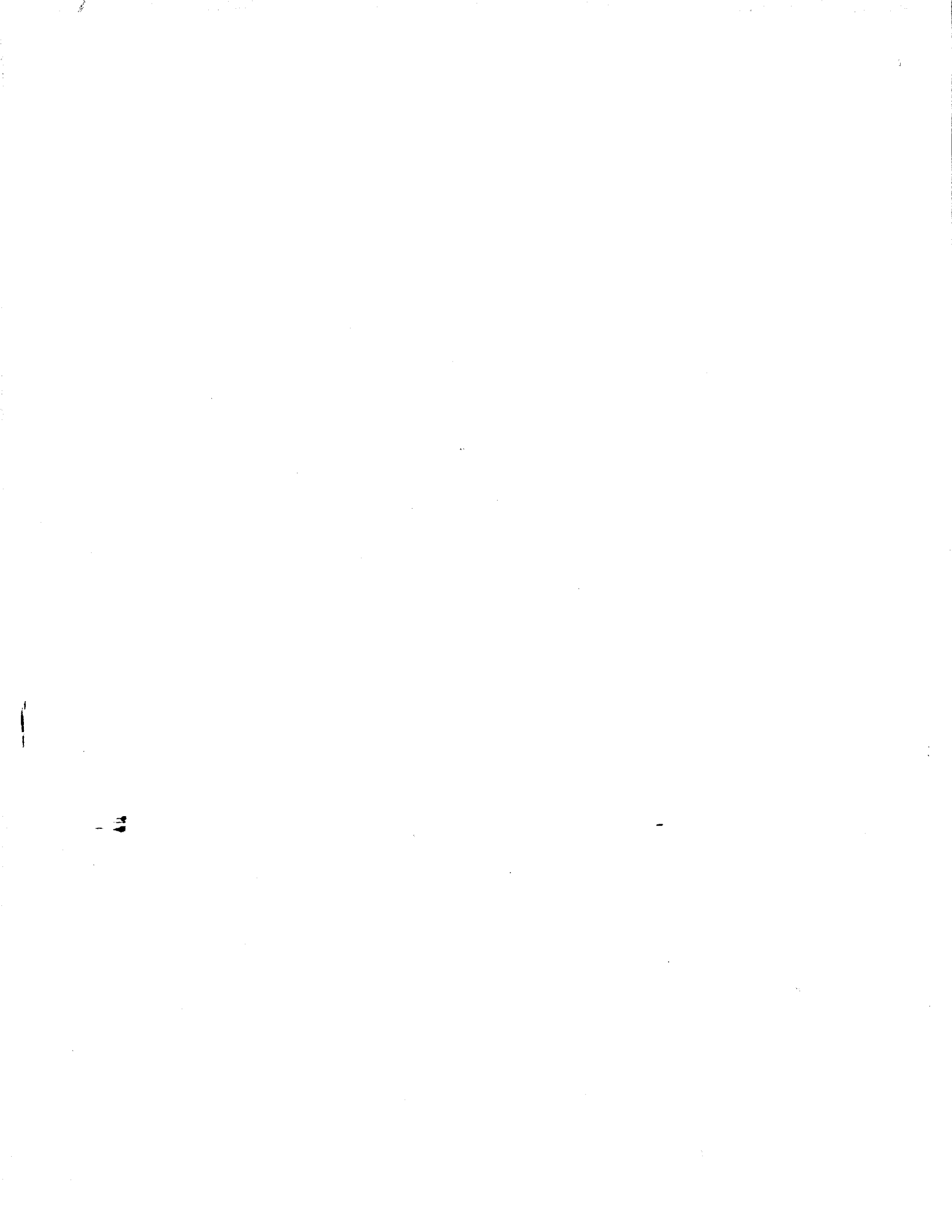


RECEIVED  
MAR 16 2011  
BY:.....

ZONING ORDINANCE AND MAP  
FOR  
CANDIA, NEW HAMPSHIRE

2011 REVISION

*A True Copy of Record Attest  
Christina L. Joerin  
Candia Town Clerk  
March 16, 2011*



a vote of 7 to 1)

### ZONING AMENDMENTS 2011

Are you in favor of the following amendments proposed by the Candia Planning Board:  
**ZONING AMENDMENT #1: NEW ARTICLE: ARTICLE XII - TELECOMMUNICATIONS/PERSONAL WIRELESS SERVICE FACILITIES** This is a new Article to create a Telecommunication/personal wireless zoning amendment. Full text is available at the Town Office for viewing.  
**Section 5.02 Table of Use Regulations, D. Communications and Utilities.** Add "(d-3) Telecommunications/Personal Wireless Services Facilities". Add "S" under B & MX and "P" under C, LI-1 & LI-2". Subsequent Articles will be renumbered if this amendment passes.  
**(PROPOSED AND RECOMMENDED BY THE PLANNING BOARD)**

