

DRAFT AMENDMENTS TO PLYMOUTH ZONING ORDINANCE
AMENDMENTS 1-7 (version 7)
AMENDMENT 8 (version 3)
2023-11-21

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Amendment 1. DEFINITIONS

1. Amend the definitions under DWELLING by inserting the following new term and definition in alphabetical order:

DWELLING, SINGLE-FAMILY ATTACHED: A dwelling unit that occupies a structure from ground to roof and is physically connected to another dwelling unit by at least one common wall extending from the foundation through the roof, and each dwelling unit has an independent, private entrance front and rear entrance.

2. Amend the term DWELLING, MULTIPLE UNIT, TO DWELLING, MULTIFAMILY, as follows:

DWELLING, MULTIFAMILY: A residential building designed for or occupied by three to six families, with the number of families in residence not exceeding the number of dwelling units provided.

Amend Open Space-Residential Development as follows:

OPEN-SPACE RESIDENTIAL DEVELOPMENT: A form of residential subdivision provided for in Article IX of the Plymouth Subdivision Regulations, authorizing dwelling units to be located on sites or lots within a single tract with dimensions, frontages, and setbacks reduced from conventional sizes, provided the density of the tract as a whole shall not be greater than the density allowed by the zone under existing regulations and the remaining open land is devoted to common open space except in exchange for certain “density bonus” options approved by the Planning Board.

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Amendment 2. Section 304. ZONE OBJECTIVES AND LAND-USE CONTROLS, Use Regulations

3. Amend the Table of Residential Uses in Section 304 by changing Cluster Development to Open Space Residential Development.
4. Amend Multiple Unit Dwelling of 3 to 6 Units to Multifamily Dwelling not exceeding 6 units, and change the designation SE in the MFR column to P.
5. Amend the term Single-Family Dwelling by changing it to Single-Family Dwelling, Detached.
6. Insert Single-Family Dwelling, Attached, in the Table with the use designations shown below.

USES	ZONE						
RESIDENTIAL	SFR	MFR	A	CI	VC	HC	ICD
Accessory Dwelling Unit	P	P	P	P	P	P	P
Continuing Care Retirement Community	-	-	P	-	-	-	-
Manufactured Housing	-	-	P	-	SE ¹	SE	SE
Multifamily Dwelling, not exceeding 6 units per building	-	P	SE	SE	P ¹	SE	SE
Open-Space Residential Development ³	P	P	P	P	P ¹	SE	SE
Residential Institution	-	SE	SE	P	SE ¹	P	P
Rooming House	-	SE	SE	SE	SE ¹	SE	SE
Single-Family Dwelling, Detached	P	P	P	P	P ¹	SE	SE
Single-Family Dwelling, Attached, not exceeding 4 units per building	P	P	P	P	P ¹	SE	SE
Two-Family Dwelling	SE	P	P	P	P ¹	SE	SE

Add new footnote 3: See Article 9, Plymouth Subdivision Regulations.

7. Amend Section 304, Table of Uses, by removing references to Parking Facility and More than one main structure.

USES	ZONE						
INSTITUTIONAL	SFR	MFR	A	CI	VC	HC	ICD
Church	-	-	P	P	P	P	P
Education	-	-	SE	P	SE	SE	SE
Hospital	-	-	SE	P	SE	SE	SE
Medical Center	-	-	SE	P	SE	SE	SE
Research Laboratory	-	-	SE	SE	SE	SE	SE
AGRICULTURAL	SFR	MFR	A	CI	VC	HC	ICD
Agriculture	-	-	P	-	SE	SE	SE
Forestry	-	-	P	-	SE	SE	SE

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INDUSTRIAL	SFR	MFR	A	CI	VC	HC	ICD
Industry	-	-	SE	-	SE	SE	P
MISCELLANEOUS	SFR	MFR	A	CI	VC	HC	ICD
Accessory buildings in excess of three (3)	SE	SE	SE	SE	SE	SE	SE
Off-Site Parking Facility	-	SE	SE	SE	SE	SE	SE
Accessory structure in front, side or rear setback area	SE	SE	SE	SE	SE	SE	SE

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Amendment 3. Section 304. ZONE OBJECTIVES AND LAND-USE CONTROLS, Area Dimensions

