

# Emergency Temporary Zoning and Planning Ordinances

## Section 674:24

### **674:24 Definitions. –**

When used in this subdivision the following terms shall have the meanings given to them in this section:

- I. "Frontage" means that portion of a lot bordering on a highway, street or right-of-way.
- II. "Lot" means a parcel of land at least sufficient in size to meet the minimum requirements for use, coverage and area and to provide required yards and other open spaces. An undersize lot is permissible if it passes state standards for soil conditions and substantially meets the requirements here and if in existence on the date of adoption of this ordinance.
- III. "Manufactured housing" means manufactured housing as defined by RSA 674:31.
- IV. "Nonconforming" means use of land, building or premise which is not a use permitted by the provisions of this ordinance for the district in which such land, building or premise is situated.
- V. "Permanent building" means any building resting upon a foundation or otherwise legally defined as "real estate".
- VI. "Permanent resident" means an individual or family using any building continuously as a residence for a period of 6 months or more.
- VII. "Right-of-way" means and includes all present and proposed town, state and federal highways and the land on either side of same as covered by statutes to determine the widths of rights-of-way.
- VIII. "Setback" means the distance between the nearest portion of a building and a lot or right-of-way line, whichever is closer.

**Source.** 1983, 447:1, eff. Jan. 1, 1984.

## Section 674:25

### **674:25 Districting Under Interim Zoning Ordinance. –**

For the purpose of regulating the use of land and the location and construction of buildings, any town adopting the provisions of an interim zoning ordinance shall be considered as one district with the following regulations and restrictions:

- I. It shall be a district of residential agricultural use only. Business, commercial and industrial uses are prohibited in this district except as hereinafter provided.
- II. Two apartments for permanent residents shall be the maximum allowable in any one given building.
- III. Lots shall be at least one acre minimum in size, or larger, depending on soil and slope conditions, as may be suitable to sustain development according to state standards.
- IV. There shall be observed the following setbacks in the construction of new buildings or in the relocation of existing ones:
  - (a) Minimum distance between any building and the edge of a right-of-way shall be 50 feet.
  - (b) Minimum distance from a lot's sidelines to any building shall be 30 feet; providing, however, that small detached accessory buildings may, as a special exception, be approved to within 15 feet of a lot line if the board of adjustment finds this would not be detrimental to the neighborhood.

- (c) Minimum distance from a lot rearline to any building shall be 40 feet; providing, however, that small detached accessory buildings may, as a special exception, be approved to within 20 feet of a lot rearline, upon a finding of no detriment to the neighborhood.
- (d) Maximum height of any building shall be 35 feet, with determination being the vertical distance from the average finished grade surrounding the building to a point midway between the highest and lowest points of the highest roof. Silos, barns and church towers are excepted, as are residential television and radio antennas.
- (e) A deviation of 20 percent is allowed for side and rear setbacks in extenuating circumstances, as shall be recommended by the planning board or the selectmen if there is no planning board.
- V. Home products and produce may be bought and sold and exposed for sale in this district.
- VI. Hotels, motels and tourist homes may be maintained and operated, by special exception, provided that there be adequate parking and traffic provisions, that health standards be maintained, and that there be no detriment to the neighborhood.
- VII. Private schools, nursing homes and sanitariums may be maintained by special exception, provided that there be adequate parking and traffic provisions, that health standards be maintained, and that there be no detriment to the neighborhood.
- VIII. No building or set of buildings shall occupy more than 30 percent of its lot, nor shall it occupy more than 60 percent of its frontage if its front yard is less than 100 feet deep.
- IX. No building, residence, or manufactured housing may be located anywhere in this district unless it meets all of the area and yard requirements of a residence in this district.
- X. For the purpose of this ordinance, outdoor advertising shall be classified as commercial use and shall be permitted only if conforming to the following regulations:
- (a) An outdoor sign shall not be larger than 6 square feet.
- (b) It shall not be placed within 25 feet of a right-of-way nor within 150 feet of an intersection of a right-of-way unless affixed to a building and not extending beyond or above the same by more than 3 feet.
- (c) Illumination shall be only by continuous nonflashing noncolored light.
- (d) A permit for erection shall be procured from the building inspector, where present, and at the usual fee in accordance with the normal procedures in the community.
- XI. Cluster development shall be permitted if the density does not exceed the provisions of paragraph III and if all other provisions of RSA 674:25-29 apply.

**Source.** 1983, 447:1, eff. Jan. 1, 1984.

## **Section 674:26**

### **674:26 Agricultural Use Under Interim Zoning Ordinance. –**

"Agricultural use" shall mean land used for agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, silviculture and animal and poultry husbandry. Any such uses are permitted under an interim zoning ordinance except as restricted below:

- I. The slaughtering of animals or poultry, except such as are raised for use of an owner or occupant; and the raising of animals or poultry or both for commercial purposes are permitted only as exceptions and subject to the following regulations:
- (a) A lot shall be 8 acres or more in area.
- (b) Each lot shall have at least 500 feet in frontage if adjacent to a right-of-way.
- (c) A building for these purposes shall be placed at least 100 feet from any right-of-way.

