

5.0 ***RESIDENTIAL DISTRICT***

The purpose of this district is to provide opportunities for mixed types of residential development at a high density where appropriate services exist or are available and where appropriate to the character of the neighborhood. Except as expressly set forth below, all of the requirements of this Chapter shall apply to both the Residential District and the Downtown Residential Overlay District.

5.0.1 Residential District Location. The Residential District encompasses the following areas within the Town of Wilton:

- a. The area in west Wilton south of NH Route 101 as delineated on the Town of Wilton Tax Map C encompassing lots 106 through 114 inclusive; 117, 118, 119 and part of 120 drawing a straight line from the northwest corner of 118 to the northeast corner of 119; 122 through 124 inclusive; and 137 through 141.
- b. The area in Wilton Center as delineated on the Town of Wilton Tax Map C encompassing lots 62, 63, 64, part of 65 drawing a straight line from the southwestern corner of 66 to the northeast corner of lot 63, 66, and 67; 72, 73, parts of D-140-1 and C-74 east of a straight line drawn from the southeastern corner of 72 to the northwestern corner of 76, 75, 77 and 78; and 81, 82 and 84.
- c. Tax Map F all land east of NH Route 101 between the north and south intersections of Intervale Road from the western edge of the 150 foot Commercial district to the eastern edge of the Souhegan River, lot 140 from NH Route 101 to the Souhegan River; Map D lot 99; Map L lots 29, and 48; and Map M lots 6 through 98 inclusive.
- d. Tax Map D lots 105, 106-1 through 113 inclusive, 66, 68, 69, 74, 75, 76 and 77; Map M lot 1; Map L lots 1 through 28 inclusive, 30 through 39 inclusive, 42 through 45 inclusive, and 67; and Map J 106 through 109 inclusive, 111, 112, 112-1, 114 through 132 inclusive, 136, 137, 138 east of a straight line drawn from the south western corner of lot 136 to the corner of the southern corner of the jog in the northern line of 138, portion of lot 133, 134, 135 and 139 east of a straight line drawn from the south western corner of lot 136 to the south western corner of lot 133.
- e. Tax Map J part of lot 12 east of a line drawn from the western corner of lot 76 on Dale Street to the jog in lot 12; lots 13 through 42 inclusive, 62 through 78 inclusive, 80, and 92 through 98 inclusive; Map K lots 15 through 37 inclusive, 48 through 62 inclusive, 67 through 84 inclusive, 86 through 102 inclusive, 105 through 153 inclusive, 155 through 157 inclusive and 164.

5.0.2 Downtown Residential Overlay District Location. The Downtown Residential District encompasses the lots located in the Residential District north of NH Route 101 and east of Holt Road, as well as the lots in the Residential District with frontage on Intervale Road, in each case where Town water and sewer are available and utilized.

5.1 **Permitted Uses.**

A building may be erected, altered or used, and a lot may be used or occupied, for:

- a. Single family and duplex family dwellings (which include single family dwellings with an Accessory Dwelling Unit constructed in accordance with Section 5.5), and accessory uses.

- b. Multi-family dwellings containing three dwelling units with site plan approval by the Planning Board, and accessory uses.
- c. A maximum of three dwelling units per lot is allowed for any dwelling on Town water and sewer and a maximum of two dwelling units per lot in the remainder of this district.
- d. Only one dwelling per lot is allowed except as provided by the provisions of Section 6.4 of this Ordinance, Cluster Developments, and the number of dwelling units per dwelling in a Cluster Development shall be as set forth in Section 6.4.3.

5.2 **Lot Requirements.**

- 5.2.1 **Area.** Except in the Downtown Residential Overlay District, and except for Accessory Dwelling Units constructed in accordance with Section 5.5, minimum lot size shall be one-half acre per dwelling unit where both Town water and sewer are available and utilized and one acre per dwelling unit for lots not served by both Town water and sewer. In the Downtown Residential Overlay District, minimum lot size shall be one-third acre per dwelling unit. Any wetlands, water bodies and land contained in the Floodplain Conservation District may not be used to meet the minimum lot area.
- 5.2.2 **Frontage.** 100 feet on a public right-of-way, Class V or better.
- 5.2.3. **Setbacks.** 35 feet from the front and 15 feet from all other lot lines, provided, that if a lot line abuts a different zoning district with greater setback requirements, that residential lot shall be subject to the greater setback requirements along such line. For each corner lot, the side setback abutting the street shall be 35 feet. No structures or associated uses, including but not limited to swimming pools, decks, antennae or satellite dishes, are permitted in the setback.
- 5.2.4 **Structure height.** Except for small wind energy system and personal wireless service facilities permitted under Chapter 15 or Chapter 15A of this Ordinance, respectively, no structure shall exceed 45 feet in height.
- 5.2.5 **Parking.** Except as specifically set forth in this Chapter, parking requirements for all permitted uses (including those permitted by special exception) and structures shall be determined as set forth in Section 10.8 of Section D of the Wilton Land Use Laws and Regulations, Site Plan Regulations, adopted on January 4, 2023.

