

Proposed 2023 Amendments to the Wilton Zoning Ordinance
Submitted for public hearing

Last revised: 12/09/2022

AMEND Sections 5.2.5, 8.2.6, 9.3.4, 9A.5.7, and 13.3(g) and ADOPT new provisions 6.2.6, 7.2.5, and 7A.5.6 to conform maximum structure height across zoning districts.

5.0 RESIDENTIAL DISTRICT

5.2.5 Structure height. ~~Not to exceed forty five (45) feet or two stories.~~ Except for small wind energy system and personal wireless service facilities permitted under Chapter 15 and Chapter 15A of this Ordinance, respectively, no structure shall exceed forty-five (45) feet in height.

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6.0 GENERAL RESIDENCE AND AGRICULTURAL DISTRICT

6.2.6 Structure height. Except for small wind energy system and personal wireless service facilities permitted under Chapter 15 and Chapter 15A of this Ordinance, respectively, no structure shall exceed forty-five (45) feet in height.

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7.0 COMMERCIAL DISTRICT

7.2.5 Structure height. Except for small wind energy system and personal wireless service facilities permitted under Chapter 15 and Chapter 15A of this Ordinance, respectively, no structure shall exceed forty-five (45) feet in height.

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7A.0 DOWNTOWN COMMERCIAL DISTRICT

7A.5.6 Structure height. Except for small wind energy system and personal wireless service facilities permitted under Chapter 15 and Chapter 15A of this Ordinance, respectively, no structure shall exceed forty-five (45) feet in height.

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8.0 INDUSTRIAL DISTRICT

8.2.6 Structure Height. ~~Maximum structure height is forty five (45) feet or two (2) stories.~~ Except for small wind energy system and personal wireless service facilities permitted under Chapter 15 and Chapter 15A of this Ordinance, respectively, no structure shall exceed forty-five (45) feet in height.

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9.0 OFFICE PARK DISTRICT

9.3.4 Structure Height. ~~Two (2) stories with a maximum height above mean lot terrain of thirty-five (35) feet.~~ Except for small wind energy system and personal wireless service facilities permitted under Chapter 15 and Chapter 15A of this Ordinance, respectively, no structure shall exceed forty-five (45) feet in height.

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9A.0 RESEARCH AND OFFICE PARK DISTRICT

9A.5.7 Structure Height. ~~Maximum structure height is forty-five (45) feet or three (3) stories subject to Planning Board review in accordance with the Research and Office Park Regulations and the impact of the structure height on abutters to the Research and Office Park and the natural and rural environments.~~ Except for small wind energy system and personal wireless service facilities permitted under Chapter 15 and Chapter 15A of this Ordinance, respectively, no structure shall exceed forty-five (45) feet in height.

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13.0 AGE-RESTRICTED HOUSING DISTRICT

13.3 General Standards.

- g. ~~Maximum building height is forty-five (45) feet.~~ Except for small wind energy system and personal wireless service facilities permitted under Chapter 15 and Chapter 15A of this Ordinance, respectively, no structure shall exceed forty-five (45) feet in height.

AMEND Sections 9.1(a), 9A.3(a) and (b) to clarify the boundaries of the Office Park District and the Research and Office Park District.

9.0 OFFICE PARK DISTRICT

9.1 District Location.

The Office Park District encompasses the following area within the Town of Wilton:

- a. As delineated by the Town of Wilton Tax Map (C), ~~this includes lots C-127, C-127-1 and part of lot C-127-3.~~

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9A.0 RESEARCH AND OFFICE PARK DISTRICT

9A.3 District Location.

The Research and Office Park District encompasses the following areas within the Town of Wilton:

- a. ~~The area in southwestern Wilton located west of NH Route 31.~~ As delineated on the Town of Wilton Tax Map, ~~this includes~~ lots E-21, E-22, E-24 through E-26 (inclusive), E-29 through E-32 (inclusive), E-35, E-36, G-4, G-23, G-24, G-26, G-28, G-29, G-36 and G-37.
- b. ~~The area in western Wilton bordering the Town of Temple south of NH Route 101.~~ As delineated on the Town of Wilton Tax Map, ~~this includes~~ lots ~~C-127, C-127-1, C-127-3, C-128-1, C-128-1-1, C-128-1-2~~ and C-128-3.

AMEND Section 5.3.1 to address multiple home occupations on the same property.

5.3.1 Home Occupations. Any home occupations shall be permitted ~~as a~~ by special exception provided ~~it that, taken together, complies~~ comply with the requirements of this section. When considering an application for a home occupation, the Zoning Board of Adjustment shall consider 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 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 premises.

