

WESTMORELAND ORDINANCE AMENDMENTS

Explanation: Matter added to current ordinance appears in *bold italics*.
Matter removed from current ordinance appears as a ~~strikethrough~~

1. Are you in favor of the adoption of Amendment No 1 as proposed by the Planning Board for the town Zoning Ordinance as follows:

SECTION 104 TERMS

Structure, Portable: A tool shed, hen house, gazebo, etc. that can be moved intact, is off the ground and does not exceed 160 square feet. *It cannot be used as a dwelling.*

Structure, Small: Any structure that is less than 160 square feet and is permanently attached to the ground and cannot be moved intact. *It cannot be used as a dwelling.*

Structure, Temporary: Anything constructed or erected for less than 270 days in any twelve month period. *It cannot be used as a dwelling.*

YES

NO

2. Are you in favor of the adoption of Amendment No 2 as proposed by the Planning Board for the town Zoning Ordinance as follows:

301.7 Transferability

~~No~~ *Permits* issued hereunder shall be transferable to a subsequent owner. Variances or Special Exceptions for non-residential uses are transferable to the subsequent owner provided that land use does not change and further provided that the new owner certifies that there is no change in the previously permitted land use on a town form furnished by the Zoning Administrator.

YES

NO

3. Are you in favor of the adoption of Amendment No 3 as proposed by the Planning Board for the town Building Ordinance as follows:

SECTION 2.03 No *building* permit will be required for ~~small, portable or temporary structures (as defined under Section 104 Terms)~~ or for maintenance of an existing *permitted* building or structure. A building permit issued by the Building Inspector prior to project commencement shall be required for:

- 1) New buildings and new structures constructed of any materials.
- 2) Alterations (as defined under Section 104 Terms) of buildings and structures.

YES

NO

4. Are you in favor of the adoption of Amendment No 4 as proposed by the Planning Board for the town Zoning Ordinance as follows:

SECTION 407.2 Accessory Dwelling Units (ADU)

Definition: Pursuant to the authority granted under RSA 674:71, as used in this ordinance, "accessory dwelling unit" means a residential living unit that is within or attached or detached 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.

- A. Only one Accessory Dwelling Unit (ADU) shall be allowed per lot. The ADU shall be ~~part of~~ ***located within*** the primary dwelling ***or a new or existing, attached or detached accessory building that also has a non-residential, accessory purpose.***
- B. An ADU shall be secondary and accessory to a one family dwelling.
- C. In granting a Special Exception, the Board of Adjustment must find that the ADU is developed in a manner which does not alter the character or appearance of the dwelling as a one family residence ***and is consistent with the principal dwelling in appearance, design, colors, and materials.***
- D. The person or persons who own the lot shall reside in either the ***accessory dwelling unit*** or the primary dwelling; except for temporary absences.
- E. Two means of egress from the ADU shall be provided. ***If the ADU is in the primary dwelling there shall also be*** ~~as well as~~ ***an interior door connecting the two spaces.*** Any necessary additional entrances or exits shall be located to the side or rear of the building whenever possible.
- F. The gross living area of an ADU shall not be less than 300 square feet or be greater than 30% of the total ~~floor area~~ ***living space*** of the residential building.
- G. ***Adequate provisions shall be made for water supply and sewage disposal to the ADU.*** The existing or proposed septic system must be certified by a licensed septic designer or engineer as adequate to support the ADU and primary dwelling unit in accordance with New Hampshire RSA 485-A:38.
- H. Adequate off-street parking shall be provided to serve the combined needs of the primary dwelling unit and the ADU, minimum three (3) parking spaces to serve both the primary dwelling unit and the ADU.
- I. Adequate provision must exist or be made for motor vehicle ingress or egress and turning of vehicles within the site.
- J. A building permit for an ADU must be approved and issued prior to its construction. An ADU shall have an interconnected fire alarm system and shall meet all fire safety and building codes.
- K. Accessory Dwelling Unit Certificate of Occupancy: If a property containing an approved ADU is conveyed and the new owner wishes to maintain the accessory unit, the new owner shall apply for a Certificate of Occupancy for the ADU. The purpose of this section is to ensure that one of the two dwelling units is owner-occupied.
- M. ~~Occupancy is limited to two (2) people per bedroom.~~

YES

NO
