

# **PLANNING LUNCHESES AT NOON (PLAN) WEBINAR SERIES**

# Welcome to the July 2026 PLAN Webinar

Check out the Office of Planning & Development's Planning and Zoning Training webpage for:

- Slides and recording of past PLAN Webinars and conferences
- Planning Board and Zoning Board 101 slides and recordings
- Planning Board and Zoning Board Handbooks
- Optional Tests and Certificates

[www.nhopd.com](http://www.nhopd.com)



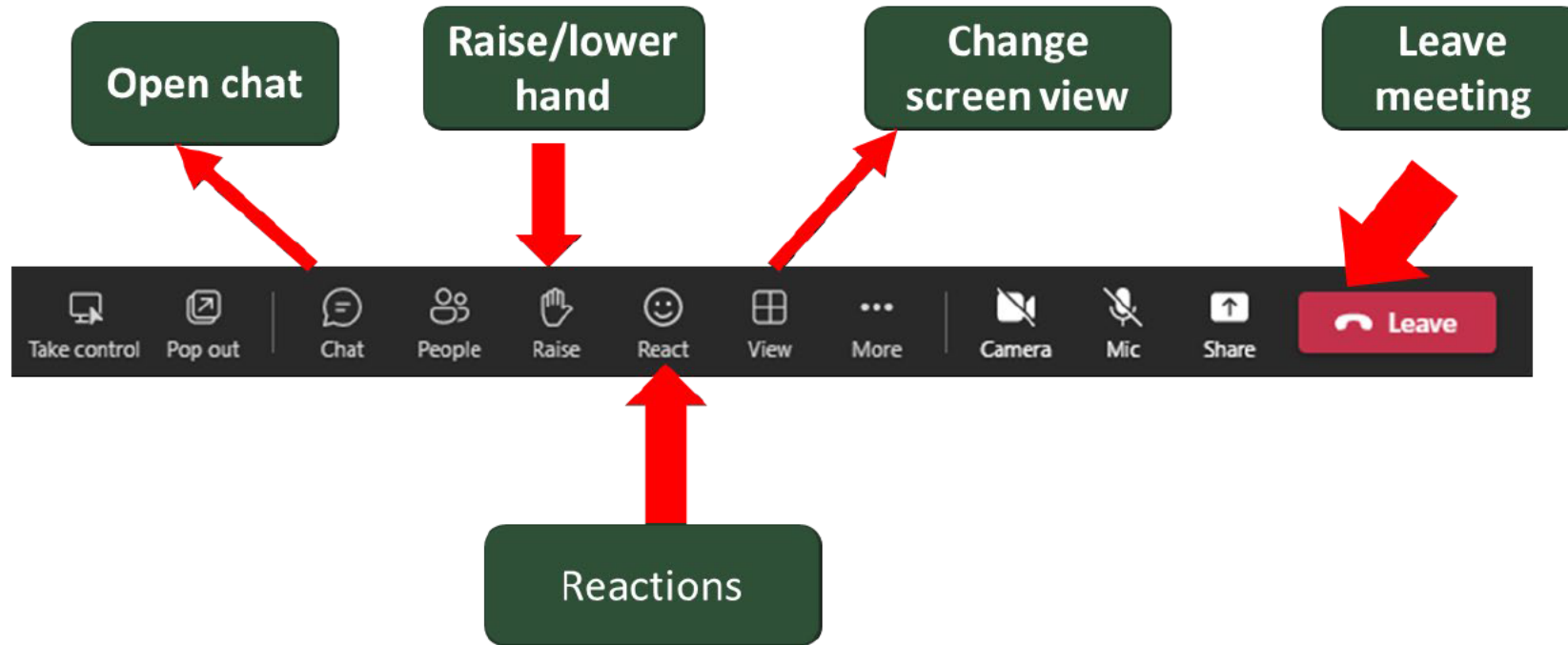
# **It's Zoning Amendment Time 2026 Edition**

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## How to Participate

For questions, type them into the chat box

We will do our best to answer all questions by the end of the webinar



# July PLAN Webinar

## It's Zoning Amendment Time – 2026 Edition

- What is Zoning?
- Zoning's Relationship to Land Use Regulations
- State Zoning Preemptions
- What is a Zoning Amendment?
- What to consider for Zoning Amendments?
- Legislative Body Process
- Notification requirements
- Ballot Requirements
- Best Practices
- Q&A

# What Is Zoning?

## 1) Zoning Ordinance:

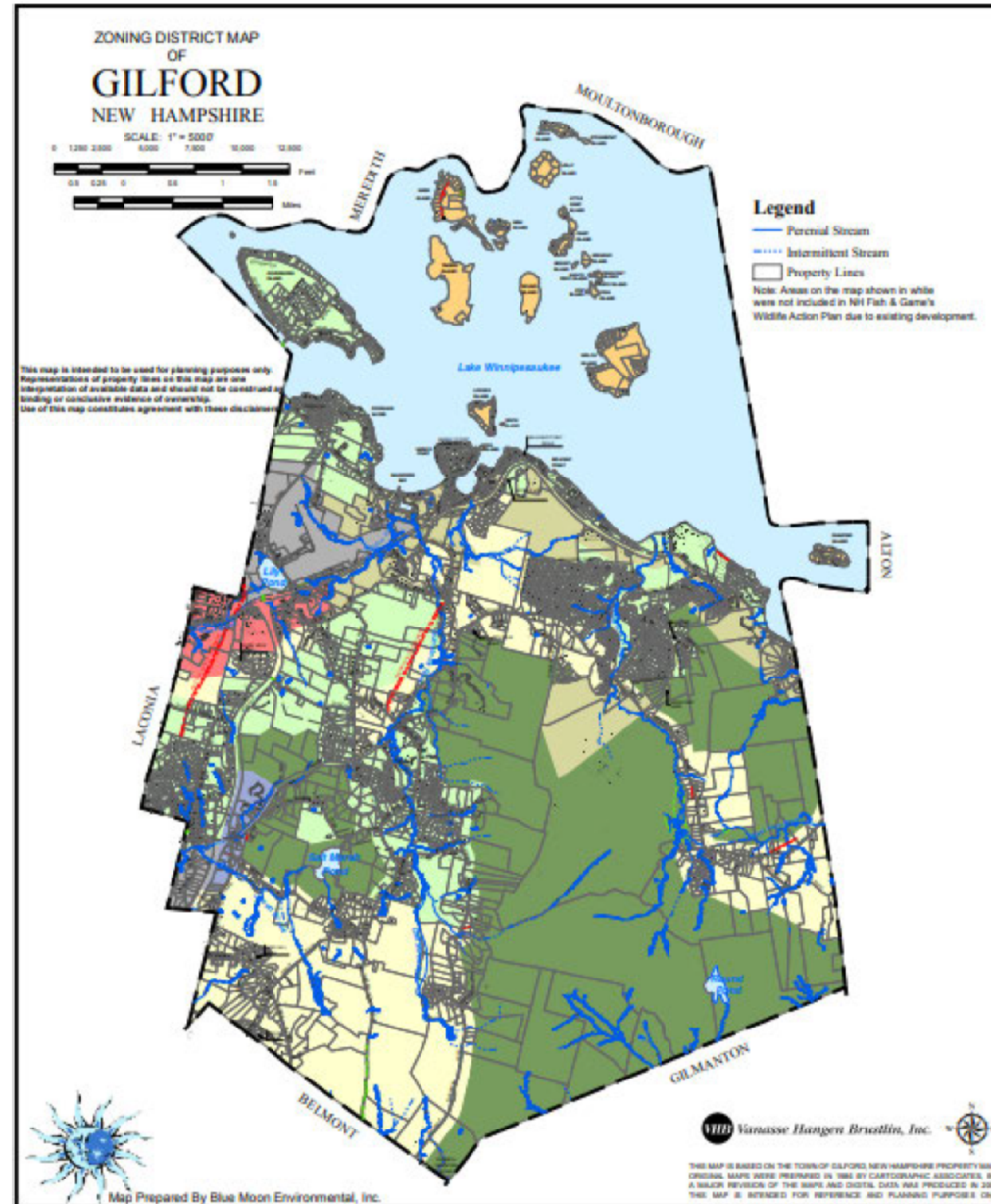
Municipality decides on whether to adopt zoning to regulate the land uses in their community.

