

# Zoning 101

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**Office of Planning and Development**  
**NH Department of Business and Economic Affairs**

NH Municipal Association  
Land Use Law Conference

October 15, 2022

# Session Agenda

- ▶ Introductions
- ▶ Purpose and History of Zoning
- ▶ Zoning Basics
- ▶ Nuts and Bolts of the Zoning Ordinance
- ▶ Relationship of the Zoning Ordinance to Other Land Use Regulations
- ▶ State Preemptions and Local Land Use Control
- ▶ Future of Zoning in New Hampshire
- ▶ Tools & Resources for Communities
- ▶ Questions and Answers

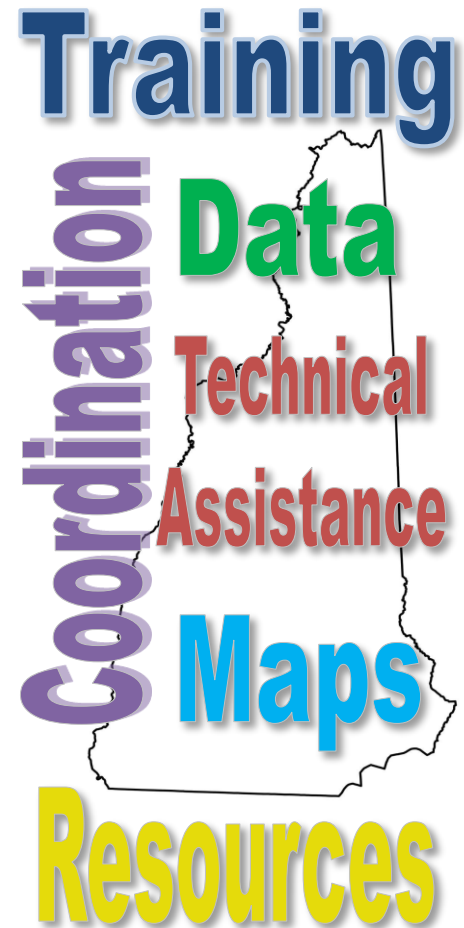
# NH Office of Planning and Development Overview

Effective July 2021 – Planning Division of NH Office of Strategic Initiatives was transferred to the Department of Business and Economic Affairs

NH Department of Business and Economic Affairs	
Division of Economic Development	Office of Outdoor Recreation Industry Development
Division of Travel and Tourism	Office of Planning and Development
Bureau of Visitor Services	Office of Broadband Initiatives
Office of Workforce Opportunity	InvestNH (Housing Initiatives)

# NH Office of Planning and Development Overview

- ▶ Director
  - ▶ Jennifer Gilbert
- ▶ Municipal and Regional Assistance Program
  - ▶ Noah Hodgetts
  - ▶ Alvina Snegach
  - ▶ Stephanie N. Verdile
- ▶ Floodplain Management Program (FEMA)
  - ▶ Katie Nelson
- ▶ State Data Center (U.S. Census Bureau) and
- ▶ Geographic Information System (NH GRANIT)
  - ▶ Ken Gallager



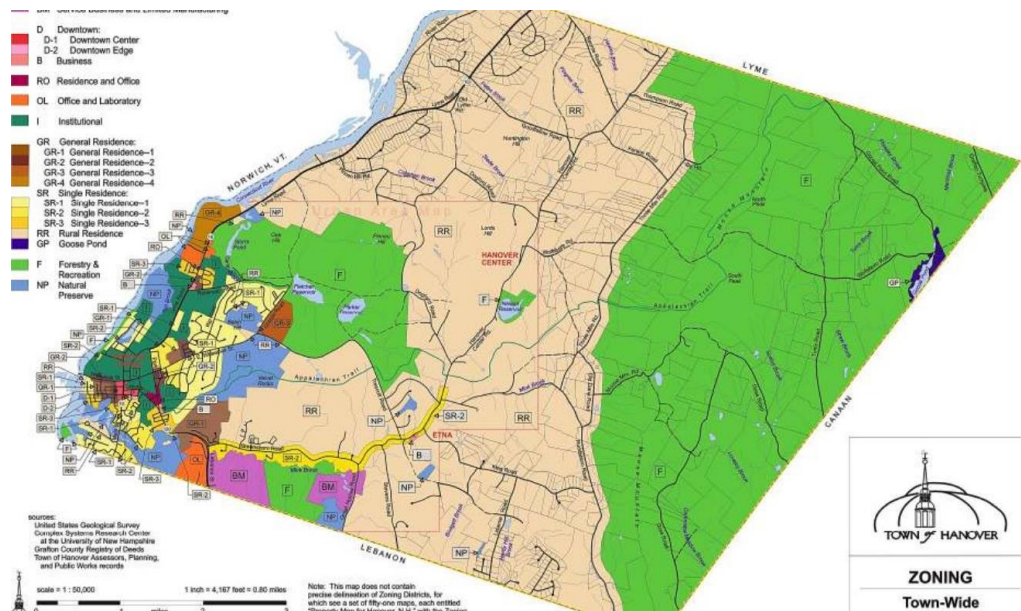
# PURPOSE AND HISTORY OF ZONING

# Purpose of Zoning

“

*Zoning law increasingly tempers the ancient property law maxim that ownership extends from the surface downward to the center of the earth and upward indefinitely to the skies. Through the application of zoning law, courts have increasingly recognized that the common law right must be balanced with the rights of others as they protected or restricted through zoning.*

Peter J. Loughlin  
NH Practice Series “Land Use, Planning, and Zoning”



# Purpose of Zoning

- ▶ Regulating the size, location and use of buildings and other structures for the purpose of promoting the health, safety and general welfare of the community.
- ▶ **Traditional Zoning:** dividing the municipality into districts with the goal of separating what are thought of as incompatible uses.
  - ▶ In each district, some uses are permitted as a right, some are prohibited, and others are allowed only by special exception or conditional or special use permit.
- ▶ **Modern Zoning:** encourage mixed use zoning in which residential and commercial uses are permitted in specified districts.
- ▶ May impose requirements on a specific use, such as size and position of signs and special setbacks or screening for junkyards

## RSA 674:16: Grant of Power

- ▶ I. For the purpose of promoting the health, safety, or the general welfare of the community, the local legislative body of any city, town, or county in which there are located unincorporated towns or unorganized places is authorized to adopt or amend a zoning ordinance under the ordinance enactment procedures of RSA 675:2-5.

