

Codes and Ordinances Committee

Councilor Peter Lachapelle, Chair
Councilor Elaine Lauterborn, Vice Chair
Councilor Donna Bogan
Councilor Robert Gates
Councilor Ray Varney



AGENDA

CODES AND ORDINANCES COMMITTEE

Of the Rochester City Council

Thursday December 4, 2014

City Council Chambers
31 Wakefield Street, Rochester, NH
7:00 PM

-
1. Call to Order
 2. Public Input
 3. Approval of the Codes and Ordinances Committee Minutes
 - October 2, 2014
 4. Discussion: Sign Ordinance – Chapter 42
 5. Elections – Ward Polling locations
 6. Action Against Tenants – Chapter RSA 540:1
 7. Second Hand Dealers License
 8. Aquifer Protection Ordinance Presentation
 9. Various Amendments to Ordinances – See Attached
 - Chapter 23 Accessory Uses P. 3
 - Chapter 28 Performance Standards P.5
 - Chapter 42.2 Definitions – Manufactured Housing P.9
 - Chapter 42.20 Standards for Permitted Uses P. 11
 - Chapter 43 Mobile Home Park Ordinance P. 15
 10. Proposed Amendment to Chapter 25, Fire Safety Measures
 11. Discussion: Durham Zoning Ordinance
 12. Other
 13. Adjournment

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ACCESSORY USES

Article XXIII of the City of Rochester Zoning Ordinance

- A. **General Provisions.** The following provisions apply in evaluating proposed accessory uses, activities, structures, and situations.

....

- B. **Standards for Specific Accessory Uses.** The following standards shall apply to these specific accessory uses, activities, structures, and situations wherever they are allowed:

....

5. **Commercial Vehicles, Parking of.** Parking commercial vehicles outdoors overnight within residential districts is permitted as an accessory use as follows:
- a. One small commercial vehicle - a passenger automobile, pick up truck or van - is allowed. Additional commercial vehicles may be allowed by special exception.
 - b. Other larger types of commercial vehicles – ~~such as box trucks or vehicles with more than 2 axles~~ **those weighing over 26,000 gvw** - are permitted only by special exception subject to the property owner being able to provide adequate buffering and sound mitigation.
 - c. Adequate off-street parking must be provided. Parking shall not be within any public right-of-way.

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PERFORMANCE STANDARDS

Article XXVIII of the City of Rochester Zoning Ordinance

A. Purpose. The purpose of these performance standards (or “impact mitigation standards”) is to protect the community from hazards and nuisances, to set measurable standards and thresholds where practical, to recognize that certain valuable and responsible entities will inevitably produce certain impacts, and to provide accommodations for those operations subject to reasonable limitations.

B. General Provisions.

1. Applicability. The performance standards contained herein shall apply to all property in the City of Rochester, whether developed or not, and whether subject to site plan or subdivision review or not.
2. Mitigation. All uses, activities, and development in the City of Rochester shall be conducted in a manner that will most effectively prevent, eliminate, minimize, and/or mitigate the creation of any dangerous, noxious, injurious, or otherwise objectionable impacts from noise, glare, light, heat, dust, smoke, vibration, water pollution, air pollution, use of flammable materials, radiation, radioactivity, electrical disturbance, waste generation, sewage generation, vermin, or invasive or destructive plant species, as reasonably determined by the CEO.
3. Confinement to Property. Property owners, residents, tenants, businesses, and developers shall take measures to confine such impacts within buildings or, at a minimum, to prevent their being perceptible or extending beyond lot lines.
4. Nuisance of Hazard. Any use, activity, or development which regularly, persistently, or significantly violates these provisions by creating a nuisance or hazard beyond the lot lines shall be prohibited.
5. Safety Data Sheets. Any applicant, business, or property owner shall provide to the Fire Department, CEO, Planning Board, Planning Department, or other local authorities copies of Safety Data Sheets (MSDS) for all pertinent materials and processes upon request.
6. Applicable Law. All uses, activities, and development shall be carried on in conformance with all applicable local, state, and federal law.

C. Noise

1. General Terms.
 - a. No persistently loud or disruptive noise shall be permitted.

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- b. All noise that could be objectionable due to intermittence, beat frequency, or shrillness shall be appropriately muffled, mitigated, or terminated.
 - c. No external loud speakers shall be permitted except for special events for which approval is granted by the Code Enforcement Officer or the Police Department, as appropriate.
2. Maximum Decibels. The following standards apply to any steady noise, measured at the lot line.

Maximum Permitted Decibels*

Zoning District	Day	Night
Residential	60	50
Commercial	65	55
Industrial	70	60

*Notes to table:

- a. The Commercial District includes the Hospital Special District. The Industrial District includes the Airport Special District.
 - b. Day includes the hours between 7:00 AM and 10:00 PM, Monday thru Friday and 9:00 AM to 10:00 PM on Saturday and Sunday.
 - c. Night includes the remaining hours.
3. Measurement. The preferred method for measuring noise is with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1983 (R 2006)) "American National Standard Specification for Sound Level Meters" or as amended. The instrument should be set to the A-weighted response scale and the meter to the slow response. Measurements should be conducted in accordance with current ANSI guidelines for the measurements of sound.
4. Reference Information. The following table is provided for reference only.