8. Amend the Tables of Area Dimensions as shown in the tables below. Proposed amendments are shown in italics.

Section 304 Area Dimensions

	ZONE						
	SFR	MFR	A	CI	VC	HC	ICD
Minimum frontage (in feet) for:							
-lots tied into a municipal or private sewage disposal system	75	75	100	100	50	100	100
-lots with on-site septic disposal	100	100	100	100	50	150	150
-Backlots approved under Article VIII, Section R of Subdivision Regulations	50	50	50	50	50	50	50
Minimum setbacks in feet							
-front	<i>15, or the average front setback of all residential lots within 300 feet, whichever is less, but no less than 5 feet.</i>	<i>15, or the average front setback of all residential lots within 300 feet, whichever is less, but no less than 10 feet.</i>	30	30	00	30	30
-side	10	10	15	10	00	15	15
-rear	10	10	15	10	10 ft. 0 by SE	15	15
Maximum setbacks in feet							
-front	N/A	N/A	N/A	N/A	10	N/A	N/A
<i>Minimum Setback for uncovered parking spaces</i>							
<i>Front</i>	<i>See Sec. 411.3</i>	<i>See Sec. 411.3</i>	15	15	15	15	15

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<i>Side</i>	5	5	15	10	00	15	15
<i>Rear</i>	5	5	10	10	10	15	15

Area Dimensions, Cont'd

	ZONE						
	SFR	MFR	A	CI	VC	HC	ICD
Minimum yards (in feet) on Rented Lots in Manufactured Housing Parks:							
-front	-	-	25	-	25	25	25
-side	-	-	12	-	12	12	12
-rear	-	-	12	-	12	12	12
Minimum lot area, in square feet							
With municipal or private sewage disposal <u>and</u> public water in accordance with appropriate state standards	10,000	7,500	40,000	20,000	-	20,000	20,000
Additional minimum land area for each dwelling unit over one	5,000	2,500	2,500	2,500	-	5,000	5,000
With municipal or private sewage disposal <u>or</u> public water in accordance with appropriate state standards	20,000	15,000	40,000	20,000	-	20,000	20,000
Additional minimum land area for each dwelling unit over one	5,000	2,500	2,500	2,500	-	5,000	5,000
With an on-site septic disposal and private water	40,000	40,000	40,000	40,000	-	40,000	40,000
Additional minimum land	7,500	7,500	7,500	2,500	-	2,500	4,500

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	ZONE						
	SFR	MFR	A	CI	VC	HC	ICD
area for each dwelling unit over one							
Maximum lot coverage by impervious surfaces (percentage of total lot area):	75	75	75	75	100	75	75

Add new footnote to the Area Dimensions Table:

¹ Lot area, frontage, setbacks, and coverage shall be in accordance with Article 9 of the Plymouth Subdivision Regulations.

Amendment 4. Section 411, Off-Street Parking

9. Delete the existing Section 411 and replace it with a new Section 411, Off-Street Parking, as follows:

Section 411 **Off-Street Parking**

411.1 General Provisions

A. Purposes and Intent

To provide for the safe, efficient movement of ordinary public and private traffic in the street at all times, to reduce traffic congestion and permit the rapid but safe passage of firefighting equipment and other emergency vehicles, to facilitate the maneuvering of public emergency equipment in the streets, to facilitate snow removal, and for all similar related purposes it is the intent of this section that all structures and land uses shall have sufficient associated off-street vehicular parking spaces to meet the reasonable needs of the occupants.

B. Required Spaces to be shown on Plan

No Land Use Permit nor Site Plan Review approval shall be issued for the erection of a new building, the expansion of an existing building, the change of use of any existing building, or the development or expansion of a land use, unless the plans show the specific location and size of the off-street parking space required to comply with the regulations in subsection 411.2 and the means of access to the spaces from public streets. In considering plans submitted for approval, the Selectmen or Planning Board shall consider the safety of the proposed parking area relative to vehicular and bicycle traffic on the public streets and pedestrians on the public sidewalks, as well as the safety and adequacy of the area itself with respect to vehicles, bicycles, and pedestrians making use of it.

C. Existing Structures and Uses

1. The off-street parking requirements set forth in Section 411 shall apply to all buildings and land uses except those:
 - a. in existence at the effective date of this Ordinance;
 - b. or for which land use permits have been approved by the effective date of this Ordinance.
2. If the use of any such existing structure is expanded, extended, or intensified, the parking requirements of this section shall apply to the expansion, extension, or intensification. If the expansion, extension, or intensification results in an increase in the parking requirements of more than 25 percent, the entire use shall be made to comply with the parking requirements in subsection 411.2.

