

PROPOSED AMENDMENT TO THE PETERBOROUGH ZONING ORDINANCE

Form-Based Zoning and You

Let’s walk through how a landowner will use Peterborough’s new zoning code. The new code is what is technically known as a “transect-based building type code.” All that means is that some places allow certain uses and buildings and other places don’t, because of where they are in town. You can’t build a four-story apartment building in the T-2 Rural District because it doesn’t belong there.

1: Determine which zoning district your parcel lies in.

You can do this two ways. First by calling the town house and asking. You’ll need to provide your address and the town officer will be able to tell you which district your parcel is in.

The other way is to log in to the town’s website (www.townofpeterborough.com) and click on the button which says Maps and GIS; then choose GIS Date Info; then choose the ‘on-line parcel viewer’. You’ll be prompted to enter your address, when your parcel appears choose to view ‘property record card.’ On the property record card there is a line for ‘District Zoning’: that’s where the zoning district appears.

There are five districts and four special districts in the new zoning:

T-2 Rural	Monadnock Health Care SD
T-3 Residential	Business/Industry SD
T-4 Residential	Commerce Park SD
T-4 Village	Retirement Community SD
T-5 Town Center	

Let’s assume your parcel in is located in T-4 Village and that you want to build a new building.

2: Look at the chart in section 245-2.8 Allowed Uses by District.

This chart tells you which uses are allowed by right in every district. In T-4 Village nearly every use is allowed. This is a section of the chart; the complete chart is available on line.

Allowed Uses by District					
Uses	T-2 Rural	T-3 Village Edge	T-4 Residential	T-4 Village	T-5 Town Center
Civic (including but not limited to)	All civic uses are subject to site plan review				
Cultural facility	P	SE	NP	P	P
Educational facility/school	P	SE	P	P	P
Recreational facility	SE	NP	NP	P	P
Religious institution/facility	SE	SE	P	P	P
Commercial (including but not limited to)	All commercial uses are subject to site plan review				
Agriculture: Non-commercial	P	P	P	P	P
Agriculture: Commercial	P	P	P	P	NP
Agricultural Business Enterprise	CUP ¹	CUP ¹	CUP ¹	CUP ¹	NP
Bed and breakfast	CUP	CUP	CUP	P	P
Day care facility	SE	SE	P	P	P
Event venue	CUP ¹	CUP ¹	CUP ¹	P	P
Excavation: commercial	SE	NP	NP	NP	NP
Excavation: incidental	P	NP	NP	NP	NP

PROPOSED AMENDMENT TO THE PETERBOROUGH ZONING ORDINANCE

Is the use you want allowed in T-4 Village? Proceed!

Residential uses up to four-family on an existing lot of record are permitted by right. Mixed-use, commercial uses, or multi-family of five or more dwelling units will require site plan review with the planning board.

If the specific use you desire is not listed or a similar use or category is not allowed your use may not be permitted. You will need to check with the Town Code Officer for guidance and confirmation of their interpretation of the zoning ordinance to determine whether you will need to seek a variance from the Zoning Board of Adjustment (ZBA).

3. Now look at this chart: 245-2.7 Allowed Building Types by District

Here you can see which building types are allowed by right in your district. For T-4 Village nearly every building type is allowed. Think of building types as the box your use fits in.

Allowed Building Types by District			
Primary Building type	T-4 Residential	T-4 Village	T-5 Town Center
Cottage	P	P	NP
House	P	P	NP
Apartment house	P	P	P
Small apartment building	P only by CUP*	P	P
Live/Work	NP	P	P
Townhouse	P	P	P
Shop	NP	P	P
Shophouse	NP	P	P
Mixed-used building	NP	P	P
Inn	NP	P	P
Civic building	NP	P	P
Lined parking garage	NP	P	P
Accessory Building type			
Barn	P	P	NP
Carriage house	P	P	P
Shed	P	P	NP
Workshop	P	P	P

***CUP is conditional use permit; it requires meeting a specified list of criteria.**

4. What is a building type?

A building type is a description of a kind of building. It includes dimensional allowances, requirements for windows and doors, and some additional information (roof type, whether it can be attached to another building). Building types are only relevant if a landowner wants to build a new building. Existing buildings are largely exempt from these requirements. Diagrams of the building types are collected in Chapter 245 - Article XII.

PROPOSED AMENDMENT TO THE PETERBOROUGH ZONING ORDINANCE

5. How do I use the building type?

You choose the building type that is the best match for your use. For example: You want to build a building which can house a coffee shop and a yarn store on the ground floor with one floor of apartments above.

You will look for a building type which is permitted in T-4 Village and which has storefront windows and can be two stories tall. In our example there are several possibilities that can house retail on the first floor and residential above. You should investigate Live/Work Flex, Shophouse, Mixed-Use Building, Small Apartment Building.

