



TOWN OF BELMONT

NEW HAMPSHIRE

ZONING ORDINANCE

CODIFICATION

**This is a Compilation of Past Ordinance Amendments
See Current Ordinance for Today's Requirements**

MARCH 11, 1986 to MARCH 13, 2018

Uncertified

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SUMMARY

Approved Ballot Questions

March 11, 1986 – Article 2 – First Session – Yes 539, No 306.

Are you in favor of the adoption of the Zoning Ordinance as proposed by the Planning Board?

March 10, 1987 – Article 2 – First Session – Yes 395, No 132.

Amend Article III (Official Zoning Map) to rezone Shaker Road from Residential Multi-Family to Rural Zone, where said zone begins at the Village district line and ends at the Northfield Town Line.

March 10, 1987 – Article 3 – First Session – Yes 432, No 95.

Amend Table 1 of Article V to allow the construction of single family homes in the residential multi-family zone.

March 10, 1987 – Article 5 – First Session – Yes 321, No 173.

Revise Article X. Section A to provide for the initial appointment by the Selectmen; have vacancies at times other than the expiration of a term filled by appointment by the remainder of the members of the Board of Adjustment; and vacancies caused by the expiration of a term filled by election at Town Meeting.

March 10, 1987 – Article 6 – First Session – Yes 403, No 118.

To amend Article 5, Table 2, to establish the front setback on Rte 106 to 75 feet in all zones. All other dimensional regulations shall be per the zone in which the parcel is situated.

March 10, 1987 – Article 7 – First Session – Yes 372, No 112

The zoning districts listed above are bound as shown in the Zoning and Assessment Maps of the town of Belmont which is made a part of this ordinance by reference and is hereinafter referred to as the “Zoning and Assessment Map”. Whenever the term Belmont Zoning Map or zoning map is used in the ordinance, it shall be deemed to refer to the Zoning and Assessment Map. The official Zoning and Assessment Map of the Town of Belmont is to be used to determine exact zoning district boundaries and is drawn to a scale of four hundred or one hundred feet to the inch, as set forth in the Zoning and Assessment Map, and shall be certified as the official Zoning and Assessment Map of the Town of Belmont by the Town Clerk, upon adoption of this amendment and, upon certification, shall be filed with the Planning Board.

March 10, 1987 – Article 8 – First Session – Yes 309, No 189

Amend Article X, Section A to allow the Selectmen to initially appoint five alternate members to the Zoning Board of Adjustment; and to have vacancies filled in a manner consistent with regular Board of Adjustment members.

March 10, 1987 – Article 9 – First Session – Yes 300, No 194

To delete Article VI of the Planning and Zoning Ordinance and replace it with a new Article VI (Cluster Subdivisions), which would remove the density bonus in the former article, and allow the clustering of single-family homes in the residential single-family, residential multi-family and rural zones to preserve significant natural land features and/or open space while providing greater land subdivision flexibility for larger parcels of land. In a cluster subdivision a density no greater than that allowed by the applicable zoning district must be maintained but the lot sizes and frontages may be reduced in order to permanently preserve areas within the subdivision which contain significant natural features and/or open space.

March 10, 1987 – Article 10 – First Session – Yes 346, No 148

Amend Article XII to exclude fences with the meaning of the term structure.

March 14, 1989 – Article 2 – First Session – Yes 706, No 341

To amend the Belmont Zoning and Assessment Map to Change Tax Map #21, Lot 47-001 (as approved at the May 19, 1988 Planning Board Meeting,) (St. Joseph Church Property, Route 106) from Village Zone to Commercial Zone.

March 14, 1989 – Article 3 – First Session – Yes 535, No 497

To amend the Belmont Zoning and Assessment Map to Change Tax Map 8, Lot 5-24 (Paquette Property, Route 106 & Seavey Road) from Residential Multi-Family Zone to Commercial Zone.

March 14, 1989 – Article 7 – First Session – Yes 618, No 283

To amend the Belmont Zoning and Assessment Map to change Tax Map 6, Lot 7 (McCarthy Property, Wareing Road) from the Industrial Zone to Rural Zone.

March 14, 1989 – Article 11 – First Session – Yes 540, No 457

To amend Article X BOARD OF ADJUSTMENT, Section A, paragraph 2, to provided as follows: Initially, lengths of terms shall be: 2 at 3 years, 2 at 2 years and 1 at 1 year. Vacancies at times other than the expiration of a term shall be filled by appointment by the Board of Selectmen for the remainder of the term. Vacancies caused by the expiration of a term shall be filled by appointment by the Board of Selectmen, for a three year term.

March 13, 1990 – Article 2 – First Session – Yes 617, No 259

To make the following changes to the Belmont Zoning Ordinance, Articles V, VII and XII in order to comply with state requirements regarding manufactured housing and to provide internal consistency within the Zoning Ordinance.

Amend the Belmont Zoning Ordinance Article V., Subsection A, Table 1 by deleting the words “mobile home” from the reference to “Manufactured Home Parks.”

Amend the Belmont Zoning Ordinance Article V., Section A, Table 1 to allow Manufactured Homes on individual lots only in the Village and Rural Districts.

Replace Article VII, Section C. performance standards for Manufactured Home Parks with the following language: (*see full text this document*)

March 13, 1990 – Article 4– First Session – Yes 546, No 290

To amend the Belmont Zoning and Assessment Map to change the following lots from the Residential Multi-Family to Residential Single Family Zone.

Tax Map 8 Lots:

8-2
8-3
8-4
8-5
8-4
8-4-1

Tax Map 5 Lots:

5-69-1
5-69-2
5-69-3
5-69-4
5-69-4-1
5-69-5

5-69-9
5-69-10
5-69-11
5-69-12
5-69-14
5-69-15

8-5 through 8-5-23	5-69-6	5-69-15
8-5-25 through 8-5-34	5-69-7	
8-6 through 8-6-6		
8-7 through 8-8		

March 13, 1990 – Article 5 – First Session – Yes 646, No 276

To amend the Belmont Zoning and Assessment Map to change Tax Map 5, lot 15 (Labrie Property, Dearborn Street) from Residential-Multi Family Zone to Industrial Zone.

March 10, 1992 – Article 2 – First Session – Yes 636, No 535

Adoption of the complete revised Zoning Ordinance.

March 10, 1992 – Article 3 – First Session – Yes 745, No 432

Expand the Commercial (C) Zone along the west & east sides of State Route 106 from Seavey Road to the junction of State route 140 to include all of the lots 05/52, 05/53, 05/54, 05/55, 06/15, 06/16, 08/01, 08/01/01, 08/01/02, 08/02, 08/03, 08/04, 08/04/01, 08/158/01, 21/04, 21/05, 21/06, 24/01, 24/01/01, 24/02, 24/03, 24/121 and lot 05/05 from State Route 106 to the center line of the discontinued road.

Expand the Industrial (I) Zone along the northerly side of State Route 140 and along the Northfield Town Line to include all of the lots 01/01 and 01/02.

March 10, 1992 – Article 4 – First Session – Yes 689, No 439

To change the current zoning designation of Rural (R) to Commercial (C) for property described on the Property Map Index, Town of Belmont, Belknap County, New Hampshire, Tax Map 13, Lots 23, 23-1, 24, 25, 26, 26-1, 26-2, 26-3, 27, 28, 29, 30. Property located on Route 107 adjacent to municipal boundary with City of Laconia.

March 10, 1992 – Article 7 – First Session – Yes 743, No 419

To amend the Zoning Ordinance and the Zoning and Assessment Map of the Town of Belmont to expand the existing Commercial Zone on the west side of State Route 106 to include all of Tax Lots 005/055, 008/001, 008/001/001, 008/001/002, 008/002, 008/003, 008/004/001 which are currently in the “RS” Zone.

March 9, 1993 – Article 4 – First Session – Yes 635, No 213

Allow property owners the option to merge adjacent conforming lots under certain conditions. Property owners are currently already allowed the option to merge adjacent nonconforming lots under certain conditions.

March 9, 1993 – Article 5 – First Session – Yes 459, No 380

To create a new category under the Permitted Use Table that will regulate the use of Manufactured Housing Units (mobile homes) for Non Dwelling uses. They would be allowed, only by Special Exception in the “Commercial”, “Industrial”, “Rural”, Residential Multi-family” & “Village” Zones.

To rename the existing title for Manufactured Housing to Manufactured Housing-Dwelling.

To amend the Ordinance to allow Manufactured Housing Units (mobile homes) for Dwelling use in the “Commercial” Zone only by Special Exception. This use is currently not allowed in the “Commercial Zone”.

To allow the Planning Board to issue a temporary permit to use a Manufactured Housing Unit (mobile home) as an office, storeroom or shop in connection with construction work, or for living quarters under certain conditions. The temporary use permit may, under no circumstances, be extended beyond 360 days.

To amend the definition of Manufactured Housing to include units designed for Non dwelling use as well as the existing Dwelling use.

To allow the replacement of existing, legally installed, trailer coaches and manufactured housing (mobile homes) units under certain conditions.

March 9, 1993 – Article 6 – First Session – Yes 459, No 324

Insert a definition for, and add “Service Business” under the Permitted Use Table and allow the use in the “Commercial” & “Village” Zones. Also allow the use in the “Residential Multi-family” & “Rural” Zones by Special Exception.

March 9, 1993 – Article 7 – First Session – Yes 397, No 387

Amend the Permitted Use Table so that Multi-family Dwellings will not be a Permitted Use in the “Commercial Zone”. They are currently permitted by Special Exception.

Amend the Permitted Use Table so that Single-family Dwellings will not be a Permitted Use in the “industrial Zone”. They are currently permitted by Special Exception.

Amend the Dimensional Regulations to state that the Maximum Dwelling Units Per Lot in the “Commercial” & “industrial” Zones shall be One.

March 9, 1993 – Article 8 – First Session – Yes 441, No 335

Amend the “Commercial” & “Industrial” Zone setbacks to:
50’ front, 15’ side and 20’ rear.

This does not change the existing front setback. The existing side and rear setbacks are 50’ with reductions for municipal water and sewer down to 15’ side and 30’ rear. This amendment makes all side setbacks in these zones 15’ and all rear setbacks in these zones 20’.

Amend the definition of Setback to clarify that front setbacks are measured from the edge of the Right-of-Way or property line, whichever is closest.

March 9, 1993 – Article 9 – First Session – Yes 442, No 325

Allow the creation of “Common” or “Amenity” lots under certain conditions where the lot does not comply with the minimum frontage and/or lot size requirements.

March 9, 1993 – Article 10 – First Session – Yes 496, No 285

Amend the definition of Business and Professional Offices to eliminate “medical and dental practice” as these are already defined in the Ordinance separately.

March 9, 1993 – Article 11 – First Session – Yes 591, No 185

Amend the definition of Condominium to clarify that they are regulated by the Zoning Ordinance in the same fashion as for any other type of ownership.

March 9, 1993 – Article 12 – First Session – Yes 449, No 322

Amend the definition of Structure to define that having a “fixed location on the ground” means that it is not easily movable by one unassisted individual.

Eliminate the term “walls” from the definition.

March 9, 1993 – Article 15 – First Session – Yes 418, No 375

Eliminate the requirement to obtain Town issued permits for private well and Private septic facilities. Installations would still have to comply with municipal zoning, water and sewer regulations and requirements of the State of New Hampshire.

March 9, 1993 – Article 16 – First Session – Yes 492, No 306

Eliminate the Building Permit fee. This would not eliminate fees for municipal water and/or sewer hookups.

March 8, 1994 – Article 2 – First Session – Yes 340, No 301

To allow each Town regulatory Board, Commission or Official, while performing their duties, to make a determination as to what “use” a proposal falls within, instead of requiring that the Planning Board make the determination in every case.

To specify that if a proposed use is not included among any of the definitions listed in the Ordinance, it is not allowed in any zone.

March 8, 1994 – Article 3 – First Session – Yes 454, No 203

To authorize the Planning board chairman, or in his or her absence a designated Planning Board Member, to sign Certificates of Zoning Compliance that come before the Board.

March 8, 1994 – Article 4 – First Session – Yes 462, No 199

To Amend the Ordinance by deleting a conflicting statement in the Cluster Development Section. The intent is to clarify that when a Cluster Development is proposed, lot sizes in the Rural Zone can only be reduced to one acre (while the remaining two acres per lot would be preserved as open land). The conflicting statement to be deleted refers to a reduction to 30,000 square feet per lot which is less than one acre.

March 8, 1994 – Article 5 – First Session – Yes 412, No 232

Amend the Ordinance to zero for the number of dwelling units per lot allowed in the “Industrial” Zone. The current Permitted Use Table does not allow new residences to be proposed in that zone.

March 8, 1994 – Article 6 – First Session – Yes 478, No 193

Amend the Ordinance to reduce the maximum number of dwelling units per acre in the “Village” Zone from four to two.

March 8, 1994 – Article 7 – First Session – Yes 419, No 234

To Amend the Ordinance which currently allows a reduction in some setbacks for preexisting nonconforming lots (which are lots with less than the currently required acreage or road frontage). The amendment would specify one method of calculating the reduction, instead of two different methods. The reduction allowed would be to one-half of the currently required side and rear setback distances.

March 8, 1994 – Article 8 – First Session – Yes 411, No 221

To require a Special Exception to expand or enlarge a nonconforming structure.

To require a variance if that expansion would make the structure more nonconforming.

Clarify that a parallel extension of the nonconforming portion of the structure requires a variance.

Clarify that the definition of a nonconforming structure, use or lot is one that existed or was in use prior to the effective date of the Ordinance.

March 8, 1994 – Article 9 – First Session – Yes 442, No 196

To reduce the minimum required usable area for a parking space to nine feet by eighteen feet with a contiguous maneuvering area.

To require that proposed parking lot configurations comply with commonly accepted design standards.

March 8, 1994 – Article 10 – First Session – Yes 413, No 203

Create a new category, “Accessory Building/Use” under the Permitted Use Table and allow in all Zones.

Amend current definition of “Accessory Building” to “Accessory Building/Use” and to require that any proposal be one that is commonly associated with the primary building or use.

March 8, 1994 – Article 11 – First Session – Yes 374, No 236

Insert a definition for, and add “Aircraft Landing Area” under the Permitted Use Table and allow in all zones, by Special Exception.

March 8, 1994 – Article 12 – First Session – Yes 428, No 206

Amend the use of “Automotive Services, Auto Sales, Auto Repair, Gas Stations and Parts Sales” by replacing the word “Automotive” with the words “Motor Vehicle & Trailer”.

March 8, 1994 – Article 13 – First Session – Yes 380, No 252

Amend current definition of “Contractor’s Yard” to allow all storage of supplies, vehicles and equipment used in off-site business.

March 8, 1994 – Article 14 – First Session – Yes 431, No 186

Amend the definition of “Essential Services” to include buildings and to include such services provided by private utilities also.

March 8, 1994 – Article 15 – First Session – Yes 387, No 208

Insert a definition for, and add “Licensed Hawking, Peddling and Vending” under the Permitted Use Table and allow in the “Commercial”, “Village” and “Industrial” Zones.

March 8, 1994 – Article 16 – First Session – Yes 489, No 120

Eliminate the definition of “Lodging House” as the use is already included in the definition of “Bed and Breakfast Establishment and Lodging Houses.”

March 8, 1994 – Article 17 – First Session – Yes 464, No 147

To Amend the Ordinance to allow “Manufactured Housing-Dwelling” on individual lots in the “Residential Single-Family” Zone. This amendment is to bring the current Zoning Ordinance into compliance with State requirements.

To allow the Planning Board to issue a temporary permit (not to exceed a maximum of 360 days), in conformance with the requirements of the Ordinance, to use a Manufactured Housing Unit, for a limited time, as a dwelling in the event of damage caused by fair or other disaster. This amendment is also to bring the current Zoning Ordinance into compliance with State requirements.

To move the definition of “Manufactured Housing Park” from the Performance Standards Section to the Definition Section.

To Amend the Ordinance to state that a legally installed trailer coach may be replaced with another trailer coach if in compliance with applicable septic system, setback, Building Code and Safety Code requirements. Also that a legally installed Manufactured Housing Unit (mobile home) may be replaced with another Manufactured Housing Unit if in compliance with applicable septic system, setback, Building Code and Safety Code requirements.

March 8, 1994 – Article 18 – First Session – Yes 416, No 196

Insert a definition for and add “Business Directional Signs” under the Permitted Use Table and allow the use in all Zones. Such signs were previously not allowed under the Ordinance.

To allow a means for customers to locate legal businesses and home occupations within the Town of Belmont by providing the opportunity for the erection of off site directional signage in compliance with the terms of the Ordinance and the Site Plan Review regulations while promoting and protecting the safety and aesthetic of the Town.

Insert a definition for and add “Signs for On Site Use” under the Permitted Use Table and allow the use in all Zones.

Insert a definition for and add “Signs for Off Site Use” under the Permitted Use Table and do not allow in any Zone.

Insert a definition for and add “Signs for Temporary Use” under the Permitted Use Table and allow the use in all Zones.

Amend the definition of “Sign” to include any surface or object recognizable as an advertising or directional device. Require a permit for erection. Delete the restriction for on site use, only, as this will be regulated under a separate use title.

March 8, 1994 – Article 21 – First Session – Yes 396, No 215

Expand the existing Commercial Zone already located on Bishop Road to include the next lot, Tax Lot 11/26/00. This is an undeveloped lot now in the Residential Single Family Zone, but adjacent to and across the street from the existing Commercial Zone.

March 14, 1995 – Article 2 – First Session – Yes 461, No 163

Manufactured Housing Parks will no longer be a Permitted use in the Rural and Residential Multi-Family Zones. All proposals for existing Manufactured Housing Parks would be reviewed under the

Subdivision Regulations, not the Site Plan Review Regulations to comply with State Law. Manufactured Housing Units, as defined by State law may only be used as dwelling units.

March 14, 1995 – Article 3 – First Session – Yes 432, No 182

Allow single family dwellings and manufactured housing units on individual lots in the Residential Multi-Family Zone as a permitted use and do not require a special exception.

March 14, 1995 – Article 4 – First Session – Yes 390, No 206

To increase the height of a structure that does not meet setbacks, a Special Exception must be obtained. To increase the width or length of a structure that does not now meet setbacks, further into the setback a Variance must be obtained as well as a Special Exception.

March 14, 1995 – Article 5 – First Session – Yes 464, No 146

Create a new sign definition for Business Park Directory signs, of any size, and allow them to be as close to the roadside property line as 10 feet. Require that all outside lighting for signs not shine into traffic or onto abutting properties.

March 14, 1995 – Article 6 – First Session – Yes 452, No 155

Do not regulate any “minimum size” for individual business parking spaces in the Zoning Ordinance. Instead, it shall be regulated in the Site Plan Review Regulations to allow for more flexibility in determining the needs of individual proposals.

March 14, 1995 – Article 7 – First Session – Yes 466, No 133

Allow Zoning Board Members to make individual site views of proposals coming before them prior to their public hearing.

March 14, 1995 – Article 8 – First Session – Yes 463, No 144

Reduce the number of dwelling units that are allowed on one acre in the Residential Multi Family Zone from four to two.

March 14, 1995 – Article 9 – First Session – Yes 433, No 158

For multi-family dwellings that are restricted to elderly occupancy, only, as defined and regulated by Federal Regulations, up to eight dwelling units per acre will be allowed in the applicable zones.

March 14, 1995 – Article 10 – First Session – Yes 462, No 138

Allow In-Law Apartments in the Residential Multi-Family, Rural and Village Zones; and also allow them by Special Exception in the Residential Single Family Zone. Also require that units approved as “In-Law” units may be occupied by any member(s) of the immediate family member(s) of the immediate family of the people occupying the main dwelling unit.

March 14, 1995 – Article 11 – First Session – Yes 481, No 113

Require that there be a thirty foot fire separation between buildings located on the same lot only if those buildings are not used in relation to each other. As an example, the separation would be required between two separate dwellings located on the same lot. However, no separation would be required between a dwelling and its own related garage, shed, barn, etc.

March 14, 1995 – Article 12 – First Session – Yes 473, No 120

When there is a question as to whether a wetland is mapped correctly, the Planning Board may require input, including that from the Belmont Conservation Commission upon which to make the determination.

March 14, 1995 – Article 13 – First Session – Yes 429, No 139

At the request of the property owner, and with the support of the Planning Board, change the Zoning of tax lot 10/37/00 on Route 3 from Rural to Commercial.

March 14, 1995 – Article 14 – First Session – Yes 430, No 134

At the request of the property owner, and with the support of the Planning Board, change the Zoning of tax lot 10/36/00 on Route 3 from Rural to Commercial.

March 12, 1996 – Article 3 – First Session – Yes 474, No 73

Amend Article V. Table 1 to permit Light Manufacturing in the Commercial Zone.

March 12, 1996 – Article 4 – First Session – Yes 397, No 137

Amend by adding new section to Article VII to establish minimum local requirements for Shorefront Development.

March 12, 1996 – Article 5 – First Session – Yes 358, No 132

Amend Article IV.1. to conform the Town's lot merger provisions to RSA 674:39-a.

March 12, 1996 – Article 6 – First Session – Yes 347, No 174

Amend the provisions relating to preexisting and nonconforming uses and structures in Articles I, VII.E., VIIIA.4, and VIII.B. by reducing the time period in which the nonconforming use may be reactivated or the nonconforming structure may be rebuilt, from 3 years to 2 years.

March 12, 1996 – Article 7 – First Session – Yes 344, No 185

Amend Article X.C.2. to reduce the time period during which a special exception remains valid from 3 years to 2 years if not utilized.

March 12, 1996 – Article 8 – First Session – Yes 385, No 140

Amend Article X.D. by adding a requirement that a variance shall only be valid for 2 years if not utilized.

March 12, 1996 – Article 9 – First Session – Yes 361, No 157

Amend Article VIIIA.3. and Article XII. To allow limited situations in which a special Exception would not be required for expansion of a nonconforming structure or use and to clarify the ordinance.

March 12, 1996 – Article 10 – First Session – Yes 392, No 134

Amend Article VIIIA.3. to allow additions to nonconforming structures, when the addition isn't further into the setback than the existing structure, by Special Exception.

March 12, 1996 – Article 11 – First Session – Yes 345, No 161

Amend Article V. Table 2 to clarify that existing allowed reductions in setbacks for nonconforming lots and some accessory structures may not be combined to apply to the same setback.

March 12, 1996 – Article 12 – First Session – Yes 380, No 143

Amend Article V. Table 2 to provide that entry platforms not exceeding 4' x 4' and roof eaves not exceeding 24" beyond the building footprint, shall be exempt from the setback requirements.

March 12, 1996 – Article 13 – First Session – Yes 266, No 250

Amend Article IV.B. to restrict home occupation uses to utilizing no more than 1,000 square feet of the principal and/or accessory structure.

March 12, 1996 – Article 14 – First Session – Yes 377, No 139

Amend Article XII, the Definitions portion of the ordinance, by adding a definition for "Change of Occupancy Permit," for the purpose of clarifying that such permits are required only for non-residential occupancies.

March 12, 1996 – Article 15 – First Session – Yes 423, No 102

Amend Article VII.C.3. to clarify that all structures in a manufactured housing park must meet the existing setbacks.

March 12, 1996 – Article 16 – First Session – Yes 395, No 110

Amend Article V. Table 2 to remove the requirements in the first sentence and in their place, provide that minimum lot size must also comply with Table 1 of the Subdivision Regulations.

March 12, 1996 – Article 17 – First Session – Yes 440, No 84

Amend Article V. and Article X. to establish minimum local standards to regulate the placement of sludge.

March 12, 1996 – Article 18 – First Session – Yes 390, No 129

Add as a new section, Article VIII.C. to establish minimum standards for the use of preexisting and nonconforming lots for building purposes.

March 12, 1996 – Article 19 – First Session – Yes 403, No 114

Amend the definition of a "Lot" within Article XII to allow more than one primary building and/or use on a lot, when approved under Site Plan, for uses such as shopping plazas, Industrial complexes and multi-family complexes or mixed uses.

March 11, 1997 – Article 2 – First Session – Yes 328, No 60

Require that manufactured Housing units brought into the Town of Belmont meet the minimum safety/construction standards of the U.S. Department of Housing & Urban Development in place as of January 1, 1985 and amend definition of "Manufactured Housing" to match the State definition (Article XII).

March 11, 1997 – Article 3 – First Session – Yes 209, No 174

Adopt the State definition for "Recreational Vehicles." If there is more than one Recreational Vehicle on a tax lot, any additional unit(s) 320 square feet or larger in size shall be considered a structure (Article XII).

March 11, 1997 – Article 4 – First Session – Yes 217, No 144

Amend the method used to measure structure "height" and exempt aggregate processing plants (including, but not limited to, aggregate crushing and wash plants) from height restrictions. (Article IV.C.)

March 11, 1997 – Article 5 – First Session – Yes 274, No 100

Adopt the State definition for “Wetlands”. (Article XII)

March 11, 1997 – Article 6 – First Session – Yes 273, No 106

Adopt regulations for the total number of freestanding signs/billboards allowed per lot, the maximum allowed size for each billboard and the total square footage of free standing signage allowed per lot. Also place all sign related sections of the Ordinance under one Article. (Articles IV.J & XII)

March 11, 1997 – Article 7 – First Session – Yes 231, No 150

Require that lots in the Commercial Zone be used primarily for businesses and allow a residence on the lot only when there is a business operating on the property and occupancy of the residence is limited to the owner of that business. (Article X.F.2)

March 11, 1997 – Article 8 – First Session – Yes 301, No 77

Demolition permit applications shall be signed by both the structure owner and the land owner and a copy filed with the Planning Board. (Article IV.F.)

March 11, 1997 – Article 10 – First Session – Yes 268, No 110

Clarify that “setback” required from roads shall be only from public road Right of Way and/or public road easement. (Article XII)

March 11, 1997 – Article 11 – First Session – Yes 250, No 123

Clarify that nonconforming buildings may be voluntarily demolished and rebuilt only if the nonconformity, the degree of nonconformity, and the dimensions of the existing structure within the setback are not increased. (Article VIII.B.2)

March 11, 1997 – Article 12 – First Session – Yes 266, No 105

Change the method of appointing Zoning Board of Adjustment Members to election by the voters on the Official Ballot at Town Meeting. Include provisions for appointing Five Alternate Members and for filling vacancies that occur between elections. (Article X.A.)

March 11, 1997 – Article 13 – First Session – Yes 211, No 155

Restrict expansions of nonconforming buildings within the setback to 40%. If more than 75% of the original structure is voluntarily removed, the structure shall be considered removed entirely and shall be subject to the terms of the Ordinance for replacement. (Articles VIII.A.3.d. & g.)

March 10, 1998 – Article 4 – First Session – Yes 378, No 238

Manufactured Housing units (other than replacement units) will only be allowed in Manufactured Housing Parks & Manufactured Housing Subdivisions. Such Parks & Subdivisions will be allowed in the Rural & Multi-Family Zones. Amend the requirements for such Parks & Subdivisions.

March 10, 1998 – Article 5 – First Session – Yes 384, No 219

Setbacks between unrelated structures in Manufactured Housing Parks may be reduced for units meeting a minimum fire safety rating.

March 10, 1998 – Article 6 – First Session – Yes 370, No 233

Allow Sales Lot for Manufactured Housing Units in Commercial Zone.

March 10, 1998 – Article 7 – First Session – Yes 394, No 206

Allow Storage Vehicles & Storage Trailers in the Commercial & Industrial Zones.

March 10, 1998 – Article 8 – First Session – Yes 449, No 145

Require that commercial Resource Recycling activities take place within a structure.

March 10, 1998 – Article 9 – First Session – Yes 442, No 133

List “Light Manufacturing” under the Commercial Use section of the Ordinance.

March 10, 1998 – Article 10 – First Session – Yes 476, No 112

Allow Service Business in the Industrial Zone by Special Exception.

March 10, 1998 – Article 11 – First Session – Yes 359, No 232

Allow Fraternal & Social Clubs & Halls, Funeral Homes and Schools in the Residential Multi-Family, Residential Single Family, Rural and Village Zones. Clarify that “Theater” means “Movie Theater”.

March 10, 1998 – Article 12 – First Session – Yes 415, No 178

Nonconforming buildings demolished and rebuilt can be expanded up to 40% within the setback by Special Exception.

March 10, 1998 – Article 13 – First Session – Yes 376, No 203

If a variance is required to expand a nonconforming structure, a special exception is not necessary.

March 10, 1998 – Article 14 – First Session – Yes 375, No 156

Add an “Equitable Waiver of Dimensional Requirements” in accordance with NH RSA 674:33-a.

March 10, 1998 – Article 15 – First Session – Yes 489, No 100

Define Salvage Yard (includes items not already regulated under Junk Yard).

March 10, 1998 – Article 16 – First Session – Yes 472, No 121

Define and regulate Site Construction Trailer (for temporary use on job sites).

March 10, 1998 – Article 17 – First Session – Yes 462, No 125

Redefine Contractor’s Yard (includes supplies, vehicles, equipment).

March 10, 1998 – Article 19 – First Session – Yes 427, No 141

Convert all of tax lot 06/52/01 and more of tax lot 03/26/00, both off Route 106, to an Industrial Zone.

March 9, 1999 – Article 2 – First Session – Yes 324, No 80

Parking spaces required for units in a Multi-Family Structure shall be two spaces for the first bedroom and one-half space for each additional bedroom.

March 9, 1999 – Article 3 – First Session – Yes 329, No 65

Adopt the State’s definition for “sludge”.

March 9, 1999 – Article 4 – First Session – Yes 351, No 54

Campgrounds shall meet minimum design standards to be included in the Subdivision Regulations.

March 9, 1999 – Article 5 – First Session – Yes 349, No 52

Minimum setbacks between manufactured housing units or other unrelated structures contained on the same lot shall be 20' from the side and 15' between gable ends.

March 9, 1999 – Article 6 – First Session – Yes 322, No 76

Lots that abut a zoning line shall comply with the more restrictive setback only along that abutting property line.

March 9, 1999 – Article 7 – First Session – Yes 373, No 25

Construction, excavation and building shall setback from Cemeteries as required by NH RSA 289:3.

March 9, 1999 – Article 8 – First Session – Yes 361, No 36

Site Construction Trailers may be used in conjunction with permitted construction projects in all zones.

March 9, 1999 – Article 9 – First Session – Yes 294, No 103

Allow and regulate the placement of Recreational Vehicles on vacant lots for temporary use.

March 9, 1999 – Article 10 – First Session – Yes 323, No 66

Clarify that creating useable space in a nonconforming structure is allowed by special exception.

March 9, 1999 – Article 11 – First Session – Yes 276, No 125

Allow agricultural animals in the Village Zone by special exception only, permitted in all other zones.

March 9, 1999 – Article 12 – First Session – Yes 280, No 108

Deduct non-buildable area when calculating density for manufactured housing parks.

March 9, 1999 – Article 13 – First Session – Yes 328, No 68

Manufactured housing parks and subdivisions must be located on a minimum of 20 contiguous acres.

March 9, 1999 – Article 14 – First Session – Yes 329, No 56

A commercial use may have one residential unit for security or support purposes by Special Exception and under the Site Plan Review Regulations.

March 9, 1999 – Article 15 – First Session – Yes 348, No 40

Regulate commercial bulk storage of petroleum and propane gas products. Allow in the Industrial Zone and by Special Exception in Commercial Zone.

March 9, 1999 – Article 16 – First Session – Yes 311, No 83

Projects that receive a permit from the New Hampshire DES Wetland Bureau do not also need a Special Exception under the Wetlands Ordinance.

March 9, 1999 – Article 17 – First Session – Yes 301, No 71

The following lot in the Plummer Hill Road area shall be entirely within the Residential Multi-Family Zone: 13/13/07.

March 9, 1999 – Article 18 – First Session – Yes 312, No 57

The following lots in the Upper Parish Settlement Drive area shall be entirely within the Rural Zone: 09/34/07, 09/34/08, 09/34/09, 09/34/10, 09/34/15, 09/34/16, 09/34/17, 09/34/18.

March 9, 1999 – Article 19 – First Session – Yes 285, No 90

The following lots in the Route 107 area shall be entirely within the Residential Multi-Family Zone: 13/23/00, 13/23/01, 13/24/00.

March 9, 1999 – Article 20 – First Session – Yes 324, No 75

Amend Article VII.C.9.a. of the Town's Zoning Ordinance by reducing the allowable number of Manufactured Housing Units in a Manufactured Housing Park from four units per acre to two units per acre.

March 14, 2000 – Article 2 – First Session – Yes 522, No 177

Regulate through a Special Exception, the placement or use of State-certified treated soils.

March 14, 2000 – Article 3 – First Session – Yes 567, No 144

Regulate Telecommunications Towers and other Facilities.

March 14, 2000 – Article 4 – First Session – Yes 545, No 129

Rewrite cluster section in its entirety.

March 14, 2000 – Article 5 – First Session – Yes 544, No 310

Rewrite aquifer protection section in its entirety.

March 14, 2000 – Article 6 – First Session – Yes 509, No 194

Separately define Bed & Breakfast Est. and Lodging House. Lodging Houses not permitted in commercial zone.

March 14, 2000 – Article 7 – First Session – Yes 551, No 154

Setbacks between unrelated structures on the same lot to be consistent with those allowed for manufactured housing units that meet minimum fire safety standards.

March 14, 2000 – Article 8 – First Session – Yes 525, No 191

Set minimum standards for the keeping of agricultural animals. Special Exception for all lots less than 3 acres. Special Exception for lots over 3 acres only in Commercial, Industrial and Village Zones.

March 14, 2000 – Article 9 – First Session – Yes 522, No 168

Define and allow satellite sales lots in the Commercial & Industrial Zones.

March 14, 2000 – Article 10 – First Session – Yes 541, No 141

Define primary sales lots and set minimum standards.

March 14, 2000 – Article 11 – First Session – Yes 474, No 212

Recreational Vehicles may not be used in conjunction with commercial or industrial uses regulated under the Site Plan Review Regulations. Park Model Recreational Vehicles in excess of 320 square feet are regulated as manufactured housing units.

March 14, 2000 – Article 12 – First Session – Yes 465, No 217

Require a special Exception for sawmills in the Commercial Zone.

March 14, 2000 – Article 13 – First Session – Yes 504, No 194

One commercial vehicle may be parked on a residential lot if the vehicle is used by an on-site tenant for business-related transportation.

March 14, 2000 – Article 14 – First Session – Yes 465, No 211

Require a special exception for a Contractor's Yard in the Commercial zone.

March 14, 2000 – Article 15 – First Session – Yes 539, No 127

Retitle and define Minimal Care Facility.

March 14, 2000 – Article 16 – First Session – Yes 500, No 159

Update reference to lot sizing in Subdivision Regulations. Delete footnote #1 requiring additional lot sizes.

March 14, 2000 – Article 17 – First Session – Yes 456, No 214

Delete reference to maximum dwelling units per lot in commercial zone.

March 14, 2000 – Article 18 – First Session – Yes 519, No 151

Clarify that the existing ordinance allows nonconforming structures to be replaced within two years if the nonconformity is not moved, altered, or increased.

March 14, 2000 – Article 19 – First Session – Yes 489, No 187

Update title in Special Exception Criteria to reflect that ordinance no longer allows manufactured homes in the commercial zone.

March 14, 2000 – Article 20 – First Session – Yes 572, No 118

Clarify that front setback includes the edge of the public way as constructed and traveled.

March 13, 2001 – Article 2 – First Session – Yes 256, No 92

Adopt local regulations for the use and placement of treated soils as defined by NH Env-Wm 3203.11. Do not permit the use of treated soils on residential lots. Allow the use of treated soils in the Commercial and Industrial Zones only.

March 13, 2001 – Article 3 – First Session – Yes 275, No 65

Define "Modular Building" in conformance with NH RSA 205-C:1.XI

March 13, 2001 – Article 4 – First Session – Yes 247, No 118

To restrict the residential use of recreational vehicles located on the same lot as a principal residence to no more than 45 days in any twelve month period, or to six months if the unit is attached to approved water and sewage disposal facilities.

March 13, 2001 – Article 5 – First Session – Yes 293, No 61

Clarify the definition of "Frontage" to include Class I or II State Highways, Class V Town Streets, and Approved Private Streets.

March 13, 2001 – Article 6 – First Session – Yes 282, No 72

Amend the existing Telecommunications Ordinance by including title and definitions from the new State law, RSA 12-K, Deployment of Personal Wireless Service Facilities.

March 13, 2001 – Article 7 – First Session – Yes 254, No 105

Clarify that manufactured housing units may only be used for dwelling units.

March 13, 2001 – Article 8 – First Session – Yes 278, No 80

Define “Commercial Vehicle” to include vehicles registered as a commercial vehicle and/or used for commercial purposes.

March 13, 2001 – Article 9 – First Session – Yes 273, No 91

Authorize the Planning Board to impose impact fees for a development as a condition of approval for applications for subdivision and site plan review.

March 12, 2002 – Article 2 – First Session – Yes 222, No 47

To include the following language in the Purpose and Authority Section of the Ordinance, “to preserve significant wildlife habitat and habitat links and buffers”.

March 11, 2003 – Article 2 – First Session – Yes 267, No 181

No enclosure not originally manufactured or built for the purpose shall be used as dwelling space, commercial or non-commercial workspace, or animal or human shelter.

March 11, 2003 – Article 3 – First Session – Yes 329, No 126

Adopt an Adult Entertainment Ordinance to restrict the location and establish minimum operational standards.

March 11, 2003 – Article 4 – First Session – Yes 331, No 106

Amend the Ordinance to allow for remedies and penalties provided under applicable law for enforcement of the ordinance.

March 11, 2003 – Article 5 – First Session – Yes 364, No 83

Convert the existing Ordinance numbering system from Roman numerals (i.e. I, II, III) to Arabic numbers (i.e. 1, 2, 3).

March 11, 2003 – Article 6 – First Session – Yes 373, No 74

Replace the term “Telecommunication” with “Personal Wireless Service” to be consistent with State law. Create a separate article within the Ordinance for the existing Personal Wireless Services Section and renumber the remaining articles as necessary.

March 11, 2003 – Article 7 – First Session – Yes 369, No 84

Restrict the height of free-standing signs and billboards to 25’.

March 11, 2003 – Article 8 – First Session – Yes 333, No 112

Change references for “cluster” subdivision to “open space” subdivision.

March 11, 2003 – Article 9 – First Session – Yes 297, No 139

Lots that have been part of a subdivision or boundary line adjustment within the prior 12-month period are not eligible for subdivision under the cluster (open space) subdivision ordinance.

March 11, 2003 – Article 10 – First Session – Yes 314, No 124

Eliminate specific minimum parking requirements currently contained in the Ordinance with the intent of placing those minimum requirements within the Site Plan Review Regulations instead.

March 11, 2003 – Article 11 – First Session – Yes 339, No 113

Limit the size and type of structure allowed on approved campground sites.

March 11, 2003 – Article 12 – First Session – Yes 253, No 150

Delete the specific reference to “Rental Cottages”.

March 11, 2003 – Article 13 – First Session – Yes 321, No 113

Allow hotels and motels in the Industrial Zone by special exception.

March 11, 2003 – Article 14 – First Session – Yes 246, No 184

Regulate “membrane” enclosures as structures for all applicable purposes such as obtaining a building permit, meeting setbacks, and allowable uses. Membrane enclosures are tarp or fabric or plastic-covered frame buildings typically used for garages or storage buildings.

March 11, 2003 – Article 15 – First Session – Yes 261, No 161

A variance from the Zoning Board of Adjustment would be required to change from one preexisting nonconforming (grandfathered) use to a different preexisting nonconforming use.

March 11, 2003 – Article 16 – First Session – Yes 295, No 127

Clarify that a preexisting nonconforming lot which does not meet current Zoning requirements as to minimum required lot size and/or minimum frontage, may be used for building purposes when other minimum requirements are complied with.

March 9, 2004 – Article 2 – First Session – Yes 440, No 172

Adopt an interim growth management ordinance to be in effect until March 8, 2005. The Ordinance will place a moratorium on new residential subdivisions and residential site plan (multi-family) development. It will give the Town a period of time in which to complete the Capital Improvements Program and to review and analyze other data available during the upcoming year to develop a growth management ordinance to address unusual circumstances of growth. Building permits will not be restricted for lots of record shown by deed or recorded subdivision plan prior to January 12, 2004, or shown on a plan accepted or approved by the Planning Board prior to January 12, 2004, and still in compliance with RSA 674:39.

March 9, 2004 – Article 3 – First Session – Yes 430, No 204

The measurement for front setbacks shall include the distance from the extreme limit of a structure to the edge of a private access road that serves more than two lots.

March 9, 2004 – Article 4 – First Session – Yes 473, No 171

Stairs that serve as access to a building, and that do not extend more than 6’ do not have to comply with setbacks.

March 9, 2004 – Article 5 – First Session – Yes 478, No 148

List the options available for ownership of common open space that is created as the result of an open space subdivision.

March 9, 2004 – Article 6 – First Session – Yes 497, No 135

Clarify that a plan submitted for the purpose of showing possible future phases of an open space development is only conceptual. Future phases of the development will be subject to all Regulations, Ordinances and modifications required by the Board at the time the phases are submitted as a formal application.

March 9, 2004 – Article 7 – First Session – Yes 444, No 191

When calculating the number of possible lots in an open space development, the total acreage for proposed roads as well as any other acreage that will not be part of a lot or the open space shall be deducted prior to calculating that density.

March 9, 2004 – Article 8 – First Session – Yes 438, No 196

In the Residential Single-Family, Residential Multi-family, Rural and Village Zones the total number of free standing signs per tax lot shall be reduced from 3 to 1 and the total combined square footage of freestanding signage per tax lot shall be reduced from 300 square feet to 100 square feet. Combine the total number of and the total square footage of freestanding signs and billboards when calculating maximum per tax lot allowable numbers/size. Place ordinance standards in table format.

March 9, 2004 – Article 9 – First Session – Yes 483, No 152

Amend the expiration time for variances and special exceptions. Allow a one-time, one-year extension for good cause shown for approvals that have not been substantially acted upon within two years of the original approval.

March 9, 2004 – Article 10 – First Session – Yes 499, No 136

Amend existing standards for agricultural animals regulated by this Ordinance to provide for wetlands and groundwater runoff protection, to require the use of the Best Management Practices of the NH Department of Agriculture, and to allow normal operating agricultural procedures following those Best Management Practices.

March 9, 2004 – Article 11 – First Session – Yes 527, No 110

Define “elderly” as it relates to age-restricted housing, as units occupied by persons 62 years of age and older.

March 9, 2004 – Article 12 – First Session – Yes 464, No 159

Update the Administration, Enforcement and Penalty section of the Zoning Ordinance.

March 9, 2004 – Article 13 – First Session – Yes 494, No 128

Amend the road design standards for open space subdivisions to promote the purpose and objectives of the ordinance and conform to the requirements of the subdivision regulations.

March 8, 2005 – Article 3 – First Session – Yes 258, No 244

Allow only one in-law apartment per lot in zones where in-law apartments are currently allowed.

March 14, 2006 – Article 2 – First Session – Yes 301, No 163

To allow one accessory apartment to be created as a matter of right with-in single family dwellings in the Residential Multi-Family, Rural and Village Zones; such accessory apartments shall also be allowed in the Residential Single-family zone, but only with a Special Exception from the Zoning Board. These accessory apartments will no longer be limited to occupancy by immediate family members. The accessory apartment must have at least 300 square feet of space, but is limited to no more than 25% of the total size of the combined single family dwelling unit and apartment. The apartment may have no more than 2 bedrooms and either the single family unit or the accessory apartment must be occupied by the owner of the property. Minimum standards for parking, sewage, building construction, fire and life safety are also required.

March 14, 2006 – Article 3 – First Session – Yes 382, No 83

Clarify the existing definition of “Frontage” so that vehicular access to the developed portion of this lot shall be located along said frontage, with the goal of providing safe and reasonable year round access to buildable lots.

March 13, 2007 – Article 2 – First Session – Yes 351, No 291

Amend existing campground standards including purpose, definitions and uses. Permit Campgrounds in the Commercial Zone, and permit in the Rural Zone by Special Exception. Permit RV Resort Campgrounds in the Rural and Residential Multi-Family Zones.