The zoning ordinance shall be designed to regulate and restrict:

- ▶ (a) The height, number of stories and size of buildings and other structures;
- ▶ (b) Lot sizes, the percentage of a lot that may be occupied, and the size of yards, courts and other open spaces;
- ▶ (c) The density of population in the municipality; and
- ▶ (d) The location and use of buildings, structures and land used for business, industrial, residential, or other purposes.

# History of Zoning in the United States

- ▶ Early planning efforts
- ▶ Life before Zoning
  - ▶ Limited restrictions
- ▶ First Zoning Ordinance
  - ▶ New York City in 1916
    - ▶ Established different zoning districts and height, area, setback, and use restrictions pertaining to each district
    - ▶ Started the adoption of comprehensive local-level zoning across the country
  - ▶ Standard State Zoning Enabling Act in 1922
    - ▶ New Hampshire legislature adopted the Act's model language in 1925



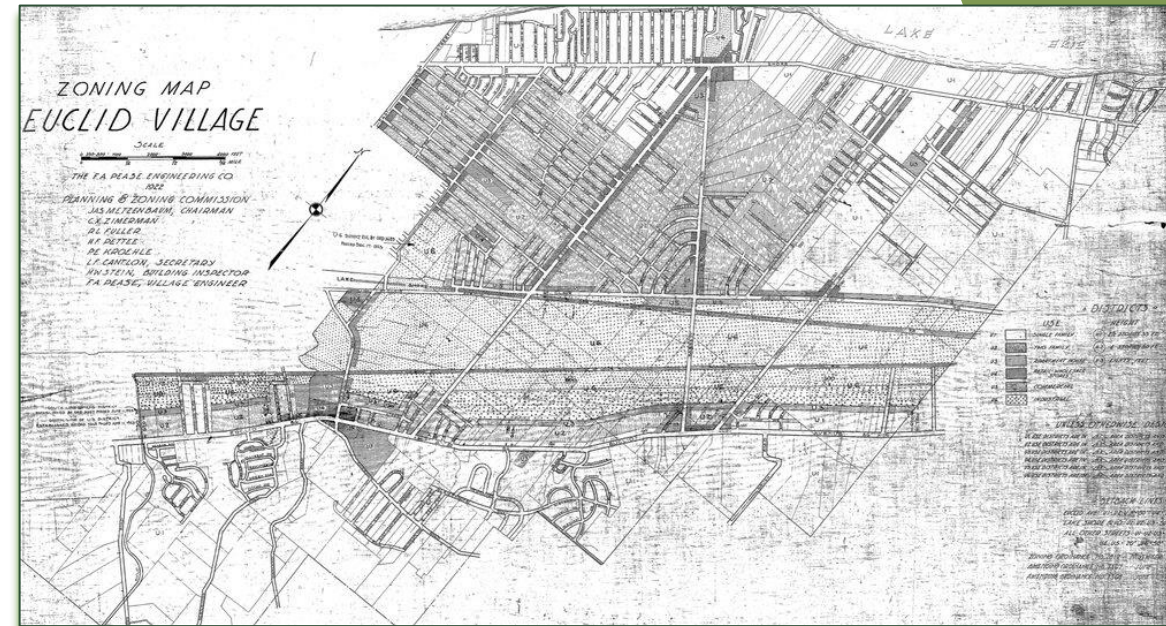
*New York City, NY 1913 (Source: Pinterest)*



# History of Zoning in the United States

## U.S. Supreme Court Ruling on Constitutional Challenge to Local Zoning

- ▶ 1926 – Euclid v. Amber Realty Co
- ▶ Town of Euclid, Ohio's zoning ordinance prohibited industrial uses in a certain district
- ▶ A 68-acre property owner filed suit; claimed zoning law deprived him of his property, which would be more valuable without the ordinance
- ▶ Federal district court found Euclid's law unconstitutional (violated 14<sup>th</sup> Amendment)
- ▶ Euclid appealed to U.S. Supreme Court, which ruled the zoning ordinance was constitutional and a valid exercise of police power



