

## **Land Use Ordinance Amendment Intended Purposes**

The current Land Use Ordinance was enacted in 1994 and has not been addressed or amended since then. Times have changed and the problems facing the Town have changed as well.

A careful reading of the existing Ordinance shows that certain parts of it would be very difficult to enforce due to language that is not clearly defined, and certain parts of it are unnecessary for the intended purpose of the ordinance, which the Board feels should be to protect home owners and residents of the Town from land uses that would, on balance, reduce the overall quality of life in our community.

It is also intended to address living conditions that are unsanitary and may threaten both surface and sub-surface water supplies and, more concerning, are unsafe and unhealthy for the people living in them, and especially for any children that may be threatened.

The Board believes this proposed amendment both simplifies and clarifies the ordinance and will help to reduce threats to our property values, our aquifers, and our young and old residents alike.

# TOWN OF STRATFORD, NEW HAMPSHIRE LAND USE ORDINANCE

DECEMBER, 1994

## DRAFT AMENDMENT

Strikethroughs (grey) to be removed; underlines (red) 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 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 adoption of this Ordinance shall be allowed to continue, and ~~are~~ is not affected by the provisions of this Ordinance.

~~Any~~ No 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~~ altered 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 structural or design change, or to enlarge or downsize, a building, or to change the use of land or buildings.

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

~~DUMP SITE - A place to unload and store refuse or waste~~ where end-of-life industrial or consumer goods have been brought, deposited, or aggregated in such manner that it can be reasonably construed that, effectively, they 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 or this Ordinance, or that unreasonably disturbs or endangers 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 a structure for human habitation.

REFUSE MATERIAL - Any end-of-life industrial or consumer good.

SUSTAINED USE - Any activity, other than normal and legal public road use, that can be expected to occur intermittently or continuously and is not limited to a unique and specified period of time.

TENT - A portable fabric or sheet material structure supported by a frame or ropes and normally used as a temporary structure for vacation, recreational, event, or commercial purposes.

~~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.

~~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 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,~~ resiliency, or sustainability of the community, is prohibited.

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

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 more than any combination of 2 recreational vehicles, tents or tent platforms, or other housing of an impermanent nature, or any combination thereof, shall be occupied on property not actively registered as, and satisfying all the legal requirements for, a campground.

## **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 state 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 Zoning Board of Adjustment, 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 the 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, State, 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.