6. The Live/Work Flex building type will work for my project. Now what?

Come into the Office of Community Development for a preliminary meeting to discuss the proposed project and determine what the approval process will be. Projects that involve an allowed use and an allowed building type can expect a more straightforward approval process. All commercial, mixed-use, or multi-family projects will require Site Plan Review.

7. I found an existing building that I can buy to house my proposed uses. Now what?

If you are using an existing building and you are not proposing a change of use or significant alterations to the site, you may proceed to obtain a building permit. If you are proposing a change of use or more than 2000 square feet of site alteration you will need to fill out an application for Site Plan Review

FREQUENTLY ASKED QUESTIONS

I want to build something that isn't one of the allowed building types.

Is it close to one in size and scale? Nearly every building can fit into the dimensional standards of one or more of the allowed buildings. If your desired building is close to an allowed building type the planning board has the latitude to approve your building. If your building is very different in size from the allowed building types then you will have to apply for a variance or special exception for that building from the Zoning Board of Adjustment.

I want to build a building with a flat roof. Can I do that?

Yes. That falls under the language allowing flexibility, so long as the scale is similar.

Why does the new zoning have building types?

Using building types allows residents to know what kind of buildings can be built in town. It ensures that new buildings are appropriate in size and scale. In residential districts the forms are house-sized so that they fit into the existing neighborhood. This way of handling zoning and development is known as Form-Based Code (forms are another way of referring to building types).

Many big box stores (Home Depot, Target, Wal-Mart, etc.) have a minimum building size of 100,000 square feet or more. None of our allowed building types permit buildings to be that large. In order for a big box store to get a building big enough they would have to apply for a variance.

Do the building types tell me what the building has to look like (style) and what has it has to be built of?

No. The building types talk only about the dimensions and windows. If you are building for a use that requires site plan review, design standards will be part of that process, but design standards do not mandate a particular architectural style.

We do not mandate what the materials must be, although in the architectural standards in the site plan review process we do suggest appropriate materials.

PROPOSED AMENDMENT TO THE PETERBOROUGH ZONING ORDINANCE

I just want to build a garage attached to my house. Do I have to use one of the building types?

No. Additions to existing buildings are not required to use the building types so long as the addition is smaller than the existing building. You do not have to build a Barn or a Carriage House building type.

What about lot standards?

Lot standards in the new code are based on the existing Rural, General Residence, West Peterborough, Downtown, and Village Commercial districts and the current overlay districts for TND1 and TND2. Lot standards include front, side, and rear setbacks, as well as where parking can be located on the lot.

Why are we making these changes?

Over the past 10 years the planning board has been making changes to our 1970 zoning in order to allow replication of the parts of Peterborough we love best, and that are the best fit for people who would like to live in Peterborough. We are lucky that we have what people want: a compact, connected, complete, complex, convivial place. The board analyzed carefully what makes Peterborough special in order to create Traditional Neighborhood Design Overlay Zones 1 and 2, the West Peterborough zoning code, as well as the Downtown Commercial and Village Commercial codes.

We started with those codes and, with the help of the many, many people who attended the public workshops, we refined them in order to create the five new zones. We have been using these codes either as an overlay or a special district for at least four years, so we feel comfortable with them. The board elected to use a form-based or Building Type based code for Peterborough because we want to ensure the appropriate scale will be followed as we gradually allow development. To remain financially solvent, and to produce the kind of walkable, human-scaled town that residents have told us they want, we need to allow historically appropriate density in our close-to-town residential neighborhoods served by water and sewer.

The planning board is proposing these changes in order to use the codes we have been test-driving for a number of years because we believe they work, and deliver the kind of development we want: not too much, not too big, and in the places we want it. Adding building types to the code further insures predictability for any new development.

Additionally, under our current code more than 450 parcels are divided between two zoning districts. We have eliminated those split parcels which will make it easier for landowners to determine exactly what rules apply to their parcels.

We have also worked to make sure that as many parcels as possible meet the lot standards for the district in which they are located. Currently many, many parcels are non-conforming in their districts, which causes difficulties for landowners and the town.

Is this different from what the board proposed in 2018?

Yes. We made changes to lot standards, building types, and uses based on the responses the board received in the spring on 2018. For example: the largest building allowed in the in-town neighborhoods (T4R) is now 36 by 75 feet and can have no more than four units. Previously the largest allowed building was 60 by 75 feet and had no limit on the number of units.

How do I find out more?

Call the Office of Community Development and schedule a conversation with the director, Pete Throop, or with a member of the planning board. Planning board members are available to come to a neighborhood or street to discuss exactly how the new code differs from the existing code for that neighborhood. Call the town house to schedule such a discussion.