



# Belmont Land Use Office

NOTICE OF PUBLIC HEARING

BELMONT PLANNING BOARD

The Belmont Planning Board will hold a second public hearing commencing at 6pm on Wednesday, January 17, 2018, at the [Belmont Corner Meeting House](#), 16 Sargent Street, concerning the following proposed changed and additional amendments to the Belmont Zoning Ordinance. Copies of the full-text amendments are on file for public inspection at the Town Clerk's Office and Land Use Office in the Town Hall, the Belmont Library and at [www.belmontnh.org](http://www.belmontnh.org). This is the final public hearing for zoning amendments for the 2018 Town Meeting Ballot. No changes to the amendments as posted can be made. After the close of the public hearing, the Board will determine which amendments will be placed on the ballot.

1. **Dwelling unit allowed in conjunction with an on-site business:** Amend existing Ordinance that currently allows a subordinate dwelling unit on a lot with a primary business use. Limit such dwelling units to a maximum of one per lot and for occupancy by other than the business owner a Conditional Use Permit is required.
2. **Accessory Dwelling Units:** Amend existing Ordinance. Prohibit as additions to manufactured homes & RVs. Prohibit where multiple single-family units already exist on one lot. Prohibit the condominium sale of the ADU separate from the principal unit.
3. **Signs:** Amend existing Ordinance. Allow internally illuminated signs.

**Peter Harris, Chairman**

Posted: \_\_\_\_\_

## **Draft Zoning Amendments for Public Hearing on January 17, 2018**

### **Description (see attached detail)**

#### **1. Dwelling unit subordinate to primary non-residential use (Page #3)**

A single subordinate dwelling unit is allowed for occupancy limited to on-site business owner/family. Also allowed for occupancy by on-site business manager/family or security person/family if Planning Board approves under Site Plan. Allow by conditional use permit in Commercial and Industrial zone. Not permitted in remaining zones.

#### **2. Accessory Dwelling Unit (Page #4)**

Add the following 3 items to the existing Ordinance.

- a. Prohibit ADUs where multiple single-family dwelling units exist on one lot (e.g. condominium developments, duplexes).
- b. Prohibit ADUs as additions to manufactured homes and RVs.
- c. Prohibit the condominium conveyance of ADUs separate from the principal unit.

#### **3. Signs (Page #6)**

Allow internally illuminated signs.

Please see specific language for each attached.

# 1. Dwelling unit subordinate to primary non-residential use

*Italicized to be added*

## Article 5, Table 1

Note: P=Permitted Use; CU=Conditional Use Permit Necessary; E=Special Exception Necessary; N=Not Permitted

	Commercial	Industrial	Residential Multi-Family	Residential Single Family	Rural	Village
<del>Dwelling – Single Family</del> (add 1 SE criteria Art 13)	<del>E</del>	<del>N</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
Dwelling – Single Family	N	N	P	P	P	P
Dwelling – Single Family Subordinate to Non-Residential Use	CU	CU	N	N	N	N

## Article 13.F.1 (Delete in its entirety)

### 1. ~~Dwelling Single Family in the Commercial Zone.~~

- a. ~~Use may be allowed only as subordinate and incidental to, and on the same lot or site occupied by, a primary Commercial or Industrial Use as permitted by Article 5. Table 1 of this Ordinance.~~
- b. ~~Occupancy of the dwelling is restricted to:
 
  1. ~~the owner of the on-site business and members of his/her immediate family; or~~
  2. ~~the on-site manager or security person and members of his/her immediate family, if such position is considered by the Planning Board to be an necessary part of the proposed business use through Site Plan Review.~~~~
- c. ~~The single family dwelling use permit expires upon termination of the primary Commercial or Industrial Use.~~
- d. ~~Owner of the property must complete and record in the Belknap County Registry of Deeds a Restrictive Covenant provided by the Planning Board stating the restrictions for occupancy of the dwelling.~~

## Article 15, Definitions:

***Single-family subordinate dwelling unit- One single family subordinate dwelling unit is allowed on a non-residential lot for occupancy limited to (a) the on-site commercial, industrial or institutional business owner & family; or (b) the on-site business manager & family or security person & family provided a Conditional Use Permit is issued by the Planning Board. A single-family subordinate dwelling unit shall not be considered a "single-family dwelling unit" for other purposes under this ordinance.***

