for a Special Exception, the Zoning Board of Adjustment shall request **input** from the Planning **Department, Board** (~~only if subsequent action by the Planning Board is not required~~) the Conservation Commission, and

the Health Officer as to whether the proposed use is consistent with the purpose of this section.

**[Amended 3-13-2007 Town Meeting by Amendment No. 1]**

**Exemption: The provisions of this section shall not apply to special exceptions granted relating to one or two family residences and Accessory Dwelling Units.**

**Proposed Zoning Amendment #3** Public Hearing completed on November 14, 2017

Are you in favor of the adoption of Amendment #3 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

### **§ 143-42 Commercial kennels.**

For commercial kennels the following special conditions shall apply:

A. (Reserved)

*Editor's Note: Former Subsection A, which required compliance with licensing requirements, was repealed 3-13-2007 by Amendment No. 5.*

B. A commercial kennel shall not be considered a home business.

**[Added 3-11-2008 Town Meeting by Amendment No. 2]**

C. A new commercial kennel shall be required to undergo site plan review process;

**[Added 3-11-2008 Town Meeting by Amendment No. 2]**

D. No outdoor commercial kennel shall be located less than 400' from the front lot line and 200' from the rear and side lot lines;

**[Amended 3-11-2008 Town Meeting by Amendment No. 2]**

E. No indoor commercial kennel shall be located less than 100' from the front lot line and 50' from the rear and side lot lines;

**[Added 3-11-2008 Town Meeting by Amendment No. 2]**

F. One 12 square foot freestanding sign shall ~~is~~ **be** permitted in accordance with ~~143-59~~ **143-62 Dimensional Table of Signs**, or with dimensions compliant with ~~143-59~~ **143-62 Dimensional Table of Signs**, whichever is more restrictive;

**[Added 3-11-2008 Town Meeting by Amendment No. 2]**

**Proposed Zoning Amendment #4** Public Hearing completed on November 14, 2017

Are you in favor of the adoption of Amendment #4 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

**§ 143-30.1 Office Conversions.**

- D. Specifically, the following special conditions must be met to the satisfaction of the Zoning Board of Adjustment as well as the conditions set forth in § 143-113 before a special exception can be granted. In granting a special exception, the Zoning Board of Adjustment may attach any reasonable conditions to the approval to insure the protection of the residential character of the neighborhood:
- (5) There shall be no advertising on the premises other than as provided under § 143-62, Dimensional Table of Signs, and ~~§ 143-63C;~~

**Proposed Zoning Amendment #5** Public Hearing completed on November 28, 2017

Are you in favor of the adoption of Amendment #5 as proposed by the Planning Board to add a definition of an Accessory Dwelling Unit to the Town Zoning Ordinance as follows:

**§ 143-18 Definitions.**

**Accessory Dwelling Unit (ADU)- A residential living unit no larger than 750 square feet that is within or attached to a single-family dwelling, and that provides independent living facilities for one or more persons, includes provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies. Refer to 143-18.1.**

**Zoning Amendment #6**

Public Hearing held on December 12, 2017

Are you in favor of the adoption of Amendment #6 as proposed by the Planning Board as follows:

**§ 143-46 Table of Off-Street Parking Requirements.**

NOTES	
1)	Where one building or site is used for more than one use, parking requirements shall be computed for each use as if it were a principal use, except as provided for under Article XI.

<b>NOTES</b>	
2)	Where the computation of parking spaces results in a fractional number, the fraction of <del>one-half (1/2) or more</del> shall be counted as one parking space.
3)	For any use other than one specifically mentioned in § <b>143-46</b> , the parking requirements shall be as for the closest similar use as determined by the Code Enforcement Officer.
4)	In addition to the <del>residential</del> parking requirements <b><u>specifically mentioned in Table 143-46</u></b> additional spaces may be required by the Planning Board for visitor, <b><u>employee, staff parking, and any other</u></b> parking depending on the type of <del>residential</del> use.
5)	<b><u>The Code Enforcement Officer shall assess the need for parking in addition to what is specified in Table 143-46 and make any recommendations to the Planning Board.</u></b>

## Zoning Amendment #7

Public Hearing completed on December 12, 2017

Are you in favor of the adoption of Amendment #7 as proposed by the Planning Board for the following section of the Town Zoning Ordinance as follows:

### **§ 143-8 Definitions.**

**CONTIGUOUS BUILDABLE AREA** – A contiguous area on a single lot which consists of buildable area, unfragmented by non-buildable area. **[Amended 3-12-2013 Town Meeting Amendment No.3]**

**Refer to note #13 Table 143-21 for additional information**

**LOT** - A tract of land owned and recorded as the property of the same persons or controlled by a single entity. (Also parcel) **Refer to note #8 Table 143-21 for additional information**

**LOT FRONTAGE** - The length of the front lot line measured at the street right-of-way line **Refer to notes #2, #3, #6, #12 Table 143-21 for additional information**

**LOT, CORNER** - A lot or parcel of land abutting upon two or more streets at their intersection or upon two parts of the same street form an interior angle of less ~~then~~ **than** 135 degrees. **Refer to note #4 Table 143-21 for additional information**

**LOT, THROUGH** - A lot that fronts on two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

**Refer to note #9 Table 143-21 for additional information**

**SEPTIC SYSTEMS** A wastewater disposal or treatment system that receives domestic sewage, other than a holding tank.

**Refer to note #14 & #15 Table 143-21 for additional information**

**SETBACK (YARD DEPTH) MEASUREMENT** – The setback (yard depth) of a parcel shall be measured from the lot line

**Refer to note #5 & #14 Table 143-21 for additional information**

**YARD** - A portion of a lot upon which a building is not situated, unobstructed artificially from the ground to the sky, except as otherwise provided herein.

**Refer to note #10 Table 143-21 for additional information**

**§ 143-20 Applicability of dimensional and density regulations.**

The regulations for each district pertaining to minimum lot area, minimum lot frontage, minimum lot depth, minimum front yard depth, minimum side yard depth, minimum rear yard depth, maximum height of buildings, and percent minimum pervious space shall be specified in this section and set forth in the Table of Dimensional and Density Regulations, and subject to the further provisions of this chapter. **[Amended 3-10-2015 Town Meeting]** **Refer to note #7 Table 143-21 for Additional information**

**§ 143-76 Maximum Development Density.**

**[Amended 3-12-2013 Town Meeting Amendment No. 11]**

Calculation of Buildable (useable) Area. The density requirement (number of dwelling units per unit of buildable area) for any open space development shall generally be the same as the underlying zoning district permits. The calculation of total buildable area shall only include the portions of the parcel that meet the minimum contiguous buildable area for that district. **Refer to note #8 Table 143-21 for additional information**

Copies of all proposed Zoning Ordinance amendments will be available for review at the public hearing, or can be reviewed in advance at the Town of Pembroke Town Offices at 311 Pembroke Street during normal business hours. Phone 603-485-4747.