- a. ~~The home~~ Home occupations shall be incidental and secondary to the use of the dwelling unit as a residence.
- b. Home occupations shall be carried on by the resident owner, resident members of the owner's family, a resident tenant, or resident members of the tenant's family.
- c. Two (2) non-family employees are permitted on the premises.
- d. No additions or changes shall be made to the residence that will make it impractical to revert the building 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, 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 (2) parking spaces is permitted; however, those spaces shall not be located in the front yard. Parking spaces shall be a minimum of nine feet by eighteen feet (9' X 18') per space.
- g. Traffic generated by ~~the~~ 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 all Town regulations, state laws and licensing requirements.
- i. When a business outgrows the standards established for ~~a~~ home occupations, it must relocate into a commercial or industrial district.

- 5.3.1.1 Special Exception Not Required. ~~A home occupation~~ 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), it also satisfies the following standards:
- a. ~~The home~~ Home ~~occupations~~ shall occupy no more than 20% of the existing, gross heated floor area of the primary residence or the structure in which the home occupation is operated.
 - 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 ~~the~~ home occupations shall be limited to five visits per week. (excluding regular US Postal Service residential service).
 - c. ~~The home~~ Home ~~occupations~~ shall not employ any non-resident full time or part time employees on the premises.
 - d. No signs are allowed to advertise ~~a~~ home occupations.
 - e. There shall be no ~~outside~~ exterior operation(s) related to ~~the~~ home occupations.

AMEND Section 17.4 to clarify status of variances and special exceptions.

17.4 Status of Variances and Special Exceptions.

~~A building or use permitted by a variance or special exception granted by the Zoning Board of Adjustment shall have the same status as a non-conforming building or use, and shall be subject to the restrictions of this section.~~

- 17.4.1 Nonconformity. A building, structure or use permitted by a variance or special exception granted by the Zoning Board of Adjustment shall be subject to the same restrictions as a non-conforming building, use, or structure under section 17.1 of this Ordinance.

~~Furthermore, if construction has not begun or the use has not commenced within two (2) years of the granting of the variance or special exception, or March 10, 1992, whichever is later, then the variance or special exception shall expire. All rights conferred by a variance or special exception shall be void upon expiration. Upon application, extensions of time in which to exercise the rights accorded by the variance or special exception may be granted by the Zoning Board of Adjustment for good cause shown beyond the reasonable control or contemplation of the applicant and not prejudicial to the intent and spirit of the Zoning Ordinance. If the variance or special exception is not exercised within the time period provided, then the application shall be deemed withdrawn without prejudice upon the expiration of the time period.~~

- 17.4.2 Expiration.

- a. If construction has not begun or the use has not commenced (i) within two (2) years after the variance or special exception has been granted, or (ii) by March 10, 1992, whichever is later, then the variance or special exception shall expire. All rights conferred by a variance or special exception shall be void upon expiration. The Zoning Board of Adjustment may, but is not required to, specify the actions or conditions that will constitute beginning the construction or commencing the use as part of its approval of a variance or special exception.

- b. The Zoning Board of Adjustment may, for good cause shown, grant an extension of time for an additional two years in which to exercise the rights accorded by the variance or special exception, provided that the extension would be consistent with the intent and spirit of the Zoning Ordinance. Procedures for submission, noticing, and hearing of applications for extensions shall be the same as for other applications to the Zoning Board of Adjustment and shall be submitted no less than 60 days nor more than 120 days before the expiration of the variance or special exception. Submission of an application for an extension shall stay the expiration until the Zoning Board of Adjustment has decided on the application. No more than two extensions may be granted.

AMEND Sections 13.2 and 13.3 to limit Age Restricted Housing District to areas served by Town water and sewer.

13.2 **District Location.**

Age-Restricted housing developments are permitted as a special exception by the Zoning Board of Adjustment and Site Plan review and approval by the Planning Board in the residential, ~~general residential and agricultural~~, and commercial districts where Town water and sewer services are available.

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13.3 **General Standards.**

All housing for older persons shall conform to the following standards:

- a. Dwelling unit density shall not be greater than twenty-four (24) units/gross tract acre for one (1) bedroom units or twelve (12) dwelling units/gross tract acre for two (2) bedroom units ~~when served by Town water and sewer. For lots not served by Town water and sewer, the dwelling unit density shall not be greater than the density provisions of the underlying district.~~

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- d. The minimum lot area shall be 1 acre and the lot shall have at least one hundred (100) feet of frontage on a public right-of-way, Class V or better ~~if served by water and sewer, otherwise the minimum lot area shall be at least two (2) acres and the lot shall have two hundred (200) of frontage on a public right-of-way Class V or better. Lot coverage shall not exceed seventy five (75) percent of the total lot area.~~