Sample Sound Levels in Decibels	
<i>Decibels</i>	<i>Activity</i>
30	Whisper
40	Quiet room
50	Rain
60	Conversation, Dishwasher
70	Busy traffic, Vacuum
80	Alarm clock
90	Lawnmower
100	Snowmobile, Chain saw

Source: NH Sunday News- July 7, 1996 from the American Speech-Language-Hearing Assoc.

6. Exemptions/Special Exceptions. The following uses and activities shall be

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exempt from the provisions of this section:

- a. Safety signals, warning devices, emergency relief valves, emergency generators, and other equipment when in operation due to an emergency, or testing or other planned operation;
- b. Un-amplified human voices and crowd noises generated at gatherings open to the public.
- c. Power tools, including lawn mowers, snow blowers and chain saws, when used for the construction or maintenance of property (subject to any specific restrictions under this chapter or other applicable law or regulation).
- d. Music and entertainment uses for which the ZBA has granted a special exception to exceed the limits herein subject to appropriate conditions.

D. **Other Specific Standards**

1. Glare or Light

- a. ~~All lighting installations, for every use (including single family dwellings), shall be shielded in order to avoid skyglow or undue glare onto any road or adjoining property.~~ **All exterior lights shall be designed, located, installed and directed in such a manner so as to prevent glare and objectionable light trespass onto neighboring properties or roads.**
- b. Any new light installations shall be in compliance with the lighting requirements under the Site Plan Regulations, whether site plan review is required or not.
- c. Lights pointed in the direction toward any adjoining property or any road shall not be used. Flood lights may only be used in accordance with the lighting requirements under the Site Plan Regulations.

2. Heat. There shall be no emission or transmission of heat so as to be discernable at the lot line.

3. Odors. No use or operation shall create objectionable odors detectable beyond the lot line except agricultural uses within the Agricultural Zones. Objectionable odors are those that are offensive, foul, unpleasant, or repulsive and, due to their nature, concentration and duration preclude abutting or neighboring property owners the reasonable enjoyment of their property.

4. Dust or Smoke. No observable dust or smoke from any commercial or industrial operation shall be exhausted into the air except as may be specifically approved by NHDES Division of Air Resources.

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DEFINITIONS AND TERMINOLOGY

Article II of the City of Rochester Zoning Ordinance

Lot Line, Side: Those lot lines connecting the front and rear lot lines.

Lot of Record: A lot which is described in a deed which was lawfully recorded in the Strafford County Registry of Deeds prior to the enactment of planning and zoning regulations in Rochester or which, if not so deeded, is a lot which is part of a subdivision, the plan of which was lawfully recorded in the registry.

Lot, Triple Frontage: A lot with frontage on 3 sides. (See also “Lot, Corner” and “Lot Double Frontage” in this article and “Triple Frontage Lots” under Article XIX – Dimensional Regulations.)

Lot Width: The width of a lot measured in a straight line between the side lot lines at the front lot setback line.

Lounge: See “Eating and Drinking Establishments”

Marina: A facility for storing, servicing, fueling, berthing, and securing of boats. This includes land facilities for storage.

Manufactured Housing: Any structure, meeting the Federal Manufactured Home Construction and Safety Standards Act, commonly known as HUD Code, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, **is a minimum of 13 feet in overall width and have at least 320 700 square feet or more** of habitable space, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein. Manufactured Housing as defined here does not include pre-site built housing as defined in RSA 674:31-a.

Manufactured Housing Park: A single parcel of land on which are placed at least 2 or more manufactured housing units. Manufactured housing units are placed on individual sites rather than individual platted lots. Roads, utilities, and other infrastructure throughout the park are privately owned. A manufactured housing park is specifically approved as such by the Planning Board.

Manufactured Housing Subdivision: A major subdivision (i.e. involving construction of a new City road) of a parcel into individual surveyed and platted lots for the placement of manufactured homes. A manufactured housing subdivision is specifically approved as such by the Planning Board.

Medical Office: See “Office, Medical”.

Minimum Lot Area: The computed area contained within a lot that meets the Dimensional Standards of the Zoning Ordinance excluding very poorly drained soils and steep slopes greater than 25%.

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Minimum Lot Area per Dwelling Unit: The computed area contained within a lot for each additional dwelling unit that meets the Dimensional Standards of the Zoning Ordinance excluding very poorly drained soils and steep slopes greater than 25%.

Mini-Warehouse (or “self storage”): One or more buildings containing separate, self contained, private storage spaces leased or rented to individuals.

Mobile Home See “Manufactured Housing”

MOBILE HOME PARK – See City of Rochester General Ordinances Chapter 43 and the definition of Manufactured Housing Park under this section.

Modular Housing or Structure (or “pre-site built housing”): Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with the United States Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building lot. A modular home is separate and distinct from a manufactured housing unit.

Monument Production: The production and/or sales of markers for gravestones generally made of stone, including the outside display and storage of monuments.

