

## INTERIM ZONING BYLAW: Adopted 2-27-2023

**This measure amends Section 5.10 (page 22), Section 2.01 (page 5), Section 2.04 (Page 6) and Section 8.02 (Page 52) of the Town of Thetford Zoning Bylaw as follows:**

### ***Section 5.10 Accessory Dwelling Units***

(A) **Purpose** The purpose for Accessory Dwelling Units (ADU) is to allow an owner of a single-family dwelling or a business to create a subordinate dwelling unit within, attached to or near the primary dwelling or business.

(B) Determination by the Zoning Administrator Pursuant to § 4412 (E) of the Act, a single accessory dwelling unit that is located within, or attached to, or detached from a primary single family dwelling or a business on a lot shall be a permitted use provided there is compliance with criteria 1 – 4 listed below.

1. The property has sufficient wastewater capacity. 2. The unit does not exceed 30 percent of the total habitable floor area of the primary single-family dwelling or 900 square feet, whichever is greater. For the purposes of this regulation “habitable floor area” shall mean the “finished area” of the primary dwelling in the Listers’ records. 3. Applicable setback, coverage, and parking requirements specified in the bylaws are met. 4. The proposed ADU is not in a regulated flood hazard or fluvial erosion area. If the ADU is located in a regulated flood hazard or fluvial erosion area, it shall be subject to conditional use review by the DRB.

(C) **Standards** 1. The maximum number of dwellings on a single lot without Planned Unit Development approval is two, comprised of either one principal dwelling unit and one accessory dwelling unit, or a two--unit dwelling.

Amend Section 2.01 as follows:

### ***Section 2.01 Zoning Districts and Overlay Districts: General***

For the purpose of this Bylaw, the Town as shown on the Zoning Districts map is divided into four types of zoning district, which are Village Residential, Neighborhood Residential, Community Business, and Rural Residential, and one overlay district, the Thetford Hill Historic Preservation Overlay District. The general purpose of these Districts is to encourage future growth that complements past patterns of development, preserving the rural character of Thetford and strengthening the identity of Thetford’s villages. Appropriate development, according to the Town Plan and to these Bylaws, is determined by assessing the proposed usage against the General and Specific Use Provisions and the General Standards for Development Review for both Permitted and Conditional uses. These include requirements for open space protection; wetlands, wildlife, forest resource and agricultural land protection; and protection from the impact of increased traffic from proposed development.

The general purpose of each district shall be as follows:

(A) Village Residential – The purpose of the Village Residential District is to comprise relatively dense areas of settlement with the following characteristics:

- Networks of streets and utilities that make efficient use of land;
- Neighborhoods with resources such as schools, shops and libraries within walking distance of residences;
- Relatively dense housing, noting that villages’ lots “grandfathered” before zoning were often smaller than the current minimum of 20,000 square feet;
- Mixed--use development, compatible in scale and lot coverage with existing development, supporting commercial and public services for residents

(B) Neighborhood Residential – Neighborhood Residential land use areas are districts of settlement that are close to Village Residential areas. Their purpose is primarily residential, with a minimum lot size of 20,000 square feet, but they tend to be less dense than Village Residential areas. Accessory dwelling units are a permitted use. A second purpose is to encourage Home Occupations (Home Office, Home Business, and Home Industry) and Commercial Service(s), in accordance with Tables 2.1 and 2.2 (Section 2.04). The NR District is intended to serve as a residential and commercial ‘bridge’ between Village and Rural Residential Zoning Districts.

(C) Community Business – The purpose of the Community Business district is to share the characteristics of the Village Residential district, with an emphasis on commercial development, compatible in scale and lot coverage with existing development, ranging from small to medium in size.

(D) Rural Residential – The purpose of the Rural Residential district is to maintain an area of low average density that is compatible with clusters of high-density, remaining primarily a district of open space, farms, residences and woodlands, with scattered commercial uses that are either home-based or dependent on natural resources. This area is characterized by development that has

- Particular sensitivity to agriculture and natural resources;
- Minimal sprawl, as the term is defined in Section 8.02.