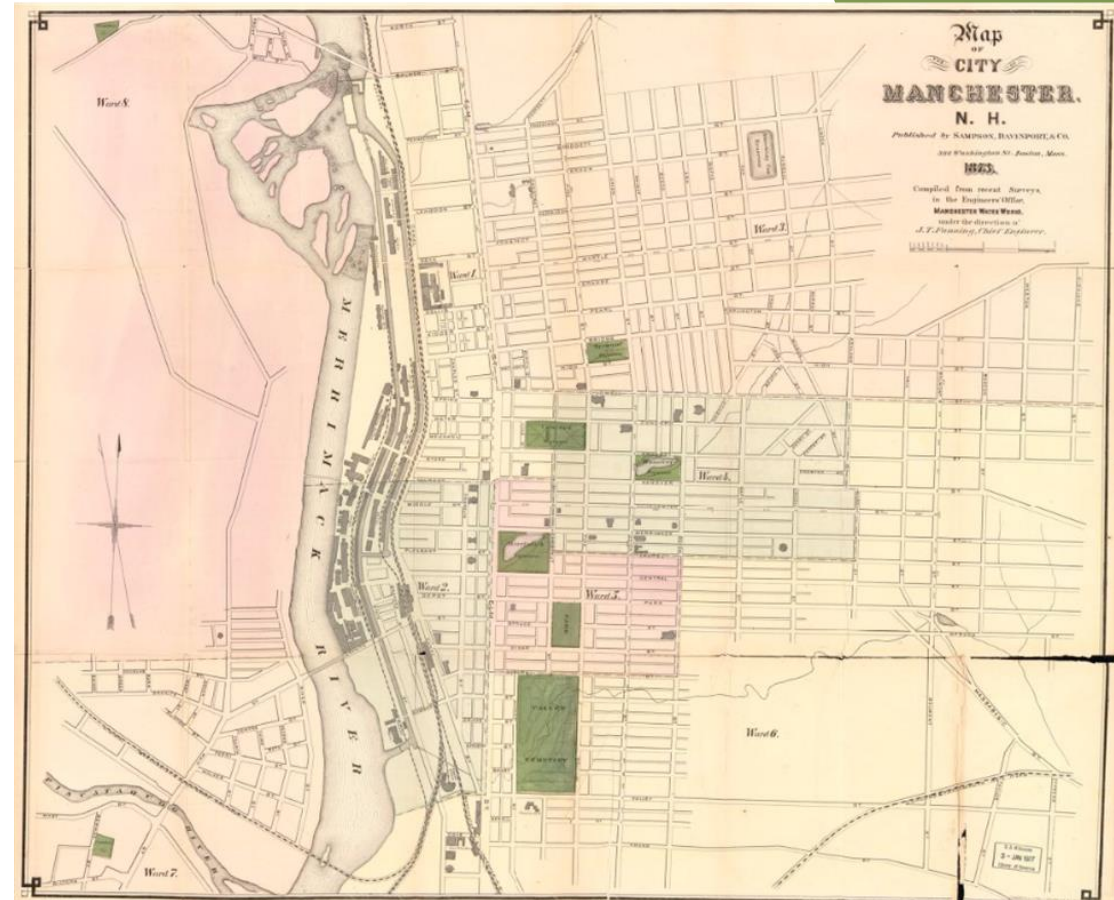
# History of Zoning in New Hampshire

## First Ordinances Adopted in New Hampshire

- ▶ Manchester (1927)
- ▶ Keene
- ▶ Nashua
- ▶ Concord

## First Constitutional Zoning Challenge in 1928

- ▶ Landowner in Manchester challenged part of the City's zoning ordinance that it unconstitutionally infringed on his property rights.
- ▶ NH Supreme Court cited Euclid and upheld the constitutionality of the zoning ordinance



# Purpose of Zoning Ordinances

## 674:17 Purposes of Zoning Ordinances.

- I. Every zoning ordinance shall be adopted in accordance with the requirements of RSA 674:18.  
Zoning ordinances shall be designed:
  - (a) To lessen congestion in the streets;
  - (b) To secure safety from fires, panic and other dangers;
  - (c) To promote health and the general welfare;
  - (d) To provide adequate light and air;
  - (e) To prevent the overcrowding of land;

# Purpose of Zoning Ordinances

## 674:17 Purposes of Zoning Ordinances. (cont.)

(f) To avoid undue concentration of population;

(g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;

(h) To assure proper use of natural resources and other public requirements;

(i) To encourage the preservation of agricultural lands and buildings and the agricultural operations described in RSA 21:34-a supporting the agricultural lands and buildings; and

(j) To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources ...

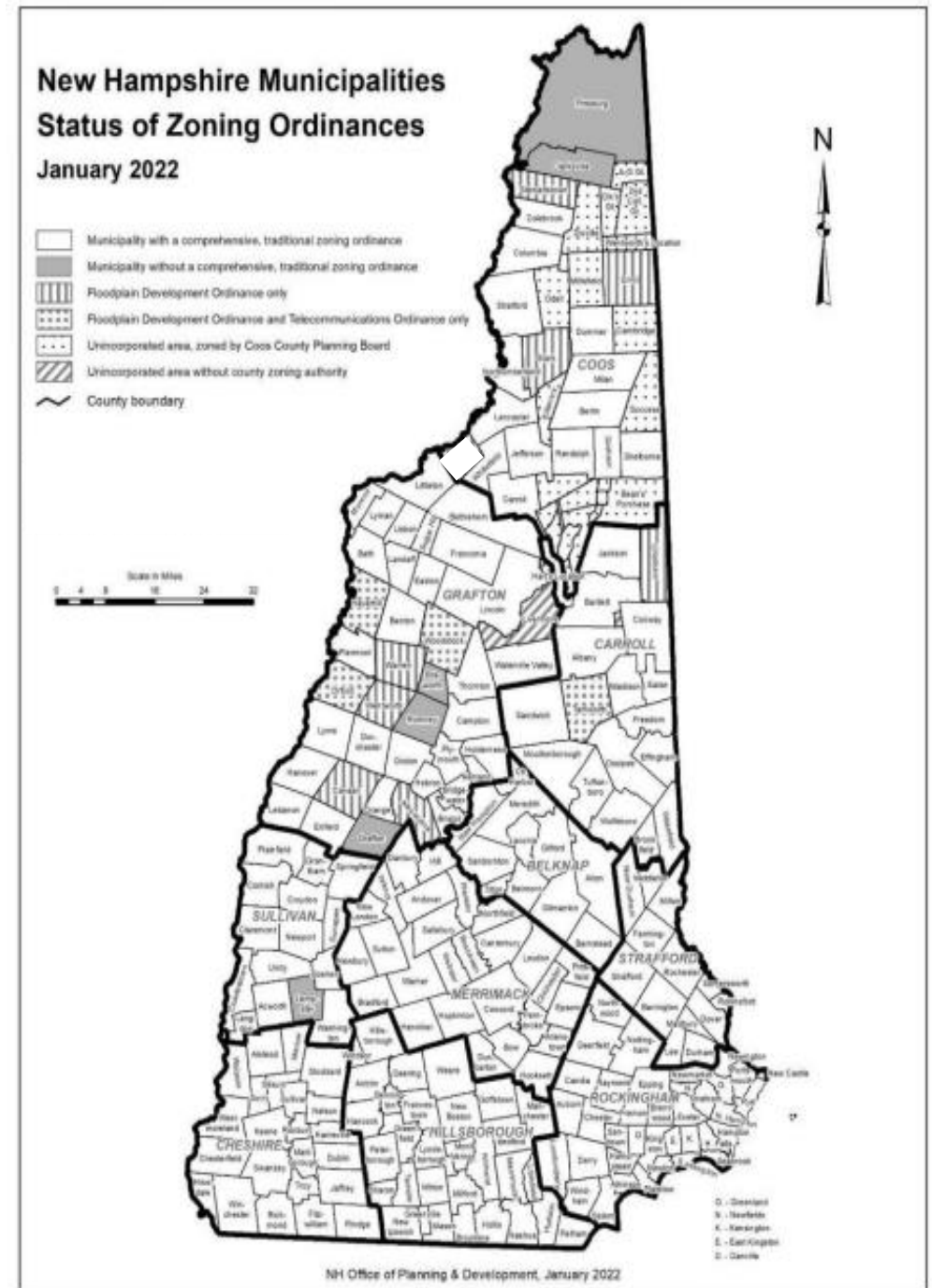
# Current Status of Zoning Ordinances in New Hampshire

**226** with a comprehensive zoning ordinance

**19** with no comprehensive zoning ordinance

➤ **13** with some type of zoning (floodplain development ordinance and/or telecommunications ordinance)

➤ **6** without any type of zoning



# ZONING BASICS

# Zoning vs. Planning

What is the difference between Zoning and Planning?