Motel: See “Lodging Facility, Motel”.

Motor Vehicle Junkyard: See “Junkyard”

Multifamily: See “Dwelling, Multifamily”.

Museum (or “exhibit hall”): A non-profit, public, or commercial institution operated principally for the purpose of acquiring, preserving, and exhibiting to the public objects of historical, cultural, scientific, or artistic interest. It may also sell related items of interest as an accessory use.

Nightclub: See “Eating and Drinking Establishments”

Non-buildable Land: Land that cannot be built upon due to legal restrictions such as covenants or easements.

Nonconforming Lot: A lot which was lawfully established but which does not conform to the current requirements of this chapter, as amended, related to area, frontage, or other elements.

STANDARDS FOR SPECIFIC PERMITTED USES

Article XX of the City of Rochester Zoning Ordinance

- A. **General Provisions.** For certain permitted uses that could impact surrounding neighborhoods, conflict with adjacent uses, or have other significant impacts, specific standards are provided below. These standards apply only to those uses which are permitted by right shown as “P” in tables XVIII-A through XVIII-E except where specifically noted otherwise. Other particular standards applicable to Conditional Uses, Special Exceptions, and Accessory Uses are articulated in separate articles.

B. **Conditions for Particular Uses**

For each individual use listed below, all of the specific conditions attached to that use must be met along with any other requirements of this chapter.

1. **Contractor's Storage Yard.** Minimum setbacks from all property lines shall be 25 feet or as specified in the Dimensional Regulations table, whichever is greater. No structures or stockpiled materials related to the storage yard operation shall be situated within these setbacks. Heavy vehicles or equipment in working order may be parked within the setbacks provided that none are parked within 15 feet of a property line (See, Article II, Section 8(A) Contractor's Storage Yards in the Site Plan Regulations). A contractor's storage yard shall not be established in a floodplain.
2. **Day Care - 2 (Day Care - Family).** This use is not considered a home occupation. However, the review process for this use, where it is permitted by right, shall be the same as for home occupations where no special exception is involved. See Article XXIV – Home Occupations subsection E.
3. **Earth Excavation**
 - a. **Regulations.** No person shall perform earth excavation except in compliance with the provisions of RSA 155-E as amended, this chapter, and the Site Plan Regulations applicable to earth excavation.
 - b. **Existing Operation.** Any existing excavation activity operating under a permit issued prior to the date of adoption of this chapter may continue until the expiration of the permit, except that any expansion or change in operation not covered by that permit shall be in compliance with the provisions of this section.
 - c. **Buffers.** Buffers/setbacks are established as set forth in NH RSA 155-E and in Article XII - Conservation Overlay District. No excavation, processing, or removal of vegetation may occur within the buffers/setbacks specified. Where the buffer/setback has been removed or is not adequate, the Planning Board may stipulate re-establishment of the buffer/setback, as appropriate.

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- d. Water Table. For excavation of sand, gravel, or other subsurface materials (also see RSA 155-E), the seasonal high water table must be determined prior to Planning Board approval and it must be demonstrated that no ground disturbance or excavation will occur within 4 feet of that seasonal high water table except as provided below. Applicants shall submit the following as part of any review:
- i. Information about any types of fill material that may be deposited on the site;
 - ii. Recognizing that sand and gravel pits sometimes become unlawful dumps (due to no fault of the property owner or operator) posing potential harm to the underlying groundwater, the applicant shall submit a plan to discourage use of the site as a dump during and after excavation.
 - iii. The excavation of gravel materials below four (4) feet above the stated seasonal high water tables may be allowed by Special Exception if the applicant can clearly demonstrated that such excavation will not adversely affect ground water quality (in addition to other general conditions listed in Article XXII - Special Exceptions). The Zoning Board of Adjustment and the Planning Board shall be required to review the reports provided and may require additional information, experts or studies to assist it in its review and approval of its issuance of any Special Exception and permit allowing such excavation.

(See the Article X - Aquifer Protection Overlay District for other provisions within that district.)

- e. Abandoned Sites. In the event the Code Enforcement Officer determines that any abandoned excavation presents a hazard to the public health, safety or welfare, the owner may be required, following a public hearing before the Planning Board, to comply with any timetable and bonding requirements to be established by the Planning Board to complete reclamation. Should reclamation not be completed, the board may request the City to authorize reclamation at the City's expense. The City's costs shall then constitute an assessment against the owner, and shall create a lien against the property on which the excavation is located. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

4. Farm; Farm, Crop

- a. Lot Size. The minimum lot size is 10 gross acres for a farm and 5 gross acres for a crop farm.

