

2016 Proposed Zoning Changes

This is intended to be an explanatory document to help residents understand the 2016 Zoning Amendments proposed by the Planning Board. The full text of the Amendments can be reviewed on the Town's website (<http://www.amherstnh.gov/planning-zoning/pages/2016-zoning-changes>) or in the Community Development Office during business hours (8am-4pm, Monday through Friday).

ARTICLE 34: Mobile Homes & Trailers

Are you in favor of adopting Amendment No. 1 as proposed by the Planning Board as follows:

To amend Section 3.6 of the Zoning Ordinance, Mobile Homes & Trailers, clarifying that unoccupied recreational vehicles may be stored in all zones, allowing temporary occupancy of a recreational vehicle by a person for whom a residence is being built on the property, and allowing limited temporary occupancy of a recreational vehicle on a property for non-paying guests of the property owner.

(The Planning Board voted 6-0-0 to support this article)

Currently, storage of recreational vehicles is permitted in all areas of Town. This amendment clarifies that this refers to unoccupied recreational vehicles. The amendment includes a provision to allow the temporary occupancy of a registered recreational vehicle during construction by a person for whom a residence is being built on the property, subject to approval by the Zoning Administrator, and will allow property owners to permit guests to occupy recreational vehicles on a limited basis.

What does this mean?

A “yes” vote on this article means that, if you are building a home on your property, you may temporarily occupy a recreational vehicle on the property while your home is under construction.

A “yes” vote also means that, if you have non-paying guests visiting, they can temporarily occupy a recreational vehicle on your property for no more than 30 days in any one calendar year.

A “no” vote does not change the ordinance and recreational vehicles can be stored unoccupied in all districts in Town.

ARTICLE 35: Proposed Text Amendment Changes for Consistency with 2015 Amendments

Are you in favor of adopting Amendment No. 2 as proposed by the Planning Board as follows:

To amend Sections 4.3.A.7, 4.5.B.7 and 4.16.E of the Zoning Ordinance for text amendments and reference updates consistent with Zoning Amendments approved by the Town in 2015.

(The Planning Board voted 6-0-0 to support this article)

In 2015, the Town adopted an amended Workforce Housing Ordinance and Integrated Innovative Housing Ordinance. The amendment now proposed will correct superseded references to “Affordable” housing and will update Section references. These changes are non-substantive.

What does this mean?

A “yes” vote would correct references to “Affordable Housing” which was eliminated to “Workforce Housing”. Voting “yes” on this article will not change the allowed uses, density or dimensional criteria of the zone.

A “no” vote will leave the language unchanged, and will not correct the inconsistent references in the Ordinance. A “no” vote will not change the allowed uses, density, or dimensional criteria of the zone.

ARTICLE 36: Personal Wireless Service Facilities

Are you in favor of adopting Amendment No. 3 as proposed by the Planning Board as follows:

To amend Section 3.16.E of the Zoning Ordinance, Personal Wireless Service Facilities, to eliminate the requirement for site plan review for co-location of antennas on an existing telecommunications tower. This change is proposed to bring the ordinance into compliance with RSA 12K:10.

(The Planning Board voted 6-0-0 to support this article)

A 2013 change in State law expressly exempts existing telecommunications towers from site plan review for co-location of antennas on an existing tower. The proposed amendment will make the Zoning Ordinance consistent with State statute.

What does this mean?

A “yes” vote would exempt co-location projects for telecommunication towers from site plan review by the Planning Board and would bring our ordinance into compliance with State law.

A “no” vote would not change the ordinance, but as State law supersedes local ordinances, co-location projects for telecommunication towers would still be exempt from site plan review by the Planning Board.

ARTICLE 37: Elderly Housing Density

Are you in favor of adopting Amendment No. 4 as proposed by the Planning Board as follows:

To amend Section 4.20A of the Zoning Ordinance, Elderly Housing to delete the minimum net tract area for elderly housing developments. **[The ballot refers to “next tract area”, it should refer to “net tract area as included in the full text of the amendment posted by the Planning Board]**

(The Planning Board voted 6-0-0 to support this article)

In 2015, adoption of the Integrated Innovative Housing Ordinance (IIHO) provided a new structure for density calculations for all innovative housing types, including elderly housing developments. The proposed amendment will eliminate an unintended additional density bonus for elderly housing developments above and beyond density allowed under the IIHO ordinance.

What does this mean?

A “yes” vote would eliminate the additional unintended density “bonus” that exists for elderly housing development, and those developments would have the same baseline density as the underlying zoning district (i.e. 1 dwelling per 2 acre lot).

A “no” vote would not change the ordinance, allowing elderly housing developments to be built at a higher density, and to also realize additional density bonuses through the IIHO ordinance.

ARTICLE 38: Board of Adjustment

Are you in favor of adopting Amendment No. 5 as proposed by the Planning Board as follows:

To amend Section 6.3 of the Zoning Ordinance, Zoning Board of Adjustment, to eliminate the requirement that a member of the Zoning Board shall hold no other elected municipal office, to formalize the authority of the Zoning Board to appoint up to five alternates as provided in RSA 673:6 II-a and to make the conditions for granting a variance consistent with State statute.

