

2024 ZONING WARRANT ARTICLES

Article 36: Planning Board Proposed Amendment #1

Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

Amend Article IV, Zoning Regulations, Section 4.9 Industrial Zone, to delete the 80' height allowance for uninhabited structures and require all structures in the district to be a maximum of 50' in height, as follows:

Section 4.9 Industrial Zone.

E. YARD AND BUILDING REQUIREMENTS.

No structure shall be constructed to a height greater than ~~forty (40)~~ **fifty (50)** feet, ~~excepting industrial structures south of the Boston & Maine Railroad which shall not exceed fifty (50) feet for inhabited and eighty (80) feet for uninhabited structures.~~ (3-4-75, 3-11-86, 3-12-91, 3-11-14, 3-14-23)

YES [] NO []

EXPLANATION:

This proposed amendment requires all structures in the Industrial district to be a maximum of 50' in height.

Article 37: Planning Board Proposed Amendment #2

Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

Amend Article IV, Zoning Regulations, Section 4.3 D.3., Residential/Rural Zone, to add the word "either" to the first line of the last sentence, as follows:

Section 4.3 Residential/Rural Zone (RR). (3-12-63, 3-11-93, 3-10-15)

D. YARD REQUIREMENTS.

3. In the Historic District, a new dwelling, building, or structure shall be *either* at least twenty (20) feet from the side and rear property lines, or no closer than twenty-five (25) feet from the principal dwelling, building, or structure on any abutting lot, whichever is greater. (3- 8-05, 3-11-08)

YES [] NO []

EXPLANATION:

Setbacks are required to provide light and air and separation between buildings. In the Historic District, where the lots are generally smaller and narrower than required in the Residential Rural District, the regular 20' setback from the side and rear property lines may not provide that actual distance between structures. The proposed amendment clarifies that the side and rear setback shall be either 20' from the lot line to the proposed new dwelling, building or structure, or 25' from the principal building on the abutting lot to the proposed new dwelling, building or structure, whichever is the greater measurement.

Article 38: Planning Board Proposed Amendment #3

Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

Amend Article IV, Zoning Regulations, Section 4.10 Flood Plain Conservation District, to amend Section 4.10 C., Definitions, to add new definitions of Base Flood Elevation, and Flood Opening; to amend the definitions of Mean Sea Level, Substantial Improvement, and Water Surface Elevation; to delete the definitions of Functionally Dependent Use, and One Hundred Year Flood; to add a new Section 4.10 D., Permit Requirements and renumber the following sections; to amend Section 4.10 E.8. to specify the details of a recreational vehicle and the standards to follow for placement in the Flood Plain Conservation District; to amend Section 4.10 H., to refer to mean sea level instead of the National Geodetic Vertical Datum (NGVD) and to refer to the Office of Community Development instead of the Zoning Department; to amend Section 4.10 K., to refer to the base flood elevation instead of the one hundred year flood elevation and add how to determine the base flood elevation in Zone A; to amend Section 4.10 L., to refer to the base flood elevation instead of the one hundred year flood elevation; to amend Section 4.10 N., to add Zone AE and to specify the details of a recreational vehicle and the standards to follow for placement in the Flood Plain Conservation District; to amend Section 4.10 O.3.a. to specify that the openings required are "flood openings"; and to amend Section 4.10 P.2. to include the correct statutory reference and add a new sub-section 4. requiring that variances in the Flood Plain Conservation District be maintained and reported to FEMA as required, as detailed in the full-text copy of the 2024 Amendments to the Amherst Zoning Ordinance as proposed by the Amherst Planning Board.

YES [] NO []

EXPLANATION:

These amendments are required by the Federal Emergency Management Agency in order to remain in compliance with the National Flood Insurance Program regulations.

Article 39: Planning Board Proposed Amendment #4

Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

Amend Article IX, Definitions, Section 9.1 Meaning of Certain Words, Wetland(s), to update the citations to reference documents, Vernal Pool, Vernal Pool -- Primary Vernal Pool Indicators, and Vernal Pool -- Secondary Vernal Pool Indicators to reference the correct NH Administrative Rules; and Article IV, Zoning Regulations, Section 4.11 Wetland and Watershed Conservation District, to amend Section 4.11 F., District Boundaries, to include language moved from the definition of Wetland(s) describing the Town's wetland classifications and the method for classification of wetlands that extend over property lines, to include language moved from the definition of Vernal Pool Tiers describing how to identify Tier One and Tier Two vernal pools, and to refer to the definitions section, as detailed in the full-text copy of the 2024 Amendments to the Amherst Zoning Ordinance as proposed by the Amherst Planning Board.

YES [] NO []

EXPLANATION:

This proposed amendment would amend outdated citations to reference documents, and move the classification of wetlands and the vernal pool tiers from the definition section to the main body of the Wetland and Watershed Conservation District ordinance where it is more readily available to readers and users of the Zoning Ordinance.

Article 40: Planning Board Proposed Amendment #5

Are you in favor of the adoption of the following amendment to the existing Town Zoning Ordinance as proposed by the Planning Board?

This housekeeping amendment would amend Article IV Zoning Regulations, Section 4.4 Northern Transitional Zone, Section 4.4 B.9. Permitted Uses to delete #9 Other Development and renumber existing #10 as #9; and to change all references from Accessory Apartments to Accessory Dwelling Units in Sections 3.5 Accessory Apartments, Section 4.3 Residential/Rural Zone, 4.3 A.10., Section 4.4 Northern Transitional Zone, newly numbered, 4.4 B.9., Section 4.5 Northern Rural Zone, 4.5 B.9., Section 4.7 Commercial Zone, 4.7 A.9., Section 4.8 Limited Commercial Zone, 4.8 A.12., Section 4.14 Workforce Housing, 4.14 E.2.b., and Article IX Definitions, Section 9.1 Meaning of Certain Words, as detailed in the full-text copy of the 2024 Amendments to the Amherst Zoning Ordinance as proposed by the Amherst Planning Board.

YES [] NO []

EXPLANATION:

This proposed housekeeping amendment would remove a reference to "Other development" that is no longer needed from Section 4.4 and to refer to Accessory Dwelling Units as they are described in the enabling statute.