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- b. Housing. The Planning Board is empowered to consider and approve special on site housing arrangements to accommodate farm workers - such as cluster housing or temporary/seasonal housing – under site plan review.
 - c. Retail Sales. Any farm goods produced on site along with limited related products, such as baked goods, non-alcoholic cider, etc., may be sold on site.
 - d. Livestock. Housing for any livestock for a farm shall be set back at least 100 feet from any side or rear lot lines. Housing for fowl, fur bearing animals, and swine shall be set back at least 150 feet from any side or rear lot lines. The ZBA may reduce or waive this requirement by special exception. There is no setback for open pens and fencing provided animals are not left in such pens overnight.
 - e. Manure. Any significant storage areas for manure shall be set back at least 200 feet from any lot lines. Best management practices shall be followed in the handling of manure.
 - f. Performance Standards. The general provisions of Article XXVIII and RSA 432:33 shall apply.
5. Gas Station
- a. The minimum lot area shall be 30,000 square feet.
 - b. Lot frontage shall be at least 150 feet.
 - c. Pumps, lubricating and other outdoor service devices shall be located at least 30 feet from any lot lines.
 - d. All automobile parts and dismantled vehicles are to be stored within a building, and no repair work is to be performed outside a building.
 - e. The minimum setback for all portions of canopies shall be 20 feet from all lot lines or the required district setbacks, whichever is greater.
 - f. Limited light maintenance activity is an accessory use and includes engine tune-ups, lubrication, brake repairs, tire changing, battery charging, car washing, detailing, polishing, and carburetor cleaning. Such activities as, engine overhaul, vehicle painting, welding, and body or fender work would not be an accessory use.
6. Junkyard. All materials shall be fully screened from the road and from all abutting property by a solid wall or fence at least 8 feet in height. The Planning Board may stipulate a taller wall or fence, as appropriate.

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7. Lodging, Motel. The minimum lot size shall be 30,000 square feet plus 1,000 square feet per unit.
8. Mini-Warehouse. The front setback for all storage structures shall be 100 feet. Side and rear setbacks from any residential property shall be 75 feet.
9. Manufactured Housing Subdivision - **Not part of an existing Mobile Home Park - See Chapter 43 for existing Mobile Home Parks**
 - a. Overall Development.
 - i. All requirements otherwise applicable to subdivision of lots for conventional houses within a conservation subdivision shall apply.
 - ii. Additions to Manufactured Housing Units (or "Homes"). There shall be no additions constructed onto manufactured homes with the exception of **garages**, skirting, carports, cabanas, awnings, canopies, porches, decks, and steps. All must be approved by the Code Enforcement Officer.
 - iii. Minimum Size. Every manufactured home shall be at least ~~28~~ **23** feet in **overall** width ~~at the body~~ and have at least 700 square feet of habitable living space.
10. Manufactured Housing Unit - **Not part of an existing Mobile Home Park - See Chapter 43 for existing Mobile Home Parks**
 - a. Manufactured Homes are allowed only: i) on individual lots in the AG zoning district; ii) within manufactured housing subdivisions, located in the AG zoning district; and iii) within established mobile home parks on approved pads/lots
 - b. Additions to Manufactured Homes. There shall be no additions constructed onto manufactured homes with the exception of **garages**, skirting, carports, cabanas, awnings, canopies, porches, decks, and steps. All must be approved by the Code Enforcement Officer.
 - c. Minimum Size. Every manufactured home shall be at least ~~28~~ **23** feet in **overall** width ~~at the body~~ and have at least 700 square feet of habitable living space.
11. Multifamily Dwellings/Development. The following requirements shall apply to multifamily developments of 5 or more dwelling units:
 - a. Buffers from Roads. A 50 foot buffer shall be established from all neighboring roads, including roads from which access is taken. The Planning Board shall determine treatment of the buffer area, whether it is

CHAPTER 43

MOBILE HOME PARK ORDINANCE

SECTION ANALYSIS

- 43.1 Purpose and Intent
- 43.2 Authority
- 43.3 Definitions
- 43.4 General Requirements
- 43.5 Design Standards
- 43.6 Applications for Approval
- 43.7 Licensing
- 43.8 Administration

43.1 Purpose and Intent.

The purpose of this ordinance is to establish minimum standards for the construction in and maintenance of existing mobile home parks in the City of Rochester. The intent of the ordinance is that existing mobile home parks shall provide a healthful, safe, pleasant, and attractive residential atmosphere for their occupants, while at the same time being compatible with existing and anticipated future development in the surrounding areas.

43.2 Authority.

This ordinance is adopted by the Rochester City Council in accordance with the provisions of New Hampshire RSA 47:17.

43.3 Definitions.

(a) Accessory Building or Structure. A subordinate building or structure which is an addition to or supplements the facilities provided by a mobile home, such as an awning, cabana, storage structure, carport, porch, fence, skirting, windbreak, or screened room.

(b) Building. A roofed structure erected for permanent use.

(c) Common Area. An area or space designed for joint use by residents of a mobile home park, principally for recreation purposes.

(d) Density. The number of mobile home lots per acre of gross land area in a mobile home park.

(e) Garage. A building for the shelter of automotive vehicles.

(f) Gross Land Area. The total land area included within the perimeter boundaries of a mobile home park.

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(g) Living Unit. A residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation.

(h) Lot Area. The total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes, and reserved for exclusive use of the occupants of a mobile home.

(i) Lot Line. The line identifying a lot boundary.

(j) Manufactured Housing. Any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, ~~or and~~ when erected on site, **is at least 13 feet in overall width and have at least 320 700 square feet or more of habitable living space**, and which is built on a permanent chassis and is designed to be used as a single-family habitation with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein (in conformance with the definition in RSA 674:31, as amended).

