

**Proposed 2018 Warrant Article to Amend Wakefield Zoning Ordinance**

**“Are you in favor of the adoption of Amendment No. \_\_ as proposed by the Planning Board for the Town Zoning Ordinance as follows?:** Amendment revises Article 3, Table 1 – “Permitted Uses” to change “In-Law Apartment” to “Accessory Dwelling Unit” to be consistent with the changes made to the Zoning Ordinance in 2017.

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(Note: Text to be deleted appears in ~~strike through~~. Text to be added appears in ***bold italics underline***):

I. Amend Article 3, Table 1 – Permitted Uses as follows:

**ARTICLE 3 – TABLES**

**Table 1 – Permitted Uses**

	<b>Residential I</b>	<b>Residential II (Shorefront)</b>	<b>Residential III (Rural)</b>	<b>Business &amp; Commercial</b>	<b>Village/ Residential</b>	<b>Light Industrial</b>	<b>Agricultural</b>	<b>Farming- Prime Soils (O)<sup>1</sup></b>	<b>Aquifer- Conservation (O)<sup>2</sup></b>	<b>Wetland- Conservation (O)<sup>3</sup></b>	<b>Historic (O)<sup>4</sup></b>	<b>Floodplain (O)<sup>5</sup></b>
<b>RESIDENTIAL</b>												
<del>In-Law Apartment</del> <b><i><u>Accessory Dwelling Unit</u></i></b>	P	P	P	P	P	N	P	A	A	N	A	A

Legend (Table 1):

- P = Permitted use, subject to Site Plan Review, if required
- N = Not a permitted use
- O = Overlay District
- A = Allowed if permitted in base zoning district

Footnotes (Table 1):

1. Refer to Article 7, Farming- Prime Soils Overlay District for guidelines.
2. Refer to Article 8, Aquifer Conservation Overlay District for requirements.
3. Refer to Article 9, Wetland Conservation Overlay Zoning District for permitted uses.
4. Refer to Article 10, Historic Overlay Zoning District for Certificate of Approval Guidelines to construct, alter, move, or demo within the overlay district.
5. Refer to Article 11, Floodplain Development Overlay District for additional permitting and/or structural requirements.

**First Planning Board Public Hearing: 11/16/2017**  
**Second Planning Board Public Hearing (if necessary): 12/07/2017**  
**Third Planning Board Public Hearing (if necessary): 01/04/2018**  
**Town Ballot Vote: 03/13/2018**

**Proposed 2018 Warrant Article to Amend Wakefield Zoning Ordinance**

**“Are you in favor of the adoption of Amendment No. \_\_ as proposed by the Planning Board for the Town Zoning Ordinance as follows?:** Amendment revises Article 3, Table 1 – “Permitted Uses” to more accurately represent the permit required for a Personal Wireless Service Facility/Telecommunication Facility (cell tower), by updating the use from “Permitted” to instead require a “Conditional Use Permit” in the Residential-I and Residential-II districts in the Permitted Uses table.

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(Note: Text to be deleted appears in ~~strike through~~. Text to be added appears in ***bold italics underline***):

I. Amendment revises Article 3, Table 1 as follows:

**ARTICLE 3 – TABLES**

**Table 1 – Permitted Uses**

	<b>Residential I</b>	<b>Residential II (Shorefront)</b>	<b>Residential III (Rural)</b>	<b>Business &amp; Commercial</b>	<b>Village/ Residential</b>	<b>Light Industrial</b>	<b>Agricultural</b>	<b>Farming- Prime Soils (O)<sup>1</sup></b>	<b>Aquifer- Conservation (O)<sup>2</sup></b>	<b>Wetland- Conservation (O)<sup>3</sup></b>	<b>Historic (O)<sup>4</sup></b>	<b>Floodplain (O)<sup>5</sup></b>
<b>BUSINESS &amp; COMMERCIAL (cont.)</b>												
Personal Wireless Service Facility/ Telecommunication Facility	<del>P<sup>16</sup></del> <b><i><u>C<sup>16</sup></u></i></b>	<del>P<sup>16</sup></del> <b><i><u>C<sup>16</sup></u></i></b>	P	P	P	P	P	A	A	N	A	A

Legend (Table 1):

- P = Permitted use, subject to Site Plan Review, if required
- N = Not a permitted use
- O = Overlay District
- A = Allowed if permitted in base zoning district
- C = Conditional, requires Conditional Use Permit

Footnotes (Table 1):

1. Refer to Article 7, Farming- Prime Soils Overlay District for guidelines.
2. Refer to Article 8, Aquifer Conservation Overlay District for requirements.
3. Refer to Article 9, Wetland Conservation Overlay Zoning District for permitted uses.
4. Refer to Article 10, Historic Overlay Zoning District for Certificate of Approval Guidelines to construct, alter, move, or demo within the overlay district.
5. Refer to Article 11, Floodplain Development Overlay District for additional permitting and/or structural requirements.
- ...
16. Conditional Use Permit required if parcel is greater than 5 acres, otherwise prohibited.