409  
 YES   
 NO   
 214

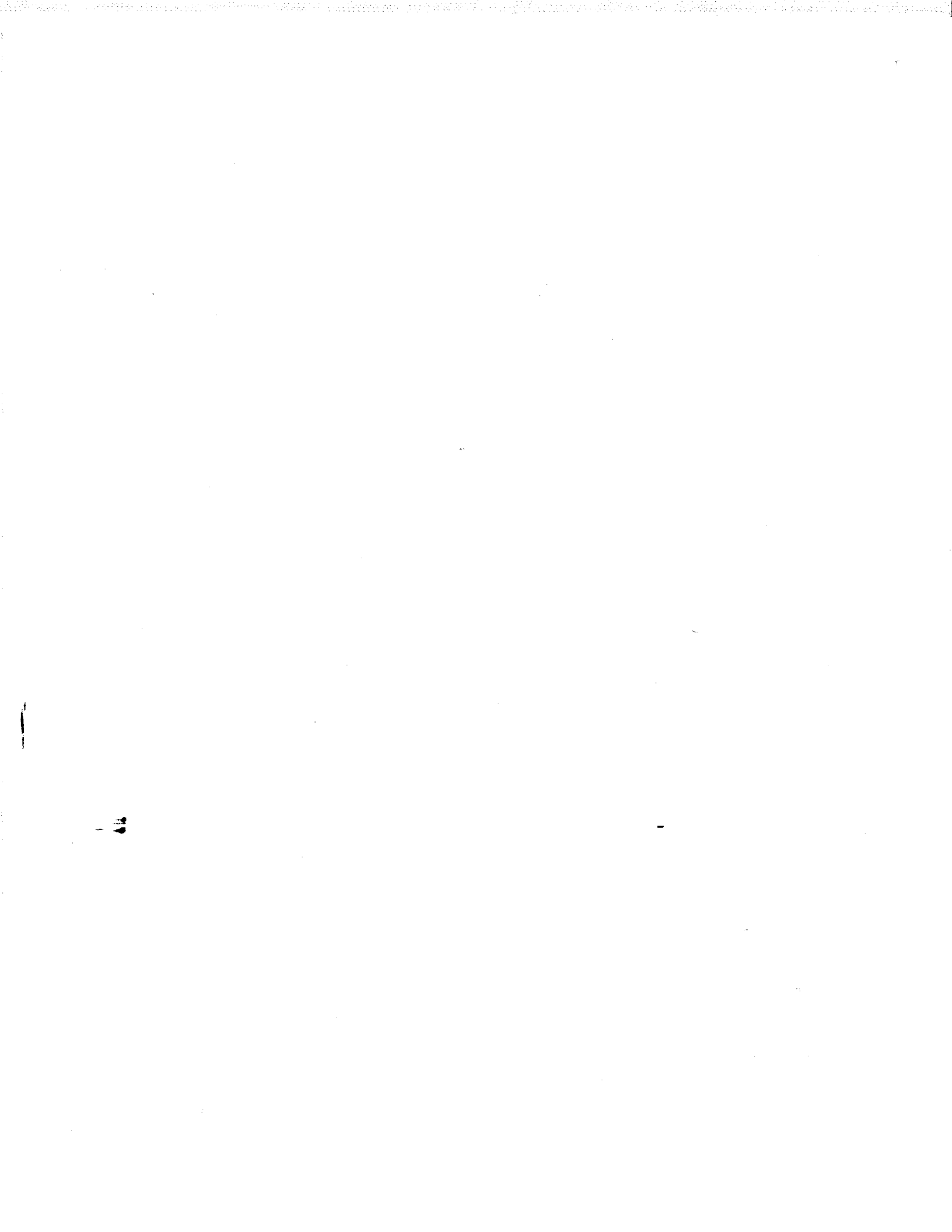
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**ZONING AMENDMENT #2: Article 5 Use Regulations, Section 5.06 Conditional Use Permits Standards** Add "28. **Limitations on Approval.** All requirements of conditional approval of Conditional Use Permits shall be met within one year. If all conditions are not met within one year of approval a new application may be required."  
**(PROPOSED AND RECOMMENDED BY THE PLANNING BOARD)**

423  
 YES   
 NO   
 196

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YOU HAVE NOW COMPLETED VOTING



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# ARTICLE I: TITLE, PURPOSE ANDPURPOSE INTERPRETATIONAND INTERPRETATION

## Preamble

Be it ordained, by Town Meeting of the Town of Candia, pursuant to Chapters 672-677, Revised Statutes Annotated of New Hampshire, as amended, the following Ordinance is hereby enacted:

An Ordinance regulating and restricting the height, number of stories and size of buildings and other structures, the size of yards, and other open spaces, the density of populations and the location and use of buildings, structures and land for trade, industry, residence or other purpose, and for any or all of said purposes dividing the town into districts.