March 13, 2007 – Article 3 – First Session – Yes 394, No 239

Amend the standards for Open Space Residential Development by adding a density bonus and revising standards related to open space ownership, permitted uses, accessibility and values. Recognize areas that have already been identified by the Conservation Commission as having outstanding open space value.

March 13, 2007 – Article 4 – First Session – Yes 356, No 293

Amend the definition of Setback related to lots abutting more than on road, abutting private roads or that do not abut any road. Amend the definition of Setback to require that lots:

- a. abutting more than one road, road right-of-way or road easement have a “front” setback along each;
- b. abutting private roads that serve more than two lots have a front setback along that road;
- c. that are preexisting and do not have a “front” setback shall nonetheless be restricted from building closer to a road, road right-of-way, or road easement than the minimum required front setback for lots in that zone.

March 13, 2007 – Article 5 – First Session – Yes 393, No 257

Provide more flexibility in building design and use by allowing structures in the Commercial and Industrial Zones to exceed the current 45 foot height restriction if a Special Exception is granted by the Zoning Board of Adjustment.

March 13, 2007 – Article 6 – First Session – Yes 517, No 133

Amend the definition of Structure to clarify that concrete pads used exclusively for vehicle parking or as support for essential utilities (fuel tank, HVAC, electric, etc) are permitted and are not considered structures.

March 13, 2007 – Article 7 – First Session – Yes 431, No 174

Correct the existing numbering sequence in Article 8.

March 11, 2008 – Article 3 – First Session – Yes 245, No 158

Repeal the existing Aquifer Protection Ordinance and adopt the new Ordinance to preserve, maintain, and protect from contamination existing and potential groundwater supply areas identified as Stratified Drift Aquifers within the community. Establish Definitions, Performance Standards and Applicability. Define extent of Aquifer Protection District. Identify permitted, Prohibited, Conditional and Exempted Uses. Provide for Notice of Decisions and Inspections.

March 11, 2008 – Article 4 – First Session – Yes 223, No 185

Reduce the total square footage of free-standing Signage allowed per tax lot from 100 square feet to 49 square feet in the Residential Multi-Family, Residential Single-Family, Rural and Village Zones.

March 10, 2009 – Ballot Article 2 – Yes 414, No 184

Rezone a portion of three adjacent tax lots located off Laconia and Brown Hill Roads, east and south of the Tioga River; being specifically the following:

1. Rezone a portion of Tax Lot 229/087/000/000 from Commercial to Residential Single Family; and
2. Rezone a portion of Tax Lot 230/113/000/000 from Commercial to Rural; and
3. Rezone a portion of Tax Lot 230/113/001/000 from Commercial to Rural.

Requested by owners of affected tax lots.

March 9, 2010 – Ballot Article 2 – Yes 458, No 283

To prohibit the Land Application of all Sludge and Biosolids in all zones and to define Biosolids.

March 9, 2010 – Ballot Article 4 – Yes 430, No 286

To amend existing Aquifer Ordinance and Map to include municipal well-head protection areas in the newly titled Aquifer and Groundwater Protection Ordinance. To amend and update definitions and references. To require Best Management Practices for mobile fueling and when storing more than five gallons of regulated substances out of doors. To appoint the Code Enforcement Officer to review Spill plans.

March 8, 2011 – Ballot Article 2 – Yes 325, No 100

Amend Setback Ordinance to exempt from property line setbacks, structures erected to enclose cluster mailbox units, structures required by law for aboveground fuel tanks, and bus stop shelters.

March 8, 2011 – Ballot Article 3 – Yes 302, No 125

Adopt regulations governing new and/or expanded cemeteries, private burial grounds, and burials on private property by establishing setbacks and permitting only within the Rural Zone; require Site Plan approval for new and/or expanded cemeteries and private burial grounds; require new burials on private property to be reported. Adopt a setback from construction, excavation and building to cemeteries, private burial grounds, and burials on private property.

March 8, 2011 – Ballot Article 4 – Yes 287, No 138

Amend existing sign Ordinance by adopting specific standards for the placement, design and use of Electronic Changing Signs and prohibiting Flashing Signs in all zones.

March 13, 2012 – Ballot Article 2 – Yes 398, No 260

Provide that small building components that are placed next to each other to form one structure constitute a “structure” as the term is defined in the zoning ordinance.

March 13, 2012 – Ballot Article 4 – Yes 438, No 230

Limit the height of building mounted signs to the maximum roof-line height of the structure to which the sign is mounted.

March 13, 2012 – Ballot Article 5 – Yes 345, No 314

Clarify that retaining walls higher than 4' are regulated.

March 13, 2012 – Ballot Article 6 – Yes 356, No 255

Complete revision of the conditions for the granting of a Special Exception.

March 12, 2013 – Ballot Article 2 – Yes 276, No 213

Regulate and define Municipal Solid Waste Transfer Station – allow only in Industrial Zone.

March 11, 2014 - Ballot Article 3 - Yes 256, No 137

Amend the Purposes section of the Open Space Development Ordinance to include reducing impacts and strains on public and emergency services.

March 11, 2014 - Ballot Article 4 - Yes 311, No 87

Rezone three lots located on Corriveau Way (formerly Fred Friend Road) from Commercial to Rural.

March 10, 2015 - Ballot Article 2 - Yes 518, No 100

Amend Setback Ordinance to exempt medically necessary handicapped ramps from setback requirements as long as the particular person has a continuing medical need to access the premises.

March 8, 2016 – Ballot Article 2 – Yes 187, No 514 (Failed)

Amend Aquifer Ordinance to prohibit all Industrial uses in the Aquifer and Groundwater Protection District.

March 16, 2017 – Ballot Article 2 – Yes 551, No 146

Amend the definition of frontage to allow alternate driveway access to a lot where conditions warrant. The current Ordinance requires a lot be accessed over that lot's legal frontage. The amendment would allow application for a conditional use permit to access from another location under certain circumstances (e.g. environmental impacts, traffic safety).

March 16, 2017 – Ballot Article 3 – Yes 515, No 169

Amend the title and content of the Accessory Apartment ordinance to comply with the new RSA 673:71-73 and amend minimum unit size, definition, and clarify method of attachment to primary unit.

March 16, 2017 – Ballot Article 4 – Yes 458, No 218

Replace in its entirety the existing Sign Ordinance to comply with the US Supreme Court decision, *Reed v. Town of Gilbert Arizona*. Changes relate, but are not limited to content-neutrality, purpose, definitions, general provisions and exempt, prohibited, directional and complex signs.

March 16, 2017 – Ballot Article 5 – Yes 472, No 181

At the request of the property owner, rezone all of tax lot 236/015/000/000 and part of tax lot 123/027/000/000 on Dearborn Street from Industrial to Rural leaving the entire frontage of tax lot 123/027/000/000 for a depth of approximately 230' in the Industrial Zone.

March 13, 2018 – Ballot Article 2 – Yes 286, No 126

Boat Storage-Amend Art. 5, Table 1 and Art. 15 of the existing Ordinance to regulate indoor and outdoor boat storage separately in the permitted use table and create separate definitions.

March 13, 2018 – Ballot Article 3 – Yes 292, No 121

Warehousing/Self-Storage-Amend Art. 5, Table 1 and Art. 15 of the existing Ordinance to regulate indoor and outdoor warehousing/self-storage separately in the permitted use table and create separate definitions.

March 13, 2018 – Ballot Article 4 – Yes 256, No 157

Accessory Dwelling Unit-Amend Art. 8.F of the existing ADU Ordinance to prohibit Accessory Dwelling Units (ADUs) as additions to manufactured homes, recreational vehicles, and where one or more single-family units are already attached such as condominium developments and duplexes. Prohibit the condominium sale of an ADU separate from the principal unit.

March 13, 2018 – Ballot Article 5 – Yes 266, No 132

Subordinate Dwelling Unit-Amend Art. 5, Table 1, delete Article 13.F.1, and add a definition to Art. 15 of the existing Ordinance to allow one subordinate dwelling unit on a lot with a primary business use in the Commercial & Industrial Zones and require a Conditional Use Permit for occupancy by other than the business owner (e.g. business manager or security person).

March 13, 2018 – Ballot Article 6 – Yes 312, No 87

Snow Dump-Amend Art. 7.C.14 of the existing Ordinance to clarify that a “snow dump” regulates snow brought to a lot from off-site.

March 13, 2018 – Ballot Article 7 – Yes 291, No 105

Signs-Amend Art. 4.I.4 of the existing Ordinance to allow internally illuminated signs.

BELMONT ZONING ORDINANCE
Town of Belmont, New Hampshire

Ordinance Codification
Uncertified

ARTICLE I. PURPOSE AND AUTHORITY

In order to help retain the natural beauty of Belmont, to encourage the most appropriate use of land, and to conserve its natural resources, to stabilize the value of land and buildings, to prevent overcrowding of land and undue concentration of population and to facilitate the economical provision of future required utilities and facilities; the following ordinance is enacted in accordance with the authority provided by Chapter 674, Section 16-23, New Hampshire Revised Statutes Annotated, 1955, as amended.

Existing uses, not in compliance with this ordinance, shall be permitted to continue. A discontinuance of a non complying use lasting more than one year shall require that use to comply with this Ordinance.

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

ARTICLE I. PURPOSE AND AUTHORITY

In order to retain the natural beauty of Belmont, to encourage the most appropriate use of land, and to conserve its natural resources, to stabilize the value of land and buildings, to prevent overcrowding of land and undue concentrations of population, to facilitate the economical provision of future required utilities and facilities and to protect the health, safety and general welfare of the citizens; the following Ordinance is enacted in accordance with the authority provided by Chapter 674, Section 16-23, New Hampshire Revised Statutes Annotated, 1983, as amended.

Existing uses, not in compliance with this ordinance, shall be permitted to continue. A nonconforming use that ceases for more than three years can not be reinstituted without complying with this Ordinance.

Source: Article 2, First Session, March 10, 1992. Yes 636, No 535.

Amendments: Article I.

Amend last paragraph to: Nonconforming uses, not in compliance with this ordinance, shall be permitted to continue. A nonconforming use that is abandoned for more than two years can not be reinstituted without complying with this Ordinance.

Source: Article 6, First Session, March 12, 1996. Yes 347, No 174.

Amendment: Article I.

To include the following language in the Purpose and Authority Section of the Ordinance: “to preserve significant wildlife habitat and habitat links and buffers”.

Source: Article 2, First Session, March 12, 2002. Yes 222, No 47.

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

ARTICLE II: TITLE

This Ordinance shall be known and may be cited as the “ZONING AND PLANNING ORDINANCE FOR THE TOWN OF BELMONT, NEW HAMPSHIRE”. It is hereinafter referred to as “this Ordinance”.

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

ARTICLE II. TITLE

This Ordinance shall be know and may be cited as the “ZONING AND PLANNING ORDINANCE FOR THE TOWN OF BELMONT, NEW HAMPSHIRE’. It is hereinafter referred to as “this ordinance”.

Source: Article 2, First Session, March 10, 1992. Yes 636, No 535.

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

ARTICLE III. DISTRICTS**A. DISTRICTS**

The town of Belmont is divided into six zoning districts hereinafter referred to as “Districts”.

Industrial	I
Commercial	C
Village	V
Residential Single Family	RS
Residential Multi-Family	RM
Rural	R

B. ZONING MAP

The zoning districts listed above are bounded as shown in the map entitled “Belmont Zoning Map” which is attached to and made a part of this Ordinance and is hereinafter referred to as the “Zoning Map”. The official Zoning Map of the Town of Belmont to be used to determine exact zoning district boundaries is drawn to a scale of one thousand feet to the inch, and shall be certified as the official Zoning Map of the Town of Belmont by the Town Clerk, upon adoption of this Ordinance, or upon any amendment that affects the Zoning Map and, upon such certification, shall be filed with the Planning Board.

C. BOUNDARIES

The zoning boundaries are depicted on the Belmont Zoning Map. The middle of stream channels or other water bodies and the center of railroad or road rights-of-way shall be where the boundary line distance is determined. Any boundary within 10 feet of a property line shall be considered to coincide with such property line. In any instance where there is doubt as to the location of a zoning district boundary, the Board of Adjustment shall determine the location of such boundary, consistent with the intent of this ordinance and zoning map.

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

Amend Article III (Official Zoning Map) to rezone Shaker Road from Residential Multi-Family to Rural Zone, where said zone begins at the Village district line and ends at the Northfield Town Line.

Source: Article 2, First Session, March 10, 1987. Yes 395, No 132.

B. ZONING MAP

The zoning districts listed above are bounded as shown in the Zoning and Assessment Maps of the Town Belmont which is made a part of this Ordinance by reference and is hereinafter referred to the “Zoning and Assessment Map”. Whenever the term Belmont Zoning Map or zoning map is used in this ordinance, it shall be deemed to refer to the Zoning and Assessment Map. The official Zoning and Assessment Map of the Town of Belmont is to be used to determine exact zoning district boundaries is drawn to a scale of our hundred or one hundred feet to the inch, as set forth in the Zoning and Assessment Map, and shall be certified as the official Zoning and Assessment Map of the Town of Belmont by the Town Clerk, upon adoption of this amendment and, upon certification, shall be filed with the Planning Board.

Source: Article 6, First Session, March 11, 1987. Yes 372, No 112

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

ARTICLE III. DISTRICTS**A. DISTRICTS**

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Commercial	C
Industrial	I
Residential Multi—Family	RM
Residential Single Family	RS
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B. ZONING MAP

The zoning districts listed above are bounded as shown in the Zoning Map of the Town of Belmont which is made a part of this Ordinance by reference and is hereinafter referred to as the “Zoning Map”. Whenever the term Belmont Zoning Map or zoning map is used in this ordinance, it shall be deemed to refer to the Zoning Map. The official Zoning Map of the Town of Belmont is to be used to determine exact zoning district boundaries, and shall be certified as the official Zoning Map of the Town of Belmont by the Town Clerk, upon adoption of this amendment and, upon certification, shall be filed with the Planning Board.

C. ZONING DISTRICT BOUNDARIES

The zoning boundaries are depicted on the Belmont Zoning Map. The middle of stream channels or other water bodies and the center of railroad or road right-of-way shall be where the boundary line distance is determined. Any boundary within 10 feet of a property line shall be considered to coincide with such property line. In any instance where there is doubt as to the location of a zoning district boundary, the Planning Board shall determine the location of such boundary, consistent with the intent of this ordinance and zoning map.

Source: Article 2, First Session, March 10, 1992. Yes 636, No 535.

“D. PERMITTED USE TABLE. Uses not contained within those listed in the Table of Permitted Uses contained within this Ordinance are not allowed in any Zoning District.”

Source: Article 2, First Session, March 8, 1994. Yes 340, No 301.

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

ARTICLE IV. GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS**A. SANITARY PROTECTION**

All dwellings and sanitary systems shall be constructed and maintained in accordance with standards set by the New Hampshire Water Supply and Pollution Control Commission, by the Town Subdivision Regulations and applicable health and sanitary codes.

B. HOME OCCUPATIONS

Any home occupation or professional office shall be permitted as a use if:

1. The home occupation is carried on by a member of the family and that not more than one employee other than those who are part of the family is employed.
2. The home occupation shall be carried on wholly within the principal or accessory structures.

C. HEIGHT REGULATIONS

The height limitations for all structures in all districts shall not exceed forty-five (45) feet above mean ground level, except for domestic radio and television antennas, silos for storage of feed crops, church towers, water storage structures, chimneys, or wind operated devices.

D. OFF STREET LOADING AND PARKING

Adequate off-street loading and parking shall be provided whenever any new use is established or any existing use is enlarged in accordance with the following minimum specifications:

1. All new construction of institutional, commercial or industrial uses requiring off-street loading facilities shall provide such facilities so that delivery vehicles are parked outside of the street right-of-way.
2. All proposed new development shall provide for adequate off-street parking spaces in accordance with the following standards. A single parking space is defined as being two hundred (200) square feet in area and having adequate area for maneuvering.

Multi-family Residential Use - 2.5 spaces for each family unit.

Elderly Multi-family Residential Use - 1 space for each unit.

Hotel, Motel, Tourist Accommodation, Lodging Unit - 1 space for each unit.

Commercial and Industrial - 1 space for each three anticipated patrons and/or employees on the premises at any one time. Parking provided by public lots in lieu of on-site parking may be utilized to fulfill parking requirements when provided within a distance appropriate to the proposed use, but not to exceed four hundred (400) feet, upon approval of the Board of Adjustment.

Public Assembly - Any church, theatre, ball, auditorium: At least 1 space for every four seats anticipated.

The Planning Board may require greater parking capacity in cases where the proposed use will have a parking demand that could exceed these minimum standards.

E. FLOOD AREAS

No building for human occupancy shall be permitted to be built unless it complies with the regulations of the Federal Flood Insurance Program. Limits of flood plains shall be those indicated on the flood plain map as prepared by the Federal Government.

F. CERTIFICATE OF COMPLIANCE

Prior to the issuance of a building permit or change of occupancy permit, the applicant shall obtain a certificate of compliance from the Planning Board stating that the proposed structure, alteration, or use complies with all provisions of this Ordinance, or that the Zoning Board of Adjustment has issued a variance or special exception.

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

ARTICLE IV. GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS

A. SANITARY PROTECTION

All structures and sanitary systems shall be constructed and maintained in accordance with standards set by the State of New Hampshire, the Town Subdivision Regulations and applicable health and sanitary codes.

B. HOME OCCUPATIONS

Any home occupation shall be permitted in all zones subject to the following conditions:

1. A home occupation is clearly an accessory use of the property. Home Occupations shall include such uses as offices for an engineer, doctor, architect, lawyer or other recognized profession or for a real estate or insurance business. It shall also include such home occupations as hairdressing, dressmaking, manufacture of craft or food products for sale.
2. The home occupation is carried on by not more than four persons at least one of which shall be a resident of the property.
3. The home occupation shall be carried on only within the principal or accessory structure, and there shall be no commercial interruption of the residential appearance of the area.
4. A home occupation shall be allowed one sign.
5. Operations which are abusive to the residential atmosphere or that cause interference with radio or television reception or that generate undue noise shall not be allowed.
6. A home occupation shall not display or create any evidence of the operation of the home occupation outside the building except for the permitted sign.
7. No more than two Home Occupations shall be established on a lot at one time. However, the total number of persons, including residents, carrying on the Home Occupation(s) shall not exceed 4 per lot.

C. HEIGHT REGULATIONS

The height limitations for all structures in all districts shall not exceed forty-five (45) feet above mean ground level, except for domestic radio and television antennas, silos for storage of feed crops, church towers, water storage structures, chimneys, or wind operated devices.

D. OFF STREET LOADING AND PARKING

Adequate off-street loading and parking shall be provided whenever any new use is established or any existing use is enlarged in accordance with the following minimum specifications:

1. All new construction of institutional, commercial or industrial uses requiring off—street loading facilities shall provide such facilities so that delivery vehicles are parked outside of the street right-of-way.
2. All proposed new development shall provide for adequate off street parking spaces in accordance with the following standards. A single parking space is defined as being two hundred (200) square feet in area and having adequate area for maneuvering.
3. Multi-Family Residential Use - 2.5 spaces for each family unit.
4. Elderly Multi-Family Residential Use - 1 space for each unit.
5. Hotel, Motel, Tourist Accommodation, Lodging Unit - 1 space for each unit.
6. Commercial and Industrial - 1 space for each three anticipated patrons and employees on the premises at any one time. Parking provided by public lots in lieu of on-site parking

may be utilized to fulfill parking requirements when provided within a distance appropriate to the proposed use, but not to exceed four hundred (400) feet, upon approval of the Planning Board.

7. Public Assembly - Any church, theater, hall, auditorium; at least 1 space for every three seats anticipated.
8. The Planning Board may require greater parking capacity in cases where the proposed use will have a parking demand that could exceed these minimum standards.

E. FLOOD AREAS

No building for human occupancy shall be permitted to be built unless it complies with the regulations of the Federal Flood Insurance Program. Limits of flood plains shall be those indicated on the flood plain map as prepared by the Federal Government.

F. CERTIFICATE OF COMPLIANCE

Prior to the issuance of a building permit or change of occupancy permit, the applicant shall obtain a certificate of compliance from the Planning Board stating that the proposed structure, alteration, or use complies with all provisions of this Ordinance, or that the Zoning Board of Adjustment has issued a variance or special exception.

G. FIRE RUINED BUILDINGS

No owner or occupant of land in any district shall permit fire or other ruins to be left indefinitely, but within one year shall remove or refill the same to clear ground level or shall repair, build or replace the structure.

H. REMOVAL OF NATURAL MATERIAL

If clay, sod, loam, sand or gravel is removed within 100 feet of a public highway, street or roadway, the area shall be regraded to assure that the premises will be left protected against erosion and washouts within 90 days of the finish of operation and/or material removed. All earth excavation to be in compliance with the Belmont Earth Excavation Regulations.

I. CONTIGUOUS, NONCONFORMING LOTS

Contiguous nonconforming lots in the same ownership may be merged by the owner through application to the Planning Board, but shall not require the submission of a surveyed plot plan. Once a merger application has been submitted and approved, the merged lots shall not be developed or transferred separately unless in accordance with then current Zoning and Subdivision Regulations. Lots which have been developed separately shall not be merged.

Source: Article 2, First Session, March 10, 1992. Yes 636, No 535.

Amendment:

ARTICLE IV.I. MERGER OF CONTIGUOUS LOTS

Contiguous lots in the same ownership may be merged by the owner through application to the Planning Board, but shall not require the submission of a surveyed plot plan. Once a merger application has been submitted and approved, the merged lots shall not be developed or transferred separately unless in accordance with then current Zoning and Subdivision Regulations. Lots which have been developed separately shall not be merged.

Source: Article 4, First Session, March 9, 1993. Yes 635, No 213.

- F. Amend to: "Prior to the issuance of a building permit or change of occupancy permit, the applicant shall obtain a certificate of compliance form the Planning Board Chairman or designated member stating that the proposed structure, alternation, or use complies with all provisions of this Ordinance, or that the Zoning Board of Adjustment has issued a variance or special exception".

Source: Article 3, First Session, March 8, 1994. Yes 454, No 203.

- D.2. Amend last sentence, only, to: “A single parking space is defined as providing a minimum useable area of one hundred sixty two (162) square feet, configures nine feet (9’) wide by eighteen feet (18’) long. Adequate area for maneuvering, located contiguous to the parking space, shall also be provided for each space. Parking lot layouts shall conform to commonly accepted design standards”.

Source: Article 9, First Session, March 8, 1994. Yes 442, No 196.

J. BUSINESS DIRECTIONAL SIGNS:

This section shall regulate the standards for Business Directional Signs. The intent is to provide a means for the public to locate legal businesses and home occupations within the Town of Belmont by providing the opportunity for off site directional signage while promoting and protecting the safety and aesthetics of the Town.

1. Only one business per tax lot is allowed Business Directional Signage.
2. Business Directional Signs are allowed for legal businesses and home occupations only. A legal business shall be any business existing prior to the adoption of Zoning, and that has not ceased for more than one year since that adoption; or any business commencing after the adoption of zoning, but which has obtained all necessary permits and approvals for same; or any home occupation meeting the definition of same contained within this ordinance. Legal businesses and home occupations shall be categorized as:
 - A. Permanent - meaning any legal business or home occupation which is open for business a minimum of two days per week for fifty weeks per year; or
 - B. Seasonal - meaning any legal business or home occupation which is open for business a minimum of two days per week for less than fifty weeks per year.

Business Directional Signs for Seasonal Uses shall be removed during that time the Use is not operating. Such removal and erection shall be at the cost of the applicant.
3. Each proposed Business Directional Sign must obtain a permit from the Planning Board. Application to renew the permit must be made annually by the sign owner. Renewal reviews will be made to confirm that the sign is in compliance with the terms of this Ordinance. Deteriorated or damaged signs, ineligible signs, or signs for which a renewal permit is not issued shall be removed. Removed signs shall be replaced at the expense of the business owner when in compliance with the terms of this Ordinance.
4. In addition to the approval procedures required above, Business Directional Signs may be located within the right of way of a Class V Town road only after final approval by the Board of Selectmen pursuant to RSA 41:11.
5. The initial application process, size, material, lettering, placement, cost and annual review process for Business Directional Signs shall be as established by the Planning Board, within the Belmont Site Plan Review Regulations.

Source: Article 18, First Session, March 8, 1994. Yes 416, No 196.

Amendment: ARTICLE IV.D.2.:

Amend first sentence to “All proposed new development shall provide for adequate off street parking spaces in accordance with this Ordinance and the Site Plan Review Regulations.”

Delete second sentence.

Source: Article 6, First Session, March 14, 1995. Yes 452, No 155.

Amendment: Article IV.I. Replace last sentence with:

All mergers shall comply with RSA 674:39-a.

Source: Article 5, First Session, March 12, 1996. Yes 358, No 132.

Amendment: Article IV.B.

Add New Section 8.: 8. Home Occupations shall not utilize more than a total of 11000 square feet of the principal and/or accessory structure.

Source: Article 13, First Session, March 12, 1996. Yes 266, No 250.

Amendment: Article IV.C.

Amend to: ...except for domestic radio and television antennas, silos for storage of feed crops, church towers, water storage structures, chimneys, wind operated devices, or **aggregate processing structures.**

Amendment: Article IV.C.

The height limitations for all structures in all districts shall not exceed forty-five (45) feet as measured from the highest point of the structure to the average finished grade immediately surrounding the structure.

Source: Article 4, First Session, March 11, 1997. Yes 217, No 144.

Amendment: Article IV.J. Replace section with:

J. SIGNAGE.

(as already defined in definition section) Signs - Any panel, surface or object which measures 49 square feet per side and smaller and is recognizable as an advertising or directional device. Signs are not considered structures, must be placed a minimum of 10 feet from any boundary line and a permit must be obtained for the erection or expansion of same. Lighting accessory to any sign shall be shielded from abutters and traffic.

(as already defined in definition section) **Billboards** - Any panel or flat surface 50 square feet in size, per side, or larger designed to display outdoor advertising. All billboards will have a fixed location in the ground and be considered structures. Lighting accessory to billboards shall be shielded from abutters and traffic.

(as already defined in definition section) Sign - **Off Site Use** - sign, constructed and placed in accordance with this Ordinance, advertising a use not occurring on the same lot.

(as already defined in definition section) Sign - **On Site Use** - sign, constructed and placed in accordance with this Ordinance, advertising a use occurring on the same lot.

(as already defined in definition section) **Sign - Temporary Use** - sign, constructed and placed in accordance with this Ordinance, advertising a temporary use whether occurring on the same lot, or not.

Uses shall include:

Temporary owner grown agricultural product sale. There shall be no more than two (2) signs per lot and signs shall not total more than sixteen (16) square feet per side per sign. Signs shall not be in use for more than thirty (30) days, all consecutive days only, in any six (6) month period.

Temporary real estate signs indicating property for sale, rent, or lease. There shall be no more than two (2) signs per lot and signs shall not total more than sixteen (16) square feet per side per sign. Signs shall be removed within forty-eight (48) hours of property being sold, rented or leased.

Temporary directional signs for special events provided all such signs shall be removed within twenty-four (24) hours following termination of the event. A special event is an event which takes place no more than once in any thirty (30) day period and for no more than forty-eight (48) consecutive hours. There shall be no more than two (2) signs per event and signs shall not total more than sixteen (16) square feet per side per sign.

Temporary sign identifying contractors, architects, engineers, banks and other artisans, while working On-site, is permitted. There shall be no more than one (1) sign per lot and sign shall not exceed sixteen (16) square feet per side, per sign.

(as already defined in definition section) **Sign - Business Park Directory** - sign, constructed and placed in accordance with this Ordinance, for the purpose of identifying a complex of businesses. Complex shall be located on a single lot or on two or more contiguous lots served by a common road or driveway and shall contain two or more separate businesses. Sign shall be located on property contained as part of the complex. Sign shall identify the complex and identify, by name and/or logo, only, each business in the complex. Such signs may exceed 49 square feet and must comply with a setback of 10 feet from any boundary line. All other requirements of the Ordinance shall be met.

(as already included in Ordinance) **Sign - Business Directional** - This section shall regulate the standards for Business Directional Signs. The intent is to provide a means for the public to locate legal businesses and home occupations within the Town of Belmont by providing the opportunity for off site directional signage while promoting and protecting the safety and aesthetics of the Town.

1. Only one business per tax lot is allowed Business Directional Signage.
2. Business Directional Signs are allowed for legal businesses and home occupations only. A legal business shall be any business existing prior to the adoption of Zoning, and that has not ceased for more than one year since that adoption; or any business commencing after the adoption of zoning, but which has obtained all necessary permits and approvals for same; or any home occupation meeting the definition of same contained within this ordinance. Legal businesses and home occupations shall be categorized as:
 - A. Permanent - meaning any legal business or home occupation which is open for business a minimum of two days per week for fifty weeks per year; or
 - B. Seasonal - meaning any legal business or home occupation which is open for business a minimum of two days per week for less than fifty weeks per year.

Business Directional Signs for Seasonal Uses shall be removed during that time the Use is not operating. Such removal and erection shall be at the cost of the applicant.
3. Each proposed Business Directional Sign must obtain a permit from the Planning Board. Application to renew the permit must be made annually by the sign owner. Renewal reviews will be made to confirm that the sign is in compliance with the terms of this Ordinance. Deteriorated or damaged signs, ineligible signs, or signs for which a renewal permit is not issued shall be removed. Removed signs shall be replaced at the expense of the business owner when in compliance with the terms of this Ordinance.
4. In addition to the approval procedures required above, Business Directional Signs may be located within the right of way of a Class V Town road only after final approval by the Board of Selectmen pursuant to RSA 41:11.
5. The initial application process, size, material, lettering, placement, cost and annual review process for Business Directional Signs shall be as established by the Planning Board, within the Belmont Site Plan Review Regulations.

Source: Article 6, First Session, March 11, 1997. Yes 273, No 106.

Amendment: Article IV.F

Add - Prior to the issuance of a permit to move, remove, or demolish any structure, the applicant shall submit a copy of the application, signed by the structure owner and the land owner, to the Planning Board to be utilized by the Board for property use records maintenance.

Source: Article 8, First Session, March 11, 1997. Yes 301, No 77.

Amend Article IV.D.3. Rewrite

“Multi-Family Residential Use - for each unit - two spaces for the 1st bedroom and one-half space for each additional bedroom.”

Source: Article 2, First Session, March 9, 1999. Yes 324, No 80.

Amend: Article IV.K. Add new section.

Agricultural Animals — Agricultural animals, as defined by this ordinance, require minimum facilities and care as defined herein.

- a. A minimum lot size of one acre is required.
- b. Animal buildings, waste materials and grazing and keeping areas shall be a minimum of 50' from all property lines, wells, water bodies and wetlands areas.
- c. All grazing and keeping areas shall be securely fenced.
- d. No noise, odor or groundwater runoff nuisance shall occur.
- e. Shall comply with NH RSA 435:14.

Source: Article 8, First Session, March 14, 2000. Yes 525, No 191.

Article IV. Add new Section (L). “No enclosure not originally manufactured or built for the purpose shall be used as dwelling space, commercial or non-commercial work space, or animal or human shelter.”

Source: Article 2, First Session, March 11, 2003. Yes 267, No 181.

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

Article IV.J. Insert new paragraph between existing first and second paragraphs, “Free-standing signs and free-standing billboards shall not exceed a height of 25' measured from the highest point of the sign or billboard to the average finished grade immediately beneath the sign or billboard. Signs or billboards affixed to structures (not free-standing) shall not exceed the maximum height limitation for structures in the applicable zone.”

Source: Article 7, First Session, March 11, 2003. Yes 369, No 84.

Table of Contents and Article IV.D. Eliminate Off Street Loading and Parking section.

Source: Article 10, First Session, March 11, 2003. Yes 314, No 124.

Article 4.1. Replace first three paragraphs with:

Signs and Billboards — Only freestanding signs and billboards are regulated herein. Signs and Billboards are both considered signage. Signage is defined as any panel, surface or object recognizable as an advertising or directional device. Only one side of double-sided signage is used to calculate total signage size/numbers. Double sided signage is two sides of one panel and may not be configured in a “V” or other shape. Permits are required to erect, re-erect, enlarge, and/or change the content, lighting, or height of signage. Lighting accessory to signage shall be shielded from abutters and traffic. The maximum height shall be measured from the highest point of the signage to the average finished grade immediately beneath the sign or billboard. Signage affixed to structures shall not exceed the maximum height limitation for structures in the applicable zone.

	Commercial	Industrial	Residential Multi-Family	Residential Single Family	Rural	Village
Signs -Maximum size	49 sq ft	49 sq ft	49 sq ft	49 sq ft	49 sq ft	49 sq ft
Billboards -Maximum size	300 sq ft	300 sq ft	0 sq ft	0 sq ft	0 sq ft	0 sq ft

Signs -Setback from All property lines	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Billboards -Setback from All property lines	Art 5, Tbl 2 Structures	Art 5, Tbl 2 Structures	Art 5, Tbl 2 Structures	Art 5, Tbl 2 Structures	Art 5, Tbl 2 Structures	Art 5, Tbl 2 Structures
Signage -Total square footage Per tax lot	300	300	100	100	100	100
Signage -Total number per Tax lot	3	3	1	1	1	1
Signage -Maximum Height	25'	25'	25'	25'	25'	25'

Source: Article 8, First Session, March 9, 2004. Yes 438, No 196.

Replace article 4.J.

4.J. Agricultural animals, as defined by this ordinance, require minimum facilities and care as defined herein.

1. A minimum lot size of one acre is required.
2. Animal buildings, keeping areas and waste material storage areas shall be a minimum of 50' from all property lines, wells, water bodies and wetlands areas. Grazing areas are not subject to the 50' setback, but animals shall be prevented from accessing wetlands and water bodies.
3. All grazing and keeping areas shall be adequately fenced to contain the animals.
4. Noise and odors should not exceed those levels expected from normal operating procedures following best management practices. No pollution or contamination shall result from surface water runoff.
5. Uses shall comply with the requirements of NH RSA 435:14 relating to shelter for horses.
6. Siting and operation shall be subject to the application of the NH Department of Agriculture, Markets and Food Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire, dated April 2002, as amended.

Source: Article 10, First Session, March 9, 2004. Yes 499, No 136.

Article 4.C. — Add sentence:

New last sentence — “In the Commercial and Industrial Zones structures may exceed the forty-five (45) foot maximum height restriction by a Special Exception granted by the Zoning Board of Adjustment”

Source: Article 6, First Session, March 13, 2007. Yes 393, No 257.

Article 4.1 — Amend “Signage — Total square footage Per Tax Lot” row of Table by replacing “100” in “Residential Multi-Family”, “Residential Single Family”, “Rural” and “Village” Columns with “49”.

	Commercial	Industrial	Residential Multi-Family	Residential Single Family	Rural	Village
Signs -Maximum size	49 sq ft	49 sq ft	49 sq ft	49 sq ft	49 sq ft	49 sq ft
Billboards -Maximum size	300 sq ft	300 sq ft	0 sq ft	0 sq ft	0 sq ft	0 sq ft
Signs -Setback from All property lines	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Billboards -Setback from All property lines	Art 5, Tbl 2 Structures	Art 5, Tbl 2 Structures	Art 5, Tbl 2 Structures	Art 5, Tbl 2 Structures	Art 5, Tbl 2 Structures	Art 5, Tbl 2 Structures
Signage -Total square footage Per tax lot	300	300	49	49	49	49
Signage -Total number per Tax lot	3	3	1	1	1	1
Signage -Maximum Height	25'	25'	25'	25'	25'	25'

Source: Article 4, First Session, March 11, 2008. Yes 223, No 185.

Article 4.I. Replace existing first and second sentences.

Only freestanding signs, freestanding billboards, and electronic changing signs are regulated herein. Signs, billboards and electronic changing signs are considered signage.

Article 4.I. Table Add New Row

Signs-Electronic Changing Sign – All Zones – “See Requirements Below”

Article 4.I. Add New category.

Sign - Electronic Changing Sign - electronic message center (EMC), electronic message sign (EMS) and changeable copy board (CCB), signs that display illuminated messages that can change frequently, can flash, display and/or convey messages in text, graphics, pictures, symbols, multiple colors, rhythms, animation and/or patterns. This sign's message may be changed by the electronic switching of lamps, illuminated tubes, bulbs and/or through the apparent movement of light. These signs are capable of storing and/or displaying single or multiple messages in various formats at varying intervals. Electronic changing signs are permitted in the Commercial and Industrial Zones only. Electronic changing signs may be freestanding sign or building mounted, one or two-sided, may be a component of a larger sign or billboard, and shall conform to the following minimum requirements along with all other requirements for signage within this ordinance.

(1) Definitions relevant to Electronic Changing sign/billboard:

BRIGHTNESS - Also known as "intensity"; the LED Industry measures display intensity in candelas per square meter, which is also referred to as "NITS."

DIMMING - The ability to increase or decrease the overall display intensity brightness.

DIODE - Also called "light-emitting diode" (LED) or "surface-mounted diode" (SMD).

LED (LIGHT EMITTING DIODE/SMD) - A solid-state component that uses a semiconductor (a silicon chip or some type of semiconductor) that emits visible light when electric current passes through it.

LUMINANCE - The amount of light that passes through or is emitted from a particular area. The SI unit for luminance is candela per square meter.

NIT or NITS - A luminance-measuring unit equal to one candela (one candle) per square meter measured perpendicular to the rays from the source.

SI UNIT - An abbreviation for the International System of Units.

TEXT – Any form in which writing exists.

(2) No more than one electronic changing sign shall be allowed per lot.

- (3) Electronic changing signs shall not exceed 32 square feet. Electronic changing signs shall be restricted to a maximum of four lines of text or message display, and text shall be restricted to a maximum of 10 inches in height.
- (4) Electronic changing signs shall be required to have a minimum of 150 feet between other electronic changing signs located on the same side of a street or roadway.
- (5) Electronic changing signs shall be allowed only on lots with a minimum street frontage in accordance with the Table of Minimum Dimensional Requirements.
- (6) Electronic changing signs shall be located a minimum of 200 feet from any off-site residential dwelling unit.
- (7) All illumination elements on the face of electronic changing signs shall remain at a fixed level of illumination for a period of not less than 1 minute.
- (8) All text and message displays of an electronic changing sign shall fade onto and off of the electronic message display area, statically and uniformly, at a rate of change of no more than two seconds.
- (9) Electronic changing signs shall be equipped with automatic dimming controls, so the brightness level will be highest during the day and lowest at night. Manufacturer specifications shall be submitted at the time of sign permit specifying maximum sign brightness. The maximum brightness shall not exceed 8,000 NITS with a maximum nighttime reading not to exceed 20% of the sign's maximum brightness.
- (10) Under the provisions of this subsection, the applicant for a sign permit for an electronic changing sign shall provide with the application an affidavit, sworn or attested by the landowner, applicant and sign installer, attesting to the fact that:
 - (a) The sign to be installed meets all of the criteria set forth in the subsection; and
 - (b) That the sign shall operate in a manner consistent with the criteria set forth in this subsection; and
 - (c) The landowner and applicant agree to be held liable, separately or collectively, if these provisions are not met, for any fines or cost incurred by the Town of Belmont to enforce these provisions arising from such violations. This provision shall not be construed to supersede any other responsibility or remedy for such violations set forth in this chapter.

Article 4.I. Add New category.

Sign - Flashing Sign - Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever; does not include Electronic Changing Sign as defined above. No flashing signs are permitted in any district.

Source: Ballot Article 4, March 08, 2011. Yes 287, No 138.

Article 4.I. Delete first and last sentences from leading paragraph.

~~Only freestanding signs, freestanding billboards, and electronic changing signs are regulated herein. Signage affixed to structures shall not exceed the maximum height limitation for structures in the applicable zone.~~

Article 4.I. Table replace “Signage-Maximum Height”

~~“Signage-Maximum Height”~~

Signage-free standing – Maximum Height

Article 4.I. Table add

Signage-building mounted – Maximum Height not to exceed constructed roof-line of the structure to which it is attached. Constructed roofline shall not include any chimneys, stacks, steeples, antennas, roof-mounted equipment, walkways, enclosures or other such protuberances above the ridge line.

Source: Ballot Article 4, March 13, 2012. Yes 438, No 230.

Article 4.L. (add new)

Retaining Wall – Retaining Walls in excess of four feet (4') in height as measured from the average finished grade immediately surrounding the wall, requires a building permit. Retaining Walls are exempt from the setbacks contained in this Ordinance.

Source: Ballot Article 5, March 13, 2012. Yes 345, No 314.

Article 4.I. (replace in its entirety)Article 4.I**Purpose:**

Signs perform important functions that are essential for public safety and general welfare, including communicating messages, providing information about goods and services, and warning, orienting and directing people. It is further recognized that because of potential detrimental impacts, signs must be regulated to:

1. Protect transportation corridors from encroachment of structures, congestion and blight related to size, lighting and location which may interfere with the visibility from or to access points and thereby prevent hazards to vehicular and pedestrian traffic safety; and
2. Provide easy recognition and legibility of permitted signs and uses and promote visual order and clarity on streets; and
3. Facilitate efficient communication by implementing design criteria that produces signs which can be easily read and recognized without distracting elements; and
4. Preserve the natural features and protect the rural qualities of the Town of Belmont; and
5. Support business and community vitality by informing the public of available goods, services, and activities; and
6. Protect property values and investment backed expectations through an orderly and reasonable allowance for signage; and
7. Prevent nuisances and ensure the quiet enjoyment of one's property by recognizing the differing needs of commercial and non commercial properties; and
8. Promote community self-sufficiency by allowing temporary, seasonal, and on and off site signs for all lots within the community; and
9. Be consistent with the goals of the Belmont Master Plan.

General Provisions:

Signs shall be permitted in any district subject to the regulations contained in this Ordinance. Any sign or use of sign shall conform to the following standards.

1. Sign Permit Process:
 - a. A completed Sign Permit Application must be submitted to the Land Use Office and a permit for signs, conforming to all specifications of this section, must be secured prior to erecting, re-erecting, altering, relocating, enlarging, making structural repairs or changes, and/or changing the lighting, size or height of signs. Content changes do not require a permit.
 - b. If a sign permit has been issued to a particular use and that use is sold, a new sign construction permit will not be required if the new use is similar, the sign is the same size, the sign and supports have the same materials, and the sign is in the same location.
2. The owner of any sign which is otherwise allowed under this Article may substitute non-commercial copy in lieu of commercial or non-commercial copy without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech.
3. Signs existing legally at the time of the adoption of this Ordinance may continue. Preexisting nonconforming signs may be replaced in kind but shall not be expanded.
4. Signs for a non-residential use that has not operated within the previous ninety (90) days shall be removed within thirty (30) days.
5. All signs shall be designed, constructed and maintained in accordance with this Zoning Ordinance and the International Building Code as adopted by the State of NH. Signs shall be constructed of permanent materials and shall be properly attached to the ground, building, or other structure. Signs may also subject to State and Federal regulations.

6. Illuminated signs shall be lit by steady, non-flashing, white light which shall be shielded from abutters and traffic.
7. Building mounted signs are considered a component of the building to which they are attached. The square footage of a building mounted sign is not a component of the maximum permitted per-lot signage square footage. They must otherwise comply with this ordinance.
8. Severability: If a provision or certain language of this sign ordinance becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision or language of this sign ordinance.

Exempt Signs:

1. Signs erected by governmental units or required by federal, state or local law are not subject to regulation by this ordinance.
2. Signs erected on the interior of a building that cannot be viewed from outside of the building are not subject to regulation by this ordinance.
3. Traffic control devices erected as a government permit requirement are not subject to regulation by this ordinance.
4. Street numbers associated with private residential homes.
5. Warning signs marking hazards on private property.

