

TOWN OF CROYDON ZONING ORDINANCE

TOWN OF CROYDON PLANNING BOARD

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To be adopted by the
Town of Croydon by
Special town meeting
on August 8, 1989

TOWN OF CROYDON ZONING ORDINANCE

ARTICLE I

- A. **Preamble** – Pursuant to the authority conferred by RSA 674:16, for the purpose of promoting the health, safety and the welfare of the Town of Croydon, the following ordinance is hereby enacted by the voters of the Town of Croydon, New Hampshire.
- B. **Title** – This ordinance shall be known and may be cited as the “Croydon Zoning Ordinance of 1989” hereinafter referred to as “this Ordinance”.

ARTICLE II

- A. **Districts** – For the purpose of this Ordinance the Town of Croydon is divided into the following three (3) zoning districts hereinafter referred to as “districts” or “Zones”, as follows:

Conservation District	(Zone C)
Rural Residential District	(Zone RR)
Village District	(Zone V)

- B. **Zoning Map** – The Zoning districts listed above are bounded as shown on the map entitled “Croydon Zoning Map of 1989” which map is attached hereto and made a part of this Ordinance and is hereinafter referred to as the “Zoning Map”. The official Zoning Map of the Town of Croydon, to be used to determine exact district boundaries as drawn to a scale of one thousand (1,000) feet to the inch, and shall be certified as the official Zoning Map of Croydon by the Town Clerk upon adoption or amendment of this Ordinance, and filed with the Town Clerk.
- C. **Boundaries** - Where appropriate and unless otherwise indicated, zoning district boundaries shown on the Zoning Map are the center lines of street, roads and railroad and power line rights of way, the middle of the channel of waterways or other bodies of water, or the town boundary. Where boundaries are so indicated that they parallel the centerline of highways or streets, such boundaries are parallel thereto at the distances therefrom shown on the Zoning Map. Any boundary within 10 feet of a property line shall be considered to be coincident with the property line.

Where no dimension is given on the Zoning Map, distances shall be determined by use of the scale on the Map. In any instance in which there is doubt as to the location of a district boundary, the Board of Adjustment shall determine the location of such boundary pursuant to the intent of this Ordinance and the Zoning Map.

- D. **Lots in More than One District** – Where the boundary line of a zoning district divides a lot in single ownership at the time of passage of the Zoning Ordinance, the owner may extend a use permitted in the less restrictive district into the more restricted portion of the lot for a distance of not more than seventy-five (75) feet.
- E. Where the boundary line of a zoning district divides a lot in single ownership at the time of passage of the Zoning Ordinance and the owner proposes to subdivide that lot, the owner may at his option, satisfy the lot size requirements for uses within the less restrictive district from that portion lying in the more restrictive district if :
1. At least fifty (50) percent of the total lot area lies within the less restrictive district; and
 2. The land area remaining in the more restrictive district will conform to the lot size requirements of the more restrictive district; and
 3. Construction of any structures shall conform to requirements of the less restrictive district.

ARTICLE III

Interpretation and Application

- A. **Interpretation** - The provisions of this Ordinance shall be interpreted as minimum requirements adopted for the promotion of the public health, safety, morals and the general welfare. Whenever any requirement of this Ordinance is at variance with the requirements of any other lawfully adopted rule, regulation, or ordinance, the most restrictive, or that imposing the highest standard, shall govern.

B. Application -

1. The provisions of this Ordinance apply to all uses, structures, and lots within the Town of Croydon. If a use or structure is not in conformity with the provisions of this Ordinance on the effective date of this Ordinance, it may continue to exist subject to the provisions of Article VI.
2. Any use not listed as permitted, or permitted as a special exception, is prohibited after the effective date of this Ordinance, except existing nonconforming uses permitted pursuant to Article VI.

ARTICLE IV

General Provisions

- A. **Definitions** – In this Ordinance the following terms have the following meanings:

Alteration – Any structural change or rearrangement of the structural parts of a building, or the enlargement of a building whether by extension of any side, or by increase in height. Alteration includes the movement of a building from one location to another, but does not include ordinary repairs.