(k) Mobile Home. A form of manufactured housing which conforms with the definition in (j) above.

(l) Mobile Home Lot. A parcel of land for the placement of a mobile home and for the exclusive use of its occupants.

(m) Mobile Home Park. Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate two or more mobile homes. The term mobile home park shall not be construed to apply to premises used solely for storage or display of mobile homes.

(n) Mobile Home Subdivision. An approved subdivision of two or more lots designed to be occupied by mobile homes only and where the lots will be sold rather than rented or leased.

(o) Park Road. A private road within the boundaries of a mobile home park which is owned and maintained by the mobile home park owner, and which provides vehicular access to mobile home lots.

(p) Permanent Building. Any building except a mobile home or a mobile home accessory building or structure.

(q) Public System. A water or sewage system which is owned and operated by a local government authority or by an established public utility which is adequately controlled by a governmental authority.

(r) Storage Building. A building located on a mobile home lot which is designed and used solely for the storage and use of personal equipment and possessions of the occupants of the mobile home on that lot.

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(s) Street. A public highway as defined in RSA 229:1, except a Class VI or discontinued highway; or a private road within a subdivision as platted and recorded in the Strafford County Registry of Deeds, including the full width of the right-of-way.

(t) Yard. An unoccupied space open to the sky on a mobile home lot.

43.4 General Requirements.

(a) Location and Access.

(1) Mobile home parks shall be permitted only within the area defined as an Agricultural Zone by the Rochester Zoning Ordinance.

(2) Mobile home parks shall be located with access onto a publicly maintained Class V or better street.

(3) Since mobile home parks are a relatively intensive form of residential development, the soil characteristics of a site proposed for mobile home park development shall be adequate to support that development.

(b) Density.

(1) The number of mobile home lots in a mobile home park shall not exceed 2.9 per acre of gross land area contained within the mobile home park.

(c) Setbacks.

(1) The minimum distance between any mobile home and mobile home park boundary line shall be fifty (50) feet.

(2) Minimum setbacks on mobile home lots shall be: front yard, twenty (20) feet; side and rear yards, fifteen (15) feet.

(3) There shall be a minimum of thirty (30) feet clearance between mobile homes on adjoining lots. No mobile home shall be located closer than thirty (30) feet from any community building within the park.

(d) Screening and Landscaping.

(1) A twenty (20) foot buffer strip shall be maintained along all public streets and along all mobile home park boundaries which abut a residential area. No part of this buffer strip shall be included within the boundaries of individual mobile home lots or within common areas. Within this twenty (20) foot buffer strip, a dense visual screen of shrubs or trees shall be planted, at least four (4) feet high at the time of planting.

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of a type that will form a year-round screen at least six (6) feet high within three (3) years. Where existing natural growth or topography can provide the required screening, they may be utilized to fulfill all or part of this requirement.

(2) Lawn and ground cover shall be provided where needed to prevent erosion of slopes and on other areas to obtain usable yards. Trees, shrubs, and vines shall be required to the extent needed to provide for:

(A) screening of objectionable views;

(B) adequate shade; and,

(C) a suitable setting for mobile homes and other facilities. During the development of any mobile home park, that portion of said park used, occupied, and/or made available for use and occupation of mobile homes shall be subject to these standards.

(e) Construction.

(1) The provisions of this ordinance and of the building regulations of the City of Rochester shall apply to all construction, alterations, repairs and additions to mobile homes and structures within a mobile home park unless otherwise modified herein.

(2) The skirting of mobile homes is permitted to achieve better heating, but skirting shall not provide a harborage for rodents, nor create a fire hazard. Skirting, cabanas, awnings, porches, or other additions shall not be attached to a mobile home unless they are approved by the Director of Building, Zoning, & Licensing Services.

(3) All piping from outside fuel storage tanks or liquefied petroleum gas cylinders to a mobile home shall be copper or other acceptable metallic tubing mechanically connected and shall be permanently installed and securely fastened in place. All liquefied petroleum gas cylinders shall be securely fastened in place and shall not be located inside or beneath a mobile home or within five (5) feet of a mobile home exit. Racks to hold liquefied petroleum gas cylinders shall be of a design which will prevent tipping or accidental overturning. All oil tanks shall not be located inside or beneath a mobile home. If a mobile home is provided with a full basement, fuel storage tanks may be located within the basement. All outside installed oil tanks shall have a foundation made of concrete or masonry. Tank foundations shall be designed to minimize the possibility of uneven settling of the tank and to minimize corrosion in any part of the tank resting on the foundation. Oil tanks shall be screened by adequate shrubs or fencing.

(4) Liquefied petroleum gas for cooking purposes shall not be used on individual mobile home lots unless the containers are properly connected. Liquefied petroleum gas cylinders shall be securely fastened in place and shall be adequately protected from the weather.

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(5) The storage of firewood, coal, coke, other fuels and/or equipment shall be done in a manner so as not to constitute a fire hazard.

