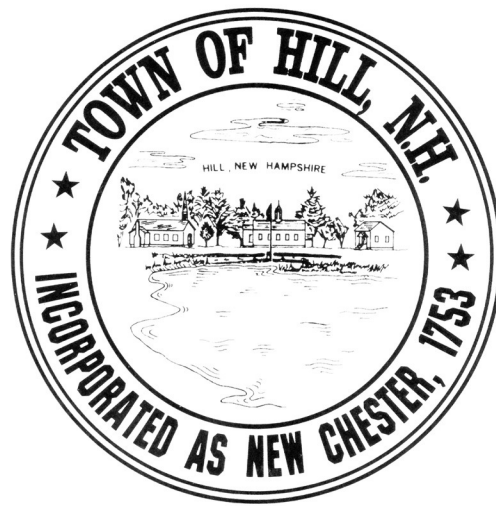


ZONING ORDINANCE

TOWN OF HILL

NEW HAMPSHIRE

1988



Amended March 9, 1993
Amended March 14, 1996
Amended March 14, 2000
Amended March 13, 2001
Amended March 12, 2002
Amended March 14, 2006

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To promote the health, safety, convenience and general welfare of the Town of Hill, to secure efficiency and economy in the process of developing the Town and to keep it an attractive place in which to live and do business, the following ordinance is hereby enacted by the voters of said Town in special town meeting convened, in accordance with authority conferred by Chapter 31 of the 1955 laws of New Hampshire. Further to amend the ensuing ordinance by striking out all after the words Article and entering the following:

TOWN OF HILL
ZONING ORDINANCE

ARTICLE I

A. Preamble In pursuance of authority conferred by Chapter 31, Section 60-890, N.H. Revised Statutes Annotated, 1955, and as it may be amended and for the purpose of promoting the health, safety, and general welfare of the Town of Hill, New Hampshire, the following ordinance is hereby enacted by the voters of the Town of Hill, New Hampshire.
Source: 1988 ZO. Effective 3/15/88

B. Title This ordinance shall I be known and may be cited as the "Town of Hill Zoning ordinance of 1973" hereinafter referred as "this ordinance."
Source: 1988 ZO. Effective 3/15/88

ARTICLE II

A. Districts For the purpose of this ordinance, the Town of Hill is divided into the following three (3) zoning districts hereinafter referred to as Village District (V), Rural Residential District (RR), and Commercial District (C).
Source: 1988 ZO. Effective 3/15/88
Amended 3/8/94

B. Zoning Map The zoning districts listed above shall be bounded as shown on the map entitled "Town of Hill Zoning Map of 1973" which map is attached hereto and made a part of this ordinance and is hereinafter referred to as the "Zoning Map."
Source: 1988 ZO. Effective 3/15/88

C. Boundaries Unless otherwise indicated, District boundaries as shown on the Zoning Map, are the centerlines of highways and streets, the middle of the channel of waterways or other bodies of water, or where such boundary is also a Town boundary then to the limits of Town Boundary. Where boundaries are so indicated that they parallel the centerline of highways or streets, such boundaries shall be interpreted as parallel thereto and at the distance there from as shown on the Zoning Map, distances shall be determined by use of the scale on the map.
Source: 1988 ZO. Effective 3/15/88

D. Wellhead Protection Overlay District In addition to the three districts set forth in Article II, A, there shall also be a Wellhead Protection Overlay District. The boundaries of this overlay district shall coincide with the boundaries of the Hill Waterworks Wellhead Protection Area as delineated by the State of New Hampshire pursuant to RSA 485 and 485-C. The map of this District shall be deemed an amendment to the Town of Hill Zoning Map of 1973 referred to in Article II, B.

Amended 3/13/01

ARTICLE III

Interpretation and Application

A. Interpretation In interpreting any provision of this ordinance, it shall be held as the minimum requirement, adopted for the promotion of the public health, safety or the general welfare. Whenever any requirement of this Ordinance is at a variance with regulations or ordinances, the most restrictive, or that imposing the highest standard, shall govern.

