ZONING AMENDMENT ARTICLES 2024

Planning Board Public Hearing 1/3/24

1. **Amend Article 2.02 Definition # 37 Home Business**, to address use of accessory structure and parking provisions.

Text of Ordinance to Read:

2.02 Words and Terms

(37). Home Business: The manufacture and/or sale of products such as jewelry, pottery, **baked goods,** furniture or similar items that has been customarily carried out **within a principal living unit and/or accessory structure,** ~~a single family detached dwelling~~, is conducted by the residents thereof, is clearly an accessory use to the residential purposes of the **parcel** ~~dwelling~~ **is subordinate to the primary use of the premises,** and does not change the character thereof. **All parking must take place on site (on street parking is prohibited). Any outside storage of materials and/or equipment shall be screened from the road and surrounding properties by natural or structural means** In such cases only one employee from outside of persons living in said dwelling will be permitted. This definition does not include a sexually-oriented business. See also Section 3.22

1. **Amend Article 2.02 Definition # 38 Home Office** to change definition to Home Occupation Office, to address use of accessory structure and parking provisions.

Text of Ordinance to Read:

2.02 Words and Terms

(38). Home ~~Office~~:**Occupation Office:** An office such as used by a lawyer, doctor, accountant, realtor or other professional or service person that has been customarily carried out **within a principal living unit and/or accessory structure**, ~~in a single family detached dwelling,~~ is conducted by the residents thereof, is clearly an accessory use to the residential purposes of the dwelling and does not change the character thereof. **All parking must take place on site (on street parking is prohibited)** In such cases only one employee from outside of persons living in said dwelling will be permitted. See also Section 3.22.

1. **Amend Article 2.02 Definition # 39 Home Shop** to address use of accessory structure and parking provisions.

Text of Ordinance to Read:

2.02 Words and Terms

(39). Home Shop: A shop such as used by an electrician, plumber or similar tradesperson that has been customarily carried out **within a principal living unit and/or accessory structure,** ~~in a single family detached dwelling~~, is conducted by the residents thereof, is clearly an accessory use to the residential purposes of the **parcel** ~~dwelling~~ **is subordinate to the primary use of the premises**, and does not change the character thereof. **All parking must take place on site (on street parking is prohibited). Any outside storage of materials and/or equipment shall be screened from the road and surrounding properties by natural or structural means.** In such cases only one employee from outside of persons living in said dwelling will be permitted. See also Section 3.22.

1. **Amend Article 6 Flood Plain Management Ordinance** in its entirety to reflect language in compliance with National Flood insurance Program.

**[Full Text pending]**

1. **Amend Article 12 Growth Management Section 12.04 Exceptions** to change existing language to reflect modern terminology

Text of Ordinance to Read:

12.04 Exceptions

(2). Proposals for housing for the ~~elderly~~, **age restricted 55 and older housing,** ~~handicapped~~, **accessibility housing** or ~~economically disadvantaged~~ **Workforce Housing** may be excluded from the limitations of this Article upon a finding by the Zoning Board of Adjustment that the proposed project does provide such housing, and provided said proposed housing complies in all other regards to the Town Zoning Ordinance, Subdivision Regulations and with the intent of the Master Plan.

1. By Petition. Remove Article 8 - 55 and Older Housing Regulations

Text of Ordinance to Read:

Article 8 – ~~55 and Older Housing Regulations~~ Reserved for future use

55 and Older Housing Regulations removed by town vote March 2024.

1. **By Petition. Amend Article 8 - 55 and Older Housing Regulations** to remove Section 8.01 Authority Statement

Text of Ordinance to Read:

8.01 ~~Authority Statement: This article is adopted pursuant to the provisions of NH RSA 674:16 and 674:21, Innovative Land Use Controls, and is adopted to effectuate the Master Plan for the Town of Auburn. The Auburn Planning Board, under the authority of this Article, may grant the Applicant relief from the requirements of this article as they deem appropriate and necessary.~~

**Reserved for future use.**

1. **By Petition. Amend Article 8 - 55 and Older Housing Regulations** Section 8.07 (2) - to change frontage requirement from Class V to Class I road.

Text of Ordinance to Read:

8.07 Regulations and Design Criteria

(2) Project Size: The minimum size tract of land for a 55 and older housing development shall be ten (10) acres of land with a minimum of five (5) acres of usable land. The tract shall have a minimum of fifty (50) foot frontage on a ~~Class V or better~~ **Class I** road. If, in the discretion of the Planning Board, a second access or exit road is required for traffic circulation or safety, then the Planning Board shall require a minimum of fifty (50) feet of additional frontage on a Class V or better road.

1. **By Petition. Amend Article 8 - 55 and Older Housing Regulations** Section 8.07 (5) – change minimum buffer zone from 100 ft. to 200 ft.