(6) Only one single-story storage building may be installed on any one mobile home lot. The maximum size shall not exceed 12' x 14' x 10' wall height. Roofs shall be either prefinished metal, fiberglass, or shingles. The exterior shall be of a permanent building material. Plans must be approved by the Director of Building, Zoning, & Licensing Services, and a building permit obtained prior to erection on the mobile home lot.

(f) Board of Health Requirements.

(1) All mobile home parks shall be located in areas free from marshes, swamps, stagnant pools, or other potential breeding places for insects or rodents.

(g) Fire Protection.

(1) The mobile home park area shall be subject to the rules and regulations of the City of Rochester Fire Department.

(2) Mobile home park areas shall be kept free of litter, rubbish, and other flammable materials.

(3) Where a municipal water system is available to a mobile home park, [1] standard City fire hydrants shall be spaced not more than 500 feet apart within the boundaries of the park.

(4) Fires shall be made only in stoves and other equipment intended for such purposes. No open fires shall be permitted except in specified areas approved by the Rochester Fire Department.

(5) The City of Rochester Fire Department may take whatever additional measures for adequate fire and safety conditions as it feels are necessary for each mobile home park.

(h) Refuse Disposal.

(1) The storage, collection, and disposal of refuse in mobile home parks shall be managed so as to create no health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution.

(2) Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

(3) All garbage and rubbish shall be collected at least once weekly only from a location(s) designated by the Health Officer. Mobile home park owners shall be responsible for seeing that garbage and rubbish are deposited at the collection location(s).

(i) Pets.

No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home park (pursuant to RSA 466:30-a).

(j) Management.

Any person responsible for the operation of a mobile home park shall maintain a current register of all mobile homes located within the mobile home park and their owners. Such register shall be available for inspection to/by City officials.

Said register shall contain pertinent information to properly identify the mobile home, location, and owners of each mobile home in the mobile home park, including: the dates of arrival and the dates of departure of any mobile home which has arrived or departed within the past year.

According to the provisions of RSA 73:16-a, the owner of a mobile home park shall be responsible for filing with the City Assessor's Office an inventory (description) of all mobile homes which locate in a park within fifteen (15) days of their arrival. Also under the provisions of RSA 73:16-a, the owner of a mobile home park may be held responsible for the payment of taxes due on individual mobile homes located within the park which have not been paid by their owners.

The management of a mobile home park shall assume responsibility for maintaining in good repair all buildings, streets, walks, sanitary facilities and utilities within the park and shall take such action as is necessary to eject from the grounds any person who willfully or maliciously fails to comply with these and other applicable regulations.

43.5 Design Standards.

During the development of any mobile home park, that portion of said park which is used, occupied, and/or made available for use and occupation of mobile homes shall be subject to these standards, and to the applicable standards of the New Hampshire Water Supply & Pollution Control Commission and the Sanitary Laws and Regulations of the New Hampshire Division of Public Health Services.

(a) Mobile Home Lots.

(1) Each mobile home lot shall contain a minimum of 10,000 square feet in area and shall have minimum frontage of seventy-five (75) feet on a park road.

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(2) No mobile home with accessory buildings, garage, structures, storage building and paved parking spaces shall occupy in excess of ~~twenty-five percent (25%)~~ **thirty five percent (35%)** of a mobile home lot.

(b) Park Roads.

(1) Mobile home park roads shall provide safe and convenient vehicular access from abutting public streets to all mobile home lots and community facilities. Driveway access to all mobile home lots shall be only from park roads, with no driveway access permitted directly from City streets.

(2) Roads shall be adapted to topography, shall have suitable alignment and gradient for traffic safety, and shall have a properly designed storm drainage system. Except as herein modified, the design standards for minor streets in the Agricultural Zone contained in the Rochester Subdivision Regulations shall apply to the design of mobile home park roads.

(3) Roads shall have a minimum right-of-way width of forty (40) feet, and a minimum paved width of twenty-two (22) feet. Roadway pavement shall be in accordance with the standards of minor streets in the Agricultural Zone contained in the Rochester Subdivision Regulations.

(4) Road systems shall be developed with consideration given to the reasonable movement and placement of mobile homes on individual lots.

(5) All mobile home parks shall be graded to insure proper drainage. The drainage system shall take into consideration not only proper channelizing of storm water within the mobile home park, but minimization of adverse effects on surrounding property and public streets.

(c) Parking.

(1) Two (2) off-street parking spaces shall be provided for each mobile home lot. Each parking space shall be paved and graded to provide drainage away from the mobile home in conformance with the overall drainage plan for the mobile home park.

(2) Each off-street parking space shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet.

(3) Garages shall be permitted, provided that they are either directly attached to a mobile home or separated by a distance of at least ten (10) feet. Garages shall also conform to the setback provisions in Section 43.4 (C) (2).

(d) Common Area.

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(1) At least seven percent (7%) of the gross land area in a mobile home park shall be reserved as a common area for recreation and other open space purposes.

(2) Each mobile home park shall provide at least one (1) common area restricted to the use and enjoyment of the residents of the park. No single common area shall contain less than 15,000 square feet. Where more than one area is provided, the areas shall be spaced and located in the mobile home park in such a manner that will provide maximum usefulness for park residents.