Source: 1988 ZO. Effective 3/15/88

B. Application:

1. The provisions of this Ordinance shall apply to all uses, structures, and lots within the Town of Hill. New Hampshire. No nonconforming use in existence at the time of passage of this ordinance shall be prevented from continuing subject to the provision of Article VI.

Source: 1988 ZO. Effective 3/15/88.

Amended 3/14/96

2. Any use not listed as permitted or as a special exception, shall be prohibited after the effective date of this Ordinance.

Source: 1988 ZO. Effective 3/15/88

ARTICLE IV

General Provisions

The following provisions shall apply in all zoning districts:

A. Definitions:

In this Ordinance the following terms shall have the following meanings:

Source: 1988 ZO. Effective 3/15/88

Alteration Any structural change or rearrangement in the walls, roof, ceiling, floor, beams, columns, exterior architectural features and exit facilities. Alteration

includes the movement of any building, except mobile homes and trailers from one location to another.

Source: 1988 ZO. Effective 3/15/88

Accessory Building A detached, subordinate building located on the same lot as the major building, and the use of which is incidental and subordinate to the main building or use of the land.

Source: 1988 ZO. Effective 3/15/88

Accessory Use A land use located on the same lot which is incidental and subordinate to the main building or use of the land.

Source: 1988 ZO. Effective 3/15/88

Building Any structure having a roof and intended for the shelter, housing or enclosure of persons, animals or property.

Source: 1988 ZO. Effective 3/15/88

Dwelling A building designed or used as the place of residence for one or more families.

Source: 1988 ZO. Effective 3/15/88

Dwelling Unit A dwelling or portion thereof designed or used for one family.

Source: 1988 ZO. Effective 3/15/88

Family One or more persons occupying a dwelling unit and living as a single nonprofit housekeeping unit.

Source: 1988 ZO. Effective 3/15/88

Farm Any parcel of land containing at least ten (10) acres which is used for the raising of agricultural products, livestock, poultry and dairy products, and including necessary farm structures and storage of equipment.

Source: 1988 ZO. Effective 3/15/88

Frontage The length of the lot bordering on a street. Frontage on different streets is not additive for meeting zoning, building or subdivision requirements.

Source: 1988 ZO. Effective 3/15/88

Amended 3/14/06

Home Occupation Any use conducted entirely within a dwelling or an accessory building which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no outside display or storage, nor emissions of dust, noise, fumes, vibration or smoke beyond the lot line. Such use shall be conducted by the occupants of the dwelling with no more than two non-resident employees.

Source: 1988 ZO. Effective 3/15/88

Industry A building or land area in which industrial operations of manufacturing, processing, assembly-packaging, finishing, treating or compounding take place.
Source: 1988 ZO. Effective 3/15/88

Lot A parcel of land occupied or capable of being occupied by one building or use, and the buildings or uses accessory thereto, including such open spaces and yards as are required by this Ordinance. A lot may or may not be the land shown or described as a lot on a recorded deed or plat.
Source: 1988 ZO. Effective 3/15/88

Manufactured Housing/Mobile Home A transportable single family dwelling unit suitable for year-round occupancy having the same water supply, waste disposal and electrical conveniences as immobile houses.
Source: 1988 ZO. Effective 3/15/88

Non-Conforming Use A structure or land that while lawfully occupied by a use, does not conform to the regulations of the district in which it is located.
Source: 1988 ZO. Effective 3/15/88

Parking Space An off-street space available for the parking of one motor vehicle and having an area of not less than 200 square feet exclusive of the necessary internal and access driveways and passageways.
Source: 1988 ZO. Effective 3/15/88

Permanent Foundation (Mobile Homes): A foundation of masonry construction such as brick, cement, concrete, cinder or concrete block on a suitable footing, which must enclose the entire lower perimeter of the mobile home and the mobile home must be securely attached to the foundation.
Source: 1988 ZO. Effective 3/15/88

