

Zoning Amendments to be Reviewed at Public Hearing on March 3, 2020

Voted on February 18, 2020 to consider at Public Hearing on March 3, 2020

- 1. Broaden the definition of residential institution to include supervised independent living units, update some terms and eliminate the use from the RR zoning district.**

Explanation:

Residential institution has meant a group living situation with individual bedrooms and shared cooking, living and bathroom space. In some settings, supervised care is best offered when some of the residents occupy a separate private dwelling unit within the facility, but still benefit from the supervised care offered to all residents. This amendment is proposed to support these independent living situations within a facility providing supervised care.

The definition of residential institution is proposed for further amendment to update some antiquated terms (e.g. home for the aged and rest home), and to limit the occupants to those who need particular types of supervised care.

This amendment also removes this use from the RR zoning district where water and sewer service is generally not available.

Amend Article III Definitions by modifying the definition: residential institution A facility intended for group living, **which may include independent dwelling units with shared common space, that provides supervised care** and **is** designed to accommodate the specific needs of its residents, **including limited to home for individuals with disabilities, senior living** the aged, orphanage, rest home **assisted living**, and extended care facility

Eliminate Residential institution from the list of Uses allowed by special exception in the RR (Section 405.9) district.

- 2. In all districts except the D and I zoning districts, allow solar energy systems to be mounted on buildings such that the solar energy system exceeds the height limit but only if the system is not visible.**

Explanation:

Currently, solar energy systems are allowed to be ground- or roof-mounted. The installation of a solar energy system on the roof adds to the height of the building on which it is mounted. There are height restrictions for all buildings in Hanover. In some cases, given the height to which an

existing building is built, the installation of a building-mounted solar energy system would not be possible due to the height limit. This amendment proposes that building-mounted solar energy systems be permitted to be installed even when they exceed the height limit, but only if the solar energy system is not visible from abutting public ways. This would apply to all districts except the D and I zoning districts where a 20' limitation above building height is already established.

505 Height standards for buildings and other structures

505.1 The height of any building is the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat and mansard roofs, not including any parapet less than two feet high, and to the average height between the eaves and the ridge for other types of roofs including the upper slope of gambrel roofs.

505.2 The height of structures other than buildings is the vertical distance measured from the ground level at the base of the structure to the highest point of the structure, including any antenna on the structure.

A. Flagpoles may extend no more than 20 feet above the building height limit established for the district.

B. Chimneys, spires, and lightning rods located on a principal structure may extend above the building height limit established for the district, but may not extend more than 20 feet above the roof of the principal structure.

C. The total area of all towers, theatrical stage houses, mechanical penthouses or like superstructures not used for human occupancy, located on a principal structure, may not exceed 80 percent of the area of the floor immediately beneath and may not extend more than 20 feet above the building height limit established for the district.

D. Free-standing chimneys over 15 feet in height are permitted only by special exception.

E. Radio or TV antennae for private, non-commercial reception may extend above the building height limit established for the district and may be located on the roof of a principal structure, but not be located in the required front, side, or rear setback.

F. In the D and I zoning districts, building-mounted solar energy systems may extend no more than 20 feet above the building height limit established for the district.

G. In all districts except the D and I zoning districts, building-mounted solar energy systems may exceed the height limit provided they are not visible from any abutting public way.

HG. In all districts except the D and I zoning districts, ground-mounted solar energy systems may not exceed the maximum building height established for the district.

3. Modify the standards regarding bed and breakfast

Explanation:

The Board has been working to clarify and make consistent the standards pertaining lodging accommodations. These changes are proposed as a result.

bed and breakfast (definition that currently exists in the Zoning Ordinance)

A single-family, owner-occupied dwelling accommodating transient guests for a rental period of no more than two weeks and with meal service limited to breakfast

Eliminate from Section 708.1 the sentence about allowing bed and breakfast in an accessory building.

708 Bed and breakfast

708.1 The use of an owner-occupied dwelling as bed and breakfast may be approved as accessory use by special exception. ~~Accessory use as bed and breakfast may also occupy any accessory building on the same lot that existed prior to the establishment of the bed and breakfast use.~~

In Section 1002.1, reduce the number of required parking spaces for the dwelling unit at a bed and breakfast from 3 to 2 spaces.

1002 Schedule of minimum requirements for off-street parking spaces

1002.1 In all districts off-street parking spaces must be provided as follows:

Use categories	Minimum number of off-street parking spaces required
Rooming house, motel, hotel	1 for each living accommodation
Bed & breakfast/Tourist home	3 2 for the dwelling unit plus 1 for each bedroom for guests
One-family dwelling unit	2 per unit

Roomer	1 for each roomer
Senior housing development Independent living	1.1 per dwelling unit and 1 for each 1.5 employees based on the highest expected average employee occupancy
Assisted Living	1 for each 1.5 employees based on the highest expected average employee occupancy
Affordable	0.75 per dwelling unit
Multi-family, PRD	1.5 per dwelling unit for the first bedroom and 0.5 spaces for each additional bedroom with total spaces equaling the next highest full space

Amend Section 708.2 to eliminate the current standards for number of guests and number of bedrooms at a bed and breakfast and establish new standards in both the RR and SR districts to set the maximum number of guests based on 1 guest per .375 acres not to exceed 16 and to set the maximum number of bedrooms at .5 per maximum number of guests.