411.2 Table of Off-Street Parking Requirements

- A. In all zones except the Village Commercial Zone, off-street parking spaces shall be provided in accordance with the following schedule:

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TYPE OF USE	MINIMUM PARKING SPACES REQUIRED
Single-family dwelling, detached or attached	2 spaces per dwelling unit
Two-family dwelling	2 spaces per dwelling unit
Multifamily dwelling	1 space per one-bedroom unit and 2 spaces per unit for units with two or more bedrooms
Accessory dwelling unit	1 space in addition to the minimum required 2 spaces per unit for the principal single-family dwelling
Residential institution	1 space per residential room
Rooming house	1 space per resident
Office	1 space per 250 square foot of gross floor area
Church	1 space per 6 seats
Bank	1 space per 250 square foot of gross floor area
Restaurant	1 space per 4 seats
Theater	1 space per 4 seats
Retail sales	1 space per 250 square foot of gross floor area
Commercial service	1 space per 250 square feet of gross floor area
Indoor/outdoor recreation	1 per 500 square feet of gross floor area with no fixed seating or 1 space per 6 seats
Industry	1 space per two employees + 5% for visitors
Hospital	1.5 spaces per bed
Funeral home	1 space per 6 seats or 1 per 75 square feet of assembly room, whichever is greater
Student residence	1 space per sleeping room or 1 space per two beds, whichever is greater
Private club	1 space per 4 members
Wholesale business	1 space per employee + 1 space per 200 square feet of gross floor area
Auto service station	1 space per 200 square feet in service bays
Other uses	Adequate spaces to accommodate customers, patrons and employees must be provided as determined by the Planning Board under its Site Plan Review procedures

- B. These parking space requirements generally utilize a formula based on the gross floor area (g.f.a.) of a building rather than the public or service area to try and accommodate employee parking needs.

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- C. In all zones, new construction of institutional, commercial, or industrial uses requiring off-street loading facilities shall provide such facilities so that delivery vehicles are parking off the traveled way.
- D. The ZBA may grant a special exception for a proposed parking facility with less than 100% of the minimum number of parking spaces under Section 411.2 for allowed uses in any district except the Single-Family Residential Zone. In the CI, VC, HC, or ICD zone, the Zoning Board of Adjustment may grant a special exception for a parking facility with more than 125% of the minimum number of parking spaces under Section 411.2.

411.3 Location of Off-Street Parking

- A. Required off-street parking facilities shall be provided on the same lot or premises with the building or land they serve, except as provided in Section 1204.3(D).
- B. In the SFR, MFR, and CI districts, no surface parking spaces shall be located between the front building line of a residential building and the public street except stacked parking in a paved or gravel driveway located between the side of the principal building and the side lot line. Parking spaces in the side or rear yard shall be separated from the closest side or rear lot line abutting a residential use by a minimum buffer of 5 feet in width, landscaped with shrubs, ornamental grasses, trees, or other suitable landscaping. The ZBA may grant a special exception to waive the minimum buffer and landscaping requirements for abutting lots in common ownership.
- C. Any off-street parking space on a residential property other than a single-family dwelling shall have a durable paved or graveled surface. No vehicle shall be parked within the property except in a designated off-street parking space.

411.4 Quality

- A. Required off-street parking facilities may be enclosed in a structure or may be open, provided that all required parking facilities shall be graded, surfaced, drained, and suitably maintained for parking purposes to the extent necessary to avoid nuisance of dust, erosion, or excessive water flow across public ways and to ensure their reasonable availability for use. In appropriate situations, the Selectboard may require suitable markings to indicate individual parking spaces, maneuvering areas, entrances, and exits. Upon application duly made, the Selectmen may waive the requirement of maintaining for parking purposes any off-street parking space for any appropriate period of time, during which the Selectmen find that the use of the space will be suspended because of an interruption of the use or occupancy of the premises which the space is intended to serve. Each required car space shall not be less than 9 feet wide nor less than 19 feet long, exclusive of aisles, drives, and maneuvering space.
- B. Required off-street parking facilities shall be maintained as long as the use or structure exists which the facilities are designed to serve. Nothing hereunder shall be construed to constitute or contemplate a dedication of required off-street parking facilities to general public use, but any such facilities, required in conjunction with particular structures and land uses, may be reserved at all times for all persons who make use of such structures and premises, except when such parking spaces are acquired by the Town (with regard to parking facilities being either given to the Town or purchased by the Town) as public

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- parking areas..
- C. Off-street parking facilities serving nonresidential uses shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

Amendment 5. Section 416, Accessory Dwelling Unit (ADU) by Conditional Use Permit