Accessory Building - A subordinate building incidental to and on the same lot occupied by the main building or use.

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

Building - Any structure or portion thereof having a roof and intended for the shelter, housing or enclosure of persons, animals or chattels.

Campground - A parcel of land with specific sites, either with or without water, electricity and sewage hookups, with provision for the pitching of tents or the parking of any vehicle or trailer designated to be used as sleeping quarters on an overnight basis. Recreation camping is overnight, transient, camping and shall not be construed as being basis for residency or homestead. Any occupation shall be limited to a maximum stay of thirty (30) days or less.

1. A recreational camping park shall have an area of not less than five (5) acres.
2. Each tent, recreation vehicle or trailer space shall be at least 1,800 square feet in area and at least thirty (30) feet in width and shall have a suitable parking area of at least ten (10) feet in width and twenty (20) feet in depth.
3. A strip of land at least fifty (50) feet in width shall be maintained as a landscaped area abutting all recreational camping park property lines.
4. Every recreational camping park shall have a dumping station for sewage disposal, meeting all applicable state and local laws and regulations. The water supply source must meet all local state regulations.
5. Each recreational camping park shall provide one or more service buildings containing flush-type toilets. Separate toilet areas shall be provided for males and females in accordance with all applicable state and local laws.

Toilet rooms shall contain one lavatory with running water for each two toilets, but in no case shall any toilet room be without at least one lavatory with running water.

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

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

Family – (1) A single individual, doing his own cooking and living upon the premises as a separate housekeeping unit; or (2) a collective body of persons doing their own cooking living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, adoption of employment as domestic servants; or (3) a group of not more than five (5) unrelated persons doing their own cooking and living together on the premises as a separate housekeeping agreement.

Flood – Inundation from rising waters or from the overflow of streams, rivers, or other bodies of water, or other severe storms or deluge.

Flood Plain – The area of land lower in elevation than the land-water boundary along a watercourse or other body of water flowing at its 100 year frequency and /or those soils classified by the National Cooperative Soil Survey as “soils subject to flooding”.

Flood Proofing – A combination of structural changes and adjustments to properties subject to flooding primarily for the reduction of elimination of flood damages.

Frontage – The distance along a lot line of a private or public street, county, or state highway, or town road.

Home Occupation – Any use of a professional or service character, including related limited sales, conducted entirely within a dwelling or an accessory building which is clearly incidental and secondary to the use of the dwelling and does not change the character thereof nor employ more than one (1) non-family member on a full time basis, or two (2) non-family members on a part time basis.

Junk Yards - No person, firm or corporation shall keep or maintain within the limits of the town, any junk yard, dump of any other matter upon his or its premises, or permit or allow the same to be so kept, used or maintained, so near to any highway, park, street or alley or other public place, or adjoining or abutting any land owned or occupied by another person, firm, or corporation so as to be offensive to the use and enjoyment of the public of said highway, park, street or alley or any other public place; or a menace to public health; or so as to be offensive to the use, occupation and enjoyment of said adjoining or abutting premises by its owners or occupants or in such a manner that the contents of said junk yard, junk, or other offensively used premises are discharged upon any highway, park, street or alley or other public place, or upon the land of any person, firm or corporation.

A short-term variance of ninety (90) days may be obtained from the Board of Adjustment in order to accommodate near turn needs.

Lot - Any parcel of land which may be legally conveyed by the owner thereof without applying for subdivision of such parcel from a larger parcel of land, and occupied or capable of being occupied by one building or use, in conformance with the requirements of this Ordinance.

Mobile Home – Any structure fitted with or capable of being fitted with wheels, rollers or skids and used for or constructed as a dwelling or a sleeping place for one or more persons.