- ▶ Zoning-the legal process for regulating type, location, size, density etc. of land uses through regulations and documents.
- ▶ Planning-the legal, decision-making process in which communities' goals and objectives for deciding future uses of land are established through regulations and planning principals.
- ▶ Both are community-based
- ▶ Both are considered the regulatory framework that control land uses by size, location, density, etc.(zoning) and implementing goals of the community (planning).
- ▶ Land Use Regulations-Zoning, Site Plan, Subdivision, etc.

# Zoning's Relationship to the Master Plan

## Master Plan is the legal building block for land use regulations

- ▶ RSA 674:2.- “The purpose of the master plan is to set down as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the planning board, to aid the board in designing ordinances that result in preserving and enhancing the unique quality of life and culture in New Hampshire, and to guide the board in the performance of its other duties in a manner that achieves the principals of smart growth, sound planning, and wise resource protection.
- ▶ 674:2.II-Legal standing for implementation of ordinances
- ▶ Master Plan is also community based.
- ▶ Two required Master Plan chapters- Vision and Land Use.
- ▶ Establish a Planning Board and adopt By-Laws(673:1), Prepare and Adopt Master Plan (674:1), Authorization to prepare and adopt Subdivision Regulations(674:35), Authorization to prepare and adopt a Zoning Ordinance (674:16), Authorization to prepare and adopt Site Plan Regulations (674:43)



# Permissive vs. Prohibitive Zoning

- ▶ Permissive Zoning - If a Use is not specifically identified as a “*Permitted Use*” or a “*Use Permitted by Special Exception*” than that “Use” is not permitted.
  - ▶ Table of Permitted Uses
- ▶ Prohibitive Zoning - Lists Uses that are not permitted and it's presumed that any Use not expressly prohibited is permitted.
  - ▶ Some of the earliest ordinances

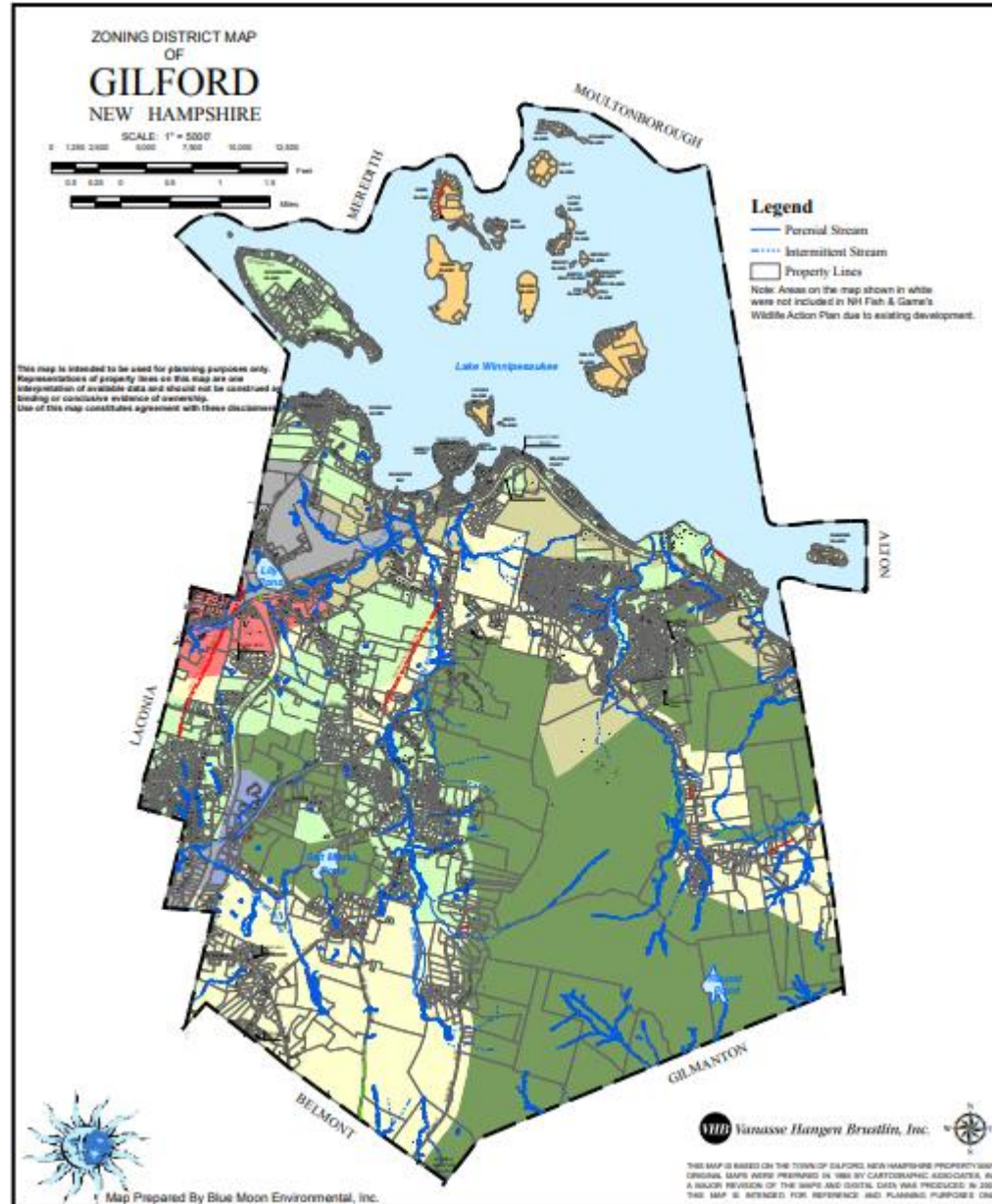
# Zoning Ordinance and Map

1) Zoning Ordinance- Municipality decides on whether to adopt zoning to regulate the land uses in their community through

RSA 674:16 and RSA 674:18

2) Zoning Map- The map that geographically shows all zoning district boundaries and classifications as identified and described in the zoning ordinance.

RSA 674:20 Districts



# Process for amending the Zoning Ordinance

Step 1-The planning board (RSA 674:1, V)

Step 2- The governing body (RSA 675:3, VIII) and Petitioned Zoning Amendment (RSA 675:4)

Step 3- What to consider for amendments?

