

RYE PLANNING BOARD  
PUBLIC HEARING NOTICE

Proposed Zoning Ordinance Amendments

The Rye Planning Board will hold public hearings on December 8, 2015 at 7:00 p.m. at the Rye Town Hall on the following proposed zoning ordinance amendments: Amendment 2016-02 amends the frontage requirement for multi-family dwellings and developments with workforce housing to allow frontage on a private street if certain requirements are met. Amendment 2016-04 adds a definition of "Prohibited" to the ordinance which states that a prohibited use is contrary to the public interest and not consistent with the spirit and intent of the ordinance. Amendment 2016-06 adds a new Section 802-A requirement for Certificates of Unit Occupancy to the ordinance. Such certificates would be required for all existing and future units which are rented or leased, including dwelling units and hotel/motel units. Section 504 regulating tourist cabins and hotel/motel units is amended to provide for such certificates and to require containers for collecting recyclables. Copies of the proposed amendments are posted at the Rye Town Hall and on the town website and are available from the Planning Office.

Tom McCormick, Clerk  
Rye Planning Board  
November 27, 2015

RYE PLANNING BOARD  
PROPOSED ZONING AMENDMENT 2016-02

Re: Frontage Requirement for Multi-Family Developments

Amend Section 402.3 "Requirements for Multi-Family Dwellings & Developments" as follows:  
(Note: New language emboldened and italicized.)

C. Frontage: A multi-family dwelling or a multifamily development shall have a minimum contiguous frontage on a town or state road or street of 150 feet. *The planning board may allow the frontage requirement to be met on a private street provided the requirements of § 402.3, F are met and further provided that the planning board determines:*

- 1. The private street is a street depicted on a subdivision plat approved by the planning board; and*
- 2. Adequate provisions exist for maintenance and repair of the private street; and*
- 3. Frontage on a private street will not result in an adverse impact on community facilities or community services; and*
- 4. Frontage on a private street will not be contrary to the public health, safety or welfare.*

Explanation

*The proposed amendment would allow multi-family dwellings and multi-family developments which provide workforce housing, to be built on approved private streets, such as Airfield Drive.*

August 20, 2015

RYE PLANNING BOARD  
PROPOSED ZONING AMENDMENT 2016-04

Re: Definition of Prohibited

Add the following definition to the Appendix of Definitions:

Prohibited. "Prohibited" means that a use or act which is prohibited by this ordinance is not allowed under any circumstances. A prohibited use is contrary to the public interest and not consistent with the spirit and intent of this ordinance.

Explanation

*The amendment makes it clear that there should be no variances granted for uses or activities which the town voters have deemed to be prohibited in the ordinance.*

RYE PLANNING BOARD  
PROPOSED ZONING AMENDMENT 2016-06

Re: Certificates of Unit Occupancy

Amend the zoning ordinance to provide for "Certificates of Unit Occupancy" as follows:

- I. Add the following new § 802-A.

**SECTION 802-A CERTIFICATES OF UNIT OCCUPANCY:**

No home, apartment, dwelling unit, hotel/motel unit, tourist cabin/camp, lodging house, institutional home, residential club unit or other residential premises (collectively for purposes of this section "Units"), whether new or existing, shall be let, rented, leased, or otherwise occupied unless a certificate of unit occupancy has been issued by the Building Inspector and the Fire Department to the owner of record of that property.

**802-A.1 Certification of unit occupancy, year-round or seasonal:** The certificate of unit occupancy will be designated "year-round" or "seasonal". All Units which are leased, rented, or otherwise occupied for any period between the dates of October 15 and May 15 will be designated "year-round" and are subject to all requirements of the State of New Hampshire Energy Code. All other Units will be designated "seasonal" and are not subject to the New Hampshire Energy Code. Units designated as "seasonal" shall not be occupied during any period between the dates of October 15 and May 15.

**802-A.2 Application:** An application for a certificate of unit occupancy must be made to the Building Inspector, with the appropriate fee paid. Upon receiving an application and the fee, the Building Inspector or his/her designee may conduct an inspection of the property, fill out any code violations or necessary correction actions to be taken and give the applicant a copy. After any noted violations are remedied and/or corrective actions are taken, the applicant must call for a re-inspection.