(3) All equipment contained in recreational areas within common areas shall be kept in good repair. Common areas shall be kept free of all debris.

(4) The land included within common areas shall be of such character that it is capable of supporting recreational use and shall not include land with poor drainage, excessive slope, or land which is subject to flooding.

(5) Common areas shall be separated from park roadways, city streets, and parking spaces by an adequate fence.

(e) Water Supply.

(1) A water supply meeting the requirements of the 1983 State of New Hampshire Water Supply & Pollution Control Commission Drinking Water Regulations shall be provided to each mobile home lot in a mobile home park.

(2) The design and construction (including materials) of the water supply system, whether public or private, for a mobile home park shall comply with the New Hampshire Water Supply & Pollution Control Commission Design Standards for Small Public Water Systems and with all requirements and regulations of the City of Rochester.

(3) Where a public water system exists within 200 feet of any boundary of a mobile home park, all lots within the park shall be connected to the public system, unless such connection is specifically denied by the City. Where a public water system is not available, any other source of water must be approved by the New Hampshire Water Supply & Pollution Control Commission.

(4) All water piping shall be constructed and maintained in accordance with State and local law; the water piping system shall not be connected with non-potable or questionable water supplies.

(5) Individual water service connections which are provided for direct use by mobile homes shall be so constructed that they will not be damaged by the parking of mobile homes.

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(6) A mobile home park water system shall be adequate to provide twenty (20) pounds per square inch of pressure at all mobile home lots.

(f) Sewage Disposal.

- (1) Where a public sewage system exists within 200 feet of any boundary of a mobile home park, all lots within the park shall be connected to the public system, unless such connection is specifically denied by the City.
- (2) Where a public sewage system is not available, the sewage disposal system for all mobile home lots in the mobile home park shall be approved by the New Hampshire Water Supply & Pollution Control Commission.
- (3) Each mobile home shall be provided with sewer connections which comply with all statutory requirements and regulations of the State of New Hampshire and appropriate agencies of the State of New Hampshire, and the City of Rochester.
- (4) The design and construction (including materials) of the sewage disposal system, whether public or private, for a mobile home park shall comply with all statutory requirements and regulations of the New Hampshire Water Supply & Pollution Control Commission and the City of Rochester.

(g) Electricity.

- (1) A secured electrical outlet supplying 220 volts shall be provided for each mobile home lot. This installation shall comply with all applicable State and local electrical codes and ordinances. Such electrical outlets shall be weatherproof.
- (2) All power lines within a mobile home park shall be underground and shall be laid with sufficient cover to prevent damage from traffic.

(h) Telephone System.

- (1) Where telephone service to mobile home lots is provided, the distribution system shall be underground and shall be in general conformance with the placement of the electrical distribution system.

(i) Cable Television System.

- (1) Where cable-TV service to mobile home lots is provided, the distribution system shall be underground and shall be in general conformance with the placement of the electrical system.

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43.6 Application for Approval. [Repealed]

(a) Procedure:

~~(1) Before formal submission of a plan for a new mobile home park, a developer proposing construction of a mobile home park may first meet with the Planning Board to informally discuss the project.~~

~~(2) A formal application for construction of a new mobile home park shall be submitted to the Rochester Planning Board. In reviewing the application, the Board shall follow the procedures and standards for the review of a major subdivision as spelled out in Section 2.3 of the Rochester Subdivision Regulations.~~

~~(3) The Board shall submit the application to the Commissioner of the Rochester Department of Public Works for review of all road and utility plans which are a part of the proposed mobile home park.~~

(b) Submission Requirements:

~~(1) The application for approval of a mobile home park plan shall be prepared in accordance with the standards and requirements contained in Section 4 of the Rochester Subdivision Regulations. The application shall include all those items listed in said Section 4.~~

43.7 Licensing.

(a) General Provisions.

(1) It shall be unlawful for any person to operate or maintain a mobile home park within the limits of the City of Rochester unless he holds a valid license issued by the Director of Building, Zoning, & Licensing Services in the name of such person for the specific mobile home park.

(2) Licenses shall be issued annually, and each license shall be in effect for a period of one (1) year beginning January 1 of each year.

(3) An application for an initial mobile home park license shall be filed with the Director of Building, Zoning, & Licensing Services Department. The application shall be in writing, signed by the applicant, and shall include the following:

(A) the name and address of the person making the application;

(B) the location and legal description of the mobile home park;

(C) plans and specifications of all improvements, buildings, streets, recreational areas, walks, sewer, water, and other facilities constructed or to be constructed within the park;

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(D) the area and dimensions of the tract of land whereon the park is located;

(E) written approval of the following City of Rochester officials indicating that the mobile home park complies with the requirements of this Ordinance:

- (i) Planning Board
- (ii) Commissioner of Public Works
- (iii) Fire Chief
- (iv) Health Officer
- (v) Police Chief
- (vi) Zoning Officer
- (vii) City Manager

(F) such further information as may be requested by the Director of Building, Zoning, & Licensing Services Department to enable him to determine if the park complies with the provisions of this ordinance and all other applicable legal requirements.

