

Amendment #5

ADA Structures

Amendment 5 – To amend Article VIII, Section 8.100 to clarify that wheelchair ramps and similar disability access structures shall be considered nonpermanent, for the purpose of providing a certified plot plan only, when applying for the required building permit; FURTHER to amend Article VI, Special Provisions, to add Section 6.900 entitled Disability Access Structures, which enables the Code Enforcement Officer to grant building permits for Disability Access Structures as referenced in Article VIII, Section 8.100 (03)(d) notwithstanding that such Disability Access Structures may not comply with area dimension or setback requirements, provided that the applicant meets the specific criteria set forth in the ordinance. The building permit is valid only during the time when there is a need for the use of disability access structures by disabled persons as referenced in the ordinance. Based upon comments received during the continued public hearing held on December 22, 2009, the “Structures” as presented in the initial draft was changed to “Disability Access Structures.”

Access Structures Zoning Amendment

Zoning Amendment # - Amend Article VIII, Section 8.100 – Procedure and Enforcement, by amending section 8.100, subsection 03.d to read as follows:

- d. Open non-roofed decks, wheelchair ramps and similar disability access structures, and sheds shall be considered nonpermanent, for the purpose of providing a certified plot plan only, when applying for the required building permit.

Zoning Amendment # - To Amend Article VI, Special Provisions by adding Section 6.900 entitled Disability Access Structures to read as follows:

Pursuant to the authority under RSA 676:16 and 17 to adopt zoning ordinances to promote health and general welfare, and in order to provide building access for persons with disabilities, consistent with the intent of RSA 674:33 V and the Americans With Disabilities Act, 42 U.S.C. §12132, the Code Enforcement Officer is authorized, , to grant building permits for Disability Access Structures as referenced in Article VIII, Section 8.100 (03)(d) notwithstanding that such Disability Access Structures may not

comply with area dimension or setback requirements, provided that the applicant meets the following criteria:

- a. Disability Access Structures are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises;
- b. The construction of Disability Access Structures as limited by this paragraph will otherwise be in harmony with the general purpose and intent of the zoning ordinance.

If the above criteria are met then the building permit shall be issued, and it shall be valid only for such time as the disabled resident (or other disabled persons regularly using the premises at the time of the application) has a continuing need to use the premises.

A notice of the building permit, on a form to be prepared by the Code Enforcement Officer, shall be recorded at the Rockingham County Registry of Deeds and kept on file at the Town Office.