

PROPOSED CHANGES TO THE TEMPLE ZONING ORDINANCE

FOR PUBLIC HEARING AT TOWN HALL ON JANUARY 15, 2020 AT 7:00

In order to promote an increase of the supply of affordable housing in the town, especially to meet the needs of young families and a growing population of older residents , the Planning Board is proposing the following changes to the Zoning Ordinance. If the Board approves them, they will be voted on by ballot at the town election in March.

Amendment 1

Add the following to the Definitions Section of the Ordinance:

Duplex: A structure containing two dwelling units.

Change Article IV Section 7, paragraphs 7.10 and 7.20 to read:

7.10 Multiple dwellings shall not be allowed, except as allowed in Article IV Sections 7A, 7B, 7C, 19 and 26

7.20 There shall be no more than one dwelling on a lot plot or parcel, except as allowed in Article IV Sections 7A, 7B, 7C, 19 and 26

Add the following Text to the end of Article IV Section 7:

Section 7C: Duplexes

7C.10 Duplexes are allowed on any parcel that meets all the dimensional requirements of the district in which it is located.

7C.20 Duplexes shall be set back at least 70 feet from all property lines.

7C.30 Duplexes shall remain under a single ownership.

7C.40 Dwelling units in duplexes may not be subdivided to create additional accessory dwelling units.

Amendment 2

Add the following paragraph to the end of Article IV Section 19A(4)

SMALL DWELLING DENSITY BONUS: For every two dwelling units containing a living space of less than 1,500 square feet in a planned residential development, an additional third unit containing a living space of less than 1,500 square may be added to the number of units allowed in the formula above. Such units may not be later expanded more than 30% in living area. This bonus is only available when the original tract size is 24 acres or more. When this bonus is used, the vegetative buffer at all public roads and abutting parcels shall be 100 feet, and 150 feet from existing dwellings, and at least 30% of the “developable land” of the parcel must be set aside as “Open Space”.

Amendment 3

Delete the number “40%” from Article IV Section 7 Paragraph 7A.30, and replace it with “50%”.

EXCERPTS OF THE TEMPLE ZONING ORDINANCE SHOWING PROPOSED CHANGES IN CONTEXT.

Existing text in plain font, proposed deletions ~~overstruck~~, proposed new wording **bold and underlined**.

DEFINITIONS

Dwelling: Any building, or portion thereof, which is designed or used exclusively for residential purposes.

Commercial Use: (2013) An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

Dwelling Unit: An area of a residential building designed for use by one family.

Family: One or more persons, no more than four of whom are unrelated, occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined.

Duplex: A structure containing two dwelling units.

Multiple Dwelling: A residential building designed for occupancy by two or more families.

One-Family Dwelling: A detached residential dwelling unit, other than a mobile home, designed for one family only.

ARTICLE IV

Section 7: Multiple Dwellings (rev. 2017)

7.10 Multiple dwellings shall not be allowed, except as allowed in Article IV Sections 7A, 7B, **7C**, 19 and 26

7.20 There shall be no more than one dwelling on a lot plot or parcel, except as allowed in Article IV Sections 7A, 7B, **7C**, 19 and 26

7.30 Accessory dwelling units are permitted in all residential districts. The intent of this section is to allow home owners to generate extra income, elderly to have caretakers or renters share a home, and as a source of affordable housing in Temple. One accessory dwelling unit may be attached or detached, as allowed by Section 7A or Section 7B.

Section 7A: Attached accessory dwelling units (rev. 2017):

7A.10 Only one accessory dwelling unit is permitted per lot and must be attached to and part of the primary residence.

7A.20 Manufactured housing units are not eligible for subdivision into accessory dwelling units.

7A.25 The owner must be a legal resident of the property at the time of application.

7A.30 The accessory dwelling unit shall have a minimum floor area of 400 square feet, but in no case shall the floor area comprise more than ~~40%~~ **50%** of the floor area of the combined residences. Floor area of dwellings for the purposes of this section shall be calculated as follows:

- Finished living areas with full headroom shall be measured from the outside face of the structure.
- The area of attics and half floors shall be measured by the area with at least four feet of headroom.
- The full area of a useable basement may be included.
- Garages are not to be counted as part of the living area of the residences.

7A.40 Written state approval of adequate septic capacity required or state approved plan in case of failure of existing system.

7A.50 Applicant must show adequate water supply.

7A.60 Adequate provision shall be made for additional off street parking for at least one car.

7A.70 The accessory dwelling unit shall be attached to or within the existing primary residence. In no case shall a “detached” unit be allowed, except as noted in Section 7B below.