- ▶ Review ordinance and ZBA cases with CEO and ZBA
- ▶ Talk to other municipal boards and staff
- ▶ Review the Table of Permitted Uses and definitions
- ▶ Review zoning ordinance against other land use regulations
- ▶ Local reference to state laws CSPA, Wetlands, 155-E

## Process for amending the Zoning Ordinance Cont'd

- ▶ In towns a zoning ordinance may be adopted or amended at town meeting-
  - ▶ Once a year!
- ▶ In cities (and town council towns) the municipal charter determines how a zoning ordinance is to be adopted or revised usually by City Council or Board of Alderman.
  - ▶ Any time of the year
- ▶ Petitioned Zoning Amendments cannot be altered.
- ▶ Planning Board is responsible for holding the public hearings. They must hold at least one public hearing on all proposed amendments and to provide full text of the amendments to the public.
- ▶ Noticing Requirements-675:7
- ▶ Zoning Amendment Calendars (NHMA and OPD)

# NUTS AND BOLTS OF THE ZONING ORDINANCE

# Ingredients for a traditional zoning ordinance

## Title

*§ 143-1 Title. This chapter shall be known and cited as the "Zoning Ordinance of the Town of Pembroke, New Hampshire", hereinafter referred to as "This Chapter."*

## Authority/Preamble

*§ 143-2 Authority.*

*A. This chapter is adopted pursuant to the authority granted by RSA 674:16, New Hampshire Revised Statutes Annotated, as amended.*

## *ARTICLE I - PREAMBLE*

*In pursuance of authority conferred by Chapters 672-676 NH Revised Statutes Annotated, 1983, now therefore the following ordinance is hereby enacted by the voters of the Town of Meredith, New Hampshire, in official Town Meeting convened.*

# Ingredients for a traditional zoning ordinance Cont'd

## Purpose

*§ 143-3 Purpose. This chapter is made in accordance with the Pembroke Master Plan and is designed to lessen congestion in the streets; to secure safety from fires, panic and other dangers; to promote health, safety, and the general welfare of its citizens; to provide adequate light and air; to prevent the over-crowding of the land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care; and to assure proper use of natural resources and other public requirements.*

## Applicability

*Section 10.130 Applicability 10.131 The requirements of this Ordinance shall apply to all areas within the boundaries of the City of Portsmouth except where specifically exempted.*

## Separability/Saving Clause

*Section 10.160 Separability Should any provision of this Zoning Ordinance be declared invalid by a final 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.*

*ARTICLE XI - SAVING CLAUSE - The invalidity of any provisions of this ordinance shall not affect the validity of any other provision.*

# Ingredients for a traditional zoning ordinance Cont'd

## Definitions

### *ARTICLE II Word Usage and Definitions (§ 143-7 — § 143-8)*

*A. Unless the context clearly indicates to the contrary, words used in the present tense shall include the future tense; words used in the plural shall include the singular; words used in the singular shall include the plural; the word "herein" shall mean "in this chapter"; the word "chapter" shall mean "this chapter."*

*B. "person" shall include natural persons as well as a corporation, a partnership, and/or an incorporated association of persons such as a club; "shall" is always mandatory; the word "may" is permissive; a "building" is a "structure", however a structure is not necessarily a "building"; a "building" or "structure" shall mean any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."*

*C. Words not specifically defined herein shall have their common meaning.*

**(AKA use the Dictionary!)**



# Ingredients for a traditional zoning ordinance Cont'd

## Districts

2.1 Establishment of Districts and Official Zoning Map - For the purpose of this ordinance, the town is hereby divided into the following districts or zones (See Appendix I for description) and as shown on the official zoning map (See Appendix II) which, with all explanatory information thereon, is made part of this ordinance and incorporated herein by reference. Changes to this ordinance or zoning map shall only be made in accordance with Section 2.3.

2.1.1 Natural Resource Residential - This zone has a diversity of both suitable and unsuitable lands for varied development. More freedom of design is allowed, while protecting land values and sensitive environmental features, and while permitting most useful activities.

2.1.2 Limited Residential - This zone allows varying density of dwellings according to land quality, space for development, and public sewer and roads. It allows for construction of residences for all income levels and supporting or compatible uses. This is considered a transition zone between more highly developed areas and areas requiring or having less intensive development.

2.1.3 Single Family Residential - This zone has suitable land and existing development. Uses are restricted to those that are compatible with the existing development and will not diminish property values and the quality of life.

# Ingredients for a traditional zoning ordinance Cont'd

## Districts Cont'd

2.1.4 Resort Commercial - This zone provides land for tourism, supporting services, and residential use.

2.1.5 Professional Commercial - This zone is for professional offices, blending with low intensity commercial and limited residential use.

2.1.6 Commercial - This area is for major commercial activities which are clustered to permit better land use and traffic control in areas with existing development.

2.1.7 Industrial - This zone allows light and medium industries, with least impact on residential uses and the Town's rural atmosphere. Those areas can be served by public utilities, are near major roads, and have some land with few physical restrictions.

Waterfront Business WB- To accommodate and support business uses that depend on the ocean or the Piscataqua River for transport or resources.

# Ingredients for a traditional zoning ordinance Cont'd

## Districts Cont'd

### Base Zoning District vs an Overlay District

Base Zoning Districts- Sets the standards and describes the uses allowed in that area and the purpose and intent of the district.

Residential, Commercial, Industrial, Rural, Recreation, Central Business.

Overlay Districts- A defined area through the map and ordinance where certain additional requirements are superimposed upon a base zoning district.

Aquifer Protection, Well Head Protection, Wetlands, Shoreland, Watershed, Conservation, Parking, Business Districts.

**Requirements of an Overlay District are in addition to the requirements of the Base District.**

# Ingredients for a traditional zoning ordinance Cont'd

## Table of Permitted Uses

### *5.01 Permitted Use Table A. Table of Permitted Uses.*

- 1. Within each zoning district indicated on the Official Zoning Map and subject to all requirements and conditions specified in this Ordinance, land, buildings, and structures shall only be used and buildings and structures shall only be erected which are intended or designed to be used for uses listed in the Table of Permitted Uses, Table 5-1.*
- 2. When a use is not listed in the Permitted Use Table, the Zoning Administrator shall classify it with that use in the table most similar to it.*
- 3. If the Zoning Administrator should determine that a use is not listed and is not similar to a use in the Permitted Use Table, then said use is prohibited.*

# Ingredients for a traditional zoning ordinance Cont'd

## Table of Permitted Uses Cont'd

§ 143-15 Use regulations. In the following Table of Uses, the uses permitted by right in the district shall be designated by the letter (P). Those uses that may be permitted by special exception in that district, in accordance with article XIV, shall be designated by the letter (S). A use listed in the Table of Uses and denoted with a dash (-) is not permitted in that district. Any use not listed in the Table of Uses shall be construed as to be prohibited.

