

Notice of Public Hearing to Amend Land Use Ordinance

January 19, 2023 @ 6:30 PM

Town Hall
(Downstairs)

A Public Hearing by the Planning Board concerning a Select Board proposal to amend the Town's Land Use Ordinance will be held downstairs in the Town Hall on January 19 at 6:30 PM. The intent of the amendment is to simplify and shorten the language used in the current ordinance, and to ensure that the use of tents, campers, and other recreational and temporary housing is safe, sanitary, and does not endanger either people or the Town's land and water resources.

The current Land Use Ordinance can be found at:

http://www.stratfordnh.org/uploads/4/0/6/0/40608465/land_use_ordinance.pdf

The proposed draft amendment can be found below.

Both may be inspected at the Town Office during regular business hours.

TOWN OF STRATFORD, NEW HAMPSHIRE LAND USE ORDINANCE

DECEMBER, 1994

DRAFT AMENDMENT

[Strikethroughs to be removed; underlines to be added]

ARTICLE I. TITLE

This ordinance shall be known and may be cited as the "Town of Stratford Land Use Ordinance", hereinafter referred to as the "Ordinance".

ARTICLE II. AUTHORITY and PURPOSE ~~and AUTHORITY~~

Pursuant to the authority conferred by New Hampshire Revised Statutes Annotated 674:16, as amended, the following ordinance is hereby intended and enacted by the voters of the Town of Stratford, NH. ~~This Ordinance is designed~~ to promote the health, safety, and general welfare of the inhabitants of Stratford, to protect the value of property, to realize the Town of Stratford Master Plan, to compliment the resiliency and sustainability of the Town, and to protect the our community's environment.

ARTICLE III. APPLICABILITY OF ORDINANCE and NON-CONFORMING USES

Any non-conforming use of land, or buildings existing at the time of the original adoption of this Ordinance shall be allowed to continue, and are not affected by the provisions of this Ordinance.

Any existing non-conforming use shall not be enlarged, expanded, or changed to another non-conforming use.

Except as hereinafter provided, no land or building shall hereafter be used, constructed, altered, or enlarged unless in conformity with the regulation herein specified by this Ordinance.

ARTICLE IV. DEFINITIONS

~~ALTERATION~~ — ~~Any structural change to a building, and/or a change of present use where compatible and consistent with the existing use.~~ ALTER - To make any change in the design or structure of a building, or to make any change in the use of land or buildings.

BUILDING - A combination of materials forming a construction for use, occupancy, or ornamentation whether on, above, or below the ground.

COMMERCIAL - Activity pursued for profit or for financial return, or provided as an aid or subsidy to, or otherwise abets, any for profit or for financial return activity.

DUMP SITE - A place to unload and store where industrial or consumer refuse or waste has been deposited such that it can be reasonably construed to have been permanently unloaded, stored, buried, or abandoned .

~~ENLARGEMENT~~ — ~~The increase in size of any structure.~~

~~MASTER PLAN~~ — ~~The plan prepared by and for the Town of Stratford pursuant to RSA 674:1 identifying land use and development strategies for the community.~~

EXCESSIVE - Any level or amount that challenges the spirit and intent of the Town of Stratford Master Plan and this Ordinance, or that may disturb or endanger the health, safety, peace, resiliency, sustainability, or enjoyment of the community.

NON-CONFORMING USE - A use which lawfully exists at the time this Ordinance becomes effective but which does not conform with the regulations of this Ordinance.

RECREATIONAL VEHICLE - Any motorhome, van, pickup camper, or trailer, as defined in RSA 216-I:1, VIII or as otherwise modified to serve as living quarters.

SUSTAINED USE - Any activity that can be expected to occur intermittently or continuously during more than two consecutive months of the year.

VARIANCE - As defined in limited by RSA 674:33, a relaxation of the terms of this Ordinance granted by the Zoning Board of Adjustment on appeal. as long as it is not contrary to the public interest and if owing to special conditions, a literal enforcement of the Ordinance will result in unnecessary hardship. A variance may be legally granted if all of the following conditions are met:

- 1) No reduction in value of surrounding properties would be suffered. RSA 674:33,
- 2) Granting the variance would be of benefit to the public interest.
- 3) Denial of the variance would result in unnecessary hardship for the owner.
- 4) By granting the variance substantial justice would be done.
- 5) The use is not contrary to the spirit of the Ordinance.

