

2025-2026 AMENDMENTS TO THE ALTON ZONING ORDINANCE

PROPOSED BY THE ALTON PLANNING BOARD

FOR BALLOT VOTE AT THE 2026 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~~.

PLANNING BOARD PROPOSED AMENDMENT #1:

To amend SECTION 327 SETBACKS by referencing the Special Exception criteria listed in the Residential Commercial (RC) Zone for when buildings and structures are encroaching a setback, as follows:

SECTION 327 SETBACK REQUIREMENTS

- A. ***All B***uildings and structures, excluding septic systems, water wells and fences shall be setback a minimum of:
1. 30 feet (50 feet on lots created after March 14, 1995), from the “Reference Line” of any river, perennial stream, lake, pond, or impoundment, as determined by the New Hampshire Department of Environmental Services under the authority of the Shoreland Water Quality Protection Act (NH RSA 483:B, as amended), excluding boathouses and wharves. (As amended 09 March 2021)
 2. 25 feet from the right of way line of any street or highway, whether public or private.
 3. 10 feet from all property lines not regulated by subsections 1. or 2. above, in all zones except the Rural zone.
 4. 10 feet from the property line (20 feet on lots created after March 11, 2003) in the Rural zone.

Within the Residential Commercial (RC) Zone, the Zoning Board of Adjustment (ZBA) may grant a Special Exception from SECTION 327 waiving a setback for any parcel so long as all conditions set forth under SECTION 520 are met.

Rationale: This amendment is being proposed to be included in this section as this ordinance was only referenced in Section 444 B. Special Exceptions, and it should be listed with the other setback requirements.

PLANNING BOARD PROPOSED AMENDMENT #2: (This proposal has two (2) parts.)

To amend ARTICLE 200 DEFINITIONS by adding a new definition for “Abutter”; and to amend the existing definition for “Building Envelope”, as follows:

I.

Abutter: *As defined by RSA 672:3, as it may be amended from time to time.*

II.

Building Envelope: ~~The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by maximum height regulations and minimum setbacks.~~ ***The basement walls, exterior walls, roofs, and any other enclosed part of the structure.***

Rationale: This amendment is being proposed to add a new definition of Abutter to conform with the State’s definition, and to clarify existing ones being used throughout the zoning ordinance.

PLANNING BOARD PROPOSED AMENDMENT #3: (This proposal has five (5) parts.)

To amend ARTICLE 200 DEFINITIONS, SECTION 319 ACCESSORY DWELLING UNIT STANDARDS, SECTION 401 TABLE OF USES, SECTION 413 SPECIAL EXCEPTIONS, and SECTION 520 SPECIAL EXCEPTIONS, in order to comply with newly revised State laws and to provide a size limit on detached structures, as follows:

I.

Accessory Dwelling Unit (ADU): ~~A separate, independent, accessory, and subordinate dwelling unit either located within an accessory structure on the same property as the primary single-family dwelling or within or structurally attached to the primary single-family dwelling itself. Examples include an apartment over a garage, a basement apartment, or an extension to the existing house. An Accessory Dwelling Unit shall not be permitted on any lot with more than one existing dwelling unit.~~ ***A residential living unit that is located on a lot containing a single-family dwelling that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation, on the same parcel of land as the principal dwelling unit it accompanies. Accessory dwelling units may be constructed at the same time as the principal dwelling unit as defined by RSA 674:71, I, and as it may be amended from time to time.***

II.

