

Certified, this date, to be a true copy of the 2023 proposed Amendments to the Town of Alton Zoning Ordinance, as presented at the public hearing and voted by the Planning Board on Tuesday, December 20, 2022.

Jessica A. Call, Town Planner December 21, 2022

## **2022-2023 AMENDMENTS TO THE ALTON ZONING ORDINANCE**

### **PROPOSED BY THE ALTON PLANNING BOARD**

### **FOR BALLOT VOTE AT THE 2023 TOWN MEETING**

The amendments to the Alton Zoning Ordinance proposed by the Alton Planning Board are outlined below. *Additions* are shown in **red bold italic text** and the ~~deletions~~ are shown in ~~strikethrough text~~.

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#### **PLANNING BOARD PROPOSED AMENDMENT #1:**

To amend ARTICLE 200 DEFINITIONS by adding new definitions: “Short-Term Rental”, “Nontransient”, “Owner-Occupied”, and “Transient”, and by amending the following definitions: “Accessory Building, Structure, or Use”, “Bed and Breakfast”, and “Lodging House”; to amend ARTICLE 300 GENERAL PROVISIONS by adding a new section, “SECTION 365 SHORT-TERM RENTAL”; and to amend ARTICLE 400 ZONING DISTRICTS REGULATIONS by adding a new use to SECTION 401 PERMITTED USES – TABLE OF USES, “D. 47. Short-Term Rental” (and the renumbering of subsequent Uses) to be allowed in the Lakeshore Residential (LR), Residential Commercial (RC), Residential Rural (RR), Rural (RU), and Recreational Services (RS) Zones.

#### **ARTICLE 200 DEFINITIONS**

##### **New Definitions:**

***Short-Term Rental: A single-family dwelling or accessory dwelling unit offered for transient use for compensation, and where the dwelling unit would otherwise be considered a residential living unit not associated with regulated commercial activities such as a Hotel, Motel, Lodging House, or Bed and Breakfast. See additional criteria outlined in SECTION 365 Short-term Rental.***

***Nontransient: Describes a room, number of rooms, or dwelling unit that is offered for rent in increments not less than 30 days.***

***Owner-Occupied: The principal residence or seasonal dwelling of a person or persons that holds title to the property, where at least one such person is physically present within the dwelling unit on said property for at least three months each calendar year.***

***Transient: Describes a room, number of rooms, or dwelling unit that is offered for rent in increments of less than 30 days.***

**Amended Definitions:**

Accessory Building, Structure, or Use: A building, structure or use incidental and subordinate to the principal building and its use and occupying the same lot. *Includes offering one or two guest rooms in an owner-occupied dwelling unit for compensation for nontransient use, with no provision for cooking or warming food in guest rooms.*

Bed and Breakfast: *An owner-occupied single-family dwelling, where the owner or a live-in manager is present overnight during the period of rental, where three to five guest rooms are offered for transient use for overnight accommodation and a morning meal in a dwelling unit provided to transients for compensation, with no provision for cooking or warming food in guest rooms.*

Lodging House: A building *where the owner or a live-in manager is present overnight during the period of rental*, in which the rooms are rented with or without meals to three (3) or more, but not exceeding 10 persons *for nontransient use*.

**ARTICLE 300 GENERAL PROVISIONS**

**SECTION 365 SHORT-TERM RENTAL**

*Each of the following must be documented to the satisfaction of the Code Official prior to the issuance of a permit for a short-term rental:*

- 1. Access to the dwelling is provided by a Town or State-maintained road, or unless a waiver pursuant to RSA 674:41 has been recorded and provided to the Town and the owner remains compliant with all terms therein stated.*
- 2. The dwelling is served by one (1) on-site parking space for each permitted bedroom plus one additional parking space.*
- 3. The septic system is properly-functioning, with a NHDES permit on file for the number of bedrooms. For systems without a NHDES permit on file, an evaluation by a NH Certified Septic System Evaluator will be required, along with a current NHDES-approved design to be constructed in the event of system failure.*
- 4. For dwellings not served by a public water supply, documentation must be provided prior to the issuance of a permit and annually thereafter of a test for total coliform and E. coli by a New Hampshire Environmental Laboratory Accreditation Program-accredited lab showing the absence of coliform bacteria.*
- 5. The dwelling is in compliance with all applicable building, health, and life safety codes.*
- 6. In a single family home with an accessory dwelling unit, in accordance with SECTION 319 ACCESSORY DWELLING UNIT STANDARDS, only one of the two dwelling units may be utilized as a short-term rental.*