**RSA 674:16 -18**

## 2) Zoning Map:

The map that geographically shows all zoning district boundaries and classifications as identified and described in the zoning ordinance.

**RSA 674:20**



# Current Status of Zoning Ordinances in New Hampshire

**227** with a comprehensive zoning ordinance

**18** with no comprehensive zoning ordinance

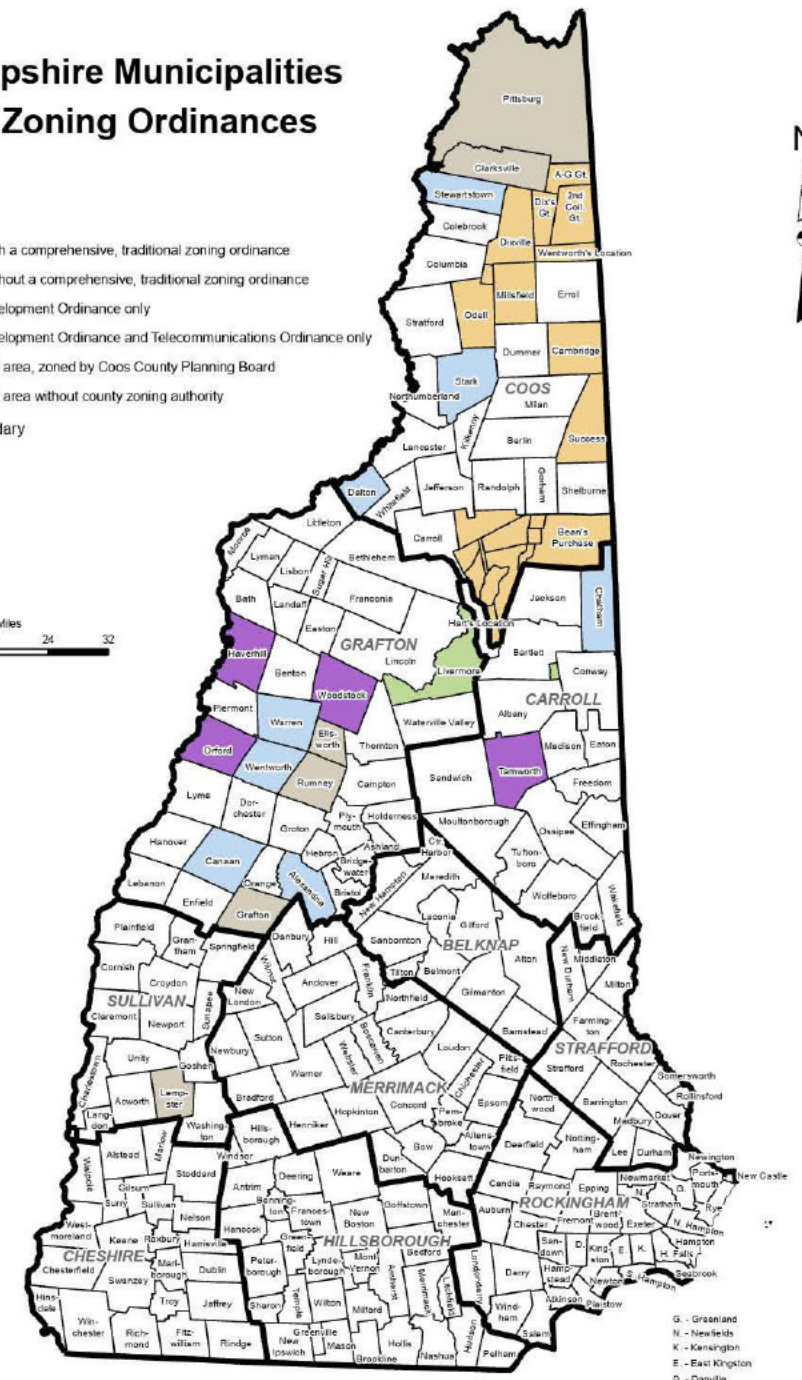
➤ **12** with some type of zoning (floodplain development ordinance and/or telecommunications ordinance)

➤ **6** without any type of zoning

## New Hampshire Municipalities Status of Zoning Ordinances March 2026

-  Municipality with a comprehensive, traditional zoning ordinance
-  Municipality without a comprehensive, traditional zoning ordinance
-  Floodplain Development Ordinance only
-  Floodplain Development Ordinance and Telecommunications Ordinance only
-  Unincorporated area, zoned by Coos County Planning Board
-  Unincorporated area without county zoning authority
-  County boundary

Scale in Miles  
0 4 8 16 24 32

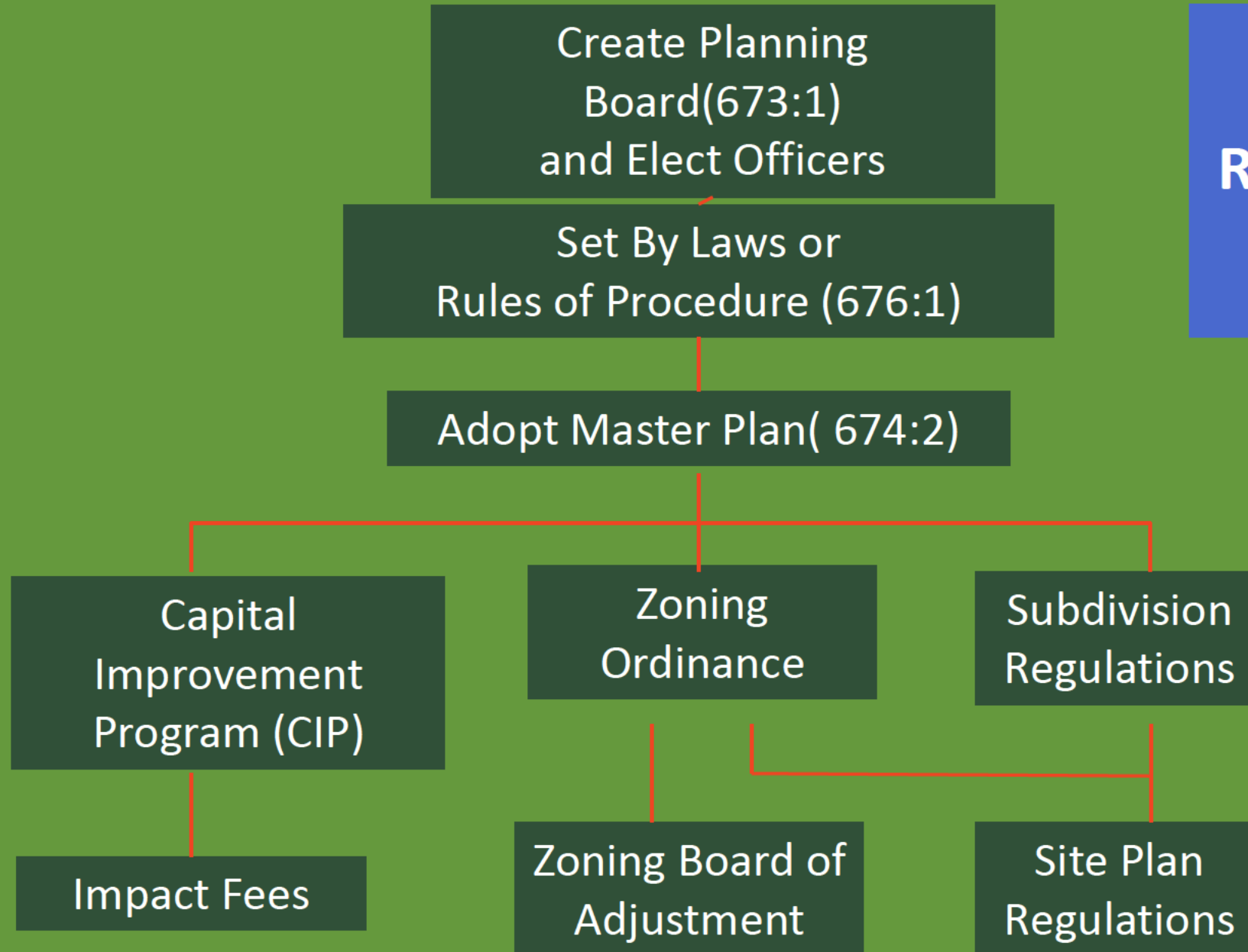




## Permissive vs. Prohibitive Zoning

- ▶ Permissive Zoning - If a Use is not specifically identified as a “*Permitted Use*” or a “*Use Permitted by Conditional use Permit or Special Exception*” than that “Use” is not permitted.
  - ▶ Table of Permitted Uses
- ▶ Prohibitive Zoning - Lists Uses that are not permitted and it's presumed that any Use not expressly prohibited is permitted.
  - ▶ Some of the earliest ordinances