Planned Unit Development A predominantly residential development of such a scale to allow for conservation of large areas of open space, including land areas for public facilities serving the development, and designed for relative high densities with self-contained public utility systems.
Source: 1988 ZO. Effective 3/15/88

Sign Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag.
Source: 1988 ZO. Effective 3/15/88

Street A public or private thoroughfare which affords the principal means of access to abutting property.
Source: 1988 ZO. Effective 3/15/88

Structure Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground which occupies four or more square feet. Fences and stonewalls shall not be deemed

Town of Hill Zoning Ordinance

structures, providing they are erected wholly within the bounds of the lot to which they service.

Source: 1988 ZO. Effective 3/15/88
Amended 3/9/93

Travel Trailer A trailer is any vehicle or similar portable structure intended for occasional and temporary occupancy and having no foundation other than wheels, jacks, or skirting and not having permanent external connections for running water, sanitary facilities, bath facilities or toilet.

Source: 1988 ZO. Effective 3/15/88
Amended 3/14/96

Trailer or Mobile Home Park A tract of land under single ownership where two or more trailers or mobile homes are parked or a tract of land which is used or intended for the purposes of supplying to the public parking spaces for two or more trailers or mobile homes.

Source: 1988 ZO. Effective 3/15/88

Woodlot A tract of land available for growth and harvesting of trees and tree products including either unmanaged tracts or those managed as tree farms.

Source: 1988 ZO. Effective 3/15/88

Yard A required open space parallel to the lot lines which is open to the sky and unoccupied and unobstructed by any building or buildings.

Source: 1988 ZO. Effective 3/15/88

Yard, Front Any open space between the nearest portion of a building and the front lot or right of way line, whichever is closer, and extending the full width of the lot, or in the case of a corner lot, extending along all streets.

Source: 1988 ZO. Effective 3/15/88
Amended 3/14/06

Yard, Rear A yard extending the full width of the lot and situated between the main building and the rear lot line.

Source: 1988 ZO. Effective 3/15/88

Yard, Side An open space between the building and a side lot line, extending from the front yard to the rear yard. Any yard not a rear yard or a front yard shall be deemed a side yard.

Source: 1988 ZO. Effective 3/15/88

Yards, Depth or Width of The depth of front and rear yards and the width of side yards shall be measured perpendicularly to the respective lot lines.

Source: 1988 ZO. Effective 3/15/88

B. **Signs:**

Town of Hill Zoning Ordinance

Signs shall be permitted as designated below or in other portions of this Ordinance, but all signs shall be subject to the following regulations:

Source: 1988 ZO. Effective 3/15/88

1. Official Town, State, or federal signs shall be exempt from these regulations.

Source: 1988 ZO. Effective 3/15/88

2. No sign shall advertise a business located outside the Town of Hill.

Source: 1988 ZO. Effective 3/15/88

3. No sign shall be placed in a manner that will endanger traffic by obscuring the view, by confusion with official signs, by glare, or by flashing light.

Source: 1988 ZO. Effective 3/15/88

4. No sign using neon or flashing electric light shall be permitted in any zoning district.

Source: 1988 ZO. Effective 3/15/88

5. Two-faced signs shall be considered as a single unit and only one surface shall be considered in determining the area.

Source: 1988 ZO. Effective 3/15/88

6. Signs pertaining to the sale or lease of a lot or building are permitted in any zoning district but shall not exceed a total of six square feet.

Source: 1988 ZO. Effective 3/15/88

7. A permit for each sign over six square feet must be secured from the Board of Selectmen.

Source: 1988 ZO. Effective 3/15/88

C. Mobile Homes:

Mobile homes are permitted on individual lots in both Village and Rural Residential Districts, provided such homes have been manufactured in accordance with the HUD Manufactured Housing Standards, Title VI of the Housing and Community Development Act of 1974 (42 USC 5401) as amended by HUD.