Prohibited Signs:

1. 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.
2. Signs attached to trees, rocks, or other parts of a natural landscape, utility poles, fences, guardrails or other highway delineators are not permitted.
3. Signs on a vehicle or trailer unless such sign is a component of permitted on-site signage are not permitted.
4. 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.
5. Flashing signs, signs that flash, have motion, are animated, create an illusion of movement, or are internally illuminated are not permitted except as allowed in the electronic sign section of this ordinance.
6. No flashing signs are permitted in any district.
7. Signs for off-site uses are not permitted with the exception of permitted Directional or Complex signs.

Dimensional Table:

	Commercial	Industrial	Residential Multi-Family	Residential Single Family	Rural	Village
Signs Free-Standing – Maximum size*	49 sq ft	49 sq ft	49 sq ft	49 sq ft	49 sq ft	49 sq ft
Signs-Electronic Changing Sign	All Zones – See Requirements Below					
Signs Free-Standing - Setback from All Property Lines*	10 feet	10 feet	10 feet	10 feet	10 feet	10 feet
Signs Free-Standing – Total square footage per tax lot	300	300	49	49	49	49
Signs Free-Standing – Number per tax lot	3	3	1	1	1	1
Signs Free-Standing – Maximum Height	25'	25'	25'	25'	25'	25'
Signs – Building Mounted	Maximum Height not to exceed constructed roof-line of the structure to which it is attached. Building mounted signs shall be below the eave of a hip, gambrel, or other pitched roof building, or below the main roof deck line of a building with a mansard roof. Constructed roofline shall not include any chimneys, stacks, steeples, antennas, roof-mounted equipment, walkways, enclosures or other such protuberances above the ridge line.					

*Also See Complex and Directional Sign Standards

Electronic Changing Sign Regulations:

This sign's message may be changed by the electronic switching of lamps, illuminated tubes, bulbs and/or through the apparent movement of light. These signs are capable of storing and/or displaying single or multiple messages in various formats at varying intervals. Electronic changing signs are permitted in the Commercial and Industrial Zones only. Electronic changing signs may be freestanding sign or building mounted, one or two-sided, may be a component of a larger sign or billboard, and shall conform to the following minimum requirements along with all other requirements for signage within this ordinance.

1. Definitions relevant to Electronic Changing sign/billboard:
 BRIGHTNESS - Also known as "intensity"; the LED Industry measures display intensity in candelas per square meter, which is also referred to as "NITS."
 DIMMING - The ability to increase or decrease the overall display intensity brightness.
 DIODE - Also called "light-emitting diode" (LED) or "surface-mounted diode" (SMD).
 LED (LIGHT EMITTING DIODE/SMD) - A solid-state component that uses a semiconductor (a silicon chip or some type of semiconductor) that emits visible light when electric current passes through it.
 LUMINANCE - The amount of light that passes through or is emitted from a particular area. The SI unit for luminance is candela per square meter.
 NIT or NITS - A luminance-measuring unit equal to one candela (one candle) per square meter measured perpendicular to the rays from the source.
 SI UNIT - An abbreviation for the International System of Units.
 TEXT - Any form in which writing exists.
2. No more than one electronic changing sign shall be allowed per lot.
3. Electronic changing signs shall not exceed 32 square feet. Electronic changing signs shall be restricted to a maximum of four lines of text or message display, and text shall be restricted to a maximum of 10 inches in height.
4. Electronic changing signs shall be required to have a minimum of 150 feet between other electronic changing signs located on the same side of a street or roadway.
5. Electronic changing signs shall be allowed only on lots with a minimum street frontage in accordance with the Table of Minimum Dimensional Requirements.
6. Electronic changing signs shall be located a minimum of 200 feet from any off-site residential dwelling unit.
7. All illumination elements on the face of electronic changing signs shall remain at a fixed level of illumination for a period of not less than 1 minute.
8. All text and message displays of an electronic changing sign shall fade onto and off of the electronic message display area, statically and uniformly, at a rate of change of no more than two seconds.
9. Electronic changing signs shall be equipped with automatic dimming controls, so the brightness level will be highest during the day and lowest at night. Manufacturer specifications shall be submitted at the time of sign permit specifying maximum sign brightness. The maximum brightness shall not exceed 8,000 NITS with a maximum nighttime reading not to exceed 20% of the sign's maximum brightness.
10. Under the provisions of this subsection, the applicant for a sign permit for an electronic changing sign shall provide with the application an affidavit, sworn or attested by the landowner, applicant and sign installer, attesting to the fact that:
 - a. The sign to be installed meets all of the criteria set forth in the subsection; and
 - b. That the sign shall operate in a manner consistent with the criteria set forth in this subsection; and
 - c. The landowner and applicant agree to be held liable, separately or collectively, if these provisions are not met, for any fines or cost incurred by the Town of Belmont to enforce these provisions arising from such violations. This provision shall not be construed to supersede any other responsibility or remedy for such violations set forth in this chapter.

Directional Sign Standards:

This section shall regulate the standards for Directional signs. The intent is to provide a means for the public to locate uses off the State highways by providing the opportunity for off-site directional signs while promoting and protecting the safety and aesthetics of the Town.

Sign size shall not exceed two (2) square feet and shall be placed no closer than one (1) mile apart. The number of signs per use will be further restricted to those required to direct traffic from the closest State Highway. Signs

shall be located on land outside the traveled right-of-way and with written permission from the lot owner on which the sign is erected and shall meet the required setbacks. The square footage of Directional signs shall be used in calculating the total square footage for the lot on which the sign is located.

1. Only one use per tax lot is allowed directional signs.
2. Directional signs are allowed for all legal uses. Uses shall be categorized as:
 - a. Permanent - meaning any use operates on the site year-round.
 - b. Seasonal - meaning any use which operates on the site less than year-round. Directional signs for seasonal uses shall be removed during that time the use is not operating.
3. Each proposed Directional sign must obtain a sign permit. Signs must be free-standing, located in accordance with this requirements of this ordinance, must be maintained in a safe and legible condition, and shall include only the name of the use for which the sign is used.

Complex Sign Standards:

Complex signs shall be constructed and placed in accordance with this Ordinance for the purpose of identifying a complex of primary commercial uses. Uses shall be located on a single lot or on two or more contiguous lots served by a common road or driveway and shall contain two or more separate primary commercial uses or buildings. Sign shall be located on property contained as part of the complex. Sign shall identify the complex and identify, by name and/or logo only, each primary commercial use in the complex. Such signs may exceed 49 square feet but must otherwise meet the requirements of the ordinance.

Definitions:

Electronic Changing Sign - electronic message center (EMC), electronic message sign (EMS) and changeable copy board (CCB), signs that display illuminated messages that can change frequently, can flash, display and/or convey messages in text, graphics, pictures, symbols, multiple colors, rhythms, animation and/or patterns.

Flashing Sign - Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever; does not include Electronic Changing Sign as regulated by this ordinance.

Sign – A name, identification, description, display or illustration, which is affixed to, painted or represented directly or indirectly upon a building, or other outdoor surface which directs attention to or is designed or intended to direct attention to the sign face or to an object, product, place, activity, person, institution, organization or business.

Sign Off Site - sign, constructed and placed in accordance with this Ordinance, advertising a use not occurring on the same lot.

Sign On Site - sign, constructed and placed in accordance with this Ordinance, advertising a use occurring on the same lot.

Source: Ballot Article 4, March 16, 2017. Yes 458, No 218.

Article 4.I.4.e. Revise-add “or”, delete “, or are internally illuminated”:

- 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.

Source: Ballot Article 7, March 13, 2018. Yes 291, No 105.

ARTICLE V. ZONING DISTRICT REGULATIONS

- A. Permitted uses and uses permitted through Special Exception for each district are shown in Table 1.
- B. Lot Requirements for each district are shown in Table 2.

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

TABLE 1
TABLE OF PERMITTED USES

X = Permitted SE = Special Exception Certain uses that have not been listed may be permitted. How they will be regulated by this Ordinance shall be determined by the Planning Board based on characteristics the use may share with those listed below.						
	Industrial	Commercial	Village	R-Multi-Family	R-Single-Family	Rural
Single-Family Dwellings			X		X	X
Two-Family Dwellings			X	X		SE
Multi-Family Dwellings		SE	X	X		
Manufactured/Mobile Home Parks				X		
Lodging Houses			X			SE
Motels		X				
Inns		X	X	X		SE
Rest, Convalescent, and Group Homes		SE	X			SE
Medical/Dental Clinics		X	X			
Home Occupations			X	X	X	X
Offices, Under 2,000 sq. ft.	X	X	X			
Offices, Over 2,000 sq. ft.	X	X				
Retail Stores, Under 2,000 sq. ft.	X	X	X			
Retail Stores, Over 2,000 sq. ft.	X	X				
Restaurants	X	X	X			SE
Places of Public Assembly, Churches		X	X			
Indoor Theater		X				
Schools, Public and Private		SE				
Clubhouse		X	X			
Essential Services	X	X				
Gas Stations, Auto Repair Shops	X	X				
Veterinary Clinics	X	X				X
Boarding Stables, Riding Schools		X				X
Outdoor Recreation Facility		SE				SE
Campgrounds						X
Agriculture	X	X	X	X	X	X
Forestry	X	X	X	X	X	X
Removal of Gravel, Stone, Sand, Loam for Commercial Purposes	X	X	SE	SE	SE	X
Manufacturing	X					
Warehouses	X	SE				SE
Saw Mills, Wood Chip & Pellet Operations	X	SE				SE
Motor Vehicle, Machinery, Scrap Metal Junkyards	X					
Resource Recycling	X					
Billboards	X	X				

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

TABLE 1
TABLE OF PERMITTED USES

X = Permitted SE = Special Exception Certain uses that have not been listed may be permitted. How they will be regulated by this Ordinance shall be determined by the Planning Board based on characteristics the use may share with those listed below.	Industrial	Commercial	Village	R-Multi-Family	R-Single-Family	Rural
Single-Family Dwellings			X	X	X	X
Two-Family Dwellings			X	X		SE
Multi-Family Dwellings		SE	X	X		
Manufactured/Mobile Home Parks				X		
Lodging Houses			X			SE
Motels		X				
Inns		X	X	X		SE
Rest, Convalescent, and Group Homes		SE	X			SE
Medical/Dental Clinics		X	X			
Home Occupations			X	X	X	X
Offices, Under 2,000 sq. ft.	X	X	X			
Offices, Over 2,000 sq. ft.	X	X				
Retail Stores, Under 2,000 sq. ft.	X	X	X			
Retail Stores, Over 2,000 sq. ft.	X	X				
Restaurants	X	X	X			SE
Places of Public Assembly, Churches		X	X			
Indoor Theater		X				
Schools, Public and Private		SE				
Clubhouse		X	X			
Essential Services	X	X				
Gas Stations, Auto Repair Shops	X	X				
Veterinary Clinics	X	X				X
Boarding Stables, Riding Schools		X				X
Outdoor Recreation Facility		SE				SE
Campgrounds						X
Agriculture	X	X	X	X	X	X
Forestry	X	X	X	X	X	X
Removal of Gravel, Stone, Sand, Loam for Commercial Purposes	X	X	SE	SE	SE	X
Manufacturing	X					
Warehouses	X	SE				SE
Saw Mills, Wood Chip & Pellet Operations	X	SE				SE
Motor Vehicle, Machinery, Scrap Metal Junkyards	X					
Resource Recycling	X					
Billboards	X	X				

Source: Article 3, First Session, March 10, 1987. Yes 432, No 95.

Amend the Belmont Zoning Ordinance Article V., Subsection A, Table 1 by deleting the words “mobile home” from the reference to “Manufactured home Parks.”

Amend the Belmont Zoning Ordinance Article V., Section A, Table 1 to allow Manufactured Homes on individual lots only in the Village and Rural Districts.

Source: Article 2, First Session, March 13, 1990. Yes 617, No 259.

ARTICLE V. – TABLE 1
Zoning District Regulations
Table of Permitted Uses

Note: P-Permitted Use; E-Special Exception Necessary; N-Not Permitted

	Commercial	Industrial	Residential Multi-Family	Residential Single Family	Rural	Village
<u>Commercial Uses:</u>						
Activity related to the removal of sand, gravel, loam or stone for commercial purposes	P	P	P	P	P	P
Automotive Services, Auto Sales, Auto Repair, Gas Stations, parts and Inspection Stations	P	P	N	N	E	E
Billboard – advertising on-site use	P	P	N	N	N	N
Billboard – advertising off-site use	N	N	N	N	N	N
Boat Sales & Service	P	P	N	N	E	N
Boat Storage Facilities	P	N	N	N	E	N
Business & Professional Offices	P	P	N	N	E	P
Campgrounds	P	N	N	N	P	N
Commercial Greenhouses	P	P	E	E	E	E
Contractor's Yard	P	P	N	N	E	N
Diners, Restaurants, Taverns, Halls	P	P	E	N	P	P
Equestrian Centers, Stables	E	E	N	N	P	N
Essential Services Public, Private Utility Suppliers	P	P	P	P	P	P
Funeral Homes	P	N	N	N	N	P
Hotel/Motel/Rental Cottages	P	N	N	E	E	E
Laundry, Dry Cleaners	P	P	N	N	N	P
Lumber Yards	P	P	N	N	N	N
Medical and Dental Offices	P	N	N	N	N	P
Radio and Television Installations	E	E	N	N	E	N
Recreational Facilities – Indoor	E	E	P	P	P	P
Recreational Facilities – Outdoor	E	E	E	N	E	E
Repair Services, Machine Shops, Small Assembly	P	P	N	N	E	E
Retail Stores	P	P	N	N	N	P
Sawmills	P	P	N	N	E	N
Theaters	P	N	N	N	N	P
Veterinary Clinics, Boarding Kennels	P	N	N	N	E	N
Warehousing/self-storage	P	P	N	N	E	N

	Commercial	Industrial	Residential Multi-Family	Residential Single Family	Rural	Village
<u>Industrial Uses:</u>						
Blast Furnaces	N	N	N	N	N	N
Fertilizer Plants	N	N	N	N	N	N
Manufacturing – Heavy	N	P	N	N	N	N
Manufacturing – Light	E	P	N	N	N	N
Processing of Ammonia, Chlorine, Petroleum or Explosives	N	N	N	N	N	N
Rendering Plants	N	N	N	N	N	N
Resource Recycling	P	P	N	N	E	N
Salvage/Junkyards including automobile, truck, bus, machinery, metal	N	P	N	N	E	N
Slaughter Houses	N	N	N	N	N	N
Smelters	N	N	N	N	N	N
Tanneries	N	N	N	N	N	N
Truck Terminal	E	P	N	N	N	N
<u>Institutional Uses:</u>						
Cemeteries	N	N	N	N	P	P
Churches	N	N	P	P	P	P
Fraternal & Social Clubs	P	N	N	N	N	P
Hospitals/Clinics	P	N	N	N	E	P
Licensed Day Care Facilities	P	P	P	P	P	P
Minimal Care Facility	E	N	N	N	E	E
Nursing & Convalescent Facilities	P	N	N	N	E	P
Schools, Public & Private	P	N	N	N	E	P
<u>Residential Uses:</u>						
Agriculture, Forestry Management	P	P	P	P	P	P
Bed & Breakfast Establishments and Lodging Houses	P	N	E	E	E	E
Cluster Development	N	N	P	P	P	P
Dwelling – Multi-Family	E	N	P	N	N	P
Dwelling – Single Family	E	E	E	P	P	P
Dwelling – Two Family	N	N	P	N	P	P
Half-way House	E	N	N	N	N	E
Home Occupations	P	P	P	P	P	P
In-law Apartments	N	N	E	E	E	E
Manufactured Housing	N	N	E	N	P	P
Manufactured Housing Parks	N	N	P	N	P	N
Shared-homes, Group-living Units	P	N	N	N	E	P
<u>Nonconforming Uses</u>	REFER TO ARTICLE VIII					
Certain uses that have not been listed may or may not be permitted. How they will be regulated by this Ordinance shall be determined by the Planning Board based on characteristics the use may share with those listed above.						

Source: Article 2, First Session, March 10, 1992. Yes 636, No 535.

Amendment: ARTICLE V. TABLE 1:

Under Commercial Add:

Manufactured Housing - Non Dwelling - Allowed by Special Exception in the “C”, “I”, “R”, “RM” & “V” Zones.

Under Industrial Uses Add:

Manufactured Housing - Non Dwelling - Allowed by Special Exception in the “C”, “I”, “R”, “RM” & “V” Zones.

Under Institutional Uses Add:

Manufactured Housing - Non Dwelling - Allowed by Special Exception in the “C”, “I”, “R”, “RM” & “V” Zones.

Under Residential Uses Amend and Add:

Manufactured Housing to Manufactured Housing-Dwelling Manufactured Housing-Dwelling - Amend to Permitted in “C” Zone by Special Exception.

Source: Article 5, First Session, March 9, 1993. Yes 459, No 380.

Amendment: ARTICLE V. TABLE 1:

Under Commercial Add:

Service Business - Permitted in the “C” & “V” Zones; by Special Exception in the “RM” & “R” Zones.

Source: Article 6, First Session, March 9, 1993. Yes 459, No 324.

Amendment: ARTICLE V. TABLE 1:

Under Residential Uses Amend and Add:

Dwelling - Multi-family - Not permitted in the “C” Zone.

Dwelling - Single Family - Not permitted in the “I” Zone.

Source: Article 7, First Session, March 9, 1993. Yes 397, No 387.

Create a new category, “Accessory Building/Use” under the Permitted Use Table and allow in all Zones.

Source: Article 10, First Session, March 8, 1994. Yes 413, No 203.

Insert a definition for, and add “Aircraft Landing Area” under the Permitted Use Table and allow in all zones, by Special Exception.

Source: Article 11, First Session, March 8, 1994. Yes 374, No 236.

Amend the use of “Automotive Services. Auto Sales, Auto Repair. Gas Stations and Parts Sales” by replacing the word “Automotive” with the words “Motor Vehicle & Trailer”.

Source: Article 12, First Session, March 8, 1994. Yes 428, No 206.

Insert a definition for, and add “Licensed Hawking, Peddling and Vending”, under the Permitted Use Table and allow in the “Commercial”, “Village” and “Industrial” Zones.

Source: Article 15, First Session, March 8, 1994. Yes 387, No 208.

To amend the Ordinance to allow “Manufactured Housing-Dwelling” on individual lots in the “Residential Single-Family” Zone. This amendment is to bring the current Zoning Ordinance into compliance with State requirements. Do not allow Manufactured Housing Parks in any zone.

Source: Article 17, First Session, March 8, 1994. Yes 464, No 147.

Insert a definition for and add “Business Directional Signs” under the Permitted Use Table and allow the use in all Zones. Such signs were previously not allowed under the Ordinance.

Insert a definition for and add “Signs for On Site Use” under the Permitted Use Table and allow the use in all Zones.

Insert a definition for and add “Signs for Off Site Use” under the Permitted Use Table and do not allow in any Zone.

Insert a definition for and add “Signs for Temporary Use” under the Permitted Use Table and allow the use in all Zones.

Source: Article 18, First Session, March 8, 1994. Yes 416, No 196.

Delete: Footnote: “Certain uses that have not been listed may or may not be permitted. How they will be regulated by this Ordinance shall be determined by the Planning Board based on characteristics the use may share with those listed above.”

Source: Article 2, First Session, March 8, 1994. Yes 340, No 301.

ARTICLE V.-TABLE 1:

Delete all references to “Manufactured Housing - Non Dwelling”.

Source: Article 2, First Session, March 14, 1995. Yes 461, No 182.

ARTICLE V.TABLE 1:

Add use “Sign-Business Park Directory”. Permitted in Commercial Industrial & Village Zones.

Source: Article 4, First Session, March 14, 1995. Yes 390, No 206.

Amendment: **ARTICLE V.TABLE 1:**

Amend Dwelling - Single Family and Manufactured Housing - Dwelling to Permitted in Residential Multi-Family Zone.

Source: Article 3, First Session, March 14, 1995. Yes 432, No 182.

Amendment: **ARTICLE V.Table 1.**

Manufactured Housing Parks Not Permitted in Residential Multi-Family or Rural Zones.

Source: Article 8, First Session, March 14, 1995. Yes 463, No 144.

Amendment: **ARTICLE V. -TABLE 1:**

Permit In-Law apartments in the RM, R & V Zones; Allow in RS Zone by Special Exception.

Source: Article 10, First Session, March 14, 1995. Yes 462, No 138.

Amendment: Article V. Table 1.

Manufacturing - Light, Permitted (P) in the Commercial Zone.

Source: Article 3, First Session, March 12, 1996. Yes 474, No 73.

Amendments: Article V. Table 1. Allow sludge application in the Rural Zone only, by Special Exception.

Source: Article 17, First Session, March 12, 1996. Yes 440, No 84.

Amendments Article V-Table 1. Permitted Use Table

Under Residential Uses: Change “Manufactured Housing Parks” to “Manufactured Housing Parks/Subdivisions” and permit “P” in the Residential Multi-Family and Rural Zones.

Under Residential uses: Change “Manufactured Housing-Dwelling” to “Manufactured Housing-Dwelling (outside of approved park or subdivision). Change all zones to “N”.

Source: Article 4, First Session, March 10, 1998. Yes 378, No 238.

Amendment Article V-Table 1. Permitted Use Table

Add “Manufactured Housing Sales Lot” to use table and allow in “C” Zone.

Source: Article 6, First Session, March 10, 1998. Yes 370, No 233.

Amendment Article V. Table 1. Permitted Use Table

Add “Storage Vehicles & Trailers” under Commercial Uses and Industrial Uses. In both cases permit, “P”, in the Commercial & Industrial Zones.

Source: Article 7, First Session, March 10, 1998. Yes 394, No 206.

Amendment Article V.B. Table I. Permitted Use Table

Move ‘Resource Recycling’ from under Industrial Uses to under Commercial Uses.

Source: Article 8, First Session, March 10, 1998. Yes 449, No 145.

Amendment Article V. Table 1. Permitted Use Table

Move “Light Manufacturing” from under Industrial Uses to under Commercial Uses.

Source: Article 9, First Session, March 10, 1998. Yes 442, No 133.

Amendment Amend Article V, Table 1. Permitted Use Table

Service Business “E” (allowed by Special Exception) in the Industrial Zone.

Source: Article 10, First Session, March 10, 1998. Yes 476, No 112.

Amendments Amend Article V. Table 1. Permitted Use Table

Drop “Halls” from “Diners, Restaurants, Taverns, Halls” and Add “& Halls” to Fraternal & Social Clubs”

“Fraternal & Social Clubs & Halls” shall be permitted (P) in the RM, RS, R & V Zones and not permitted (N) in the C & I Zones.

“Funeral Homes”, and ‘Schools, Public & Private” shall be permitted (P) in the RM, RS, R & V Zones and not permitted (N) in the C & I Zones.

Change the title “Theater’..” to “Movie Theaters”.

Source: Article 11, First Session, March 10, 1998. Yes 359, No 232.

Amend Article V, Table 1 Add

“P” permitted in all zones.

Source: Article 8, First Session, March 9, 1999. Yes 361, No 36.

Amendment: Article V., Table 1 - Add.

“Agricultural Animals” under both Commercial and Residential use tables as “E” (Special Exception) in the Village Zone, and “P”(Permitted) in all other Zones.

Source: Article 11, First Session, March 9, 1999. Yes 276, No 125.

Amend Article V. Table 1 - Add:

Under Industrial Uses heading - “Petroleum and Propane Gas Bulk Storage Facilities”. Permit (P) in Industrial Zone, allow by Special Exception (E) in the Commercial Zone, do not permit (N) in the Residential Multi-Family, Residential Single Family, Rural & Village zones.

Source: Article 15, First Session, March 9, 1999. Yes 348, No 40.

Amend: Article V, Table 1 - add

Treated soils - Special Exception required (E) in all zones.

Source: Article 2, First Session, March 14, 2000. Yes 522, No 177.

Amend: Article V, Table 1 — add

Telecommunication facilities — Special Exception required (E) in Commercial, Industrial, and Rural Zones. Not permitted (N) in the Residential Single-Family, Residential Multi-Family, and Village Zones.

Source: Article 3, First Session, March 14, 2000. Yes 567, No 144.

Article V. Table 1

Cluster Development — Permitted (P) in Residential Multi-Family, Residential Single-Family, Rural and Village Zones. Not permitted (N) in Commercial and Industrial Zones.

Cluster Development (parent tract under 10 Acres) - Special Exception required (E) in Village Zone. Not permitted (N) in Commercial, Industrial, Residential MultiFamily, Residential Single-Family and Rural Zones.

Source: Article 4, First Session, March 14, 2000. Yes 545, No 129.

Amend: Article V. Table 1. Separate uses. Lodging houses are not allowed in the Commercial Zone. Lodging houses are not permitted (N) in the Commercial Zone.

Source: Article 6, First Session, March 14, 2000. Yes 509, No 194.

Amend: Article V. Table 1. Amend.

Agricultural Animals on lots 3 acres and larger — Allowed by special exception in Commercial, Industrial, and Village Zones. Permitted in Residential Multi-Family, Residential Single-Family, and Rural Zones.

Amend: Article V. Table I. Add

Agricultural Animals on lots less than 3 acres — Allowed by special exception in all zones.

Source: Article 8, First Session, March 14, 2000. Yes 525, No 191.

Amend: Article V, Table 1. Add

Satellite sales lots are permitted in the Commercial and Industrial Zones (P).

Source: Article 9, First Session, March 14, 2000. Yes 522, No 168.

Amend: Article V. Table 1. Amend

Sawmills are permitted in the Commercial zone by Special Exception (E).

Source: Article 12, First Session, March 14, 2000. Yes 465, No 217.

Amend: Article V. Table 1.

Contractor's Yard allowed by special exception (E) in the Commercial zone.

Source: Article 14, First Session, March 14, 2000. Yes 465, No 211.

Amend: Article V. Table 1.

Replace "Minimal Care Facility" with "Assisted Living Facility".

Source: Article 15, First Session, March 14, 2000. Yes 539, No 127.

Article V, Table 1 (Amend)

Permitted in the Commercial and Industrial Zones. Not permitted in remaining zones.

Source: Article 2, First Session, March 13, 2001. Yes 256, No 92.

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

Article V. Table 1. and Article XIII. - Replace the title “Telecommunication Facilities” with “Personal Wireless Service Facilities” and place in appropriate alphabetical order. No change in the permitted zones or otherwise in definition. Renumber the existing Personal Wireless Services section as a separate Article and renumber the remaining Articles as necessary.

Source: Article 6, First Session, March 11, 2003. Yes 373, No 74.

Table of Contents, Article V, Article VI and Article XIII — replace every instance of the term “Cluster” with “Open Space” with the exception of the use of the word “cluster” in Article VI.A. 12.

Article V and Article XIII place the newly titled section in appropriate alphabetical order.

Source: Article 8, First Session, March 11, 2003. Yes 333, No 112.

Article V. Delete reference to “Rental Cottages”.

Source: Article 12, First Session, March 11, 2003. Yes 253, No 150.

Article V. Also Permit Hotel/Motel in the Industrial Zone by Special Exception.

Source: Article 13, First Session, March 11, 2003. Yes 321, No 113.

Article 5, Table 1 - Delete In-law Apartments use line.

Article 5, Table 1 — Add Accessory Apartment use line, Permit in Residential Multi-Family, Rural and Village zones; Not Permitted in Commercial and Industrial Zones. Permitted by Special Exception in Residential Single-Family Zone.

Source: Article 1, First Session, March 14, 2006. Yes 301, No 163.

Article 5. Table 1:

“Campgrounds” — Permit in Commercial zone. Permit by Special Exception in the Rural Zone. Prohibit in all other zones.

Add “Campground-RV Resort” — Permit in Rural and Residential Multi-Family Zones. Prohibit in all other zones.

Source: Article 3, First Session, March 13, 2007. Yes 351, No 291.

Article 5, Table 1

Change permitted use table to: Sludge/Biosolids-Not permitted in any zone.

Source: Ballot Article 2, March 9, 2010. Yes 458, No 283.

Article 5, Table 1

Replace “Cemeteries” with “Cemeteries, Private Burial Grounds, Burials on Private Property”.

Amend to permit in Rural Zone only.

Source: Ballot Article 3, March 8, 2011. Yes 302, No 125.

Article 5, Table 1, Add

Sign – Electronic Changing Sign – Permit in Commercial and Industrial Zones only.

Sign – Flashing Sign – Not permitted in any zone.

Source: Ballot Article 4, March 8, 2011. Yes 287, No 138

Article 5, Table 1, Under Industrial Uses Add

Municipal Solid Waste Transfer Station – Permit “P” in the Industrial Zone. Do not permit “N” in all other zones.

Source: Ballot Article 2, March 9, 2013. Yes 276, No 215

Article 5, Table 1, Replace “Accessory Apartment” with “Accessory Dwelling Unit”.

Source: Ballot Article 3, March 16, 2017. Yes 515, No 169

Article 5, Table 1, Delete the following Uses (now regulated under Article 4.I)

Billboard-advertising on site use. Billboard-advertising off site use. Sign-Business Directional. Sign-Business Park Directory. Sign-Electronic Changing Sign. Sign-Flashing Sign. Sign-Off Site Use. Sign-On Site Use. Sign-Temporary Use.

Source: Ballot Article 4, March 16, 2017. Yes 458, No 218

Article 5, Table 1, Replace Boat Storage Facilities with:

Boat Storage-Facilities-Interior-“P” Permit in the Commercial & Industrial Zones, “E” Permit by Special Exception in the Rural Zone, “N” Not Permitted in the remaining zones.

Boat Storage-Facilities-Exterior-“E” Permit by Special Exception in the Commercial zone, “N” Not Permitted in the remaining zones.

Source: Ballot Article 2, March 13, 2018. Yes 286, No 126

Article 5, Table 1, Replace Warehousing/self-storage with:

Warehousing/self-storage Facilities-Interior-“P” Permit in the Commercial & Industrial Zones, “E” Permit by Special Exception in the Rural Zone, “N” Not Permitted in the remaining zones.

Warehousing/self-storage Facilities-Exterior- “E” Permit by Special Exception in the Commercial zone, “N” Not Permitted in the remaining zones.

Source: Ballot Article 3, March 13, 2018. Yes 292, No 121

Article 5, Table 1, Replace Dwelling-Single-Family (add'l SE criteria Art 13) with:

Dwelling-Single Family-“N” not permitted in the Commercial & Industrial zones, “P” in the remaining zones.

Dwelling-Single Family Subordinate to Non-Residential Use-“CU” permitted in the Commercial & Industrial zones by Conditional Use Permit, “N” not permitted in the remaining zones.

Source: Ballot Article 5, March 13, 2018. Yes 266, No 132

TABLE 2
DIMENSIONAL REGULATIONS

Zone		Min Lot Size	Min Sewer Req'd	Max Units Acre	Min Front	Front Setback	Side Setback	Rear Setback
Industrial	I	2A	N	--	150	50	50	50
Commercial	C	1A	N	--	150	50	35	35
Village	V	.5A	Y	4.00	100	25	25	25
Residential Multi Family	RM	1A	Y	4.00	150	50	25	25
Residential Single Family	RS	1A	N	1.00	150	50	25	25
Rural	R	3A	N	.33	180	50	50	50

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

Add: NOTE: The front setback for all lots located on Rte. 106 is 75 feet. All other dimensional regulations shall be per the zone in which the parcel is situated.

Source: Article 6, First Session, March 10, 1987. Yes 103, No 118.

ARTICLE V. – TABLE 2
Zoning District Regulations
Dimensional Regulations

	Commercial	Industrial	Residential Multi-Family	Residential Single Family	Rural	Village
Minimum lot size in acres except as provided in the Belmont Subdivision Regulations	2	2	1	1	3	0.5
With Municipal Sewer	1	1	1	1	3	0.5
With Municipal Sewer & Water	0.5	0.5	1	1	3	0.5
Minimum dwelling units per acre			4	1	.33	4
With Municipal Sewer			4	1	.33	4
With Municipal Sewer & Water			4	1	.33	4
Minimum Frontage (in feet)	200	200	150	150	180	100
With Municipal Sewer	150	150	150	150	180	80
With Municipal Sewer & Water	100	100	150	150	180	80
Minimum Structure Setbacks from Property Line (in feet)						
Front*	50	50	50	50	50	25
Side**	50	50	25	25	50	25
With Municipal Sewer	40	40	25	25	50	20
With Municipal Sewer & Water	15	15	25	25	50	20
Rear**	50	50	25	25	50	25
With Municipal Sewer	40	40	25	25	50	25
With Municipal Sewer & Water	30	30	25	25	50	25
Minimum Structure Setbacks from lakes, rivers, streams, and brooks (in feet)***	50	50	50	50	50	50
Percent of Lot Coverage (non-green area)	75%	75%	60%	60%	30%	60%
*The front setback from the property line for all lots located on Rte 106 and Rte 140 is 50 feet.						
**Minimum structure setback requirements from side and rear property lines on a preexisting, nonconforming lot shall be reduced to 25% of the total front property line or one-half of the side or rear property line setback required for that Zone in Table 2 above, whichever is less.						
**Minimum structure setback requirements from side and rear property lines may be reduced by 50% for accessory buildings not exceeding 300 sq.ft. in total floor area and 14' in height.						
***All criteria within the Belmont Wetlands Conservation Ordinance shall also be complied with.						
All non-residential uses within the Residential Single Family, Residential Multi-Family, Rural and Village zones shall conform to the stricter dimensional regulations which apply to the Industrial and Commercial zones.						
For Hotel, Motel, Rental Cottages, Hospitals, Clinics, Lodging Houses, Nursing Facilities, Convalescent Facilities and Minimal Care Facilities an additional 10,000 square feet per bedroom or unit is required in addition to the minimum lot size noted in Table 2.						
Lots that abut a zone change line must comply with the setback criteria of the more restrictive of the abutting zones.						

Source: Article 2, First Session, March 10, 1992. Yes 636, No 535.

Amendment: ARTICLE V. TABLE 2:

Add: Maximum Dwelling Units Per Lot - One in “C” & “T” Zones.

Source: Article 7, First Session, March 9, 1993. Yes 397, No 387.

Amendment: ARTICLE V. TABLE 2:

Amend “C” & “T” zone setbacks:

50’ front, 15’ side and 20’ rear.

Amend: Setback - Side and rear setbacks are the distance from the extreme limit of a structure to the property line. Front setbacks are the distance from the extreme limit of a structure to the edge of the Right-of-Way, or the property line, whichever is closest.

Source: Article 8, First Session, March 9, 1993. Yes 441, No 335.

Amendment: ARTICLE V. TABLE 2:

Add: Common or amenity lots, permanently preserved as open space may be exempted from the minimum frontage and lot size requirements at the discretion of the Planning Board, but shall be accessed by a permanent Right-of-Way no more than 30 feet wide.

Source: Article 9, First Session, March 9, 1993. Yes 442, No 325.

Amendment: ARTICLE V. TABLE 2:

Amend: “Minimum Structure Setbacks from lakes, rivers, streams and brooks (in feet) shall be as determined by the Belmont Wetlands Conservation Ordinance.”

Amend: See completely rewritten Wetlands Ordinance

Source: Article 14, First Session, March 9, 1993. Yes 460, No 288.

Amend the Ordinance to zero for the number of dwelling units per lot allowed in the “Industrial” Zone. The current Permitted Use Table does not allow new residences to be proposed in that zone.

Source: Article 5, First Session, March 8, 1994. Yes 412, No 232.

Amend the Ordinance to reduce the maximum number of dwelling units per acre in the “Village” Zone from four to two.

Source: Article 6, First Session, March 8, 1994. Yes 478, No 193.

To Amend the Ordinance which currently allows a reduction in some setbacks for preexisting nonconforming lots (which are lots with less than the currently required acreage or road frontage). The amendment would specify one method of calculating the reduction, instead of two different methods. The reduction allowed would be to one-half of the currently required side and rear setback distances.

Source: Article 7, First Session, March 8, 1994. Yes 419, No 234.

Amendment: ARTICLE V.-TABLE 2.:

Amend Maximum dwelling units per acre and Maximum dwelling units per acre with Municipal Sewer and with Municipal Sewer & Water in the Residential Multi-Family Zone to two.

Source: Article 9, First Session, March 14, 1995. Yes 433, No 158.

Amendment: ARTICLE V. TABLE 2:

Add Footnote to “Maximum dwelling units per acre” stating that density for multi-family dwellings that are restricted to elderly occupancy as defined and regulated by Federal Regulations is eight dwelling units per acre.

Source: Article 10, First Session, March 14, 1995. Yes 462, No 138.

ARTICLE V.-TABLE 2:

Add new line “Minimum setback between unrelated structures contained on one lot - in all zones-30 feet.”

Source: Article 11, First Session, March 14, 1995. Yes 481, No 113.

Amendment: Article V. - Table 2.

Rewrite ** Footnote: **Minimum structure setback requirements from side and rear property lines may be reduced by 50% for accessory buildings not exceeding 300 sq.ft. in total floor area and 14’ in height unless a setback reduction has already been allowed under the nonconforming lot setback reduction above.

Source: Article 11, First Session, March 12, 1996. Yes 345, No 161.

Amendments: Article V. Table 2.

In General, number all existing footnotes, 1 thru 9. Add Footnote #10: Exempt from setback requirements above: An open or railed platform, not exceeding 4’x4’ used to access directly into structure from ground level, stairs or ramp. Stairs or ramp used in conjunction with platform must run parallel to building and not extend more than 4’ from building.

Article V. Table 2.

Add Footnote #11: Exempt from setback requirements above:

Functional roof overhangs, not exceeding 24” beyond the building footprint.

Source: Article 12, First Session, March 12, 1996. Yes 380, No 143.

Amendment: Article V. Table 2.

Change first sentence to: Minimum lot size in acres. Must also comply with Table 1 of the Belmont Subdivision Regulations.

Source: Article 16, First Session, March 12, 1996. Yes 395, No 110.

Amend Article V, Table 2. Rewrite

“5. Lots that abut zone change line(s) must comply with the setback criteria of the more restrictive of the abutting zones only along that line(s).”

Source: Article 6, First Session, March 9, 1999. Yes 322, No 76.

Amend Article V, Table 2.

“Construction, excavation and building shall comply with the setbacks from Cemeteries, Burial Sites and Burial Grounds as required by NH RSA 289:3 as amended (25’ eff. Aug. 7, 1994).”

Source: Article 6, First Session, March 9, 1999. Yes 322, No 76.

Amend: Article V. Table 2. Add footnote to “Minimum Setback Between Unrelated Structures contained on one lot”.

Single story structures constructed with sheet rock or equal fire stop capacity walls and ceilings may further reduce the required setback as allowed in Article VII.C.9.f.

Source: Article 7, First Session, March 14, 2000. Yes 551, No 154.

Amend: Article V. Table 2. Update reference in “Minimum lot size in acres”. Delete Footnote #1 Must also comply with the requirements of the Belmont Subdivision Regulations.

~~Delete - For Hotel, Motel, Rental Cottages, Hospitals, Clinics, Lodging Houses, Nursing Facilities, Convalescent Facilities and Minimal Care Facilities an additional 10,000 square feet per bedroom or unit is required in addition to the minimum lot size noted in Table 2.~~

Source: Article 16, First Session, March 14, 2000. Yes 500, No 159.

Amend: Article V. Table 2. Delete reference.

Delete — Maximum dwelling units per lot I in commercial zone

Source: Article 17, First Session, March 14, 2000. Yes 456, No 214.

Article V. Table 2.

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

Article 5, Table 2. Replace Footnote 3:

3. Exempt from setback requirements above: An open or railed platform, not exceeding 4'x4' used to access directly into structure from ground level, stairs or ramp. Stairs or ramp used in conjunction with platform or other allowed entrance may not extend more than 6' from the platform or entrance.

Source: Article 4, First Session, March 9, 2004. Yes 473, No 171.

Article 5, Table 2

Add new footnotes to "Minimum Structure Setbacks from Property Line (in feet)":

Exempt from property line setbacks: structures erected to enclose cluster mailbox delivery units.

Exempt from property line setbacks: bus stop shelters.

Exempt from property line setbacks: structures required by law for aboveground fuel tanks.

Source: Ballot Article 2, March 8, 2011. Yes 325, No 100.

Article 5, Table 2

Insert new footnote #2 after "Minimum Structure Setbacks from Property Line (in feet)".

2. Exempt from setback requirements above: an open, railed ramp medically necessary to provide reasonable accommodation to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that the exemption shall survive only so long as the particular person has a continuing need to use the premises.

Source: Ballot Article 2, March 10, 2015. Yes 518, No 100.

ARTICLE VI. CLUSTER RESIDENTIAL DEVELOPMENT

The objectives of a Cluster Residential Development are to encourage flexibility in design for large-scale development by permitting mixed housing types, which may be grouped on lots of reduced dimensions to allow for a more economic provision of street and utility networks; and to encourage the preservation and recreational use of open space in harmony with the natural terrain, scenic qualities, and outstanding land features. The remaining land in the tract which is not built upon is reserved as permanently protected open space.

Proposals submitted under this Article must go to the Planning Board for subdivision approval and must be prepared to comply with the applicable provisions of the Belmont Subdivision Regulations. The following standards shall be met by all Cluster Residential Development:

1. The provisions of this Article may not be applied to lots that are serviced by a municipal sewer. No on-site disposal systems are permitted in a development based on the provisions of this section.
2. The land area not used for individual lots, construction of buildings and roads shall be permanently maintained as open space or common land for the purposes of recreation, conservation, park public easement, or agriculture. The open space or common land or any portion of it shall be held, managed and maintained by the developer until it is owned in one or more of the following ways:
 - (a) By a Homeowner's Association, set up by the developer and made a part of the deed or agreement for each lot or dwelling Unit;
 - (b) By a Conservation Trust or private non-private organization such as the Forest Society or Audubon Society, which will ensure that the common land will be held in perpetuity as open space;
 - (c) By the developer, as appropriate, for areas such as golf courses, outdoor recreational areas and enclosed recreational facilities.
3. All agreements, deed restrictions, organizational provisions for a Homeowner's Association and any other method of management of the common land shall be established prior to Planning Board approval.
4. Each dwelling unit shall have reasonable access to the common open land, but need not front directly on such land.
5. The plan shall provide for the convenience and safety of vehicular and pedestrian movement on the site and for adequate location of driveways in relation to Street traffic. The plan shall also provide for a suitable arrangement and number of parking spaces in relation to the dwelling units to be constructed. Adequate landscaping shall be required.
6. Lots subdivided for residential use may qualify for a density bonus, provided that housing units are clustered in a way that protects Belmont's agricultural, forestry, water and aesthetic resources. Bonus provisions are as follows:

	Max. No. Housing Units Multiply Acreage By	Min. Open Space Req. Multiply Acreage By
Village	8	.35
Res. Multi-Family	8	.35
Res. Single-Family	1 (with Sewer)	.50
Rural	.33	.67

The developer is encouraged to group housing in a manner that will help to protect the Town's environmental and rural qualities. The Planning Board must determine that the site plan shows regard

for the Town's environment and rural character, while adhering to the density and open space requirements set forth in the Land Development Formula (LDF), before a density bonus is approved. Internal side lot requirements may be waived by the Planning Board if the proposed cluster development adequately provides for fire safety.

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

ARTICLE VI. CLUSTER RESIDENTIAL DEVELOPMENT

A. Purpose

The purpose of the cluster subdivision provisions of this ordinance is to preserve significant natural land features and/or open spaces while providing greater land subdivision flexibility for larger parcels of land. In a cluster subdivision a density no greater than that allowed by the applicable zoning district must be maintained but the lot sizes and frontage may be reduced in order to permanently preserve areas within the subdivision which contain significant natural features and/or open spaces.

B. Criteria

1. **Buildable Area:** Buildable area is defined as the gross area of the parcel less wetlands as defined in the Town's wetlands ordinance; lands with slopes in excess of 20%; land currently or periodically under water for at least six months of each year; roadways and other right-of-ways; and areas of exposed ledge in excess of 1,000 square feet. The total area of these exclusions shall be defined as non-buildable area.
2. **Parcel Size:** Cluster subdivisions shall not be permitted on parcels less than ten (10) acres in size. Non-buildable area may be counted to make up the minimum parcel area but may not be counted to determine the number of dwellings permitted under Section B.5.
3. **Dwellings:** No building other than single family detached dwellings shall be permitted in cluster subdivisions. (Note: Two or more single family dwellings attached together are considered two family or multi-family dwellings under this ordinance.)
4. **Lot Size and Frontage reductions:** The lot area and frontage requirements set forth in Table 2 may be reduced to the amounts stated in Table 3, in cluster subdivisions. Frontage requirements for lots having more than half their frontage on the circumference of a cul-de-sac or teardrop are exempt from any frontage requirements of this ordinance, and the Planning Board is hereby authorized to enact appropriate frontage requirements for such cluster lots in its subdivision regulations.