TABLE OF USES								
USES		R1	R3	B1	B2	C1	LO	Special Conditions
<b>RESIDENTIAL</b>								
1.	Single family detached dwelling	P	P	P	P	-	P	
2.	Two-family dwelling	P	P	P	P	-	P	
3.	Multi-family dwelling not to exceed six dwelling units	S	-	S	S	-	S	§143-113
4.	Reserved	-	-	-	-	-	-	-
5.	Reserved	-	-	-	-	-	-	-
6.	Recreational vehicle	P	P	P	P	P	P	§143-26 & §143-31
7.	Manufactured housing park	-	P	-	-	-	-	§143-32
8.	Manufactured housing subdivision	-	P	-	-	-	-	§143-33
9.	Accessory uses	P	P	P	P	P	P	§143-18

### Table 1 – Chart of Uses

#### Commercial Zones

PC Professional Commercial  
 RC Resort Commercial  
 C Commercial

#### Industrial Zones

I Industrial

#### Residential Zones

NRR Natural Resource Residential  
 SFR Single Family Residential  
 LR Limited Residential  
 IR Island Residential

### 4.1 Open Space Uses

		NRR	SFR	LR	IR	PC	RC	C	I
4.1.1	Agriculture	Y	Y	Y	Y	Y	Y	Y	Y
4.1.2	Conservation	Y	Y	Y	Y	Y	Y	Y	Y
4.1.3	Forestry	Y	Y	Y	Y	Y	Y	Y	Y
4.1.4	Parking Facility	N	N	N	N	Y	Y	Y	Y
4.1.5	Sand, Gravel Removal	E	N	E	N	N	N	N	E
4.1.6	Agritourism	Y	Y	Y	N	Y	Y	Y	Y

(Amended 03/08/16, War. Art. 8)

# Ingredients for a traditional zoning ordinance Cont'd

## Dimensional Requirements

### REFERENCE HEADINGS:

- A = Minimum Lot Area (square feet)
- B = Minimum Contiguous Lot Frontage (feet)
- C = Minimum Contiguous Lot Frontage – Duplex (feet)
- D = Minimum Contiguous Lot Frontage – Multi Family (feet)
- E = Minimum Lot Depth (feet)
- F = Minimum Yard Depth – Front (feet)
- G = Minimum Yard Depth – Side (feet)
- H = Minimum Yard Depth – Rear (feet)
- I = Maximum Height (feet)
- J = Percent Minimum Pervious Space (excluding pervious pavement)

	DISTRICT / A	B	C	D	E	F	G	H	I	J
B1	ANY PERMITTED USE – TOWN WATER AND SEWER REQUIRED 10,000 sf plus 4,000 sf for each dwelling unit more than one (1) per building	80	80	80	80	30	15	40	35	30
B2	ANY PERMITTED USE – TOWN WATER AND SEWER REQUIRED 5,000 sf plus 500 sf for each dwelling unit more than one (1) per building (see note #12)	60	80	80	80	20	10	30	35	10
R1	ANY PERMITTED USE WITH TOWN WATER AND SEWER AVAILABLE 20,000 sf plus 20,000 sf for second unit and 10,000 sf for each unit more than two per building	120	150	150	120	30	15	40	35	30
R1	ANY PERMITTED USE WITH ONLY TOWN WATER AVAILABLE 60,000 sf plus 60,000 sf for second attached unit	150	180	-	120	30	15	40	35	30
R1	ANY PERMITTED USE WITH ONLY TOWN SEWER AVAILABLE 40,000 sf plus 40,000 sf for second attached unit	135	165	-	120	30	15	40	35	30
R1	ANY PERMITTED USE WITHOUT TOWN WATER AND SEWER AVAILABLE 80,000 sf plus 60,000 sf for second attached unit	200	230	-	120	30	15	40	35	30

# Ingredients for a traditional zoning ordinance Cont'd

## Administration, Enforcement, and Penalties

22.1 Administration – The Gilford Board of Selectmen is responsible for the administration and enforcement of this ordinance. The Board of Selectmen may appoint a building official whose duty it shall be to represent the Board in administering and enforcing this ordinance. The appointment of a building official does not supersede the Board's authority or obligation.

22.2 Enforcement – If the Board of Selectmen or their representative find that any of the provisions of this ordinance are being violated, they shall notify in writing the person responsible for such violations indicating the nature of the violation and ordering the action necessary to correct it. They may order discontinuance of illegal use of land, or structures; removal or correction of illegal structures or addition, alterations, or structural changes; discontinuance of any illegal work being done; or take any other action authorized or required by this ordinance to ensure compliance with it or to prevent violation of its provisions. Any permit or license issued in conflict with this ordinance shall be null and void. The disregard of any approval or condition thereto authorized by this ordinance shall be a violation of this ordinance.

22.6 Penalties – Penalties for any violation of this Zoning Ordinance shall be as provided by statute RSA 676:17 and RSA 676:17-a. Furthermore, the civil monetary penalties provided for in RSA 676:17 and RSA 676:17-a may be secured and enforced by and through any available remedies available at law, including, but not limited to, liens, attachments, writs of execution, and all other remedies.

# Ingredients for a traditional zoning ordinance Cont'd

## Variance

- ▶ What are they?
  - ▶ Variance-is the authorization of a use which is otherwise prohibited by a zoning ordinance.
  - ▶ It is relief granted by a zoning board of adjustment from the literal and strict application of zoning regulations.
- ▶ Why do we need them?
  - ▶ Provide relief!