Mobile Home Park – The following standards shall apply to all mobile home parks and to all mobile homes in such parks:

1. No mobile home park shall be constructed on less than five (5) acres of land.
2. A minimum of 15,000 square feet shall be required for each mobile home lot.
3. Each mobile home lot shall be provided with at least one off-street automobile parking space of 200 square feet, (two spaces recommended).
4. A usable area of at least 1,500 square feet per mobile home lot shall be set aside and maintained within the mobile home park as common areas for joint use of all occupants of the park.
5. Within the minimum five-acre mobile home park requirement, but in addition to all common areas, an attractive buffer strip shall be provided and maintained along all boundary lines and public roads, such space shall not be built upon, paved or used for parking.
6. All mobile homes shall have access to a private well-drained roadway within a minimum width of eighteen (18) feet, to be maintained by the mobile home park owner.
7. Utilities including water, sewage disposal, and electricity shall be provided by the mobile home park owner. The water and sewer facilities shall be designed by a Sanitary or Civil Engineer in conformance with all local and state regulations.
8. A mobile home shall be located on the mobile home space so that it is at least twenty (20) feet from the right-of-way of the interior road and fifteen (15) feet from any other interior lot line of the mobile home space.

Motel – A building or buildings containing units consisting of a room or suite or rooms with a separate entrance and its own toilet facilities, and offered or to be offered as sleeping accommodations for transient guests for compensation, either with or without a dining room or other eating facilities.

Neighborhood Store – Any use for the sale of new goods such as groceries, newspapers and magazines, personal care items, drugs and similar family consumers goods which is operated by a family similar to a home occupation employing not more than one non-family member in its operation. Such a neighborhood store shall not be over 3,000 square feet in area and shall be intended to primarily serve the neighborhood in which it is located.

Nonconforming Use – A structure or use of land that does not conform to the regulations of the zoning district in which it is located.

Offices – A building or buildings containing the facilities where the business of a commercial, industrial, service, or professional organization is transacted. This shall include such office uses as legal, medical, dental, accounting, architecture, advertising, graphic design, investment firm, planning, surveying, engineering, drafting, library, scientific research, real estate and insurance, and office type functions of business exclusive of any on-premise manufacturing, assembling, distribution and sale of goods.

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 driveway and passageways.

Sign – A device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public.

Street – A public thoroughfare, highway, street, road or avenue, lawfully existing and maintained for vehicular travel by the Town of Croydon and/or State of New Hampshire.

Structure – Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

Woodlot – A parcel of land used for growth and harvesting of trees and tree products, including either un-managed tracts or those managed as tree farms.

B. Streambelts

No construction for human habitation shall be permitted within one hundred (100) feet of the center line of any stream or intermittent stream as shown on the soil survey map of Croydon, New Hampshire, prepared in 19 - 1973 by the United States Department of Agriculture, Soil Conservation Service. A copy of the aforesaid map is on file with the Croydon Planning Board.

C. Signs

Business signs shall be permitted in connection with any legal business or industry located on the same premises, if they meet the following requirements:

1. Two signs are permitted for any legally established business, one free standing and the other attached to the building.
2. Signs are not to exceed thirty-two (32) square feet or, in the case two signs are erected their combined square footage shall not exceed sixty-four (64) square feet.
3. Signs shall not extend above the roof or parapet of the building. The top of a free standing sign shall not exceed twenty (20) feet from the ground.
4. Illuminated signs shall be shielded in such a way so as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic.
5. Signs shall not project over public rights of way or property lines.
6. Any sign which comes into disrepair must be removed upon order of the Board of Selectmen if not repaired after thirty (30) days notice. Any new sign erected must conform to all regulations.
7. Signs off site may be permitted by the Zoning Board of Adjustment for businesses, churches or service organizations located in Croydon only if necessary for directional purposes.

D. **Agriculture**

General farming, including horticulture, dairying, livestock, poultry raising and other agricultural uses, is permitted in any district.

E. **Extraction of Soil, Sand, or Gravel**

The commercial removal of soil, sand or gravel for sale, except when incidental to construction of a building on the same premises shall be permitted only as discussed in the Excavation regulations for the Town of Croydon, New Hampshire. Copies are available at the Town Clerk's Office.

F. **Front, Side & Rear Yard Setbacks**

There shall be a minimum distance between one building and the edge of any private or public street or roadway, right of way of thirty-five (35) feet. No building, water supply well, septic tank or leach field shall be located within thirty-five (35) feet of any boundary of the lot on which it is located.

