

MEMORANDUM

Date: October 20, 2015

To: Madbury Planning Board

From: Jack Mettee, AICP
Mettee Planning Consultants

Re: Lot Merger for Nonconforming Lots—Suggested Language

At our last meeting on October 7, 2015, the Planning Board chair requested that I prepare revised language to clarify the parameters for development of a nonconforming lot. After review of Article XIII of the zoning ordinance, I am suggesting that the Planning Board consider the following change to Section 3 D to allow an individual to develop a nonconforming undeveloped lot. The Board may wish to be more flexible with Subsection C since these may be restrictive in some instances.

A nonconforming Lot of Record which does not meet the requirements for area or Town requirements established by this Ordinance, may be used for the purposes provided in the district in which the property is located provided that:

- a. The lot is in a district where the proposed use is permitted;*
- b. The lot has frontage, as defined by this Ordinance, sufficient to provide access to the lot;*
- c. The requirements of this chapter regarding setbacks, yards and height are met; and*
- d. The Code Enforcement Officer determines that the arrangements for sewage disposal and water supply are in accordance with the provisions of state law and the use of the lot will not create potential health or safety problems due to inadequate access for police and fire protection or other factors.*