



**FINAL POSTING FOR
PROPOSED AMENDMENTS TO
THE ZONING ORDINANCE
MARCH 22, 2016**

Made available in the Town House on March 22, 2016 at the Town Clerk's Office and the Office of Community Development, at the Library, and on the Town's website @ www.townofpeterborough.com.

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NOTE: Amended or new language is shown as *italic*, existing language or entire new sections are shown as normal, and language to be deleted is shown in ~~with a strikethrough~~. Areas highlighted with a grey background are amendment descriptions. If adopted these descriptions are not added to the zoning ordinance text.

PLANNING BOARD AMENDMENT A – § 245-12 SHORELAND CONSERVATION ZONE

Are you in favor of the adoption of **Amendment A** as proposed by the Planning Board for the Peterborough Zoning Ordinance as follows:

To amend §245-12 “**Shoreland Conservation Zone**” by replacing the requirement of obtaining a Special Exception from the Zoning Board of Adjustment for crossings and other uses, with a requirement of obtaining a Conditional Use Permit from the Planning Board based on the same criteria as currently exists.

Specifically this amendment will:

- 1) Amend Section 245-12 Shoreland Conservation Zone with the intent of replacing the requirement of obtaining a Special Exception from the Zoning Board of Adjustment for crossings and other uses, with a requirement of obtaining a Conditional Use Permit from the Planning Board based on the same criteria as currently exists.
- 2) Adding a section to the Planning Board Site Plan Regulations Article IX Conditional Use Permit to set out the Procedures and Criteria for obtaining a Conditional Use Permit. The criteria to be used for the conditional use permit are the same as those listed in the current Shoreland Conservation Zone ordinance.
- 3) Allowing an applicant to submit one combined Conditional Use Permit application to meet the application requirements of both 245-12 Shoreland Conservation Zone and 245-15 Wetland Protection Overlay Zone when the two zones overlap.

The purpose of this amendment is to make the procedures required for obtaining a Shoreland Conservation Zone approval consistent with those required for the Wetland Protection Overlay Zone approval. This will simplify and streamline the application process while maintaining the same level of protection for the lands within Shoreland Conservation Zone.

PROPOSED AMENDMENT TEXT

I. Amend § 245-12. Shoreland Conservation Zone

D. ~~Special Exception for Crossings: Conditional Uses.~~

1. *Subject to the provisions of RSA 674:21, II, and Article IX of the Site Plan Regulations, the Planning Board is hereby authorized to issue Conditional Use Permits for the following:*

- a. *Crossings of the Zone by: streets, roads, access-ways, and driveways, including stormwater management systems directly related thereto, and utility rights-of-way or easements. ~~are permitted subject to a Special Exception granted by the Zoning Board.~~ In granting requests for Conditional Use Permits ~~special exceptions~~ under this paragraph, the ~~Planning Board, Zoning Board~~ shall consider if the proposed crossing is essential to the productive use of land not within the Shoreland Conservation Zone; and is located and constructed so as to minimize and avoid to the maximum extent practicable, any detrimental impact of such uses upon the Shoreland Conservation Zone. [Amended 5/13/14]*

~~b. Upon receipt of an application for Special Exception under this paragraph, the OCD staff shall refer the application to the Conservation Commission for a report. The Conservation Commission may take into consideration any pertinent information and data. The report of the Conservation Commission shall be submitted to the Office of Community Development no later than five days before the officially scheduled time of the meeting on the Special Exception Permit. It shall be the responsibility of the applicant to provide the Office of Community Development with all required~~

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~~plans, reports, and information pertinent to the preparation of the Conservation Commissions report. [Adopted 5/13/14]~~

[Editor's Note: The above sub-paragraph has been relocated to Article IX of Site Plan Regulations, Section 233-53-1.C]

- b. ~~Other Uses: By Special exception of the Board of Adjustment,~~ Other uses may be allowed if, in the opinion of the Board, the purposes set forth in ~~Subsection Paragraph B above~~ are not adversely affected and provided that ~~it~~ *the Board finds that: the applicable criteria set forth in Article IX Conditional Use Permits, §233-53.2.b. of the Site Plan Regulations have been met.*

~~(1) No proposed use of undeveloped properties shall encroach closer than fifty (50) feet from the high water mark at any point, nor shall it encroach into the Shoreland Conservation Zone by more than thirty percent (30%) of the total area within the Shoreland Conservation Zone on the property.~~

~~(2) For any expansion of existing developed properties, no new pavement shall encroach closer than twenty five (25) feet from the high water mark at any point, and no new structures, whether freestanding or building additions, shall encroach closer than twenty five (25) feet from the high water mark.~~