G. **Parking**

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

1. **Residential Use** – Three off-street parking spaces for each dwelling unit.
2. **Commercial Use** – One square foot of off-street parking space for every square foot of floor space.
3. **Public Assembly** – Any church, theater, auditorium, hall, restaurant or any other place of public assembly, shall have provision for one off-street parking space for ever four seats.
4. **Motels** - One and one half (1 ½) for each lodging unit.

H. Building Height

No new buildings except windmills, silos, barns and church towers shall be constructed to a height of more the 2 ½ stories or 35 feet above average ground level, at the site, whichever is less, nor shall any existing building be altered or modified so as to increase its height to more the 2 ½ stories or 35 feet above average ground level.

I. Penalties and Fees

All penalties and fees payable pursuant to this Ordinance shall be paid to the Treasurer of the Town of Croydon for the use of the Town.

J. Service Stations

1. An auto service station lot shall not be located within three hundred (300) feet of any lot occupied by a school, library or religious institution.
2. Lot size shall be at least sixty thousand (60,000) square feet.
3. Lot frontage shall be at least two hundred (200) feet, and lot depth shall be at least two hundred (200) feet.
4. Pumps, lubricating and other service devices shall be located at least thirty (30) feet from the front line and side and rear lot lines.
5. All fuel and oil shall be stored at least thirty-five (35) feet from any property line.
6. All automobile parts and dismantled vehicles are to be stored within a building, and no major repair work is to be performed outside a building.
7. There shall be not more than two access driveways from any road. The maximum width of each access driveway shall be fifty (50) feet.

K. Travel Trailers Storage

An unoccupied travel trailer may be parked or stored in the rear or side yard of a residential lot.

L. Hazardous Property

No owner or occupant shall permit fire or other ruins to be left, but shall remove the ruins within one year. All wells must be filled or permanently covered.

M. Public Utility Substations

Public utility substations and similar utility structures, where permitted, shall comply with the following:

1. Facilities shall be surrounded by a fence set back from the property lines in conformance with the district regulations for front, side and rear yards.
2. A landscaped area of at least twenty-five (25) feet wide shall be maintained in front, rear and side yards.

N. Driveway and Woodroad Construction

The juncture of any new driveway or wood road with a Town right of way must be constructed in a manner consistent with safe vehicular travel and the prevention of damage by soil erosion. Prior to connecting any driveway or wood road to a Town right of way, the landowner shall apply for a permit from the Planning Board. Before issuing a permit, the Planning Board shall determine that the proposed juncture does not create a traffic hazard or an unacceptable risk of damage through erosion.

O. Special Minimum Lot Size Provisions

In the Rural Residential District, notwithstanding any other provisions of this ordinance, a lot of record at the time of the adoption of this ordinance that exceeds the lot acreage requirement by at least two (2) acres may be divided with one of the resulting lots having a minimum lot area of two (2) acres and a lot of record at the time of adoption of this ordinance that exceeds the lot

acreage requirements by at least four (4) acres may be divided with two of the resulting lots each having a minimum lot of two (2) acres. Any other lot created by subdividing under the requirement of the district in which the lot is located. Each of the resulting lots shall meet all local and state health regulations for sewage disposal. Any two (2) acre lots created under the provisions of this section shall be used only for a single family dwelling and accessory uses and buildings to the single family dwelling. Any lot of less than three and one-half (3 ½) acres created under the provisions of this section shall have a minimum frontage of two hundred (200) feet or the distance required to obtain reasonable access to the lot, whichever is greater.

ARTICLE V

Zoning District Regulations District Boundaries Defined

A. Conservation District (Zone C)

1. All lands within the Corbin Park boundaries, as designated upon the date of approval of this ordinance.
2. All lands within the boundaries of the YMCA property as designated upon the date of approval of this ordinance.
3. The wetland within the Lyme Timber Company's land located adjacent to Old Route 10.

1. Permitted Uses

- a) Woodlots and tree farms
- b) General farming and agriculture, including horticulture, dairying, livestock and poultry farming.
- c) Accessory uses and buildings.

B. Rural Residential District (Zone RR)

All land not included in Village or Conservation District.

The following regulations apply to the RR Districts. They are mainly districts of farms, residences and woodlands.

