

ARTICLE 2: ZONING ORDINANCE AMENDMENTS

To see if the Town will vote to amend the Wilmot Planning and Zoning Ordinance by adopting the following amendments, which are recommended by the Wilmot Planning Board:

(Note: Language underlined is new language. Language ~~crossed-out~~ is being deleted. Language unmarked is existing and unchanged.)

(1) This change adds language about the lighting of signs. There was no guidance about lighting. See new (3).

ARTICLE III, Section XIV

Business Signs

1. A permit must be obtained from the Planning Board or their appointee before the erection or placement of a permanent sign. There shall be a fee determined by the Planning Board for a sign permit. *Exception:* Temporary signs, provided that they shall be erected no longer than thirty (30) days;
2. Signs shall measure no larger than twenty (20) square feet in the Commercial District and six (6) square feet in the Village and Residential Districts.
3. Signs, **IF LIT**, must be lit from without. Sign lights must
 - (a) be targeted, with no spill off the sides,
 - (b) be downward directed,
 - (c) be shielded on top and sides,
 - (d) emit less than 1800 lumens (~ equivalent to 100-watt bulb), and
 - (e) emit light that does not go above a horizontal plane.
4. No signs shall be placed in such a position as to endanger traffic on a street by obscuring a clear view or by confusion with official street signs or signals. No sign shall be placed that obscures a scenic view. Every sign permitted hereunder shall be constructed of durable materials and shall be maintained in good condition and repair at all times. No neon, tubular gas or privately-owned electric signs shall be allowed.
5. Commercial property owners or tenants with business, professional or other service enterprises shall be allowed two advertising signs, relating only to the use or uses conducted in the building or on the immediate premises thereof; also, two signs pertaining to the lease, sale or use of a lot or building on which placed.
6. Home Occupations and Cottage Industries shall be allowed one advertising sign, relating only to the occupation, profession or business conducted on the premises.
7. Directional signs relating to a business operated in the town of Wilmot shall be permitted provided that said directional signs for any one enterprise do not exceed one in any two-mile length of road, not including those to indicate change of direction; also, that said directional signs cannot be within fifty (50) feet of any other sign. It is the intent of this paragraph to encourage businesses to share directory signs in the areas which may become congested by individual directional signs.

8. Upon application, the Planning Board or their appointee, may permit, at their discretion and when conditions justify the request, an increase in size by not over 50% of all classes of signs heretofore permitted.
9. A discontinued commercial business, home occupation or cottage industry shall remove all its advertising and/or directional signs within sixty (60) days from a close of business.

(2) This change adds more new language about the lighting of signs. See (4).

ARTICLE III, Section XIV

Business Signs

1. A permit must be obtained from the Planning Board or their appointee before the erection or placement of a permanent sign. There shall be a fee determined by the Planning Board for a sign permit. *Exception:* Temporary signs, provided that they shall be erected no longer than thirty (30) days;
2. Signs shall measure no larger than twenty (20) square feet in the Commercial District and six (6) square feet in the Village and Residential Districts.
3. No signs shall be placed in such a position as to endanger traffic on a street by obscuring a clear view or by confusion with official street signs or signals. No sign shall be placed that obscures a scenic view. Every sign permitted hereunder shall be constructed of durable materials and shall be maintained in good condition and repair at all times. No neon, tubular gas or privately-owned electric signs shall be allowed.
4. Commercial property owners or tenants with business, professional or other service enterprises shall be allowed two advertising signs, relating only to the use or uses conducted in the building or on the immediate premises thereof; also, two signs pertaining to the lease, sale or use of a lot or building on which placed. If two signs are erected, then only one of them may be lit.
5. Home Occupations and Cottage Industries shall be allowed one advertising sign, relating only to the occupation, profession or business conducted on the premises.
6. Directional signs relating to a business operated in the town of Wilmot shall be permitted provided that said directional signs for any one enterprise do not exceed one in any two-mile length of road, not including those to indicate change of direction; also, that said directional signs cannot be within fifty (50) feet of any other sign. It is the intent of this paragraph to encourage businesses to share directory signs in the areas which may become congested by individual directional signs.
7. Upon application, the Planning Board or their appointee, may permit, at their discretion and when conditions justify the request, an increase in size by not over 50% of all classes of signs heretofore permitted.
8. A discontinued commercial business, home occupation or cottage industry shall remove all its advertising and/or directional signs within sixty (60) days from a close of business.

(3) This change eliminates a clause in the sign ordinance that gave the planning board the option of giving permission to an applicant to make a sign larger than permitted elsewhere in the ordinance.

ARTICLE IV, Section XIV, Business Signs

7. Upon application, the Planning Board or their appointee, may permit, at their discretion and when conditions justify the request, an increase in size by not over 50% of all classes of signs heretofore permitted.

