

PUBLIC HEARING NOTICE
TOWN OF NEW DURHAM

You are hereby notified that the New Durham Planning Board will conduct a Public Hearing to receive public comment and consider a COMPREHENSIVE AMENDMENT TO THE NEW DURHAM ZONING AND LAND USE ORDINANCE on Tuesday January 6, 2015 at 7:00 p.m. at the New Durham Town Hall. A second public hearing will be held, if necessary, on Wednesday January 21, 2015 at 7 p.m. at the New Durham Town Hall, to receive public comment on any changes made, if any, after at the first public hearing.

The proposed Comprehensive Amendments include Editorial Revisions to nearly every Article in the current Zoning Ordinance, intended to re-organize and clarify existing provisions, consistent with State Zoning Laws. The proposed Comprehensive Amendments also include substantive changes, summarized as follows:

Article I, Authority and Purpose: Editorial Revisions. The proposed amendments to this Article impact the administration of the Zoning Ordinance by the Town, but do not impact the uses allowed in any district.

Article II, Administrative Provisions: Editorial Revisions. This Article includes the administrative provisions currently Articles XIX – XXV, with minor revisions to be consistent with State zoning laws. These changes do not impact the uses allowed in any district.

Article III, Definitions: Substantial Editorial Revisions are proposed to this Article, including the consolidation of definitions into a single Article, as well as minor clarifications consistent with state law. Substantive amendments are proposed to the following definitions: Buildable Lot; Building & Accessory Building; Camping Area & Campground; Camping, Organized Youth Camp; Commercial Docking Facility; and Structure. These changes impact the use of land in all zoning districts in which Buildings, Accessory Buildings, Camping Areas, Campgrounds, Commercial Docking Facilities, or Structures may be located.

Article IV, Establishment of Districts: Minor Editorial Revisions are proposed. These changes do not impact the uses allowed in any district.

Article V, Dimensional Requirements: Substantial Editorial Revisions are proposed to this Article including the consolidation of existing requirements into a single Article and minor clarifications consistent with state law. Substantive amendments are proposed to the following: Clarifications that road frontage is required for all buildable lots, except as otherwise permitted by the Zoning Board of Adjustment, to comply with RSA 674:41; and a change to provide that Woodlots may be less than 10 acres, subject to certain conditions, with temporary campers for a period not to exceed 60 days. These changes impact the use of land in all zoning districts in which buildings or woodlots may be located.

Article VI, General Provisions/Use Regulations: Substantial Editorial Revisions are proposed to this Article including the consolidation of existing requirements into a single Article and minor clarifications consistent with state law. These changes do not impact the uses allowed in any district.

Article VII, Special Exceptions: Substantial Editorial and substantive revisions are proposed to this Article, including: Criteria applicable to all uses permitted by special exception, including Commercial, Industrial and Multi-family uses; and Criteria for Camping Areas and Campgrounds. These changes impact the use of land in all zoning districts in which Commercial, Industrial, or Multi-family buildings, Camping Areas or Campgrounds, Mobile Home Parks, Utilities or other uses or structures permitted by special exception may be located.

Article VIII, Residential-Recreational-Agricultural District: Substantial Editorial and Substantive Revisions are proposed to this Article, including: Regulation of Accessory Dwelling Units; Restriction of Two Family Dwellings whenever road access, fire safety, terrain or other environmental factors may be detrimental to public health and safety; Home Occupations are permitted subject to the Ordinance; and the Ordinance is clarified to require a special exception for Multi-family uses. These changes impact the use of land in the District on which the above uses or structures may be located.

Article IX, Town Center Mixed Use Zoning District:

Substantial Editorial and Substantive Revisions are proposed to this Article, including: Multi-Family Uses are allowed by Conditional Use Permit (rather than by Special Exception); Agricultural and Forestry Uses are allowed, except where such uses create a public nuisance; Non-residential uses are allowed as part of a Mixed Use Development; Use of regulated substances by Dental or Health Care Facilities is clarified to be permitted; and clarifications that all Multi-family and Non-Residential uses are subject to site plan and/or subdivision review. These changes impact the use of land in the District on which the above uses or structures may be located.

Article XIV: Shorefront Conservation District: Substantial Editorial Revisions are proposed to this Article. The following substantive changes are proposed: Minimum criteria for Shorefront Common Areas for residential and commercial development are established, including: (1) minimum shore frontage requirements of 150 feet and additional frontage required based on the number of commercial or residential users; (2) required swimming areas; and (3) parking requirements. These changes impact all zoning districts in which Shorefront Common Areas may be located.

Article XX: Non-Conforming Buildings, Land or Uses: Substantial Editorial Revisions are proposed to this Article. The following changes are proposed: Alteration or Expansion of Non-Conforming Uses or Property which make such uses or property more non-conforming with the terms of the Ordinance is prohibited; and a change to require a 75 foot setback for buildings from any water body or river course in Flood Hazard Areas. These changes impact the use of land in all Zoning Districts in which Non-Conforming Uses, Structures or Property may be located.

Editorial Revisions are proposed to the following Articles which do not impact the uses allowed in any district:

Article X, Conservation Focus Area Overlay District;
Article XI, Steep Slope Overlay District;
Article XII, Aquifer Protection Overlay District;
Article XIII: Wetland Conservation Overlay District;
Article XV: Water Quality Protection Overlay District;
Article XVI: Open Space Conservation Subdivision;
Article XVII: Stormwater Management and Control;
Article XVIII: Impact Fee Ordinance; and

Article XIX: Sign Regulations.

Copies of the proposed amendments are available for public inspection at the New Durham Town Offices. A complete copy may also be downloaded on from the Town's Web site: www.newdurhamnh.us