

**SUMMARY OF NEW ZONING REQUIREMENTS**

As of March, 2014

**NOW APPLICABLE TO EMERALD LAKE VILLAGE DISTRICT  
BY TOWN VOTE PASSING ARTICLE 6 ON MARCH 10, 2015**

**NOTE: THIS APPLIES TO FUTURE DEVELOPMENT; EXISTING STRUCTURES ARE GRANDFATHERED UNLESS THEY VIOLATE A PUBLIC HEALTH AND SAFETY CODE**

**§ 229-19.3 Emerald Lake Village Residential District**

**A. Permitted uses: In the Emerald Lake Village Residential District, permitted uses are indicated in Table 4-Chart of Uses.**

**B. Uses permitted only by special exception. On the Emerald Lake Village Residential District, uses, permitted by special exception granted by the Board of Adjustments pursuant to §229-51 are indicated in Table 4-Chart of Uses.**

**TABLE EXTRACTS**

<b><i>SETBACK REQUIREMENTS- TABLE 3</i></b>	<b><i>Specifications</i></b>	<b><i>Variations</i></b>
Minimum Lot Area -Table 2	Single Family: 40,000 sf	Two Units: 80,000 sf Three Units: 120,000 sf
Minimum Frontage- Table 2	Single Family: 125 feet	Two Units: 125 feet Three Units: 150 feet
Minimum Setbacks-Table 3 Dwellings	Front: 30 feet Side: 15 feet Rear: 20 feet	Commercial: Front: 50 feet Side: 20 feet Rear: 25 feet  Other Uses (Rooming house, Home Offices, Churches, Schools etc Front: 50 feet Side: 20 feet Rear: 25 feet
Maximum Lot Coverage by Percent-Table 3 Dwellings	25%	Commercial 30% Other: 30%
Maximum Building Height by feet-Table 3 Dwellings	50 feet	Commercial 50 feet Other: 50 feet

<p><b>PERMITTED USES-TABLE 4</b></p>	<p>Bed &amp; Breakfast  Single Family Dwelling  Two Family Dwelling  Home Occupation (Office) Use  Home Businesses  Municipal Facilities  Nursing Home, Retirement Home, or  Supervised Group Home  Building and Service Trades  Cemeteries</p>	
<p>PERMITTED BY SPECIAL EXCEPTION APPLICATION-TABLE 4 *</p>	<p>Three to Four Family Dwellings  Museum  Religious Institutions with seating for less than 250 people  Schools  Industry  Artist Studios  Daycare Facilities for Dogs</p>	<p>Special Exception Use permitted upon application to the ZBA under 229-50 -C: Special Exceptions requiring findings that (1) the special exception is specifically authorized, (2) that all special conditions required of the special exception have been; (3) that no hard or nuisance will be created; (4) that the general welfare of the Town of Hillsborough will be protected; and (5) that the proposed special exception is in substantial agreement with the spirit and intent of his chapter or that a hardship exists</p>
<p>PERMITTED AS A CONDITION USE-TABLE 4</p>	<p>Cluster Development</p>	<p>Governed by 229-91: Conditional Use Permits for Cluster developments as reviewed by the Planning Board</p>

USES NOT PERMITTED	Dwellings for More Than Four Families Mobile Home/Manufactured Homes Mobile Home Parks Mobile Home Subdivision Auction Houses Bars Recreational Camps Campgrounds Commercial Storage Facilities Crematories Dive-Through Facilities Farmers' Markets Flea Markets	
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**USES NOT PERMITTED**  
(Continued)

Funeral Homes  
Garden/Farm Supply or Nurseries  
Hotels/Motels  
Inns  
Livestock Auctions  
Manufactured Home Sales  
Motor Vehicle Sales Motor Vehicle  
Service Station and Repair Garage  
Night Clubs  
Offices  
Personal Services  
Recreation, Indoor (businesses)  
Recreation, Outdoor (businesses)  
Motor Vehicle Service Station and Repair  
Garage  
Night Clubs  
Offices  
Personal Services  
Recreation, Indoor (businesses)  
Recreation, Outdoor (businesses)  
Repair Businesses  
Restaurants  
Retail Business  
School, Commercial or Trade facilities  
Shopping Centers  
Theatres  
Vehicle & Machinery Auctions  
Clinics  
Clubs/Lodges with seating for less than  
250 people  
Clubs/Lodges with seating for more than  
250 people Community Centers  
Adult Day Care Facilities  
Child or Family Day Care Facilities  
Nursery Schools & Pre-Schools  
Religious Institutions with seating for  
more than 250 people  
Agricultural Operations  
Animal Shelters  
Boarding Kennels  
Veterinary Clinic/Animal Rehabilitation  
Facilities

In addition, because the District includes a lake, **§229-36. Waterfront Development** also applies:

A. Purpose. The purpose of this section is to provide guidelines for the development of lakefront and backland with access to lakes and ponds so as to prevent overcrowding, to protect the shoreline and water quality and to control the granting of easements by waterfront lot owners for the purpose of access to water frontage.

B. Standards for waterfront development. Rights to gain access to a water body through or by means of any waterfront land in the Town of Hillsborough shall not be created or attached to any real estate, except in accordance with the standards set forth below and subject to Planning Board approval. Any owner granting rights for waterfront use and access shall comply with the following standards:

(1) There shall be a minimum frontage on the water of 50 feet per dwelling unit or per lot, whichever is more stringent.

(2) There shall be provided 400 square feet of beach area per dwelling unit or per lot, whichever is more stringent.

(3) Parking area in addition to the beach area shall be provided on the basis of 200 square feet for each dwelling unit planned.

(4) Docks may be permitted on the basis of one slip per 15 feet of shoreline.

C. Setbacks from shoreline. As required by [§ 229-10](#), no building shall be located within 75 feet of the shoreline, i.e., average mean high water level.

*Amended by Article 5 in 2015 to also state that activity is prohibited within 75 feet of the average mean high water level of any lake, pond, or stream with a normal year-round flow, also adding the definition of Impervious Surface to the General Provisions.*