

LAND USE AND ZONING ORDINANCE

Town of Danbury, New Hampshire

- 10.4.2. Seek advice from governmental, technical, professional, educational, cultural, or other groups or persons as may be deemed necessary for the determination of a reasonable decision.
- 10.4.3. If the jurisdictional land use board deems it necessary, the applicant shall, at its own expense, provide an accurately documented environmental and economic impact statement as a requirement for a completed application. Such statement may require documentation on drainage, erosion, forest productivity, land use, ground and surface water quality, air quality, traffic safety, public services, and any other factors that could impact the short and long term well being of the people of Danbury.
- 10.4.4. When required by the jurisdictional land use board, the impact statement shall be independently reviewed by a separate party approved by the board, at the expense of the applicant.
- 10.4.5. When two or more local land use boards have jurisdiction or responsibility for actions or for approvals of applications or permits relating to this ordinance, they may hold joint meetings or hearings in conformance with RSA 676:2, as it may be amended from time to time.
- 10.4.6. The Board of Appeals and the Planning Board may establish expedited procedures for considering special exception permits and site plan reviews, respectively, for small-scale, minor, or uncomplicated projects, that are defined by regulations adopted by the appropriate board under RSA 675:6, as it may be amended from time to time.
- 10.4.7. In making decisions relating to this ordinance, the jurisdictional boards and officials shall be guided by and comply with the provisions of RSA 672:1, as it may be amended from time to time.

ARTICLE 11. SINGLE TOWNWIDE RURAL DISTRICT & VILLAGE OVERLAY AREAS

- 11.1. **PURPOSE:** For the purpose of regulating the use of land and the location, construction, and rehabilitation of buildings and structures, the Town of Danbury is a single rural district with the following regulations and restrictions.
 - 11.1.1. The boundaries between overlay areas shall be, unless otherwise shown on the official land use map and/or described herein, parcel boundary lines and the centerlines of highways, roads, streets, alleys, and waterways, or such lines extended.
 - 11.1.2. A building, structure, residence, manufactured housing or presite built housing shall meet all of the area and dimensional requirements of this ordinance, except as provided by variance, special exception permit, or site plan review approval.
- 11.2. **PRINCIPAL & ACCESSORY DWELLING USES:**
 - 11.2.1. Only one principal ~~non-residential structure or use~~ shall be located on a lot; it may have accessory structures and ~~incidental uses, in conformance with this ordinance and applicable regulations~~ also one accessory dwelling unit (ADU) in conformance with NH RSA 674:71-73
 - 11.2.2. Two dwelling units for ~~permanent~~ residents shall be the maximum allowable in any one given residential building. An exception may be made through the special exception permit procedure, in accordance with Article 10 of this ordinance, for the following institutional and multi-unit residential uses, which may have more than two dwelling units per building: congregate housing for elderly people, nursing and convalescent homes, community living dwellings for persons with disabilities, and multi-unit seasonal and transient accommodations. Site plans for all such institutional and multi-unit residential uses are subject to approval by the Planning Board, exercising its subdivision and/or site plan review authority.
 - 11.2.2.1. The number of dwelling units or lots in a multi-unit development or subdivision, shall not be greater than the number of units or lots that would be lawful if the parent parcel were wholly subdivided in a conventional manner. The possible number of conceptual conventional lots shall be determined with the use of Site Specific Soil Mapping; each conceptual conventional lot must meet the requirements of a buildable lot as defined in the Danbury Land Use and Zoning Ordinance and meet all other applicable requirements of the Land Use and Zoning Ordinance and Danbury Subdivision Regulations.
 - 11.2.2.2. As provided by Section 20.2. for active agricultural and forestry uses, on-premises housing units for owners and/or workers are allowed throughout the town, subject to Article 7. More than two units per dwelling and more than two dwellings per parcel may be approved for active agricultural and forestry uses by special exception, as provided by Article 10.
 - 11.2.3. ~~An Accessory Dwelling Unit may be located within the main residential structure, separated by an internal door, located in an accessory structure such as a barn or garage or may be a detached self-standing unit.~~
 - 11.2.4. ~~Only one accessory dwelling unit (ADU) is allowed per residential lot.~~