Source: 1988 ZO. Effective 3/15/88

Amended 3/9/93

D. Travel Trailer Parks and Tenting Areas:

Travel Trailer Parks and Tenting Areas will be allowed in accordance with the regulations of the State of New Hampshire and will be allowed only in the Rural Residential District as a special exception, provided, however, that no such special exception may be granted in the Wellhead Protection Overlay District.

Source: 1988 ZO. Effective 3/15/88

Amended 3/13/01

E. Parking:

Adequate off-street parking space will be provided for each use, and will be provided in accordance with the following minimum standards:

Source: 1988 ZO. Effective 3/15/88

1. Residences Two off street spaces for each dwelling unit.
Source: 1988 ZO. Effective 3/15/88
Amended 3/14/96
2. Commercial and Industrial Uses minimum requirement of one off street parking space for each employee.
Source: 1988 ZO. Effective 3/15/88
Amended 3/14/96

F. Floor Area Per Dwelling Unit:

No dwelling unit of any type shall have a total livable floor space of less than 600 square feet.

Source: 1988 ZO. Effective 3/15/88

G. Floodplain Development:

The Hill Floodplain Development Ordinance adopted March 8, 1988, and amended January 3, 2002, is an integral part of this Ordinance. All lands designated as special flood hazard areas by the Federal Emergency Management Agency on the Flood Insurance Rate Map for the Town of Hill, dated April 2, 1986 are governed by the provisions of this Ordinance. (Reference to the Hill Floodplain Development Ordinance amendments dated January 3, 2002)

Source: 1988 ZO. Effective 3/15/88
Amended 3/14/02

H. Barns & Paddocks:

The construction and use of barns or paddocks for the stabling of horses or other livestock is not permitted in the Village or Commercial Districts.

Amended 3/14/00

I. Outdoor Lighting:

1. Purpose: to maintain the rural and historic character of the town, reduce unsafe or annoying lighting conditions and ensure efficient use of lighting.
2. Applicability: All private outdoor lighting.
Exceptions: the following exceptions are permitted provided they do not create a safety hazard:
 - a. seasonal decorative lighting

- b. temporary lighting for construction purposes
 - c. emergency lighting, as may be required by any public agency while engaged in the performance of their duties
 - d. lighting for the United States and State flag. The light source shall have a beam spread no greater than necessary to illuminate the flag and shall be fully shielded.
 - e. municipal street lighting
3. Standards:
- a. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring property.
 - b. Directional fixtures such as floodlights and spotlights shall be so shielded, installed and aimed that they do not project their output into the windows of neighboring residences or properties, adjacent uses, past the object being illuminated, skyward or onto a public roadway or pedestrian way.
4. Grandfathering of nonconforming luminaires
- All luminaires lawfully in place prior to March 15, 2006 shall be grandfathered. However, any luminaire that replaces grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards.

Amended 3/14/06

J. Steep Slopes:

- A. Purpose: The purpose of the steep slope standard is to promote the public health, safety, and general welfare of the town; reduce harmful effects on lands and waters from erosion and stormwater runoff caused by improper or excessive construction, or by effluent from improperly sited sewage disposal systems; and preserve and maintain vegetative cover on steep slopes by controlling and guiding the use of land with slopes greater than 15%. Steep slopes combined with easily eroded soils, which are prevalent in the town, increase the risk of harmful effects from building activities. It is intended that the provision of this standard shall permit those uses of land which can be harmoniously, appropriately and safely located on steep slopes.
- B. Definition and Applicability:
- 1. A steep slope is any area with a slope greater than 15%.
 - 2. Applicability:
 - a. any use, development or structure situated on steeply sloped land.
 - b. any use, development or structure that is only accessible through steeply sloped land.
 - c. Exceptions:
 - 1. any lot existing on March 15, 2006 that does not meet the minimum acreage or frontage is exempt only from the minimum acreage and frontage requirements of this standard.