(4) This change was made to simplify the measurement of the height of a building constructed on a slope. It replaces an earlier attempt to do this and eliminates *THE LOWER HALF OF THE DRAWING IN* paragraph (d).

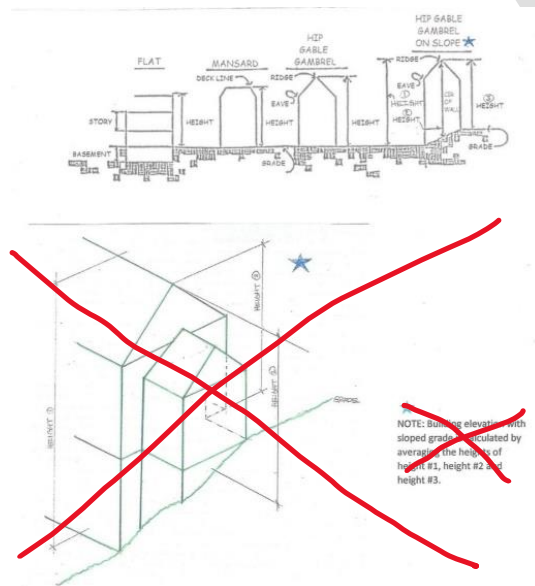
ARTICLE IV, Section II, Foundations and Height

...

- b. The allowable height of any structure or building shall not exceed 35 feet above finish grade, **MEASURED AT THE HIGHEST ELEVATION, UNLESS APPROVED BY THE FIRE DEPARTMENT. if the building is constructed on a slope, then the tallest side (measured to the peak of the roof) may not exceed 35 feet.**

...

- d. The following **drawing IS** for clarification (of [b]):



The above drawing is no longer needed and will be omitted.

(5) This change moves all language that refers to Class VI roads to one place in the ordinance, Article III, Section XVI AND MAKES THAT LANGUAGE MORE SPECIFIC.

ARTICLE IV, Section VIII, Lots on Class VI Roads

~~Subsequent to March 9, 2010, all lots on Class VI roads will require upgrade of the road prior to the issuance of a certificate of zoning compliance.~~

ARTICLE III, Section XVI

Building on Class VI Highways

A building lot bordering on a Class VI highway, as defined in the New Hampshire Revised Statutes Annotated 229:5; or on a right-of-way shown on a subdivision or plat approved by the Planning Board, may be permitted provided that:

1. The Selectmen, after review and comment by the Planning Board, vote to authorize such permit with the condition that the Town neither assumes responsibility for maintenance of any portion of said public way or highway, nor liability for any damages resulting from the use thereof, and
2. The applicant, prior to the issuance of a certificate of zoning compliance, produces evidence that appropriate notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds.
3. Subsequent to March 9, 2010, all DEVELOPMENT ON ANY lot on A Class VI road will require upgrade of the road TO CLASS V SPECIFICATIONS prior to the issuance of a certificate of zoning compliance.

(6) This change updates the law that authorizes the appointment of the Zoning Board of Adjustment.

~~ARTICLE IX, BOARD OF ADJUSTMENT~~

~~Section I, Duty~~

~~In accordance with [New Hampshire Revised Statutes Annotated, 1955 Chapter 31:66-89, as amended](#), the Board of Selectmen shall provide for appointment of the Board of Adjustment.~~

ARTICLE IX, BOARD OF ADJUSTMENT

Section I, Duty

In accordance with New Hampshire Revised Statutes Annotated (RSA), 673:3, I-III-a, as amended, the Board of Selectmen shall provide for appointment of the Board of Adjustment.

(7) This change makes an addition to the definition of “family.”

ARTICLE XIII, Definitions

Family

An individual; or two or more persons related by blood, marriage, civil union, or adoption; or not more than three (3) persons who are not related by blood, marriage, civil union, or adoption occupying a dwelling unit as an individual housekeeping organization.

(8) This change adds a definition for accessory dwelling units (ADUs). There previously was no definition in Article XIII of the ordinance. A different definition was instead in Article XVII, Section. THIS NEW DEFINITION REPLACES THE OLD DEFINITION IN ARTICLE XVII, SECTION II.

ARTICLE XIII, Definitions

Accessory Dwelling Unit

An “accessory dwelling unit” is a residential living unit that is within, attached to or detached from a single-family dwelling. It 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.

~~ARTICLE XVII, SECTION II, DEFINITION~~

~~Accessory Dwelling Unit: A second dwelling unit, subordinate to the primary structure, either in, added to, or detached from an existing or proposed single family dwelling, which may be used as an independent living facility for one or more persons including provisions for cooking, eating, sanitation and sleeping on the same parcel of land as the principal dwelling unit it accompanies.~~

ARTICLE XVII, SECTION II, Definition

An “accessory dwelling unit” is a residential living unit that is within, attached to or detached from a single-family dwelling. It 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.