**ARTICLE 400 ZONING DISTRICT REGULATIONS**

**SECTION 401 PERMITTED USES – TABLE OF USES:**

D.	Retail Business and Service	R	LR	RC	RR	RU	RS	Notes
47.	<i>Short-Term Rental</i>	<i>N</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	<i>Y</i>	

**Rationale:** The purpose and intent of this amendment is to add a definition for Short Term Rentals, distinguish this use from other similar uses, and identify the zones where this use will be permitted. Through this process numerous other definitions of similar uses required adjustments and clarifications.

**PLANNING BOARD PROPOSED AMENDMENT #2:**

*To amend ARTICLE 200 DEFINITIONS by amending the following definitions: “Dwelling Unit”, “Hotel”, “Motel”, and by removing “Dwelling Unit, CCRC (Continuing Care Retirement Community)”; and, to amend ARTICLE 300 GENERAL PROVISIONS - SECTION 331 CONTINUING CARE RETIREMENT COMMUNITIES (CCRC) and ARTICLE 400 ZONING DISTRICT REGULATIONS - SECTION 413 SPECIAL EXCEPTIONS to correct the use of the term, “dwelling unit”.*

**ARTICLE 200 DEFINITIONS**

Dwelling Unit: One (1) room or group of rooms, constituting a separate independent housekeeping establishment for owner occupancy, rental, or lease; located within a dwelling structure and physically separated from any other dwelling unit which may be in the same dwelling structure, forming a single habitable dwelling unit with facilities used or intended to be used by a single family for living, sleeping, sanitation, cooking, and eating. *A dwelling unit in a Continuing Care Retirement Community may or may not have cooking facilities.*

~~Dwelling Unit, CCRC (Continuing Care Retirement Community): A dwelling unit, with or without kitchen facilities, located within a CCRC site, which provides the required Continuing Care Retirement support services and facilities for seniors or disabled persons.~~

Hotel: An establishment which provides *sleeping accommodations for* transient ~~use~~ *lodging accommodations* to the general public, available on a daily basis, and which may also provide other services such as restaurants, meeting rooms, and recreational facilities.

Motel: An establishment providing sleeping accommodations *for transient use* with a majority of all rooms having direct access to the outside without necessity of passing through the main lobby of the building.

## ARTICLE 300 GENERAL PROVISIONS

### SECTION 331 CONTINUING CARE RETIREMENT COMMUNITIES (CCRC)

#### E. Design Criteria

4. Overall density of a Continuing Care Retirement Community development shall not exceed:
  - a. Independent Living CCRC: three (3) dwelling units per acre excluding wetlands and steep slopes. ~~No~~ more than two (2) bedrooms per dwelling unit.
  - b. Assisted Living CCRC: 10 dwelling units *or bedrooms* per acre.
  - c. Skilled Nursing CCRC: 10 *beds* ~~dwelling units~~ per acre.
  - d. Continuing Care Retirement support facilities: included in acreage above.

## ARTICLE 400 ZONING DISTRICT REGULATIONS

### SECTION 413 SPECIAL EXCEPTIONS

#### Additional Considerations:

Special Exception may be granted by the Board of Adjustment if in addition to SECTION 520 the following conditions can be met:

- C. Total density shall not exceed one (1) dwelling unit per acre; *or, in a bed and breakfast, lodging or guesthouse facility, one (1) cabin or bedroom per acre.* ~~(A dwelling unit is defined as a single cabin or bedroom in a bed and breakfast, lodging or guesthouse facility.)~~

**Rationale:** The purpose of this housekeeping amendment is to clarify and correct the use of the term “dwelling unit” relative to various other forms of housing.

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**PLANNING BOARD PROPOSED AMENDMENT #3:**

To amend ARTICLE 300 GENERAL PROVISIONS, by amending SECTION 355 RECREATIONAL CAMPGROUND OR CAMPING PARK, to be consistent with the requirements of ARTICLE 200 DEFINITIONS “Recreational Campground or Camping Park”.

**ARTICLE 200 DEFINITIONS**

Recreational Campground or Camping Park: A parcel of land on which two (2) or more campsites are occupied or are intended for temporary occupancy for recreation dwelling purposes only, and not for permanent year-round residency, excluding recreation camps.