7A.75 An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but it is not required that it remain unlocked.

7A.80 Building permits are required before construction and Occupancy permits are required before use as an accessory dwelling unit.

7A.90 Accessory dwelling units shall not be allowed in Planned Residential Developments.

Section 7B: Detached accessory dwelling units (rev. 2017):

7B.10 A detached accessory dwelling unit shall be permitted on lots that are at least twice the minimum lot size for that district.

7B.20 Neither primary residence nor accessory apartment may be manufactured housing.

- 7B.30 The accessory dwelling unit shall have a minimum floor area of 400 square feet, but in no case shall the floor area comprise more than 67% of the floor area of the primary residence. Floor area of dwellings for the purposes of this section shall be calculated as follows:
- Finished living areas with full headroom shall be measured from the outside face of the structure.
 - The area of attics and half floors shall be measured by the area with at least four feet of headroom.
 - The full area of a useable basement may be included.
 - Garages are not to be counted as part of the living area of the residences.
- 7B.40 Written state approval of adequate septic capacity is required or a state approved plan in case of failure of existing system.
- 7B.50 Applicant must show adequate water supply.
- 7B.60 Adequate provision shall be made for off street parking as defined in 7A.60 above.
- 7B.70 Building permits are required before construction and Occupancy permits are required before use as a detached accessory dwelling unit.
- 7B.80 Only one detached accessory dwelling unit is allowed per lot.
- 7B.90 Detached accessory dwelling units shall not be allowed in Planned Residential Developments.

Section 7C: Duplexes

- 7C.10 Duplexes are allowed on any parcel that meets all the dimensional requirements of the district in which it is located.**
- 7C.20 Duplexes shall be set back at least 70 feet from all property lines.**
- 7C.30 Duplexes shall remain under a single ownership.**
- 7C.40 Dwelling units in duplexes may not be subdivided to create additional accessory dwelling units.**

Section 8 Manufactured Housing: Manufactured housing shall conform to Sections 1, 3, 4, 5, 6, and the lot size requirement of the District in which it is located.

Section 19 Planned Residential Development

A. Purpose:

The purpose of this Article IV Section 19 is to encourage reasonable flexibility in the development of land for residential purposes, to promote the most efficient use of land and to preserve significant natural and man-made features and open space in the design and development of residential projects. The specific objectives of these provisions and the general standards with which all proposed Planned Residential Developments shall comply are:

1. Promote the conservation of the natural environment and the development of land in harmony with natural features of the specific site proposed for development.
2. (2002) Preserve open space and the natural beauty of existing rural roads, farmlands, woodlands and cultural features which give the Town much of its identity.
3. (2002) Provide open space and recreation areas for the enjoyment of the residents of the development.
4. Promote economy and efficiency in the design, construction and maintenance of new roads and utilities for the developer, the Town and the residents of the proposed development.
5. Avoid development of lands which by virtue of excessive slope, wetness, flood hazard or similar conditions are unsuitable for residential use.
6. Promote a wide range of housing opportunities for individuals and families of various ages and economic circumstances.
7. Provide an efficient and expedient regulatory procedure while assuring high quality design, engineering and site planning.
8. Protect the health, safety and welfare of present and future residents of the Town.

B. Standards and Criteria:

1. (2006) Planned Residential Development shall be a permitted use in the Rural Residential and Agricultural District, of the Town of Temple.
2. (2002) The minimum tract size for any Planned Residential Development shall not be less than 6 contiguous acres.
3. (2002) Any tract proposed for a Planned Residential Development shall have a minimum of 300 contiguous feet of frontage on a class V or better road.
4. (2002) The maximum allowable density in any Planned Residential Development shall be calculated as follows:

TOTAL area in acres of the tract

MINUS area of all un-developable lands which shall include all surface waters on the tract, all lands with slopes of 25% or greater, all soils designated by the U.S.D.A. Soils Conservation Service in cooperation with the Hillsborough County Conservation District to be poorly drained or very poorly drained, and all lands within the 100-year flood zone. On-site determination of soil types may be conducted at the request of the Planning Board by an agent of the Hillsborough County Conservation District or a qualified soil scientist approved by the Town of Temple Planning Board. Structures, paved areas, service areas and other developed facilities shall be built only on the developable area or developable portion of the tract, excepting, however, stream and wetlands crossings as shall be necessary for the construction of an internal system of roads or ways.

EQUALS total developable area.

TOTAL developable area minus area of all streets and/or road rights-of-way in the development

DIVIDED by the minimum lot size for the zone in which the tract is located

EQUALS the maximum number of dwelling units permitted (fractions should be rounded down to the next lowest number).