**BREAK – 10 MINUTES**

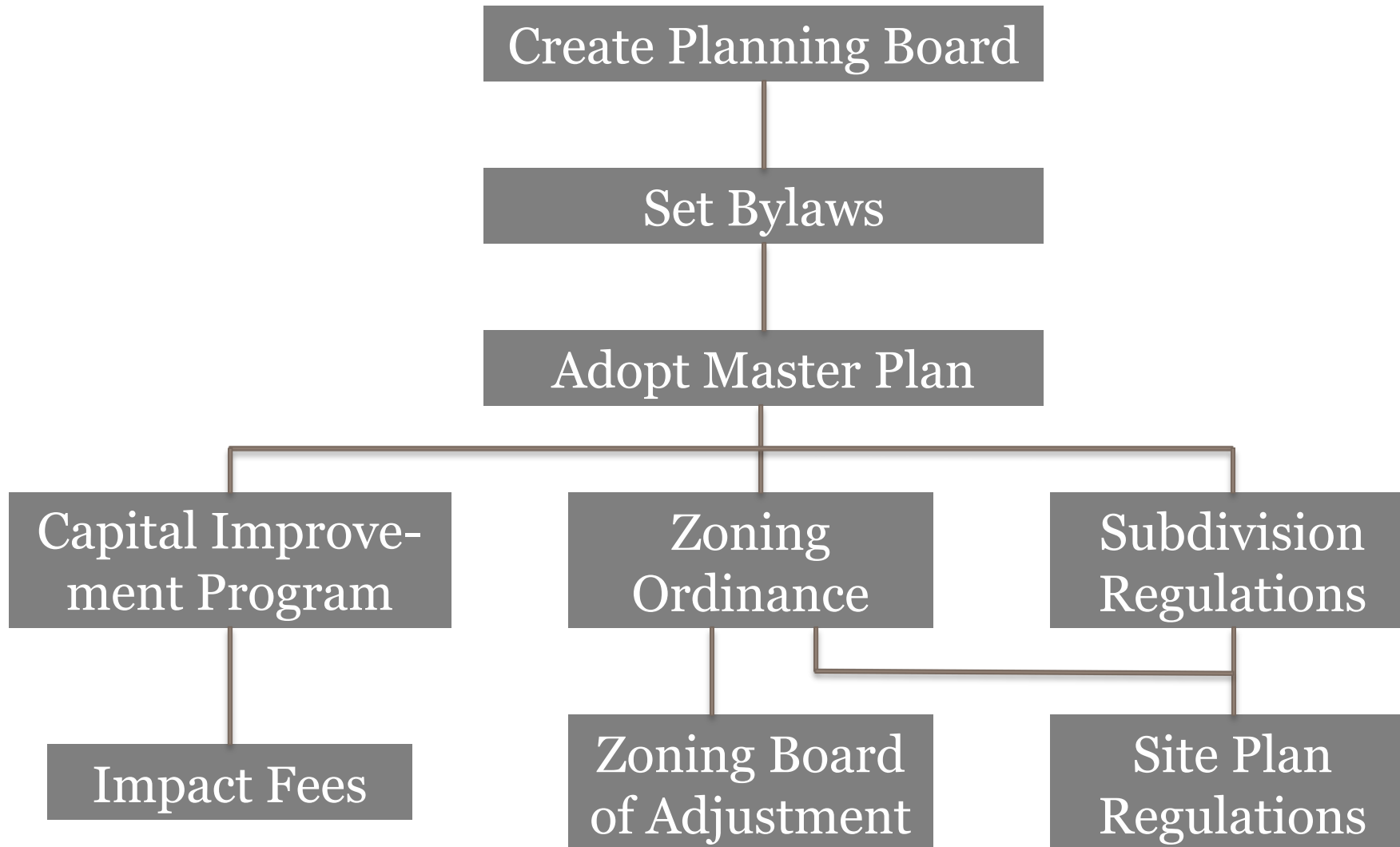
# RELATIONSHIP OF THE ZONING ORDINANCE TO OTHER LAND USE REGULATIONS

# Other Land Use Regulations/Controls

All land use regulations should be in sync:

- ▶ Capital Improvement Program – RSA 675:5
- ▶ Driveway Regulations – RSA 236:13
- ▶ Excavation Regulations – RSA 155-E
- ▶ Growth Management – RSA 674:22
- ▶ Innovative Land Use Controls – RSA 674:21
- ▶ Site Plan Review Regulations – RSA 674:44
- ▶ Subdivision Regulations – 674:36

# Process for Adoption of Other Land Use Regulations



# STATE/FEDERAL PREEMPTIONS AND LOCAL LAND USE CONTROL

# State Preemptions

- ▶ Accessory Dwelling Units – RSA 674:71-74
- ▶ Agriculture Uses – RSA 674:32-a - 32-c
- ▶ Campgrounds – RSA 216-I
- ▶ Commercial & Recreational Fishing – RSA 674:67-70
- ▶ Governmental Land Uses – RSA 674:54
- ▶ Energy Facilities – RSA 162-H
- ▶ Manufactured Housing – RSA 674:32
- ▶ Primary Religious Uses – RSA 674:76
- ▶ Small Wind Energy Facilities – RSA 674:63
- ▶ Workforce Housing – RSA 674:58-61

# Federal Preemptions

- ▶ Natural Gas Act of 1938
- ▶ Telecommunications Act of 1996
- ▶ Religious Land Use and Institutionalized Persons Act of 2000

# Other State Regulations/Permits Related to Land Use

- ▶ Alternation of Terrain – RSA 485-A: 17
- ▶ Endangered Species – RSA 212-A
- ▶ Septic Permitting – RSA 485-A
- ▶ Shoreland Water Quality Protection Act – RSA 483-B
- ▶ State Building and Fire Code – RSA 155-A/RSA 153
- ▶ State Driveway Permits – RSA 236:13
- ▶ State Historic Preservation – RSA 227-C
- ▶ Wetlands – RSA 482-A



# Other Regulations To Include In a Zoning Ordinance

- ▶ Accessory Dwelling Units
- ▶ Adult Businesses
- ▶ Age-Restricted Housing
- ▶ Architectural Design Standards
- ▶ Cluster/Open-Space Subdivision
- ▶ Drinking Water Protection
- ▶ Floodplain Protection
- ▶ Groundwater/Aquifer Protection
- ▶ Historic District
- ▶ Impact Fees
- ▶ Outdoor Lighting
- ▶ Shoreland Protection
- ▶ Sign Regulations
- ▶ Small Wind Energy Systems
- ▶ Solar Energy Systems
- ▶ Steep Slopes/Ridgeline Protection
- ▶ Stormwater Management
- ▶ Surface Water Protection
- ▶ Watershed Protection
- ▶ Wetlands Protection
- ▶ Wireless Telecommunications
- ▶ Workforce Housing

# FUTURE OF ZONING IN NEW HAMPSHIRE

# Alternatives to Euclidean Zoning

- ▶ Innovative Land Use Controls – RSA 674:21



Tuscan Village Master Plan (Source: Town of Salem)