708.2 A bed and breakfast is subject to the following limitations:

District	Minimum lot size	Maximum no. of transient guests	Maximum no. of guest bedrooms
RR and SR	3 acres	1 guest per 0.375 acre, not to exceed 16	0.5 x max. no. of guests
SR	3 acres	8	4
SR	4 acres	10	5
SR or RR	6 acres	12	6
SR or RR	10 acres	16	8

4. **Eliminate unnecessary and confusing rules regarding the storage of natural materials.**

Explanation:

At the request of the Zoning Board of Adjustment, the Planning Board reviewed this section of the Ordinance and decided that it is unnecessary and confusing.

Section 518 can be deleted as the regulation of use, including temporary use, is covered elsewhere in the ordinance. Below please find the applicable sections of the Ordinance regulating use:

201.3 The Zoning Administrator shall enforce this Ordinance. If any structure or use is or is proposed to be erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance, the Zoning Administrator shall institute, in the name of the Town, any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate such construction or use or to prevent in or about the premises any act, conduct, business, or use constituting a violation.

515 Temporary uses and structures

515.1 The Zoning Administrator may issue a temporary permit for a non-conforming use incidental to a construction project, provided the owner agrees to remove the structure or use upon expiration of the permit. A temporary permit is valid for a period not exceeding one year and may be renewed upon application for an additional period of one year, to a maximum of three years, as long as construction is active.

515.2 Temporary structures and uses incidental to construction projects that have received site plan approval are considered permitted accessory uses on the site and do not require a temporary permit for the period of construction, provided that the extent and location of fencing and the general layout of temporary structures and uses have been shown on a separate sheet of the site plan approved by the Planning Board. Such incidental structures and uses include but are not limited to: construction fencing; construction safety and directional signs; other construction and project signs; construction trailers, vehicles, and equipment; portable toilets and lavatories; and lumber, metal, drywall, cement, fittings, forms and other construction materials.

601 Permitted uses

Permitted uses are only those uses that are expressly listed as permitted uses for a given zoning district in Article IV of this Ordinance and are allowed only when the standards established by this Ordinance are met. Unless a variance, special exception, or action on an appeal from an administrative decision is required, the Zoning Administrator may issue a zoning permit for a permitted use.

Eliminate Section 518.

~~518 Storage of natural material~~

~~518.1 The temporary storage of any type of earth material, topsoil, gravel, rock, or other debris for filling or deposition except for landscaping and/or in association with construction and property maintenance, requires approval by the Zoning Board of Adjustment as special exception if:~~

- ~~A. An amount greater than 15 cubic yards is stored on a lot in a GR or SR district in any two year period,~~
- ~~B. An amount greater than 30 cubic yards is stored on a lot in the RR or F district in any two year period, or~~
- ~~C. Except for projects subject to site plan or subdivision regulation, an amount greater than 200 cubic yards is deposited on a lot in any district.~~

~~518.2 An applicant for special exception under this provision must present a plan showing the final grades and topography of the property. The topography plan must show existing and final grades with contour lines at intervals of not more than five feet. No resulting final elevations will be more than five feet higher at the mutual property line than any of the abutting properties and no resulting slopes on the property will be over ten percent.~~

~~518.3 All filling, grading and seeding will be completed within six months of approval of the special exception unless the Zoning Board of Adjustment specifically authorizes a longer period of time.~~

5. Modify the definition of maintenance yard to delete the area requirement and measurement thereof.

Explanation:

The Planning Board reviewed the definition of maintenance yard and found that there is no reason to require a particular size so decided that the size requirement and how size is determined is unnecessary.

Modify the definition of maintenance yard as follows:

~~Any area of 10,000 or more square feet, exclusive of access ways,~~ used for unenclosed storage, handling, and processing of construction materials, property maintenance materials, landscaping materials, recycling materials, composting materials, or related vehicles, equipment, trailers, containers, or job-site trailers or structures, or any combination of the above, not accessory to residential use.

Petitioned Zoning Amendment to be heard on March 3, 2020

Amend the Zoning Map to include the existing duplex at #59 and #61 Lyme Road, Tax Map 46, Lot 11, (currently in the SR-3 zoning district) in the RO zoning district.

Explanation:

This amendment was submitted by petition. The Planning Board must hold a public hearing on the proposal and will take a position to approve or disapprove the proposal. This amendment will appear on the warrant for consideration by Town Meeting as submitted by the proponent.



Proposed Zoning District Change

Hanover, NH



1 inch = 268 Feet



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	Street Names		General Residence, Four		Single Residence, Three
	Parcel Lines - Ortho		Institution		Office & Laboratory
	Forestry and Recreation		Residence & Office		
	General Residence, Two				

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