

PROPOSED ZONING CHANGE FOR NONCONFORMING LOTS

Town of Madbury, NH

January 8, 2016

Article XIII Nonconforming Uses, Structures and Lots

CURRENT ZONING LANGUAGE

Section 3. Nonconforming Lots

- A. A nonconforming lot, which has been developed with a structure, may be continued for the same use but no expansion of a structure which intensifies its use on a nonconforming lot, shall be allowed except as a Special Exception by the Board of Adjustment as provided in Article XV, SECTION 2. Intensification is any use that increases the demand on the designed septic system or that increases interior living spaces a.) by more than ten (10) percent of the original structure or b.) to more than 1,152 square feet total, whichever is greater.
- B. Deleted
- C. When a structure on a nonconforming lot or a structure containing a nonconforming use is damaged by fire, flood, wind or act of God, such structure may be reconstructed, without enlargement, and used as before such damage, provided such reconstruction is begun within twelve months and is completed within two years after the date of the original damage.
- D. A separate nonconforming lot, which is recorded as a lot of record at the time of passage of this Ordinance may be used for a conforming use of the District, however, a Minimum Lot Size of eighty thousand (80,000) square feet is required for a two family dwelling.

PROPOSED ZONING LANGUAGE

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- B. When a structure on a nonconforming lot or a structure containing a nonconforming use is damaged by fire, flood, wind or act of God, such structure may be reconstructed, without enlargement, and used as before such damage, provided such reconstruction is begun within twelve months and is completed within two years after the date of the original damage.
- C. *A nonconforming Lot of Record which does not meet Town requirements established by this Ordinance may be used for the purposes provided in the district in which the property is located provided that:*
 - 1. *The lot is in a district where the proposed use is permitted;*
 - 2. *The requirements of this chapter regarding setbacks, yards and height are met;*
 - 3. *A two-family dwelling has a minimum lot size of eighty thousand (80,000) square feet;*
 - 4. *The Building Inspector determines that the arrangements for sewage disposal and water supply are in accordance with the provisions of state law;*
 - 5. *The Selectmen or the Selectmen's designee determine the lot has frontage, as defined by this Ordinance, sufficient to provide access to the lot 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.*