**ARTICLE 300 GENERAL PROVISIONS**

**SECTION 355 RECREATIONAL CAMPGROUND OR CAMPING PARK**

Recreational Campground or Camping Park Performance Standards

A recreational campground or camping park shall be an approved lot on which ~~five (5)~~ **two (2)** or more campsites are occupied or are intended for temporary occupancy for recreational dwelling purposes only, and not for permanent year round residency.

**Rationale:** This amendment corrects the inconsistency between the Definition and General Provisions in regards to the minimum number of campsites allowed, which will be two (2).

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**PLANNING BOARD PROPOSED AMENDMENT #4:**

To amend ARTICLE 400 ZONING DISTRICT REGULATIONS, by adding a new section to the Recreation Service Zone (RS), “SECTION 423 SPECIAL EXCEPTIONS”; by adding a new section to the Rural (RU) Zone, “SECTION 453 SPECIAL EXCEPTIONS”; and by adding a new section to the Residential Rural Zone (RR), “SECTION 464 SPECIAL EXCEPTIONS”, making reference to “See SECTION 401 PERMITTED USES – TABLE OF USES”.

**RECREATION SERVICE ZONE (RS)**

***SECTION 423 SPECIAL EXCEPTIONS***

***See SECTION 401 PERMITTED USES – TABLE OF USES***

**RURAL ZONE (RU)**

***SECTION 453 SPECIAL EXCEPTIONS***

***See SECTION 401 PERMITTED USES – TABLE OF USES***

## RESIDENTIAL RURAL ZONE (RR)

### SECTION 464 SPECIAL EXCEPTIONS

*See SECTION 401 PERMITTED USES – TABLE OF USES*

**Rationale:** The purpose of this amendment is to make the language of these zones consistent across all zones by referring readers to the Table of Uses to determine whether a Special Exception is required.

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## PLANNING BOARD PROPOSED AMENDMENT #5:

To amend ARTICLE 400 ZONING DISTRICTS REGULATIONS, by amending SECTION 412 RESTRICTIONS GOVERNING USE; SECTION 433 RESTRICTIONS GOVERNING USE; and SECTION 443 RESTRICTIONS GOVERNING USE, by adding the number of structures allowed on a lot for the uses, “Single-Family Dwelling”, “Duplex or Two-Family Dwelling”, “Multi-Family Structure” and “Townhouse”.

## LAKESHORE RESIDENTIAL ZONE (LR)

### SECTION 412 RESTRICTIONS GOVERNING USE

The following shall govern permitted and all other uses:

- A. The minimum **required** lot area, **excluding steep slopes, wetlands, and roadways**, shall be 30,000 sq. ft. (.689 acres), **with a limit of only one (1) single-family dwelling on a lot.**

## RESIDENTIAL ZONE (R)

### SECTION 433 RESTRICTIONS GOVERNING USE

- A. The minimum **required** lot area, **excluding steep slopes, wetlands, and roadways**, shall be **as follows with a limit of only one (1) for a single-family dwelling on a lot:**
1. One-half (1/2) acre with municipal water;
  2. One (1) acre without municipal water.
- B. The minimum **required** lot area, **excluding steep slopes, wetlands, and roadways**, for duplex or two-family dwelling use shall be **as follows:**
1. One (1) acre with municipal water;
  2. Two (2) acres without municipal water.

## RESIDENTIAL COMMERCIAL ZONE (RC)

### SECTION 443 RESTRICTIONS GOVERNING USE

The following shall govern permitted and other uses. Only one (1) of the following residential uses shall be permitted per lot:

- A. The minimum required lot area, excluding steep slopes, wetlands, and roadways, shall be as follows:

1. Single-Family Dwelling: Serviced by municipal water, 15,000 sq. ft. (0.344ac); not serviced by municipal water, 30,000 sq. ft. (0.69ac); **with a limit of only one (1) single-family dwelling.**
2. Duplex: Serviced by municipal water, 30,000 sq. ft. per structure; not serviced by municipal water, one (1) acre per structure.
3. Townhouse/Multi-Family Structure: Serviced by municipal water, one (1) dwelling unit (DU) per 15,000 sq. ft.; not serviced by municipal water, one (1) dwelling unit per 30,000 sq. ft.
4. Commercial: 15,000 sq. ft. with municipal water; 30,000 sq. ft. without municipal water.
5. Elderly Housing: Shall be permitted in accordance with SECTION 330.