# NH Land Use Regulations and Process



# Planning Board Regulatory Functions

- ☐ Master Plan - RSA 674:2-4
- ☐ Zoning Ordinance - 674:16
- ☐ Subdivision Regulations - 674:36 & 36
- ☐ Site Plan Review Regulations - RSA 674:43 & 44
- ☐ Capital Improvements Program - RSA 674:5-8
- ☐ Growth Management - RSA 674:22
- ☐ Impact Fees - 674:21.V
- ☐ Default Regulator of Excavation Permits - RSA 155-E:1
- ☐ Driveway Regulations (RSA 236:13.VI)





# State Preemptions

- ▶ **Accessory Dwelling Units – RSA 674:71-73**
- ▶ Agriculture Uses – RSA 674:32-a - 32-c
- ▶ Agritourism – RSA 674:32-d
- ▶ Campgrounds – RSA 216-I
- ▶ **Building Permits on Class VI Roads – 674:41, I(c) (effective 7/1/26)**
- ▶ **Childcare – RSA 674:16, VI; 674:81 (effective 7/1/26)**
- ▶ Commercial & Recreational Fishing – RSA 674:67-70
- ▶ Governmental Land Uses – RSA 674:54
- ▶ Energy Facilities – RSA 162-H
- ▶ Manufactured Housing – RSA 674:32
- ▶ **Multi-Family in Commercial Districts – RSA 674:80 (effective 7/1/26; further changes taking effect mid-September)**
- ▶ **Parking – RSA 674:16, VII**
- ▶ **Persons Per Bedroom, Prohibition on Familial Relationship – RSA 674:16, VIII**
- ▶ Primary Religious Uses – RSA 674:76
- ▶ Small Wind Energy Facilities – RSA 674:63
- ▶ Workforce Housing – RSA 674:58-61

# Addressing Conflicts Between State Preemptions and Zoning Ordinance

- State statute preempts a municipal zoning ordinance except where the statute explicitly states that a municipality may adopt more stringent regulations (i.e. shoreland regulations – RSA 483-B:8, I)
- Even if the time from when a state statute is signed into law to when it takes effect doesn't provide time for a municipality to amend its zoning to come into compliance with the statute change, the state statute still renders the provisions of the municipal zoning ordinance in conflict with state statute unenforceable
  - [HB1195](#) (Amends 674:16, VI and creates new RSA 674:81) – effective date: July 1<sup>st</sup>
    - Requires family and group family childcares for up to 12 children to be allowed by right as an accessory use in the primary structure or existing accessory structure on lots where residential uses are permitted, and not be subject to site plan review if the childcare complies with DHHS licensing requirements (He-C 4002)
    - Requires childcare centers to be allowed by right on commercially zoned land, and to be exempt from site plan review if the center complies with DHHS childcare licensing regulations (He-C 4002) and has fewer than 30 children

## Addressing Conflicts Between State Preemptions and Zoning Ordinance (Continued)

- Best practice is to amend the zoning ordinance to comply with the state statute change
- However, failure to amend the zoning ordinance to comply with a state statute change, doesn't mean that a municipality is exempt from the requirements of state statute
- If an applicant proposes a use in a zoning district, which your zoning ordinance prohibits, but state statute allows, this provision of your zoning ordinance is unenforceable
- Consult your municipal attorney on how to handle these conflicts as they arise, especially as relates to requirement in RSA 676:13, I that, *"The building inspector shall not issue any building or occupancy permit for any proposed construction, remodeling, or maintenance which will not comply with any or all zoning ordinances, building codes, or planning board regulations which are in effect."*
- Failure to comply with a state statute requirement may result in costly litigation!

## Example of How Not to Amend Zoning Ordinance to Comply with State Statute

674:16, VII: In its exercise of the powers granted under this subdivision, the local legislative body of a city, town, or county in which there are located unincorporated towns or unorganized places may regulate accessory parking for vehicles, but shall not require more than one residential parking space per unit. (Effective September 13, 2025)

### Article 29:

Are you in Favor of amendment #3 as proposed by the Planning Board for the town zoning ordinance as follows: Amend Article III, K (5) each dwelling unit shall have ~~two (2)~~ **One (1)** off-street parking space and **one additional designated visitor parking space per unit.**

Recommended by the Planning Board 7-0

Yes ☐

No ☐

# Example of How Not to Amend Zoning Ordinance to Comply with State Statute

[RSA 674:80 effective July 1, 2026.]

## 674:80 Amendment to Zoning Regulations. –

- I. Notwithstanding any provision to the contrary, municipalities shall allow multi-family residential development on commercially zoned land, provided that adequate infrastructure, including roads, water, and sewage systems, shall be available or provided to support the development.
- II. Nothing in this section shall be interpreted to prohibit municipalities from restricting residential development in zones where industrial and manufacturing uses are permitted which may result in impacts that are incompatible with residential use, such as air, noise, odor, or transportation impacts.
- III. A municipality may require all available ground floor space or a percentage thereof to be dedicated to retail or similar uses.
- IV. A municipality shall provide an exemption to any requirements regarding setbacks, height, or frontage of a building being converted to multi-family or mixed-use through adaptive reuse, provided that the building's floor area, height, and setbacks do not change.

## Article 6: Multi-Family Housing (Commercial District)

Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the [REDACTED] Zoning Ordinance to amend Article III, Section 3, by adding a New Subsequent A1, titled "Multifamily Housing," which regulates multi-family residential uses in the Commercial District by:

- Confirming that Multifamily Housing is prohibited in the Commercial District; and
- Establishing standards for the Planning Board to approve Multifamily Housing in the Commercial District in the event that the Town is ordered to permit Multifamily Housing through zoning, judicial, or legislative relief.

A full copy of the proposed amendment is available for review at the [REDACTED] Town Hall and available on the Planning Board page of the [REDACTED] website.

YES ☐

NO ☐

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# What Happens If Zoning Amendment to Comply With State Statute Change Doesn't Pass?

## ARTICLE 5

Are you in favor of the adoption of an amendment to the [REDACTED] Zoning Ordinance, as proposed by the Planning Board, by amending Section 7.2.5. Table of Off-Street Parking and Section 7.2.5 Table of Off-Street Parking Requirements by requiring one (1) residential parking space per unit and removing all requirements for guest parking as adopted and mandated by NH Senate Bill 284 (laws of 2025, Chapter 258)? Also, adding ADU to the studio apartment category in Table 7.2.5 which also will have the requirement of one space per unit.