ARTICLE V. DISTRICT BOUNDARIES ~~and~~ REGULATIONS

For the purpose of regulating the use of the land, the Town of Stratford shall be considered as one district ~~with the following regulations:~~

~~Uses Not Permitted~~

~~The following uses shall not be permitted within the Town of Stratford:~~

~~Municipal waste, medical waste, hazardous waste, industrial waste, and/or radioactive waste dump sites.~~

ARTICLE VI. GENERAL REGULATIONS

No dump sites for hazardous or other waste, including, but not limited to, municipal, private, medical, industrial, or radioactive waste, shall be permitted within the Town of Stratford.

Any sustained-use commercial or recreational activity other than normal and legal road use, that may produce or emit excessive smoke, fumes, dust, odor, refuse material, noise, vibration, radiation, or the like condition, or that may disturb, or endanger the health, safety, peace, or enjoyment, resilience, or sustainability of the community is prohibited.

No recreational vehicle, tent, or other housing of an impermanent nature, shall be allowed to be occupied for more than 2 weeks out of every 6 months unless it is provided with a wastewater disposal system approved by the Town Health Officer, who shall inform the Town's Board of Health of each such approval.

No recreational vehicle, tent, or other housing of an impermanent nature shall be occupied for more than 6 months of the year.

No more than any combination of 2 recreational vehicles, tents or tent platforms, or other housing of an impermanent nature shall be occupied on property not actively registered as, and satisfying all the legal requirements for, a campground.

Any property containing or occupied by any combination of 2 or more recreational vehicles, tents or tent platforms, or other housing of an impermanent nature shall be classified as a commercial business.

ARTICLE VII. ADMINISTRATION and ENFORCEMENT

A: Duty of Board of Selectmen

It shall be the duty of the Board of Selectmen to administer, and enforce the provisions of this Ordinance. The Board of Selectmen shall administer the Land Use Ordinance literally, and shall not have the power to permit any use of land, or buildings which is not in conformance with this Ordinance. Variances must be approved by the Zoning Board of Adjustment.

B: Enforcement and Penalty.

1. If any violation of this Ordinance occurs, the Selectmen shall institute in the name of the Town of Stratford, any appropriate action, injunction, or other proceeding, to prevent, restrain, correct, or abate such violation.

2. Any person who violates any of the provisions of this ordinance shall be subject to penalties provided by RSA 676:17 or any other applicable law.

ARTICLE VIII. ZONING BOARD OF ADJUSTMENT

~~A. A Board of Adjustment shall be appointed by the Selectmen consisting of five (5) members. The Board membership including length of term, alternates (three), vacancies, and its organization, shall be consistent with the sState law (RSA 672 and 673.) The Board shall have the duties and powers as Provided by RSA 674:33.~~

~~B. Specifically, the Zoning Board of Adjustment is authorized to:~~

~~1. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Selectmen in enforcement of this Ordinance.~~

~~2. Hear and decide upon variance requests where the Board finds that all of the following conditions apply:~~

~~a. There are special conditions applying to the land or structure for which a variance is being sought (such as, but not limited to exceptional topographical conditions), which are peculiar to such requirements of this Ordinance, as will deprive an owner of a reasonable use of such property, and will impose upon such owner hardship not shared by owners of surrounding property.~~

~~b. In order to support a variance, it is necessary to find that, (1) no diminution in value of surrounding properties would be suffered, (2) granting of the variance would be of benefit to the public interest, (3) its denial would result in unnecessary hardship to the owner seeking it, (4) by granting the variance, substantial justice would be done, and (5) that the use would not be contrary to the spirit of the Ordinance.~~

~~c. The use proposed is a permitted or allowed one.~~

~~d. The specific variance is the minimum variance necessary to provide for a reasonable use of the land or structure.~~

The ZBA, consistent with RSA 674:33, shall hear and decide appeals if there is alleged to be any error in any order, requirement, decision, or determination made by the Town Health Officer or the Select Board in enforcement of this Ordinance.

ARTICLE IX. VALIDITY CLAUSE

If any portion of this Ordinance is found unlawful, it shall not affect the validity of any other portion of this Ordinance.

ARTICLE X. RULE OF PRECEDENCE

Whenever any provision of this Ordinance is in conflict with any Federal, Sstate, or other local ordinance, the more stringent provision shall apply.

ARTICLE XI. AMENDMENTS

This Ordinance may be amended in accordance with the provisions of NH RSA 674:16 as ~~it is written,~~ or ~~may be amended in the future.~~

ARTICLE XII. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage by the local legislative body according to RSA 675:2-5.