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**Proposed 2018 Warrant Article to Amend Wakefield Zoning Ordinance**

**“Are you in favor of the adoption of Amendment No. \_\_ as proposed by the Planning Board for the Town Zoning Ordinance as follows?:** Amendment revises Article 24A – “Small Wind Turbines,” section (C)(1) by moving the districts where Small Wind Turbines are permitted, to Article 3, Table 1 – “Permitted Uses”.

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(Note: Text to be deleted appears in ~~strikethrough~~. Text to be added appears in ***bold italics underline***):

I. Amend Articles 3 and 24A as follows:

**ARTICLE 3 – TABLES**

**Table 1 – Permitted Uses**

	<b>Residential I</b>	<b>Residential II (Shorefront)</b>	<b>Residential III (Rural)</b>	<b>Business &amp; Commercial</b>	<b>Village/ Residential</b>	<b>Light Industrial</b>	<b>Agricultural</b>	<b>Farming- Prime Soils (O)<sup>1</sup></b>	<b>Aquifer- Conservation (O)<sup>2</sup></b>	<b>Wetland- Conservation (O)<sup>3</sup></b>	<b>Historic (O)<sup>4</sup></b>	<b>Floodplain (O)<sup>5</sup></b>
<b>BUSINESS &amp; COMMERCIAL (cont.)</b>												
<b><i><u>Small Wind Turbine</u></i></b>	<b><i><u>C<sup>19</sup></u></i></b>	<b><i><u>C<sup>19</sup></u></i></b>	<b><i><u>P</u></i></b>	<b><i><u>C<sup>19</sup></u></i></b>	<b><i><u>C<sup>19</sup></u></i></b>	<b><i><u>C<sup>19</sup></u></i></b>	<b><i><u>P</u></i></b>	<b><i><u>A</u></i></b>	<b><i><u>A</u></i></b>	<b><i><u>N</u></i></b>	<b><i><u>N</u></i></b>	<b><i><u>A</u></i></b>

Legend (Table 1):

- P = Permitted use, subject to Site Plan Review, if required
- N = Not a permitted use
- O = Overlay District
- A = Allowed if permitted in base zoning district
- C = Conditional, requires Conditional Use Permit

Footnotes (Table 1):

1. Refer to Article 7, Farming- Prime Soils Overlay District for guidelines.
  2. Refer to Article 8, Aquifer Conservation Overlay District for requirements.
  3. Refer to Article 9, Wetland Conservation Overlay Zoning District for permitted uses.
  4. Refer to Article 10, Historic Overlay Zoning District for Certificate of Approval Guidelines to construct, alter, move, or demo within the overlay district.
  5. Refer to Article 11, Floodplain Development Overlay District for additional permitting and/or structural requirements.
  - ...
- 19. Conditional Use Permit or Special Exception required. See Article 24A for further explanation of conditions.***

**ARTICLE 24A – SMALL WIND TURBINES**

**C. STANDARDS.**

1. **Zoning Districts:** *Refer to article 3, table 1 for permitted zones.* ~~Small wind energy systems are a permitted use in the following districts only: Residential III and Agricultural. In all other zoning districts, small wind energy systems are allowed by Special Exception or Conditional Use Permit provided the applicant can demonstrate compliance with the standards for setbacks and noise levels. Small wind energy systems are not permitted in the Historic Overlay District, regardless of the underlying Zoning district.~~

**First Planning Board Public Hearing: 11/16/2017**  
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**Third Planning Board Public Hearing (if necessary): 01/04/2018**  
**Town Ballot Vote: 03/13/2018**

**Proposed 2018 Warrant Article to Amend Wakefield Zoning Ordinance**

**“Are you in favor of the adoption of Amendment No. \_\_ as proposed by the Planning Board for the Town Zoning Ordinance as follows?:** Amendment revises Article 3, Table 1 – “Permitted Uses” to allow solar panels in certain zoning districts, and adding definitions for solar panels in Article 33.

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(Note: Text to be deleted appears in ~~strike through~~. Text to be added appears in ***bold italics underline***):

I. Amend Articles 3 and 33 as follows:

**ARTICLE 3 – TABLES**

**Table 1 – Permitted Uses**

	<b>Residential I</b>	<b>Residential II (Shorefront)</b>	<b>Residential III (Rural)</b>	<b>Business &amp; Commercial</b>	<b>Village/ Residential</b>	<b>Light Industrial</b>	<b>Agricultural</b>	<b>Farming- Prime Soils (O)<sup>1</sup></b>	<b>Aquifer- Conservation (O)<sup>2</sup></b>	<b>Wetland- Conservation (O)<sup>3</sup></b>	<b>Historic (O)<sup>4</sup></b>	<b>Floodplain (O)<sup>5</sup></b>
<b>BUSINESS &amp; COMMERCIAL (cont.)</b>												
<b><i><u>Solar Panel, Roof Mounted</u></i></b>	<b><i><u>P</u></i></b>	<b><i><u>P</u></i></b>	<b><i><u>P</u></i></b>	<b><i><u>P</u></i></b>	<b><i><u>P</u></i></b>	<b><i><u>P</u></i></b>	<b><i><u>P</u></i></b>	<b><i><u>A</u></i></b>	<b><i><u>A</u></i></b>	<b><i><u>N</u></i></b>	<b><i><u>A</u></i></b>	<b><i><u>A</u></i></b>
<b><i><u>Solar Panel, Free Standing</u></i></b>	<b><i><u>C</u></i></b>	<b><i><u>C</u></i></b>	<b><i><u>C</u></i></b>	<b><i><u>C</u></i></b>	<b><i><u>C</u></i></b>	<b><i><u>C</u></i></b>	<b><i><u>C</u></i></b>	<b><i><u>A</u></i></b>	<b><i><u>A</u></i></b>	<b><i><u>N</u></i></b>	<b><i><u>N</u></i></b>	<b><i><u>A</u></i></b>