Yes ☐

No ☐

*Recommended by the Planning Board 4-3-0.*

### Town Warrant Articles

#### ARTICLE 5

|              | scanned | manual | total |
|--------------|---------|--------|-------|
| Ballots Cast | 3,326   | 43     | 3,369 |
| Overvotes    | 0       | 1      | 1     |
| Undervotes   | 229     | 7      | 236   |
| Yes          | 1,472   | 15     | 1,487 |
| No           | 1,625   | 20     | 1,645 |

- If zoning amendment which seeks to change language to comply with state statute change fails to pass, the section of the zoning ordinance in conflict with state statute is still unenforceable and open to legal challenge



## Elements of a Zoning Ordinance

- Title
- Authority/Preamble
- Purpose
- Applicability
- Separability/Saving Clause
- Administration, Enforcement, and Penalties
- ***Definitions***
- ***Districts – Base or Overlay***
- ***Table of Permitted Uses***
- ***Dimensional Requirements***
- ***Requirements for Specific Uses (ADUs, personal wireless service facilities, small wind energy systems, solar energy system, etc.)***

## Example Sections of Zoning Ordinance

- ▶ Accessory Dwelling Units
- ▶ Adult Businesses
- ▶ Age-Restricted Housing
- ▶ Cluster Development
- ▶ Drinking Water Protection
- ▶ Floodplain Protection
- ▶ Groundwater/Aquifer Protection
- ▶ Historic District
- ▶ Impact Fees
- ▶ Shoreland Protection
- ▶ Sign Regulations
- ▶ Small Wind Energy Systems
- ▶ Solar Energy Systems
- ▶ Steep Slopes/Ridgeline Protection
- ▶ Surface Water Protection
- ▶ Watershed Protection
- ▶ Wetlands Protection
- ▶ Wireless Telecommunications
- ▶ Workforce Housing

# Zoning Amendment Calendars

| November 2025 |                   |                                                                                                                                                                                                                                 |
|---------------|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Monday        | November 10, 2025 | First day to accept petitioned zoning amendments ( <a href="#">675:4</a> )                                                                                                                                                      |
| December 2025 |                   |                                                                                                                                                                                                                                 |
| Wednesday     | December 10, 2025 | Last day to accept petitioned zoning amendments ( <a href="#">675:4</a> )                                                                                                                                                       |
| January 2026  |                   |                                                                                                                                                                                                                                 |
| Sunday        | January 4, 2026   | Last day to post and publish notice for first public hearing on zoning amendments, if a second hearing is anticipated ( <a href="#">675:3</a> ; <a href="#">675:7</a> )                                                         |
| Thursday      | January 15, 2026  | Last day to hold first public hearing on zoning amendments, if a second hearing is anticipated ( <a href="#">675:3</a> )                                                                                                        |
| Thursday      | January 22, 2026  | Last day to post and publish notice for final public hearing on zoning amendments ( <a href="#">675:3</a> ; <a href="#">675:7</a> )                                                                                             |
| February 2026 |                   |                                                                                                                                                                                                                                 |
| Monday        | February 2, 2026* | Last day to hold final public hearing on proposed zoning amendments. Planning Board must determine final zoning amendment form that is to be posted and filed with the town clerk on February 3, 2026 ( <a href="#">675:3</a> ) |
| Tuesday       | February 3, 2026  | Last day to place on file with the town clerk the official copy of the proposed amendments ( <a href="#">675:3.V</a> )                                                                                                          |
| March 2026    |                   |                                                                                                                                                                                                                                 |
| Tuesday       | March 3, 2026     | Last day to submit zoning ordinance protest petition to require 2/3 vote at town meeting ( <a href="#">675:5</a> )                                                                                                              |
| Tuesday       | March 10, 2026    | Town Meeting ( <a href="#">39:1</a> )                                                                                                                                                                                           |

## Zoning Amendment Calendars (2026)

### Traditional Town Meeting

- ▶ [Traditional - March](#)
- ▶ [Traditional - May](#)

### Official Ballot ("SB2") Town Meeting

- ▶ [SB2 - March](#)
- ▶ [SB2 - April](#)
- ▶ [SB2 - May](#)

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# What is a Zoning Amendment?

**Zoning Amendment:** any change to the zoning ordinance including language, table, graphics, or maps, approved by the legislative body. (Town Meeting, Town Council, City Council).

Cities and towns with town councils can adopt zoning amendments any time of year (***RSA 675:2***)

Non-town council towns and village districts can only adopt zoning amendments once a year by ballot at their annual meeting (***RSA 675:3***)

| ZONING AMENDMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| <b>Warrant Article 2:</b> Amendment #1: Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows:<br>To clarify that residential development on a lot must be within the minimum contiguous buildable area; and general textual clarifications to Table 2.01(B)?                                                                                                                                                                                                                                                                                           | YES <input checked="" type="radio"/> 295<br>NO <input checked="" type="radio"/> 83  |
| <b>Warrant Article 3:</b> Amendment #2: Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows:<br>To increase the maximum density for duplex and multi-family housing; clarify density bonus criteria for those properties connected to water or sewer; clarify that residential development on a lot must be within the minimum contiguous buildable area; and general textual clarifications to Table 2.02(B)?                                                                                                                                        | YES <input checked="" type="radio"/> 241<br>NO <input checked="" type="radio"/> 144 |
| <b>Warrant Article 4:</b> Amendment #3: Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows:<br>To add density bonus criteria for those properties connected to water or sewer; clarify that residential development on a lot must be within the minimum contiguous buildable area; and general textual clarifications to Table 2.03(B)?                                                                                                                                                                                                              | YES <input checked="" type="radio"/> 261<br>NO <input checked="" type="radio"/> 116 |
| <b>Warrant Article 5:</b> Amendment #4: Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows:<br>To set the maximum density for single family residential at one dwelling unit per 30,000 square feet; increase the maximum density per dwelling unit for duplex (15,000 square feet), multi-family (10,000 square feet), and mixed-use (5,000 square feet) units; amend the minimum lot size to 30,000 square feet; add density bonus criteria for those properties connected to water or sewer; and general textual clarifications to Table 2.04(B)? | YES <input checked="" type="radio"/> 242<br>NO <input checked="" type="radio"/> 129 |
| <b>Warrant Article 6:</b> Amendment #5: Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows:<br>To amend the maximum density per dwelling unit for single family (8,000 square feet), duplex (4,000 square feet), and multi-family (2,500 square feet) units; amend residential development restrictions on specific streets; and general textual clarifications to Table 2.05(B)?                                                                                                                                                                    | YES <input checked="" type="radio"/> 238<br>NO <input checked="" type="radio"/> 129 |
| <b>Warrant Article 7:</b> Amendment #6: Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows:<br>To amend the maximum density for mixed-used developments and to set a minimum unit size (750 square feet)?                                                                                                                                                                                                                                                                                                                                            | YES <input checked="" type="radio"/> 239<br>NO <input checked="" type="radio"/> 129 |
| <b>Warrant Article 8:</b> Amendment #7: Are you in favor of the adoption of Amendment No. 7 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows:<br>To allow for a duplex to be built on land subdivided using the rear lot provision in all residential zoning districts except for the Agricultural Residential District?                                                                                                                                                                                                                                                                               | YES <input checked="" type="radio"/> 229<br>NO <input checked="" type="radio"/> 145 |



# What is a Zoning Amendment?

The planning board (**RSA 674:1, V**)

The governing body (**RSA 675:3, VIII**)