1. **Permitted Uses:**

- a) Single family dwellings or two family dwellings, owner occupied.
- b) Sales of agricultural or woodland products produced on the premises or related types of products.
- c) Home occupations and professional offices accessory to residences and sales of any produce resulting from any such home occupations.
- d) Retail sales of antiques, art pieces, crafts and handiwork when an accessory use to a residence.
- e) Accessory uses and buildings.
- f) Any use allowed in Zone C.

2. **Special Exceptions**

The following uses may be permitted by the Board of Adjustment as special exceptions if the Board finds the specific site is an appropriate location for such use, and has or can be furnished with a adequate water supply and sewage system, and meets all applicable requirements of the State of New Hampshire:

- a) Campgrounds, provided they are in conformance with all applicable state and local regulations.
- b) Summer camps for children.
- c) Outdoor recreation areas and facilities either with or without overnight accommodations.
- d) Stables and trails for horseback riding.
- e) Cemeteries.
- f) Schools.
- g) Saw Mills.
- h) Offices, photo and artist studios, veterinarians, funeral parlors, country inns in existing buildings, tourist homes in existing buildings, and neighborhood stores.
- i) Mobile home parks.

3. **Lot Frontage and Area:**

Each lot shall have a minimum frontage of 200 feet (or the distance required for reasonable access to the lot, whichever is greater) and an area of at least three and one-half (3 ½) acres. Lots may have less or more frontage if the said lot is provided with a fifty (50) foot private right of way serving no more than two (2) lots and is not longer than three hundred and fifty (350) feet.

Additional Requirements

Only one permanent residential structure shall be allowed on each lot.

C. **Village District (Zone V)**

a) Croydon – East Village

Beginning at the intersection of the centerline of Route 10 North and the centerline of Sugar River; Northwestery 700 feet; Southwesterly and running parallel to the centerline of Route 10 for 1.6 miles; southeasterly 1400 feet; North and parallel to centerline of Route 10 for 1.6 miles; Northwestery 700 feet to point of beginning.

Beginning at the intersection of the centerlines of Route 10 and Loverin Hill Road; Southeasterly along the centerline of Route 10 for a distance of 700 feet, northwesterly for a distance of 2,000 feet with the southeasterly boundary located 700 feet from the centerline of Loverin Hill Road at all points; northeasterly 1,400 feet; southeasterly 2,000 feet to centerline of Route 10 with the northeasterly boundary located 700 feet from centerline of Loverin Hill Road at all points; southeasterly along centerline of Route 10 to point of beginning.

b) Croydon Flat

Area formed by a 360 degree ½ mile radius with center point located at the intersection of the centerlines of Route 10 and Sugar River.

The following regulations apply to the V Districts. They are mainly districts of residences, commercial establishments, community buildings and neighborhood businesses.

1. **Permitted Uses:**

- a) Any use permitted in the C, RR Zones
- b) Neighborhood stores for the retail sale of new goods
- c) Neighborhood service establishments, including appliance repairs, clothes cleaners, self service laundries and barbers
- d) Tourist homes in existing buildings
- e) Owner-occupied two family dwellings
- f) Apartments constructed by interior alterations to an existing building
- g) Offices, banks
- h) Indoor theaters and other places of public assembly
- i) Manufacture of goods for retail sale on the premises, including bakeries, print shops and newspapers
- j) Antique shops
- k) Restaurants
- l) Community buildings
- m) Accessory buildings and uses
- n) Churches, auditoriums and other buildings for public assembly

Additional Requirements

Only one permanent residential structure shall be allowed on each lot.

2. **Special Exceptions**

The following uses may be permitted by the Board of Adjustment as special exceptions if the Board finds the specific site is an appropriate location for such use, and has, or can be furnished with, an adequate water supply and sewage system, and meets all applicable requirements of the State of New Hampshire:

- a) Filling stations and automobile repair shops where ingress and egress of motor vehicles as not being likely to endanger vehicular and/or pedestrian traffic, and the building design conforms with the planned development of the district.
- b) 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.