Site Plan Review Regulations Amendment: (not part of zoning amendment notice or public hearing)

Planning Board shall also adopt an amendment to the Site Plan Regulations that outlines the conditions upon which a Conditional Use Permit for a Subordinate Dwelling Unit may be granted:

1. Single Family Dwelling subordinate to on-site non-residential use.
  - a. Use may be allowed only as subordinate and incidental to, and on the same lot or site occupied by, a primary, permitted non-residential use.
  - b. Occupancy of the subordinate dwelling is restricted to:
    1. the owner of the on-site business and members of his/her family; or
    2. the on-site manager or security person and members of his/her family, if such position is considered by the Planning Board to be a necessary part of the proposed business use through Site Plan Review.
  - c. The subordinate single-family dwelling use permit expires upon termination of the primary non-residential use.
  - d. Owner of the property must complete and record in the Belknap County Registry of Deeds a Restrictive Covenant provided by the Planning Board stating the restrictions for occupancy of the dwelling.
  - e. Owner of the property must inform the Town if occupancy of the dwelling unit ceases.

## 2. Accessory Dwelling Unit

*Italicized to be added – also renumber remaining items:*

### Article 8.F

#### F. ACCESSORY DWELLING UNITS

1. The accessory dwelling unit shall have a minimum of 300 square feet of net floor area. The accessory dwelling unit shall also not exceed 750 square feet of net floor area or twenty-five percent (25%) of the sum of the net floor area of both the finished primary dwelling unit and the finished accessory dwelling unit whichever is larger.
2. An Accessory dwelling unit does not require a separate Minimum Lot size (Article 5, Table 2).
3. Only one Accessory dwelling unit per single family dwelling unit is allowed.
4. *Accessory Dwelling Units are not permitted in multiple single-family developments where one or more single family dwelling units are attached, such as, but not limited to, condominium developments and duplexes and campgrounds.*
5. *Accessory Dwelling Units are not permitted within or as additions to manufactured housing units or recreational vehicle units.*
6. *Accessory Dwelling Units shall not be conveyed as a condominium unit separate from the principal unit.*
7. The Accessory dwelling unit shall be located within the primary single-family dwelling unit and is not permitted in detached or accessory structures. Accessory dwelling unit must be attached to the primary dwelling unit by means of a common wall, floor or ceiling between conditioned spaces or a conditioned space. For the purposes of this section, conditioned space is space within a building that is provided with heating and or cooling equipment and/or systems capable or maintaining through design heat of 68°F during the heating season and 80°F during the cooling season, or has a fixed opening directly adjacent to a conditioned area. An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.
8. Accessory dwelling unit shall include no more than two (2) bedrooms.
9. Accessory dwelling unit may be created either through the internal conversion of an existing housing unit or through the creation of a new principal dwelling unit/accessory dwelling unit structure.
10. Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the property.
11. The construction and occupancy of accessory dwelling unit shall not be detrimental to the neighborhood in which the lot is located by virtue of overcrowding or traffic congestion.
12. Means of egress for both the principal single-family residence and the accessory dwelling unit shall meet all applicable codes.
13. A building permit is required prior to creation/construction of the Accessory dwelling unit and a Certificate of Occupancy is required prior to occupancy of the unit.
14. Off-street parking shall be provided as follows:
  - a. 2 spaces - principal residence, 1 space - accessory dwelling unit;
  - b. Parking spaces must be surfaced in a manner consistent with the neighborhood;
  - c. Parking spaces required pursuant to this section shall not impede traffic, road maintenance or future road improvements.
15. All applications under this section shall demonstrate compliance with NH DES Wastewater Rules for sewage disposal and adequate provision for water, waste and drainage generated by the future occupancy of an accessory dwelling unit.
16. No exterior changes shall be made which do not conform to the character of the neighborhood.
17. Any application filed under this section shall include the following:
  - a. Scaled plot plan showing location of existing structure.

- b. Detailed floor plan.
- c. Parking layout and yard area.
- d. Sketch any proposed expansion or change to the structure showing overall dimensions.
- e. Square footage of construction or alteration.
- f. Location and number of exits.
- g. Any additional information that will adequately describe the proposed work.