Legend (Table 1):

- P = Permitted use, subject to Site Plan Review, if required
- N = Not a permitted use
- O = Overlay District
- A = Allowed if permitted in base zoning district
- C = Conditional, requires Conditional Use Permit

Footnotes (Table 1):

1. Refer to Article 7, Farming- Prime Soils Overlay District for guidelines.
2. Refer to Article 8, Aquifer Conservation Overlay District for requirements.
3. Refer to Article 9, Wetland Conservation Overlay Zoning District for permitted uses.
4. Refer to Article 10, Historic Overlay Zoning District for Certificate of Approval Guidelines to construct, alter,

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**Second Planning Board Public Hearing (if necessary): 12/07/2017**  
**Third Planning Board Public Hearing (if necessary): 01/04/2018**  
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move, or demo within the overlay district.

5. Refer to Article 11, Floodplain Development Overlay District for additional permitting and/or structural requirements.

### **ARTICLE 33 – DEFINITIONS**

**SOLAR PANEL, ROOF MOUNTED.** A configuration of solar panels in an array that is mounted to the roof of a structure parallel to the plane of the roof, not more than one foot above the roof, and not extending past the edge of the roof.

**SOLAR PANEL, FREE STANDING.** A configuration of solar panels in an array that does not meet the definition of “Solar Panel, Roof Mounted”, whether free standing or attached to a structure.

**First Planning Board Public Hearing: 11/16/2017**  
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**Third Planning Board Public Hearing (if necessary): 01/04/2018**  
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**Proposed 2018 Warrant Article to Amend Wakefield Zoning Ordinance**

**“Are you in favor of the adoption of Amendment No. \_\_ as proposed by the Planning Board for the Town Zoning Ordinance as follows?:** Amendment revises Article 3, Table 3 – “Density and Minimum Dimensional Requirements” to remove reference to footnote 9 from the Table (footnote 9 does not exist) and add reference to footnote 6 (requiring structures to be consistent with or complimentary to the rural character and setting of Wakefield) to “Minimum Living Area – Multi-Family Unit.”

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(Note: Text to be deleted appears in ~~strikethrough~~. Text to be added appears in ***bold italics underline***):

- I. Amend Article 3 as follows:

**ARTICLE 3 – TABLES**

**Table 3 – Density and Minimum Dimensional Requirements**

	<b>Residential I</b>	<b>Residential II - Shorefront</b>	<b>Residential III - Rural</b>	<b>Business &amp; Commercial</b>	<b>Village / Residential</b>	<b>Light Industrial</b>	<b>Agricultural</b>
<b>BUILDING AREA REQUIREMENTS</b>							
Minimum Living Area – Single Family Residence (sq. ft.) <sup>5</sup>	800 <sup>9</sup>	800 <sup>9</sup>	800 <sup>9</sup>	N/A	800 <sup>9</sup>	N/A	800 <sup>9</sup>
Minimum Living Area – Multi-Family Unit (sq. ft.) <sup>5 &amp; 6</sup>	600	600	600	N/A	600	N/A	600

Footnotes (Table 3):

- ...
- 5. Not to include unfinished basements, garages, decks, porches or covered walkways
- 6. Provided structure is consistent with or complimentary to the rural character and setting of Wakefield.
- 7. May be exceeded by Special Exception.
- 8. Measured from the median height of the ground surrounding the building to the peak of the roof, exclusive of chimneys, antennas and church steeples.

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**“Are you in favor of the adoption of Amendment No. \_\_ as proposed by the Planning Board for the Town Zoning Ordinance as follows?:** Amendment revises Article 20 by updating the reference to the applicable section of the Subsurface Rules of the New Hampshire Department of Environmental Services.

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(Note: Text to be deleted appears in ~~strike~~through. Text to be added appears in **bold italics underline**):

- I. Amend Article 20 as follows:

**ARTICLE 20 - SEASONAL DWELLING CONVERSION**

- C. **Conversion/Requirements.** The conversion of a seasonal dwelling to a home that is, or may be used as the primary or year-round dwelling, shall not be allowed unless the following conditions are met:
  - 1. **Septic System.** The applicant must submit proof of compliance with RSA 485-A:38 in full accordance with Env-Wq ~~1004.15 & 1004.16~~ **1004.23**, ~~any~~ **and** all other pertinent sections of the Administrative Rules of the New Hampshire Department of Environmental Services as they pertain to conversion to full-time use or occupancy of existing structures.

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