“

*We may never (nor wish to) completely shed Euclidean Zoning in our lifetime given its deep roots in American planning philosophy, but the future appears to be on track for more flexible land planning in order to support and facilitate inevitable population growth and the appetites of modern citizens*

Brett Allard, Esq., NHLSA Newsletter, “The Past, Present, and Future of Zoning”, NHLSA Newsletter, July 2022

# Form Based Codes

## T4 General Urban District — Corridor 1

**KEY**    - - - - Property Line (ROW)    ■ Building Area    — Setback Line    ▨ Encroachment Area

BUILDING PLACEMENT — PRINCIPAL BLDG		
Front Setback, Principal Frontage	0 ft min, 5 ft max	<b>A</b>
Front Setback, Secondary Frontage	2 ft min, 12 ft max	<b>B</b>
Side Setback	0 ft min, 6 ft max	<b>C</b>
Rear Setback	greater of 3 ft min or 15 ft from center line of alley	<b>D</b>
Frontage Buildout	75% min at front setback	

LOT OCCUPATION		
Lot Width	18 ft min, 200 ft max	<b>E</b>
Lot Coverage	70% max	

BUILDING FORM — PRINCIPAL BUILDING		
Building Height	3 stories max	<b>F</b>
Ground Floor Height	12 ft min, 25 ft max	
Upper Floor Height	10 ft min	

## DRAFT ARTICLE 3. TRANSECT ZONES AND USE STANDARDS

**Table 3.2.c: Code Summary**  
For increases, reductions and additional standards in each transect metric, see Article 2 and individual transects in the following tables.

■ Permitted

▨ Not Permitted

**SUB-URBAN ZONE**

T3-R T3.1 T3.2 T3.3

**GENERAL URBAN ZONE**

T4-R T4.1 T4.2

**URBAN CENTER ZONE**

T5-R T5.1 T5.2

**URBAN CORE ZONE**

T6-10 T6-18

**a. BASE RESIDENTIAL DENSITY**

	T3-R	T3.1	T3.2	T3.3	T4-R	T4.1	T4.2	T5-R	T5.1	T5.2	T6-10	T6-18
<b>(a.1) By Right</b>	2 DU	4.3 DU	5.8 DU	9 DU	13 DU	13 DU	25 DU	25 DU	25 DU	25 DU	50 DU	50 DU
<b>(a.2) By Density Assessment</b>	NA	NA	NA	NA	75 DU	75 DU	75 DU	100 DU	100 DU	100 DU	150 DU	150 DU

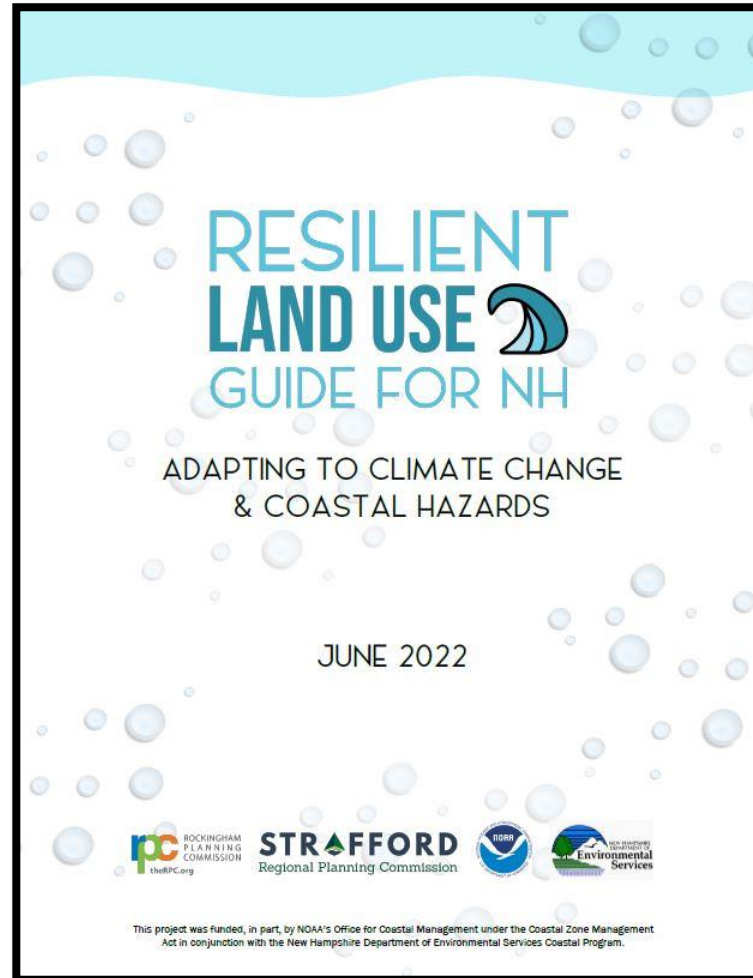
**b. LOT OCCUPATION.** The first number represents the metric for detached housing. The second number represents the metric for attached housing.  
(Attached Metric / Detached Metric)

	T3-R	T3.1	T3.2	T3.3	T4-R	T4.1	T4.2	T5-R	T5.1	T5.2	T6-10	T6-18
<b>(b.1) Lot Area Attached (sq.ft.)</b>	21,780	10,000	7,500	2,500	2,500	3,600	10,000	2,500	2,500	1,800	1,800	1,800
<b>(b.2) Lot Area Detached (sq.ft.)</b>	NA	NA	NA	5,000	5,000	3,600	10,000	5,000	2,500	1,800	1,800	1,800
<b>(b.3) Min. Lot Width (ft.)</b>	100	80	70	50 / 25	50 / 25	50 / 25	80	50 / 25	50 / 25	NA	NA	NA
<b>(b.4) Max. Impervious Surface (%)</b>	60	65	70	70 / 100	70 / 100	75			85	100	100	100

# TOOLS & RESOURCES FOR COMMUNITIES

# Resources and Tools For Communities

- ▶ [InvestNH Housing Opportunity Planning \(HOP\) Grant Program](#)
- ▶ [Resilient Land Use Guide for New Hampshire](#)
- ▶ [Municipal Land Use Regulation Survey – \(2021 update coming soon\)](#)
- ▶ [The New Hampshire Zoning Atlas \(coming December 2022\)](#)
- ▶ [Innovative Land Use Planning Techniques: A Handbook for Sustainable Development](#)



## Question and Answer Session

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