

Town of Alton
Zoning Ordinance

ARTICLE 300 GENERAL PROVISIONS
SECTION 310 CLASSES OF ZONES

For the purpose of this ordinance, the Town is hereby divided into the following zoning districts:

Lake Shore Residential Zone	(L-R)
Recreation Service Zone	(R-S)
Residential Zone	(R) (10 March 1981)
Residential Commercial Zone	(R-C) (9 March 1971)
Rural Zone	(RU) (7 March 1972)
Residential Rural Zone	(RR) (14 March 1978)

SECTION 311 ZONING MAPS

(As amended to 10 March 1981)

The zoning districts in this ordinance are bounded as shown on the maps entitled "Zoning Map of the Town of Alton, New Hampshire" dated August 29, 1970, as amended, which accompany this ordinance and are on file in the office of the Town Clerk. All maps and explanatory matter thereon are hereby adopted and made a part of this ordinance.

SECTION 319 STANDARDS FOR ACCESSORY DWELLING UNITS

(As amended 14 March 2017)

A. **Purpose:** The purpose and intent of allowing accessory dwelling units is to provide the opportunity and encouragement for the development of small rental housing units. These units will help improve Alton's inventory of affordable housing, without significantly altering the rural one-family residential character of the community. Furthermore, it is the purpose and intent of this provision to allow more efficient use of the Town's existing housing stock and to provide economic support for present resident families of limited income.

B. **Standards:** Accessory dwelling units are permitted as identified in ARTICLE 400 SECTION 401 PERMITTED USES – TABLE OF USES provided they meet the standards outlined below:

1. An accessory dwelling unit shall be clearly subordinate to the principal residence on the property and shall maintain the aesthetic continuity with the primary dwelling unit as a single family dwelling.
2. Only one accessory dwelling unit shall be allowed per lot.
3. An accessory dwelling unit shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size and density.
4. An accessory dwelling unit is permitted only within or attached to a single family dwelling or within an accessory structure on the same property as the primary single family dwelling. An accessory dwelling unit shall not be permitted on any lot with more than one dwelling unit.
5. In the Lakeshore Residential District an accessory dwelling unit is permitted only within or attached to a single family dwelling and shall require a Special Exception from the Zoning Board of Adjustment pursuant to the criteria in Section 520 in addition to the requirements of Section 319. The additional Special Exception criteria contained in Section 413 shall not apply to accessory dwelling units in the Lakeshore Residential District.
6. An accessory dwelling unit shall have no more than two bedrooms.
7. An accessory dwelling unit:
 - a. shall have no more than 1,500 sq. ft. of gross total floor area;
 - b. shall not exceed 35% of the total finished floor space of the principal dwelling unit;
 - c. shall not exceed 50% of the total floor space of an accessory structure or up to 35% of the total finished floor space of the principal dwelling unit, whichever is less;

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- d. in no case shall the Town of Alton require that an accessory dwelling unit be less than 750 square feet.
 8. If any entrances or exits must be added to accommodate an accessory dwelling unit to be located in a single family dwelling, they shall be located to the side or rear of the dwelling.
 9. The owner of the property shall provide a minimum of four off-street parking spaces for the primary single family dwelling and an accessory dwelling unit.
 10. As specified in RSA 485:A-38 and Env-Ws 1004.16, the application shall include either:
 - a. evidence that the existing sewage disposal system meets the state and local minimum standards for handling and treating the wastewater flows generated by the uses on the property, including the accessory dwelling unit, or
 - b. the design and construction of a new sewage disposal system that meets these standards.
- Pursuant to RSA 485-A:38, prior to converting to or occupying an accessory dwelling unit that would increase the load on a sewage disposal system, the owner of the property shall submit an application for approval of the sewage disposal system to the NH Department of Environmental Services (See also Code of Administrative Rules Env-Ws 1000).
11. Either the primary single family dwelling or the accessory dwelling unit must be the residence of the owner of the property.
 12. An interior door shall be provided between the primary single family dwelling and an accessory dwelling unit that is within or attached to the primary single family dwelling unit.
 13. The single family dwelling (and detached accessory structure, where applicable) and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the single family dwelling. In order to assure compliance with this requirement, the property owners at the time the accessory dwelling unit is established shall be required to create a restrictive covenant running in favor of the Town, which shall be recorded in the Belknap County Registry of Deeds at the expense of the applicant and a copy provided to the Town of Alton Planning, Building and Assessing Departments prior to the issuance of the Certificate of Occupancy.

SECTION 320 NON-CONFORMING USES

(As amended 8 March 1983, 11 March 1992)[Sec A moved from Sec 221 by ATM 3/11/97] (As amended 11 March 1998, 14 March 2000, 11 March 2003, March 8, 2016)

- A. Non-conforming Uses, Structures and Lots:
 1. Continuation of use. Any lawful use of land, buildings, or structures which existed prior to the effective date of the ordinance or amendment which made the use nonconforming shall be allowed to continue, subject to the provisions of this Article.
 2. Abandonment of use. Any nonconforming use which is abandoned shall not be reestablished or resumed. Abandonment occurs when the nonconforming use is replaced by another use, or when the nonconforming use has been discontinued for a period of eighteen months (18 months) with no proven intent on the part of the owner to continue its operation.
 3. Change of use. An owner of a legally existing nonconforming use may not change the use to another nonconforming use.
 4. Expansion of use. An owner of a legally existing nonconforming use may not expand the use without first obtaining a special exception from the ZBA. The ZBA shall not grant such a special exception unless the proposed expansion is clearly not a new use, will not have an increased detrimental impact on the neighborhood, and will not increase any existing nonconformance (of the building) of setbacks or lot coverage.
 5. Legal Nonconforming Use destroyed by Fire or Natural Disaster: Nothing herein shall prevent the restoration, reconstruction and/or replacement by the landowner within 3 years of a building containing a Legal Nonconforming Use destroyed in whole or in part by fire or