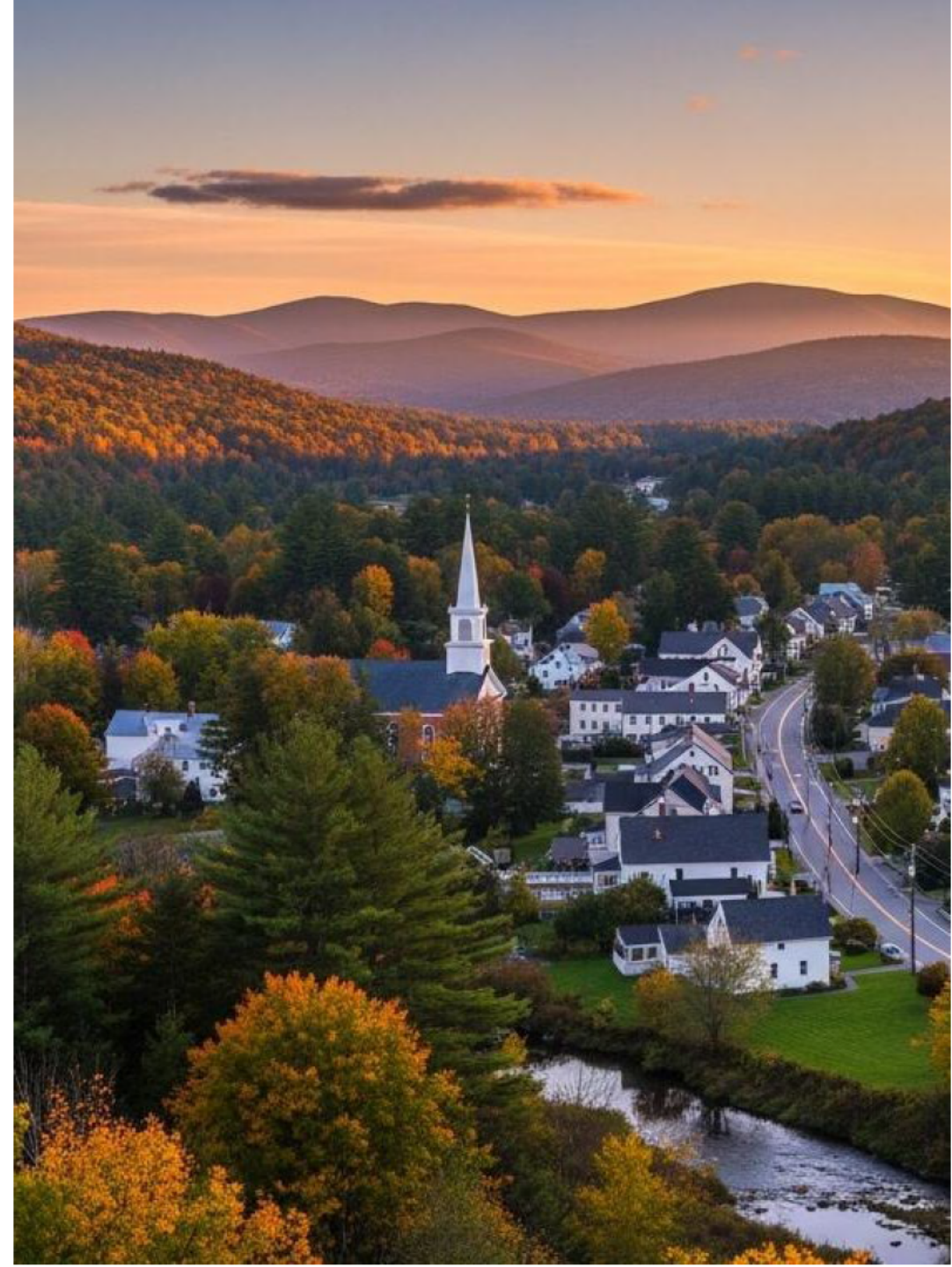
- The board of selectmen, village district commission, city or town council all have the authority to propose zoning amendments

Petitioned Zoning Amendment (**RSA 675:4**)

- 25 or more registered voters may petition for an amendment to a zoning ordinance

Zoning amendment language

- Correct format! Review with Town Clerk!
- PB support or not
- Reason or justification statement along with the amendment
- Governing Body and Petitioned amendment language can't be changed!



# What is the Goal of the Zoning Change?

- Trying to incentivize development in a district by allowing additional uses
- Trying to establish regulations for a new use or prohibiting an emerging use (i.e. data centers)
- Remediating ZBA issuing multiple use, dimensional variances or special exceptions (i.e. duplexes in a single-family zone)
- Addressing inconsistencies within the zoning ordinance or with other land use regulations
- Housekeeping (i.e. renumbering/reordering sections, cleaning up typos)
- Complying with state statute changes (i.e. multi-family in commercial district statute – RSA 674:80)

# What to consider for amendments?

- Review sections that have resulted in multiple variances or special exceptions – coordinate with ZBA/Code Enforcement Officer
- Talk with other municipal boards and staff
- Review Table of Permitted Uses and Definitions. (APA, Webster's Dictionary)
- Review other land use regulations against the zoning ordinance.
- State regulatory changes “As amended” (CSPA, Wetlands, Excavation, etc.)

## **\*\*Practice Pointer-utilize a “Housekeeping Clause”**

*The Planning Board has the authority to assign and modify numbering and sections to the Zoning Ordinance provided that no substantive change to the ordinance shall occur as a result of the changes*

## **\*Consult with Municipal Attorney\***

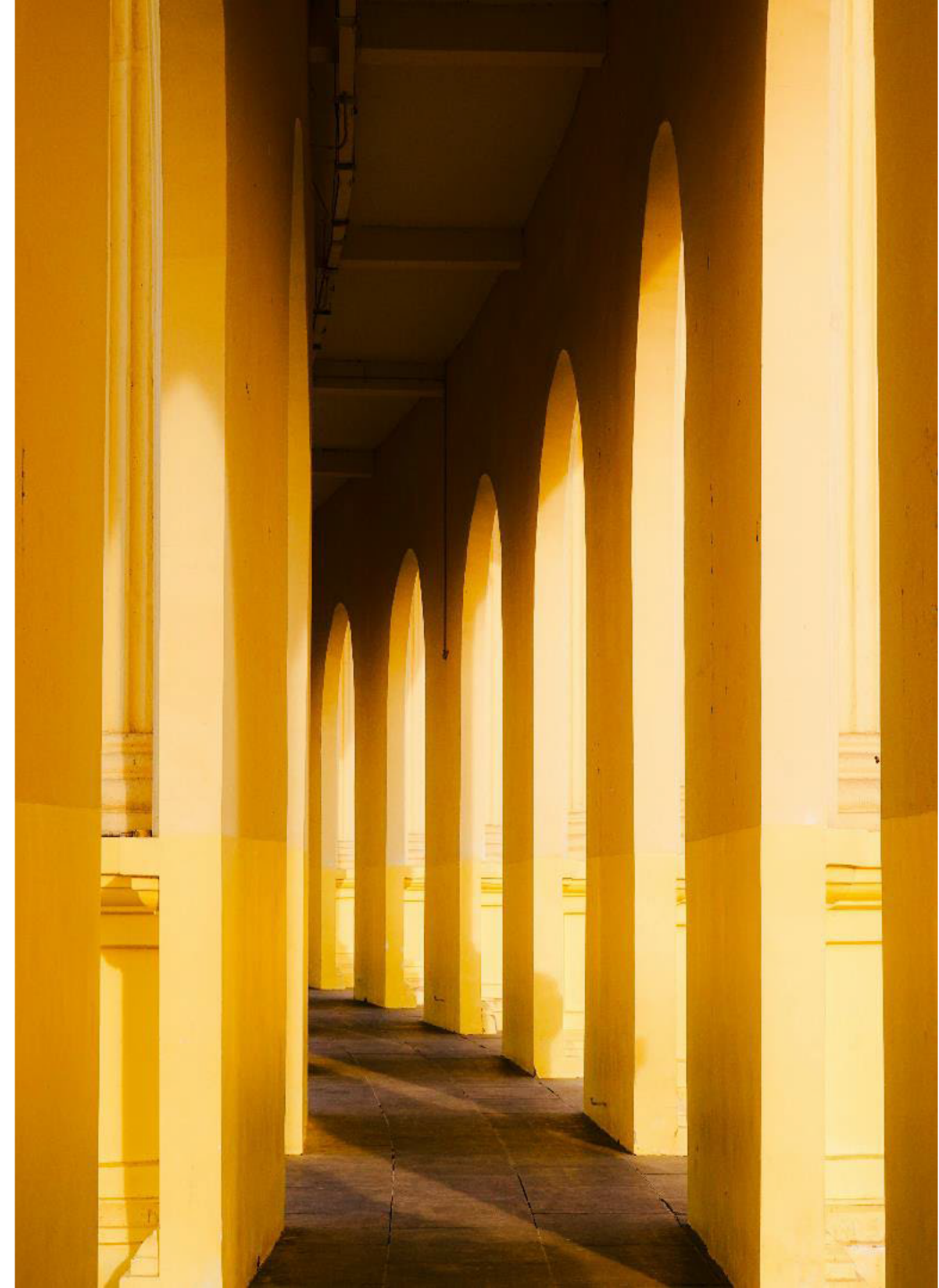
# Petitioned Zoning Amendments

- 25 registered voters can petition to amend or repeal a provision of the zoning ordinance
- Petitioned zoning amendments must be received between 120 and 90 days before town meeting (the 2nd Tuesday in March, April or May)
- Petitions are submitted to the governing body who forward to planning board
- At first planning board meeting after the petition period the board shall set the date for the public hearing on the petition
- Petitioned amendments cannot be altered by planning board, but the board shall state if it approves/supports or disapproves/not support on the ballot



## Legislative Body Process

- In towns, a zoning ordinance may be adopted or amended by ballot vote of a majority of the voters present and voting at an annual or special town meeting
  - Towns get one bite at the apple-Once a year to change zoning!
- In cities and towns with a town council form of government, the municipal charter determines how a zoning ordinance is to be adopted or amended, although a public hearing on any amendment must be held before adoption
  - Any time of the year
- The planning board must hold at least one public hearing according to **RSA 675:7-**
  - Pay attention to the Zoning Amendment calendars to make sure you have enough time to hold additional public hearings if necessary



# Public Hearing Requirements (675:7)

- 10 calendar day notice (excluding day of posting and hearing) before public hearing shall be posted in 2 public places in municipality
- Notice also published in newspaper of general circulation in municipality, or, in the alternative posted on home page of town's website
- Any person owning property in municipality can request notice of all public hearings of zoning amendments, and such notice must be provided electronically or by 1st class mail at no cost to recipient
- Full text of the amendment not required provided the notice adequately describes the amendment and states a place where the full text is on file for public inspection.
- After the public hearing, the planning board shall vote to determine the final form of the amendment to be presented to the town which may include editorial revisions and textual modifications resulting from the public hearing (**RSA 675:3, III**)
  - Can vote to not recommend passage, but can't withdraw amendment



## Notification & Mailing Requirements

- Does amendment change boundary of zoning district that affects 100 or fewer properties (**RSA 675:7,I-a**)?