(d) A building shall be located at least 200 feet from side or rear lines.

(e) Before approval by the board of adjustment, a public hearing shall be held with at least 15 days' notice of the time and place of the public hearing published in a paper of general circulation in the town or village district and with a legal notice thereof posted in at least 3 public places in the town or village district.

II. The proposed use shall not be approved if the board finds that it will cause hazard to health, property values or safety through fire, traffic, unsanitary conditions or through excessive noise, vibration, odor or other nuisance feature.

**Source.** 1983, 447:1, eff. Jan. 1, 1984.

## **Section 674:27**

### **674:27 Commercial Exceptions Under Interim Zoning Ordinance. –**

Business, commercial or industrial ventures other than those mentioned in RSA 674:25 or 674:26 may be given special exception by the board of adjustment upon submission and approval of a site plan; provided, however, that the following regulations and restrictions shall be observed:

I. No business, commercial or industrial venture or use shall be permitted which could cause any undue hazard to health, safety or property values or which is offensive to the public because of noise, vibration, excessive traffic, unsanitary conditions, noxious odor, smoke or other similar reason.

II. Sufficient acreage shall be included to allow the following setbacks:

(a) In the front, not less than 75 feet from a right-of-way to any building or parking lot having both an exit and an entrance and with grass or beautification in the buffer area.

(b) Side and rear: Not less than 50 feet from a building or parking lot to the lot line.

(c) Sufficient off-street parking to allow 300 square feet for each 3 anticipated patrons or employees on premises at the same time. In the case of service establishments, one car shall be deemed to contain 4 patrons.

III. On-premise advertising signs in connection with businesses receiving approval shall be exempt from the provisions of RSA 674:25, X and shall be considered as part of the application for commercial exception. They shall be limited to not more than 20 square feet in size and may be illuminated only by noncolored, nonflashing lights. Location may not be within any right-of-way nor within 150 feet of any intersection unless attached to a building.

IV. Before mining, excavation, or removal of soil, rock, sand or gravel or similar material, a special exception shall be received from the board of adjustment, subject to the usual fee permit. Excavation of earth shall be made in accordance with RSA 155-E.

V. All known abutters of any proposed business, commercial, or industrial site shall be notified by the board of adjustment by verified mail, as defined in RSA 451-C:1, VII, at least one week prior to any public hearing regarding the site. The names and addresses of the known abutters shall be supplied by the applicant on a plat plan to be submitted to the board of adjustment.

**Source.** 1983, 447:1, eff. Jan. 1, 1984. 2017, 59:1, eff. Aug. 1, 2017.

## **Section 674:28**

**674:28 Nonconforming Buildings, Land, or Uses Under Interim Zoning Ordinance. –**

I. All nonconforming properties in active use when an interim ordinance is passed and adopted may continue indefinitely in their present use.

II. Any and all nonconforming property may be altered and expanded as the business and conditions warrant; providing, however, that any such expansion does not make any existing conforming structure nonconforming within the terms of the interim ordinance; nor shall such expansion bring any building within 35 feet of an abutter's building; nor shall the height exceed the limits as defined in RSA 674:25, IV, (d); nor shall the use of such property be materially altered in purpose.

III. Any and all nonconforming property which is partially or totally destroyed by reason of obsolescence, fire or other act of God may be restored, remodeled and operated if done within 2 years; providing, however, that proximity to a lot line or right-of-way may be no nearer than the lesser of the original building and the setbacks defined in RSA 674:25, IV, (a)-(c), and the height does not exceed the limits set forth in RSA 674:25, IV, (d).

**Source.** 1983, 447:1, eff. Jan. 1, 1984.

**Section 674:29**

**674:29 Board of Adjustment and Administrative Provisions Under Interim Zoning**

**Ordinance. –** In any town in which an interim zoning ordinance has been adopted, and while it remains in effect, the board of selectmen shall be the appointing authority for the zoning board of adjustment and shall appoint the first such board forthwith, upon the adoption of interim zoning. Such board shall have all the powers and jurisdiction and be subject to all the duties, requirements and other provisions applicable to zoning boards of adjustment under RSA 673. The board of selectmen, if no building inspector exists, shall act jointly as the building inspector and administrative officer charged with enforcement and may issue building or use permits in the first instance if clearly permitted by law. The applicable provisions of RSA 677 shall govern motions for rehearing, appeals, enforcement, and interpretation. In addition to other remedies, any person convicted of violation of the provisions of RSA 674:25-29 by a court of competent jurisdiction shall be subject to a fine of not more than \$50 for each offense. Each day the violation continues shall constitute a separate offense.

**Source.** 1983, 447:1, eff. Jan. 1, 1984.