(E) Thetford Hill Historic Preservation Overlay – The purpose of this district is to ensure the protection, enhancement and renovation of significant architectural and historic resources in Thetford Hill. The District shall preserve such property, districts, buildings, and sites in the Town having special historical associations or significance or of special architectural merit or significance. While not all buildings are of equal historic significance, all buildings and lands support and contribute to any given district.

Amend Section 2.04 Uses and Standards as follows:

### ***Section 2.04 Uses and Standards***

#### **(B) Use Categories**

1 & 2 Unit Dwelling: Any use of land or structures comprising one or two residential units in a primary structure. Examples: house, cabin, mobile home, duplex, 1 unit dwelling with 1 accessory dwelling unit in accordance with Section 5.10

Amend Table 2.1 Uses by District as follows:

|   | Proposed Table 2.1 Uses by District |                          |                   |                    |
|---|-------------------------------------|--------------------------|-------------------|--------------------|
|   | Village Residential                 | Neighborhood Residential | Rural Residential | Community Business |
| Minimum Lot Size (in square feet)                     | 20,000                              | 20,000                   | 80,000            | 20,000             |
|   | Categories of Uses                  |                          |                   |                    |
| 1 & 2 Unit Dwelling                                   | Permitted                           | Permitted                | Permitted         | Permitted          |
| Home Business [Section 5.03(B)]                       | Permitted                           | Permitted                | Permitted         | Permitted          |
| Cultural  | Conditional use                     | Conditional use          | Permitted*        | Conditional use    |
| Multi-unit Dwelling                                   | Conditional use                     | Conditional use          | Conditional use   | Conditional use    |
| Home Industry [Section 5.03(C)]                       | Conditional use                     | Conditional use          | Conditional use   | Conditional use    |
| Community Service                                     | Conditional use                     | Conditional use          | Conditional use   | Conditional use    |
| Essential Service                                     | Conditional use                     | Conditional use          | Conditional use   | Conditional use    |
| Contractor's Yard                                     | Conditional use                     | Conditional use          | Conditional use   | Conditional use    |
| Outdoor Recreation                                    | Conditional use                     | Conditional use          | Conditional use   | Conditional use    |
| Municipal   | Conditional use†                    | Conditional use†         | Conditional use†  | Conditional use†   |
| Village Commercial                                    | Conditional use                     | Not allowed              | Not allowed       | Conditional use    |
| Roadside Commercial                                   | Conditional use                     | Not allowed              | Not allowed       | Conditional use    |
| Commercial Service                                    | Conditional use                     | Conditional use          | Not allowed       | Conditional use    |
| Light Industrial                                      | Not allowed                         | Not allowed              | Not allowed       | Conditional use    |
| Rural Industrial                                      | Not allowed                         | Not allowed              | Conditional use   | Not allowed        |
|   | Uncategorized Uses                  |                          |                   |                    |
| Accessory dwelling unit as defined in Section 8.02    | Permitted                           | Permitted                | Permitted         | Permitted          |
| Church, place of worship subject to Section 5.01      | Permitted*†                         | Permitted*†              | Permitted*†       | Permitted*†        |
| Accessory use or structure as defined in Section 8.02 | Permitted*                          | Permitted*               | Permitted*        | Permitted*         |
| Farmers' market                                       | Permitted*                          | Permitted*               | Permitted*        | Permitted*         |
| Restaurant, deli, take-away prepared food             | Permitted*                          | Permitted*               | Conditional use   | Conditional use    |
| Bed & Breakfast                                       | Conditional use                     | Conditional use          | Conditional use   | Permitted*         |
| Motel and hotel                                       | Conditional use                     | Not allowed              | Not allowed       | Permitted*         |
| Cemetery  | Not allowed                         | Conditional use          | Permitted*        | Not allowed        |