**If yes, notice of the public hearing must be mailed to the owners of each affected property**

- Does amendment change minimum lot sizes or permitted uses in a zoning district that has 100 or fewer properties (**RSA 675:7,I-a**)?

**If yes, notice must be mailed to the owner of each property in the district**

- Notice must be sent by 1st Class mail to the address used for property tax bills
- In the case of petitioned zoning amendments, the petitioner must pay for the cost of notice required under **RSA 675:7, I-b**



# Zoning Amendment Ballot Requirements (675:3)

- The municipal clerk, with assistance from the planning board or staff, prepares the question for the ballot:

*“Are you in favor of the adoption of the amendment to the town zoning ordinance as proposed by the planning board” as follows: (insert topical description of amendment)?”*

*The Planning Board supports this amendment 6-0 OR*

*The Planning Board recommends this amendment*

- Regardless of whether town has adopted an official ballot (SB2), zoning amendments should be on a separate ballot from ballot for election of town or village district officers **(RSA 675:3,VII)**
- An official copy of the final proposal to amend the zoning ordinance shall be placed on file and made available to the public at the municipal clerk's office no later than the fifth Tuesday prior to the date when action is to be taken.

**Zoning amendments cannot be amended after  
the final public hearing.**



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# Zoning Amendment Process Best Practices

- Keep a running list of potential zoning amendments all year
- Start brainstorming zoning amendments in the summer and consider adding work sessions to planning board meetings
- Consult with municipal staff (CEO/ZO) and other municipal boards and commissions
- Make ordinance language, and zoning amendment language on the ballot easy to understand for non-planners
- Conduct extensive community engagement and explain in plain-English
- Provide optional additional accommodations (i.e. ASL)
- Represent the proposed amendment at public hearing & on voting day-advertise via a voting guide or flyer!
- Keep good records of notices and minutes



# Best Practices

- Address existing conflicts between different sections or definitions in your zoning ordinance or with other land use regulations, or underutilized/dormant sections before adding new sections or districts
- Consider undertaking a regulatory audit to identify and remedy conflicts throughout the zoning ordinance instead of addressing on a piece meal basis through a few zoning amendments each year
- Don't bite off more than the planning board and staff have time to work on and educate the community about in one zoning amendment cycle.
- Unless your zoning ordinance is fundamentally flawed and you are conducting an entire zoning rewrite or transitioning to a form-based code, your community is likely to be more receptive to incremental changes than wholesale changes.

# Best Practices

- Don't propose an amendment that will conflict with other sections of the ZO, other land use regs, or state statute
- Take advantage of **RSA 676:12, I.**

*The building inspector shall not issue any building permit within the 120 days prior to the annual or special town or village district meeting if*

*a) Application for such permit is made after the first legal notice of proposed changes in the building code or zoning ordinance has been posted pursuant to the provisions of **RSA 675:7** and*

*b) The proposed changes in the building code or the zoning ordinance would, if adopted, justify refusal of such permit.*



# Best Practice Example #1

- Don't take on too many amendments

| ARTICLES                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>Article 2:</b> Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Bethlehem Zoning Ordinance as follows: to reduce the required parking from 2 spaces to 1 space for accessory dwelling units (ADUs) that are no larger than 1,000 sq. ft. of gross floor area and which have no more than two bedrooms.                                                                                                          | YES 363<br>NO 135 |
| <b>Article 3:</b> Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Bethlehem Zoning Ordinance as follows: to allow a single-family home to have one detached accessory dwelling unit (ADU) up to 1,000 sq. ft. of gross floor area with two bedrooms as a Permitted Use in Districts II, III, and IV and by Special Exception in District I Main Street and District I.                                            | YES 423<br>NO 127 |
| <b>Article 4:</b> Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Bethlehem Zoning Ordinance as follows: to define "Residential Conversions" and allow the conversion of existing residential structures and those structures previously used for nonresidential purposes to multi-family uses as a Permitted Use in District I Main Street and District I and by Special Exception in Districts II, III, and IV. | YES 396<br>NO 152 |
| <b>Article 5:</b> Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Bethlehem Zoning Ordinance as follows: to increase housing opportunity by allowing dwelling units above first-floor businesses as a Permitted Use in District I Main Street and District I and by Special Exception in Districts II, III, and IV; and also add a definition of "Mixed Use."                                                     | YES 448<br>NO 105 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <b>Article 6:</b> Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Bethlehem Zoning Ordinance as follows: repeal and replace Article XII regarding Cluster Developments and allow Cluster Developments as a Permitted Use everywhere except District I Main Street and the Landfill District. Major changes to the Cluster Developments Article include the provision of additional guidance for the Planning Board when reviewing Cluster Developments, and a density bonus for developments with homes no larger than 1,200 sq. ft. gross floor area with a two-car garage.                                                                                                                                                                                                                                               | YES 331<br>NO 200 |
| <b>Article 7:</b> Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board for the Bethlehem Zoning Ordinance as follows: add a definition of and allow Short Term Rentals of single family dwellings, owner occupied two family dwellings, and ADUs to owner occupied single family dwellings as a Permitted Use in District I Main Street, District I, District II, District III and District IV; repeal the definition of "Motels, hotels, guest homes and overnight cabins"; adopt a new definition of "Public Accommodation," which includes Campgrounds; add definitions of Accessory Building or Use, Bed and Breakfast, Campground, Owner-occupied, and Transient; add Bed and Breakfast and owner occupied short term rentals to the definition of Home Business; and adopt health and safety requirements for Short Term Rentals. | YES 349<br>NO 194 |
| <b>Article 8:</b> Are you in favor of the adoption of Amendment No. 7 as proposed by the Planning Board for the Bethlehem Zoning Ordinance as follows: to remove Article XVII Impact Fees in its entirety (has never been used), along with the Definitions in Article XXII that are only used in that section of the Zoning Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | YES 408<br>NO 119 |
| <b>Article 9:</b> Are you in favor of the adoption of Amendment No. 8 as proposed by the Planning Board for the Bethlehem Zoning Ordinance as follows: add a definition of Gross Floor Area as "the sum of the horizontal area of all floors of a building, measured from the exterior faces of the walls but not including unfinished cellars, attics, porches, etc."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | YES 389<br>NO 139 |



# Best Practice – Example #2

- Don't put all amendments into one article.

| WARRANT ARTICLES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <b>Article 02</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>Adopt Zoning Ordinance Changes</b>                               |
| Are you in favor of the adoption of Amendment No. #1 as proposed by the Planning Board for the town zoning ordinance as follows:<br>Amend Chapter 15, Floodplain Development Regulations, as necessary to comply with requirements of the National Flood Insurance Program<br>Establish a definition for the term "Short-Term Residential Rental"<br>Revise the definition of "Solar – Small-Scale Solar."<br>To address the permissibility of "Short-Term Residential Rental" in various districts<br>To enact certain revisions to Chapter 12, Sign Regulations, including setbacks from front lot lines, and revising street number requirements<br>To revise Chapter 13, Section 1306, Accessory Dwelling Units by allowing for attached or detached accessory dwelling units, and corresponding requirements addressing Life Safety, provisions of utilities, appearance of the accessory dwelling unit, applicability of other land use requirements, and relief provision requirements<br>To establish Chapter 29, Short-Term Residential Rental requirements<br>To establish Appendix C, a Table of Uses; and<br>To revise the revision history, as applicable. |                                                                     |
| Recommended by the Planning Board                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 279<br>YES <input type="radio"/><br>NO <input type="radio"/><br>114 |

# Best Practice

## Zoning Ordinance Amendments

SAMPLE

Proposed Ballot Questions to update the Zoning Ordinance for March 2026 Town Election. Are you in favor of the Zoning amendments presented below that were recommended by a unanimous vote of the Planning Board on January 22, 2026.