~~(3) The proposed use will not destroy wildlife habitat or adversely affect the ecology of the body of water or the adjacent banks or have other detrimental environmental impact.~~

~~(4) The proposed use will not cause pollution or soil erosion or otherwise detrimentally impact the public health or safety.~~

~~(5) The proposed use will preserve the aesthetic beauty of the shore.~~

~~(6) The regulations of §245-13, Floodplain District, shall be met.~~

~~(7) The regulations of §245-15, Wetlands Protection Districts, shall be met.~~

~~(8) The regulations of §245-14, Groundwater Overlay Zones, shall be met.~~

[Editor's Note: The Above sub-paragraphs are relocated to Article IX of Site Plan Regulations, Section 233-53-2.B]

2. *In the granting of any Permit, the Board may attach reasonable conditions, waive or modify any of the requirements of this section if specific circumstances relative to the proposal indicate that the waiver will carry out the spirit and intent of the regulation.*
3. *Proposals for crossings of ponds, rivers, streams, and brooks protected by the Shoreland Conservation Zone will also cross the Wetlands Protection Overlay Zone where it overlaps the Shoreland Conservation Zone. When this type of crossing is proposed, one combined Conditional Use Permit application addressing both the Shoreland Conservation Zone and the Wetland Protection Overlay Zone may be submitted, provided that:*
- a. All information necessary to evaluate the impacts and criteria for both the Wetland Protection Overlay Zone and the Shoreland Conservation Zone, in accordance with the applicable sections of the zoning ordinance and Article IX of the Site Plan Regulations, are included in the application.*
- b. The Board evaluates the criteria set forth in both applicable sections of the zoning ordinance, Section 245-12 and Section 245-15, and Article IX of the Site Plan Regulations as it pertains to both zones, in considering approval of the combined Conditional Use Permit.*

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- ~~E.~~ ~~F.~~ Exemptions for residential structures. Notwithstanding other provisions of this Article, the construction of additions and extensions to one- and two-family dwellings shall be permitted in the Shoreland Conservation Zone, provided that the dwelling lawfully existed prior to November 22, 1986, and that the proposed construction conforms ~~with~~to all of the applicable ordinances of the Town of Peterborough.
- ~~E.~~ ~~G.~~ It is the responsibility of applicants with properties under the Shoreland Water Quality Protection Act as regulated by RSA 483-B to meet all minimum protection standards of RSA 483-B:9 and apply to the New Hampshire Department of Environmental Services for any applicable State Shoreland Permits. [Adopted 5/13/14]
- II. *Renumber Article IX § 233-53 Conditional Use Permit for Agricultural Business Enterprise Uses to § 233-54 and insert new § 233-53 Conditional Use Permit for Uses within the Shoreland Conservation Zone as follows:***
- A. *Application Procedure***
1. *The Planning Board may, upon application for a Conditional Use Permit, approve certain uses as described in §245-12D within the Shoreland Conservation Zone based on the procedure below.*
 2. *Applications for a Conditional Use Permit shall be made on forms provided by the Office of Community Development. Where a subdivision or site plan review is involved, the application for a Conditional Use Permit may be submitted as part of the other application. In either case, the application will be reviewed at a duly-noticed public hearing subject to the notification procedure described in Article II.*
 3. *Upon receipt of an application for ~~Special-Exception~~ Conditional Use Permit under this paragraph, the OCD staff shall refer the application to the Conservation Commission for a report. The Conservation Commission may take into consideration any pertinent information and data. The report of the Conservation Commission shall be submitted to the Office of Community Development no later than five days before the officially scheduled time of the meeting on the ~~Special-Exception~~ Conditional Use Permit. It shall be the responsibility of the applicant to provide the Office of Community Development with all required plans, reports, and information pertinent to the preparation of the Conservation Commissions report. [Adopted 5/13/14]*
 4. *OCD staff will prepare a report on the information submitted. The application shall include a site plan and shall contain, at a minimum, the following:*
 - a. *Name, address signature, license number and seal of the professional who prepared the plan.*
 - b. *North arrow and date.*
 - c. *The Shoreland Conservation Zone limits as described in §245-12A.*
 - d. *Wetland Limits and any associated buffers and setbacks*
 - e. *Topographical contours at no greater than 5-foot intervals.*
 - f. *Existing and proposed development, removal of vegetation, and alteration of the land surface.*
 - g. *Location of existing and proposed streets, roads, access ways, and driveways, including storm water management systems.*
 - h. *Computation of the area to be impacted, in square feet of the surface area and cubic yards of cubic yards of cut and fill.*
 5. *The Planning Board reserves the right to require a performance guaranty, as per §233-19, for any proposed development in the Shoreland Conservation Zone for projects that are not otherwise subject to site plan review.*