WORKFORCE HOUSING DENSITY BONUS: For every two units of workforce housing in a development meeting the requirements of Article IV Section 26 and RSA 674:58-61, one additional dwelling unit shall be allowed, up to a maximum bonus of 25% more units than otherwise allowed in this section.

SMALL DWELLING DENSITY BONUS: For every two dwelling units containing a living space of less than 1,500 square feet in a planned residential development, an additional third unit containing a living space of less than 1,500 square may be added to the number of units allowed in the formula above. Such units may not be later expanded more than 30% in living area. This bonus is only available when the original tract size is 24 acres or more. When this bonus is used, the vegetative buffer at all public roads and abutting parcels shall be 100 feet, and 150 feet from existing dwellings, and at least 30% of the “developable land” of the parcel must be set aside as “Open Space”.

5. Minimum lot size, frontage, setback and other dimensional requirements specified in the Zoning Ordinance and/or Subdivision Regulations may be modified or waived by the Planning Board within the Planned Residential Development provided that the Planning Board after review of the required application materials finds that the proposal is consistent with the objectives outlined in paragraph A and other provisions of this Article. A Planned Residential Development may provide for private road access within the Planned Residential Development provided that a waiver of Town responsibility for municipal services in a form acceptable to Town counsel is delivered with any approval of the Planned Residential Development and further, provided that notice of private roads within the Planned Residential Development is suitably recorded in any document or instrument concerning the creation of the Planned Residential Development at the Hillsborough County Registry of Deeds.

6. (2002) All land in the Planned Residential Development which is not covered by buildings, septic systems, wells, paved areas, parking and service areas, and which is not set aside as private yards, patios, or gardens for the residents shall be treated as open space. The area of the open space shall be at least forty percent (40%) of the total area of the Planned Residential Development tract. At least fifty percent (50%) of the land required to be set aside as open space shall be land that is not undevelopable land as defined in Article IV: Section 19 (a). The open space area shall have a shape, dimension, character and location suitable to assure use for park, recreation, conservation or agricultural purposes by at least all of the residents of the Planned Residential Development. To the extent possible, as much open space as possible shall be contiguous. Such provisions shall further hold that all the open space shall be readily accessible to all residents of the Planned Residential Development and that such open space shall be retained in perpetuity, and a note to this effect shall be placed on the final plat, for one or more of the following uses: conservation, agriculture, recreation or park. No building construction or substantial alteration of terrain or topography, whether it is to be structures or septic systems, shall take place in the open space. Where the Planning Board feels that it is in the best interests of the Town, this land may be conveyed to the Town (subject to the approval of the homeowners association and the voters at Town Meeting). Timber harvesting in the open space shall be conducted only consistent with good timber stand management practices pursuant to a timber management plan prepared by a qualified licensed forester.

The open space shall be conveyed to a homeowners association, whose membership includes all the owners of lots or units

contained in the tract. The developer shall be responsible for the formation of the homeowners association of which the developer or owner shall be a member until a majority of lots of record are sold. The homeowners association shall be structured so as to provide that the membership and obligation of unit purchasers in the homeowners association will be automatic upon the conveyance of title or lease of dwelling units.

7. To provide an adequate transition between the development and abutting lands or public roadways all Planned Residential Developments shall provide for a natural existing vegetation perimeter buffer with a minimum of 35 foot depth along any existing public road frontage, side lot line or rear lot line, provided, however where there are existing residential dwelling units abutting the Planned Residential Development, then the buffer shall be a minimum of 100 feet from any existing dwelling unit. No cutting of timber or brush, or pruning of trees will be allowed in the buffer zone for any reason without approval from the Planning Board.

8. No lots shown on the plan for which a permit is granted under this Planned Residential Development ordinance shall be further subdivided and a note to this effect shall be placed on the final plat.

9. Where there are differences between Planned Residential Development requirements and the Subdivision Regulations, the requirements of the Planned Residential Development shall prevail. All the regulations and restrictions not specifically mentioned in this ordinance shall be those of the zoning district in which the Planned Residential Development is located.

C. Procedure:

Applicants for approval for the proposed Planned Residential Development shall make application to the Planning Board in the same fashion as specified in the Subdivision Regulations. In the course of review of the proposal by the Planning Board, the Board shall hear evidence presented by the Applicant and determine whether, in the Board's judgment, the proposal meets the objectives and purpose set forth above, in which event the Board shall grant approval to the proposal, subject to such reasonable conditions and limitations as the Board shall deem appropriate.