

## ZONING ORDINANCE CHANGES for Board Discussion 12/21/2023

### 1. Erosion and Sedimentation Control Plans requiring no other ZBA action

**Article #2 (To vote by official ballot): Are you in favor of the adoption of Amendment No. 1 as proposed by the planning board** to amend Table 304.5 and Section 304.6.3.2 to allow the Code Enforcement Officer to approve erosion and sedimentation control plans requiring no other action by the Zoning Board.

#### ZONING LANGUAGE CHANGES

##### 304.5 SHORE FRONT DISTRICT

##### USES

###### Permitted Uses

1. Uses allowed in underlying district
2. Outdoor Recreational Facility
3. Accessory use such as beach, dock, driveway
4. Shoreland or wetland projects with a permit by notification or expedited minimum impact permit from the NH Department of Environment Services which require no other action from the ZBA
5. **Erosion and sedimentation control plans on projects which require no other ZBA action.**

###### Special Exception Uses

1. Uses allowed in underlying district
2. Marina
3. Shorefront common area
4. Shoreland or wetland projects not eligible for a permit by notification nor an expedited minimum impact permit from the NH Department of Environment Services.
6. Cutting and removal of trees and natural vegetation
7. Use accessory to a special exception use

304.6.3.2 Erosion and sedimentation control plans **in projects requiring other action of the Board** shall be filed with the ZBA for all filling, grading, dredging and other activities regarding land disturbance less than 100,000 square feet, except as defined in Section 702. The plan shall describe the nature and purpose of the land disturbing activity, the amount of grading involved, a description of soils, topography, vegetation, and drainage. The Zoning Board of Adjustment shall review all plans before construction begins and determine that erosion and sedimentation will be reasonably controlled to avoid undue adverse impact. **Stand-alone erosion and sedimentation control plans are a permitted use reviewed by the Code Enforcement Officer.**

### 2. Define Structures to Storage Containers and Portable Structures

**Article #3 (To vote by official ballot): Are you in favor of the adoption of Amendment No. 2 as proposed by the planning board** which adds Sections 104, 202, and 906.A, and amends Section 2402, #64 to define storage containers and portable structures as structures subject to setback, lot coverage, and building permit requirements. Any such structures existing at the time this article passes may be continued.

## ZONING LANGUAGE CHANGES

### ARTICLE 1 PREAMBLE AND TITLE

No change to Sections 101 to 103

#### **Section 104                      New Structures**

**New structures must meet setbacks, lot coverage, and building permit requirements of this Zoning Ordinance.**

### ARTICLE 2 EXISTING USES AND STRUCTURES

#### **Section 201              Existing Uses and Structures**

Any lawful building or use of a building, or land, or parts thereof in existence at the time of the adoption of this Ordinance, or of any amendment thereto, may be continued although such building or use does not comply with the provisions herein. Such building or use shall be lawful if there was compliance with existing Regulations in effect. This Zoning Ordinance shall not apply to existing structures or to the existing use of any building or land. It shall, however, apply to any alteration of an existing structure or for a use which is substantially different from the existing use or from the existing structure prior to alteration. Nonconforming uses and structures shall be subject to the provisions of Article 9, Non-Conforming Uses and Structures.

#### **Section 202              Storage Containers and Portable Structures**

**Storage containers and portable structures as defined in Section 2402, #64 in existence at the time of the adoption of this Zoning Ordinance or of any amendment thereto, may be continued although such structure or use does not comply with the provisions herein. If a storage container or portable structure is moved, the structure must comply with all current requirements of the zoning ordinance.**

#### **Section 906              Expansion of Non-Conforming Structure**

A structure which is nonconforming as to one or more dimensional requirements (setback and height limit or either) may be enlarged or expanded with the following conditions:

No changes to Sections 906.1 to 906.3

#### **Section 906.A      Relocation of Storage Containers and Portable Structures**

**Storage containers and portable structures as defined in Section 2402 #64 in existence at the time of the adoption of this Zoning Ordinance or of any amendment thereto, may be continued although such structure or use does not comply with the provisions herein. If a storage container or portable structure is moved, the structure must comply with all current requirements of the Zoning Ordinance.**

### ARTICLE 24      DEFINITIONS

## ZONING LANGUAGE CHANGES

64. Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. **Structures include storage containers and portable sheds, garages, carports, barns, greenhouses, and storage enclosures which remain on the land for a period in excess of thirty (30) days.**

### 3. Required Width of Manufactured Home

**Article #4 (To vote by official ballot): Are you in favor of the adoption of Amendment No. 3 as proposed by the planning board to amend Section 1107.2 to change the width of manufactured homes from fifteen (15) to fourteen (14) feet.**

#### **ZONING LANGUAGE CHANGES**

1107.2 Definition: In order to more harmoniously integrate manufactured homes into the overall New England Style ambiance of the Town of Freedom, all manufactured homes not placed in manufactured home parks shall be of a combined transportable structure constructed on a permanent chassis with a combined structural width of not less than ~~fifteen (15')~~ **fourteen (14)** wide and not less than thirty-eight feet (38') in length and designed to be used as a dwelling connected to required utilities which include plumbing, heating, electric and septic. A multi-story manufactured home shall be placed on a minimum of a full frost wall foundation. A one-story manufactured home may be on a full frost wall foundation or on a floating/monolithic slab with anchor bolts with utilities integrated into the slab.

### 4. Apply Lot Coverage Percentage to Condominium Subdivisions

**Article #5 (To vote by official ballot): Are you in favor of the adoption of Amendment No. 4 as proposed by the planning board to amend Section 310.1.6 to define the total lot area for condominiums as the limited common area for the unit.**

#### **ZONING LANGUAGE CHANGES**

310.1.6 The total footprint area of all structures on the same lot of record, including porches and decks covered by roofs, shall not exceed 15% of the total area of the lot. Footprint area calculation includes portions of the lot covered by roof overhangs, but excludes pervious structures like decks, stairs to the shore, or other structures that allow water to percolate. **For condominiums, the total area of the lot means the limited common area for the unit and not the total area of the condominium.** The applicant shall provide photographs to the zoning officer and agree to a site visit so runoff characteristics can be determined.

### 5. Local Authority for Granting Driveway Permits (RSA 153:5, VI)

**Article #6 (To vote by official ballot): Are you in favor of the adoption of Amendment No. 5 as proposed by the planning board to add Section 805.1.4 to comply with RSA 153:5, VI on the issuance of driveway permits.**

#### **ZONING LANGUAGE CHANGES**

Section 805      Driveways Permit

805.1 All driveways that intersect a Town highway must receive a permit from the Selectmen or their appointed representative, working in conjunction with the Road Agent as provided in RSA 236:13 as amended or such similar statute.

No changes to Sections 805.1.1 to 805.1.3

**805.1.4 Prior to issuing a permit, the issuer must consider any written recommendations of the local fire chief for fire department access, including width, vertical clearance, grade, suitability of road surface, bridges, dead-ends, and the ability to pass and turn around once in the driveway**