This is a housekeeping measure to align the town's Zoning Ordinance with the state's broader RSA 674:71-73, as amended by HB 577 (2025) and to expand housing options while preserving the character of single-family neighborhoods.

### Question #1

To change Article 4-3, Accessory Dwelling Units: FROM "Current article"

TO: "SECTION 4-3: ACCESSORY DWELLING UNITS"

#### 4-3.00 Purpose.

The purpose of this section is to comply with RSA 674:71-73, as amended by HB 577 (2025), and to expand housing options while preserving the character of single-family neighborhoods.

#### 4-3.01 Authorization.

- A. One accessory dwelling unit (ADU) shall be permitted by right on any lot containing a single-family dwelling in all zoning districts where single-family dwellings are permitted.
- B. An ADU may be attached, within a pre-existing detached structure, or detached.
- C. No special exception, conditional use permit, or other discretionary approval shall be required to construct an ADU.
- D. No ADU shall be permitted on multiple single-family dwellings attached to each other, such as townhomes, rented or leased land.

#### 4-3.02 Dimensional Standards.

- A. The ADU shall comply with the same dimensional standards (setbacks, frontage, height, lot coverage) that apply to the principal single-family dwelling.
- B. No additional lot area, frontage, or other dimensional requirements may be imposed because of the ADU.
- C. The Town shall not require a new or separate septic system solely for the ADU. The existing system may be utilized if it meets State requirements.

#### 4-3.03 Size Requirements.

- A. The floor area of an ADU shall be permitted up to 950 square feet.
- B. The Planning Board may authorize larger ADUs through Site Plan Review if consistent with the principal dwelling.

#### 4-3.04 Occupancy and Use.

- A. No familial or relationship test shall be required between occupants of the principal dwelling and the ADU.
- B. Either the ADU or the principal dwelling unit shall be the principal residence of the owner of the property. This must be demonstrated annually.
- C. The ADU shall have an independent address designation from the primary dwelling for the purpose of locating the unit for emergency response purposes. If the ADU is attached to the principal dwelling unit, it shall have an independent entrance/exit or one through a common space (i.e. shared hallway) shared with the principal dwelling unit.

#### 4-3.05 Parking.

- A. One off-street parking space may be required for an ADU.
- B. No additional spaces beyond one (1) may be required in accordance with RSA 674:16, VII (SB 284).

#### 4-3.06 Aesthetic and Design Standards.

Any architectural or aesthetic standards applied to ADUs shall be identical to those applied to the principal single-family dwelling and shall not be more restrictive.

- **Don't** Include the Entire Text of the Zoning Amendment Change on the Ballot
- It's better to summarize the zoning amendment in layman terms on the ballot and make the full text of the zoning amendment available separately

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New Hampshire Department of  
BUSINESS AND  
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# Best Practices – Voter Guide

- If you can, prepare a Voter's Guide for your Zoning Amendments explaining what they are in plain terms.
- [Barrington Voter Guide 2026](#)

|                                                                                                                                                     |                                            |                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------------------------------------|
|                                                                   | <b>TOWN OF BARRINGTON</b><br>NEW HAMPSHIRE |  |
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| School District: 572 Calef Highway • Barrington, New Hampshire 03825: <a href="http://www.sau74.org">www.sau74.org</a>                              |                                            |                                                                                     |





# TOWN OF BARRINGTON NEW HAMPSHIRE

2026 Community Voter Guide – Zoning Ballot

SAU 74



## Article 8 – Zoning – Adoption of Form Based Code for a Portion of the Town Center District, to be known as the Dove District Town Center, to include Tax Map 239 Lots 1, 1-1, and 2, Tax Map 235 Lots 1, 1-1, 2, and 3, and Tax Map 238 Lots 1, 2 and 3

### Ballot Question

Are you in favor of Amendment #7 to the Barrington Zoning Ordinance as recommended by the Planning Board to add **Article 3.3.7 – Dove District Town Center**, which provides guidelines to implement a compact, walkable, mixed use center through usage of form based code, a method of zoning that emphasizes the design and placement of buildings and the quality of street and public spaces rather than on the types of uses alone, which utilize less flexible dimensional and other criteria, along with adding a definition for Garden Style Building in **Article 18 Definitions**. Adoption of this provision will include Tax Map 239-Lot 1, Tax Map 239-Lot 1-1, Tax Map 239-Lot 2, Tax Map 235-Lot 1, Tax Map 235-Lot 1-1, Tax Map 235-Lot 2, Tax Map 235-Lot 3, Tax Map 238-Lot 1, Tax Map 238-Lot 2 and Tax Map 238-Lot 3, as shown on the Town Center Dove District Map.

### Note

See proposed map of the Dove District Town Center on the following page (Page 40). Route 9 is shown on the bottom of this map with the Route 125 intersection in the bottom right corner. The proposed district includes developed lots including Bellaviso Salon and Spa, The Christmas Dove, and The Village Barn, as well as undeveloped lots.

This amendment is recommended for approval by the Planning Board 5-0. The Planning Board has felt after nearly twenty years, the existing Town Center zoning was not effectively achieving the Town Center vision described in Barrington's Master Plan. A grant-funded consultant team worked for over a year meeting with stakeholders and the community to refresh the Town Center vision. This public outreach work culminated in Town Center Day last fall. The Planning Board took the feedback from the community and worked with the consultant team (including tours of other successful mixed-use developments in the area) and Town Center landowners to draft this proposed zoning amendment.

### Explanation

This amendment creates a new district within the overall Town Center District. It will be called the Dove District Town Center and contain 92 acres. The Dove District Town Center will allow the Planning Board flexibility to work with an applicant using a concept/technique called form based code to design and develop this area into a nicely laid out, walkable mix of commercial and residential development, which will connect into the trails systems that surround the Town Center, along with connectivity to the new library and the rest of the Town Center District. As the Dove District is developed, the plan will be to guide development of the overall town center in a similar fashion. Developers will be required to enter into development agreements with the Town to ensure that the required commercial component of a project is built.

Form based code stresses design and placement of buildings and public spaces in a way that enhances public interaction and different recreational and civic activities. The objective is to provide a place for people to gather, interact and enjoy activities in a thriving atmosphere for businesses of a scale that works for the Dove District Town Center. As part of the process of writing this code, a market study was completed that supports demand for certain small businesses within Barrington.

Revised 2/17/2026

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Town: 4 Signature Drive • Barrington, New Hampshire 03825: [www.barrington.nh.gov/2026warrant](http://www.barrington.nh.gov/2026warrant)  
School District: 572 Calef Highway • Barrington, New Hampshire 03825: [www.sau74.org](http://www.sau74.org)



# TOWN OF BARRINGTON NEW HAMPSHIRE

2026 Community Voter Guide – Zoning Ballot

SAU 74



## Article 8: Proposed District Town Center Map



Barrington, NH

Dove District  
Town Center  
with illustrative connectors

- Illustrative East-West Connector
- Illustrative Rail Trail
- Illustrative Library Connector
- Illustrative Sidewalk Connector
- Existing Town Center
- Village
- General Residential
- Neighborhood Residential
- Regional Commercial
- Conserved land
- Parcel

0 250 500 Feet



Revised 2/17/2026

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School District: 572 Calef Highway • Barrington, New Hampshire 03825: [www.sau74.org](http://www.sau74.org)



# Best Practices

- Clearly mark up the Zoning Ordinance with the year that amendments have been made or add a section that specifies each year's amendments.
- Bow does a summary at the end.
- Bristol marks them up throughout the ordinance.