TABLE 3
MINIMUM LOT AREA AND FRONTAGE REQUIREMENTS FOR CLUSTER
SUBDIVISION

ZONING DISTRICT	MINIMUM ALLOWABLE CLUSTER REQUIREMENTS			
	With Sewer		Without Sewer	
	Area	Frontage	Area	Frontage
RM Residential Multi-Family	30,000 sf	120 ft	30,000 sf	120 ft
RS Residential Single-Family	30,000 sf	120 ft	30,000 sf	120 ft
R Rural	30,000 sf	120 ft	1 acre	150 ft

5. **Yard Size Reductions:** In a cluster subdivision in a Rural (R) District, the side yard and rear yard requirements of Table 2 are hereby reduced to 25 feet.

6. Density: The number of dwellings permitted in a cluster development shall not exceed the number of buildable acres in the parcel divided by the minimum lot size requirement of Table 2, rounded to the nearest whole number. This requirement is intended to limit the total number of residential lots in a cluster subdivision to the number allowed in a traditional subdivision under this ordinance.
7. Minimum Preservation Acreage: In the RS District (or RM if applicable) at least 25% of a cluster subdivision parcel must be preserved in open space. In the R District at least 50% must be preserved if the reductions are to one (1) acre lots and 65% if the reductions are to 30,000 square feet lots. The land area reserved for preservation may consist of more than one piece of reserved land, but every such piece shall have minimum contiguous area of at least three (3) acres or fivepercent (5%) of the parcel size, whichever is greater.
8. Preservation of Significant Natural Features/Open Space: The land area reserved for preservation shall be “significant” as per Section C, below.

C. Preservation of Significant Natural Features/Open Spaces.

It is the intent of this ordinance that only significant amounts and/or types of natural features and open spaces be preserved by cluster subdivisions. The ordinance is not intended to provide the benefit of smaller lot sizes and frontages to every subdivider, but, rather, only to those who can demonstrate that the types or amounts of features preserved are significant enough to warrant use of the cluster subdivision provisions. Thus, in addition to the threshold requirements of Section B above, the area(s) proposed for preservation must qualify as significant by meeting any one of the following criteria:

1. The area(s) to be preserved must be at least ten (10) acres in size, exclusive of land within the Wetlands Conservation District; or
2. The area to be preserved must abut the Wetlands Conservation District for at least 400 linear feet and have a depth running along the wetland of at least 200 feet; or
3. The area to be preserved must be prime agricultural soils; or
4. At least half of the area to be preserved must consist of soils classified as either fair or poor on the Town Land Capability Plan; or;
5. At least half of the area(s) to be preserved must consist of slopes in excess of fifteen percent (15%); or
6. At least two-thirds of the area to be preserved must consist of any combination of the following critical resources:
 - (a) Prime agricultural soils.
 - (b) Slopes in excess of 15% but less than 25%.
 - (c) Soils with poor or fair development capability.
 - (d) Land within 200 feet of wetland areas.

D. Ownership of Preserved Areas.

A cluster subdivision shall provide for ownership in common of preserved areas by all of the lot owners of the subdivision in a manner that the Planning Board and Town Counsel determine will assure the perpetual preservation and maintenance of the areas. The Planning Board may approve other forms of ownership of preserved areas if it is in the best interest of the neighborhood and Town. All preserved areas shall be accessible to the owners of lots in the subdivision by way of streets or easement.

E. Cluster Subdivision Procedures.

Cluster subdivisions are subdivisions of land. Therefore all cluster subdivisions must be approved by the Planning Board in accordance with its subdivision regulations procedures. Because of the innovative nature of cluster subdivisions, all cluster subdivision applicants shall

be required to make a preliminary application and submit to a preliminary public hearing as per the procedures of the Subdivision Regulations. This requirement will assure that each cluster subdivision proposal has at least two public hearings.

Source: Article 9, First Session, March 10, 1987. Yes 300, No 194.

ARTICLE VI. CLUSTER RESIDENTIAL DEVELOPMENT

A. PURPOSE

The purpose of the cluster subdivision provisions of this ordinance is to preserve significant natural land features and/or open spaces while providing greater land subdivision flexibility for larger parcels of land. In a cluster subdivision, a density no greater than that allowed by the applicable zoning district must be maintained but the lot sizes and frontages may be reduced in order to permanently preserve areas within the subdivision which contain significant natural features and/or open spaces.

B. CRITERIA

1. Buildable Area: Buildable area is defined as the gross area of the parcel less wetlands as defined in the Town's wetlands ordinance; lands with slopes in excess of 20%; land currently or periodically under water for at least six months of each year; roadways and other right-of-ways; and areas of exposed ledge in excess of 1,000 square feet. The total area of these exclusions shall be defined as non-buildable area.
2. Parcel Size: Cluster subdivisions shall not be permitted on parcels less than ten (10) acres in size. Non-buildable area may be counted to make up the minimum parcel area but may not be counted to determine the number of dwellings permitted under Section B.6.
3. Dwellings: No dwelling other than single family detached dwellings shall be permitted in cluster subdivisions. (Note: Two or more single family dwellings attached together are considered two family or Multi-Family dwellings under this ordinance.)
4. Lot Size and Frontage Reductions: The lot area and frontage requirements set forth in Table 2 may be reduced to the amounts stated in Table 3, in cluster subdivisions. Frontage requirements for lots having more than half their frontage on the circumference of a cul-de-sac or teardrop are exempt from • any frontage requirements of this ordinance, and the Planning Board is hereby authorized to enact appropriate frontage requirements for such cluster lots in its subdivision regulations.

TABLE 3

MINIMUM LOT AREA AND FRONTAGE REQUIREMENTS FOR CLUSTER DEVELOPMENT

	Residential Multi-Family	Residential Single-Family	Rural
Minimum Area:			
Without Municipal Sewer	Not Allowed	30,000 sf	1 acre
With Municipal Sewer	20,000 sf	20,000 sf	1 acre
Frontage:			
Without Municipal Sewer	Not Allowed	100 ft	120 ft
With Municipal Sewer	100 ft	100 ft	120 ft

Setback requirements for Cluster Development are as listed in Table 2 and in Yard Size Reductions, below:

5. Yard Size Reductions: In a cluster subdivision in a Rural (R) District, the side yard and rear yard requirements of Table 2 are hereby reduced to 25 feet.

6. Density: The number of dwellings permitted in a cluster development shall not exceed the number of buildable acres in the parcel divided by the minimum lot size requirement of Table 2, rounded to the nearest whole number. This requirement is intended to limit the total number of residential lots. In a cluster subdivision to the number allowed in a traditional subdivision under this ordinance.
7. Minimum Preservation Acreage: In the RS District (or RM if Applicable) at least 25% of a cluster subdivision parcel must be preserved in open space. In the R District at least 50% must be preserved if the reductions are to one (1) acre lots and 65% if the reductions are to 30,000 square foot lots. The land area reserved for preservation may consist of more than one piece of preserved land, but every such piece shall have a minimum contiguous area of at least three (3) acres or five percent (5%) of the parcel size, whichever is greater.
8. Preservation of Significant Natural Features/Open Space: The land area reserved for preservation shall be “significant” as per section C, below.

C. **PRESERVATION OF SIGNIFICANT NATURAL FEATURES/OPEN SPACES**

It is the intent of this ordinance that only significant amounts and/or types of natural features and open spaces be preserved by cluster subdivisions. The ordinance is not intended to provide the benefit of smaller lots and frontages to every subdivider, but, rather, only to those who can demonstrate that the types or amounts of features preserved are significant enough to warrant use of the cluster subdivision provisions.

D. **OWNERSHIP OF PRESERVED AREAS**

A cluster subdivision shall provide for ownership in common of preserved areas by all of the lot owners of the subdivision in a manner that the Planning Board and Town Counsel determine will assure the perpetual preservation and maintenance of the areas. The Planning Board may approve other forms of ownership of preserved areas if it is in the best interest of the neighborhood and Town. All preserved areas shall be accessible to the owners of lots in the subdivision by way of streets or easements.

E. **CLUSTER SUBDIVISION PROCEDURES**

Cluster subdivisions are subdivisions of land. Therefore all cluster subdivisions must be approved by the Planning Board in accordance with its subdivision regulation procedures. Because of the innovative nature of cluster subdivisions, all cluster subdivision applicants shall be required to make a preliminary application and submit to a preliminary public hearing as per the procedures of the subdivision regulations. This requirement will assure that each cluster subdivision proposal has at least two public hearings.

Source: Article 2, First Session, March 10, 1992. Yes 636, No 194.

ARTICLE VI.B.7.

“Minimum Preservation Acreage: In the RS District (or RM if Applicable) at least 25% of a cluster subdivision parcel must be preserved in open space. In the R District at least 50% must be preserved if the reductions are to one (1) acre lots. The land area reserved for preservation may consist of more than one piece of preserved land, but every such piece shall have a minimum contiguous area of at least three (3) acres or five percent (5%) of the parcel size, whichever is greater.

Source: Article 4, First Session, March 8, 1994. Yes 462, No 199.

Amend: Article VI. Rewrite in entirety.

A. PURPOSE AND OBJECTIVES

The purposes of cluster development are to:

1. encourage the use of cluster subdivisions as an cost effective and efficient form of residential use.
2. promote the permanent preservation of open areas which exhibit significant characteristics based on size, configuration, substance, location or other value determined by the Planning Board.
3. avoid development of sites that have poor soil conditions, high water tables, are subject to flooding, or have excessively steep slopes
4. promote the rural and village characteristics of the town and encourage residential development which promotes a sense of neighborhood
5. link adjacent open spaces and provide for continuance of recreational trail systems and greenways.
6. promote the most efficient use of land in harmony with its natural features
7. discourage development sprawl
8. preserve undeveloped frontage along existing roads, protecting transportation corridors from encroachment of structures and congestion

In order to accomplish the above-stated purposes, the objectives of this ordinance are to:

1. provide greater land subdivision flexibility for larger parcels of land
2. allow a density no greater than that allowed for traditional subdivisions under the applicable zoning district
3. allow reductions in lot sizes, frontages, and setbacks
4. cluster buildings with lots serving to buffer permanently open space.
5. create an overall design consistent with surrounding landscaping, traffic patterns and character.
6. provide for a balance of community needs, such as recreation areas, pedestrian safety and access including pedestrian-sensitive roads, trails and pathways and vehicular safety
7. provide for the effective and efficient installation of common utilities.

B. STANDARDS

1. Parent Tract(s): Cluster project may initially consist of one or more parent tracts. Tracts must total a minimum often acres. Frontage must consist of a minimum of 50' on a town- or state-maintained road.
2. Development Roads: Shall be interior roads dedicated to serve the proposed cluster development and shall not be thru roads linking two or more exterior or preexisting roads. A maximum of two curb cuts onto preexisting roads are allowed. Road shall meet the requirements of the Belmont Subdivision Regulations.
3. Lots: AU lots must access from interior development roads. Lots may not front directly on water bodies or water courses. All lots need not necessarily be reduced in size or frontage as compared to lots in a conventional subdivision. The Planning Board encourages a diversity of lots and styles so as to ensure that a diversity of housing types and lifestyles remains available in the Town.
4. Lot Frontage: Shall be as indicated in Table 3. Lots with any portion of their frontage on a culdesac shall adhere to the frontage requirements contained in the Belmont Subdivision Regulations.
5. Density: Shall be the same as for traditional subdivisions. The total lot size divided by the Minimum lot size in acres indicated for that zone in Table 2 of this Ordinance rounded down to the nearest whole lot number. Individual lots must also comply with the requirements of the Belmont Subdivision Regulations.
6. Allowed uses: Single family, Two family, and Multi-family uses may occur as allowed in each district under this ordinance. Additional lot size may be required by the Planning Board during subdivision review for lots with more than one dwelling unit. Incidental recreational uses.

7. Septic: For lots not serviced by sewer, individual septic systems may be constructed and shall be located on the individual lot being served. Community septic systems may be allowed but must be located within the 20% permanent open space available for incidental development
8. Wells: Lots may be served by individual wells located on each lot or by community well(s) located in the 20% permanent open space available for incidental development
9. Phasing: The cluster development of the parcel(s) may be phased. A conceptual plan of the entire parcel(s) development must be submitted at the time of the first application. Also at the time of the first application any areas depicted as future phases shall be restricted to future cluster development or as an addition to approved permanent open space. The permanent open space dedicated to each phase must be delineated on the plan at the time of approval for that phase.

ARTICLE VI. - TABLE 3
MINIMUM LOT AREA AND FRONTAGE
REQUIREMENTS FOR CLUSTER DEVELOPMENT

	Residential Multi-Family	Residential Single-Family	Rural	Village
Minimum Area: (must also comply with Belmont Subdivision Regulations)	20,000sf	20,000sf	30,000sf	18,000sf
Maximum Lot Area: (unless otherwise required by NH DES) *of minimum zoning lot size	150%*	150%*	150%*	150%*
Frontage:	80 ft	80 ft	100 ft	80 ft
Setback:				
Side	25 ft	25 ft	25 ft	20 ft
Rear	25 ft	25 ft	25 ft	25 ft
Front (non-thru development road)	25 ft	25 ft	25 ft	25 ft
Front (exterior non-development rd)	50 ft	50 ft	50 ft	25 ft
Percentage of total lot Required to be permanently open	25%	25%	50%	25%

PERMANENT OPEN SPACE

1. Permanent open space shall be designated as either:
 - a. primary open areas include non-buildable areas such as water bodies, water courses, wetlands, slopes in excess of 25%, and ledge outcroppings; or
 - b. secondary open areas include significant features such as mature woodlands, prime agricultural soils, farmland, natural meadows, critical wildlife habitat, sites of historic, cultural or archeological significance, buffers top open areas, views, and high risk groundwater protection zones.
2. A minimum of 50% of on site prime agricultural soils must be preserved as permanent open space.
3. A minimum of 50% of the permanently open area required in Table 3 must be buildable (i.e. non-primary open area).
4. open space shall be planned as large contiguous units whenever possible. Strips or narrow parcels of common space shall be permitted only when necessary for access or required buffer.
5. A minimum 50' permanent open space natural buffer must be designed between proposed building lot lines and water bodies and water courses.
6. Of the total amount of permanent open space, up to 20% may be used for recreational uses, community well and/or septic facilities, village greens, or other open uses incidental to the

development. This area may be in more than one piece. The remaining open area shall remain in its natural state, although recreation trails and pathways are allowed, or shall be used as intended based on its significant features. This area may also be in more than one piece, provided that the size, shape and location are suitable to support and protect the designated significant feature.

7. All permanent open space areas shall be protected by legal arrangements, satisfactory to the planning board, sufficient to assure its maintenance and preservation for the designated purpose.
8. The area of roads and road rights-of-way shall not be used as part of the minimum required permanent open space calculation.
9. Permanent open space shall be established, owned, protected, and maintained in a manner approved by the Planning Board. Enforcement of development restrictions shall be as provided in this Ordinance, the Belmont Subdivision Regulations and the NH RSAs including RSA 674:21-a.
10. permanent open space will be accessible to all lot owners, either directly or by approved access easement.

Source: Article 4, First Session, March 14, 2000. Yes 545, No 129.

ARTICLE VI.

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

ARTICLE VI.

Table of Contents, Article V, Article VI and Article XIII — replace every instance of the term “Cluster” with “Open Space” with the exception of the use of the word “cluster” in Article VI.A. 12.

Article V and Article XIII place the newly titled section in appropriate alphabetical order.

Source: Article 8, First Session, March 11, 2003. Yes 333, No 112.

Article VI.V.1. Add sentence — “The parent tract(s) shall not have been adjusted by subdivision or boundary line adjustment within 12 months of the date of making application under this section.”

10. Eliminate specific minimum parking requirements currently contained in the Ordinance with the intent of placing those minimum requirements within the Site Plan Review Regulations instead.

Source: Article 9, First Session, March 11, 2003. Yes 297, No 139.

Article 6.C.7. Add to existing Article.

It shall be owned in one of the following manners:

1. By the Town of Belmont, subject to acceptance by the Town.
2. By a private, nonprofit organization (such as the Nature Conservancy or Audubon Society), which has as its purpose the preservation of open space through ownership and control; provided, however that access to the common open space is available for appropriate recreational uses as approved by the Planning Board.
3. By a private, nonprofit corporation, association or other nonprofit legal entity such as homeowner’s association, established by the applicant for the benefit and enjoyment of the residents of the subdivision and over which said residents have control.

Source: Article 5, First Session, March 9, 2004. Yes 478, No 148.

Article 6.B.9. Add following sentence at end.

A conceptual plan is subject to modification and review and approval under the then current Regulations and Ordinances at the time that future Phase of the development is presented to the Town for formal review and approval.

Source: Article 6, First Session, March 9, 2004. Yes 497, No 135.

Article 6.B.5. Amend the second sentence to read:

The total available lot size (does not include any acreage for the road ROW or any other acreage that will not be part of a lot or the open space) divided by the *Minimum lot size in acres* indicated for that zone in Table 2 of this Ordinance rounded down to the nearest whole lot number.

Source: Article 7, First Session, March 9, 2004. Yes 444, No 191.

Article 6.B.2. Replace with:

2. **Development Roads:** Shall be interior roads designed to promote the purpose and objectives of this ordinance and conform to the requirements of the Belmont Subdivision Regulations.

Source: Article 13, First Session, March 9, 2004. Yes 494, No 128.

Article 6.B.5. Add:

The Planning Board may approve a density bonus not to exceed 20% more building lots for the provision of one or more exceptional public benefits, namely:

- (a) conserving more of the buildable land as open space as depicted in Table 3;
- (b) providing significant public access to trails or dedicated conservation areas;
- (c) providing 300' setback from all building lots to rivers and ponds;
- (d) conserving 80% of the prime agricultural soils;
- (e) transfer of fee title to and acceptance by Town.
- (f) preservation of exceptional natural resource or wildlife habitat.

Article 6. Table 3. Add:

	Residential Multi-Family	Residential Single-Family	Rural	Village
Percentage of total lot required to be permanently open to qualify for density bonus	50%	50%	60%	40%

Article 6.C.7 Add new b. and renumber remaining.:

b. By the State of New Hampshire for permanent open space uses.

Article 6.C.7.c. amend:

c. By a private, nonprofit organization (such as the Nature Conservancy, Lakes Region Conservation Trust, Society for Protection of NH Forests, or Audubon Society), which has as its purpose the preservation of open space through ownership and control and has the financial and organizational means for perpetual stewardship; provided, however that access to the common open space is available for appropriate recreational uses as approved by the Planning Board.

Article 6.C.7 Add:

Conveyances of land to the Town or State, under Section C.7. a. or b. of this Article, will be subject to permanent deed restrictions. Conveyances of land to private entities, under Section C.7. c. or d. will be subject to a permanent conservation easement granted to the Town of Belmont or an organization qualified under Section C.7. c. or d. above and recorded at the Belknap County Registry of Deeds. Provisions of such deed restrictions or conservation easements are subject to the approval of the Planning Board and shall include:

- (a) no further subdivision,
- (b) no residential or industrial development,

- (c) no roads or commercial uses except for agriculture, forestry or outdoor recreational activities conducted according to best management practices.

Article 6.C. Add:

- 11. General public access to the Open Space will not be required unless the land is conveyed in fee simple interest to the Town or State, or a specific public trail corridor easement is proposed, or if a density bonus was granted by the Planning Board based on Article B.5.b. Except in the aforesaid cases, the rights to post land and limit public access will remain with the landowner.
- 12. In further evaluating how the proposed Open Space meets the Purpose and Objectives of this Ordinance the Planning Board shall consider the extent to which the location and design of the area achieves these objectives:
 - (a) Large enough blocks of land are conserved to retain ecosystem function and habitat integrity;
 - (b) Large enough blocks of land are conserved to sustain agricultural or forestry operations and buffer them from nearby development;
 - (c) For trail or stream corridors, and shoreland, wide enough buffers are provided from building lots (minimum of 75 feet);
 - (d) Access to and/or benefits from the open space are provided to the greatest number of lots within the subdivision;
 - (e) Linkages or contiguity with existing or potential Open Space on abutting properties are provided;
 - (f) Scenic views from public roads and prominent ridgelines are conserved as much as possible; and
 - (g) Objectives of Article 6.A. that are most creatively and successfully achieved.

Source: Article 4, First Session, March 13, 2007. Yes 394, No 239.

Article 6.A.9 Add new number 9 and renumber remaining sections:

- 9. reduce impacts and strains on public and emergency services

Source: Ballot Article 3, March 11, 2014. Yes 256, No 137.

ARTICLE 7 (new 2008)**Article 7.A. - Delete existing Aquifer Protection Ordinance.****Article 7. - Insert new Article 7. - Aquifer Protection Ordinance.****Renumber remaining Articles and Sections.****Article 7. Aquifer Protection Ordinance****A. AUTHORITY**

The Town of Belmont hereby adopts this ordinance pursuant to the authority granted under RSA 674:16, in particular RSA 674:16, II relative to innovative land use controls.

B. PURPOSE

The purpose of this ordinance is, in the interest of public health, safety, and general welfare, to preserve, maintain, and protect from contamination existing and potential groundwater supply areas. The purpose is to be accomplished by regulating land uses which could contribute pollutants to aquifers identified as being needed for present and/or future public water supply.

See Article 7.E for applicability to preexisting uses.

C. DEFINITIONS

1. **Aquifer:** a geologic formation composed of rock, sand, or gravel that contains significant amounts of potentially recoverable water.
2. **Gasoline station:** means that portion of a property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and distributed for the purposes of retail sale of gasoline.
3. **Groundwater:** subsurface water that occurs beneath the water table in soils and geologic formations.
4. **Impervious:** not readily permitting the infiltration of water.
5. **Impervious surface:** a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Asphalt, earthen, wooden, or gravel surfaces, or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces.
6. **Junkyard:** Includes Junkyards as defined by RSA 236:112, including the definition of junk found in RSA 236:91,11, and Automotive Recycling Yards as defined by RSA 236:91.
7. **Outdoor maintenance:** products used in normal on-site grounds and buildings maintenance, including products for lawn care, pesticides, liquid fertilizers, oil based paints and other related oils and greases applied for outdoor maintenance.
8. **Outdoor storage:** storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.
9. **Petroleum bulk plant or terminal:** means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline tank car, tank vehicle, portable tank, or container.
10. **Public water system:** a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
11. **Regulated substance:** petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-05 edition, excluding the following substances: (1) ammonia, (2) sodium hypochlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) propane and other liquified fuels which exist as gases at normal atmospheric temperature and pressure.

12. Sanitary protective **radius:** The area around a public water supply well which must be maintained in its natural state as required by Env-Ws 378 or 379 (for community water systems); Env-Ws 372.12 and Env-Ws 372.13 (for other public water systems).
13. **Secondary containment:** a structure such as a berm or dike with an impervious surface which is adequate to hold at least 110% of the volume of the largest regulated-substances container that will be stored there.
14. **Snow dump:** For the purposes of this ordinance, a location where snow which is cleared from roadways and/or motor vehicle parking areas is placed for disposal.
15. **Stratified-drift aquifer:** A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.
16. **Surface water:** streams, lakes, ponds and tidal waters, including marshes, water-courses and other bodies of water, natural or artificial.
17. **Wellhead protection area:** The surface and subsurface area surrounding a water well or wellfield supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

D. **AQUIFER PROTECTION DISTRICT**

The Aquifer Protection District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries the Stratified Drift Aquifers shown on the map entitled "Town of Belmont Aquifer Protection District", adopted concurrent with this Ordinance.

E. **APPLICABILITY**

This Ordinance applies to all uses in the Aquifer Protection District, except for those uses exempt under Article 7.J (Exemptions) of this Ordinance.

Preexisting uses shall comply with Article 7.F, Performance Standards, 1 thru 7. In addition, preexisting Conditional Uses shall comply with Performance Standard 8.c. Preexisting uses shall otherwise be regulated under Articles 1 and 10 of the Zoning Ordinance.

F. **PERFORMANCE STANDARDS**

The following Performance Standards apply to all uses in the Aquifer Protection District unless exempt under Article 7.J:

1. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, August 2005, and any subsequent revisions;
2. All regulated substances stored in containers with a capacity of 5 gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;
3. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner. A copy of the inspection log will be submitted to the Planning Board with required periodic facility inspection reports.
4. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;

5. Secondary containment must be provided for outdoor storage of regulated substances if an aggregate of regulated substances exceeding 55 gallons are stored outdoors on any particular property;
6. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;
7. Prior to any land disturbing activities, all inactive wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules.
8. In addition Conditional Uses shall:
 - a. Develop and submit a stormwater management and pollution prevention plan and shall include information consistent with Stormwater Management For Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices. (US EPA, 1992) The plan shall demonstrate that the use will:
 1. Minimize the release of regulated substances into stormwater through a source control plan that identifies pollution prevention measures;
 2. Demonstrate that recharge to groundwater will not result in violation of Ambient Groundwater Quality Standards (Env-Ws 410.05) at the property boundary;
 3. Stipulate that expansion or redevelopment activities may, at the discretion of the Planning Board, require an amended stormwater plan;
 4. Not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI).
 - b. For any use that will render impervious more than 15% or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall also be consistent with Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, August 1992, Best Management Practices for Urban Stormwater Runoff, NH Department of Environmental Services, January 1996, and Aquifer Protection Best Management Practices, Tn-Town Aquifer Project Protecting Shared Drinking Water Resources, Lakes Region Planning Commission, April 2007.
 - c. For any use using regulated substances, a spill control and countermeasure (SPCC) plan shall be submitted to the Fire Chief who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. The SPCC plan shall include:
 1. A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas;
 2. Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment;
 3. A list of all regulated substances in use and locations of use and storage;

4. A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure;
5. A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.

G. PERMITTED USES

All uses permitted by right or allowed by special exception in the underlying district that are also located within the Aquifer Protection District remain permitted by right or still require a special exception, as applicable, unless they are Prohibited Uses under this Ordinance.

Uses identified as Conditional Uses under this Ordinance also require a Conditional Use Permit. In the instance that both a Special Exception and a Conditional Use Permit are required, the Special Exception shall be approved prior to the Conditional Use Permit.

All uses must comply with the Performance Standards unless specifically exempt under Article 7.J.

See Article 7.E for applicability to preexisting uses.

H. PROHIBITED USES

The following uses are prohibited in the Aquifer Protection District:

1. The development or operation of a hazardous waste disposal facility as defined under RSA 147-A;
2. The development or operation of a solid waste landfill;
3. The outdoor storage of road salt or other deicing chemicals in bulk;
4. The development or operation of a junkyard;
5. The development or operation of a snow dump;
6. The development or operation of a wastewater or septage lagoon;
7. The development or operation of a petroleum bulk plant or terminal;
8. The development or operation of gasoline stations.
9. Sludge monofills;
10. Storage of animal manure unless covered or contained in accordance with the specifications of the United States Natural Resources Conservation Service;
11. Facilities that generate, treat, store, or dispose of hazardous waste subject to EnvWm 500-900 except for:
 - a. household hazardous waste centers and events regulated under Env-Wm 401.03(b)(1) and Env-Wm 501.01(b); and
 - b. water remediation treatment works approved by NH DES for the treatment of contaminated ground or surface waters;
12. Non-sanitary treatment works which discharge to the ground and that are subject to Env-Ws 1500, except the following:
 - a. the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
 - b. treatment works approved by NH DES designed for the treatment of contaminated groundwater.
13. Storage of regulated substances in greater than household quantities (i.e., 55- gallons), unless in a free-standing container within a building or above ground with secondary containment adequate to contain 110% of the container's total storage capacity;
14. Storage of commercial fertilizers, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or lechate.
15. Excavation or Mining within four feet of Seasonal High Water Table. This prohibition applies to future excavation of existing sites as well as future excavation sites.

I. CONDITIONAL USES

The Planning Board may grant a Conditional Use Permit for a use which is otherwise permitted within the underlying district, if the permitted use is involved in one or more of the following:

1. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan, in accordance with Article 7.F,8(c), is approved by the Belmont Fire Department;
2. Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater.

In granting a Conditional Use Permit:

- a. The Planning Board must determine that the proposed use is not a prohibited use;
- b. Conditional Uses shall also be in compliance with the Performance Standards in Article 7.F as well as all applicable local, state and federal requirements;
- c. The Planning Board may, at its discretion, require a performance or other surety bond, in an amount and with conditions satisfactory to the Board, to ensure completion of construction of any facilities required for compliance with the Performance Standards.

J. EXEMPTIONS

The following uses are exempt from the specified provisions of this ordinance provided they comply with all other applicable local, state, and federal requirements:

1. Any private residence is exempt from all Performance Standards;
2. A mobile fuel tank specifically manufactured for the purpose of being transported from site to site for the purpose of fueling motor vehicles and/or equipment. Said tank, transportation and fueling shall comply with all other applicable Regulations.
3. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard 3;
4. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standards 3 through 6.
5. Storage and use of office supplies is exempt from Performance Standards 3 through 6;
6. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards 3 through 6 if incorporated within the site development project within six months of their deposit on the site;
7. The sale, transportation, and use of pesticides as defined in RSA 43 0:29 XXVI are exempt from all provisions of this ordinance;
8. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401.03(b)(1) and 501.01(b) are exempt from Performance Standards 3 through 6;
9. Underground storage tank systems and aboveground storage tank systems that are in compliance with applicable state rules are exempt from inspections under Article 7.L of this ordinance.

K. RELATIONSHIP BETWEEN STATE AND LOCAL REQUIREMENTS

Whenever a provision of this ordinance differs from the requirements imposed by the State of New Hampshire, or by some other town ordinance, the provision which imposes the greater restriction or higher standard shall govern.

L. NOTICE OF DECISION AND INSPECTION

1. For uses or structures requiring planning board approval under this ordinance, a Notice of Decision including the construction, operational, and inspection conditions and minimum standards applied to said approval, shall be recorded at the Registry of Deeds for Belknap County so as to run with the land on which such uses or structures are located.
2. Inspections of all regulated uses may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Planning Board's designated agent and shall be at the cost of the business owner.

Renumber remaining Articles and Sections. (Insert new Article 7. - Aquifer Protection Ordinance).

Source: Article 3, First Session, March 11, 2008. Yes 245, No 158.

Article 7. Retitle as Aquifer and Groundwater Protection Ordinance

Article 7.B. Add "wells and/or" and replace "identified" with "designated"

The purpose is to be accomplished by regulating land uses which could contribute pollutants to wells and/or aquifers designated as being needed for present and/or future public water supply.

Article 7.C.

7. Delete "Outdoor Maintenance".
12. Update DES Rule references: ...by Env-Dw 301 or 302 (for community water systems); Env-Dw 372.14 and Env-Dw 373.12 (for other public water systems).
13. Add new #13 and renumber remaining: Add: Seasonal High Water Table (SHWT): means the depth from the mineral soil surface to the upper most soil horizon that contains 2% or more distinct or prominent redoximorphic features that increase in percentage with increasing depth as determined by a Hydrogeologist, Soils Scientist, Wetlands Scientist, Engineer or other professional approved by the Planning Board through the use of wells or test pits that extend to either the SHWT, ledge, or to a minimum of six feet below the maximum proposed excavation depth or other method approved by the Planning Board.
13. Add to Secondary Containment - Secondary containment areas must be covered if regulated substances are stored outside.

Article 7.D. Update title and include municipal well head protection areas.

The Aquifer and Groundwater Protection District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries the Stratified Drift Aquifers and municipal well head protection areas shown on the map entitled "Town of Belmont Aquifer and Groundwater Protection District", adopted concurrent with this Ordinance.

Article 7.E. Replace "Aquifer" with "Aquifer and Groundwater".

Article 7.F.

First paragraph - Replace "Aquifer Protection District" with "Aquifer and Groundwater Protection District".

5. Replace "55" with "5".
- 8.a. Replace Stormwater Management For Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices. (US EPA, 1992) with Developing Your Stormwater Pollution Prevention Plan: A Guide for Industrial Operators (US EPA 2009).
- 8.b. Replace "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, August 1992, Best Management Practices for Urban Stormwater Runoff, NH Department of Environmental Services, January 1996," with "New Hampshire Stormwater Manual Volumes 1-3, December 2008, NH Department of Environmental Service,"

Article 7.G. Replace "Aquifer Protection District" with "Aquifer and Groundwater Protection District".

Article 7.H.

Replace “Aquifer Protection District” with “Aquifer and Groundwater Protection District”.

10. Replace “United States Natural Resources Conservation Service;” with “Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, August 2005, and any subsequent revisions;”
11. Update NH DES Rules references: “to Env-Hw 500-900 except for: a.household hazardous waste centers and events regulated under Env-Hw 401.03(b)(1) and Env-Hw 501.01(b);”
12. Update NH DES Rules reference: “that are subject to Env-Wq 402, except the following”
13. Replace “(i.e. 55-gallons)” with “(i.e. 5 gallons)”.
14. Delete the word “commercial”.

Article 7.I.1. replace “Belmont Fire Department” with “Code Enforcement Officer”.

Article 7.J.

2. After “and/or equipment” add “provided fuel transfers are conducted over an impervious area and utilize portable spill containment equipment with trained personnel present during transfers.”
8. Update NH DES Rule Reference, “Rules Env-Hw 401.03(b)(1) and 501.01(b)”.

Source: Ballot Article 4, March 9, 2010. Yes 430, No 286.

Article 7.C.14-Further Define Snow Dump-add “off-site” in two locations

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.

Source: Ballot Article 6, March 13, 2018. Yes 312, No 87.

ARTICLE VIII (fka) VII**ARTICLE VII. PERFORMANCE STANDARDS****A. Aquifer Protection**

An aquifer is a water bearing stratum of permeable sand, gravel rock. Several surface aquifers in Belmont have been mapped by the U.S. Geological Survey. Many of these aquifers are valuable sources of community and individual drinking water. Surface aquifers are particularly susceptible to pollution because they consist of such permeable material. Pollutants can migrate for long distances in aquifers. Therefore, aquifers in any zoning district shall be protected in the following manner.

1. No industrial discharge shall be allowed in the aquifer.
2. No uncovered industrial storage or salt storage area shall be allowed over an aquifer.
3. Laundry soaps, photography shop discharges, waste oils and other potentially harmful commercial discharges shall be prohibited.
4. Only structures connected to a municipal sewer shall be permitted.
5. Impervious surfaces (rooftops and parking area) shall not exceed 75 percent for any development over an aquifer which is depicted on the Belmont zoning map.
6. A surface drainage plan shall be presented for Planning Board review and approval. This plan should consider the kind and extent of contaminants that may be carried off in surface runoff. The plan should also specify the methods, such as holding basins, oil and grease skimmers and filters, that will be used to protect the aquifer from surface runoff. Residential land use, meeting conditions outlined in items 1-6 above, shall be exempted from supplying any drainage plan, other than what is required under Belmont Subdivision Regulations.

Major aquifer boundaries will be delineated on the Belmont Zoning Map. Only officially mapped aquifers will come under the terms of Article VII (A).

Boundary disputes will be settled through investigative studies by solid scientists, hydrologists, geologists or other clearly qualified individuals. The cost of such studies will be borne by the developer. The developer shall be reimbursed if the investigation concludes that his or her development is not part of a surface aquifer system which is shared with other land owners.

B. Wetland Protection

Wetland areas shall be protected under terms set forth in the Belmont Wetland District Ordinance. The wetland map is part of the wetland ordinance and shall apply to wetlands in any zoning district, regardless of individual *district* requirements.

C. Mobile/Manufactured Home Subdivision

Mobile home parks and subdivisions shall meet the following siting standards:

1. They shall be located on a minimum of ten (10) acres.
2. They shall have a buffer strip of 75 feet along public roads and of 50 feet along rear and side property lines.
3. They shall conform to the density requirements of individual zoning districts, but clustering opportunities are encouraged.
4. They shall have a maximum of two access points per development.
5. They shall conform in all other respects to standards set forth in this ordinance and other Town regulations.
6. They shall be located in multi—family zones only.
7. Dimensional regulations in Table 2 shall apply.

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

ARTICLE VIII (fka) VII

Replace Article VII, Section C. performance standards for Manufactured Home Parks with the following language:

C. Manufactured Home Park.

For the Purpose of this ordinance Manufactured Home Parks shall be considered subdivisions and shall meet the following performance standards:

1. A minimum tract size of 10 contiguous acres shall be required for a park.
2. A perimeter landscaped buffer strip of 75 ft. from the near edge of public roads to property lines of lots and 50 ft. along rear and side property lines shall be provided.
3. A 20 ft. minimum building setback shall be maintained from all internal rights-of-way.
4. The minimum distance between primary structures shall be 50 ft. with a minimum side yard setback of 10 ft. from the side property line.
5. Accessory structures shall not be closer than 25 ft. from an adjacent structure other than the dwelling that it serves nor closer than 10 ft. to a side property line.
6. Overall park density shall not exceed four (4) dwelling units per acre.
7. A 50 ft. right-of-way shall be required on internal roads.
8. 10,000 s.f. minimum lot size shall be required.

Source: Article 2, First Session, March 13, 1990. Yes 617, No 259.

ARTICLE VIII (fka) VII**ARTICLE VII. PERFORMANCE STANDARDS****A. AQUIFER PROTECTION**

An Aquifer is a water bearing stratum of permeable sand, gravel or rock. Several surface aquifers in Belmont have been mapped by the U.S. Geological Survey. Many of these aquifers are valuable sources of community and individual drinking water. Surface aquifers are particularly susceptible to pollution because they consist of such permeable material. Pollutants can migrate for long distances in aquifers. Therefore, aquifers in any zoning district shall be protected in the following manner:

1. No industrial discharge shall be allowed in the aquifer.
2. No uncovered industrial storage or salt storage area shall be allowed over an aquifer.
3. Laundry soaps, photography shop discharges, waste oils and other potentially harmful commercial discharges shall be prohibited.
4. Only structures connected to a municipal sewer shall be permitted.
5. A surface drainage plan shall be presented for Planning Board review and approval. This plan should consider the kind and extent of contaminants that may be carried off in surface runoff. The plan should also specify the methods, such as holding basins, oil and grease skimmers and filters, that will be used to protect the aquifer from surface runoff. Residential land use, meeting conditions outlined in items 1-6 above, shall be exempted from supplying any drainage plan, other than what is required under Belmont Subdivision Regulations.

Major aquifer boundaries will be delineated on the Belmont Zoning Map. Only officially mapped aquifers will come under the terms of Article VII (A).

Boundary disputes will be settled through investigative studies by soil scientists, hydrologists, geologists or other clearly qualified individuals. The cost of such studies will be borne by the developer.

B. WETLAND PROTECTION

Wetland area shall be protected under terms set forth in the Belmont Wetlands Conservation Ordinance. The wetland map is part of the wetland ordinance and shall apply to wetlands in any zoning district, regardless of individual district requirements. The Wetlands Conservation Ordinance is hereby made a part of this Ordinance as an Overlay Ordinance and shall be regulated accordingly.

C. MANUFACTURED HOUSING PARK

Manufactured housing park means any parcel of land under single or common ownership or control which contains, or is designed land out or adapted to accommodate two or more manufactured houses. Nothing herein shall be construed to apply to premises used solely for storage or display of manufactured housing units. RSA 205A:II. Refer to the definitions of Manufactured Housing and Manufactured Housing Parks in the definition section of this Ordinance.

Manufactured Housing Parks shall be reviewed under the Site Plan Review Regulations. Proposed additions to existing parks shall be included In this section. The following standards shall apply:

1. They shall be located on a minimum of ten (10) contiguous acres.
2. Table 2 Dimensional Regulations shall apply.
3. Perimeter setbacks shall be the same as required in each zone. A maximum of four living units per acre shall be allowed. Units shall be located in such a way as to allow at least 30 feet between each unit. Units shall be setback 15 feet from right-of-ways which shall be a minimum width of 30 feet with at least 22 feet of paved surface.
4. Each park shall have a maximum of two access points.
5. They shall conform in all other respects to the standards set forth in this Ordinance and other Town Regulations.
6. Amenities should be encouraged in each park such as playgrounds, tennis courts, swimming pools etc.
7. Phasing of a development may be allowed and the Planning Board shall review each phase prior to its construction. The original application shall outline the phasing sequence.
8. All public utilities shall be installed underground and shall meet the standards established by the Town.
9. All Manufactured Housing Parks shall be required to be tied to the municipal sewer system.

Source: Article 2, First Session, March 10, 1992. Yes 636, No 535.

ARTICLE VIII (fka) VII**Amendment: ARTICLE VII.D. (new section)****D. Temporary Mobile Home/Manufactured Housing Permits.**

The Planning Board may issue a permit for temporary use of a mobile home/manufactured housing as an office, storeroom or shop in connection with construction work, or for living quarters by a person employed in adjoining construction work, or for whom a residence is being built, in all zones, provided that such use is shown to be a temporary expedient and also that the use will comply with all applicable sanitary and sewage disposal requirements. The following conditions shall apply to the granting of any temporary use permit:

1. A permit may be granted for a period not to exceed 180 days while construction is in progress.

2. The applicant shall provide a construction schedule showing that construction will be completed within the 180 day period. The schedule shall provide at a minimum for completion and capping of a foundation within 90 days; initial framing within 120 days, and completion for occupancy within 180 days of the date the temporary use permit is issued.
3. Before a temporary use permit may be issued, a septic system and water supply must be in existence and be capable of being hooked up to the mobile home/manufactured housing. If a septic system and water supply is not in existence, a temporary use permit may be issued only after a septic design and well location have been approved by the New Hampshire Department of Environmental Services. Under no circumstances may physical occupancy occur until both systems are constructed and hooked up to the mobile home/manufactured housing. The mobile home/manufactured housing unit must also comply with all applicable Building and Safety Codes.
4. The applicant shall provide evidence of financial ability to complete the project within the schedule, in the form of bank or other financing or private funds. The Planning Board may require a bond or security in an amount and in such form as to assure removal of the mobile home/manufactured housing within the permit period if financial ability to complete the project is not otherwise assured.
5. The Planning Board may withdraw any temporary use permit at any time after 30 days from date of issue if the construction schedule of completion previously provided by the applicant is not met.
6. The Planning Board may extend the permit for a period not to exceed an additional 180 days, providing that substantial construction progress has been made.
7. The Planning Board may, under extraordinary circumstances involving weather or other extenuating circumstances, but not including circumstances of financial hardship, also extend a permit for a period not to exceed an additional 180 days when substantial construction progress has not been made.
8. A temporary use permit may under no circumstances be extended beyond 360 days from the date of initial issuance of the permit.

Amendment: ARTICLE VII.E. (new section)

- E. Any owner of a trailer coach or manufactured housing unit legally installed on land in the Town of Belmont as of the date of enactment of this ordinance desiring to replace his present property, on the same site, by the installation of a replacement trailer coach or manufactured housing unit shall be permitted to do so, provided that any said replacement trailer coach or mobile home can comply with all applicable septic system requirements, meets all present setback requirements and complies with all applicable Building and Safety Codes.

Source: Article 5, First Session, March 9, 1993. Yes 459, No 380.

ARTICLE VIII (fka) VII

ARTICLE VII.C. PERFORMANCE STANDARDS

Delete: "Manufactured housing park means any parcel of land under single or common ownership or control which contains, or is designed laid out or adapted to accommodate two or more manufactured houses. Nothing herein shall be construed to apply to premises used solely for storage or display of manufactured housing units. RSA 205A:II. Refer to the definitions of Manufactured Housing and Manufactured Housing Parks in the definition section of this Ordinance." (Entire first paragraph.)