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6. *The Planning Board may require periodic inspections of any component of construction, at the applicants expense, as per §233-39.*

B. Criteria that applies to proposed Crossings or Other uses.

1. Crossings:

- a. All proposed crossings shall be essential to the productive use of land not within the Shoreland Conservation Zone.*
- b. All proposed crossings shall be located and constructed so as to minimize and avoid to the maximum extent practicable, any detrimental impact of such uses upon the Shoreland Conservation Zone.*

2. Other Uses:

- a. Other uses may be allowed if, in the opinion of the Board, the purposes set forth in ~~Subsection B~~ §245-12B are not adversely affected and provided that it finds that:*
- b. No proposed use of undeveloped properties shall encroach closer than fifty (50) feet from the high-water mark at any point, nor shall it encroach into the Shoreland Conservation Zone by more than thirty percent (30%) of the total area within the Shoreland Conservation Zone on the property.*
- c. For any expansion of existing developed properties, no new pavement shall encroach closer than twenty-five (25) feet from the high-water mark at any point, and no new structures, whether freestanding or building additions, shall encroach closer than twenty-five (25) feet from the high-water mark.*
- d. The proposed use will not destroy wildlife habitat or adversely affect the ecology of the body of water or the adjacent banks or have other detrimental environmental impact.*
- e. The proposed use will not cause pollution or soil erosion or otherwise detrimentally impact the public health or safety.*
- f. The proposed use will preserve the aesthetic beauty of the shore.*
- g. The regulations of §245-13, Floodplain District, shall be met.*
- h. The regulations of §245-15, Wetlands Protection Districts, shall be met.*
- i. The regulations of §245-14, Groundwater Overlay Zones, shall be met.*

Planning Board Amendment B – §245-24.1 “Accessory Dwelling Unit”

Are you in favor of the adoption of **Amendment B** as proposed by the Planning Board for the Peterborough Zoning Ordinance as follows:

To amend **§245-24.1 “Accessory Dwelling Unit”** (sometimes referred to as an “in-law apartment”) by updating the definition of Accessory Dwelling Unit (ADU) and replacing the entire existing ordinance, make the ADU an allowed use by right, subject to standards set forth in the ordinance, and eliminating the requirement of obtaining a Special Exception.

Specifically the amendment will:

- Authorize the creation of an Accessory Dwelling unit by right in all zoning districts in which a Single Family Dwelling is a permitted use.
- Require that either the primary dwelling unit or the accessory dwelling unit is owner occupied.
- Allow either the primary dwelling unit or the accessory dwelling to be rented to a person unrelated to the property owner.
- Allow the maximum size of an accessory dwelling unit to up 750 sqft or 30% of the size of the single-family unit, whichever is larger, and not more than three (3) bedrooms.
- Clarify design and construction requirements for creating an accessory dwelling unit.
- Streamline the approval process for creating an accessory dwelling unit.

The effect of this amendment will be to bring the ordinance into compliance with recently adopted changes to the State Statute, the purpose of which is to “increase the supply of affordable housing opportunities...with minimal negative impact.” The amendment also seeks to address specific housing needs identified during the recent update of the Master Plan Vision Chapter.

PROPOSED AMENDMENT TEXT

I. Delete and Replace the existing definition of Accessory Dwelling as follows:

~~§245-6.3 ACCESSORY DWELLING — A building located on the same lot as the main dwelling, which is used solely for the purpose of housing guests or household employees and is subordinate to and clearly incidental to the main dwelling.~~

§245-4.3 *ACCESSORY DWELLING UNITS (ADU) means a secondary residential living unit that is created within or is attached to a single-family dwelling or is within a detached structure on the same parcel as the single-family dwelling, is smaller than the principal single family dwelling unit, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.*

II. Delete and Replace the existing ordinance relating to Accessory Dwelling as follows:

~~§ 245-24.1. — Accessory dwellings~~

~~A. Definition. An accessory dwelling is a cottage, guesthouse or employee quarters which is built on the same property as a main house solely for the purposes of housing guests or household employees and not tenants.~~

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~~B. One (1) accessory dwelling may be allowed by special exception of the Board of Adjustment if a property meets the following requirements:~~