## AMENDED ----- March 11, 2026

Revised 4.01.B to relocate purpose statements for the overlay districts to the appropriate overlay district section; amended 5.07 to allow the Planning Board to establish a Site Review Committee for review of minor site plans; added multi-family housing as a permitted use in the Commercial District along with 7.28 regarding supplemental

regulations; amended 6.02 to clarify that minimum lot frontage must be along a Class V or better road; amended 7.04 to update definitions, remove the requirement for a Conditional Use Permit for detached ADUs, to allow one ADU to be built on any lot with a single-family dwelling, and to amend a clause regarding ADUs in existing non-conforming structures; amended 10.01 to remove an applicant's alternative method for resolving a wetland boundary dispute and to make various other clarifications and corrections; amended 10.03 to update the current edition of the NH Stormwater Manual; amended 11.04 to add subsection H, Adaptive Reuse, related to repurposing existing buildings for residential use; amended the expiration time period for excavation permits in Section 14.05.B.

## 4.11 Signs *(Adopted 2026)*

### A. PURPOSE AND INTENT

These sign regulations are meant to enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth, to avoid excessive levels of visual clutter or distraction that are potentially harmful to property values, business opportunities and community appearance, to reduce hazards to the traveling public from cluttered, distracting or illegible signage, and to minimize the possible adverse effect of signs on nearby property.

# Best Practices

- The date of your Zoning Ordinance Revision is when the vote was taken to amend it, NOT when you physically edited the document to incorporate the changes.

Town of Canterbury – Zoning Ordinance – Rev 04/09/2024

## Article 1

### Preamble, Title, and Authority

This ordinance shall be known as the Zoning Ordinance of the Town of Canterbury, New Hampshire, herein referred to as "this ordinance", and is adopted pursuant to the authority granted by the laws of the State of New Hampshire, Chapters 673 through 677, New Hampshire Revised Statutes Annotated, as amended. In conformity with a Master Plan; viz. "The Plan for Tomorrow" and for the purpose of promoting the health, safety, morals and general welfare of the inhabitants of Canterbury. The provisions of this ordinance are considered minimum requirements.

Effective Date: 03/14/1990

As Amended:

03/12/91, 03/10/92, 03/08/93, 03/08/94, 03/15/96, 03/11/97, 03/13/98, 03/09/99, 03/14/00, 03/13/01, 03/11/03, 03/12/04, 03/08/05, 03/14/06, 03/13/07, 03/11/08, 03/09/10, 03/08/11, 03/15/12, 03/11/14, 03/10/15, 03/11/16, 03/12/19, 03/13/20, 03/09/21 (Added Article 19 Campgrounds), 03/08/22 (Amended Article 8.1, 13 & 19), 04/03/2024 (Amended Articles 2, 3, 5, 6, 11, 12, 13, 18)

RESULTS OF TOWN ELECTION, MARCH 12, 2024



*True Copy Attest*

ANNUAL TOWN ELECTION  
CANTERBURY, NEW HAMPSHIRE  
MARCH 12, 2024

*Samuel Pappas*  
TOWN CLERK

INSTRUCTIONS TO VOTERS

**BEA**

New Hampshire Department of  
BUSINESS AND  
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# **Best Practices**

## **DON'T FORGET THE MUNICIPAL ATTORNEY!**

Do not publish or finalize proposed zoning amendment language for the ballot without review by the municipal attorney



New Hampshire Department of  
BUSINESS AND  
ECONOMIC AFFAIRS



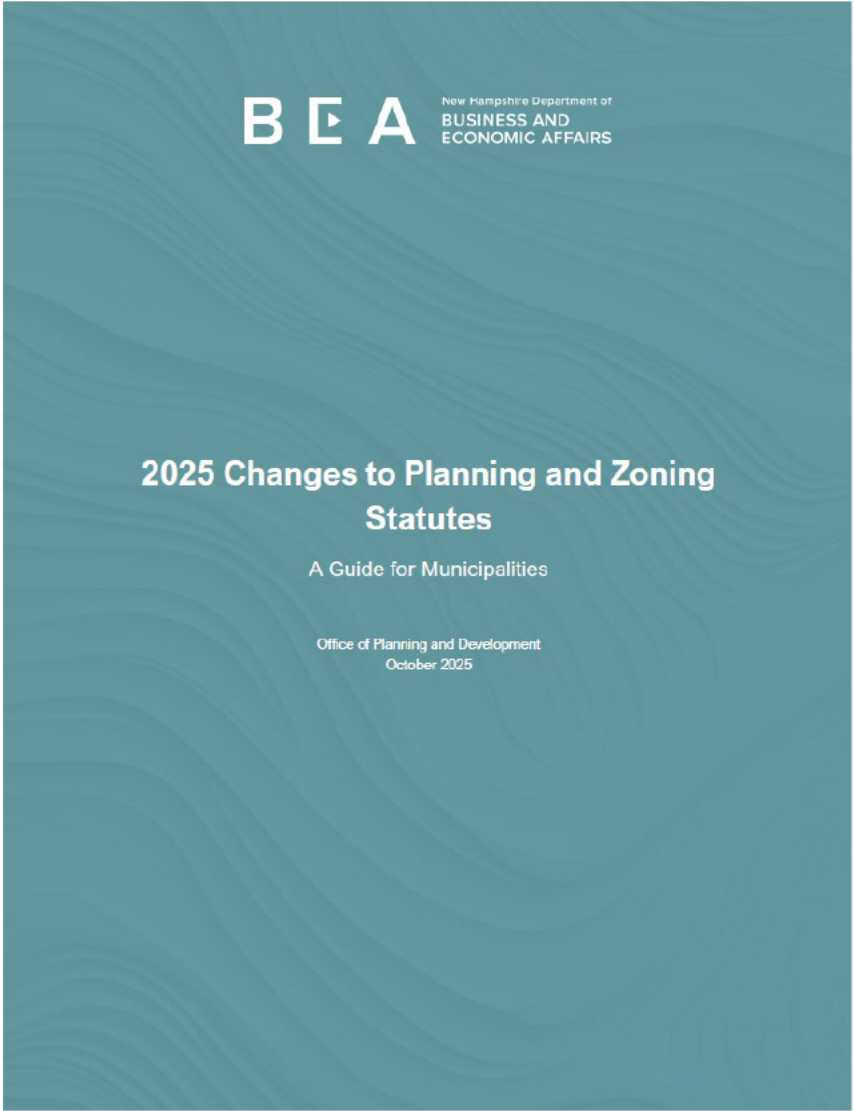
# A Few Final Thoughts

- Zoning ordinances are meant to be ever evolving to reflect the changing needs of the community and protection of health, safety, and general welfare.
- Reach out to local, seasoned developers to ground truth the impact a proposed zoning change may have on a project penciling out.
- **You can never do too much education and community engagement to help dispel misinformation about the impact of proposed zoning amendments!**
- Don't expect change overnight!

# Resources

- [OPD Website](#)
  - [Planning and Zoning Training](#)
  - [Zoning Amendment Calendars](#) – 2027 calendars will be published in late August
  - [Municipal Land Use Regulation Survey](#) – 2025 data will be published in Fall 2026
- [OPD YouTube Channel](#)
- [Best Practices or Tips for getting through the Zoning Amendment Process](#)
- [RSA 675 – Enactment and Adoption Procedures](#)
- [Resilient Land Use Guide for New Hampshire](#)
- [New Hampshire Housing Toolbox](#)
- [New Hampshire Zoning Atlas](#)
- [Webster's Dictionary](#)

# 2025 Changes to Planning and Zoning Statutes: A Guide for Municipalities



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# Contact Information and Resources

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Email: [planning@livefree.nh.gov](mailto:planning@livefree.nh.gov)

## **Staff Contact Information:**

<https://www.nheconomy.com/office-of-planning-and-development/who-we-are>

## **Training Library on YouTube:**

<https://www.youtube.com/channel/UCmk4EEnIIIGZFZjqLYARAU>

## Questions?

- PLAN Webinar Series
  - 3rd Thursday of each month
  - Next webinar: **August 20<sup>th</sup> at 12 PM – 2026 Planning & Zoning Legislative Changes**
- Sign-up for e-mails about upcoming trainings and new publications by e-mailing [planning@livefree.nh.gov](mailto:planning@livefree.nh.gov) with a request to join our training list.
- Visit our YouTube channel for a recording of this and other presentations.