Replace existing 2nd paragraph with:

Proposed expansion of existing Manufactured Housing Parks shall be reviewed under the Site Plan Review Regulations. The following standards shall apply:”

Delete: “1. They shall be located on a minimum of ten (10) contiguous acres.” And renumber remaining standards.

Source: Article 17, First Session, March 8, 1994. Yes 464, No 147.

ARTICLE VIII (fka) VII

ARTICLE VII.E. PERFORMANCE STANDARDS

- E. Any owner of a trailer coach or manufactured housing unit legally installed on land in the Town of Belmont as of the date of enactment of this ordinance desiring to replace his present property, on the same site, by replacing a trailer coach with a trailer coach or manufactured housing unit with a manufactured housing unit shall be permitted to do so, provided that any said replacement trailer coach or manufactured housing unit can comply with all applicable septic system requirements, meets all present setback requirements and complies with all applicable Building and Safety Codes.

Source: Article 17, First Session, March 8, 1994. Yes 464, No 147.

ARTICLE VIII (fka) VII

ARTICLE VII.D. PERFORMANCE STANDARDS

- D. Amend to: “The Planning Board may issue a permit for temporary use of a mobile home/manufactured housing as an office, storeroom or shop in connection with construction work, or for living quarters by a person employed in adjoining construction work, or for whom a residence is being built, or repaired after damage sustained from fire or other disaster, in all zones, provided that such use is shown to be a temporary expedient and also that the use will comply with all applicable sanitary and sewage disposal requirements.

Source: Article 17, First Session, March 8, 1994. Yes 464, No 147.

ARTICLE VIII (fka) VII

ARTICLE VII.C. PERFORMANCE STANDARDS

- C. Amend first paragraph to: “Manufactured Housing Park proposals shall be reviewed under the Subdivision Regulations. The following standards shall apply:”

Source: Article 2, First Session, March 14, 1995. Yes 461, No 163.

ARTICLE VIII (fka) VII

Amendment: Article VII. New Section

SHOREFRONT DEVELOPMENT

The purpose of this article is to provide for the regulation of shorefront development in order to protect water quality and to prevent overcrowding of shorefront in the interests of public safety and preservation of aesthetic values.

- A. The minimum shore frontage on a lake or pond shall be measured by averaging the distance of the actual shoreline frontage and a straight line drawn between property lines, both of which are measured at the mean high water line. For shorefront development the minimum shore frontage shall be as follows:
1. Each lot shall have a minimum shore frontage of - one hundred feet (100’).
 2. For multi-family lots and campgrounds - one hundred feet (100’) for the first four dwelling units and/or camp sites, plus, twenty feet (20’) for each additional dwelling unit and campsite.

- B. Shorefront common areas shall be regulated as follows:
1. At least six hundred (600) square feet of beach recreation area abutting the shore frontage shall be provided for each dwelling unit and camp site.
 2. At least one half of the minimum shorefront shall be reserved for swimming, and the swimming area shall be appropriately marked.
 3. Docks for swimming and non-power boating shall be no larger than the minimum permitted by the rules of the New Hampshire Wetlands Board and/or permit conditions of the U.S. Army Corps of Engineers.
 4. Where communal docking for power boats is proposed, there shall be 25 feet of shore frontage for each boat slip proposed. Such docks shall comply with the rules of the New Hampshire Wetlands Board and/or permit conditions of the U.S. Army Corps of Engineers.
- C. Shorefront common areas for non-shorefront development shall include, but are not limited to, single family, two-family, multi-family or condominium development in which units are granted rights of access to a shorefront common area on a lake or pond, whether such rights of access are created by formal or informal agreement, by cooperative or stockholder ownership, by the provisions of RSA 356-B or by fractional fee simple ownership as joint tenants, tenants in common or otherwise; and whether such rights of access are created according to a common scheme of development or subsequent in time or incidental to the primary development. In addition to the general requirements of this Section, the following shall additionally apply to shorefront common areas for non-shorefront development:
1. A shorefront common area shall contain a minimum of one acre.
 2. No dwelling units shall be constructed on the shorefront common area.
 3. Every shorefront common area for units located in excess of 200' from the common area shall have at least one (1) permanent septic system and toilet facility approved by the New Hampshire Department of Environmental Services or connected to the Municipal sewer system.
 4. Every shorefront common area shall have off-street parking at the rate of one space for each dwelling unit situated more than 1/4 mile from the shorefront common area. The parking shall be set back from the high water mark no less than fifty (50) feet and shall be buffered or screened from the waterfront and abutting property by vegetative screening as defined in the Zoning Ordinance.

Source: Article 4, First Session, March 12, 1996. Yes 397, No 137.

ARTICLE VIII (fka) VII

Article VII.E.

Delete in its entirety.

Source: Article 6, First Session, March 12, 1996. Yes 347, No 174.

ARTICLE VIII (fka) VII

Amendment: Article VII.C.3.

Add sentence: All structures in a manufactured housing park shall meet the setbacks identified above.

Source: Article 15, First Session, March 12, 1996. Yes 423, No 102.

ARTICLE VIII (fka) VII

Amendment Article VII.C.

Rewritten as:

C. MANUFACTURED HOUSING PARK & MANUFACTURED HOUSING SUBDIVISION
 Manufactured Housing shall be located only within Manufactured Housing Parks & Manufactured Housing Subdivisions. Proposals for such Parks & Subdivisions shall be reviewed under the Subdivision Regulations.

The following standards shall also apply:

1. Table 2 Dimensional Regulations shall apply except as amended herein.
2. Parks & Subdivisions shall be located on a minimum of ten (10) contiguous acres.
3. Perimeter setbacks shall be the same as required in each zone.
4. Amenities such as playgrounds, tennis courts, swimming pools, etc., should be encouraged.
5. Phasing of a development may be allowed and the Planning Board shall review each phase prior to its construction. The original application shall outline the phasing sequence.
6. All public utilities shall be installed underground and shall meet the standards established by the Town.
7. A 75' deep vegetative screen shall be placed along exterior streets. A 50' deep vegetative screen shall be placed along abutting property lines.
8. All sites and lots must access onto an interior road system and not directly onto existing private or public access roads.
9. In addition, for all Parks:
 - a. A maximum of four living units per acre shall be allowed.
 - b. Internal- right of ways shall be a minimum width of 30 feet with at least 22 feet of paved surface.
 - c. Each park shall have a maximum of two access points.
 - d. Units in parks shall be tied to the municipal sewer system or to an approved park wide community septic system.
 - e. In parks having defined site lines, all related structures shall be contained on the same site.
 - f. Setbacks between unrelated structures to be as defined by this ordinance.
10. In addition for all Subdivisions:
 - a. Lots and roads shall conform to all the requirements of this Ordinance and the Subdivision Regulations that conventional single family housing must meet for the zone in which the subdivision is located. These requirements include, but are not limited to, lot size, density and frontage. Cluster opportunities are encouraged.
11. Parks & Subdivisions shall conform in all other respects to the standards set forth in this Ordinance and other Town Regulations.

Source: Article 4, First Session, March 10, 1998. Yes 378, No 238.

ARTICLE VIII (fka) VII

Amendment Article VII.C.

In addition, for all Parks:

The required 30 foot setback between unrelated structures may be reduced under the following circumstances:

1. **MAIN STRUCTURE SETBACK:** Either the side or end setback may be reduced in the following manner for Manufactured housing units which are constructed with sheet rock or equal fire stop capacity walls and ceilings. However, at least one of the setbacks must comply with the 30 distance.
 - a. **SIDE SETBACKS:** May be reduced to 20' from the side (long dimension) of a unit and the closest enclosed extension of any adjacent unit if at least one of the units meets the

- construction minimums noted above. Nothing shall be placed within the 20' setback area (propane, fuel, sheds, etc.)
- b. **END SETBACKS:** May be reduced to 15' between the short ends of two units if at least one of the units meets the construction minimums noted above. Nothing shall be placed within the 15' setback area (propane, fuel, sheds, etc.)
 - c. **OPEN DECKS SETBACKS:** May be reduced to 15' between an open deck and the closest extension (open or closed) of any unrelated structure.
2. **SETBACKS BETWEEN SHEDS:** May be reduced to 5' between sheds where each shed does not exceed 144 square feet and 8' in height. Sheds shall remain a minimum of 20' from all other unrelated structures.
 3. **ENTRANCE LANDINGS SETBACKS:** Open, railed, entrance landings not exceeding 4'x4' with stairs running parallel to the unit to ground level are exempt from defined setbacks. A 15 foot structure setback shall be maintained from internal, private park roads.

Source: Article 5, First Session, March 10, 1998. Yes 384, No 219.

ARTICLE VIII (fka) VII

Amend Article VII.C.9.f. Rewrite

"f. Setbacks between unrelated structures to be as defined by this ordinance. The required 30 foot setback between unrelated manufactured housing units or their single story accessory structures may be reduced under the following circumstances:

1. **SETBACKS:** For Manufactured housing units or their accessory structures which are constructed with sheet rock or equal fire stop capacity walls and ceilings the following setbacks shall apply.
 - a. **SIDE SETBACK:** 20' from the side (long dimension) of a unit or structure and the closest enclosed extension of any unrelated unit or structure if at least one meets the construction minimums noted above. Nothing shall be placed within the 20' setback area (propane, fuel, sheds, etc.)
 - b. **GABLE END SETBACK:** 15' between the gable ends of two unrelated units or structures if at least one meets the construction minimums noted above. Nothing shall be placed within the 15' setback area (propane, fuel, sheds, etc.)
 - c. **OPEN DECKS SETBACK:** May be reduced to 15' between an open deck and the closest extension (open or closed) of any unrelated structure.
2. **SETBACKS BETWEEN SHEDS:** May be reduced to 5' between unrelated sheds where each shed does not exceed 144 square feet and 8' in height. However, sheds shall remain a minimum of 20' from all other unrelated structures.
3. **ENTRANCE LANDINGS SETBACKS:** Open, railed, entrance landings not exceeding 4'x4' with stairs running parallel to the unit to ground level are exempt from defined setbacks. A 15 foot structure setback shall be maintained from internal, private park roads."

Source: Article 5, First Session, March 9, 1999. Yes 349, No 52.

ARTICLE VIII (fka) VII

Amend Article VII.C.9.a – Add

"The total lot area shall be reduced by the amount of non-buildable area before determining the number of allowed units. Non-buildable areas, as example, include wetlands, slopes in excess of 15%, well head protection areas, services areas, areas dedicated to roads, utilities, septic, wells, play grounds and other amenities."

Source: Article 12, First Session, March 9, 1999. Yes 286, No 108.

ARTICLE VIII (fka) VII

Amend Article VII.C.2 - Rewrite

“Parks and Subdivisions shall be located on a minimum of twenty (20) contiguous acres.”

Source: Article 13, First Session, March 9, 1999. Yes 328, No 68.**ARTICLE VIII (fka) VII**

Amendment: Amend Article VII.C.9.a. - Rewrite:

“a. A maximum of two living units per acre shall be allowed.”

Source: Article 20, First Session, March 9, 1999. Yes 324, No 75.**ARTICLE VIII (fka) VII**

Amend: Article VII. Add new section

ARTICLE VII. (tbd)**A. PURPOSE AND GOALS**

This article establishes general standards for the siting, construction and development of telecommunications facilities through the enhancement and fulfillment of the following specific purpose and goals which are in addition to those stated in Article I of this ordinance:

1. Further the goals, objectives and recommendations of the Belmont Master Plan, and preserve the authority of the Town of Belmont to regulate land uses including telecommunication facilities;
2. Provide reasonable opportunities for the siting of telecommunication facilities;
3. Reduce adverse impacts such facilities may create, including, but not limited to impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, and prosperity through protection of property values;
4. Require cooperation and co-location to the highest extent possible between competitors where practical and consistent with the goals of this Ordinance in order to reduce the cumulative negative impacts upon the Town of Belmont;
5. Permit the construction of new towers only where all other reasonable opportunities have been exhausted, and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas;
6. Provide constant maintenance and safety inspections for all facilities;
7. Provide for the removal of abandoned or discontinued facilities that are no longer inspected for safety concerns and Code compliance. Provide a mechanism for the Town of Belmont to remove such facilities to protect the public from imminent harm and danger;
8. Provide for the removal or upgrade of facilities that are technologically outdated.

B. APPLICABILITY

This Article applies to all construction and expansion of Telecommunication Facilities, except as provided below.

1. The following are exempt from the provisions of this Article:
 - a. Emergency Telecommunication Facility. Temporary Telecommunication Facilities for emergency communications by public officials.
 - b. Amateur (ham) radio services. Amateur (ham) radio services licensed by the Federal Communications Commission (see RSA 674:16).
 - c. Parabolic (dish) antenna. Parabolic antenna that is accessory to a residential use of property.

- d. Maintenance, repair or reconstruction. Maintenance and repair of a Telecommunications Facility and related equipment, provided that there is no change in the height or any other dimension of the facility.
2. Essential Services & Public Utilities.
Telecommunications facilities shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the Town's ordinances and regulations. Siting for telecommunication facilities is a use of land, and is addressed by this Article.
3. Telecommunication Facilities shall be considered either a principal or a secondary non-residential use. Such facilities shall not be deemed an accessory use. A different use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

C. SITING STANDARDS

1. Location of facilities and use-generally. Applicants seeking approval for Telecommunication Facilities shall comply with the following general criteria:
 - a. If feasible, Telecommunication Facilities shall be located in or on existing structures, including but not limited to buildings, water towers, existing telecommunication facilities, utility poles and towers and related facilities, provided that such installation preserves the character and integrity of those structures. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate. Licensed carriers shall share Telecommunication Facilities and sites where feasible and appropriate, thereby reducing the number of stand-alone Telecommunication Facilities within the Town of Belmont. All applications for Special Exception shall demonstrate a good faith effort to co-locate with other carriers. If an applicant does intend to co-locate or to permit co-location, the applicant shall provide drawings and studies to both the Planning Board and Zoning Board of Adjustment which show the ultimate appearance and extent of operation. If the Zoning Board of Adjustment approves co-location for a Telecommunication Facility, the decision shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the decision shall not require further approval from the Zoning Board of Adjustment. However, the addition of any facilities not specified in the Special Exception approval shall require a new approval.
 - b. If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence can consist of:
 1. Substantial Evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 2. Substantial Evidence that existing towers are not of sufficient height to meet the applicant's engineering requirements, and why.
 3. Substantial Evidence that the existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 4. Substantial Evidence that applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

5. Substantial Evidence that the fees, costs, or contractual provisions required by the owner in order to share the existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
6. Substantial Evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable.

The applicant proposing to build a new tower, shall submit an agreement with the Town that allows for the maximum allowance of co-location upon the new structure. Such statement shall become a Condition to any Approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other telecommunications providers. Failure to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the Town of Belmont, and grounds for a denial.

2. Historic buildings. Any Telecommunication Facility located on or within an historic structure shall not alter the character defining features, distinctive construction methods, or original materials of the building.
3. Sensitive natural resources. Specific natural resource characteristics as maybe present throughout the Town of Belmont that are fundamentally incompatible with new tower construction: (a) slopes of 25% or greater, (2) wetlands, (3) deer wintering habitat areas as inventoried by the NH Department of Fish and Game, (4) threatened, rare or endangered flora as determined by the NH Natural Heritage Inventory. Telecommunication Facilities shall be located and designed so as to avoid or mitigate impacts to the above-referenced natural resources.

D. DIMENSIONAL REQUIREMENTS

1. Classification of facilities. For purposes of distinguishing between different Telecommunication Facilities, the following classification shall apply:
 - Class 1. Antenna location or co-location on an existing structure; including but not limited to a church steeple, building roof or water tower.
 - Class 2. Antenna location or co-location on an existing tower.
 - Class 3. New tower construction or tower expansion - applicable to tower facilities used primarily for purposes of establishing or improving a capacity service facility, a residential service facility or as an alternative coverage facility.
 - Class 4. New tower construction or tower expansion - applicable to tower facilities used primarily for purposes of establishing a coverage service facility.
2. Height. The requirements set forth in this section shall apply only to Telecommunication Facilities and shall preempt all other height limitations required by the Town of Belmont Zoning Ordinance.
 - a. Class 1 Facilities: An antenna may be located or co-located on an existing structure (such as a building, church or water tower) which shall not project more than 10' above the height of the building or structure.
 - b. Class 2 Facilities: Antenna may be located or co-located on an existing tower which does not increase the height of the tower nor violate the terms or conditions of any previous local approval.
 - c. Class 3 Facilities: The maximum tower height shall be 100 feet above ground level. Actual, permissible tower heights shall be determined on a case-by-case basis by the Zoning Board of Adjustment pursuant to the Special Exception review process.

- d. Class 4 Facilities: The maximum tower height shall be 180 feet above ground level. Actual, permissible tower heights shall be determined on a case-by-case basis by the Zoning Board of Adjustment pursuant to the Special Exception review process.

Phased Vertical Expansion. An applicant may request and/or the Zoning Board of Adjustment may require, that towers be engineered so as to be capable of vertical expansion in phases. The general purpose of such a request or requirement shall be to provide a tower/antenna height that is initially proportionate to the tree line at the time of construction, while providing an option for future vertical expansion in a manner that is incrementally consistent with the vertical growth of the surrounding vegetation. All subsequent phases of vertical tower expansion shall be subject to the Special Exception application review process. The review of such a subsequent application shall be limited in scope to the proposed vertical expansion as it relates to the terms and provisions of this Ordinance.

3. Setbacks. All Telecommunication Facilities and their equipment shelters shall comply with the building setback provisions of the underlying zoning district in which the facility is located. In addition, the following setbacks shall be observed:
 - a. In order to ensure public safety, the minimum distance from the base of any tower to any property line, road, dwelling, business, institution or public recreational area shall be equal to two-thirds of the height of the tower. This setback shall be known as the fall zone.
 - b. In the event that an existing structure is proposed as a mount for a Telecommunication Facility, a fall zone shall not be required.
 - c. In reviewing an application for Special Exception, the Zoning Board may reduce the required fall zone and/or setback distance of the zoning district up to 50% of the required distance, if it finds that a substantially better design will result from such reduction. In making such a finding, the Zoning Board of Adjustment shall consider both the visual and safety aspects of the proposed use.
 - d. Tower Separation. No tower facility (Class 3 or Class 4) shall be located within two thousand feet (2000 ft.) of another tower facility (Class 3 or Class 4). Distance separating two facilities shall be measured as a straight, horizontal line between two points.

E. PERFORMANCE STANDARDS

All telecommunications facilities shall be subject to the provisions of this Ordinance and the standards contained within and as applied under the Site Plan Review Regulations and other applicable ordinances and regulations.

1. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna, as abandoned, at the owners expense through the execution of the posted security.
2. Building Codes and other safety considerations. To ensure the structural integrity of towers and antennas, the owner of the facility shall ensure that it is constructed, attached

and maintained in compliance with standards contained in the local building code applicable to non-residential structures and facilities. Prior to the issuance of a Certificate of Use and Occupancy, the applicant shall submit to the Code Enforcement Officer written certification that any antenna installation or tower construction meets or exceeds the applicable codes.

3. The installation and/or construction of all Telecommunication Facilities subject to this Ordinance shall require a building permit and a Certificate of Use and Occupancy. No Telecommunication Facility shall operate prior to the issuance of a Certificate of Use and Occupancy.

F. SPECIAL EXCEPTION REVIEW PROCEDURES

1. **Application Requirements.** Applications for Special Exception shall include, at a minimum, the following additional information:
 - a. Written evidence that the proposed use/facility will comply with the FCC regulations regarding radio frequency exposure.
 - b. Written evidence that the proposed use/facility will meet the requirements of the National Environmental Policy Act.
 - c. Copies of any Environmental Assessment or Environmental Impact Statement produced in accordance with FCC or NEPA requirements.
 - d. An inventory of existing towers that are within the jurisdiction of the Town and those within two miles of the Town borders, including specific information about the location, height, design as well as economic and technical feasibility for co-location. Written evidence shall be presented that no existing structure can accommodate the applicant's proposed antenna in a manner that will achieve the required technical result.
 - e. Engineering information detailing the proposed size and coverage range together with the technical reasons for the facility design.
 - f. A description of the tree cover on the subject property and adjacent properties by dominant species and average height, as measured by or available from a verifiable source.
 - g. Representations, dimensioned to scale, of the proposed tower, antennas, equipment shelters including elevation drawings of all structures and the vegetative buffer.
 - h. A visual impact assessment including before-condition photographs and aftercondition photographic simulations of the proposed facility showing what can be seen from any public viewpoint.
2. **Criteria for Special Exception.** It shall be the burden of the applicant to provide sufficient evidence to persuade the Zoning Board of Adjustment that all applicable criteria of this ordinance have been met and that the proposal does not represent unreasonable adverse impacts. An applicant's failure to satisfy the burden of proof shall result in the denial of an application. Additional factors considered in granting decisions:
 - a. Height of proposed tower or other structure.
 - b. Proximity of tower to residential development or zones.
 - c. Nature of uses on adjacent and nearby properties.
 - d. Surrounding topography.
 - e. Surrounding tree coverage and foliage.
 - f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - g. Proposed ingress and egress to the site.

- h. Availability of suitable existing towers and other structures as discussed in this ordinance.
 - i. Visual impacts on viewsheds, ridgelines, and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.
 - j. Availability of alternative tower structures and alternative siting locations.
- 3. Outside Technical Review. The Zoning Board of Adjustment may retain a technical expert in the field of radio frequency engineering to review and verify technical claims made by the applicant including but not limited to the co-location findings, alternative locations and innovative design opportunities. The cost of such technical review shall be borne by the applicant.
 - 4. Conditions. In approving an application for Special Exception, the Zoning Board of Adjustment may impose such conditions as it deems appropriate to substantially secure the objectives, standards or requirements of this ordinance.
 - 5. Site Plan Review by the Belmont Planning Board is required for any proposal which includes the construction of a new tower or the construction or expansion of an equipment shelter.
 - 6. Joint meetings and public hearings between the Planning Board and Zoning Board of Adjustment may be held in accordance with the provisions of RSA 676:2.

F. BONDING, SECURITY AND INSURANCE

Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board, under Site Plan review, shall set the form and amount of security that represents the estimated cost for removal and disposal of abandoned towers in the event the tower is abandoned and the tower owner is incapable or unwilling to remove the tower. All security shall be maintained for the life of the tower. The Town as an administrative matter, may periodically require the amount of the security to be adjusted to cover the then current cost of removal and disposal. Proof of adequate insurance coverage for accident or damage shall be provided for all tower facilities prior to the issuance of a Building Permit. Said proof shall be submitted to the Town on an annual basis thereafter and be placed on file for public inspection with the Land Use office. Failure to maintain adequate security for removal of an abandoned tower and/or adequate insurance coverage shall invalidate the Certificate of Use and Occupancy.

G. ABANDONMENT

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof of current, satisfactory inspection by a qualified person to conduct such inspection. The owner shall remove the abandoned structure within ninety (90) days of receipt of a declaration of abandonment from the Town notifying the owner of such determination. A declaration of abandonment shall only be issued following a public hearing with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within ninety (90) days, the Town shall have all necessary authority to execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

H. DEFINITIONS

- 1. Antenna - any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.
- 2. Co-location — the use of a single mount on the ground by more than one carrier (vertical Co-location) and/or several mounts on an existing building or structure by more than one carrier.

3. Designated Historic Buildings and other Resources - historic resources listed in the National Register of Historic Places or determined to be eligible for listing on the National Register, individually or as a district.
4. Equipment Shelter - an enclosed structure, cabinet, shed or box at or near the base of the mount within which are housed electrical equipment.
5. FAA - an acronym that shall mean the Federal Aviation Administration.
6. FCC - an acronym that shall mean the Federal Communications Commission.
7. Fall Zone - the area on the ground within a prescribed radius from the base of a facility within which there is a potential hazard from falling debris (such as ice) or collapsing material
8. Height — for the purposes of this article shall mean the vertical measurement from a point on the ground at the mean finish grade adjoining the foundation to the highest point of the building or structure. Measurement of tower height shall include antenna, base pad, footings and other appurtenances.
9. Mount - the structure or surface upon which antennas are mounted, including the following types of mounts: roof mounted (roof of building), side mounted (side of building), ground mounted and structure mounted (other than a building).
10. Planning Board - the Town of Belmont Planning Board.
11. Preexisting towers and antennas - any tower or antenna lawfully constructed or permitted prior to the adoption of this ordinance. Shall also mean any tower or antenna lawfully constructed in accordance with this ordinance.
12. Telecommunications Facilities - any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile services, unlicensed services, cellular phone services, specialized mobile radio communications (SMR), and personal communications service (PCS), and common carrier exchange access services.
13. Tower - any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The terms includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.
14. Unreasonable Adverse Impact - the proposed facility would produce an end result which is excessively out of character with the designated resources effected.

Source: Article 3, First Session, March 14, 2000. Yes 567, No 144.

ARTICLE VIII (fka) VII

Amend: Article VII.A. Rewrite in entirety.

A stratified drift aquifer means a geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.

Gravel/stratified drill wells shall be as shown on the NH Department of Environmental Services (DES) map “Drinking Water Resources and Potential Contamination Sources for the Town of Belmont”, dated March 15, 1999, and as amended from time to time by NH DES.

Stratified drift aquifers are valuable sources of community and individual drinking water and are particularly susceptible to pollution because they consist of such permeable material. Pollutants can migrate for long distances in aquifers. Therefore, the prohibited uses identified in NH RSA 485- C: 12, as amended, shall not be allowed within the gravel stratified drift wellhead protection areas identified on the above mentioned plan.

Boundary disputes will be settled through investigative studies by soil scientists hydrologists, geologists or other clearly qualified individuals. The cost of such studies will be borne by the developer.

Source: Article 5, First Session, March 14, 2000. Yes 544, No 310.

ARTICLE VIII (fka) VII

Article VII.F. (Amend) Replace “telecommunication(s)” with “personal wireless service(s)”.

Article VII.F.9. Adopt definitions.

F. PERSONAL WIRELESS SERVICES

1. PURPOSE AND GOALS

This article establishes general standards for the siting, construction and development of personal wireless services facilities (PWSF) through the enhancement and fulfillment of the following specific purpose and goals which are in addition to those stated in Article I of this ordinance:

- a. Further the goals, objectives and recommendations of the Belmont Master Plan, and preserve the authority of the Town of Belmont to regulate land uses including PWSF;
- b. Provide reasonable opportunities for the siting of PWSF;
- c. Reduce adverse impacts such facilities may create, including, but not limited to impacts on aesthetics, environmentally sensitive areas, historically significant locations, flight corridors, health and safety by injurious accidents to person and property, and prosperity through protection of property values;
- d. Require cooperation and co-location to the highest extent possible between competitors where practical and consistent with the goals of this Ordinance in order to reduce the cumulative negative impacts upon the Town of Belmont;
- e. Permit the construction of new towers only where all other reasonable opportunities have been exhausted, and to encourage the users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas;
- f. Provide constant maintenance and safety inspections for all facilities;
- g. Provide for the removal of abandoned or discontinued facilities that are no longer inspected for safety concerns and Code compliance. Provide a mechanism for the Town of Belmont to remove such facilities to protect the public from imminent harm and danger;
- h. Provide for the removal or upgrade of facilities that are technologically outdated.

2. APPLICABILITY

This Article applies to all construction and expansion of PWSF, except as provided below.

- a. The following are exempt from the provisions of this Article:
 - (1) Emergency PWSF. Temporary PWSF for emergency communications by public officials.
 - (2) Amateur (ham) radio services. Amateur (ham) radio services licensed by the Federal Communications Commission (see RSA 674:16).
 - (3) Parabolic (dish) antenna. Parabolic antenna that is accessory to a residential use of property.
 - (4) Maintenance, repair or reconstruction. Maintenance and repair of a PWSF and related equipment, provided that there is no change in the height or any other dimension of the facility.
- b. Essential Services & Public Utilities.
PWSF shall not be considered infrastructure, essential services, or public utilities, as defined or used elsewhere in the Towns ordinances and regulations. Siting for PWSF is a use of land, and is addressed by this Article.

- c. PWSF shall be considered either a principal or a secondary non-residential use. Such facilities shall not be deemed an accessory use. A different use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

3. SITING STANDARDS

- a. Location of facilities and use-generally. Applicants seeking approval for PWSF shall comply with the following general criteria:
 - (1) If feasible, PWSF shall be located in or on existing structures, including but not limited to buildings, water towers, existing PWSF, utility poles and towers and related facilities, provided that such installation preserves the character and integrity of those structures. The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate. Licensed carriers shall share PWSF and sites where feasible and appropriate, thereby reducing the number of stand-alone PWSF within the Town of Belmont. All applications for Special Exception shall demonstrate a good faith effort to co-locate with other carriers. If an applicant does intend to co-locate or to permit co-location, the applicant shall provide drawings and studies to both the Planning Board and Zoning Board of Adjustment which show the ultimate appearance and extent of operation. If the Zoning Board of Adjustment approves co-location for a PWSF, the decision shall indicate how many facilities of what type shall be permitted on that site. Facilities specified in the decision shall not require further approval from the Zoning Board of Adjustment. However, the addition of any facilities not specified in the Special Exception approval shall require a new approval.
 - (2) If the applicant is proposing to build a new tower, the applicant shall submit written evidence demonstrating that no existing structure can accommodate the applicant's proposed antenna. This evidence can consist of:
 - (a) Substantial Evidence that no existing towers or structures are located within the geographic area required to meet the applicant's engineering requirements.
 - (b) Substantial Evidence that existing towers are not of sufficient height to meet the applicant's engineering requirements, and why.
 - (c) Substantial Evidence that the existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (d) Substantial Evidence that applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (e) Substantial Evidence that the fees, costs, or contractual provisions required by the owner in order to share the existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (f) Substantial Evidence that the applicant can demonstrate other limiting factors that render existing towers and structures unsuitable. The applicant proposing to build a new tower, shall submit an agreement with the Town that allows for the maximum allowance of co-location upon the new structure. Such statement shall become a Condition to any Approval. This statement shall, at a minimum, require the applicant to supply available co-location for reasonable fees and costs to other PWS providers. Failure

to provide such an agreement is evidence of the applicant's unwillingness to cooperate with the orderly and well-planned development of the Town of Belmont, and grounds for a denial.

- b. Historic buildings. Any PWSF located on or within an historic structure shall not alter the character defining features, distinctive construction methods, or original materials of the building.
- c. Sensitive natural resources. Specific natural resource characteristics as maybe present throughout the Town of Belmont that are fundamentally incompatible with new tower construction: (a) slopes of 25% or greater, (2) wetlands, (3) deer wintering habitat areas as inventoried by the NH Department of Fish and Game, (4) threatened, rare or endangered flora as determined by the NH Natural Heritage Inventory. PWSF shall be located and designed so as to avoid or mitigate impacts to the above-referenced natural resources.

4. DIMENSIONAL REQUIREMENTS

- a. Classification of facilities. For purposes of distinguishing between different PWSF, the following classification shall apply:
 - Class 1. Antenna location or co-location on an existing structure; including but not limited to a church steeple, building roof or water tower.
 - Class 2. Antenna location or co-location on an existing tower.
 - Class 3. New tower construction or tower expansion - applicable to tower facilities used primarily for purposes of establishing or improving a capacity service facility, a residential service facility or as an alternative coverage facility.
 - Class 4. New tower construction or tower expansion - applicable to tower facilities used primarily for purposes of establishing a coverage service facility.
- b. Height. The requirements set forth in this section shall apply only to PWSF and shall preempt all other height limitations required by the Town of Belmont Zoning Ordinance.
 - (1) Class 1 Facilities: An antenna may be located or co-located on an existing structure (such as a building, church or water tower) which shall not project more than 10' above the height of the building or structure.
 - (2) Class 2 Facilities: Antenna may be located or co-located on an existing tower which does not increase the height of the tower nor violate the terms or conditions of any previous local approval.
 - (3) Class 3 Facilities: The maximum tower height shall be 100 feet above ground level. Actual, permissible tower heights shall be determined on a case-by-case basis by the Zoning Board of Adjustment pursuant to the Special Exception review process.
 - (4) Class 4 Facilities: The maximum tower height shall be 180 feet above ground level. Actual, permissible tower heights shall be determined on a case-by-case basis by the Zoning Board of Adjustment pursuant to the Special Exception review process.

Phased Vertical Expansion. An applicant may request and/or the Zoning Board of Adjustment may require, that towers be engineered so as to be capable of vertical expansion in phases. The general purpose of such a request or requirement shall be to provide a tower/antenna height that is initially proportionate to the tree line at the time of construction, while providing an option for future vertical expansion in a manner that is incrementally consistent with the vertical growth of the surrounding vegetation. All subsequent phases of vertical tower expansion shall be subject to the Special Exception application review process. The review of such a subsequent application shall be limited

in scope to the proposed vertical expansion as it relates to the terms and provisions of this Ordinance.

- c. **Setbacks.** All PWSF and their equipment shelters shall comply with the building setback provisions of the underlying zoning district in which the facility is located. In addition, the following setbacks shall be observed:

- (1) In order to ensure public safety, the minimum distance from the base of any tower to any property line, road, dwelling, business, institution or public recreational area shall be equal to two-thirds of the height of the tower. This setback shall be known as the fall zone.
- (2) In the event that an existing structure is proposed as a mount for a PWSF, a fall zone shall not be required.
- (3) In reviewing an application for Special Exception, the Zoning Board may reduce the required fall zone and/or setback distance of the zoning district up to 50% of the required distance, if it finds that a substantially better design will result from such reduction. In making such a finding, the Zoning Board of Adjustment shall consider both the visual and safety aspects of the proposed use.
- (4) **Tower Separation.** No tower facility (Class 3 or Class 4) shall be located within two thousand feet (2000 ft.) of another tower facility (Class 3 or Class 4). Distance separating two facilities shall be measured as a straight, horizontal line between two points.

5. **PERFORMANCE STANDARDS**

All PWSF shall be subject to the provisions of this Ordinance and the standards contained within and as applied under the Site Plan Review Regulations and other applicable ordinances and regulations.

- a. **Federal Requirements.** All towers must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna, as abandoned, at the owners expense through the execution of the posted security.
- b. **Building Codes and other safety considerations.** To ensure the structural integrity of towers and antennas, the owner of the facility shall ensure that it is constructed, attached and maintained in compliance with standards contained in the local building code applicable to non-residential structures and facilities. Prior to the issuance of a Certificate of Use and Occupancy, the applicant shall submit to the Code Enforcement Officer written certification that any antenna installation or tower construction meets or exceeds the applicable codes.
- c. The installation and/or construction of all PWSF subject to this Ordinance shall require a building permit and a Certificate of Use and Occupancy. No PWSF shall operate prior to the issuance of a Certificate of Use and Occupancy.

6. **SPECIAL EXCEPTION REVIEW PROCEDURES**

- a. **Application Requirements.** Applications for Special Exception shall include, at a minimum, the following additional information:

- (1) Written evidence that the proposed use/facility will comply with the FCC regulations regarding radio frequency exposure.
 - (2) Written evidence that the proposed use/facility will meet the requirements of the National Environmental Policy Act.
 - (3) Copies of any Environmental Assessment or Environmental Impact Statement produced in accordance with FCC or NEPA requirements.
 - (4) An inventory of existing towers that are within the jurisdiction of the Town and those within two miles of the Town borders, including specific information about the location, height, design as well as economic and technical feasibility for co-location. Written evidence shall be presented that no existing structure can accommodate the applicant's proposed antenna in a manner that will achieve the required technical result.
 - (5) Engineering information detailing the proposed size and coverage range together with the technical reasons for the facility design.
 - (6) A description of the tree cover on the subject property and adjacent properties by dominant species and average tree canopy height, as measured by or available from a verifiable source.
 - (7) Representations, dimensioned to scale, of the proposed tower, antennas, equipment shelters including elevation drawings of all structures and the vegetative buffer.
 - (8) A visual impact assessment including before-condition photographs and aftercondition photographic simulations of the proposed facility showing what can be seen from any public viewpoint.
- b. Criteria for Special Exception. It shall be the burden of the applicant to provide sufficient evidence to persuade the Zoning Board of Adjustment that all applicable criteria of this ordinance have been met and that the proposal does not represent unreasonable adverse impacts. An applicant's failure to satisfy the burden of proof shall result in the denial of an application. Additional factors considered in granting decisions:
- (1) Height of proposed tower or other structure.
 - (2) Proximity of tower to residential development or zones.
 - (3) Nature of uses on adjacent and nearby properties.
 - (4) Surrounding topography.
 - (5) Surrounding tree coverage and foliage.
 - (6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - (7) Proposed ingress and egress to the site.
 - (8) Availability of suitable existing towers and other structures as discussed in this ordinance.
 - (9) Visual impacts on viewsheds, ridgelines, and other impacts by means of tower location, tree and foliage clearing and placement of incidental structures.
 - (10) Availability of alternative tower structures and alternative siting locations.
- c. Outside Technical Review. The Zoning Board of Adjustment may retain a technical expert in the field of radio frequency engineering to review and verify technical claims made by the applicant including but not limited to the co-location findings, alternative locations and innovative design opportunities. The cost of such technical review shall be borne by the applicant.

- d. Conditions. In approving an application for Special Exception, the Zoning Board of Adjustment may impose such conditions as it deems appropriate to substantially secure the objectives, standards or requirements of this ordinance.
- e. Site Plan Review by the Belmont Planning Board is required for any proposal which includes the construction of a new tower or the construction or expansion of an equipment shelter.
- f. Joint meetings and public hearings between the Planning Board and Zoning Board of Adjustment may be held in accordance with the provisions of RSA 676:2.

7. **BONDING, SECURITY AND INSURANCE**

Recognizing the extremely hazardous situation presented by abandoned and unmonitored towers, the Planning Board, under Site Plan review, shall set the form and amount of security that represents the estimated cost for removal and disposal of abandoned towers in the event the tower is abandoned and the tower owner is incapable or unwilling to remove the tower. All security shall be maintained for the life of the tower. The Town as an administrative matter, may periodically require the amount of the security to be adjusted to cover the then current cost of removal and disposal. Proof of adequate insurance coverage for accident or damage shall be provided for all tower facilities prior to the issuance of a Building Permit. Said proof shall be submitted to the Town on an annual basis thereafter and be placed on file for public inspection with the Land Use office. Failure to maintain adequate security for removal of an abandoned tower and/or adequate insurance coverage shall invalidate the Certificate of Use and Occupancy.

8. **ABANDONMENT**

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower provides proof of current, satisfactory inspection by a qualified person to conduct such inspection. The owner shall remove the abandoned structure within ninety (90) days of receipt of a declaration of abandonment from the Town notifying the owner of such determination. A declaration of abandonment shall only be issued following a public hearing with notice to abutters and the last known owner/operator of the tower. If the abandoned tower is not removed within ninety (90) days, the Town shall have all necessary authority to execute the security and have the tower removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

9. **DEFINITIONS**

- a. Antenna - Means the equipment from which wireless radio signals are sent and received by a PWSF.
- b. Average tree canopy height — means the average height found by inventorying the height above ground level of all trees over 20 feet in height within a 300 foot radius.
- c. Carrier — a person that provides personal wireless services.
- d. Co-location — the use of a single mount on the ground by more than one carrier (vertical co-location) and/or several mounts on an existing building or structure by more than one carrier.
- e. Designated Historic Buildings and other Resources - historic resources listed in the National Register of Historic Places or determined to be eligible for listing on the National Register, individually or as a district.
- f. Equipment Shelter - an enclosed structure, cabinet, shed vault, or box near the base of the mount within which are housed equipment for PWSFs, such as batteries and electrical equipment.
- g. FAA - an acronym that shall mean the Federal Aviation Administration.
- h. FCC - an acronym that shall mean the Federal Communications Commission.

- i. Fall Zone - the area on the ground within a prescribed radius from the base of a facility within which there is a potential hazard from falling debris (such as ice) or collapsing material.
- j. Height —Means the height above ground level from the natural grade of a site to the highest point of a structure.
- k. Mount - the structure or surface upon which antennas are mounted and include roof mounted, side mounted, ground mounted and structure mounted types.
- l. Planning Board - the Town of Belmont Planning Board.
- m. Personal Wireless Service Facility or PWSF or facility - any PWSF as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(ii), including facilities used or to be used by a licensed provider of personal wireless services.
- n. Personal Wireless Services means any wireless telecommunications services, and commercial mobile services including cellular telephone services, personal communications services, and mobile and radio paging services as defined in the federal Telecommunications Act of 1996, 47 U.S.C. section 332(c)(7)(C)(i).
- o. Preexisting towers and antennas - any tower or antenna lawfully constructed or permitted prior to the adoption of this ordinance. Shall also mean any tower or - antenna lawfully constructed in accordance with this ordinance.
- p. Tower - any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The terms includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.
- q. Unreasonable Adverse Impact - the proposed facility would produce an end result which is excessively out of character with the designated resources effected.

Source: Article 6, First Session, March 13, 2001. Yes 282, No 72.

ARTICLE VIII (fka) VII

ARTICLE VII. Add new section G. ADULT ENTERTAINMENT AND SEXUALLY ORIENTED BUSINESSES

1. FINDINGS

The Belmont Planning Board has carefully reviewed several studies concerning the impact of adult entertainment and sexually oriented businesses on large and small communities across the United States. The Board has also gathered similar information concerning the impact of adult entertainment and sexually oriented businesses in New Hampshire. After thorough review and deliberation, the Board has found that the establishment and operation of adult entertainment and sexually oriented businesses often have harmful secondary effects on the community. These harmful secondary effects include, but are not limited to: increased crime, reduction in surrounding property values, increased noise, and a generally negative effect on the area's tourist based economy. The Board also finds that, while Belmont does not presently have any adult entertainment or sexually oriented businesses within its borders, it is not unlikely that it will in the future, and the community should be prepared to regulate these uses to minimize their negative impact on the community.

2. AUTHORITY

Pursuant to the authority conferred by New Hampshire RSA Chapter 674:16, the Town of Belmont adopts the following ordinance regulating Adult Entertainment and Sexually Oriented Businesses. This ordinance shall be considered part of the Zoning Ordinance for the purposes of administration and appeals under state law. If any provision of this ordinance differs or appears

to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

3. **PURPOSE**

It is the purpose and intent of this ordinance to regulate the harmful secondary effects of adult entertainment and other sexually oriented businesses, thereby promoting the health, safety, morals, and general welfare of the citizens of the Town, while still providing reasonable opportunities for the establishment of these businesses. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative activities or materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of the ordinance to restrict or deny access by adults to sexually oriented materials protected by the First amendment, or to deny access by the distributors and exhibitors of such materials.

4. **DEFINITIONS**

Pursuant to this ordinance, the following definitions shall apply to sexually oriented businesses.

Adult Arcade: means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

Adult Bookstore or Adult Video Store: means a business that devotes more than 15% of the total display, shelf rack, table, stand or floor area for the display, sale or rental of the following:

- a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, DVD's, slides, tapes, records, computer disks, CDROM's or other forms of visual or audio representations which meet the definition of “harmful to minors” and/or “sexual conduct”; or instruments, devices, or paraphernalia, which are designed for use in connection with “sexual conduct” as defined by NH RSA 571-B: 1,IV., other than birth control devices.
- b. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as Adult Bookstore or Adult Video Store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an Adult Bookstore or Adult Video Store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe “specific sexual activities” as defined by NH RSA 571-B:1,IV.

Adult Cabaret: means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- a. Persons who appear in a State of Nudity or Semi-Nudity; or
- b. Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities” or;
- c. Films, motion pictures, videocassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical area”.

Adult Entertainer: means any person who provides live adult entertainment whether or not a fee is charged or accepted for entertainment.

Adult Entertainment: means any exhibition, performance or medium which is distinguished or characterized by:

- a. Acts of masturbation, sexual intercourse or sodomy; or

- b. Fondling or other touching of the human genitals, pubic region, buttocks or female breast; or
- c. Human genitals in a state of sexual stimulation or arousal; or
- d. Displays of less than completely and opaquely covered human genitals, pubic region, anus, buttocks, or female breast below the top of the areola; or
- e. Any exhibition, performance or dance conducted in a premises where such exhibition, performance or dance is performed within the view of one or more members of the public and is intended or is likely to sexually stimulate any member of the public;
- f. Adult entertainment shall not include the following:
 - (1) Plays, operas, musicals, or other dramatic works which are not obscene;
 - (2) Classes, seminars and lectures which are held for serious scientific or educational purposes;
- g. For this chapter, any exhibition, performance, dance or other medium is obscene if it meets the standards set forth in NH RSA 571-B: 1.1.