5.3 **Special Exceptions.**

Except as otherwise set forth below, the following uses will be allowed only as special exceptions by the Zoning Board of Adjustment and site plan review and approval by the Planning Board. (See also Section 4.12 of this Ordinance)

- 5.3.1 **Home Occupations.** Home occupations shall be permitted by special exception, provided that all home occupations existing or proposed on a lot, taken together, comply with the requirements of this section. When considering an application for a home occupation, the Zoning Board of Adjustment shall take into account the location of the proposed use, the area of the lot, the type and density of surrounding development, existing buffers and screens between the proposed use and surrounding development and the compatibility of the proposed use with the surrounding neighborhood.

Where one or more home occupations are already being conducted on a lot pursuant to a special exception under this section, any new home occupation will require a new special exception and site plan review that encompass all present and proposed home occupations on the lot.

- a. Home occupations shall be incidental and secondary to the use of the associated dwelling unit as a residence.
- b. Home occupations shall be carried on by the resident owner of the dwelling unit, resident members of the owner's family, a resident tenant, or resident members of the tenant's family.
- c. A maximum of two non-family employees are permitted on the lot.
- d. No additions or changes shall be made to the residence that will make it impractical to revert it to purely residential use.
- e. Exterior storage of materials or equipment is prohibited.
- f. In addition to the parking area required for the primary residential use, including for all dwelling units on the lot, sufficient off-street parking shall be provided for any non-resident employees, customers and suppliers who may normally be expected to need parking at one time. Driveways may be used for client parking. Where additional space is desired, a maximum of two more parking spaces per lot is permitted; however, those spaces shall not be located in the front yard or in a setback. Parking spaces shall be a minimum of 9' X 18' per space.
- g. Traffic generated by home occupations shall not create safety hazards or be substantially greater in volume than would normally be expected in the neighborhood.
- h. Home occupations shall be conducted in accordance with the conditions of the special exception permitting them and all Town regulations, state laws and licensing requirements, including, without limitation, this Section 5.3.1.
- i. When a business outgrows the standards established for home occupations, it must relocate into a commercial or industrial district.

5.3.1.1 Special Exception Not Required. One or more home occupations may be conducted without a special exception from the Zoning Board of Adjustment and without site plan review by the Planning Board provided that, in addition to the requirements of the preceding Section 5.3.1, they also satisfy the following standards:

- a. Home occupations, including those conducted in an associated structure, shall occupy an aggregate area no greater than 20% of the existing, gross heated floor area of the primary residence of the person(s) conducting the home occupations.
- b. There shall be no customer or client visits to the premises and commercial traffic for the delivery or pick-up of materials associated with home occupations shall be limited to five visits per week (excluding regular US Postal Service residential service).
- c. Home occupations shall not employ any non-resident full-time or part-time employees on the premises.
- d. No signs are allowed to advertise home occupations.
- e. All operation(s) related to the home occupations shall take place inside the residence or associated structure.

5.3.2 Bed and Breakfasts. Up to four lodging units may be created and rented in an existing dwelling, and meals may be provided to the persons renting the lodging units. The requirements for a bed and breakfast are the same as those for a home occupation, except that requirement 5.3.1 a shall not apply.