SECTION 319 ACCESSORY DWELLING UNIT STANDARDS

- B. Standards: Accessory dwelling units are permitted as identified in ARTICLE 400 SECTION 401 PERMITTED USES – TABLE OF USES provided they meet the standards outlined below:
4. An accessory dwelling unit is permitted *to be either attached or detached* ~~only within or attached to a single-family dwelling or within an accessory structure on the same property lot~~ as the primary single-family dwelling. ~~An accessory dwelling unit shall not be permitted on any lot with more than one (1) dwelling unit.~~ *No more than one ADU is permitted on any lot.*
 5. ~~In the Lakeshore Residential District an accessory dwelling unit is permitted only within or attached to a single-family dwelling and shall require a Special Exception from the Zoning Board of Adjustment pursuant to the criteria in SECTION 520 in addition to the requirements of SECTION 319. The additional Special Exception criteria contained in SECTION 413 shall not apply to accessory dwelling units in the Lakeshore Residential District.~~
 7. An *attached* accessory dwelling unit *that is within or physically connected to the principal dwelling unit, or completely contained within a preexisting detached structure:*
 - a. shall have no more than 1,500 sq. ft. of gross total floor area;
 - b. shall not exceed 35% of the total finished floor space of the principal dwelling unit;
 - c. shall not exceed 50% of the total floor space of an accessory structure or up to 35% of the total finished floor space of the principal dwelling unit, whichever is less;
 - d. in no case shall the Town of Alton require that an accessory dwelling unit be less than 750 sq. ft.
 8. *A detached unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure shall not exceed a maximum of 950 sq. ft.*
 - 8.9. If any entrances or exits must be added to accommodate an accessory dwelling unit to be ~~located in~~ *attached to* a single-family dwelling, they shall be located to the side or rear of the dwelling *or through a common space shared with the principal dwelling.*
 - 9.10. The owner of the property shall provide a minimum of ~~four (4)~~ *two (2)* off-street parking spaces, *one* for the primary single-family dwelling, and *one for the* ~~an~~ accessory dwelling unit.
 - 10.11. Pursuant to NH RSA 674:72, V., as amended, prior to constructing an accessory dwelling unit, an application for approval for a sewage disposal system shall be submitted in accordance with NH RSA 485-A, as amended, as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.
 - 11.12. Either the primary single-family dwelling or the accessory dwelling unit must be the residence of the owner of the property.
 - 12.13. An interior door shall be provided between the primary single-family dwelling and an accessory dwelling unit that is within or attached to the primary single-family dwelling unit.

- ~~13.~~**14.** Pursuant to NH RSA 674:72, I., as amended, the single-family dwelling (and detached accessory structure, where applicable) and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the single-family dwelling.
- ~~14.~~**15.** Accessory dwelling units shall not be permitted with multiple single-family dwellings attached to each other such as townhouses, nor with manufactured housing as defined in NH RSA 674:31, as amended.

III.

SECTION 401 PERMITTED USES - TABLE OF USES

TABLE OF USES

A.	Residential Uses	R	LR	RC	R R	RU	RS	Notes
1.	Accessory Dwelling Unit (ADU)	Y	E** Y	Y	Y	Y	N	*Refer to SECTION 319 **SECTION 520 criteria only. The additional criteria in SECTION 413 shall not apply to ADU in the LR District. (As amended 14 March 2017)

IV.

SECTION 413 SPECIAL EXCEPTIONS

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

~~F. — These additional criteria shall not apply to a Special Exception for Accessory Dwelling Units.~~

V.

SECTION 520 SPECIAL EXCEPTIONS

D. In addition to the above general criteria, the specific criteria found elsewhere in this ordinance must be met for:

- ~~• — Accessory Dwelling Unit Standards (Section 319)~~

Rationale: This amendment is being proposed in order to comply with newly revised State laws and to provide a size limit on detached structures.

PLANNING BOARD PROPOSED AMENDMENT #4:

To amend SECTION 401 TABLE OF USES to allow all home-based childcare uses wherever residential uses are allowed and to clarify the center-based uses, as follows:

B.	Institutional Uses	R	LR	RC	RR	R U	RS	Notes
1.	Day Care, Home; Preschool Program; Infant/Toddler Program (Childcare Nursery) <i>All Home-based Childcare Uses as defined in Ordinance</i>	Y	N <i>Y</i>	Y	Y	Y	N	*See Child/Day Care Uses in Article 200. <i>*Site Plan Review approval is not required.</i>
2.	All other <i>Center-based</i> Childcare Uses as defined in Ordinance	E	N	E	E	E	N	*See Child/Day Care Uses in Article 200.

Rationale: This amendment is being proposed in order to comply with newly revised State laws.