Examples: Lot serviced by municipal water: 5 DU x 15,000sf = 75,000sf (1.72ac) lot size.  
Lot not serviced by municipal water: 5 DU x 30,000sf = 150,000sf (3.44ac) lot size.

**Rationale:** The purpose of this amendment is to further clarify the required minimum land area required per structure for various applications. This Amendment makes no changes to current regulations.

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### **PLANNING BOARD PROPOSED AMENDMENT #6:**

To amend ARTICLE 400 ZONING DISTRICTS REGULATIONS, by amending SECTION 433 RESTRICTIONS GOVERNING USES; SECTION 443 RESTRICTIONS GOVERNING USE; SECTION 452 RESTRICTIONS GOVERNING USE; and, SECTION 463 RESTRICTIONS GOVERNING USE by clarifying that access to each lot shall be via the required street frontage for each district, to be consistent with other districts.

### **RESIDENTIAL ZONE (R)**

#### **SECTION 433 RESTRICTIONS GOVERNING USES**

- C. Each lot with municipal water shall have a minimum frontage at the street or highway line of:
1. 75 feet for single-family dwelling.
  2. 100 feet for duplex or two-family dwelling.
- Access to each lot shall be via the required street frontage.***
- D. Each lot without municipal water shall have a minimum frontage of 150 feet at the street or highway line. ***Access to each lot shall be via the required street frontage.***

### **RESIDENTIAL COMMERCIAL ZONE (RC)**

#### **SECTION 443 RESTRICTIONS GOVERNING USE**

- B. Each lot for residential or commercial use shall have a minimum of 75 feet frontage at the street or highway lines. Corner lots shall have minimum of 75 feet frontage on each street or highway line. ***Access to each lot shall be via the required street frontage.***

## **RURAL ZONE (RU)**

### **SECTION 452 RESTRICTIONS GOVERNING USE**

- B. Each lot shall have a minimum width of 200 feet frontage at the street or highway line. Corner lots shall have a minimum of 200 feet frontage on each street or highway line. *Access to each lot shall be via the required street frontage.*

## **RESIDENTIAL RURAL ZONE (RR)**

### **SECTION 463 RESTRICTIONS GOVERNING USE**

- B. Each lot shall have minimum width of 150 feet frontage at the street or highway line. Corner lots shall have a minimum of 150 feet frontage on each street or highway line. *Access to each lot shall be via the required street frontage.*

**Rationale:** The purpose of this amendment further clarifies where the access to a piece of property may be acquired from, to be consistent across all zones.

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### **PLANNING BOARD PROPOSED AMENDMENT #7:**

To amend ARTICLE 400 ZONING DISTRICTS REGULATIONS, by amending SECTION 451 PERMITTED USES by moving the “Special Exceptions – Additional Conditions” criteria to its own section by adding SECTION 453 SPECIAL EXCEPTIONS; and SECTION 462 PERMITTED USES by moving the “Special Exceptions – Additional Conditions” criteria to its own section by adding SECTION 464 SPECIAL EXCEPTIONS, to be consistent with other districts.

## **RURAL ZONE (RU)**

### **SECTION 451 PERMITTED USES**

See SECTION 401 (Table of Uses)

#### ~~Special Exceptions – Additional Conditions:~~

~~In approving an exception, the Board of Adjustment may impose such additional conditions as it finds reasonably appropriate, but never less than as provided for in this ordinance, to safeguard the neighborhood or otherwise serve the purposes of this ordinance. Such conditions may include, but not be limited to the following:~~

- ~~A. Lot area.~~
- ~~B. Front, side or rear setback.~~
- ~~C. Height limitations.~~
- ~~D. Screening, buffers or planting strips, fences or walls.~~
- ~~E. Modification of the exterior appearance of the structure.~~



~~F. Limitation upon the size of buildings, number of occupants, method and type of operation, or extent of facilities.~~

~~G. Contractor's Yard <sup>(Added 13 March 2018)</sup> — In addition to all other Special Exception requirements, the application shall contain the following additional information:~~