(The Planning Board voted 6-0-0 to support this article)

Currently, Zoning Board members may not hold any other elected office in the Town, limiting the pool of potential Board members. This amendment will eliminate that requirement, and also affirm the statutory authority of the Zoning Board to appoint alternate members. The Amendment also corrects obsolete criteria for the conditions for granting a variance which have been superseded by changes in State law.

What does this mean?

A “yes” vote would allow ZBA members and alternates to hold other elected offices in the Town as long as they are not incompatible offices under State statute.

A “no” vote would mean that ZBA members and alternates cannot hold any other elected office in Town (i.e. Selectman, Cemetery Trustee, etc).

ARTICLE 39: Administration

Are you in favor of adopting Amendment No. 6 as proposed by the Planning Board as follows:

To amend Section 6.1 of the Zoning Ordinance, Administration, to correct formatting errors and update the organization of this section.

(The Planning Board voted 6-0-0 to support this article)

Over time, as the Zoning Ordinance has been amended, formatting and organizational errors have

presented the potential for misinterpretation in the administration and application of the Zoning Ordinance. The proposed amendment is a non-substantive changes that are organizational only.

What does this mean?

Over the years, zoning amendments and formatting errors have resulted in unintended changes in the organization of the ordinance. Voting “yes” will fix those organizational errors but will not change in the interpretation or application of the ordinance.

A “no” vote will not change the ordinance or its intent and will leave the organizational errors in place.

ARTICLE 40: Recreational Uses

Are you in favor of adopting Amendment No. 7 as proposed by the Planning Board as follows:

To amend Sections 4.3.A.8, 4.4.B.7, 4.5.B.8, 4.6.B.4, 4.7.A.7, 4.8.A.10, 4.9.A.17, Section 4.7.B.1, Section 4.9.A.14 to permit non-commercial sports and recreation uses in all zones in the Town, subject to site plan review by the Planning Board and to amend Section 9.1, Definitions, to insert definitions for non-commercial and commercial recreational uses.

(The Planning Board voted 6-0-0 to support this article)

Currently, non-commercial recreation is only permitted as an accessory use in residential zones. The proposed amendment creates definitions for non-commercial and commercial recreation and allows non-commercial, not-for-profit recreational uses in all zones in Town. Commercial recreational uses will continue to be permitted by right in the Industrial Zone and permitted by Special Exception in the Commercial Zone.

What does this mean?

A “yes” vote would mean that non-commercial recreational uses would be permitted throughout town.

A “no” vote will not change the ordinance and commercial and non-commercial recreation will continue to be allowed in the Commercial and Industrial Zones and non-commercial recreation will continue to be allowed only as an accessory use in Residential Zones.

ARTICLE 41: Temporary Sign Standards

Are you in favor of adopting Amendment No. 8 as proposed by the Planning Board as follows:

To amend Section 3.4.D of the Zoning Ordinance, Temporary Signage by deleting the current language and replacing it with new temporary language that provides consistency in the temporary sign allowance for businesses, community organizations and individuals.

(The Planning Board voted 6-0-0 to support this article)

A recent Supreme Court ruling has had implications for the way that municipalities regulate signs. In order to treat all businesses and organizations consistently, and to address concerns directed

to the Community Development Office by the businesses and community organizations, a uniform standard for temporary signage is being proposed.

What does this mean?

A “yes” vote would eliminate the current temporary sign standards and would allow any business, community group or individual to post a temporary sign up to four times per year for up to 21 days each. Currently community organizations can have an unlimited number of temporary signs while businesses can have only one sign per year for up to 30 days.

A “no” vote would not change the ordinance and would continue to treat community organizations and businesses differently, which could be in conflict with a ruling by the US Supreme Court regarding regulation of signage.

ARTICLE 42: Withdrawn by the Planning Board

This warrant article has been withdrawn by the Planning Board. The article number has been retained so as not to disturb the numeric sequence of the remaining articles.

ARTICLE 43: Accessory Apartments

Are you in favor of adopting Amendment No. 9 as proposed by the Planning Board as follows:

To amend Sections 4.3, 4.4, 4.5, 4.7 and 4.8 of the Zoning Ordinance to add accessory apartments as a permitted use in the zones where they are currently permitted by special exception.

(The Planning Board voted 6-0-0 to support this article)

Currently, accessory apartments are allowed by special exception in all residential zones in Town. The proposed amendment would make accessory apartments a permitted use, eliminating the need for application to the Zoning Board of Adjustment. The current criteria for size and configuration of accessory apartments will remain the same, and will be administered by the Building Official and Zoning Administrator rather than the ZBA.

What does this mean?

A “yes” vote means that any person wishing to construct an accessory apartment that meets the criteria of the ordinance may do so upon receipt of a building permit from the Town. This streamlines the process for obtaining approval for an accessory apartment.

A “no” vote means that accessory apartments will continue to be allowed by special exception and approval is required from the Zoning Board of Adjustment prior to receipt of a building permit from the Town.

Questions or requests for clarification on the proposed Zoning Amendments should be directed to the Community Development Office, 673-6041 ext. 206 or cmailloux@amherstnh.gov.