- ~~1. The accessory dwelling shall not be sold separately without subdivision approval.~~
- ~~2. The occupants of the accessory dwelling shall be guests or employees and not tenants of the occupant of the main house.~~
- ~~3. The property must contain a minimum of six (6) acres.~~
- ~~4. There must be provisions for off street parking for two (2) vehicles for the occupants of the accessory dwelling.~~
- ~~5. The maximum number of bedrooms allowed in any accessory dwelling is four (4).~~
- ~~6. The accessory dwelling is subordinate and clearly secondary to the main house.~~
- ~~7. The accessory dwelling shall not alter the general character of the neighborhood or reduce the value of surrounding properties.~~

~~C. Accessory apartments may be permitted in all districts, subject to the following provisions:~~

- ~~1. Only one apartment per single family home or property is permitted.~~
- ~~2. The apartment may be in the primary dwelling or in another building on the property (such as a garage).~~
- ~~3. It must no smaller than four hundred (400) square feet in floor area and no larger than six hundred (600) square feet.~~
- ~~4. It must be secondary and incidental to the primary dwelling.~~
- ~~5. Adequate provisions are provided for water supply and sewage disposal.~~
- ~~6. At least one parking space must be provided for the accessory apartment. This space may be accommodated in front of a garage. If the occupant(s) have more than one vehicle, off street parking must be provided on the lot or at some other location.~~

§245-24.1 Accessory Dwelling Units (ADU).

A. One Accessory Dwelling Unit shall be allowed as a matter of right in all zoning districts that permit single-family dwellings and on any parcel where only one existing, legally conforming single family dwelling already exists as of the date this ordinance is adopted, subject to the following requirements:

- 1. The minimum area for an Accessory Dwelling Unit may not be less than 400 square feet nor more than the greater of 750 square feet or 30% of the gross living area of the principal unit, not including unfinished spaces such as but not limited to unfinished attics or unfinished basements. No more than Three (3) bedrooms may be permitted in an Accessory Dwelling Unit.*
- 2. No increase in lot size, frontage, or setbacks shall be required beyond what would be required for a single-family dwelling without an Accessory Dwelling Unit.*

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- B. The Accessory Dwelling Unit may be within or attached to the principal dwelling unit or may be within separate detached building on the property (such as a garage or barn).*
- 1. Unless otherwise provided for herein, all existing regulations applicable to single-family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit, including, but not limited to lot coverage standards and standards for maximum occupancy per bedroom consistent with policy adopted by the United States Department of Housing and Urban Development. (Available from Office of Community Development.)*
 - 2. For an ADU that is located in the same building as the primary dwelling unit, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but there is no requirement that the interior door shall remain unlocked.*
 - 3. Adequate provisions for water supply and sewage disposal for the accessory dwelling unit in accordance with RSA 485-A:38 shall be demonstrated by the applicant, but separate systems, including but not limited to plumbing, heating, electrical and sanitary disposal systems, are not required for the principal and accessory dwelling units provided that occupants of both units have access to the electrical panel and circuit breakers serving their respective units.*
 - 4. When converting an existing structure or a portion of an existing structure to an ADU or constructing a new addition or detached structure to create an ADU, compliance with applicable sections of the fire code and building code shall be required.*
 - 5. All applications to create an accessory dwelling unit shall demonstrate to the CEO that the property meets the minimum parking requirements of two (2) off-street parking spaces for the principal unit and one (1) off-street parking spaces for the accessory dwelling unit.*
 - 6. When the creation of an ADU requires an addition to or modification of the exterior of the existing single family home or existing detached structure, or the creation of a new detached structure, the architectural design and details to be used shall be aesthetically compatible with and maintain an aesthetic continuity with the principal dwelling unit as a single-family dwelling.*
 - i. An addition to or exterior modification of an existing single family home or detached structure shall be designed to match the architectural style, detail, and materials of the existing structure.*
 - ii. When constructing a new detached structure to accommodate an ADU, the exterior design may either reflect the architectural style, detail, and materials of the existing single family structure, or it may reflect the architectural style, details and materials that are commonly found in detached accessory structures associated with a single family dwelling, such as a barn, or a garage with apartment over.*
 - iii. The Code Enforcement Officer shall be responsible for reviewing and evaluating architectural designs for compatibility prior to issuance of a building permit and may, at his/her sole discretion, refer said review and evaluation to the Minor Site Plan Review Committee to make a final decision of compatibility.*

C. *The owner of the property shall occupy either the principal dwelling unit or the accessory dwelling unit as their "Principal Place of Residence." Whichever dwelling unit is not the property owner's principal place of residence may be rented to a person(s) unrelated to the property owner*