(4) The application and five (5) copies of all accompanying plans and specifications shall be filed with the Director of Building, Zoning, & Licensing Services Department; two (2) of said copies shall be filed with the Planning Office.

(b) Issuance of License.

(1) The Director of Building, Zoning, & Licensing Services Department shall inspect the application and plans and specifications.

(2) If the mobile home park is in compliance with all of the provisions of this ordinance and all other applicable ordinances, statutes, and regulations, the Director of Building, Zoning, & Licensing Services Department shall approve the application, provided, however, that if the Director of Building, Zoning, & Licensing Services Department does not act to approve or deny within ninety (90) days of receipt of the application, the application shall be automatically approved.

(c) Renewal of License.

(1) Application for the renewal of a license shall be made in writing on or before the first day of November of each year to the Director of Building, Zoning, & Licensing Services Department by the holder of the license and shall contain the following:

(A) any change in the information submitted since the time the original license was issued or the latest renewal granted;

(B) copies of as-built plans for any and all sections of a mobile home park developed during the year in which application for renewal is made;

(C) such other information as the Director of Building, Zoning, & Licensing Services Department may require. 6/6/95

(2) All mobile home parks in existence upon the effective date of this ordinance shall within six (6) months thereafter comply with the requirements of this ordinance, except that the Director of Building, Zoning, & Licensing Services Department, upon application of a park operator, may waive such requirements that require prohibitive reconstruction costs if such waiver does not alter the health and sanitation requirements herein provided.

(3) At his discretion, the Director of Building, Zoning, & Licensing Services Department may issue a conditional license renewal, subject to the license holder complying with certain conditions as determined by the Director of Building, Zoning, & Licensing Services Department. In such a case, the Director of Building, Zoning, & Licensing Services Department shall list the specific conditions upon which the renewal is based and set a time for compliance with these conditions. Costs associated with enforcement of owner compliance with said specific conditions requiring correction shall be assessed by the Director of Building, Zoning, & Licensing Services Department. If not in compliance, Twenty-Five (\$25.00) Dollars per inspection shall be assessed; said charge shall be in addition to any other penalty.

(4) If the Director of Building, Zoning, & Licensing Services Department does not act on an application for the renewal of a license by December 31, it shall automatically be approved.

(5) Not more than four (4) annual license renewals shall be issued for an approved mobile home park in which no substantial development has taken place.

(d) Responsibility of the License Holder.

(1) The license certificate shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.

(2) A license shall be transferable after the holder of a valid license gives notice in writing to the Director of Building, Zoning, & Licensing Services Department fifteen (15) days prior to any proposed sale, transfer, gift, or other disposition of interest or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park.

43.8 Administration.

(a) Enforcement.

(1) Upon determination by the Director of Building, Zoning, & Licensing Services Department that a violation of this ordinance has occurred, he shall initiate enforcement procedures. If necessary, the Director of Building, Zoning, &

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Licensing Services Department shall refer the matter to the City Solicitor for appropriate legal action.

(b) Inspection.

(1) The Director of Building, Zoning, & Licensing Services Department, Police Chief, Health Officer, Fire Chief,

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Commissioner of Public Works, the Zoning Officer, and other agents of the City as certified by the City Manager, are hereby authorized to make periodic and reasonable inspections to determine the condition of mobile home parks within the City of Rochester, and to determine if the requirements of this ordinance are being observed.

(c) Penalty.

(1) A violation of, or violation from, the terms and conditions of this ordinance and/or the conditions of the license to operate or maintain a mobile home park by the holder thereof or his agent shall be cause for the revocation of said license. Such revocation shall be made at the discretion of the Director of Building, Zoning, & Licensing Services Department.

(2) After revocation of the license has been ordered by the Director of Building, Zoning, & Licensing Services Department, additional violations shall result in a fine not exceeding \$1,000.00 in accordance with the provisions of RSA 47:17. This provision shall be in effect even should an appeal be taken from the Building Inspector's revocation order.

(d) Appeals.

(1) Any party whose application for approval of a mobile home park plan has been denied may appeal the decision of the Planning Board to the Superior Court in accordance with the provisions of RSA 677:15.

(2) Any party whose application for a license has been denied or whose license has been revoked may appeal the decision of the Director of Building, Zoning, & Licensing Services Department to the Zoning Board of Adjustment in accordance with the provisions of RSA 674:33.

(e) Conflict with Other Ordinances.

(1) In any case where a portion of this ordinance is found to be in conflict with the provisions of any zoning, building, fire, safety, or health ordinance, or code of the State of New Hampshire or City of Rochester existing on the effective date of this ordinance, the provisions which, in the judgment of the Planning Board, establish the higher standard for the promotion and protection of the health and safety of the people shall prevail.

(f) Saving Clause.

(1) If any section, subsection, paragraph, sentence, clause or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end the provisions of this ordinance are hereby declared to be severable.

[1] Amended 3/7/2000

[2] Amended 10/15/2013 – Code Enforcement Department to BZLS Department