### 3. Signs

*Italicized to be added*

#### Article 4.I.4. Prohibited Signs

##### **Prohibited Signs:**

- a. Signs or lighting of signs placed in such a position as to endanger vehicular or pedestrian traffic by interfering with vision, by obscuring a clear view or by confusion with official street signs or signals, by glare or by flashing light, or by other means.
- b. Signs attached to trees, rocks, or other parts of a natural landscape, utility poles, fences, guardrails or other highway delineators are not permitted.
- c. Signs on a vehicle or trailer unless such sign is a component of permitted onsite signage are not permitted.
- d. Signs that may project over a public right-of-way or sidewalk unless the situation is such that the building to which the sign is attached is closer than five (5) feet from the public way or sidewalk are not permitted. In such situations the sign shall be at an adequate height so as not to be interfering with pedestrians, vehicular traffic, or snow removal.
- e. Flashing signs, signs that flash, have motion, are animated, **or** create an illusion of movement, ~~or are internally illuminated~~ are not permitted except as allowed in the electronic sign section of this ordinance.
- f. No flashing signs are permitted in any district.
- g. Signs for off-site uses are not permitted with the exception of permitted Directional or Complex signs.

**The following proposed amendments were also heard at the December 18, 2017, public hearing and no changes are proposed to these amendments as noticed for that meeting.**

**4. Boat Storage (Page 8)**

- a. Split into indoor and outdoor storage with separate use lines and definitions.
- b. Indoor:
  - 1. Permit in Commercial and Industrial Zones. Allow by special exception in Rural Zone. Not permitted in remaining zones.
- c. Outdoor:
  - 1. Allow by special exception in Commercial zone
  - 2. Not permitted in remaining zones.

**5. Warehousing/self-storage (Page 9)**

- a. Split into indoor and outdoor uses with separate use lines and definitions.
- b. Indoor:
  - 1. Permit in Commercial and Industrial Zones. Allow by special exception in Rural Zone. Not permitted in remaining zones.
- 2. Outdoor:
  - a. Allow by special exception in Commercial zone
  - b. Not permitted in remaining zones.

**6. Aquifer (Page 10)**

- a. Snow Dump-Amend snow dump definition to apply only to snow brought from off site.

#### 4. Boat Storage

*Italicized to be added*

Article 5, Table 1

Note: P=Permitted Use; CU=Conditional Use Permit Necessary; E=Special Exception Necessary; N=Not Permitted

	Commercial	Industrial	Residential Multi-Family	Residential Single Family	Rural	Village
<b>Commercial Uses</b>						
Boat Storage Facilities-Interior	P	<del>N</del> P	N	N	E	N
Boat Storage Facilities-Exterior	E	N	N	N	N	N

Article 15, Definitions

~~**Boat Storage Facilities** – A sheltered structure, or outside storage, that provides for the safekeeping of boats.~~

***Boat Storage Facilities-Interior*** – *A fully enclosed structure that provides for the storage and safekeeping of boats.*

***Boat Storage Facilities-Exterior*** - *The storage and safekeeping of boats outdoors or in other than a fully enclosed structure.*



## 5. Warehousing/self-storage

*Italicized to be added – also renumber remaining items:*

Article 5, Table 1

Note: P=Permitted Use; CU=Conditional Use Permit Necessary; E=Special Exception Necessary; N=Not Permitted

	<b>Commercial</b>	<b>Industrial</b>	<b>Residential Multi-Family</b>	<b>Residential Single Family</b>	<b>Rural</b>	<b>Village</b>
<b>Commercial Uses</b>						
Warehousing/self-storage-Interior	P	<del>N</del> P	N	N	E	N
Warehousing/self-storage -Exterior	E	N	N	N	N	N

Article 15, Definitions

~~**Warehouse**—A building used for storage only; containing no office, assembly, repair, or other incidental facilities.~~

***Warehousing/self-storage Facilities-Interior** – The storage and safekeeping of vehicles, materials, product and other items in a fully enclosed structure.*

***Warehousing/self-storage Facilities-Exterior** – The storage and safekeeping of vehicles, materials, product and other items outdoors or other than in a fully enclosed structure.*

## 6. Aquifer

*Italicized to be added:*

Article 7.C.14.

**Snow dump:** For the purposes of this ordinance, a location where snow which is cleared from *off-site* roadways and/or *off-site* motor vehicle parking areas is placed for disposal.