1. *The owner shall demonstrate to the Code Enforcement Officer that one of the units is his or her "Principal Place of Residence" prior to issuance of a Building Permit for the accessory dwelling unit.*

i. *The term "Principal Place of Residence" for purposes of determining owner occupancy shall mean the location where the property owner is domiciled and has a place of abode, and the location where the property owner has, through all of his or her actions, demonstrated a current intent to designate said residence as his or her principal place of physical presence. Such an intent on the part of the property owner is evidenced by, among other things, his or her voter's registration, vehicle registration, driver's license, or the placement of his or her children in local public schools. Any temporary lapse of owner occupancy in the primary residence caused by the death of a property owner shall be permitted for a reasonable period of administration.*

ii. *The property owner shall submit to the Code Enforcement Officer a signed and notarized "memorandum of adequate notice" on a form provided by the Office of Community Development, to be recorded at the registry of deeds at the applicant's expense. The notice shall identify the property on which the accessory dwelling unit is located by source deed, and serve as a notice to successor owners that the accessory dwelling unit is subject to the provisions of this section of the zoning ordinance, and that owner occupancy of one of the two units is required by this subsection. This notice shall be recorded upon issuance of a Building Permit.*

iii. *If the owner of the property is a trust, the term "property owner" shall mean the creator or beneficiary of the trust. If the owner of the property is a corporation, the term "property owner" shall mean the principal stockholder.*

2. *An Accessory Dwelling Unit may not be subdivided nor sold separately from the principal dwelling, unless the applicant for subdivision can demonstrate that that each new parcel meets the dimensional requirements for a single family residence within the zoning district where the property is located, including but not limited to lot area, frontage, setbacks, and lot coverage.*

D. *Application Procedure.*

1. *All applications for an Accessory Dwelling Unit shall be made on forms supplied by the Office of Community Development and submitted to the Code Enforcement Officer, along with any applicable fees and supporting documentation.*

2. *Upon receipt of an application, the Code Enforcement Officer shall verify the compliance of the proposed project with this section of the zoning ordinance, and with applicable sections of the building code. The application shall also be referred to the Peterborough Fire Department to determine compliance with applicable sections of the Fire Code.*

3. *In the event that the application shows modification or new construction of any building exterior to accommodate the creation of an ADU, the Code Enforcement Officer may, at his discretion, refer the review for compliance with §245-24.1.B. to the Minor Site Plan Review Committee for a decision on this standard.*
4. *Director of Community Development shall review the “memorandum of adequate notice” for acceptable form and completeness. Upon issuance of a building permit for the project The Office of Community Development shall send the notice to the registry of deeds for recording. Evidence of recording shall be submitted to the code enforcement officer prior to the issuance of a Certificate of Occupancy.*

III. Add Accessory Dwelling Unit as a Permitted Use by right as follows:

§245-6 Family District

A.3. Accessory Dwelling Unit subject to the provisions of §245-24.1.

§245-9.1 West Peterborough District

B.1.i. Accessory Dwelling Unit subject to the provisions of §245-24.1.

Planning Board Amendment C:

Are you in favor of the adoption of **Amendment C** as proposed by the Planning Board for the Peterborough Zoning Ordinance as follows:

To clarify the definition of “**Bed and Breakfast Establishment**” which is permitted within an owner-occupied single-family dwelling, and allow the use by Conditional Use Permit in the Family District, General Residence District and Rural District. This replaces the existing requirement of obtaining a special exception in the General Residence District. The ordinance also establishes a maximum of 12 guest bedrooms, and gives the Planning Board the authority to limit the number of bedrooms based on the compatibility of the proposal with the surrounding neighborhood. The Conditional Use Permit criteria would be the same as was previously established for Bed and Breakfast Establishments associated with Agricultural Business Enterprise Uses in the Rural District.

The intent of this amendment is to expand opportunities for lodging establishments in Peterborough as identified during the recent update of the Master Plan Vision Chapter, streamline the application process, and clarify the criteria and standards needed to provide appropriate protections to existing neighborhoods.

PROPOSED AMENDMENT TEXT

I. Amend § 245-4 Definitions as follows:

12. ~~BED & BREAKFAST ESTABLISHMENT – A type of lodging establishment associated with a single family residence, managed by the residents who shall also reside on the property, wherein lodging and meals are provided to transient guests.~~

A type of lodging establishment located within a single-family dwelling in which bedrooms are available as overnight accommodations for paying, transient guests and to whom a morning meal may be served. The Bed and Breakfast establishment shall be managed by the owner of the property, who shall reside in the single family dwelling, or in a legal accessory dwelling unit associated with the single family dwelling, as his or her principal residence.