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~~11.2.1.1 No more than two separate single family residential buildings (one primary and one secondary, such as a guest house or “in law cottage”) may be located on one lot, but both residences must meet state and town setback, water supply, waste disposal, and all other building requirements, and the shared parcel must be demonstrated to be capable of being subdivided into two separate lots. Either or both dwellings may have accessory structures and incidental uses, in conformance with this ordinance and applicable regulations.~~

11.3. ALLOWABLE USES:

11.3.1. One-family and two-family dwellings.

11.3.2. Accessory uses.

11.3.3. Seasonal and transient accommodations may be allowed by special exception, in accordance with Article 10.

11.3.4. Cemeteries, schools, museums, educational facilities.

11.3.5. Governmental uses and public utilities.

11.3.6. Parking facilities necessary to serve allowable uses.

11.3.7. Storage in existing buildings.

11.3.8. Agricultural and forestry uses, in conformance with Section 11.8.

11.3.9. Home occupations, home-based enterprises and cottage industry, in conformance with Section 11.9.

11.3.10. Home products and produce, and agricultural and forest products and services may be bought and sold and exposed for sale, so long as such activity conforms to the provisions of Section 7.1.

11.3.11. Home-based child care, as defined by RSA 672:1, V-a., as it may be amended from time to time, may be conducted in conformance with this ordinance and applicable local, state, and federal regulations.

11.3.12. Congregate housing for elderly people, nursing and convalescent homes, community living dwellings for persons with disabilities, and multi-unit seasonal and transient accommodations may be allowed by special exception permit, in accordance with Article 10, subject to the provisions of this ordinance and applicable local, state, and federal regulations.

11.3.13. Excavations may be permitted, subject to state law and local regulation.

11.3.14. Business, professional, technical, trades, arts and crafts, small-scale commercial, light industrial, and low-impact educational, recreational, lodging, institutional, health-care, religious uses, and tourist information centers, may be allowed by special exception permit, in accordance with Article 10., subject to the provisions of this ordinance and applicable regulations.

11.3.14.1. All such uses are subject to approval by the Planning Board, exercising its site plan review authority.

11.3.14.2. All such uses are to be located so that they will not encourage, cause, or intensify dispersed isolated or low-density development, also known as “sprawl,” which is characterized by automobile dependency and may be expressed by strip shopping centers, or office or manufacturing parks.

11.4. VILLAGE OVERLAY AREAS: These areas are meant to be the town’s centers of civic, commercial, social and religious activity, and its areas of higher-density residential use. The preferred location of new commercial uses is in the village areas; their design should be compatible with and supportive of the villages’ historic scale and character.

11.4.1. Uses allowed without a special exception permit:

11.4.1.1. Uses listed in Section 11.3 that do not require a special exception permit.

11.4.2. Uses allowed with a special exception permit:

11.4.2.1. Seasonal and transient accommodations with fewer than twelve sleeping rooms.

11.4.2.2. Business, professional, personal service, technical, trades, arts and crafts, entertainment, recreation, food service, commercial, construction, and light industrial uses. ~~if in structures having a footprint no greater than 10,000 square feet.~~

11.4.2.3. Religious buildings and community buildings. ~~if in structures having a footprint no greater than 10,000 square feet.~~

11.4.2.4. Congregate housing for elderly people, nursing and convalescent homes, community living dwellings for persons with disabilities, and multi-unit workforce housing, multi-unit clustered residential developments, and multi-unit seasonal and transient accommodations may be allowed by special exception permit, in accordance with Article 10, subject to the provisions of this ordinance and applicable local, state, and federal regulations.