- 5.3.3 Houses of Worship. Houses of worship including, but not limited to, churches, synagogues, parish houses, mosques, convents and other accessory uses subject to the following conditions:
- a. Minimum frontage of 200 feet on a public right-of-way, Class V or better; and
 - b. No off-street parking shall be located within a setback or within the front yard.
- 5.3.4 Hospitals, emergency medical centers and clinics. Hospitals, emergency medical centers and clinics subject to the following conditions:
- a. Minimum frontage of 200 feet on a Class I, II or IV public right-of-way; and
 - b. Primary ingress or egress shall be adequate for the use proposed without having a detrimental impact on the neighborhood.
- 5.3.5 Civic and municipal buildings.
- 5.3.6 Schools and day care centers.
- a. All public or non-public schools, kindergarten and grades 1 through 12, must receive a special exception from the Zoning Board of Adjustment and site plan review and approval by the Planning Board, except that home education as defined by RSA 193-A shall not require either a special exception or site plan approval.
 - b. Any in-home daycare and/or pre-school, defined as the regular care or pre-school education in a dwelling unit of children not residents of that dwelling unit, that requires state licensing under RSA 170-E, must receive a special exception as a home occupation from the Zoning Board of Adjustment under Section 5.3.1 and site plan review and approval by the Planning Board. If state licensing is not required, neither a special exception nor site plan approval is required.
 - c. Adult and youth educational and cultural activities that are strictly subordinate and customarily incidental to the use of school facilities are allowed at facilities permitted under paragraph a above.
 - d. New facilities, including new buildings, for teacher and instructor training, licensing, accreditation and development, are allowed by special exception and site plan review and approval by the Planning Board in conjunction with schools that are permitted under paragraph a above, provided such uses and facilities are strictly subordinate to and in support of the education function of the school and are located on the same lot or on a contiguous lot. New construction is limited to 30% of the primary facility's heated gross square footage but shall not exceed a maximum of 10,000 square feet of total floor area and a maximum of two stories.
 - e. Daycare and preschool programs, other than in-home daycare and preschool, are permitted by special exception and site plan review and approval by the Planning Board in conjunction with schools that are permitted under paragraph a above. Such programs may be located in existing school buildings or in new buildings constructed for that purpose on the same lot. New construction is limited to 30% of the primary facility's heated gross square footage but shall not exceed a maximum of 10,000 square feet of total floor area and a maximum of two stories.
- 5.3.7 Conversion of Certain Existing Buildings. Notwithstanding Sections 5.2.1, 5.2.4, 5.2.5 or 17.2 of this Ordinance, a dwelling in existence as of March 14, 1989, in the Downtown Residential Overlay District may be converted to duplex family or multi-family dwellings subject to the following:
- a. A maximum of two dwelling units per lot less than one-half acre;

- b. A maximum of three dwelling units per lot one-half acre or larger;
- c. Two 9' x 18' parking spaces per dwelling unit shall be provided on site but parking spaces for any new dwelling unit(s) shall not be located in the setback;
- d. Open space in an amount equal to two times the total area occupied by driveways, parking areas and all structures on site shall be provided; and
- e. The existing footprint and height of the structure to be converted shall not change.

5.4 Manufactured Housing.

Manufactured housing is prohibited in the Residential District, except as provided in Section 4.4 of this Ordinance./ Any property owner or lessee may accommodate the recreational vehicle or trailer of a non-paying guest for a cumulative period not exceeding 30 days in any year.

5.5 Accessory Dwelling Units.

This section implements the requirements of RSA 674:72, "Accessory Dwelling Units."

5.5.1 Existing Dwellings. Notwithstanding anything contained in Chapter 17 of this Ordinance to the contrary, a second dwelling unit (an Accessory Dwelling Unit or ADU) may be added to any legally existing single family dwelling located in a zoning district where residential uses are permitted, either in existing space in the dwelling or in a newly constructed addition to the dwelling, subject in each case to the requirements set forth in Section 5.5.3.

5.5.2 New Construction. A new single family residence incorporating an ADU may be constructed on any lot where a single family dwelling may legally be constructed, subject to the requirements set forth in Section 5.5.3.

5.5.3 Requirements.

- a. The two dwelling units shall have independent means of ingress and egress or have ingress and egress through a common space such as a shared hallway to an exterior door.
- b. The two dwelling units shall share a common interior wall and there shall be an interior door between the two dwelling units.
- c. At least one of the two dwelling units shall be the principal residence of at least one owner of the dwelling. The two dwelling units must remain in common ownership. Transfer of either dwelling unit to condominium ownership is not permitted. Violation of the requirements of this paragraph will result in the revocation of the Certificate of Occupancy for the two-family use of the dwelling.
- d. At least one of the two dwelling units shall have no more than two bedrooms and a living area no larger than the greater of (1) 800 square feet or (2) 25% of the living area of the larger dwelling unit, provided that the living area may not exceed 1200 square feet.
- e. Requirements for water supply and sewage disposal shall be the same as for any two-family dwelling and addition of an ADU shall be subject to RSA 485-A:38, "Approval to Increase Load on a Sewage Disposal System," evidence of compliance with which shall be presented to the Building Inspector before a building permit may be issued.
- f. Parking requirements shall be determined as set forth in Section 5.2.5 and shall satisfy any setback requirements pertaining to parking in the applicable zoning district.

- g. A newly constructed addition, or a newly constructed single family residence, incorporating an ADU shall satisfy the setback requirements and height restrictions of the applicable zoning district.

5.5.4. Special Exceptions. The Zoning Board of Adjustment may grant special exceptions to the requirements of Section 5.5.3, as follows:

5.5.4.1 The maximum living area of an ADU specified in Section 5.5.3d may be increased by no more than an additional 100 square feet if necessary to avoid unreasonable distortions to the floor plan of the dwelling.

5.5.4.2 The parking requirements specified in Section 5.5.3f may be waived if the dimensions of the lot and the placement of existing structures on the lot are such that there is no reasonable way to provide the required parking spaces and an acceptable alternative is presented.