II. Add Bed and Breakfast as a permitted use subject to Conditional Use Permit

§245-6 Family District

C. Uses Permitted by Conditional Use Permit

Subject to the provisions of RSA 674:21.II, the Planning Board is hereby authorized to issue Conditional Use Permits for the following uses in the Family District, subject to the general and specific procedures and criteria in Article IX of the Peterborough Site Plan Review Regulations (Chapter 233)

- 1. Bed and Breakfast Establishment, subject to criteria and standards set forth in §233-51 and §233-55.*

§245-7 General Residence District

B. The following uses may be permitted by special exception of the Board of Adjustment

~~1. Bed and Breakfast Establishment~~

D. Uses Permitted by Conditional Use Permit

Subject to the provisions of RSA 674:21.II, the Planning Board is hereby authorized to issue Conditional Use Permits for the following uses in the General Residence District, subject to the general and specific procedures and criteria in Article IX of the Peterborough Site Plan Review Regulations (Chapter 233)

- 1. Bed and Breakfast Establishment, subject to criteria and standards set forth in §233-51 and §233-55.*

§245-8 Rural District

E. Uses Permitted by Conditional Use Permit

Subject to the provisions of RSA 674:21.II, the Planning Board is hereby authorized to issue Conditional Use Permits for the following uses in the Rural District, subject to the process and criteria in this section and in Article IX, of the Peterborough Site Plan Review Regulations (Chapter 233)

- 1. Bed and Breakfast Establishment, subject to criteria and standards set forth in §233-51 and §233-55.*

~~1-2.~~ *Agricultural Business Enterprise Use on a Commercial Farm*

- b. Conditional Uses that are permitted on a commercial farm subject to the criteria for Agricultural Business Enterprise Uses set forth below and in Article IX of the Peterborough Site Plan Review Regulations and subject to site plan review by the Planning Board as set forth in Chapter 233-3.A.4.*

- i. ~~Bed and Breakfast Establishment~~ *Provision of up to six guest bedrooms for overnight guests of the farm. Meals (breakfast, lunch and dinner) may be provided for said overnight guests. A minimum of one (1) parking space shall be provided for each guest bedroom.*

III. Delete Conditional Use Permit Criteria that applies specifically to Bed and Breakfast Establishments associated with Agricultural Business Enterprise Uses from Article IX of the Planning Board Site Plan Regulations

§ 233-53. Conditional Use Permit for Agricultural Business Enterprise Uses

~~B. Bed and Breakfast Establishments~~

- ~~1. May provide meals (breakfast, lunch, and dinner) for guests of the Bed and Breakfast, but may not serve as a restaurant open to the general public unless the conditional use permit specifically includes approval of a Farm to table Café as part of the Bed and Breakfast Operation.~~
- ~~2. Shall be limited to no more than six (6) guest bedrooms~~
- ~~3. Shall provide minimum parking of 1 spaces per guest bedroom~~

IV. Add Conditional Use Permit Criteria specific to Bed and Breakfast Establishments in any permitted district to Article IX of the Planning Board Site Plan Regulations

§233-55. Bed and Breakfast Establishment

A. *Criteria to be evaluated by the Planning Board before issuing a Conditional Use Permit*

1. *Compatibility. The use, size and scale of the use, and site design are compatible with the neighborhood, the public or private roads used to access the site, and the surrounding area; the property is otherwise reasonably well suited for the proposed use;*
2. *Aesthetic Character. The use will not adversely impact the aesthetic quality of the streetscape or neighborhood;*
3. *Nuisances. The use and site design will not result in any substantial adverse impacts including but not limited to noise and light trespass, or place any undue burden on any abutter;*

B. *Standards to be applied to all Bed and Breakfast Establishments*

1. *The Single family dwelling in which the Bed and Breakfast is located, or a legal accessory dwelling unit associated with the single family dwelling, shall be the principal residence of the owner and manager of the establishment.*
2. *The establishment shall be limited to up to twelve (12) guest bedrooms. In establishing appropriate conditions of approval, the Planning Board shall have the authority to limit the number of guest bedrooms based on consideration of the neighborhood characteristics, the site characteristics and design, and the criteria set forth in Paragraph A above.*

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3. *Adequate provisions for water supply and sewage disposal for the Bed and Breakfast Establishment in accordance with RSA 485-A:38 shall be demonstrated by the applicant prior to approval of the Conditional Use Permit.*
4. *The minimum off-street parking requirement for the dwelling and establishment shall be two (2) parking spaces for the residents of the dwelling and 1.2 parking space per guest bedroom.*
5. *Visibility of parking and service areas from public streets and neighboring dwellings should be minimized through site design, landscaping or screening.*
6. *All Single Family dwellings converted to a Bed and Breakfast shall comply with applicable building, health, and life safety codes.*
7. *A morning meal may be provided for guests of the Bed and Breakfast, but may not serve as a restaurant open to the general public.*
8. *Proposed projects for Bed and Breakfast Establishments shall be subject to Site Plan Review by the Planning Board concurrent with evaluation of the Conditional Use Permit.*
9. *The applicant shall demonstrate compliance, to the satisfaction of the Code Enforcement Officer, with all State regulations and issuance of all required State permits, if any, for a bed and breakfast establishment prior to issuance of the Conditional Use Permits. Said compliance and permits shall be maintained throughout the life of the bed and breakfast operations.*