- ~~1. Size, location and type of materials in stockpiles and other outdoor storage.~~
- ~~2. Type and size, and number of vehicles entering and exiting the site and stored onsite and the location of parking spaces for same.~~
- ~~3. Types of maintenance operations to be performed and provisions for waste disposal.~~
- ~~4. Screening of outdoor storage areas and parking areas from adjacent properties and public streets.~~
- ~~5. Plans for dust and erosion control.~~

## **RURAL ZONE (RU)**

### **SECTION 453 SPECIAL EXCEPTIONS**

#### ***Special Exceptions - Additional Conditions:***

*In approving an exception, the Board of Adjustment may impose such additional conditions as it finds reasonably appropriate, but never less than as provided for in this ordinance, to safeguard the neighborhood or otherwise serve the purposes of this ordinance. Such conditions may include, but not be limited to the following:*

- A. Lot area.***
- B. Front, side or rear setback.***
- C. Height limitations.***
- D. Screening, buffers or planting strips, fences or walls.***
- E. Modification of the exterior appearance of the structure.***
- F. Limitation upon the size of buildings, number of occupants, method and type of operation, or extent of facilities.***
- G. Contractor's Yard - In addition to all other Special Exception requirements, the application shall contain the following additional information:***
  - 1. Size, location and type of materials in stockpiles and other outdoor storage.***
  - 2. Type and size, and number of vehicles entering and exiting the site and stored onsite and the location of parking spaces for same.***
  - 3. Types of maintenance operations to be performed and provisions for waste disposal.***
  - 4. Screening of outdoor storage areas and parking areas from adjacent properties and public streets.***
  - 5. Plans for dust and erosion control.***

## **RESIDENTIAL RURAL ZONE (RR)**

### **SECTION 462 PERMITTED USES**

See SECTION 401 (Table of Uses)

~~Special Exceptions — Additional Conditions:~~

~~In approving an exception, the Zoning Board of Adjustment may impose such additional conditions as it finds reasonably appropriate, but never less than as provided for in this ordinance, to safeguard the neighborhood or otherwise serve the purposes of this ordinance. Such conditions may include, but not be limited to the following:~~

- ~~A. Lot area.~~
- ~~B. Front, side or rear setback.~~
- ~~C. Height limitations.~~
- ~~D. Screening, buffers or planting strips, fences or walls.~~
- ~~E. Modification of the exterior appearance of the structure.~~
- ~~F. Limitation upon the size of buildings, number of occupants, method and type of operation, or extent of facilities.~~
- ~~G. Contractor's Yard - In addition to all other Special Exception requirements, the application shall contain the following additional information:~~
  - ~~1. Size, location and type of materials in stockpiles and other outdoor storage.~~
  - ~~2. Type and size, and number of vehicles entering and exiting the site and stored onsite and the location of parking spaces for same.~~
  - ~~3. Types of maintenance operations to be performed and provisions for waste disposal.~~
  - ~~4. Screening of outdoor storage areas and parking areas from adjacent properties and public streets.~~
  - ~~5. Plans for dust and erosion control.~~

## **RESIDENTIAL RURAL ZONE (RR)**

### **SECTION 464 SPECIAL EXCEPTIONS**

#### ***Special Exceptions - Additional Conditions:***

***In approving an exception, the Zoning Board of Adjustment may impose such additional conditions as it finds reasonably appropriate, but never less than as provided for in this ordinance, to safeguard the neighborhood or otherwise serve the purposes of this ordinance. Such conditions may include, but not be limited to the following:***

- A. Lot area.***
- B. Front, side or rear setback.***
- C. Height limitations.***
- D. Screening, buffers or planting strips, fences or walls.***
- E. Modification of the exterior appearance of the structure.***
- F. Limitation upon the size of buildings, number of occupants, method and type of operation, or extent of facilities.***
- G. Contractor's Yard - In addition to all other Special Exception requirements, the application shall contain the following additional information:***
  - 1. Size, location and type of materials in stockpiles and other outdoor storage.***
  - 2. Type and size, and number of vehicles entering and exiting the site and stored onsite and the location of parking spaces for same.***
  - 3. Types of maintenance operations to be performed and provisions for waste disposal.***
  - 4. Screening of outdoor storage areas and parking areas from adjacent properties and public streets.***
  - 5. Plans for dust and erosion control.***

**Rationale:** This amendment does not change any Special Exception criteria, it only moves the criteria to its own section, to be consistent across all zones.

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JAC/

12/21/2022