2. lots or parcels that have sufficient area for construction of a single family dwelling, accessory buildings and septic system in addition to setbacks for yard and where the steeply sloped land will not be affected by development or construction. In addition, a 30 foot buffer zone is required between any structure and the steep slope area.
 3. The zoning board will make the final determination whether the standards apply.
- C. Uses Permitted:
1. Recreation: Steep slope areas may be used for recreation purposes; such as hiking, hunting, cross country skiing and others which do not alter the natural surface configuration or vegetative cover of the land.
 2. Agriculture: Steep slope areas may be used for agricultural purposes which can be and are conducted in a manner consistent with optimum soil conservation practices.
 3. Logging: Logging is permitted subject to the provisions of RSA 149, Section 8-a, minimize soil erosion or long-term damage to the area.
 4. Development: Low density, single-family residential development is permitted if detailed on-site investigation determines that sewage disposal systems and access roads can be constructed and maintained without having an adverse impact upon the ecology of the area. Development is subject to the following requirements:
 - a. The minimum lot size is 6 acres.
 - b. The minimum road frontage required is 400 feet.
 - c. Before any construction or development is begun, the owner shall obtain approval for:
 - i. A plan indicating how the proposed development will adequately provide for stormwater runoff.
 - ii. A plan for maintenance and reclamation of vegetative cover. These plans must be approved by the Planning Board before any building permits can be issued. In addition, the Selectmen may require a performance bond to assure that the approved plans are implemented. These plans are to be recorded on the final plat and deed if a new plat is to be recorded.
- D. Reclamation: In all situations where construction or use has caused a disturbance of the natural terrain or vegetative cover, the site shall be restored as closely as feasible to the original condition by the owner and maintained until conditions are stabilized.

Amended 3/14/06

ARTICLE V

Zoning District Regulations

RURAL RESIDENTIAL DISTRICT (ZONE RR)

Town of Hill Zoning Ordinance

The following regulations shall apply to the RR District: (It shall be mainly a district of farms, residences and woodlands.)

Source: 1988 ZO. Effective 3/15/88

A. Permitted Uses:

- ◆ Farms, excluding pelt ranching and farms raising more than 20 swine.
- ◆ Roadside stands for the sale of farm products.
- ◆ Sawmills and woodlots.
- ◆ Stables and riding academies.
- ◆ Plant nurseries and greenhouses.
Source: 1988 ZO. Effective 3/15/88
- ◆ one dwelling up to three families.
Source: 1988 ZO. Effective 3/15/88
Amended 3/14/96
- ◆ Recreation areas, including day camps without overnight accommodations.
- ◆ Retail sales of antiques, art pieces, crafts and handiwork when an accessory use to residence.
- ◆ Home occupations and professional offices accessory to residences.
- ◆ Accessory uses and buildings.
Source: 1988 ZO. Effective 3/15/88

B. Special Exceptions:

The following uses may be permitted by the Board of Adjustment as special exceptions subject to conditions and provisions of **Article VIII D** if the Planning Board finds the specific site is an appropriate location for such use, and if in each case it has an adequate water supply and sewage system, and meets all applicable requirements of the State:

1. Pelt ranches if located one-half mile from any other zoning district and if raising pens or pelting facilities are at least one thousand feet from any lot.
Source: 1988 ZO. Effective 3/15/88
2. Veterinary hospitals and commercial kennels for keeping 15 or more dogs.
Source: 1988 ZO. Effective 3/15/88
3. Motels, Inns, or Bed and Breakfast facilities provided they are located on a lot of at least five (5) acres, plus 2000 square feet of land per each sleeping unit.
Source: 1988 ZO. Effective 3/15/88
Amended 3/9/93

Town of Hill Zoning Ordinance

4. Hospitals, rest homes and convalescent homes provided they are located on a lot of at least five (5) acres, plus 2000 square feet of land area per each sleeping room or ward.
Source:1988 ZO. Effective 3/15/88
5. Public or private schools provided they are located on a lot of at least five (5) acres, plus 2000 square feet of land area for each sleeping room; have adequate water supply and sewerage, and meet all relevant requirements of the State of New Hampshire.
Source:1988 ZO. Effective 3/15/88
6. Restaurants
Source: 1988 ZO. Effective 3/15/88
7. Lots exceeding 6 acres in size, up to two (2) single-family dwellings could be allowed.
Amended 3/14/00