Planning Board Amendment D:

Are you in favor of the adoption of **Amendment D** as proposed by the Planning Board for the Peterborough Zoning Ordinance as follows:

To amend §245-2 “**Applicability**” to by adding a paragraph addressing “Severability”.

The purpose of the amendment is to make it clear that if any provision of the Zoning Ordinance is declared to be invalid by a final court decision, the validity of the Ordinance as a whole will not be affected.

PROPOSED AMENDMENT TEXT

I. Add paragraph to §245-2 Applicability as follows:

- C. *Severability: Should any provision of this Zoning Ordinance be declared invalid by a court decision, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.*

Planning Board Amendment E:

Are you in favor of the adoption of **Amendment E** as proposed by the Planning Board for the Peterborough Zoning Ordinance as follows:

To add and modify definitions to **§245-4 “Definitions”** for “Dwelling, Two family”, “Impervious Surface”, “Impervious Cover”, and “Subdivision”. The definitions for “Impervious Surface” and “Subdivision” both exist either elsewhere in the Zoning Ordinance or in the Planning Board Regulations.

The effect of this amendment will also update both of these definitions to improve clarity.

PROPOSED AMENDMENT TEXT

I. Add and modify §245-4 Definitions as follows:

- A *DWELLING, TWO FAMILY - A residential building that has two residential units. Also referred to as a DUPLEX. For regulatory purposes the definition of a Two Family Dwelling or Duplex does not include an Accessory Dwelling Unit, which is otherwise defined and regulated herein.*
- B *IMPERVIOUS SURFACE: ~~A surface that does not readily permit the infiltration of water or other substances.~~ Any modified surface that cannot effectively absorb or infiltrate water. Impervious surfaces include, but are not limited to: roofs and paved areas such as driveways, parking areas, and walkways, decks, patios, and gravel and crushed stone surfaces unless such structures or surfaces have been designed to effectively absorb or infiltrate water.*
- C *IMPERVIOUS COVER – The total combined area of impervious surface on a site or parcel.*
- D *SUBDIVISION - Means the division of a lot, tract, building (in the case of a condominium conversion), or parcel of land into two (2) or more lots, plats, sites, condominium units, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. The division of a parcel of land held in common and subsequently divided into parts among several owners shall be deemed a subdivision.*

Planning Board Amendment F:

Are you in favor of the adoption of **Amendment F** as proposed by the Planning Board for the Peterborough Zoning Ordinance as follows:

To amend **§245-5 “Districts Established”** by adding a paragraph to clarify regulatory requirements for new condominium developments and condominium conversions of existing buildings.

The purpose of this amendment is to make it clear that condominium proposals must comply the zoning ordinance and are subject to applicable Subdivision and Site Plan Regulations and approvals.

2016 AMENDMENTS TO THE ZONING ORDINANCE - FINAL POSTING

PROPOSED AMENDMENT TEXT

I. Add a paragraph to §245-5 Districts Established as follows:

- E. Condominium developments or conversions differentiate themselves from conventional subdivisions only in the form of ownership, and as such are permitted uses, subject to the zoning requirements for the district(s) in which a development is proposed. Condominium developments or conversions are subject to the provisions of the Peterborough Subdivision and Site Plan Review Regulations as they may apply.*

Planning Board Amendment G:

Are you in favor of the adoption of **Amendment G** as proposed by the Planning Board for the Peterborough Zoning Ordinance as follows:

To amend § 245-6 “**Family District**” by adding language to clarify that the existing minimum lot size standard of 50,000 square feet for siting a new two family homes also applies to the conversion of an existing single family home to a two family home.

The purpose of this amendment is to improve clarity of the ordinance.

PROPOSED AMENDMENT TEXT

I. Modify §245-6 Family District as follows:

~~B. One (1) single family or two family dwelling may be erected on each lot, as follows:~~

- 1. Minimum Lot Size: For new construction of a single family dwelling: forty thousand (40,000) square feet for one family; for construction of a two family dwelling or conversion of a single family dwelling to a two family dwelling: fifty thousand (50,000) square feet for two families.*

Planning Board Amendment H:

Are you in favor of the adoption of **Amendment H** as proposed by the Planning Board for the Peterborough Zoning Ordinance as follows:

To amend § 245-14.B. “**Ground Water Protection Overlay District**” by adding examples to the existing definition of “Impervious Surface.”