|  | Proposed Table 2.1 Uses by District |                          |                   |                    |
|--|-------------------------------------|--------------------------|-------------------|--------------------|
|  | Village Residential                 | Neighborhood Residential | Rural Residential | Community Business |
| Auction yard   | Conditional use                     | Conditional use          | Conditional use   | Conditional use    |
| School, public or private  | Conditional use†                    | Conditional use†         | Conditional use†  | Conditional use†   |
| Facility subject to Wireless Telecommunications Facility Bylaw   | Conditional use                     | Conditional use          | Conditional use   | Conditional use    |
| Health care facility   | Conditional use                     | Conditional use          | Conditional use   | Conditional use    |
| Veterinary clinic  | Conditional use                     | Conditional use          | Conditional use   | Conditional use    |
| Off-street parking subject to Section 3.03   | Conditional use                     | Conditional use          | Conditional use   | Conditional use    |
| Planned Unit Development subject to Section 6.07   | Conditional use                     | Conditional use          | Conditional use   | Conditional use    |
| Kennel   | Not allowed                         | Not allowed              | Conditional use   | Not allowed        |
| Junkyard subject to Section 5.05   | Not allowed                         | Not allowed              | Conditional use   | Not allowed        |
| Landfill subject to Section 5.06   | Not allowed                         | Not allowed              | Conditional use   | Not allowed        |
| Mobile home park subject to Section 5.07   | Not allowed                         | Conditional use†         | Conditional use†  | Not allowed        |
| Travel trailer camp subject to Section 5.09  | Not allowed                         | Not allowed              | Conditional use   | Not allowed        |
| * Some permitted uses are subject to site plan review. See Sections 6.03 – 6.05.<br>† These uses are subject to limited regulations. See Section 1.05. |                                     |                          |                   |                    |

| Table 2.2 Standards by District                          |  |   |  |
|--|--|---|--|
|  | Village Residential & Neighborhood Residential   | Community Business                        | Rural Residential                        |
| Maximum Density  | One dwelling unit per 20,000 square feet.  | One dwelling unit per 20,000 square feet. | One dwelling unit per 80,000 square feet |
|  | <i>Two-unit dwellings form the sole exception to this requirement. One two-unit dwelling may be placed on a lot of at least minimum size. Waivers from this standard may be granted for Planned Unit Developments, in accordance with Section 6.07(D).</i> |   |  |
| Minimum Lot Size   | 20,000 square feet   | 20,000 square feet                        | 80,000 square feet                       |
| Minimum Mean Depth in Linear Feet                        | 100 feet   |   |  |
| Minimum Width at Building Line In Linear Feet            | 100 feet   |   |  |
| Minimum Depth of Rear Yard in Linear Feet                | 15 feet  |   |  |
| Minimum Depth of Side Yard in Linear Feet                | 15 feet  |   |  |
| Minimum Building Setback from Centerline of Traveled Way | 40 feet  |   |  |
| Maximum Building Height in Linear Feet                   | See Section 3.02   |   |  |
| Minimum Off-Street Parking Space                         | One space for each dwelling unit. For all other uses, refer to Section 3.03.   |   |  |
| Special Provisions and Requirements                      | All dwelling units without a basement, including mobile homes, shall be completely enclosed from grade level to the base of the structure with a skirting of spark-arresting material.   |   |  |

Amend Section 8.02 Definitions as follows:

### ***Section 8.02 Definitions***

**ACCESSORY DWELLING UNIT:** A distinct unit that is clearly subordinate to a single-family dwelling or a business, and has facilities and provisions for independent living, including sleeping, food preparation and sanitation.

### **FORMULAIC (CHAIN) BUSINESS**

A type of retail store, rental establishment, restaurant, hotel, or motel which, along with fifty (50) or more other business locations within or outside the United States, regardless of ownership of those businesses, maintains two (2) or more of the following features: standardized array of merchandise or standardized menu, standardized facade, standardized decor and color scheme, uniform apparel, standardized signage, or a trademark or service mark.