C. Lot sizes and areas:

1. Lots shall be a minimum of three (3) acres with a minimum 200 foot frontage.
Source: 1988 ZO. Effective 3/15/88

D. Yards:

1. Each lot shall have a front yard not less than 50 feet in depth.
Source:1988 ZO. Effective 3/15/88

2. Each lot shall have side yards not less than 20 feet.
Source: 1988 ZO. Effective 3/15/88
3. Each lot shall have a rear yard not less than 20 feet in depth.
Source: 1988 ZO. Effective 3/15/88
Amended 3/9/93

E. Building Height:

1. Building shall not exceed 2 1/2 stories in height.
Source: 1988 ZO. Effective 3/15/88

VILLAGE DISTRICT (ZONE V)

The following regulations shall apply to the V District: (The district shall be a district mainly of residences and community buildings.)

Source: 1988 ZO. Effective 3/15/88

A. Permitted Uses:

- ◆ Single Family Dwellings - one dwelling per lot
Source: 1988 ZO. Effective 3/15/88
Amended 3/14/06
- ◆ Retail sales of antiques, art pieces, crafts and handiwork when an accessory use to residence.
- ◆ Home occupations professional offices accessory to residences.
- ◆ Accessory uses and buildings.
Source: 1988 ZO. Effective 3/15/88

B. Special Exceptions:

The following uses may be permitted by the Board of Adjustment subject to conditions and provisions of Article VIII and if each case has an adequate water supply and sewage system, and meets all applicable State requirements:

1. Filling stations and automobile repair shops, neighborhood stores, light manufacturing, and other such uses providing neighborhood services where ingress and egress of motor vehicles is approved by the Board of Selectmen as not being likely to endanger vehicular and/or pedestrian traffic.
2. Hospitals, rest homes and convalescent homes provided they are located on a lot of at least two acres, plus 2,000 square feet of land for each sleeping room or ward.
3. Public or private schools provided they are located on a lot of at least two acres, plus 2,000 square feet of land area per each sleeping room.

Source: 1988 ZO. Effective 3/15/88

C. Lot Sizes-and Areas:

Lots shall be a minimum of one acre with a minimum 100 foot frontage, except that, in the case of lots of lesser area or frontage platted and recorded prior to the original adoption of this Ordinance, the platted area and frontage shall be taken to conform with this section.

Source: 1988 ZO. Effective 3/15/88

D. Yards:

Each lot shall have a front yard of not less than 25 feet in depth, side yards of not less than 20 feet and rear yard of 20 feet in depth.

Source: 1988 ZO. Effective 3/15/88

Amended 3/9/93

E. Building Height:

Building shall not exceed 2 1/2 stories in height.

Source: 1988 ZO. Effective 3/15/88

COMMERCIAL DISTRICT (ZONE C)

Any owner or their authorized agent of any proposed commercial use shall submit a Site Plan to the Planning Board. Any change in the current use (s) of commercial property shall be permitted only after a Site Plan Review conducted by the Planning Board.

Source: 1988 ZO. Effective 3/15/88

Amended 3/9/93

A building may be erected, altered or used and a lot may be used or occupied for the following purposes and in accordance with the following provisions

Source: 1988 ZO. Effective 3/15/88

Amended 3/9/93

A. Uses Permitted:

1. Any use permitted in the residential district.
2. Lodging houses, apartment houses, hotels, motels, including such retail business within these permitted buildings as are conducted for convenience of the residents or guests.
3. Shops, restaurants (except drive-in or drive thru restaurants), and other retail establishments.
4. Greenhouses or florists shops.
5. Mortuary establishments.
6. Business or professional offices and banks.