The purpose of this amendment is to increase the clarity of the definition and make it consistent with a definition that is proposed to be added in Amendment E to § 245-4 “Definitions.”

PROPOSED AMENDMENT TEXT

I. Modify § 245-14.B. Ground Water Protection Overlay District as follows:

- 6. IMPERVIOUS SURFACE: A surface that does not readily permit the infiltration of water or other substances. Any modified surface that cannot effectively absorb or infiltrate water. Impervious surfaces include, but are not limited to: roofs and paved areas such as driveways, parking areas, and walkways, decks, patios, and gravel and crushed stone surfaces unless such structures or surfaces have been designed to effectively absorb or infiltrate water.*

Planning Board Amendment I:

Are you in favor of the adoption of **Amendment I** as proposed by the Planning Board for the Peterborough Zoning Ordinance as follows:

To amend § 245-15 “**Wetlands Protection Overlay District**” to add “Restoration of a previously disturbed area within the District” as a permitted use subject to Conditional Use Permit.

The purpose of this amendment is to allow restoration activities in the Wetlands Protection Overlay District without needing to obtain a variance.

PROPOSED AMENDMENT TEXT

I. Add conditional use to § 245-15 Wetlands Protection Overlay District” as follows:

K.1 Conditional Uses

- c. *Restoration of a previously disturbed area within the Wetlands Protection Overlay District. Restoration activities may include but are not limited to:*
 - i. *Restoring and revegetating disturbed, degraded, or eroded areas in the buffer area with native materials and appropriate native plant species in accordance with a plan prepared by a NH Certified Wetland Scientist, NH Certified Soil Scientist, Wetland Ecologist, NRCS District Conservationist or other qualified individual.*
 - ii. *Wetland restoration in accordance with a plan prepared by a NH Certified Wetland Scientist, or NH Certified Soil Scientist, and approved by NH DES. Note Applicants shall obtain and provide a copy of any wetlands permits require by the State of NH for the activities proposed.*

Planning Board Amendment J:

Are you in favor of the adoption of **Amendment J** as proposed by the Planning Board for the Peterborough Zoning Ordinance as follows:

To amend § 245-24.3.D.1.e “**Wireless Communication Regulations**” by correcting a citation to the State Statute related to regional notification requirements.

The purpose of this amendment is to correct an error in the ordinance.

PROPOSED AMENDMENT TEXT

I. Modify 245-24.3.D.1.e Wireless Communication Regulations as follows:

- e. **Regional Notification.** In accordance with the regional notification requirements of **RSA 240-12-J, RSA 12-K:7** the applicant shall pay for notification to adjacent communities when the construction of a new tower or an increase in height of an existing tower. For the purposes of these regulations it shall be assumed that the adjacent towns of Dublin, Greenfield, Hancock, Jaffrey, Sharon, and Temple could be visually affected, and that unless specifically determined by the Peterborough Planning Board to not be necessary, each of those towns will be notified by the Office of Community Development, at the applicant’s expense.

2016 AMENDMENTS TO THE ZONING ORDINANCE - FINAL POSTING

Planning Board Amendment K:

Are you in favor of the adoption of **Amendment K** as proposed by the Planning Board for the Peterborough Zoning Ordinance as follows:

To amend § 245-33.D.5 “**Lighting and Glare**” to add “LED” as a permitted type of light source for exterior lighting.

The purpose of this amendment is to update the ordinance to reflect changes in technology.

PROPOSED AMENDMENT TEXT

I. Modify § 245-33.D.5 Lighting and Glare as follows:

5. Acceptable light sources are metal halide, incandescent, neon tubing, ~~and~~ fluorescent, *and LED*. All other light sources including any flickering or pulsing light are prohibited. Processes which create light flashes such as, but not limited to, electric arc welding, shall be confined to buildings or shielded to prevent either glare or flashes reflected from the sky.

Citizen Petition Amendment L:

Are you in favor of the adoption of **Amendment L** as proposed by Citizen Petition for the Peterborough Zoning Ordinance as follows:

To rezone land consisting of one (1) Parcel numbered “R003-024-000” located on the east side of Route 202 south, from General Residence District to Business/Industrial District.

*This land was previously within the Business/Industrial District and was rezoned by petition to General Residence District in 2012. **The Planning Board supports this petition.***