10. Amend the section title by deleting the words “by Conditional Use Permit”
11. Delete the paragraph that reads, “Subject to the Provisions of RSA 674:21, II, the Planning Board is Hereby Authorized to Issue a Conditional Use Permit for an Accessory Dwelling Unit in the Town of Plymouth if the proposed project meets the approval criteria of the zoning ordinance and planning review.”
12. Amend the definition of Accessory Dwelling Unit by removing the last sentence, which reads, “Every accessory dwelling unit shall be deemed a resident of workforce housing for purposes of satisfying the municipality’s obligation under RSA 674:59.”
13. Amend Subsection H by deleting the words, “The ADU shall have sufficient off-street parking allotted to it on underlying parcel and all parking shall meet current Plymouth Zoning standards and parameters for a two-family home. No new curb cut from the street shall be constructed. Previous single-family parking criteria shall cease upon construction of an attached or detached ADU for a single-family dwelling on the same lot” and replacing it with the following: “There shall be one off-street parking space allotted to the ADU in addition to the minimum two spaces per unit required for the principal single-family dwelling.”

The revised section will read:

Section 416 Accessory Dwelling Unit (ADU)

Purpose and Intent:

In accordance with N.H. RSA 674:71-73, the purpose of this ordinance is to expand the mix of affordable housing opportunities in town by permitting the creation of secondary dwelling residences as an accessory use to existing single-family detached dwellings while maintaining the visual and functional character of single-family residential neighborhoods for the following reasons:

- I. There is a growing need for more diverse affordable housing opportunities for the citizens of New Hampshire.
- II. Demographic trends are producing more households where adult children wish to give care and support to parents in a semi-independent living arrangement.
- III. Elderly and disabled citizens are in need of independent living space for caregivers.
- IV. There are many important societal benefits associated with the creation of accessory dwelling residences, including:
 - (a) Increasing the supply of affordable housing without the need for more infrastructure or further land development.

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- (b) Benefits for aging homeowners, single parents, recent college graduates who are saddled with significant student loan debt, caregivers, and disabled persons.
- (c) Integrating affordable housing into the community with minimal negative impact.
- (d) Providing elderly citizens with the opportunity to live in a supportive family environment with both independence and dignity.

Section 1. Definition: As used in this article, the following term shall have the meaning indicated:

Accessory Dwelling Unit. An "accessory dwelling unit" (or "ADU") is a residential living unit that is within, attached to or detached from a single-family dwelling, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Section 2. Provisions. An accessory dwelling unit shall be permitted in all zoning districts that permit single-family dwellings, subject to the following:

- A. Only one (1) ADU shall be permitted on a lot that has an existing single family dwelling and no other accessory dwelling.
- B. Either the ADU or the principal dwelling unit shall be the principal residence and legal domicile of the property owner.
- C. The ADU must provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking, and sanitation.
- D. The ADU shall not include more than two bedrooms, nor shall it be occupied by more than two adults per ADU.
- E. For attached ADUs, the ADU shall have an independent means of ingress and egress or shall have ingress and egress through a common space such as a shared hallway to an exterior door.
- F. The ADU shall not exceed 1000 square feet in habitable floor area.
- G. An ADU shall make provision for adequate water supply and for sewage disposal service in compliance with RSA 485-A:38 and regulations adopted by the New Hampshire Department of Environmental Services.
- H. The ADU shall have at least parking space allotted to it in addition to the minimum of two spaces required for the single-family dwelling. No new curb cut from the street shall be constructed. Previous single-family parking criteria shall cease upon construction of an attached or detached ADU for a single-family dwelling on the same lot.
- I. Construction of the ADU shall meet all building code/life safety code guidance. The architecture and design of the ADU should reflect that of the primary residence.
- J. The construction of the ADU shall not increase the nonconforming aspect of any existing structure.
- K. Any exterior stairway leading to the ADU shall be covered or enclosed.

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- L. Minimum Lot Dimension Requirements: An attached ADU shall not be required to meet additional lot area requirements beyond those already provided for the principal dwelling unit. An ADU shall comply with all lot setback requirements and shall not exceed in combination with existing structures more than 75 percent coverage of the host lot.
- M. There shall be no conveyance of an accessory dwelling unit separate from the principal dwelling unit by subdivision, as that term is defined by RSA 674:14, nor shall the accessory dwelling unit have ownership separate from the lot on which the principal dwelling is located. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the principal residential dwelling.

Amendment 6. Sections 304.2 and 401.1, New Structures

Section 401.1 currently reads as follows:

In every zone only one main residential structure and three accessory buildings or uses customarily incidental to it shall be allowed on a lot without a Special Exception from the Board of Adjustment.