7. Filling stations, automobile repair garages, and uses incidental thereto shall be allowed only by special exception by the Board of Adjustments.
8. Light industry and wholesale establishments shall be allowed only by special exception by the Board of Adjustment.
9. Theaters, halls, clubs, amusement centers, and drive-in or drive-thru restaurants shall be allowed only by special exception by the Board of Adjustment.

Source: 1988 ZO. Effective 3/15/88
Amended 3/9/93

B. Land Requirements

1. There shall be between the nearest right of way and the extreme front of any building a yard having a minimum depth of thirty (30) feet; but said minimum depth may be less than thirty (30) feet if in conformity with the yards of adjoining lots. No building shall be located within ten (10) feet of the side or rear property line. The frontage on designated commercial streets shall be not less than the width of the land required for the structure therefor.
2. A buffer zone of no less than ten (10) feet between any commercial use in the Commercial District abutting another established District shall be required.

Source: 1988 ZO. Effective 3/15/88
Amended 3/9/93

3. The minimum lot size for residential use of land in the commercial district is 1 acre.

Amended 3/14/06

C. Parking

1. Parking requirements for all commercial uses shall be governed by Site Plan Review Regulations.
2. Unless prohibited by either the nature or disposition of the commercial building or causing unnecessary hardship to the owner, on-site parking shall be provided at the rear of commercial buildings.

Source: 1988 ZO. Effective 3/15/88
Amended 3/9/93

D. Residential Density

The population density shall not exceed one family per 5,000 square feet of land area.

Source: 1988 ZO. Effective 3/15/88
Amended 3/9/93

E. Building Height

1. Building shall not exceed two and one half stories in height.

Amended 3/14/96

Wellhead Protection Overlay District

The uses permitted in the Wellhead Protection Overlay District shall be the same uses permitted as a matter of right in the underlying zoning district (i.e., Village, Rural Residential or Commercial). No special exception otherwise allowed by this Ordinance may be approved or granted for the use of any portion of property located within the boundaries of the Wellhead Protection Overlay District.

Amended 3/13/91
Amended 3/14/02

ARTICLE VI

Nonconforming Uses and Structures

Any nonconforming use or structure existing at the time of passage of this Ordinance, may continue in its present use and form, except that any nonconforming use or structure may not be:

Source: 1988 ZO. Effective 3/15/88
Amended 3/14/96

1. **Building Alteration** - Substantially altered except to a conforming use.
2. **Change** - Changed to another nonconforming use: or once changed to a conforming use revert to a nonconforming use.
3. **Abandonment** - Re-establish after abandonment for two years except to a use and structure conforming to the District in which it is located.
4. **Increase** - A structure enlarged and the use extended.
5. **Restoration** - Any such damaged structure shall be removed to clear ground level and put into a safe condition within two years from the date the damage occurred. At any time after expiration of said two-year period, the Board of Selectmen shall cause the damaged structure to be removed and the site placed in a safe condition at the expense of the owner of record thereof.

Source: 1988 ZO. Effective 3/15/88

6. Two or more Contiguous Nonconforming lots may be joined and combined to form a Conforming or to bring a Nonconforming lot closer to conforming status.

Source: 1988 ZO. Effective 3/15/88
Amended 3/9/93

ARTICLE VII

Administration and Enforcement

- A. Duty:** It shall be the duty of the Board of Selectmen and the Board is hereby given power and authority to administer and enforce this Ordinance. In its discretion, the Board of Selectmen may appoint an agent to administer, but not to enforce this Ordinance.

Source: 1988 ZO. Effective 3/15/88

- B. Certificate of Compliance:** The Board of Selectmen or its appointed agent shall issue any and all permits requested under this Ordinance and when such request is in accordance with the provisions of this Ordinance shall issue a zoning certificate of compliance.

Source: 1988 ZO. Effective 3/15/88

- C. Certificate Required:** After passage of this Ordinance, it shall be unlawful to change the nature or extent of the use of any structure or lot, erect and use any structure, sign or building (except a permitted sign under 6 square feet of surface area), in any District without first obtaining a certificate of compliance from the Board of Selectmen or its appointed agent.