- c) Public or private schools provided they are located on a lot of at least two acres, plus 2,000 square feet of land for each sleeping room.
- d) Motels, provided they are located on a lot of at least two acres plus 2,000 square feet of land area for each sleeping room.

3. **Lot Frontage and Area**

Each lot shall have a minimum frontage of 100 feet (or the distance required to provide reasonable access to the lot, whichever is greater) and an area of at least one acre or as required by the State Board of Health.

ARTICLE VI

Nonconforming structure or use of lot existing on the effective date of this Ordinance may be continued, except that:

- 1. A nonconforming structure or use may not be changed to a different nonconforming structure or use.
- 2. A nonconforming structure or use may be altered provided the structure is not substantially enlarged or the use substantially extended.
- 3. A nonconforming structure may be replaced by a nonconforming structure provided the replacement is of the same general size and character as the original structure.
- 4. A nonconforming structure or use which has been abandoned or discontinued for one year may not be re-established unless such structure or use is made to conform to the requirements of this Ordinance.
- 5. A lot of land in existence as of the effective date of this Ordinance which does not meet the frontage and area requirements of this Ordinance need not comply with such frontage and area requirements.

ARTICLE VII

Prohibited Uses

1. **Uses not Permitted:** In all districts the following uses are not permitted:

Junk yards, machinery wrecking yards; above ground commercial bulk storage processing of goods or materials.

ARTICLE VIII

- A. **Administrator** - The Selectmen of the Town of Croydon are hereby empowered and authorized to administer this Ordinance.
- B. **Certificate of Compliance or Permit Required** – On and after the effective date of this Ordinance, it shall be unlawful to change the nature or extend of the use of any structure or lot, erect any structure, sign or building, or relocate any building (except an accessory farm building, or a structure not for human occupancy) in any district without first obtaining a certificate of compliance or a permit from the Selectmen.
- C. **Certificate of Compliance** – The Selectmen shall view the area site of each proposed change or extension of the use of any lot or structure, and shall review any plans, maps or diagrams describing the proposed use, and if such proposed use is a permitted use under this Ordinance, they shall issue a certificate of compliance upon payment of the applicable fee.
- D. **Permits** – After approval of authorization as required by this Ordinance, the Selectmen shall issue any permit required by this Ordinance, upon payment of the applicable fee.
- E. **Remodeling** – No permit is 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. (But see the Croydon Building Code).
- F. **Enforcement** – The Board of Selectmen shall enforce the provisions of this Ordinance, and shall be entitled to recover reasonable attorney’s fees, as well as all other costs, where they prevail.

- G. **Fee** – Before a certificate of compliance or a permit may be issued the applicant shall pay a fee of two dollars (\$2.00).

ARTICLE IX

Board of Adjustment

- A. **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 RSA Chapter 31, as amended.

1. The Board of Adjustment shall consist of five members appointed by the Town Moderator from a list of nominees containing at least two names for each position to be filled presented jointly by the Planning Board and the Board of Selectmen. Each member shall be appointed for a term of five years, and one member shall be appointed annually. In the event a vacancy occurs on the Board, the Moderator shall fill such vacancy by appointing a member to fill the unexpired term from a list of nominees submitted to him by the Planning Board. Each member shall hold office until a successor has been appointed and qualified, unless sooner removed. Members shall serve without compensation.

In the first instance the members of the Board of Adjustment as it is presently constituted shall continue to serve for the balance of the terms to which said members were appointed pursuant to the Town of Croydon Zoning Ordinance dated March, 1955.

2. The Planning Board and Board of Selectmen shall also present to the Moderator in the same manner a list of nominees for the positions of alternate members of the Board of Adjustment as provided in RSA 31:67-a. In the first instance the Town Moderator shall appoint from the list of nominees five (5) alternate members, one of whom shall serve a term on one year, one of whom shall serve for a term of two years, one of whom shall serve for a term of three years, one of whom shall serve for a term of four years, one of whom shall serve for a term of five years.

Therefore, one alternate shall be appointed annually in the same manner to serve for a term of five years. Vacancies, including vacancies arising as a result of the appointment of an alternate as a regular member, shall be filled in a like manner for the unexpired term.