Section 304.2, Commercial Co-location, currently reads:

304.2 Commercial Co-location

In the ICD, A and HC Zones, co-location (siting) of more than one main (primary) commercial structure on a single building pad on a single parcel is Permitted, providing that all other Zoning requirements (legal parcel acreage, exterior lot-line setbacks, parking spaces, impervious surface coverage, driveway access) are met.

- The businesses occupying the parcel do not need to be related by owner or type; the parcel and pad itself must be owned by a single entity, including partnerships.
- Interior setbacks, access and circulation between buildings shall meet Life/Safety minimums, per the Plymouth Fire Dept.
- All main structures shall be subject to Site Plan Review, including their relationship to the shared amenities and storm water drainage.

These provisions should be consolidated, as follows:

14. Section 401.1, Multiple Buildings on a Single Lot

More than one principal structure shall be permitted on a lot provided that all other applicable zoning requirements are met, and:

- Interior setbacks, access, and circulation between buildings shall meet Life/Safety minimums as determined by the Plymouth Fire Department, and
- Except for detached single-family and two-family dwellings, all main structures shall be subject to Site Plan Review, including their relationship to the shared amenities and stormwater drainage.

In addition, Section 304.2 should be deleted.

15. Amend Section 304, as shown in Amendment 2, pages 2-3 of this packet.

Amendment 7. Open Space Residential Development

16. Amend Section 202, Term Definitions, by replacing the existing definition of Open Space Residential Development with the following definition (shown on page 1 of this packet).

OPEN-SPACE RESIDENTIAL DEVELOPMENT: A form of residential subdivision provided for in Article V of this Chapter and Article IX of the Plymouth Subdivision Regulations, authorizing dwelling units to be located on sites or lots within a single tract with dimensions, frontages, and setbacks reduced from conventional sizes, provided the density of the tract as a whole shall not be greater than the density allowed by the zone under existing regulations and the remaining open land is devoted to common open space except in exchange for certain “density bonus” options approved by the Planning Board.

17. Amend Section 304, as shown in Amendments 2 and 3 on pages 2-6 of this packet.

18. Amend Article V, Open-Space Residential Development, by deleting Sections 502, 503, 504, and 505, and amending Section 501 to read as follows:

501. Applicability

Open Space Residential Development shall be subject to review and approval by the Planning Board under Article IX of the Plymouth Subdivision Regulations.

Amendment 8. Fairgrounds Road Residential Overlay District

Amend the Zoning Ordinance and Zoning Map to establish the following new provisions of the Zoning Ordinance.

Part I. Amend Article 3 by adding the following:

304.3. Fairgrounds Road Residential Overlay District

Purposes

The purpose of the Fairgrounds Road Overlay District (FRROD) is to provide for moderate-density residential development opportunities in areas with public water and public sewer service while preserving the underlying zoning.

Establishment of District

This Section 304.3 is adopted pursuant to the authority for establishing zoning districts under RSA 674.20 and 674.21. The FRROD is as shown on the Fairgrounds Road Residential Overlay District (FRROD) map dated November 15, 2023, entitled, Fairgrounds Road Residential Overlay District, on file with the Planning Board and Town Clerk.

Applicability.

Development of land within the FRROD may be undertaken subject to the requirements of this Section 304.3 or by complying with all applicable requirements of the underlying district. Developments proceeding under this Section 304.3 shall be governed solely by the provisions herein and the standards or procedures of the underlying districts shall not apply. Where the FRROD provides for uses or structures not otherwise allowed in the underlying district, the provisions of the FRROD shall control.

Use Regulations

1. The following uses shall be permitted in the FRROD:
 1. Accessory Dwelling Unit
 2. Open-Space Residential Development
 3. Single-Family Dwelling, Detached
 4. Single-family dwelling, attached, not exceeding 4 units per building

Density and Dimensional Regulations

Area Dimensions shall be in accordance with Section 304.2 for the Single-Family Residential (SFR) Zone for lots with municipal or private sewage disposal and public water or for lots with municipal or private sewage disposal or public water, as applicable, all in accordance with appropriate state standards.

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Off-Street Parking

All regulations pertaining to off-street parking in the SFR district in Section 411 shall also apply to development in the FRROD.

Signs

Any sign erected in the FRROD shall comply with the requirements for signs in the SFR zone under Section 408.

Relationship to Other Overlay Districts

When the provisions of this Section 304.5 conflict with the more restrictive provisions of Article VII, Floodplain Development, or the Environmentally Sensitive Zone (ESZ) under Section 710, the more restrictive provisions shall control.

Part II. Further amend Article 3 as follows:

Amend Section 301, Zones, to add the following after AR Airport, the following new words:
FRROD Fairgrounds Road Residential Overlay District.