Adult Material: means any one or more of the following regardless of whether new or used:

- a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, CD-ROMs or other forms of visual or audio representations which have as their primary or dominant theme subject matter depicting, exhibiting, illustrating, describing or relating to “sexual conduct” as defined by NH RSA 571-B:1 or specified anatomical areas; or
- b. Instruments, devices or paraphernalia which are designed for use in connection with “sexual conduct”, as defined by NH RSA 571-B:1, other than birth control devices, or recognized medical procedures.

Adult Theater: means a theater, concert hall, auditorium or similar commercial establishment, either indoors or outdoors in nature, which regularly features the presentation of motion pictures, films, theatrical productions, and other forms of visual production, by persons who appear in a state of nudity or semi-nudity or live performances which are characterized by the exposure of “specified sexual anatomical areas” or by “specified sexual activities” which meets the definition of “harmful to minors” and/or “sexual conduct” as set forth in NH RSA 571-B: 1.

Establishment: means and includes any of the following:

- a. The opening or commencement of any sexually oriented business as a new business;
- b. The conversion of an existing business whether or not a sexually oriented business, to any sexually oriented business;
- c. The additions of any sexually oriented business to any other existing sexually oriented business; or
- d. The relocation of any sexually oriented business.

Harmful to Minors: As defined in NH RSA 571-B:1, as may be amended.

Nudity or a State of Nudity: means the appearance of a human bare buttock, anus, male genitals, female genitals, or full female breasts.

Person: means an individual, proprietorship, partnership, corporation, Limited Liability Company, association, or other legal entity.

Semi-Nude: means a state of dress in which clothing is specifically designed to cover no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexual Conduct: As defined in NH RSA 571-B: 1, as may be amended.

Sexual Encounter Center: means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex or;
- b. Activities between two or more people when one or more of the persons is in a state of nudity or semi-nudity.

Sexually Explicit Material: see definition for - Adult Material.

Sexually Oriented Business: means an Adult Arcade, Adult Bookstore or Adult Video Store, Adult Cabaret, Adult Theater, or Sexual Encounter Center.

Specified Anatomical Areas: means the male genitals in a state of arousal or the vulva or more intimate part of the female genitals.

Specified Sexual Activities: see definition for — Sexual Conduct.

- a. The fondling or other touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated; or
- d. Excretory functions as part of or in connection with any of the activities set forth in a through c above.

Transfer of Ownership or Control: of a sexually oriented business means and includes any of the following:

- a. The sale, lease, or sublease of the business;
- b. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- c. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

5. SITING STANDARDS

- a. Subject to the site requirements set out below, sexually oriented business may be allowed in that portion of the Industrial District located south and east of the Laconia Road/Concord Street intersection, provided that it is otherwise lawful and meets all other zoning requirements
- b. For existing businesses in any district which sells sexually explicit goods, paraphernalia or adult materials, but does not meet the 15% threshold outlined in the definition of adult bookstore, such goods and paraphernalia shall be located either behind a counter, or in a separate room or enclosure where persons under the age of 18 are not allowed to enter. Such sexually explicit goods and paraphernalia must be located so that the materials in question are not within view of minors.
- c. Site Requirements
 - (1) No sexually oriented business use shall be located within 500 feet from any of the following (distance measured from the nearest property lines of each property):
 - (a) A public, religious or private nursery school, kindergarten school, elementary school, middle school, junior high school, high school or similar educational facility.
 - (b) Licensed Child Day Care Facility.
 - (c) A public park, public recreational field or any publicly owned property or facility.
 - (d) A religious institution or place of worship.
 - (e) Any existing residential dwelling.

- (2) No sexually oriented business use shall be located within 1000 feet from the zoning boundary lines of the Village Zone (distance measured from nearest point of zoning district line to property line of sexually oriented business.).
- (3) There shall be a minimum of 1,000 feet between any two sexual oriented businesses (distance measured from nearest property lines of each).
- (4) The proposed site shall be required to be screened in such a manner that limits pedestrian and vehicular access to adjacent properties, but which does not restrict adequate lines of sight or create unsafe site conditions. This visual barrier shall be maintained by the owner of the property.
- (5) There shall be sufficient parking as established by local and state fire, building, or health codes, whichever is greater.
- (6) The site shall be maintained daily in a condition that is free and clear of any sexual paraphernalia or packaging.
- (7) Signs shall not visually depict any person in a "State of Nudity" or "SemiNude", and no sexually explicit material, advertising or material deemed "harmful to minors shall be visible from outside the building.
- (8) Sexually oriented businesses shall only be allowed in freestanding buildings devoted primarily to that use.

Source: Article 3, First Session, March 11, 2003. Yes 329, No 126.

ARTICLE VIII (fka) VII

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

ARTICLE 8 (fka) 7

Article 7, Add G. Accessory Apartments

1. The accessory apartment shall have a minimum of 300 square feet of net floor area and shall not exceed twenty-five percent (25%) of the sum of the net floor area of both the finished primary dwelling unit and the finished accessory apartment.
2. An Accessory apartment does not require a separate Minimum Lot size (Article 5, Table 2).
3. Only one Accessory apartment per lot is allowed.
4. The Accessory apartment shall be located within the primary single-family dwelling unit and is not permitted in detached or accessory structures.
5. Accessory apartments shall include no more than two (2) bedrooms.
6. Accessory apartments may be created either through the internal conversion of an existing housing unit or through the creation of a new principal dwelling unit/accessory apartment structure.
7. Either the principal dwelling unit or the accessory apartment shall be occupied by the owner of the property.
8. The construction and occupancy of accessory apartments shall not be detrimental to the neighborhood in which the lot is located by virtue of overcrowding or traffic congestion.
9. Means of egress for both the principal single-family residence and the accessory apartment shall meet all applicable codes.
10. A building permit is required prior to creation/construction of the Accessory Apartment and a Certificate of Occupancy is required prior to occupancy of the unit.
11. Off-street parking shall be provided as follows:
 - (a) 2 spaces - principal residence, 1 space - accessory apartment;

- (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.
12. All applications under this section shall demonstrate adequate provision for sewage disposal, water, waste and drainage generated by the future occupancy of an accessory apartment.
 13. No exterior changes shall be made which do not conform to the character of the neighborhood.
 14. 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 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.

Source: Article 1, First Session, March 14, 2006. Yes 301, No 163.

ARTICLE 8 (fka) 7

Article 7. — Add “H. Campgrounds and Campground — RV Resorts” CAMPGROUNDS

The purpose of this Ordinance is to govern and control the orderly growth and development of all campgrounds, including RV Resort Campgrounds, to maximize compatibility with surrounding land uses, avoid health and safety hazards, protect environmental and aesthetic resources, minimize demands on public services and protect the rural qualities of the community.

In addition to the standards found in the Site Plan and Subdivision Regulations, the following minimum standards shall apply to all new campgrounds and RV Resort campgrounds and to expansions to existing campgrounds and RV Resort campgrounds. In the instance of a conflict between these and other Regulations or Ordinances, the more stringent shall apply.

Definitions:

Campground - A parcel of land with one or more specific sites, with or without water, electricity or sewerage hookups, that has provisions for the pitching of tents or parking of recreational vehicles or travel trailers for use as sleeping quarters on a temporary basis. All recreational vehicles and travel trailers shall remain registered and roadworthy. In campgrounds, sites shall not be occupied by the same person or persons for more than 3 consecutive weeks. Campgrounds shall comply with all applicable local and State standards. No structures with the exception of RVs in excess of 320 sf are permitted on individual campsites. Pavement and concrete parking and campsite pads are not considered structures.

Campgrounds- RV Resort (RV Resort) - A parcel of land with one or more specific sites, with water, electricity and sewerage hookups, that has provisions for the pitching of tents or parking of recreational vehicles or travel trailers for use as sleeping quarters on a temporary basis. All recreational vehicles and travel trailers shall remain registered, inspected and roadworthy. In order to accommodate access to the Lakes Region’s four recreational seasons, RV resort sites are not limited by the number of consecutive weeks that they may be occupied. However, all occupancy must be on a temporary basis as defined below. RV Resorts shall comply with all applicable local and State standards. RV Resorts may also include segregated sites that may be constructed and operated meeting the campground standards.

Campsite — A plot of ground within a campground or RV resort intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Dimensional Requirements — except as regulated herein and in the Site Plan Review and Subdivision Regulations shall meet the requirements of Article 5, Table 2 of the Belmont Zoning Ordinance.

Recreational Vehicle (RV) - Any of the following vehicles:

- a. Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- b. Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- c. Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.
- d. Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes.

Service Buildings - A subordinate structure determined by the Planning Board to be commonly associated with, incidental to, and on the same lot as the campground. Service buildings are intended for the use of residents of the campground and are not intended for public use. Uses may include Toilet, Shower, Bathroom, Office, Medical, Recreation, Storage, Equipment, Workshop, Camp store, Waterfront/Pool Bath house. Service buildings are considered structures and must comply with all applicable Codes and Ordinances. For the purpose of internal setbacks Service Buildings shall be considered unrelated structures on the same lot and shall also meet a minimum 15' setback to internal roads.

Temporary Basis — means occupancy only for transient recreational purposes, not occupancy to create a domicile or place of abode within the meaning of RSA 21:6 and :6-a for the purpose of establishing residency.

Recreational Vehicle Uses:

- a. Recreational vehicles may not be used in conjunction with a commercial or industrial use. When erected on campsites, recreational vehicles in excess of 320 square feet in size shall comply with the manufactured housing setbacks required in the Manufactured Housing section of the Zoning Ordinance.
- b. Property owners may house one unit on their property as accessory to an existing primary residential use providing the intent is to store the unit or to use the unit for temporary recreational use of the property owner or non-paying guest. Such **use shall not exceed 45 days during any twelve-month period unless the unit is attached to NH State approved on-site water and septic or sewer facilities. If so attached, use of the unit shall not exceed six months during any twelve- month period. The allowed** single unit shall not be considered a structure for Zoning and Planning purposes and shall not be used as a primary residence.
- c. Property owners may place one unit on their vacant lot for temporary recreational use by themselves or members of their immediate family for no more than 30 days during any twelve-month period. Such units shall remain registered, shall not be attached to any structure or the ground, and shall have and use a manufacturer-installed self-contained wastewater systems. Further, if the unit is attached to NH State approved on-site water and septic or sewer facilities, the unit may remain on site for up to six months during any twelve-month period. Units placed on lots not having an existing primary residential use are subject to the 320 square foot clause above.

Residential Use:

One permanent single-family dwelling is allowed as part of a campground. Occupancy is limited to the resident caretaker and his or her immediate family. No other domicile, residential use or year-round occupancy may occur.

Source: Article 3, First Session, March 13, 2007. Yes 351, No 291.

Renumber remaining Articles and Sections. (Insert new Article 7. - Aquifer Protection Ordinance).

Source: Article 3, First Session, March 11, 2008. Yes 245, No 158.

Article 8. New Section**Cemeteries, Private Burial Grounds, Burials on Private Property**

Cemeteries and private burial grounds shall not be laid out within 100 feet of any dwelling house, schoolhouse or school lot, store or other place of business without the consent of the owner of the same, nor within 50 feet of a known source of water or the right of way of any Class V municipal or state highway.

Existing cemeteries and private burial grounds which are not in compliance with the above set-back requirements may be enlarged, provided that no portion of the enlargement is located any closer to the above-listed buildings, water sources or highways than the existing cemetery, and provided further that no such enlargement shall be located within 50 feet of any Class V municipal or state highway.

Cemeteries and private burial grounds are subject to Site Plan Review by the Planning Board.

Interments on private property not in an established burial ground shall not occur within 100 feet of any dwelling house, schoolhouse or school lot, store or other place of business without the consent of the owner of the same, nor within 50 feet of a known source of water or the right-of-way of any Class V municipal or state highway. Prior to interment, the location of the burial site shall be reported in writing to the Town of Belmont Cemetery Trustees and Land Use Office and shall also be recorded in the deed to the property upon transfer of the property to another person.

No new construction, excavation, or building shall be conducted within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery, whether or not such burial site or burial ground was properly recorded in the deed to the property, except when such construction, excavation, or building is necessary for the construction of an essential service, as approved by the governing body of a municipality in concurrence with the cemetery trustees, or in the case of a state highway, by the commissioner of the department of transportation in concurrence with the cemetery trustees.

Source: Ballot Article 3, March 8, 2011. Yes 302, No 125.

Article 8.F. Accessory Apartments Amended**ACCESSORY APARTMENTS DWELLING UNITS**

1. The accessory ~~apartment~~ **dwelling unit** shall have a minimum of 300 square feet of net floor area. ~~and shall not exceed twenty-five percent (25%) of the sum of the net floor area of both the finished primary dwelling unit and the finished accessory apartment dwelling unit.~~ **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 ~~apartment~~ **dwelling unit** does not require a separate Minimum Lot size (Article 5, Table 2).
3. Only one Accessory ~~apartment~~ **dwelling unit** per lot is allowed.
4. The Accessory ~~apartment~~ **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.

5. Accessory ~~apartment~~ **dwelling unit** shall include no more than two (2) bedrooms.
6. Accessory ~~apartment~~ **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 ~~apartment~~ **dwelling unit** structure.
7. Either the principal dwelling unit or the accessory ~~apartment~~ **dwelling unit** shall be occupied by the owner of the property.
8. The construction and occupancy of accessory ~~apartment~~ **dwelling unit** shall not be detrimental to the neighborhood in which the lot is located by virtue of overcrowding or traffic congestion.
9. Means of egress for both the principal single-family residence and the accessory ~~apartment~~ **dwelling unit** shall meet all applicable codes.
10. A building permit is required prior to creation/construction of the Accessory ~~apartment~~ **dwelling unit** and a Certificate of Occupancy is required prior to occupancy of the unit.
11. Off-street parking shall be provided as follows:
 - a. 2 spaces - principal residence, 1 space - accessory ~~apartment~~ **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.
12. 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 ~~apartment~~ **dwelling unit**.
13. No exterior changes shall be made which do not conform to the character of the neighborhood.
14. 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.

Source: Ballot Article 3, March 16, 2017. Yes 515, No 169.

ARTICLE 8.F

Insert new Articles 8.F.4, 8.F.5, and 8.F.6; Renumber remaining Articles.

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.
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.

Source: Ballot Article 4, March 13, 2018. Yes 256, No 157.

ARTICLE IX (fka) VIII

ARTICLE VIII. (new-2003)

New Article VIII – Personal Wireless Services and renumber remaining articles.

Renumber the existing Personal Wireless Services section as a separate Article and renumber the remaining Articles as necessary.

Source: Article 6, First Session, March 11, 2003. Yes 373, No 74.

ARTICLE 9 (fka) 8

Article 8.

Change “E. SPECIAL EXCEPTION REVIEW PROCEDURES” To “F. SPECIAL EXCEPTION REVIEW PROCEDURES”

Source: Article 8, First Session, March 13, 2007. Yes 431, No 174.

Renumber remaining Articles and Sections. (Insert new Article 7. - Aquifer Protection Ordinance).

Source: Article 3, First Session, March 11, 2008. Yes 245, No 158.

ARTICLE X (fka) IX**ARTICLE IX (fka VIII.)****New Article VIII and renumber remaining articles. (new-2001)****VIII. IMPACT FEES****A. Declaration of Purpose and Intent**

The purpose of this Article is to authorize the planning board, as a condition of subdivision or site plan approval, to require a developer to pay reasonable fees and exactions for off-site improvements occasioned by the proposed development, as authorized by the New Hampshire Supreme Court in cases such as *Land-Vest Properties, Inc. v. Town of Plainfield*, 117 N.H. 817 (1977) and *NE. Brickmaster, Inc. v. Town of Salem*, 133 N.H. 655 (1990). In addition, this Article is intended to comply with the Court's ruling in *Simonsen v. Town of Derry*, No. 98-153 (November 15, 2000) that such fees and exactions cannot lawfully be imposed in the absence of an impact fee ordinance enacted pursuant to RSA 674:2 1, V.

B. Authority of Planning Board

The planning board may, as a condition of approval of any subdivision or site plan application, require an applicant to pay an impact fee representing the applicant's fair share of off-site improvements to existing or future public facilities affected or required by the proposed development. Nothing in this section shall be construed to:

- (a) limit the existing authority of the planning board to disapprove proposed development which is scattered or premature;
- (b) limit the existing authority of the planning board to disapprove proposed development which would require an excessive expenditure of public funds;
- (c) limit the existing authority of the planning board to disapprove proposed development which would otherwise violate any applicable ordinance or regulation;
- (d) limit the existing authority of the planning board to require off-site work to be performed by an applicant in lieu of paying an impact fee;
- (e) limit the existing authority of the planning board to impose other types of conditions of approval; or
- (f) affect or alter in any way fees governed by any other statute, ordinance or regulation.

C. Amount of Impact Fee

The amount of any impact fee shall be calculated by the planning board to be a proportional share of the costs of municipal capital improvements reasonably related to the capital needs created by the proposed development, and to the benefits accruing to the development from the capital improvements financed by the fee. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

D. Accounting

Pursuant to RSA 673:16, II and RSA 674:21, V(c), impact fees shall be held in a separate, nonlapsing account, shall not be commingled with other town funds, and shall be used solely for the capital improvements for which they were collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fees were collected to meet. Such fees shall be paid out only upon order of the planning board or its designated agent.

E. Assessment and Payment

Impact fees imposed under this Article shall be assessed prior to, or as a condition for, final subdivision or site plan approval, and shall be paid prior to the issuance of any building permit, or at such other time as may be specified by the planning board. In the interim between assessment and payment, the planning board may require a developer to provide a bond, letter of credit or other suitable security to guarantee the future payment of assessed impact fees.

F. Refund

Any portion of an impact fee which has not be expended or legally bound to be expended for the purpose for which it was collected shall be refunded with accrued interest, if any:

- (a) when the subdivision or site plan approval expires under the rules of the planning board, or under the terms of a decision of the planning board, where such approval has not become vested under RSA 674:39 and no extension of approval has been granted by the planning board;
- (b) when the approval is revoked under RSA 674:4-a;
- (c) when the approval is reversed by a final, unappealable judgment of a court of competent jurisdiction; or
- (d) six years after the impact fee is paid, or six years after the date any extension of approval is granted by the planning board, whichever occurs last.

G. Appeals

Pursuant to RSA 674:2 1, V(f) and RSA 676:5, III the assessment of any impact fee under the authority delegated to the planning board by this Article cannot be appealed to the Belmont Zoning Board of Adjustment, but may be appealed only to the superior court as provided by RSA 677:15. Notwithstanding Article 10, the Belmont Zoning Board of Adjustment shall not have the authority to hear appeals of, or grant a variance from, the assessment of any impact fee.

New Article VIII and renumber remaining articles.

Source: Article 9, First Session, March 13, 2001. Yes 273, No 91.

ARTICLE X (fka) IX

ARTICLE IX (fka VIII.)

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

ARTICLE X (fka) IX

ARTICLE IX

Renumber the existing Personal Wireless Services section as a separate Article and renumber the remaining Articles as necessary.

Source: Article 6, First Session, March 11, 2003. Yes 373, No 74.

Renumber remaining Articles and Sections. (Insert new Article 7. - Aquifer Protection Ordinance).

Source: Article 3, First Session, March 11, 2008. Yes 245, No 158.

ARTICLE XI (fka) X**ARTICLE X (fka IX.)****ARTICLE IX (fka VIII). NON-CONFORMING USES**

- A. Any lawful use of land or of a building or part thereof at the time of the adoption of this Ordinance may be continued, although such use does not conform to the provisions of this Ordinance, provided, however, that:
 - 1. A non-conforming use may not be changed to another nonconforming use.
 - 2. A non-conforming use may be expanded or enlarged only by special exception.
- B. Non-conforming buildings destroyed by fire or other natural disaster may be repaired or replaced if the degree of non conformity is not altered.

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

ARTICLE XI (fka) X**ARTICLE X (fka IX.)****ARTICLE IX (fka VIII). NONCONFORMING USES/STRUCTURES**

- A. Any lawful use of land or of a building or part thereof at the time of the adoption of this Ordinance may be continued, although such use does not conform to the provisions of this Ordinance, provided, however, that:
 - 1. A nonconforming use may be changed to another nonconforming use by special exception.
 - 2. A nonconforming use may be expanded or enlarged only by special exception.
 - 3. A nonconforming structure may be enlarged or expanded only if the degree of nonconformity is not increased. Increasing the degree of nonconformity is not allowed unless the Zoning Board of Adjustment grants a variance.
 - 4. A nonconforming structure or use which has been abandoned for more than three years may not be reactivated.
- B. Nonconforming buildings destroyed by fire or other natural disaster may be repaired or replaced within 3 years of its destruction if the degree of nonconformity is not altered. A nonconforming building not repaired or replaced within 3 years of its destruction shall be required to comply with this Ordinance when repaired or replaced.

Source: Article 2, First Session, March 10, 1992. Yes 636, No 535.

ARTICLE XI (fka) X**ARTICLE X (fka IX.)****ARTICLE IX (fka VIII).A.3.**

To require a Special Exception to expand or enlarge a nonconforming structure.

To require a variance if that expansion would make the structure more nonconforming.

Clarify that a parallel extension of the nonconforming portion of the structure requires a variance.

Clarify that the definition of a nonconforming structure, use or lot is one that existed or was in use prior to the effective date of the Ordinance.

Source: Article 8, First Session, March 8, 1994. Yes 411, No 221.

ARTICLE XI (fka) X**ARTICLE X (fka IX.)****ARTICLE IX (fka VIII).3. - Amend to:**

“A nonconforming structure may be expanded or enlarged only by special exception.

If the expansion or enlargement increases the nonconformity with the setback and/or height requirements of this Ordinance, a special exception shall not be granted unless the Board of Adjustment also grants a variance.

Increasing the height, with no increase in the footprint, of a nonconforming structure within the setback as considered an expansion and requires a Special Exception.

Increasing the width or length, increasing the footprint, of a nonconforming structure within the setback is considered increasing the nonconformity with the setback and requires a variance.”

Source: Article 3, First Session, March 14, 1995. Yes 432, No 182.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

ARTICLE IX (fka VIII).A.4.

Change to: A nonconforming structure or use which has been abandoned for more than two years may not be reactivated.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

ARTICLE IX (fka VIII).B.

Number first paragraph as #1.

Add new second paragraph: 2. Nonconforming structures removed voluntarily may also be replaced if the degree of nonconformity is not altered. Such voluntary replacement will be allowed within 2 years of the start of the removal. If more than 2 years elapse, replacement shall be required to comply with this Ordinance.

Source: Article 6, First Session, March 12, 1996. Yes 347, No 174.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

ARTICLE IX (fka VIII).

Amendments: In General - give a letter ID to each paragraph under VIII.A. 3.

Rewrite third paragraph to: c. An increase in the height of a nonconforming structure in the setback with no increase in the footprint, which does increase the useable floor space, is considered an expansion and requires a special exception. As an example, constructing a second floor on an existing one story building.

Add additional paragraph: f. An increase in the height of a nonconforming structure in the setback with no increase in the footprint, which does not increase the useable floor space, is not considered an expansion. As examples, roofing or enclosing an existing open deck; replacing a flat roof with a pitched roof (if no useable floor space is created).

Add additional paragraph g. An addition to a nonconforming structure, where the addition itself is not in violation of the dimensional requirements of this Ordinance, is not considered an expansion.

Source: Article 9, First Session, March 12, 1996. Yes 361, No 157.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

Amendment: ARTICLE IX (fka VIII).A.3.

Rewrite fourth paragraph to: e. Increasing the width or length, increasing the footprint, of a nonconforming structure in the setback, where the addition will not be further into that setback than the

existing building, is considered an expansion and shall be allowed by special exception, without requiring a variance.

Source: Article 10, First Session, March 12, 1996. Yes 392, No 134.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

Amendment: New Section **ARTICLE IX (fka VIII).C.**

NONCONFORMING LOTS:

A preexisting nonconforming lot which does not meet current Zoning requirements as to minimum required lot size and frontage, may be used for building purposes only if septic requirements are complied with, applicable setbacks can be met, and the lot has a minimum of 20' of frontage as defined by this Ordinance.

Source: Article 18, First Session, March 12, 1996. Yes 390, No 129.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

Amendment: Article **ARTICLE IX (fka VIII).B.2.** Amend first sentence.

Nonconforming structures removed voluntarily may also be replaced if the nonconformity is not increased (i.e. the new structure is not further into the setback), and if the degree of nonconformity is not increased (i.e. the total square footage of useable structure space within the setback is not increased), and the dimensions of that portion of the footprint within the setback are not increased (i.e. width, length).

Source: Article 11, First Session, March 11, 1997. Yes 250, No 123.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

Amendment: Amend Article **ARTICLE IX (fka VIII).A.3.d.** by adding sentence:

However, the total square footage of useable space of all the expansions to a nonconforming structure allowed under this section, shall not exceed 40% of that of the original structure.

Amendment: Amend Article **ARTICLE IX (fka VIII).A.3.** by adding new section g.

Nonconforming structures which have more that 75% of the original structure voluntarily removed, for renovation or other purposes, shall be considered to have been removed entirely and shall be subject to the applicable terms of this Ordinance for replacement.

Source: Article 13, First Session, March 11, 1997. Yes 211, No 155.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

Amendment Article **ARTICLE IX (fka VIII).B.2.**

Rewrite as: "2. Nonconforming structures removed voluntarily may also be replaced if the nonconformity is not increased, except as allowed in section VIII.A.3.d. above. Such voluntary replacement will be allowed within 2 years of the start of the removal. If more than 2 years lapse, replacement shall be required to comply with this Ordinance.

Source: Article 12, First Session, March 10, 1998. Yes 415, No 178.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

Amendment Article **ARTICLE IX (fka VIII)..A.3.a.**

Add: 'However, if a variance is required, a Special Exception is not also required.'

Source: Article 13, First Session, March 10, 1998. Yes 376, No 203.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

Amend Article **ARTICLE IX (fka VIII)**..A.3.c.&e. Rewrite and Renumber remaining sections

“c. Creating useable floor space in a nonconforming structure within the setback with no increase in the footprint is considered an expansion and requires a special exception. As an example, constructing a second floor on an existing one story building. Making a change that does not create useable floor space is not considered an expansion. As examples, roofing or enclosing an existing open deck; replacing a flat roof with a pitched roof (if no useable floor space is created).”

Renumber f & g.

Source: Article 10, First Session, March 9, 1999. Yes 323, No 66.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

Amend: Article **ARTICLE IX (fka VIII)**..B.2. Reword

Nonconforming structures otherwise removed may also be replaced if the nonconformity is not moved, altered or increased, except as allowed in section VUI.A.3.d. above. Such replacement will be allowed within 2 years of the start of the removal. If more than 2 years elapse, replacement shall be required to comply with this Ordinance.

Source: Article 18, First Session, March 14, 2000. Yes 519, No 151.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

New Article VIII and renumber remaining articles.

Source: Article 9, First Session, March 13, 2001. Yes 273, No 91.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

Renumber the existing Personal Wireless Services section as a separate Article and renumber the remaining Articles as necessary.

Source: Article 6, First Session, March 11, 2003. Yes 373, No 74.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

Article IX.A. 1. Revise to: “A nonconforming use shall not be changed to another nonconforming use except by variance.”

Source: Article 15, First Session, March 11, 2003. Yes 261, No 161.

ARTICLE XI (fka) X

ARTICLE X (fka IX.)

Article IX.C. Revise to: “A preexisting nonconforming lot which does not meet current Zoning requirements as to minimum required lot size and frontage, may be used for building purposes only if septic requirements are complied with, applicable setbacks can be met, and the lot has a minimum of 20’ of frontage as defined by this Ordinance.”

Source: Article 16, First Session, March 11, 2003. Yes 295, No 127.

Renumber remaining Articles and Sections. (Insert new Article 7. - Aquifer Protection Ordinance).

Source: Article 3, First Session, March 11, 2008. Yes 245, No 158.

ARTICLE XII (fka) XI**ARTICLE XI (fka X.)****ARTICLE X (fka) IX. ADMINISTRATION, ENFORCEMENT AND PENALTY**

- A. It shall be the duty of the Board of Selectmen to administer and to enforce the provisions of this Ordinance.
- B. Upon any well founded information that this Ordinance is being violated the Board of Selectmen shall take immediate steps to enforce the provisions of same by seeking an injunction in the Superior Court, or by any other logical and appropriate action.
- C. Every person, persons, firm or corporation violating any of the provisions of this Ordinance shall be fined not more than ten dollars upon conviction for each day such violation may exist. The Board of Selectmen may institute, in the name of the Town, any appropriate action or proceedings to prevent, restrain, correct or abate violations of this Ordinance.

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

ARTICLE XII (fka) XI**ARTICLE XI (fka X.)****ARTICLE X (fka) IX. ADMINISTRATION, ENFORCEMENT AND PENALTY**

- A. It shall be the duty of the Board of Selectmen to administer and to enforce the provisions of this Ordinance.
- B. Upon any well founded information that this Ordinance is being violated, the Board of Selectmen shall take immediate steps to enforce the provisions of same by seeking an injunction in the Superior Court, or by any other logical and appropriate action.
- C. Every person, persons, firm or corporation violating any of the provisions of this Ordinance shall be fined not more than one hundred dollars upon conviction for each day such violation may exist. The Board of Selectmen may institute, in the name of the Town, any appropriate action or proceedings to prevent, restrain, correct or abate violations of this Ordinance.

Source: Article 2, First Session, March 10, 1992. Yes 636, No 535.

ARTICLE XII (fka) XI**ARTICLE XI (fka X.)****New Article VIII and renumber remaining articles.**

Source: Article 9, First Session, March 13, 2001. Yes 273, No 91.

ARTICLE XII (fka) XI**ARTICLE XI (fka X.)**

Article X.C. Replace with: "Every person, firm or corporation violating any provision of this Ordinance shall be subject to the remedies and penalties provided under applicable law including but not limited to the daily civil penalty established under RSA 676:17 as the same may be amended from time to time."

Source: Article 4, First Session, March 11, 2003. Yes 331, No 106.

ARTICLE XII (fka) XI**ARTICLE XI (fka X.)**

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

ARTICLE XII (fka) XI**ARTICLE XII (fka) XI**

ARTICLE XI

Renumber the existing Personal Wireless Services section as a separate Article and renumber the remaining Articles as necessary.

Source: Article 6, First Session, March 11, 2003. Yes 373, No 74.

ARTICLE 12 (fka) 11

Article 11 .C. Replace with:

- C. Any person, firm, corporation or other entity who violates any provision of this Ordinance shall be subject to the civil penalty provided under NH RSA 676:17 as the same may be amended from time to time.

Source: Article 12, First Session, March 9, 2004. Yes 464, No 159.

Renumber remaining Articles and Sections. (Insert new Article 7. - Aquifer Protection Ordinance).

Source: Article 3, First Session, March 11, 2008. Yes 245, No 158.

ARTICLE XIII (fka) XII**ARTICLE XII (fka XI.)****ARTICLE XI (fka X).****BOARD OF ADJUSTMENT****A. CREATION**

Within 30 days after the adoption of this Ordinance and thereafter as terms expire or vacancies occur, the Board of Selectmen shall appoint a Board of Adjustment consisting of five members whose duties, terms and powers shall conform to the provisions of RSA 673, 6774, 676, and 677, 1955 as amended.

Initially, length of terms shall be 2 at 3 years, 2 at 2 years, and 1 at 1 year. Vacancies shall be filled by election at Town Meeting in March of each year, for a 3 year term.

B. NOTIFICATION OF OTHER TOWN BOARDS

The Board of Adjustment shall:

1. Inform the Selectmen before taking action on cases which might involve a violation of existing Town Ordinances;
2. Notify the Planning Board of applications for Special Exceptions and Variances at least two weeks prior to the consideration of such applications, in order to permit review by the Planning Board.

C. SPECIAL EXCEPTIONS

The Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, grant permits for uses permitted as special exceptions as set forth in Article V of this Ordinance. Before reaching a decision under this Article, three members of the Board shall have viewed jointly the subject area. Said viewing shall be noted in their records. The Board, in acting on the application for a special exception, must find that all the following conditions are met:

1. The specific site is an appropriate location for such a use.
2. No factual evidence is found that property values in the district will be reduced, due to incompatible land use, by such a use.
3. There is no valid objection from abutters based on demonstrable fact.
4. No nuisance or hazard is involved.
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
6. There is adequate area for safe and sanitary sewage disposal.

Action by Board: In acting on such exceptions, the Board shall take into account the general purpose and intent of this Ordinance to preserve community values and may impose conditions and safeguards in addition to those specified in this Ordinance if the occurrence of certain characteristics of the use or site warrant such.

1. Two copies of plans for the proposed development of a site for a special exception shall be submitted with an application for a permit, and such plans shall show the location of all buildings, parking area, traffic access and circulation drives, open spaces, landscaping, lighting and other pertinent information that may be necessary to determine that the proposed use meets the requirements and spirit and intent of this Ordinance. One copy of said plans shall be transmitted by the Board of Adjustment to the Planning Board for review.
2. A permit shall expire if such use shall cease for more than one (1) year.
3. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the proposed use and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the District and the location, nature and height of buildings, wall, and fences will not discourage the appropriate development and use of

adjacent land and buildings or impair the value thereof. In this regard the Board may impose the following safeguards in addition to the applicable requirements of this Ordinance including but not limited to the following:

- a. Front, side or rear setbacks greater than the minimum requirements of this Ordinance.
 - b. Screening of parking areas or other parts of the premises from adjoining premises or from the street by walls, fences, planting or other devices.
 - c. Limitations of size, number of occupants, method or time of operation or extent of facilities.
 - d. Regulation of number, design and location of drives or other traffic features.
 - e. Off-street parking or loading spaces beyond the minimum requirements of this Ordinance.
4. Operations shall not create more noise, fumes, odor, or vibration or other nuisance, than what would be created by any permitted uses in the District.

C. VARIANCES

1. The Board of Adjustment may authorize a variance from the terms of this Ordinance only where the Board finds that all of the following conditions, defined in RSA 31:72, apply.
 - a. There are special circumstances or conditions applying to the lot or structure for which the variance is sought such as, but not limited to, the exceptional narrowness, shallowness, or shape of the lot or structure in question, or exceptional topographical conditions), which are peculiar to such lot or structure, and the application of the requirements of this Ordinance will deprive an owner of such lot or structure a reasonable use of it, impose upon such owner a hardship not shared by the owners of other lots or structures in the same district. (Financial hardship does not constitute “hardship” in this case.)
 - b. The specific variance as granted to the minimum variance that will grant reasonable relief to the owner and is necessary for a reasonable use of the lot or structure.
 - c. The granting of the variance will be in harmony with the general purposes and intent of this Ordinance, and with the convenience, welfare, and character of this district within which it is proposed, and will not be injurious or otherwise detrimental to the public welfare.
 - d. The use proposed is a permitted use.

D. APPEALS

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer, in the manner prescribed by RSA 31:69—71, as amended, within the time limit set by the Board of Adjustment according to said statute. The cost of advertising and costs of mailing and the notices of a hearing shall be paid by the person making the appeal prior to the hearing.

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

ARTICLE XIII (fka) XII

ARTICLE XII (fka XI.)

ARTICLE XI (fka X). BOARD OF ADJUSTMENT

A. CREATION

Within 30 days after the adoption of this Ordinance, the Board of Selectmen shall appoint a Board of Adjustment consisting of five members whose duties, terms and powers shall conform to the provisions of RSA 673, 6774, 676, and 677, 1955 as amended.

Initially, length of terms shall be: 2 at 3 years, 2 at 2 years, and 1 at 1 year. Vacancies at times other than the expiration of a term shall be filled by appointment by the remainder of the members of the Board of Adjustment. Vacancies caused by the expiration of a term shall be filled by election at Town Meeting in March of each year, for a 3 year term.

Source: Article 5, First Session, March 10, 1987. Yes 321, No 173.

ARTICLE XIII (fka) XII

ARTICLE XII (fka XI.)

ARTICLE XI (fka X).

The Board of Selectmen shall also initially appoint five alternate members to the Board of Adjustment. Vacancies shall be filled in a manner consistent with regular Board of Adjustment members.

Source: Article 8, First Session, March 10, 1987. Yes 309, No 189.

ARTICLE XIII (fka) XII

ARTICLE XII (fka XI.)

ARTICLE XI (fka X). BOARD OF ADJUSTMENT

A. CREATION

Within 30 days after the adoption of this Ordinance, the Board of Selectmen shall appoint a Board of Adjustment consisting of five members whose duties, terms and powers shall conform to the provisions of RSA 673, 6774, 676, and 677, 1955 as amended.

Initially, lengths of terms shall be: 2 at 3 years, 2 at 2 years and 1 at 1 year. Vacancies at times other than the expiration of a term shall be filled by appointment by the Board of Selectmen for the remainder of the term. Vacancies caused by the expiration of a term shall be filled by appointment by the Board of Selectmen, for a three year term.

The Board of Selectmen shall also initially appoint five alternate members to the Board of Adjustment. Vacancies shall be filled in a manner consistent with regular Board of Adjustment members.

Source: Article 11, First Session, March 14, 1989. Yes 540, No 457.

ARTICLE XIII (fka) XII

ARTICLE XII (fka XI.)

ARTICLE XI (fka X).BOARD OF ADJUSTMENT

A. CREATION

Within 30 days after the adoption of this Ordinance, the Board of Selectmen shall appoint a Board of Adjustment consisting of five members whose duties, terms and powers shall conform to the provisions of RSA 673, 674, 676, 677, 1983 as amended.

Initial appointments will be 2 for 3 years, 2 for 2 years and 1 for one year. Vacancies at times other than the expiration of a term shall be filled by appointment by the Board of Selectmen for the remainder of the term. Vacancies caused by the expiration of a term shall be filled by appointment by the Board of Selectmen for a term of three years. The Board of Selectmen shall also appoint alternates whose terms shall be three years. (Amended March 1989)

B. NOTIFICATION OF OTHER TOWN BOARDS

The Board of Adjustment shall:

1. Inform the Selectmen before taking action on cases which might presently involve a violation of existing Town Ordinances;
2. Notify the Planning Board of applications for Special Exceptions and Variances at least one week prior to the consideration of such applications, in order to permit review by the Planning Board.

C. SPECIAL EXCEPTIONS

The Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, grant permits for uses permitted as special exceptions as set forth in this Ordinance. Before reaching a decision under this Article, three members of the Board shall have reviewed jointly the subject area. Said viewing shall be noted in their records. The Board, in acting on the application for a special exception must find that all the following conditions are met:

1. The specific site is an appropriate location for such use.
2. No factual evidence is found that property values in the district will be reduced, due to incompatible land use, by such a use.
3. There is no valid objection from abutters based on demonstrable fact.
4. No nuisance or hazard is involved.
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
6. There is adequate area for safe and sanitary sewage disposal.
7. Any structure proposed must meet all of the dimensional requirements of Table 2.

Action by the Board: In acting on such exceptions, the Board shall take into account the general purpose and intent of this Ordinance to preserve community values and may impose conditions and safeguards in addition to those specified in this Ordinance if the occurrence of certain characteristics of the use of site warrant such.

1. Plans for the proposed development of a site for special exception shall be submitted with an application for permit, and such plans shall show the location of all buildings, parking area, traffic access and circulation drives, open spaces, landscaping, lighting and other pertinent information that may be necessary to determine that the proposed use meets the requirements and spirit and intent of this Ordinance. Said plans shall be transmitted by the Board of Adjustment to the Planning Board for review.
2. A special exception shall expire if such use shall cease for more than three (3) years.
3. The location and size of the use, the nature and intensity of the operation involved, the size of the site in relation to the proposed use and the location of the site with respect to the existing or future streets giving access to it, shall be such that it will be in harmony with the orderly development of the District and the location, nature and height of buildings, wall, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof. In this regard, the Board may impose the following safeguards in addition to the applicable requirements of this Ordinance including but not limited to the following:
 - a. Front, side or rear setbacks greater than the minimum requirements of this Ordinance.
 - b. Screening of parking areas or other parts of the premises from adjoining premises or from the street by walls, fences, planting or other devices.
 - c. Limitations of size, number of occupants, method or time of operation or extent of facilities.
 - d. Regulation of number, design and location of drives or other traffic features.
 - e. Off-street parking or loading spaces beyond the minimum requirements of this Ordinance.
4. Operations shall not, create more noise, fumes, odor, or vibration or other nuisance, than what would be created by any permitted uses in the district.

D. VARIANCES

The Board of Adjustment may grant a variance from the requirements of this Ordinance only where the Board finds that all five of the following conditions are met:

1. No diminution in value of surrounding properties would be suffered.
2. Granting the variance would be of benefit to the public interest.
3. Denial of the variance would result in unnecessary hardship to the owner of the property.
4. Granting of the variance would permit substantial justice to be done.
5. The proposed use is not contrary to the spirit of the Ordinance.

E. APPEALS

Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by any decision of the administrative officer, in the manner prescribed by RSA 676:5-7, as amended, within the time limit set by the Board of Adjustment according to said statute. The cost of advertising and costs of mailing and the notices of a hearing shall be paid by the person making the appeal prior to the hearing.

Source: Article 2, First Session, March 11, 1992. Yes 636, No 535.

ARTICLE XIII (fka) XII**ARTICLE XII (fka XI.)**

Amendment: **ARTICLE XI (fka X).**C. Delete the word “jointly” from the first paragraph.

Source: Article 7, First Session, March 14, 1995. Yes 466, No 131.

ARTICLE XIII (fka) XII**ARTICLE XII (fka XI.)**

Amendment: **ARTICLE XI (fka X).**C.2.

Change to: A special exception shall expire if such use is not instituted within, or ceases for more than, two (2) years.

Source: Article 7, First Session, March 12, 1996. Yes 344, No 185.

ARTICLE XIII (fka) XII**ARTICLE XII (fka XI.)**

Amendment: **ARTICLE XI (fka X).**D.

Add last paragraph: A variance shall expire if not substantially acted upon within two (2) years.

Source: Article 8, First Session, March 12, 1996. Yes 385, No 140.

ARTICLE XIII (fka) XII**ARTICLE XII (fka XI.)****ARTICLE XI (fka X).**

Article X. Add new Section F. Additional Special Exception Criteria. In addition to the Special Exception criteria outlined in Article X.C. of this Ordinance, the Board of Adjustment, in acting on an application for a Special Exception as noted below must find that the following conditions are also met.:

1. Sludge Application,
 - a. Sludge material may only be brought into the Town of Belmont once properly processed as required by all applicable Federal, State and local Regulations.
 - b. Sludge must be applied directly and may not be stockpiled.
 - c. Sludge may only be applied where the lot, and area of application on the lot, are greater than 3 acres in size.
 - d. Sludge may only be applied for accepted agricultural purposes.

Source: Article 17, First Session, March 12, 1996. Yes 440, No 84.

ARTICLE XIII (fka) XII

ARTICLE XII (fka XI.)Amendment: **ARTICLE XI (fka X).F.2.** (new section)**2. Dwelling - Single Family and/or Manufactured Housing -Dwelling 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 V. Table 1 of this Ordinance.
- b. Occupancy of the dwelling is restricted to the owner of the on-site business and members of his/her immediate family.
- 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.

Source: Article 7, First Session, March 11, 1997. Yes 231, No 150.**ARTICLE XIII (fka) XII****ARTICLE XII (fka XI.)**Amendment: **ARTICLE XI (fka X).A.** Delete in its entirety. Replace with:**MEMBERSHIP**

Under the provisions of RSA 669:17 members of the Zoning Board of Adjustment shall be elected by ballot at the annual town elections.

In accordance with RSA 673:3 and RSA 673:5, the Zoning Board of Adjustment shall consist of five members who shall serve three-year terms.