Text of Ordinance to Read:

8.07 Regulations and Design Criteria

(5) Buffers: The Planning Board shall establish a buffer zone around the entire perimeter of the 55 and Older Housing Project site based on the following criteria:

(a) Topographic features of the site and adjacent sites;

(b) Use or zoning classification of abutting land;

(c) Degree of visual barrier provided by the proposed buffer; and

(d) Degree of screening provided by the developer.

In no event shall the buffer zone be less than ~~one hundred (100)~~ two hundred (200) feet. Natural, existing, wooded, buffers are preferred; however, the buffers for each project will be individually considered by the Planning Board, as part of the review and approval process.

1. **By Petition. Amend Article 8 - 55 and Older Housing Regulations** Section 8.07 (6)– to increase wetland buffer zones

Text of Ordinance to Read:

8.07 Regulations and Design Criteria

(6) Wetland Buffer Zones: The wetland buffer zones shall **not** be reduced ~~to the following~~:

a. Level 1 wetlands = ~~50~~’ **125’**

b. Level 2 & 3 wetlands = ~~25’~~ **75’**

Note: Wetland buffer zones shall be “no-disturb” buffers and the buffers shall be delineated with placards every 100’ and shall be placed on existing trees or steel t-posts.

1. **By Petition. Amend Article 8 - 55 and Older Housing Regulations** to change Section 8.07 (7) – additional off-street parking required for each dwelling unit over 20 units

Text of Ordinance to Read:

8.07 Regulations and Design Criteria

(7) Parking: There shall be two (2) indoor/garage parking spaces and one visitor parking space per dwelling unit. The Planning Board shall take into consideration the needs of persons 55 and older when considering the location of parking spaces and the parking area’s access to the unit(s) it serves. Depending on the size and layout of the development, the Board may require additional visitor parking spaces. **However, at a minimum, if the size of the layout of the development is larger than 20 dwelling units, 1 additional off-street parking space, per additional dwelling units over 20 dwelling units are required.**

1. **By Petition. Amend Article 8 - 55 and Older Housing Regulations** Section 8.07 (11) – to change maximum dead-end road length to 1,000 ft

Text of Ordinance to Read:

(11) Road Construction: …

Maximum dead-end road length ~~Determined by Board~~ **1,000 feet**

1. **By Petition. Amend Article 8 - 55 and Older Housing Regulations** to add Section 8.07 13(a) – 30k gallon cisterns required with a minimum of 1 cistern per 25 dwelling units

Text of Ordinance to Read:

(13) Fire suppression systems: Shall be designed to standards approved by the Auburn Fire Department and are required in all housing units. Prior to conditional or final approval, written approval from the Fire Department shall be obtained.

1. **30,000 gallon cistern required with a minimum of 1 cistern per 25 dwelling units.**
2. **By Petition. Amend Article 8 - 55 and Older Housing Regulations**  to add Section 8.07 (19) – to add requirements and liabilities for new wells

Text of Ordinance to Read:

8.07 Regulations and Design Criteria …

**(19) Contractors, builders, and those involved in construction on 55+ communities, industrial, and commercial properties will go through the NH Well Water Board for all new wells. Those building for larger than 3+ homes, industrial, or commercial properties will be responsible for any issues with neighboring community wells and individual wells that may result in drying out for a period of 7 years following the completion of construction per phase.**

1. **By Petition. Amend Article 8 - 55 and Older Housing Regulations** to add Section 8.07 (20) – additional, separate traffic impact study required

Text of Ordinance to Read:

8.07 Regulations and Design Criteria …

**(20) The Town of Auburn is required to conduct their own separate traffic impact study and is required to be for a period of no less than 3 weeks and to be separate from the builder, contractor submission of same.**

1. **By Petition. Amend Article 8 - 55 and Older Housing Regulations** Section 8.11 -to change from 10% of the total number of non-55 and older housing units to 5% of 55 and older housing units

Text of Ordinance to Read:

8.11 Maximum Number of Units The total number of 55 and older housing units approved under the provisions of this Ordinance shall not exceed ~~ten (10%)~~ **five (5%)** percent of the total number of non-55 and older housing units then currently existing in the Town. This requirement shall be reviewed by the Planning Board on an annual basis to determine the need for 55 and older housing in the region and the Town’s proportionate share.

1. **By Petition.** To require primary ingress and egress via a state numbered highway for residential developments over 20 dwelling units and commercial or industrial developments over 10 acres.

Text of Ordinance to Read:

*Location within ordinance to be determined.*

**Any large development project larger than 20 dwelling units or any commercial/industrial unit larger than 10 acres, must have the primary ingress and egress onto a state numbered highway.**