Source: 1988 ZO. Effective 3/15/88
Amended 3/14/96

- D. Remodeling:** No permit shall be required under this Ordinance for remodeling or repairing where the purpose for which the building or structure is to be used is not changed, or the building is not enlarged or the use extended.

Source: 1988 ZO. Effective 3/15/88

- E. Enforcement:** The Board of Selectmen shall enforce the provisions of this Ordinance, and shall recover reasonable attorney's fees, as well as all other costs, where they prevail.

Source: 1988 ZO. Effective 3/15/88

ARTICLE VIII

Board of Adjustment

A. Creation: A Board of Adjustment is hereby created and its members shall be appointed by the Board of Selectmen in accordance with, and shall have the terms and powers hereby conferred upon the Board of Adjustment by, the provisions of Chapter 31, N.H. Revised Statutes Annotated, 1955, and as may be amended.

Source: 1988 ZO. Effective 3/15/88

B. Adoption of Rules: The Board of Adjustment shall adopt rules to govern its proceedings in accordance with the provisions of this Ordinance and the provisions of Chapter 31, N.H. Revised Statutes Annotated, 1955, and as they may hereafter be amended.

Source: 1988 ZO. Effective 3/15/88

C. Interpretation: The Board of Adjustment may hear and decide a case where it is alleged there is error in any order, requirement, decision, or determination made by the Board of Selectmen or its appointed agent in the administration of this Ordinance.

Source: 1988 ZO. Effective 3/15/88

D. Special Exceptions: The Board of Adjustment may in appropriate cases, and subject to appropriate conditions and safeguards as determined by the Board, and specified under Article V of this Ordinance, grant a permit for a special exception. The Board, in acting on an application for a special exception, shall take into consideration the following conditions:

1. The proposed use shall be similar to those permitted in the District.
2. The Planning Board has found the site to be appropriate for the proposed use.
3. The use as developed will not adversely affect the adjacent area.
4. There will be no nuisance or serious hazard to vehicles or pedestrians.
5. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
6. The proposed use shall comply with all the frontage, setbacks, minimum land area, sanitary protection, signs, and parking requirements for itself or its most similar use.
7. The Board of Adjustment may not grant a special exception otherwise allowed by this Ordinance for the use of any portion of property located within the boundaries of the Wellhead Protection Overlay District.

Source: 1988 ZO. Effective 3/15/88

Amended 3/13/01

Amended 3/14/02

E. Variances: The Board of Adjustment may authorize a variance from the terms of this ordinance only where the Board of Adjustment finds that all of the following conditions apply.

1. The granting of the variance will not be contrary to the spirit and intent of this Ordinance.
2. The variance is in the public interest.
3. The variance will not diminish the value of surrounding properties.
4. Denial of the variance would result in unnecessary hardship for the property owner seeking it.
5. Denial of the variance would result in injustice.

Source: 1988 ZO. Effective 3/15/88
Amended. 3/8/94

ARTICLE IX

Amendment

This Ordinance may be revised in accordance with the provisions of Chapter 31, N.H. Revised Statutes Annotated, 1955, and as they may be amended.

Source: 1988 ZO. Effective 3/15/88

ARTICLE X

Penalty

Every person, persons, firm, or corporation violating any of the provisions of this ordinance shall be fined not more than twenty dollars (\$20.00) upon conviction for each day such violation may exist.

Source: 1988 ZO. Effective 3/15/88

ARTICLE XI

Saving Clause

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

Source: 1988 ZO. Effective 3/15/88

ARTICLE XII

When Effective

This ordinance shall take effect immediately upon its passage.
Source: 1988 ZO, Effective 3/15/88

ARTICLE XIII

Numbering

The Planning Board shall have the authority to renumber the ordinance after amendments have been passed, so as to make the numbering consistent.
Source: 1993 ZO. Effective 3/9/93

APPENDIX A