PLANNING BOARD PROPOSED AMENDMENT #5:

To amend ARTICLE 300 SECTION 320 NON-CONFORMING USES, STRUCTURES, AND LOTS, as follows:

SECTION 320 NON-CONFORMING USES, STRUCTURES, AND LOTS

E. Nonconforming Structures

1. Alteration: No nonconforming structure may be enlarged or altered in a way which increases nonconformity. Conversion of a deck, porch or patio in the setback to living space shall be considered to be an increase in nonconformity.
2. Replacement *of Nonconforming Structures*: ~~Replacement of a nonconforming structure may be allowed by Special Exception if replacement is required due to obsolescence such as structural deficiency or inability to meet the current NH State Building Code and the square footage will not be increased. The replacement of a nonconforming structure voluntarily removed, shall be relocated, to the extent feasible, to reduce the nonconforming aspect of the structure.~~ *A Special Exception may be approved by the Zoning Board of Adjustment if replacement of the proposed structure complies with the following, in addition to the criteria outlined in SECTION 520:*
 - a. One-bedroom structures may be increased to two (2) bedrooms with the installation of an NH Department of Environmental Services approved septic system;*
 - b. Structures with two (2) or more bedrooms shall not be allowed to increase the number of bedrooms;*
 - c. There is no increase in the nonconforming aspects of the structure; and,*
 - d. The replacement of a nonconforming structure shall be relocated, to the extent feasible, to reduce the nonconforming aspect of the structure.*

Rationale: This amendment is being proposed to clarify and simplify the replacement of nonconforming structures.

PLANNING BOARD PROPOSED AMENDMENT #6:

To amend SECTION 401 D., E., and F. PERMITTED USES-TABLE OF USES by removing references that are not helpful for further information, as follows:

D.	Retail Business and Service	R	LR	RC	RR	RU	RS	Notes
1.	Amusement Use: Indoor	N	N	E	E	E	N	*See definition in Article 200 [500] (Added 11 March 1997) (As amended 09 March 2021)
2.	Amusement Use: Outdoor	N	N	E	E	E	N	*See definition in Article 200 [500] (Added 11 March 1997) (As amended 09 March 2021)
16.	Commercial Function Facility	N	N	E	E	E	E	*See definition in Article 200 (As amended 14 March 2017; 13 March 2018) (See SECTION 334)
E.	Open Space Uses	R	LR	RC	RR	RU	RS	Notes
2.	Agritourism	N	N	N	Y	Y	N	*See definition in Article 200 (Added 08 March 2011)
F.	Other Uses	R	LR	RC	RR	RU	RS	Notes
2.	Kennel	N	N	E	E	E	N	*See definition in Article 200 (Added 08 March 2011)

Rationale: This amendment is being proposed to remove references that are unnecessary.

PLANNING BOARD PROPOSED AMENDMENT #7: (This proposal has two (2) parts)

To amend SECTION 452 B., SECTION 463 B., SECTION 412 F., SECTION 433 G., SECTION 443 D., SECTION 452 D., and SECTION 463 E., to further clarify the intention of the ordinances, as follows:

I.

SECTION 452 RESTRICTIONS GOVERNING USE

- B. Each lot shall have a minimum ~~width~~ of 200 feet **of** 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.

SECTION 463 RESTRICTIONS GOVERNING USE

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

II.

LAKESHORE RESIDENTIAL ZONE (LR)

SECTION 412 RESTRICTIONS GOVERNING USE

- F. All lots created after March 2007 must have a minimum buildable area, *inclusive of land within required setbacks*, made up of contiguous upland and slopes (not greater than 25% grade), of no less than 75% of the minimum lot requirement for the zone.

RESIDENTIAL ZONE (R)

SECTION 433 RESTRICTIONS GOVERNING USE

- G. All lots created after March 2007 must have a minimum buildable area, *inclusive of land within required setbacks*, made up of contiguous upland and slopes (not greater than 25% grade), of no less than 75% of the minimum lot requirement for the zone.

RESIDENTIAL COMMERCIAL ZONE (RC)

SECTION 443 RESTRICTIONS GOVERNING USE

- D. All lots created after March 2007 must have a minimum buildable area, *inclusive of land within required setbacks*, made up of contiguous upland and slopes (not greater than 25% grade), of no less than 75% of the minimum lot requirement for the zone.

RURAL ZONE (RU)

SECTION 452 RESTRICTIONS GOVERNING USE

- D. All lots created after March 2007 must have a minimum buildable area, *inclusive of land within required setbacks*, made up of contiguous upland and slopes (not greater than 25% grade), of no less than 75% of the minimum lot requirement for the zone.

RESIDENTIAL RURAL ZONE (RR)

SECTION 463 RESTRICTIONS GOVERNING USE

- E. All lots created after March 2007 must have a minimum buildable area, *inclusive of land within required setbacks*, made up of contiguous upland and slopes (not greater than 25% grade), of no less than 75% of the minimum lot requirement for the zone.

Rationale: This amendment is being proposed to clarify any ambiguous language within the ordinances.