B. **Interpretation** – The Board of Adjustment may hear and decide a case where it is alleged that there is error in any order requirement, decision, or determination made by the Board of Selectmen in the administration of this Ordinance.

C. **Special Exceptions**

1. **General Provision:**

Certain uses of land and buildings may be allowed as a special exception only by approval of the Board of Adjustment, if the standards contained in this ordinance are complied with. Before allowing such special exception, the Board of Adjustment shall first determine that the proposed use will conform to such requirements as the following.

- a). **Required Plan.** A plan for the proposed development of a site for a special exception shall be submitted with the application and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, and any other pertinent information that the board may deem necessary to determine if the proposed use meets the requirements of this ordinance.
- b) **Expiration.** A permit for a special exception shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than one year for any reason, and a new application shall be submitted for restoration for such special exception.
- c) **Existing Violations.** No permit shall be issued for a special exception unless the granting of a special exception will correct the violation.

d) **Criteria for a Special Exception.** In order for a special exception to be granted the proposed use shall not adversely affect:

- (1) The capacity of existing or planned community facilities;
- (2) The character of the area affected;
- (3) Traffic on roads and highways in the immediate vicinity;
- (4) Town services and facilities.

1. **Conditions Applicable to Special Exceptions:**

If deemed necessary to protect the best interests of the surrounding property, the neighborhood, or the town as a whole, the Board of Adjustment shall impose conditions in granting a special exception. These conditions may include the following.

- a) Increasing the required lot size or yard dimensions in order to protect the adjacent properties.
- b) Limiting the coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent properties.
- c) Controlling the location and number of vehicular access points to the property.
- d) Increasing the street width adjacent to the property.
- e) Increasing the number of on-site, off-street parking or loading spaces required.
- f) Limiting the number, location and size of signs on-site.
- g) Requiring suitable on-site landscaping and screening where necessary to reduce noise and glare and to maintain the property in character and keeping with the surrounding area.
- h) Specifying a time limit for initiation and completion of construction, alteration, or enlargement of a structure to house an exception.
- i) Providing for specific layout of facilities on the property such as location of the building, parking areas, access to the building, parking areas, access to the building so as to minimize effect on adjoining property.
- j) Modification of the design of any building involved in the proposed use.

- k) Limitation of the number of occupants or employees upon the premises, and restrictions of the method and/or time of operation and use.
- l) Requiring that any future enlargement or alteration of use be accomplished only with the approval of the Board of Adjustment.
- m) Specifying standards for operation of this special exception so that it will be no more objectionable to the neighborhood by reasons of noise, odors, vibrations, flashing light, or hours of operation than will be the operation of a permitted use at that site.
- n) Requiring such additional, reasonable conditions and safeguards as it may deem necessary to implement the purpose of this ordinance and to protect the best interest of the surrounding property and the neighborhood.

D. **Variance** - The Board of Adjustment may authorize the issuance of a permit for a variance from the terms of this Ordinance only where the Board finds that all of the following conditions apply:

1. There are special circumstances or conditions applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the property in questions, or exceptional topographical conditions), which are peculiar to such land or structure, and the application of the requirements of this Ordinance will deprive the owner of such property of a reasonable use of it, and will impose upon such owner a hardship not shared by the owners of other property in the same district.
2. The variance as authorized is the minimum variance that will grant reasonable relief to the owner and is necessary for a reasonable use of the land or structure.
3. The granting of the variance will be in harmony with the general purposes and intent of this Ordinance, and with the convenience, welfare, and character of the district within which it is proposed, and will not be injurious or otherwise detrimental to the public welfare.

E. **Fees** – Each application for a Special Exception or a Variance shall be accompanied by payment of a fee of twenty dollars (\$20.00).

ARTICLE X

Amendment

This Ordinance may be amended in accordance with the provisions of RSA Chapter 31, as amended.

ARTICLE XI

Penalty

Every person, firm, or corporation violating any of the provisions of this Ordinance, shall be fined not more than one hundred dollars (\$100.00) for each day that such violations exists.

ARTICLE XII

Saving Clause

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

ARTICLE XIII

Effective Date

This Ordinance takes effect immediately upon its passage.