The terms of appointed Members serving as of the adoption of this amendment shall not be affected by this amendment. However, when the term of each member expires, each new member shall be elected at the next regular town election.

In accordance with RSA 673:6, the Zoning Board of Adjustment shall also include five appointed alternate members who shall serve three-year terms.

The terms of alternate members serving as of the adoption of this amendment shall not be affected by this amendment. However, when the term of each alternate member expires, each new alternate member shall be appointed by the Zoning Board of Adjustment.

Vacancies for alternate and full members which occur other than at the expiration of a term or prior to the first annual town election held after the adoption of this amendment shall be filled by the members of the Zoning Board of Adjustment.

Source: Article 12, First Session, March 11, 1997. Yes 266, No 105.**ARTICLE XIII (fka) XII****ARTICLE XII (fka XI.)**Amendment **ARTICLE XI (fka X).**

New Section G.

“EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENT, Application to the Board of Adjustment. in accordance with RSA 674:33-a, may be made when a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 674:16.’

Source: Article 14, First Session, March 10, 1998. Yes 375, No 156.

ARTICLE XIII (fka) XII

ARTICLE XII (fka XI.)

ARTICLE XI (fka X).F. - Add

“3. Agricultural Animals.

- c. A minimum lot size of one acre is required.
- d. Animal buildings, waste materials and grazing and keeping areas shall be a minimum of 50’ from all property lines, wells, water bodies and wetlands areas.
- e. All grazing and keeping areas shall be securely fenced.
- f. No noise, odor or groundwater runoff nuisance shall occur.”

Source: Article 11, First Session, March 9, 1999. Yes 276, No 125.

ARTICLE XIII (fka) XII

ARTICLE XII (fka XI.)

Amend ARTICLE XI (fka X).F.2.b. - Rewrite:

“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.”

Source: Article 14, First Session, March 9, 1999. Yes 329, No 56.

ARTICLE XIII (fka) XII

ARTICLE XII (fka XI.)

Amend: ARTICLE XI (fka X).F.3. Delete in entirety.

Source: Article 8, First Session, March 14, 2000. Yes 525, No 191.

ARTICLE XIII (fka) XII

ARTICLE XII (fka XI.)

Amend: ARTICLE XI (fka X).F.2. Amend 1st sentence

Dwelling-Single Family in the Commercial Zone.

Source: Article 19, First Session, March 14, 2000. Yes 489, No 187.

ARTICLE XIII (fka) XII

ARTICLE XII (fka XI.)

ARTICLE XI (fka X).F.3. (Add)

3. Treated Soils

- a. if the material is not capped in a method approved by the Planning Board it shall be vegetated.
 1. A complete agronomic soils test shall be submitted.
 2. Only soils with a minimum of 20% fines, also classified as sandy loam, loam or silt loam, shall be used within the top six inches of the placement.
 3. Seeding shall be completed no later than 30 days after material is initially deposited on the site.
 4. The seeding project shall be in compliance with the recommendation of the USDA, NRCS based on specific soil and site characteristics.
 5. Areas required to be vegetated shall receive on-going maintenance to assure that the required vegetation occurs and is maintained.

6. Bonding to secure vegetation, in an amount approved by the Planning Board shall be required and shall be held for two growing seasons after required vegetation has been achieved.
- b. if the material is to be capped, the material, depth, and method of that cap shall be as determined by the Planning Board under a Site Plan or Subdivision approval.
- c. Material shall not be placed until all protective controls are in place. These include, but are not limited to surface water and dust control devices.
- d. Material may not be placed or used:
 1. in residential applications;
 2. in playground applications;
 3. within the 100-year flood plain;
 4. on or in lands used for the production of crops for direct human consumption;
 5. within a recharge area of any sole source drinking water supply;
 6. within 100 feet of any surface water;
 7. within 25 feet of a wetland.
- e. Pre and post soils and/or water testing may be required.
- f. Independent review of the proposal, at the cost of the applicant, may be required.

Source: Article 2, First Session, March 13, 2001. Yes 256, No 92.

ARTICLE XIII (fka) XII

ARTICLE XII (fka XI.)

New Article VIII and renumber remaining articles.

Source: Article 9, First Session, March 13, 2001. Yes 273, No 91.

ARTICLE XIII (fka) XII

ARTICLE XII (fka XI.)

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

ARTICLE XIII (fka) XII

ARTICLE XII (fka XI)

Renumber the existing Personal Wireless Services section as a separate Article and renumber the remaining Articles as necessary.

Source: Article 6, First Session, March 11, 2003. Yes 373, No 74.

ARTICLE XIII (fka) XII

ARTICLE XII

Renumber the existing Personal Wireless Services section as a separate Article and renumber the remaining Articles as necessary.

Source: Article 6, First Session, March 11, 2003. Yes 373, No 74.

ARTICLE 13 (fka) 12

Article 12.C.9. Rewrite.

“A special exception shall expire if such use is not substantially acted upon within, or ceases for more than, two (2) years. For a use not substantially acted upon within two (2) years, a one-time, one-year extension may be granted upon application to the Zoning Board of Adjustment for good cause shown.

Application for extension must be filed with the Land Use Office not later than thirty (30) days prior to the expiration of the original approval.”

Article 12.D. Replace final sentence:

“A variance shall expire if such use is not substantially acted upon within, or ceases for more than, two (2) years. For a use not substantially acted upon within two (2) years, a one-time, one-year extension may be granted upon application to the Zoning Board of Adjustment for good cause shown. Application for extension must be filed with the Land Use Office not later than thirty (30) days prior to the expiration of the original approval.”

Source: Article 9, First Session, March 9, 2004. Yes 483, No 152.

Renumber remaining Articles and Sections. (Insert new Article 7. - Aquifer Protection Ordinance).

Source: Article 3, First Session, March 11, 2008. Yes 245, No 158.

Article 13.F.1 – Delete in entirety. Renumber remaining sections.

Source: Ballot Article 2, March 9, 2010. Yes 458, No 283.

Article 13.C.1-7 (Replace 1-7 and renumber remaining numbered articles)

1. The proposal is specifically authorized as a special exception by the ordinance.
2. The proposal satisfies applicable Special Exception criteria set forth in Ordinance Article 13.F.
3. The proposal is not incompatible to other uses in the area through the creation of noise, fumes, dust, odor, lighting, smoke or other impacts.
4. The proposed location is of adequate size.
5. The proposal does not create undue traffic congestion or unduly impair vehicular or pedestrian safety.
6. The proposal does not overload any existing water, drainage, sewer or other system, nor will there be any significant increase in stormwater runoff onto adjacent property or street.
7. The proposal does not create excessive demand for municipal services and facilities.
8. The proposal does not create hazards to the health, safety or general welfare of the public.

Source: Ballot Article 6, March 13, 2012. Yes 356, No 255.

Article 13.F.1-Delete in entirety. Renumber remaining sections.

Source: Ballot Article 5, March 13, 2018. Yes 266, No 132

ARTICLE XIV (fka) XIII**ARTICLE XIII (fka XII.)****ARTICLE XII (fka XI). RELATIONSHIP TO EXISTING ORDINANCES**

- A. Nothing contained in this Ordinance shall be construed as repealing or modifying any other ordinance or regulation of Belmont, except as may be specifically repealed or modified by this Ordinance, but shall be in addition thereto. Nor shall anything in this Ordinance be construed as repealing or modifying any private restrictions placed upon property by covenant, deed, or other private agreement, or any restrictive covenants running with the land to which the Town is a party, but shall be in addition thereto.
- B. Whenever the provisions of this Ordinance differ from those prescribed by any statutes, other ordinance or other regulation or restriction, that provision which imposes greater restriction or the higher standard shall apply.

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

ARTICLE XIV (fka) XIII**ARTICLE XIII (fka XII.)****ARTICLE XII (fka XI). RELATIONSHIP TO EXISTING ORDINANCES**

- A. Nothing contained in this Ordinance shall be construed as repealing or modifying any other ordinance or regulation of Belmont, except as may be specifically repealed or modified by this Ordinance, but shall be in addition thereto. Nor shall anything in this Ordinance be constructed as repealing or modifying any private restrictions placed upon property by covenant, deed, or other private agreement, or any restrictive covenants running with the land to which the Town is a party, but shall be in addition thereto.
- B. Whenever the provisions of this Ordinance differ from those prescribed by any statutes, other ordinance or other regulation or restriction, that provision which imposed greater restriction or the higher standard shall apply.

Source: Article 2, First Session, March 10, 1992. Yes 636, No 535.

ARTICLE XIV (fka) XIII**ARTICLE XIII (fka XII.)**

New Article VIII and renumber remaining articles.

Source: Article 9, First Session, March 13, 2001. Yes 273, No 91.

ARTICLE XIV (fka) XIII**ARTICLE XIII (fka XII.)**

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

Renumber the existing Personal Wireless Services section as a separate Article and renumber the remaining Articles as necessary.

Source: Article 6, First Session, March 11, 2003. Yes 373, No 74.

Renumber remaining Articles and Sections. (Insert new Article 7. - Aquifer Protection Ordinance).

Source: Article 3, First Session, March 11, 2008. Yes 245, No 158.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)****ARTICLE XIII (fka XII). DEFINITIONS**

In this Ordinance the following terms have the following meanings:

Accessory Building - A subordinate building incidental to and on the same lot occupied by the main building or use.

Building - A structure on a permanent foundation capable of being occupied for residential, commercial, industrial, agricultural, or other uses.

Campground - A parcel of land with one or more specific sites, with or without water, electricity and sewage hookups, that has provision for the pitching of a tent or the parking of any recreational vehicle or trailer for use as sleeping quarters on a temporary basis.

Clinic - An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

Cluster Development - A residential subdivision of a tract of land where housing units are grouped on lots of reduced dimensions. The remaining land in the tract which is not built upon is reserved as permanently protected open space.

Commercial - a use primarily concerned with the making of profit from the sale of goods or services.

Dwelling - A building designed or used a place of residence.

Dwelling, Single-Family - A detached residential building other than a mobile borne, designed for and occupied by one family only.

Dwelling, Two-Family - A residential building designed for or occupied by two families living independently of each other in individual dwelling units.

Dwelling, Multi-Family - A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Dwelling Unit - One room, or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking, bathroom and sleeping facilities.

Essential Services - The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead, gas, electrical, stream or water transportation, or distribution system, including poles, wires, mains, drains, sewer, pipes, conduit cable, fire alarm boxes, police call boxes traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other government agencies or for the public health or safety or general welfare.

Excavation - Digging of any type.

Existing Non-Conforming Use - Any use existing in a district where it is not allowed and which existed prior to the adoption of the Zoning and Planning Ordinance.

Floodplain - An area of land that would be covered with water during a flood. In connection with the Flood Insurance Program, the term refers to the 100year floodplain.

Frontage - The distance along a lot line on a Street or on a body of water.

Home Occupation - Any use conducted entirely within a dwelling or an accessory building which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no outside store or display except a permitted sign.

Industrial - A use involving the manufacture of a produce and generally requiring many employees, extensive parking facilities good routes of transportation and requiring other services not needed by commercial or light manufacturing uses.

Industrial Discharge - A discharge of process chemicals, oils, paints, detergents and other materials which are waste by-products of an industrial activity.

Inn - A single structure affording accommodations such as lodgings, food and entertainment for not more than thirty (30) transient guests.

Lodging House - A building in which the rooms are rented with or without meals to three (3) or more but not exceeding ten (10) persons.

Lot - A lot is a parcel of land occupied or to be occupied by only main building and the accessory buildings or uses customarily incident to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an improved private street, and may consist of:

- a. A single lot of record;
- b. A portion of a lot of record;
- c. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record;
- d. A parcel of land described by metes and bounds, provided that in case of division or combination shall any residual parcel be created which does not meet the requirements of this Ordinance.

Lot Measurements - Depth of a lot shall be the average distance between front and rear lot lines. Width of a lot shall be the average distance between the lot side lines.

Lot of Record - A lot which is part of a subdivision approved by the Belmont Planning Board and recorded in the Belknap County Registry of Deeds, or a lot or a parcel described by metes and bounds, the description of which was so recorded prior to enactment of the present zoning ordinance.

Manufactured Home - A movable or portable dwelling designed for year- round living, other than a modular or sectional home, connectable to utilities and designed so that it does not necessarily need a permanent foundation, even though it may be situated on one.

Modular Home-Sectional Home - A prefabricated dwelling more than fourteen (14) feet in width over fifty (50) percent of its length, brought to a site in two or more pieces, designed and constructed only for, and erected on, a permanent foundation and used as a one (1) family dwelling as defined in this Ordinance.

Mobile Home Park or Subdivision - An approved subdivision of two or more (lots designed for mobile homes or modular homes only which are situated on permanent foundations.

Motel - A building or buildings containing lodging units consisting of a room or suite of rooms, each with a separate entrance and its own toilet facilities, and offered or to be offered as sleeping accommodations for transient guests for compensation.

Non-Conforming Structure, Use or Lot - A structure, use or lot that does not conform to the regulations of the zoning district in which it is located.

Open Space - Open space as referred to in the cluster development provisions means lands that are of good quality. Wetlands, steep slopes, and other hard to use areas will not qualify as meeting minimum open space requirements. Driveways, streets, parking lots do not qualify as open space.

Parking Space - An off-street space available for the parking of one motor vehicle.

Setback - The distance from the extreme limit of a structure to a boundary line.

Special Exception - A special exception is a use that would not be appropriate generally or without conditions, but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to the public health, safety, order, comfort, convenience, appearance, prosperity or general welfare, as determined by the Board of Adjustment.

Street - A public thoroughfare, highway, street, road or avenue or private roads, including the full width of its right-of-way, lawfully existing in the Town of Belmont.

Structure - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, walls, mobile homes, fences and billboards.

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

Variance - A departure from the strict letter of the Zoning and Planning Ordinance as it applies to a particular piece of property permitting a property to be developed in a manner that conflicts with specific terms of the Zoning Ordinance, but for which approval is granted by the Zoning Board of Adjustment after public hearing.

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

ARTICLE XIII (fka XII).

Structure - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, walls, mobile homes and billboards.

Source: Article 10, First Session, March 10, 1987. Yes 346, No 148.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

ARTICLE XIII (fka XII).

Replace Article XII, Definition of Mobile Home Park or Subdivision to read as follows: Manufactured Home Park or Subdivision - An approved subdivision of two or more lots designed for Manufactured Homes.

Amend Article XII, Definitions by replacing the existing definition of manufactured home with the following definition as written in New Hampshire RSA 674:31:

“Manufactured housing” means any structure, transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical system contained therein. Manufactured housing as defined in this ordinance shall not include presite built housing as defined in RSA 674:31-a and this ordinance. To Amend Article XII, Definitions by replacing the existing definition Modular home Sectional Home with the definition of Pre Site built Housing as written in New Hampshire RSA 674:31-a as follows:

“Presite built housing” means any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site. For the purposes of this subdivision, presite built housing shall not include manufactured housing, as defined in RSA 674:31 and this ordinance.

Amend Article XII, Definition of a Single Family dwelling to delete the word “mobile homes” and replace it with the word “manufactured homes”.

Source: Article 2, First Session, March 13, 1990. Yes 617, No 259.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)****ARTICLE XIII (fka XII). DEFINITIONS**

In this Ordinance the following terms have the following meanings:

Accessory Building - A subordinate building incidental to and on the same lot occupied by the main building or use.

Agriculture and Forest Management - Land used for agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, silviculture and animal and poultry husbandry, which includes processing of agricultural products and marketing of agricultural products as defined in RSA 21:34—a, as amended.

Pasturage - Raising of grass.

Apiculture - Raising of bees.

Horticulture - Cultivating of fruit, vegetables.

Floriculture - Cultivating of flowering plants.

Silviculture - Care and cultivation of trees, forestry.

Enology & Viticulture - Growing of grapes and making wine.

Automotive Services, Auto Sales, Auto Repair, Gas Stations and Parts Sales - Property and buildings where gasoline, oil, batteries, tires and automobile accessories may be sold and where automobile service and repair and inspections may be carried out including body work, engine repair and overhaul, painting, welding and body work. Automobile sales and storage is also allowed and parts may be sold.

Bed and Breakfast Establishment and Lodging Houses - A home in which the owner rents rooms and serves meals to guests. A lodging house, a dwelling other than a motel or hotel.

Billboards - Any panel or flat surface 50 square feet in size, per side, or larger designed to display outdoor advertising. All billboards will have a fixed location in the ground and be considered structures.

Boat Sales and Service - A commercial enterprise selling and servicing boats to include fuel and marine supply sales.

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

Building - A structure capable of being occupied for residential, commercial, industrial, agricultural, or other uses.

Business and Professional Offices - A place in which business is transacted: accounting, architecture, legal practice, medical and dental practice, or other similar uses.

Campground - A parcel of land with one or more specific sites, with or without water, electricity or sewerage hookups, that has provisions for the pitching of tents or parking of recreational vehicles or travel trailers for use as sleeping quarters on a temporary basis.

Cemeteries - Place for burying the dead.

Churches - Place of worship either indoors or outdoors including a rectory and maintained by a religious group.

Clinic - An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

Cluster Development - A residential subdivision with housing units grouped on parcels according to standards set forth in the Ordinance. Land not built upon shall be retained as open space and shall be protected. Cluster development shall be considered a subdivision and shall be reviewed according to the Subdivision Regulations under this Ordinance.

Commercial - A use primarily concerned with the making of profit from the sale of goods or services.

Commercial Greenhouse Gardening Center - A building in which plants are grown in large quantities for sale at either retail or wholesale where the majority of items sold are not produced on site.

Condominium - Individually owned units where open space and group facilities are held in common ownership. Condominiums shall be considered as subdivisions of land and shall be reviewed according to Subdivision Regulations under this Ordinance.

Contractor's Yard - Outside storage of supplies and equipment related to construction.

Day Care Facilities - Nursery Schools public or private. Licensed establishments offering care for young children for payment.

Diners, Restaurants, Taverns - Facilities for the preparation and serving of meals and beverages for consumption on premise.

Dwelling - A building designed or used as a place of residence. Only one dwelling is allowed per lot with the exception of apartment complexes.

Dwelling unit - One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or dwelling Units which may be in the same structure and containing independent cooking, bathroom and sleeping facilities.

Equestrian Center, Stables - A facility designed for the care and training of horses including riding arenas.

Essential Services - The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead, gas, electrical, steam or water transmission, or distribution system, including poles, wires, mains, drains, sewer, pipes, conduit cable, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other government agencies or for the public health or safety or general welfare.

Excavation - Digging of any type.

Floodplain - An area of land that would be covered with water during a flood. In connection with the Flood Insurance Program, the term refers to the 10-year floodplain.

Fraternal and Social Clubs - An organization catering exclusively to members and their guests.

Frontage - The distance along a lot line on an approved public street or an approved private road.

Funeral Home - A commercial establishment which encompasses the preparation and disposition of the deceased.

Group Living Units - A facility wherein (a.) the operator is not legally related to the individuals supervised and is licensed by the State and wherein (b.) one or more individuals is provided with room, board and care in a family environment.

Halfway House - A supervised residential, therapeutic facility designed to provide a specific program of assistance or treatment to individuals with behavioral disabilities.

Hall - Large room for and/or a place used for public entertainment or assembly, where food and drink may be served.

Hospitals - Institutions providing health services.

Hotel - A building or group of buildings containing guest rooms and facilities which are directly accessible from within the structure.

In-law Apartment - One or more rooms constituting separate housekeeping facilities within the confines of a residential building designed for single-family use and containing independent cooking, bathroom and sleeping facilities.

Industrial Use - Manufacturing, research and testing, assembly, fabrication, processing, reproducing, packaging, packing, bottling, printing or publishing, provided that all resultant dust, gas, odor, smoke, vapors, electromagnetic or radioactive emissions shall be completely and effectively confined within a

building or so regulated as to prevent any nuisance or hazard to the general public and further provided that no objectionable noise, vibration, or other disturbance is noticeable at the boundary of the property upon which these activities take place. Uses not permitted include but are not limited to the following: smelters, blast furnaces, slaughter houses, rendering plants, tanneries, fertilizer plants, processing of ammonia, chlorine, petroleum or explosives.

Junkyards - All references to junkyards for whatever reason shall be made as applicable under RSA 236:111 thru RSA 236:129.

Laundry, Dry Cleaner - A commercial enterprise for the cleaning of clothes.

Light Manufacturing - A use involving the manufacture of a product not requiring heavy, noisy, or otherwise objectionable machinery or transporting equipment.

Lodging House - A building in which the rooms are rented with or without meals to three (3) or more but not exceeding ten (10) persons.

Lot - A lot is a parcel of land occupied or to be occupied by only one main building and the accessory buildings or uses customarily incident to it. A lot shall be of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage as required by this Ordinance.

Lot Measurements - Depth of a lot shall be the average distance between front and rear lot lines. Width of a lot shall be the average distance between the lot side lines.

Lot of Record - A lot which is part of a subdivision approved by the Belmont Planning Board and recorded in the Belknap County Registry of Deeds, or a lot or a parcel described by metes and bounds, the description of which was so recorded prior to enactment of the Zoning Ordinance.

Lumber Yards - A commercial enterprise where lumber, building supplies and other similar goods are stored and offered for sale.

Manufactured Housing - Any structure, transportable in one or more sections, which, in its traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained herein. Manufactured housing as defined in this Ordinance shall not include presite built housing as defined in RSA 674:31—a. (This definition is found in RSA 674:31.)

Manufacturing - Any process whereby the nature, size, shape, finish or appearance of articles is changed or where articles are assembled or packaged.

Medical and Dental Offices - Facilities offering health care services.

Motel - A building or group of buildings containing guest rooms which are accessible from outdoor parking areas.

Multi-family dwelling - A residential building designed for an occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

Nonconforming Structure, Use or Lot - A structure, use or lot that does not conform to the regulations of the Zoning District in which it is located.

Nursing, Convalescent Facility - An institution where persons are housed for compensation and which is licensed by the State including convalescent hospital, home of the aged, rest homes and similar uses.

Parking Space - An off-street space available for the parking of one motor vehicle.

Radio and Television Installations - A complex housing equipment capable of transmitting and receiving radio and television signals.

Recreational Facilities – Indoor - Any recreational use wholly contained inside a building such as bowling alley, dance hall, gymnasium, tennis center or other indoor commercial amusement facility or place of public assembly.

Recreational Facilities – Outdoor - Any recreational facility which includes use of outdoor facilities such as golf driving range, miniature golf course, water slide, outdoor theatre, race track or other outdoor commercial amusement facility or place of public assembly.

Repair Shop/Machine Shops/Small Assembly - Business for repair of small appliances, radios, televisions, office equipment, or similar use; as well as machining, assembly, fabrication, processing and reproducing of small machine, electronic or medical parts.

Resource Recycling - A facility wherein materials are separated in such a way as to be reused either in their original condition or re-manufactured state.

Sawmill - A commercial enterprise where logs are processed into lumber. Lumber may be sold or stored on site.

Schools, public or private - Educational facilities.

Setback - The distance from the extreme limit of a structure to a boundary line.

Signs - Any panel or flat surface which measures 49 square feet per side and smaller designed to display an on-site activity or use. Signs are not considered structures and must be placed 10 feet from any boundary line.

Single-family dwelling - A detached residential building designed for and occupied by one family only.

Street - A public thoroughfare, highway, street, road or avenue or private roads, including the full width of its right—of—way, lawfully existing in the Town of Belmont.

Structure - Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, walls, manufactured housing and billboards.

Theater - A facility either inside or outside for public performances.

Two-family dwelling - A residential building designed for and occupied by two families living independently of each other in individual dwelling units.

Veterinary Clinics - A facility for the boarding of and care and treatment of animals. Boarding Kennels are included in this definition if they are used for commercial purposes such as the breeding and raising of dogs.

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

Source: Article 2, First Session, March 10, 1992. Yes 636, No 535.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amendment: ARTICLE XIII (fka XII).DEFINITIONS

Amend: Manufactured Housing - Any structure, transportable in one or more sections, which, in its traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis to be used with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained herein. Manufactured housing as defined in this Ordinance shall not include presite built housing as defined in RSA 674:31-a.

Source: Article 5, First Session, March 9, 1993. Yes 459, No 380.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amendment: ARTICLE XIII (fka XII).DEFINITIONS

Add: “Service Business - A business which provides a service rather than a product to customers for compensation.”

Source: Article 6, First Session, March 9, 1993. Yes 459, No 324.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)****Amendment: ARTICLE XIII (fka XII).DEFINITIONS**

Amend: Business and Professional Offices - A place in which business is transacted: accounting, architecture, legal practice, or other similar uses.

Source: Article 10, First Session, March 9, 1993. Yes 496, No 285.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)****Amendment: ARTICLE XIII (fka XII).DEFINITIONS**

Amend: Condominium - Individually owned units where open space and group facilities are held in common ownership. Condominiums shall be considered as subdivisions of land and shall be reviewed according to Subdivision Regulations. The Use of the Condominium shall be regulated under this Ordinance in the same manner as that for any other type of ownership.

Source: Article 11, First Session, March 9, 1993. Yes 591, No 185.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)****Amendment: ARTICLE XIII (fka XII).DEFINITIONS**

Amend: “Structure - Anything constructed or erected with a fixed location on the ground (not easily moveable by one unassisted individual) or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, manufactured housing units and billboards.”

Source: Article 12, First Session, March 9, 1993. Yes 449, No 322.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)****ARTICLE XIII (fka XII).**

Amend current definition of “Accessory Building” to “Accessory Building/Use” and to require that any proposal be one that is commonly associated with the primary building or use.

Source: Article 10, First Session, March 8, 1994. Yes 413, No 203.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)****ARTICLE XIII (fka XII).**

“Aircraft Landing Area - Area used for landing and/or takeoff of motorized and/or non—motorized aircraft.”

Source: Article 11, First Session, March 8, 1994. Yes 374, No 236.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)****ARTICLE XIII (fka XII).**

“Motor Vehicle & Trailer Services, Sales, Repair, Gas Stations and Parts Sales - Property and buildings where gasoline, oil, batteries, tires and motor vehicle & trailer accessories may be sold and where motor vehicle & trailer service and repair and inspections may be carried out including body work, engine repair and overhaul, painting, welding and body work. Motor vehicle & trailer sales and storage are also allowed and parts may be sold”.

Source: Article 12, First Session, March 8, 1994. Yes 428, No 206.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)
ARTICLE XIII (fka XII).

“Contractor’s Yard - storage of supplies, vehicles and equipment used in off-site business.”

Source: Article 13, First Session, March 8, 1994. Yes 380, No 252.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)
ARTICLE XIII (fka XII).

“Essential Services — The erection, construction, alteration or maintenance by public or private utilities or municipal or other governmental agencies of underground or overhead, gas, electrical, steam or water transmission, or distribution system, including poles, wires, mains, drains, sewer, pipes, conduit cable, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other government agencies or for the public health or safety or general welfare.”

Source: Article 14, First Session, March 8, 1994. Yes 431, No 186.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)
ARTICLE XIII (fka XII).

“Licensed Hawking, Peddling and Vending - Temporary sale of merchandise or service as licensed under the terms of the Ordinance Regulating Hawkers, Peddlers and Vendors as adopted and regulated by the Board of Selectmen.”

Source: Article 15, First Session, March 8, 1994. Yes 387, No 208.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)
ARTICLE XIII (fka XII).

Eliminate the definition of “Lodging House” as the use is already included in the definition of “Bed and Breakfast Establishment and Lodging Houses”.

Source: Article 16, First Session, March 8, 1994. Yes 489, No 120.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)
ARTICLE XIII (fka XII).

“Manufactured Housing Park - any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate two or more manufactured houses. Nothing herein shall be construed to apply to premises used solely for storage or display of manufactured housing units.”

Source: Article 17, First Session, March 8, 1994. Yes 464, No 147.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)
ARTICLE XIII (fka XII).

“Sign — Business Directional - Sign erected in conformance with this Ordinance and standards contained within the Belmont Site Plan Review Regulations and intended as a directional device only; not an advertising device.”

“Signs - Any panel, surface or object which measures 49 square feet per side and smaller and is recognizable as an advertising or directional device. Signs are not considered structures, must be placed a minimum of 1 feet from any boundary line and a permit must be obtained for the erection or expansion of same.”

Add: “Sign — On Site Use - sign, constructed and placed in accordance with this Ordinance, advertising a use occurring on the same lot.”

Add: “Sign - Off Site Use - sign, constructed and placed in accordance with this Ordinance, advertising a use not occurring on the same lot.” Add: “Sign - Temporary Use - sign, constructed and placed in accordance with this Ordinance, advertising a temporary use whether occurring on the same lot, or not.

Uses shall include:

Temporary owner grown agricultural product sale. There shall be no more than two (2) signs per lot and signs shall not total more than sixteen (16) square feet per side per sign. Signs shall not be in use for more than thirty (30) days, all consecutive days only, in any six (6) month period.

Temporary real estate signs indicating property for sale, rent, or lease. There shall be no more than two (2) signs per lot and signs shall not total more than sixteen (16) square feet per side per sign. Signs shall be removed within forty-eight (48) hours of property being sold, rented or leased.

Temporary directional signs for special events provided all such signs shall be removed within twenty-four (24) hours following termination of the event. A special event is an event which takes place no more than once in any thirty (30) day period and for no more than forty—eight (48) consecutive hours. There shall be no more than two (2) signs per event and signs shall not total more than sixteen (16) square feet per side per sign.

Temporary sign identifying contractors, architects, engineers, banks and other artisans, while working on—site, is permitted. There shall be no more than one (1) sign per lot and sign shall not exceed sixteen (16) square feet per side, per sign.

Source: Article 18, First Session, March 8, 1994. Yes 416, No 196.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

ARTICLE XIII (fka XII).

“Non-Conforming Structure, Use or Lot - A structure or lot, or the use of any land, building or structure, which does not conform to the regulations of the zoning district in which it is carried on or located as of the date this Ordinance becomes effective.

Source: Article 7, First Session, March 8, 1994. Yes 419, No 234.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

ARTICLE XIII (fka XII).Add Definition. “Sign-Business Park Directory - sign for the purpose of identifying a complex of businesses. Complex shall be located on a single lot or on two or more contiguous lots served by a common road or driveway and shall contain two or more separate businesses. Sign shall be located on property contained as part of the complex. Sign shall identify the complex and identify, by name and/or logo, only, each business in the complex. Such signs may exceed 49 square feet and must comply with a setback of 10 feet from any boundary line. All other requirements of the Ordinance shall be met.

Amend Definition of Billboards by adding: “Lighting accessory to billboards shall be shielded from abutters and traffic.”

Amend Definition of Signs by adding: "Lighting accessory to any sign shall be shielded from abutters and traffic."

Source: Article 5, First Session, March 14, 1995. Yes 464, No 146.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

ARTICLE XIII (fka XII).-Definitions. Replace with "In-law Apartment - One or more rooms constituting separate housekeeping facilities within the confines of a residential building designed for single-family use and containing independent cooking, bathroom and sleeping facilities. Occupancy of the apartment is restricted to members of the immediate family of the occupants of the primary dwelling unit. Owner of dwelling must complete and record in the Belknap County Registry of Deeds a Restrictive Covenant provided by the Planning Board stating the requirements for occupancy of the apartment.

Source: Article 10, First Session, March 14, 1995. Yes 462, No 138.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

ARTICLE XIII (fka XII).Add definition "Unrelated structures are structures that are not Primary or Accessory in use to one another or are not contained on the same site."

Amend definition "Accessory Building or Use - A subordinate building or use commonly associated with, incidental to, and on the same lot or site occupied by the primary building or use."

Add definition "Primary Building or Use - The main or principal building or use on a lot or site."

Source: Article 11, First Session, March 14, 1995. Yes 481, No 113.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

ARTICLE XIII (fka XII).

Definitions. Add.

Useable Floor Space - Useable floor space shall be any space which provides more than 4 feet in height.

Source: Article 9, First Session, March 12, 1996. Yes 361, No 157.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

ARTICLE XIII (fka XII).

Amendment: Definitions.

Add: Change of Occupancy Permit - A permit issued by the Building Official for any change in tenants of a nonresidential structure.

Source: Article 14, First Session, March 12, 1996. Yes 377, No 139.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

ARTICLE XIII (fka XII).

Amendment: ARTICLE XII. Add sentence to definition of Lot.

However, multiple primary buildings and/or uses, as well as mixed uses, including commercial, industrial and multi-family complexes shall be allowed on a lot when approved under the Site Plan Review Regulations.

Source: Article 19, First Session, March 12, 1996. Yes 403, No 114.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)

Amendment: **ARTICLE XIII (fka XII).** Definitions.

Manufactured Housing units brought into the Town of Belmont must bear the construction standard certification seal of the U.S. Department of Housing and Urban Development (H.U.D.); and the unit's date of manufacture shall not be before January 1, 1985, unless the unit owner can show, by certification of the U.S. Department of Housing and Urban Development (H.U.D.), that the unit otherwise complies with all the regulations promulgated by U.S. Department of Housing and Urban Development (H.U.D.) as of January 1, 1985.

Amendment: Article XII. Definitions.

Amend Manufactured Housing - Any structure, transportable in one or more sections, which, in its traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained herein. Manufactured housing as defined in this Ordinance shall not include presite built housing as defined in RSA 674:31-a.

Source: Article 2, First Session, March 11, 1997. Yes 328, No 60.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)

Amendment: **ARTICLE XIII (fka XII).** Definitions

Add to Recreational Vehicle - Vehicles which exceed 320 square feet including expansion sections and/or additions shall be considered structures for Zoning and Planning purposes. However, property owners may house one unit on their property as accessory to an existing primary residential use which shall be exempt from this clause providing the intended use of the unit is for temporary recreational purposes.

Amendment: Article XII. Definitions.

Add - Recreational Vehicle - means any of the following vehicles:

- a. Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- b. Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- c. Recreational trailer, which is a vehicular portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.
- d. Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes.

Source: Article 3, First Session, March 11, 1997. Yes 209, No 174.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)
ARTICLE XIII (fka XII).

Add: Wetlands - Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to swamps, marshes, bogs and similar areas.

Source: Article 5, First Session, March 11, 1997. Yes 274, No 100.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)
ARTICLE XIII (fka XII).

Amendment: Article XII. Definitions and Article IV.J.

Add to Billboard sections: Individual billboards shall be limited to a maximum size of 300 square feet.

Amendment: Article XII. Definitions and Article IV.J.

Add to Sign and Billboard sections: The total square footage of free standing signage shall be limited to 300 square feet per tax lot.

Amendment: Article XII. Definitions and Article IV.J.

Add to Sign and Billboard sections: The total number of individual free standing signs and/or billboards shall be limited to three per tax lot.

Source: Article 6, First Session, March 11, 1997. Yes 273, No 106.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)

Amendment: **ARTICLE XIII (fka XII).** Definitions.

Amend “Setback” to: Setback - Side and rear setbacks are the distance from the extreme limit of a structure to a property line. Front setbacks are the distance from the extreme limit of a structure to the edge of the public road Right-of-Way, public road Easement, or the property line, whichever is closest.

Source: Article 10, First Session, March 11, 1997. Yes 268, No 110.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)

Amendments **ARTICLE XIII (fka XII).** Definitions.

“Manufactured Housing”. Add these sentences to the end of the second paragraph - “Manufactured Housing may only be placed in approved manufactured housing parks or manufactured housing subdivisions. Manufactured Housing units shall not be renovated or reduced in size for any other use.”

New: “Manufactured Housing Subdivision- a subdivision of five or more lots created by the subdivider for individual ownership, meeting the regulations and ordinances of the Town, for the placement, for living purposes, of individually owned manufactured housing units.

Source: Article 4, First Session, March 10, 1998. Yes 378, No 238.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)

Amendment **ARTICLE XIII (fka XII).** Definitions.

New: “Manufactured Housing Sales Lot - display and sales of manufactured housing units. Units, other than a single sales office unit may not be hooked to any facility. Used units meeting the definition of Manufactured Housing found in this Ordinance, including date of construction, may be placed on the lot for resale for a term not to exceed 12 months. Units not meeting the requirement for date of construction may only be placed on the lot for resale for a term not to exceed 6 months. Salvage reconstruction or demolition of any unit may only occur within the time frames listed above and only in a separately screened area approved under Site Plan Review.”

Source: Article 6, First Session, March 10, 1998. Yes 370, No 233.

ARTICLE XV (fka) XIV
ARTICLE XIV (fka XIII)

Amendment **ARTICLE XIII (fka XII)**. Definitions.

“Storage Facilities - Vehicles, trailers or other enclosures being primarily used for on site storage shall be regulated by this Ordinance as to use and shall be considered a structure. Storage vehicles and trailers are limited to two per tax lot.”

Source: Article 7, First Session, March 10, 1998. Yes 394, No 206.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amendment **ARTICLE XIII (fka XII)**. Definitions

“Resource Recycling” Add: “All activity including unloading, dismantling, sorting, cleaning, storage, or loading shall occur entirely within a structure designed for this use.”

Source: Article 8, First Session, March 10, 1998. Yes 449, No 145.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amendment Amend **ARTICLE XIII (fka XII)**. Definitions.

Amend: “Theater - A public facility for the showing of movies.”

Source: Article 11, First Session, March 10, 1998. Yes 359, No 232.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amendment **ARTICLE XIII (fka XII)**. Definitions.

New: “Salvage Yard - any business or any place of storage, deposit, dismantling and/or resale, whether in connection with another business or not, of scrap lumber, appliances, building debris, scrap metals and other salvaged items and materials not regulated under the Junk Yard definition.”

Source: Article 15, First Session, March 10, 1998. Yes 489, No 100.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amendment **ARTICLE XIII (fka XII)**. Definitions.

New: “Site Construction Trailer - Trailer constructed specifically for temporary use on job sites as office or storage facility. Trailer may only be placed on site after the necessary building or Planning Board approval has been obtained and may remain on site only during times of active construction. Unit must remain registered and immediately road worthy. Use of trailer is not to exceed 18 months for any such permitted project. A unit originally manufactured as a manufactured housing Unit may not be used for a site construction trailer.”

Source: Article 16, First Session, March 10, 1998. Yes 472, No 121.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amendment **ARTICLE XIII (fka XII)**. Definitions.

Amend: “Contractor’s Yard - Storage of any or all of the following used in off site business: supplies, vehicles, equipment.”

Source: Article 17, First Session, March 10, 1998. Yes 462, No 125.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amend **ARTICLE XIII (fka XII)**. Definitions - Add

“Sludge - means “sludge” as defined by RSA 485-A:2,XI-a, as amended.”

Source: Article 3, First Session, March 9, 1999. Yes 329, No 65.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amend **ARTICLE XIII (fka XII)**. Definitions - To “campground” Add

“Campgrounds shall comply with the standards required under the Belmont Subdivision Regulations.”

Source: Article 4, First Session, March 9, 1999. Yes 351, No 54.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amend **ARTICLE XIII (fka XII)**. Definitions. Rewrite

“Recreational Vehicle - Any of the following vehicles:

- a. Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- b. Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- c. Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.
- d. Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes.

Vehicles which exceed 320 square feet including expansion sections and/or additions shall be considered structures for Zoning and Planning purposes.

Property owners may house one unit on their property as accessory to an existing primary residential use which shall be exempt from the 320 square foot clause above providing the intent is to store the unit or to use the unit for temporary recreational use of the property owner or non- paying guest.

Property owners may place one unit on their vacant lot for temporary recreational use by themselves or members of their immediate family for no more than 30 days during any twelve month period. Such units shall remain registered, shall not be attached to any structure or the ground, and shall have and use a manufacturer-installed self-contained wastewater systems. Further, if the unit is attached to NH State approved on-site water and septic or sewer facilities, the unit may remain on site for up to six months during any twelve month period. Units placed on lots not having an existing primary residential use are subject to the 320 square foot clause above.

Source: Article 9, First Session, March 9, 1999. Yes 294, No 103.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

ARTICLE XIII (fka XII)., Definitions - Add

“Agricultural Animals - The grazing, care, or keeping of personal or commercial agricultural animals including, by example, livestock, poultry, dairy & beef cattle, deer, bison, sheep, swine, horses, ponies, mules, goats, llamas; as well as animals traditionally raised for fur.”

Source: Article 11, First Session, March 9, 1999. Yes 276, No 125.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)**

Amend **ARTICLE XIII (fka XII)**.Definitions - Add:

“Petroleum and Propane Gas Bulk Storage Facilities - All facilities shall comply with all local, state and federal requirements. Facilities shall be considered structures and shall meet applicable setbacks.

Above-ground facilities used for the storage for sale or off-site transfer of petroleum, propane gas, or other regulated substances:

1. where such petroleum or other regulated substance facilities have a single tank system with a storage capacity of more than 660 gallons, or a two or more tank/drum combined storage capacity of more than 1,320 gallons; and/or
2. where such propane gas facilities have a combined storage capacity of more than 1,000 gallons.

Under-ground facilities used for the storage for sale or off-site transfer of petroleum, propane gas, or other regulated substances, where such facilities have a total on-site storage capacity of more than 1,110 gallons.

Excluded from both above-ground and under-ground categories above are:

- a. facilities used solely for same-site heating or energy;
- b. equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
- c. facilities for the storage of petroleum and propane gas for individual-customer, on-site retail sales, where the storage use is accessory to a primary sales use, i.e. gasoline/motor vehicle service station, propane refill stations accessory to primary retail stores.

Source: Article 15, First Session, March 9, 1999. Yes 348, No 40.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)**

Amend: **ARTICLE XIII (fka XII)**.— add

Treated soils—soils decontaminated by treatment process and certified for distribution and use as soil under NH Env-Wm 3203, having originally been contaminated with liquids not regulated by the State of NH as hazardous waste as defined under NH Env-Wm 2603.01.

Source: Article 2, First Session, March 14, 2000. Yes 522, No 177.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)**

Amend: **ARTICLE XIII (fka XII)**.— Add

Telecommunication facilities — any structure, antenna, tower or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), personal communications service (PCS) and common carrier wireless exchange access services.

Source: Article 3, First Session, March 14, 2000. Yes 567, No 144.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)**

Amend: **ARTICLE XIII (fka XII)**. Definitions - add

Buffer - Area designed to separate uses and protect significant features. May contain screening, native vegetation, open space or other methods to enhance separation value.

Cluster Subdivision - A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development. Remaining land area is devoted to open space, active and passive recreation, preservation of environmentally sensitive or otherwise significant areas, or agriculture. Cluster subdivisions are subdivisions of land and require review and approval under the Belmont Subdivision Regulations.

Greenways - An open space connector linking parks, permanent preserved areas, cultural features and other significant areas.

Water bodies - Any natural or artificial collection of water, whether permanent or temporary.

Watercourse - Any natural or artificial stream, river, brook, ditch, channel, culvert, drain, or gully in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks.

Source: Article 4, First Session, March 14, 2000. Yes 545, No 129.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amend: **ARTICLE XIII (fka XII)**. Separate and amend definitions.

Bed & Breakfast Establishment — overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

Lodging House — a facility in which rental sleeping accommodations are provided and in which meals also may be supplied as part of the fee.

Source: Article 6, First Session, March 14, 2000. Yes 509, No 194.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amend: **ARTICLE XIII (fka XII)**. Add definition

Satellite Sales Display Lot - A lot used as subordinate to an approved primary sales lot. Both the primary and subordinate lots must be located in Belmont, be in the same ownership, be immediately adjacent to each other and occupied by the same business entity. Only one satellite lot is allowed for each primary lot. Satellite sales lot use is limited to sales display. Structures and facilities normally required for sales use may be located on the adjacent main lot in place of on-site improvements. Salespeople shall be located and business uses shall occur only on the primary sales lot.

Source: Article 9, First Session, March 14, 2000. Yes 522, No 168.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amend: **ARTICLE XIII (fka XII)**. Add definition

A lot used for sales of any kind as defined by this Ordinance and regulated by the Belmont Site Plan Regulations. Primary sales lots may be located as allowed under the permitted use table for the specific sales use proposed. Use includes display of sale items. Use requires adequate and appropriate customer and staff facilities including building for related staff, office and sales functions and on-site or municipal water and sewer or septic facilities. Temporary or portable building or facilities including, but not limited to, manufactured housing unit, recreational vehicle, self-contained water, and self-contained sewer units are not considered to meet the criteria of adequate and appropriate. One satellite sales lot, as defined by this Ordinance, is allowed in conjunction with a primary sales lot.