**802-A.3 Criteria:** In considering and approving an application for certificate of unit occupancy by the Building Inspector and the Fire Department, the primary concern of the Town of Rye is to preserve the public health, safety and welfare of the owner, the occupants and the public. To this end, the approval of any application shall include appropriate conditions and safeguard, which may include, but are not limited to the following:

1. Adequate construction to provide a safe structure and protection from the elements.

2. Adequate habitable living area to meet minimum housing standards.
3. Safe and adequate ingress and egress.
4. Proper installation and operation of the heating, plumbing, septic, mechanical and electrical systems in accordance with the Town of Rye's Building and Life Safety Codes.

The owner shall submit a signed affidavit certifying and containing supporting documentation showing that the above conditions, as well as any additional conditions deemed necessary by the Building Inspector, are satisfied. Upon review of the owner's affidavit and documentation, the Building Inspector may conduct an inspection of the premises to ensure compliance and/or may request additional documentation from the owner.

II. Amend § 504 Tourist Camps, Motels and Lodging Houses as follows. (Note: New language ***emboldened and italicized***. Deleted language ~~struck through~~).

**504.3 Permits and Certificates of Unit Occupancy:** It shall be unlawful for any person to establish, or maintain, or to permit to be established or maintained upon any property owned or controlled by him, a tourist camp, motel, hotel or lodging house in the Town of Rye, New Hampshire, unless there exists a valid permit therefore granted by the Selectmen and existing in compliance with the provisions of this ordinance. The application for such a permit shall be accompanied by plans of the proposed or existing tourist camp, motel, hotel or lodging house, showing the location of all buildings, driveways, toilet facilities, baths, laundry facilities, slop sinks, and other improvements and such permit may be granted to anyone meeting the requirements as outlined. A minimum annual permit fee of ten dollars (\$10.00) per unit of each tourist camp, motel, hotel or lodging house shall be paid before such permit shall be issued. Such permit is in addition to, and shall in no event be deemed a substitute for, the requirements for a building permit ***or Certificate of Unit Occupancy required under Section 802-A of this ordinance.*** ~~and, e~~***Construction*** of any such tourist camp, motel, hotel or lodging house ***also*** must in all such aspects comply with the ***applicable*** provisions of this ordinance ~~applicable~~.

**504.5 Garbage:** The management shall provide not less than one (1) tightly covered can ***or container appropriate for garbage*** of not less than twenty (20) gallon capacity ***and a recycle bin*** for each and every tourist camp and motel unit. Garbage, ~~and refuse~~ ***and recyclable material shall be*** ~~so collected shall be deposited~~ not less than twice weekly by the management ***or a commercial trash collecting company.*** ~~in such garbage disposal area as the Town shall designate for this purpose.~~ ***If the Town recycling center***

October 15, 2015

Revised November 3, 2015

Revised November 10, 2015

is chosen to be the recipient of the above mentioned garbage and recyclables, all rules and regulations set forth will be followed for their disposal.

**504.8 Limitation of Residence:** No unit shall be occupied in any month other than from May 15 through October 15, excepting the owner or proprietor thereof and bona fide employees, unless approved for year-round occupancy by the Building Inspector, *together with receipt of a certificate of occupancy or unit occupancy. who shall ascertain. The owner shall submit a signed affidavit once per year, on or before April 1<sup>st</sup>, certifying and containing supporting documentation showing that (1) there is sufficient parking under winter conditions (2) there is sufficient leach field capacity, (3) there is adequate and safe heating system, and (4) no occupant other than owner, his immediate family, or bona fide employees shall remain in residence more than five (5) months in any one year. Upon review of the owner's affidavit and documentation, the Building Inspector may conduct an inspection of the premises to ensure compliance and/or may request additional documentation from the owner.*

**504.9 Record of Guests:** The manager of every tourist camp, motel, hotel or lodging house shall require all persons using the same to register his name, home address, and car license number. ~~Such records shall be available at all times for inspection by the Police Department.~~

**504.11 Certificates of Occupancy.** *Notwithstanding these minimum requirements listed in this Section 504, all tourist camps, hotels, motels, and lodging houses shall obtain a Certificate of Unit Occupancy ("CO") under Section 802-A of this ordinance and shall comply with all requirements of the Building Inspector to obtain such CO, which may include additional requirements beyond the minimums in this section.*

#### Explanation

*The amendment establishes a requirement for Certificates of Unit Occupancy for year round or seasonal rental of all units rented for residential or transient occupancy. The new requirement is intended to provide for the health, safety and general welfare of the persons who occupy the units.*