Source: Article 10, First Session, March 14, 2000. Yes 541, No 141.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)Amend: Amend **ARTICLE XIII (fka XII)**. Amend definition

Recreational Vehicle - Any of the following vehicles:

- a. Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.
- b. Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- c. Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.
- d. Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes. Use is limited to temporary dwelling for recreational, camping, travel or seasonal use and may not be used in conjunction with a commercial or industrial use regulated under the Site Plan Review Regulations.

Vehicles which exceed 320 square feet including expansion sections and/or additions shall be considered structures for Zoning and Planning purposes. Park Model Recreational Vehicles in excess of 320 square feet including expansion sections and/or additions shall be regulated as manufactured housing units under this ordinance.

Property owners may house one unit on their property as accessory to an existing primary residential use providing the intent is to store the unit or to use the unit for temporary recreational use of the property owner or non-paying guest. Such single unit shall not be considered a structure for Zoning and Planning purposes.

Property owners may place one unit on their vacant lot for temporary recreational use by themselves or members of their immediate family for no more than 30 days during any twelve month period. Such units shall remain registered, shall not be attached to any structure or the ground, and shall have and use a manufacturer-installed self-contained wastewater systems. Further, if the unit is attached to NH State approved on-site water and septic or sewer facilities, the unit may remain on site for up to six months during any twelve month period. Units placed on lots not having an existing primary residential use are subject to the 320 square foot clause above.

Source: Article 11, First Session, March 14, 2000. Yes 474, No 212.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)**Amend: **ARTICLE XIII (fka XII)**. Amend definition

Parking and storage of any or all of the following used in off site business: supplies, vehicles, equipment. One commercial vehicle may be parked on a residential lot as exempt from this definition if used by one of the on-site residential tenants as business related transportation.

Source: Article 13, First Session, March 14, 2000. Yes 504, No 194.

ARTICLE XV (fka) XIV**ARTICLE XIV (fka XIII)**Amend: **ARTICLE XIII (fka XII)**.— add

Assisted Living Facility — Residential facility providing rooms, usually occupied by frail elderly, and supervision of self-administered medications, meals, health monitoring under the supervision of a

professional nurse, and transportation. May also provide services such as communal dining, social and recreational services, housekeeping, and other support services appropriate for the residents.

Source: Article 15, First Session, March 14, 2000. Yes 539, No 127.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Amend: **ARTICLE XIII (fka XII)**. Rewrite.

Setback - Side and rear setbacks are the distance from the extreme limit of a structure to a property line. Front setbacks are the distance from the extreme limit of a structure to the edge of the public road right-of-way, public road Easement, traveled or constructed public way, or the property line, whichever is closest.

Source: Article 20, First Session, March 14, 2000. Yes 572, No 118.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

ARTICLE XIII (fka XII). (Add)

Modular Building & Housing — Modular buildings shall be as defined in RSA 205- C: 1 .XI. For the purposes of this Ordinance, Manufactured Housing shall not be considered Modular Housing.

Source: Article 3, First Session, March 13, 2001. Yes 275, No 65.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Article **XIII (fka XII)**. (Amend paragraph)

Property owners may house one unit on their property as accessory to an existing primary residential use providing the intent is to store the unit or to use the unit for temporary recreational use of the property owner or non-paying guest. Such use shall not exceed 45 days during any twelve month period unless the unit is attached to NH State approved on-site water and -septic or sewer facilities. If so attached, use of the unit shall not exceed six months during any twelve-month period. The allowed single unit shall not be considered a structure for Zoning and Planning purposes and shall not be used as a primary residence.

Source: Article 4, First Session, March 13, 2001. Yes 247, No 118.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Article **XIII (fka XII)**. (Amend)

Frontage - The distance along a lot line on:

- a. a Class I or II State Highway, or
- b. a Class V Town street, or
- c. an approved private street.

For the purposes of this section, an approved private street shall mean - a private street, including the full width of the street right-of-way, shown on a subdivision plan approved by the Belmont Planning Board, which street is intended to provide vehicular access to the lot(s) shown on that plan.

Source: Article 5, First Session, March 13, 2001. Yes 293, No 61.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Article **XIII (fka XII)**. — Definition of Manufactured **Housing**. Replace last sentence with:

“Manufactured housing units may not be used for any purpose other than a properly permitted dwelling unit.”

Source: Article 7, First Session, March 13, 2001. Yes 254, No 105.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Article XIII (fka XII). — Add definition.

“Commercial Vehicle - any vehicle registered as a commercial vehicle and/or used for commercial purposes.”

Source: Article 8, First Session, March 13, 2001. Yes 278, No 80.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Article XIII (fka XII). Add Definition.

“**Impact Fee** - a fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the town, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; town office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space.”

New Article VIII and renumber remaining articles.

Source: Article 9, First Session, March 13, 2001. Yes 273, No 91.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

The existing 13 Articles of the Zoning Ordinance (currently numbered Article I Through Article XIII) will be numbered using Arabic numbers (Article 1 through Article 13).

Source: Article 5, First Session, March 11, 2003. Yes 364, No 83.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

Article V. Table 1. and Article XIII. - Replace the title “Telecommunication Facilities” with “Personal Wireless Service Facilities” and place in appropriate alphabetical order. No change in the permitted zones or otherwise in definition. Renumber the existing Personal Wireless Services section as a separate Article and renumber the remaining Articles as necessary.

Source: Article 6, First Session, March 11, 2003. Yes 373, No 74.

ARTICLE XV (fka) XIV

ARTICLE XIV

Renumber the existing Personal Wireless Services section as a separate Article and renumber the remaining Articles as necessary.

Source: Article 6, First Session, March 11, 2003. Yes 373, No 74.

ARTICLE XV (fka) XIV

ARTICLE XIV (fka XIII)

ARTICLE XIII

Table of Contents, Article V, Article VI and Article XIII — replace every instance of the term “Cluster” with “Open Space” with the exception of the use of the word “cluster” in Article VI.A. 12. Article V and Article XIII place the newly titled section in appropriate alphabetical order.

Source: Article 8, First Session, March 11, 2003. Yes 333, No 112.

ARTICLE XV (fka) XIV **ARTICLE XIV (fka XIII)**

Article XIII. Definition of Campground. Add sentence, “No structures shall be erected on camp sites with the exception of open decks or screened enclosures not exceeding 144 square feet per site, and storage buildings not exceeding 64 square feet per site.”

Source: Article 11, First Session, March 11, 2003. Yes 339, No 113.

ARTICLE XV (fka) XIV **ARTICLE XIV (fka XIII)**

Article XIII. Amend definition of “Structure” to: “Anything constructed or erected with a fixed location on the ground (not easily moveable by one unassisted individual) or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, manufactured housing units, membrane enclosures, and billboards.”

Source: Article 14, First Session, March 11, 2003. Yes 246, No 184.

ARTICLE 15 (fka) 14

Article 14. Definitions — Replace current Definition of Setback with:

Setback - Side and rear setbacks are the distance from the extreme limit of a structure to a property line. Front setbacks are the distance from the extreme limit of a structure to the edge of the public road Right-of-Way, public road Easement, private road easement that serves more than two lots, traveled or constructed public way, or the property line, whichever is closest.

Source: Article 3, First Session, March 9, 2004. Yes 430, No 204.

ARTICLE 15 (fka) 14

Article 14. Definitions. Replace Billboards and Signs in their entirety. Add Signage.

Billboards — Signage exceeding 49 square feet and not exceeding 300 square feet.

Signs — Signage with a maximum size of 49 square feet.

Signage — Any panel, surface or object recognizable as an advertising or directional device.

Source: Article 8, First Session, March 9, 2004. Yes 438, No 196.

ARTICLE 15 (fka) 14

Article 14. Definitions. Add new Definition.

“Elderly Housing. Housing which is limited to persons 62 years of age and older as defined by NH RSA 354-A: 15(11). The Board may require assurance of compliance by deed restriction or other instrument as condition of use.”

Source: Article 11, First Session, March 9, 2004. Yes 527, No 110.

ARTICLE 15 (fka) 14

Article 14. Definitions. In-Law Apartment. Add:

Where permitted, only one in-law apartment is allowed per tax lot.

Source: Article 3, First Session, March 8, 2005. Yes 258, No 244.

ARTICLE 15 (fka) 14

Article 14, Definitions — Delete In-law Apartment definition.

Article 14, Definitions — Add Accessory Apartment.

Accessory Apartment — An apartment physically attached to or incorporated within a principal residential dwelling unit and of a nature subordinate to the principal residential use of the structure.

Source: Article 1, First Session, March 14, 2006. Yes 301, No 163.

ARTICLE 15 (fka) 14

Article 14, Definitions — Frontage — Replace the last sentence with:

Said frontage shall provide vehicular access to the portion of the lot developed, or to be developed with the primary use. An approved private street shall mean a private street, including the full width of the street right-of-way, shown on a subdivision plan approved by the Belmont Planning Board.

Source: Article 2, First Session, March 14, 2006. Yes 382, No 83.

ARTICLE 15 (fka) 14

Article 14. — Delete existing definitions for Campground and Recreational Vehicle

Source: Article 3, First Session, March 13, 2007. Yes 351, No 291.

ARTICLE 15 (fka) 14

Article 14. Definitions — Setback — rewrite in its entirety:

Setback —

- a. Side and rear setbacks are the distance from the extreme limit of a structure to a property line.
- b. Front setbacks are the distance from the extreme limit of a structure to all of the following:

1. the public road Right-of-Way,
2. the public road Easement,
3. the traveled or constructed public way,
4. the private road Easement that serves more than two lots,
5. the traveled or constructed private road that serves more than two lots.

Lots abutting more than one of the above shall have a “front” setback along each. Preexisting lots that do not have a “front” setback shall nonetheless be restricted from building closer to the roads, road right-of-way, or road easements listed above than the minimum required front setback for lots in that zone.

Source: Article 5, First Session, March 13, 2007. Yes 356 No 293.

ARTICLE 15 (fka) 14

Article 14. Definitions — Structure — Add sentence:

New last sentence — “Concrete pads used exclusively for vehicle parking or as support for essential utilities (fuel tank, HVAC, electric, etc) are not considered structures.”

Source: Article 7, First Session, March 13, 2007. Yes 517 No 133.

Renumber remaining Articles and Sections. (Insert new Article 7. - Aquifer Protection Ordinance).

Source: Article 3, First Session, March 11, 2008. Yes 245, No 158.

Article 15. Add Definition

“Biosolids” means “biosolids” as defined by RSA 485-A:2,XXII, as amended.

Source: Ballot Article 2, March 9, 2010. Yes 458, No 283.

Article 15. New Definition

Interment - The permanent disposition of the remains of a deceased person by cremation and interment, entombment or burial.

Source: Ballot Article 3, March 8, 2011. Yes 302, No 125.

Article 15. Amend definition of “Structure”

Structure - Anything constructed or erected with a fixed location on the ground (not easily moveable by one unassisted individual) or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, manufactured housing units, membrane enclosures, billboards, and any configuration of modular pieces arranged in such a fashion so as to create a single unit which totals 32sf or larger and/or weighs in excess of 70lbs. Concrete pads used exclusively for vehicle parking or as support for essential utilities (fuel tank, HVAC, electric, etc) are not considered structures.

Source: Ballot Article 2, March 13, 2012. Yes 398, No 260.

Article 15. Add Definition

Municipal Solid Waste Transfer Station – As defined in the New Hampshire Code of Administrative Rules, Chapter Env-Sw 100, as amended, and in compliance with all applicable laws and rules of the State of NH.

Source: Ballot Article 2, March 12, 2013. Yes 276, No 215.

Article 15. Amend definition of “Frontage”

Frontage - The distance along a lot line on:

- a. a Class I or II State Highway, or
- b. a Class V Town street, or
- c. an approved private street.

Said frontage shall provide vehicular access to the portion of the lot developed, or to be developed with the primary use unless an alternative access is approved through a conditional use permit issued by the Planning Board. An alternative access through a Conditional Use Permit is only permitted when the lot has the required legal frontage. An approved private street shall mean a private street, including the full width of the street right-of-way, shown on a subdivision plan approved by the Belmont Planning Board.

To grant a Conditional Use Permit for alternative access, the Planning Board must find:

1. The lot has frontage as defined by this Ordinance.
2. There is a natural or environmental barrier prohibiting actual access via the legal access; and/or the alternative access increases traffic safety (e.g. reduces the number of access points in a congested area) or reduces or eliminates an environmental impact (e.g. wetlands, steep slopes).
3. The alternative proposed access provides adequate emergency access.
4. The alternative proposed access provides adequate sight distance.
5. If the alternative proposed access encumbers another lot there must be a permanent deeded right to utilize that access.

Source: Ballot Article 2, March 16, 2017. Yes 551, No 146.

Article 15. Amend title & definition of Accessory Apartment

Accessory Dwelling Unit - a residential living unit that is within or attached to a single-family dwelling, and 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.

Source: Ballot Article 3, March 16, 2017. Yes 515, No 169

Article 15. Delete following definitions (now regulated under article 4.I.)

Billboards. Sign-Business Directional. Sign-Business Park Directory. Sign-Off Site Use. Sign-On Site Use. Sign-Temporary Use. Signage. Signs.

Source: Ballot Article 4, March 16, 2017. Yes 458, No 218

Article 15. Delete following definition

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

Article 15. Add following definitions

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

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

Source: Ballot Article 2, March 13, 2018. Yes 286, No 126

Article 15. Delete following definition

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

Article 15. Add following definitions

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.

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

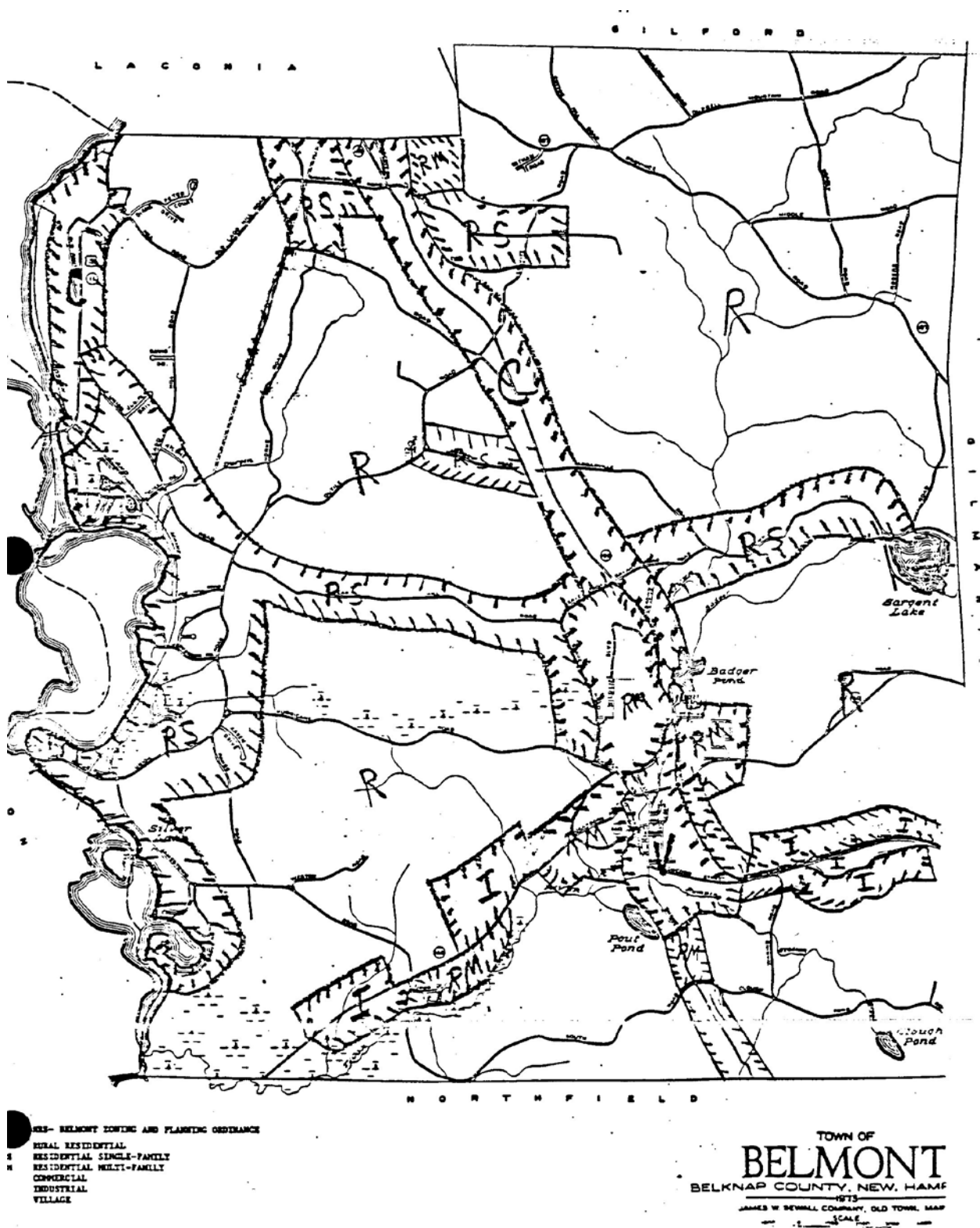
Source: Ballot Article 3, March 13, 2018. Yes 292, No 121

Article 15. Add following definition

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.

Source: Ballot Article 5, March 13, 2018. Yes 266, No 132

ZONING MAP



Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

To amend the Belmont Zoning and Assessment Map to Change Tax Map #21, Lot 47-001 (as approved at the May 19, 1988 Planning Board Meeting,) (St. Joseph Church Property, Route 106) from Village Zone to Commercial Zone.

Source: Article 2, First Session, March 14, 1989. Yes 706, No 341.

To amend the Belmont Zoning and Assessment Map to change Tax Map 8, Lot 5-24 (Paquette Property, Route 106 & Seavey Road) from Residential Multi-Family Zone to Commercial Zone.

Source: Article 3, First Session, March 14, 1989. Yes 535, No 497.

To amend the Belmont Zoning and Assessment Map to change Tax Map 6, Lot 7 (McCarthy Property, Wareing Road) from the Industrial Zone to Rural Zone.

Source: Article 7, First Session, March 14, 1989. Yes 618, No 283.

To amend the Belmont Zoning and Assessment. Map to change the following lots from the Residential Multi-Family to Residential Single Family Zone.

Tax Map 8 Lots:

8-2
8-3
8-4
8-5
8-4
8-4-1
8-5 through 8-5-23
8-5-25 through 8-5-34
8-6 through 8-6-6
8-7 through 8-8

Tax Map 5 Lots:

5-69-1 5-69-9
5-69-2 5-69-10
5-69-3 5-69-11
5-69-4 5-69-12
5-69-4-1 5-69-14
5-69-5 5-69-15
5-69-6 5-69-15
5-69-7

Source: Article 4, First Session, March 13, 1990. Yes 546, No 290.

To amend the Belmont Zoning and Assessment Map to change Tax lot 15 (Labrie Property, Dearborn Street) from Residential-Multi Family Zone to Industrial Zone.

Source: Article 5, First Session, March 13, 1990. Yes 646, No 276.

Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the town zoning ordinance and zoning and assessment map as follows: Expand the Commercial © Zone along the west & east sides of State Route 106 from Seavey Road to the junction of State Route 140 to include all of lots 05/52, 05/53, 05/54, 05/55, 06/15, 06/16, 08/01, 08/01/01, 08/01/02, 08/02, 08/03, 08/04, 08/04/01, 08/158/01, 21/04, 21/05, 21/06, 24/01, 24/01/01, 24/02, 24/03, 24/121 and lot 05/05 from State Route 106 to the center line of the discontinued road. Expand the Industrial (I) Zone along the northerly side of State Route 140 and along the Northfield Town Line to include all of lots 01/01 and 01/02.

Source: Article 3, First Session, March 10, 1992. Yes 745, No 432.

Are you in favor of adopting the following amendment as proposed by petition: To change the current zoning designation of Rural © to Commercial © for property described on the Property Map Index, Town of Belmont, Belknap County, New Hampshire, Tax Map 13, Lots 23, 23-1, 24, 25, 26, 26-1, 26-2,

26-3, 27, 28, 29, 30. Property located on Route 107 adjacent to municipal boundary with City of Laconia.

Source: Article 4, First Session, March 10, 1992. Yes 689, No 439.

Are you in favor of adopting the following amendment as proposed by petition: To amend the Zoning Ordinance and the Zoning and Assessment Map of the Town of Belmont to expand the existing Commercial Zone on the west side of State Route 106 to include all of Tax Lots 005/055, 008/001, 008/001/001, 008/001/002, 008/002, 008/003, 008/004/001 which are currently in the "RS" Zone.

Source: Article 7, First Session, March 10, 1992. Yes 743, No 419.

Expand the existing Commercial Zone already located on Bishop Road to include the next lot, Tax Lot 11/26/00. This is an undeveloped lot now in the Residential Single Family Zone, but adjacent to and across the street from the existing Commercial Zone.

Source: Article 21, First Session, March 8, 1994. Yes 396, No 215.

At the request of the property owner, and with the support of the Planning Board, change the Zoning of tax lot 10/37/00 on Route 3 from Rural to Commercial.

Source: Article 13, First Session, March 14, 1995. Yes 429, No 139.

At the request of the property owner, and with the support of the Planning Board, change the Zoning of tax lot 10/36/00 on Route 3 from Rural to Commercial.

Source: Article 14, First Session, March 14, 1995. Yes 430, No 134.

Amendment Rezone tax lot 06/52/01 from Rural to Industrial. Relocate zone line dividing Rural and Industrial Zones within tax lot 03/26/00, converting Rural acreage to Industrial acreage. See attached. Intent is to redraw line beginning on south east side of the intersection of Wareing & South Roads on the north side of the brook; following the brook easterly to a point 500' from South Road; then turning and running to the rear line of tax lot 26/01/00, along that back line and then to a point which is halfway along the 898' subject parcel's survey line and 500' from South Road.

Source: Article 19, First Session, March 10, 1998. Yes 427, No 141.

The following lot in the Plummer Hill Road area shall be entirely within the Residential MultiFamily Zone: 13/13/07

Source: Article 17, First Session, March 9, 1999. Yes 301, No 71.

The following lots in the Upper Parish Settlement Drive area shall be entirely within the Rural Zone: 09/34/07, 09/34/08, 09/34/09, 09/34/10, 09/34/15, 09/34/16, 09/34/17, 09/34/18

Source: Article 18, First Session, March 9, 1999. Yes 312, No 57.

The following lots in the Route 107 area shall be entirely within the Residential Multi-Family Zone: 13/23/00, 13/23/01, 13/24/00

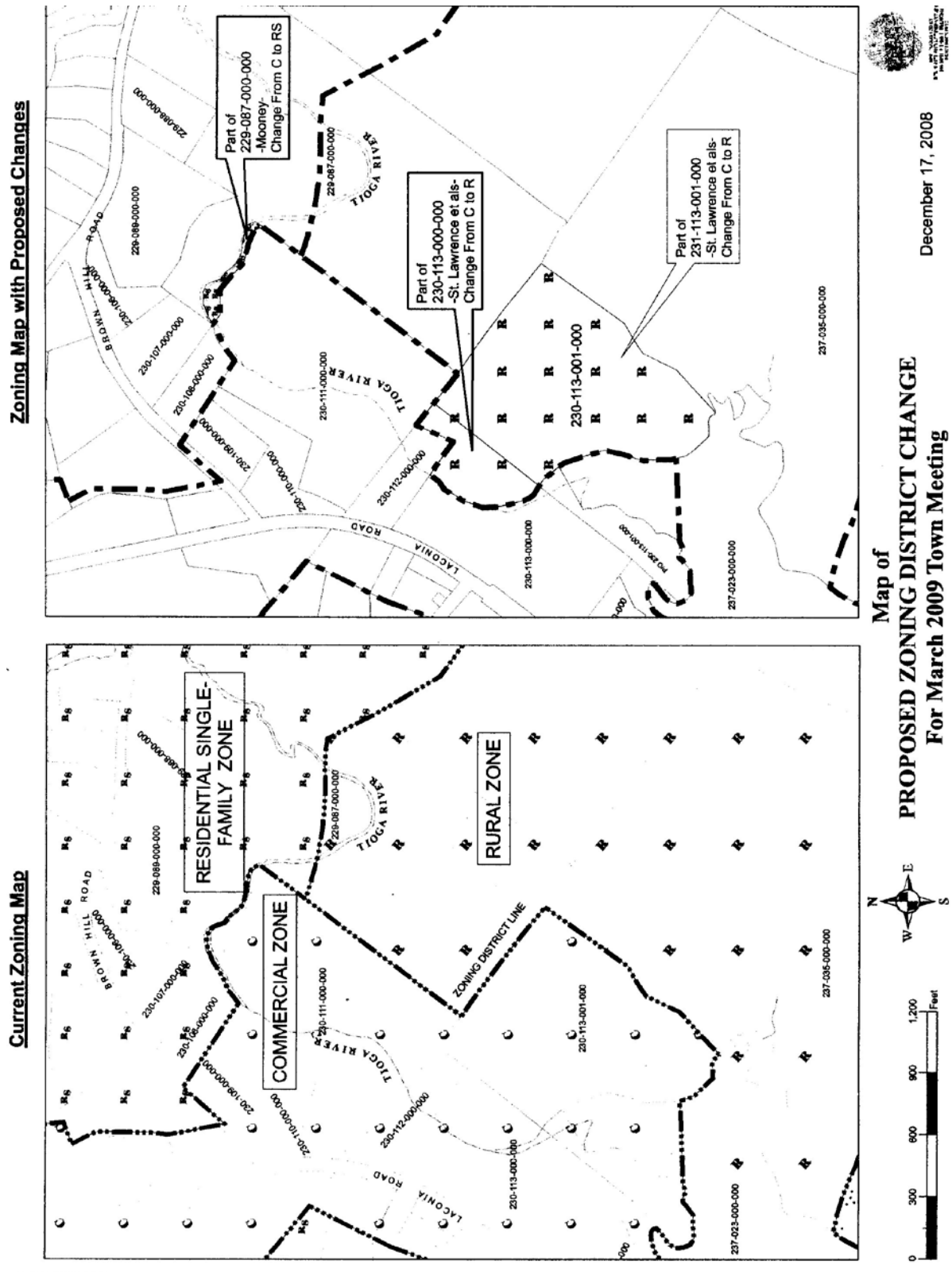
Source: Article 19, First Session, March 9, 1999. Yes 285, No 90.

Rezone a portion of three adjacent tax lots located off Laconia and Brown Hill Roads, east and south of the Tioga River; being specifically the following:

1. Rezone a portion of Tax Lot 229/087/000/000 from Commercial to Residential Single Family; and

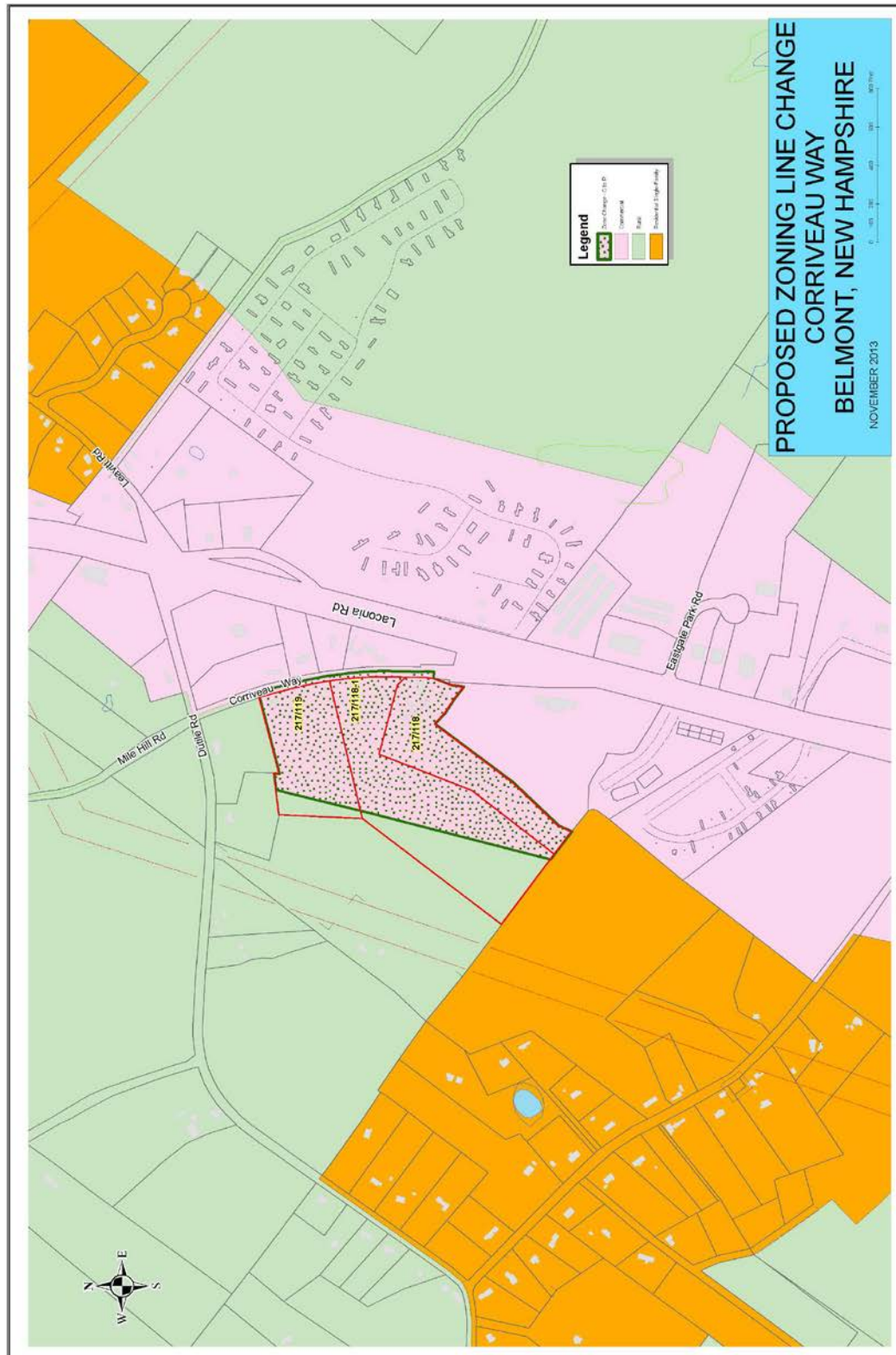
2. Rezone a portion of Tax Lot 230/113/000/000 from Commercial to Rural; and
3. Rezone a portion of Tax Lot 230/113/001/000 from Commercial to Rural.

Source: Ballot Article 2, March 10, 2009. Yes 414, No 184.



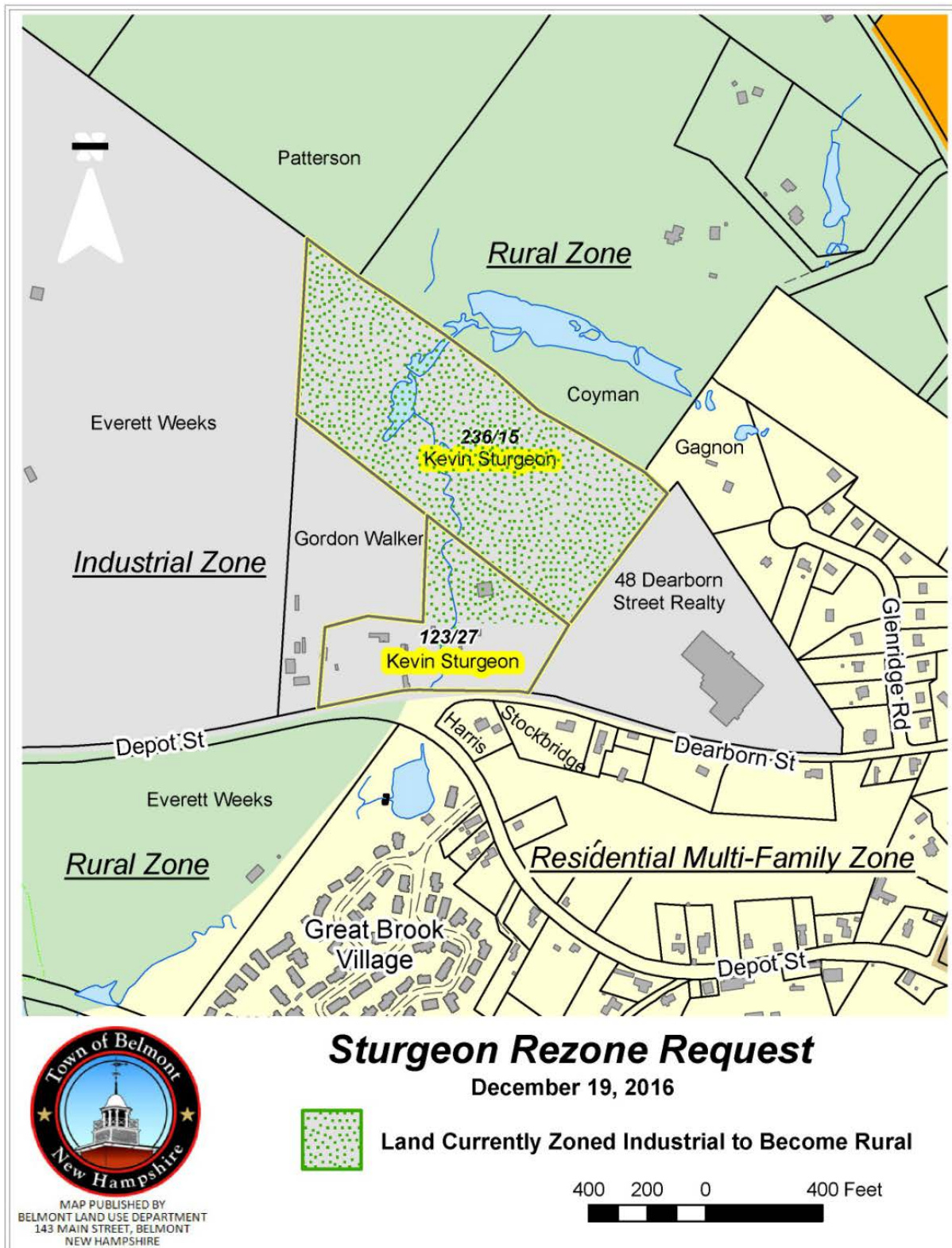
Rezone three tax lots 217/118/000/000 - 9 Corriveau Way and 217/118/001/000 - Corriveau Way - formerly part of 217/118/000/000 and 217/119/000/000 - 39 Corriveau Way; all from the Commercial Zone to the Rural Zone at the request of the lot owners.

Source: Ballot Article 4, March 11, 2014. Yes 311, No 87.



At the request of the property owner, rezone all of tax lot 236/015/000/000 and part of tax lot 123/027/000/000 from Industrial to Rural leaving the entire frontage of tax lot 123/027/000/000 for a depth of approximately 230' in the Industrial Zone.

Source: Ballot Article 5, March 16, 2017. Yes 472, No 181.



AQUIFER MAP

ARTICLE VIII (fka) VII

ARTICLE VII. PERFORMANCE STANDARDS

Major aquifer boundaries will be delineated on the Belmont Zoning Map. Only officially mapped aquifers will come under the terms of Article VII (A).

Source: Article 3, First Session, March 11, 1986. Yes 481, No 308.

ARTICLE VIII (fka) VII

ARTICLE VII. PERFORMANCE STANDARDS

Major aquifer boundaries will be delineated on the Belmont Zoning Map. Only officially mapped aquifers will come under the terms of Article VII (A).

Source: Article 2, First Session, March 10, 1992. Yes 636, No 535.

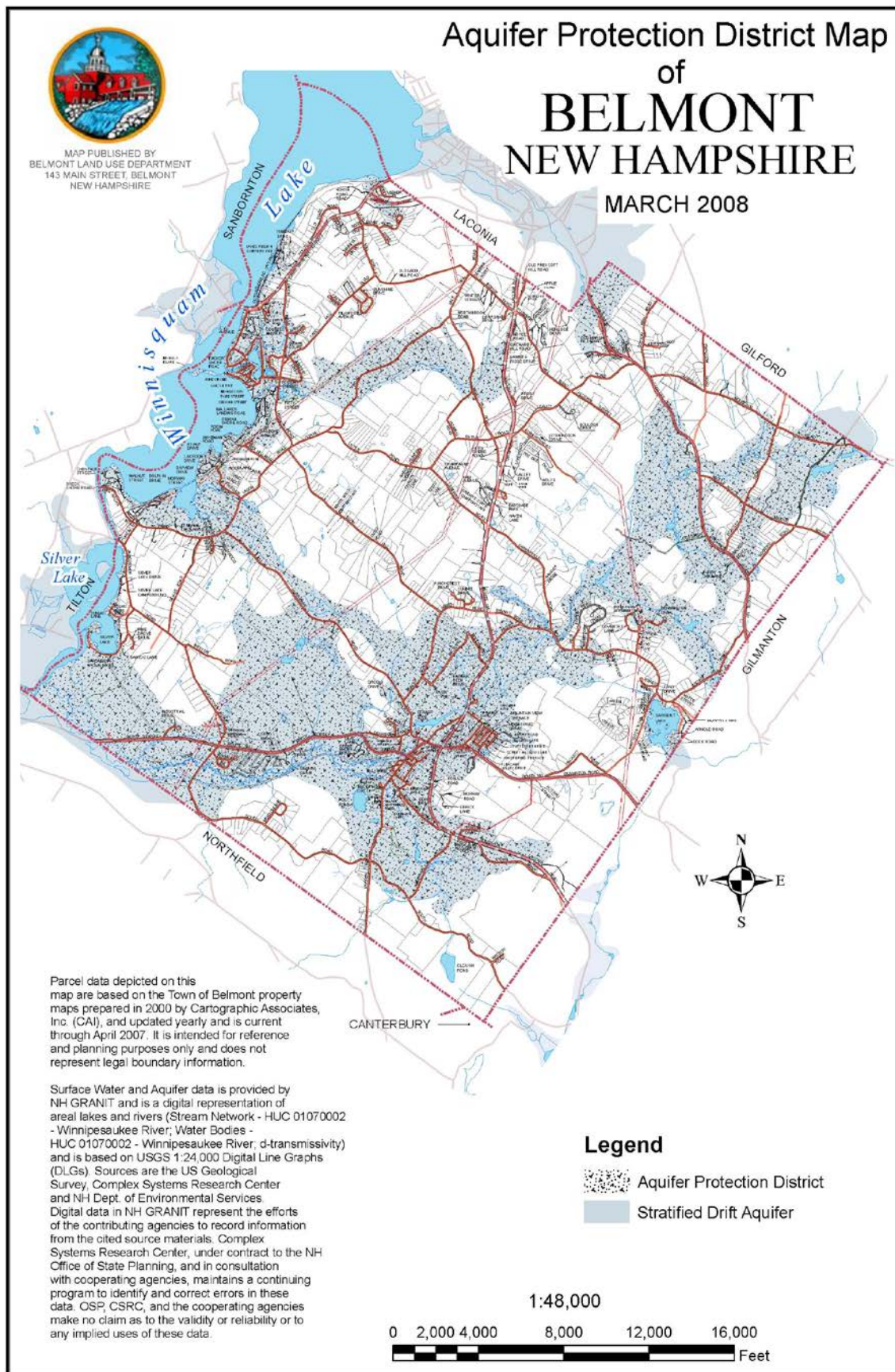
ARTICLE VIII (fka) VII

Gravel/stratified drill wells shall be as shown on the NH Department of Environmental Services (DES) map “Drinking Water Resources and Potential Contamination Sources for the Town of Belmont”, dated March 15, 1999, and as amended from time to time by NH DES.

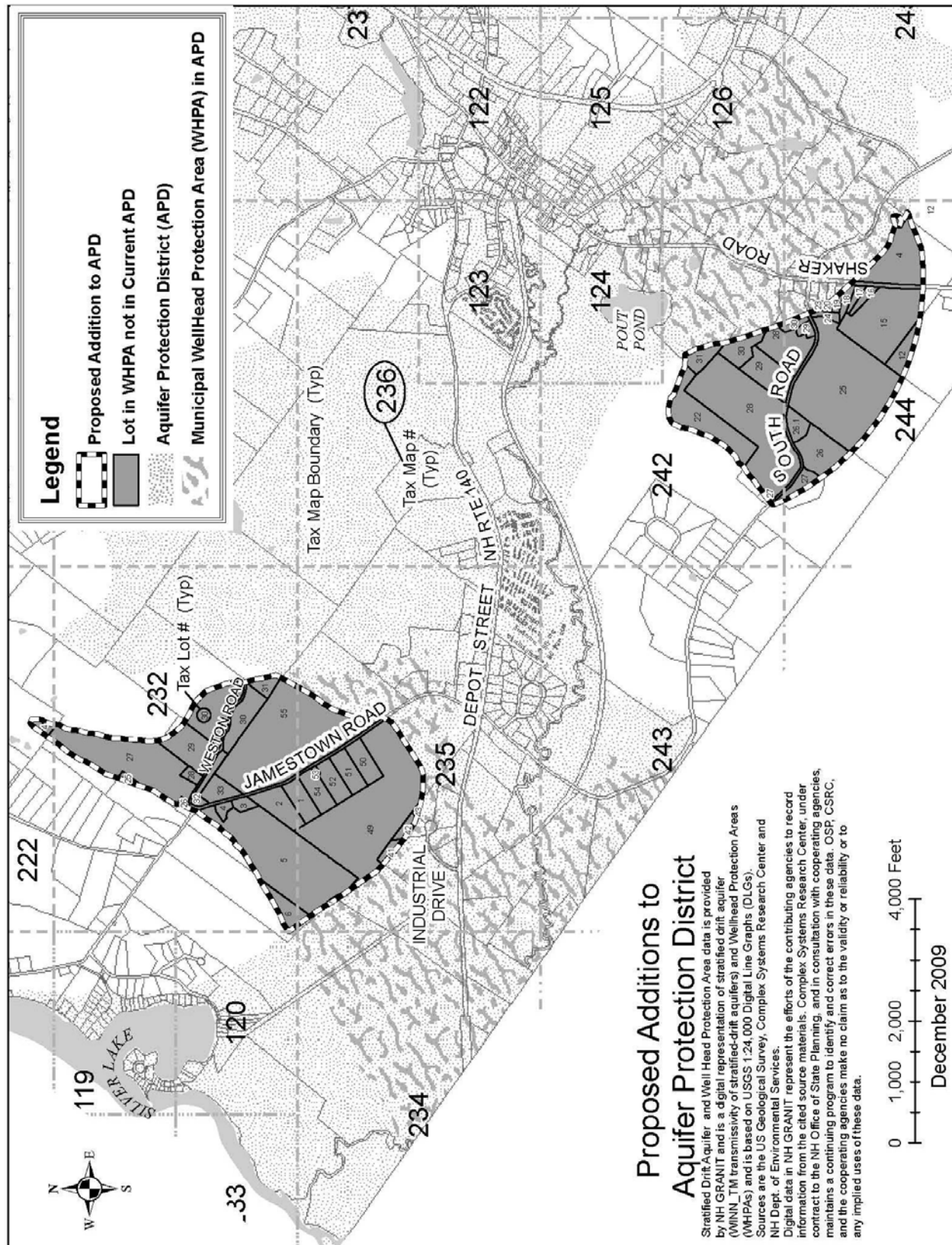
Source: Article 5, First Session, March 14, 2000. Yes 544, No 310.

AQUIFER PROTECTION DISTRICT

The Aquifer Protection District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries the Stratified Drift Aquifers shown on the map entitled “Town of Belmont Aquifer Protection District”, adopted concurrent with this Ordinance.



Source: Article 3, First Session, March 11, 2008. Yes 245, No 158.



Source: Ballot Article 4, March 9, 2010. Yes 430, No 286.