### **Section 1.01Section 1.01: Short Title**

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Candia, New Hampshire" referred to herein as "this Ordinance".

### **Section 1.02Section 1.02: Purpose**

This Ordinance is designed in accordance with a master plan for the following purposes:

- To provide for the orderly and planned growth of our town;
- To lessen congestion in the streets;
- To secure safety from fires, panic and other dangers;
- To promote health and the general welfare;
- To provide adequate light and air; to prevent the overcrowding of land;
- To avoid undue concentration of population;
- To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements;
- To prevent pollution of air and water; to conserve and protect land values and amenities, to encourage existing and proposed agricultural activities, recognizing that agricultural activities are a beneficial and worthwhile feature of Candia's landscape and shall not be unreasonably limited by use of planning and zoning powers or the unreasonable interpretation of such powers.
- To provide architectural standards for development or renovation of commercial, industrial, and institutional structures that ensure an esthetically pleasing structure that compliment the traditional New England heritage of Candia.

### **Section 1.03Section 1.03: Interpretation:**

In interpreting and applying this Ordinance, its provisions shall be held to be minimum requirements adopted for the purposes set forth above.

Left blank intentionally

## ARTICLE II: GENERAL PROVISIONS

### **Section 2.01 Section 2.01: Required Conformance With Regulations:**

No building or other structure shall be constructed or altered nor land used except in conformity with this Ordinance unless such building or structure or use is a valid non-conforming use as defined in this Ordinance.

### **Section 2.02 Section 2.02: Non-Conforming Uses and Structures:**

#### **A. Right to Continue:**

Any legal use or structure or use of a structure or part thereof that existed on the effective date of this Ordinance or any amendments thereto, but which would not be permitted under the provisions herein may continue as a legal non-conforming use.

#### **B. Change and Expansion:**

No legal non-conforming use shall be changed to another non-conforming use and no non-conforming use shall be enlarged or extended.

#### **C. Destroyed:**

Any legal non-conforming use and/or structure that is damaged or destroyed by catastrophe may be rebuilt to its former extent of non-conformance. Reconstruction must begin within 2 years.

#### **D. Abandonment:**

Any legal non-conforming use or structure that is discontinued or abandoned for a period of one year or more cannot be resumed but can be replaced by a conforming use.

#### **E. Use of Nonconforming Lot:**

An existing nonconforming lot as defined by this Ordinance in Article III: Definitions may be used for the purposes provided in the District in which the property is located provided:

1. That the lot is not adjacent or contiguous to other property in the same ownership;
2. That the lot has at least 60' frontage as defined in Article III: Definitions of this Ordinance, as shown on a survey done by a New Hampshire licensed land surveyor and that the applicant has obtained a driveway permit;
3. That any proposed structure meets current yard and wetland setback requirements for the District in which it is located; and
4. That the lot receives approval from the New Hampshire Department of Environmental Services by the Water Supply and Pollution Control of the Department of Environmental Services for a septic disposal system capable of supporting the proposed use. Use of septic holding tanks shall not be considered a septic disposal system for the purposes of this section as provided for under the New Hampshire Code of Administrative Rules, ENV-WS 1 – "Subdivision and Individual Sewage Disposal System Design Rules"
5. A non-conforming lot may only be enlarged to become a conforming lot.

### **Section 2.03 Section 2.03: Visibility At Intersections:**

In any District, no fence, planting, building, or structure shall be permitted that would substantially obstruct visibility at exits or entrances to a public street and the intersection of any two travel ways.

### **Section 2.04 Section 2.04: Driveways**

The entrance of driveways and other accesses to the public way shall be done in accordance with RSA 236:13 and shall be inspected by the Road Agent. Access to the public way shall be on the bound of the lot used for "lot width and frontage" (6:02). Access to public way from another bound other than that used for frontage may be allowed by the Planning Board only upon a showing of public safety concern.

### **Section 2.05 Section 2.05: Buildings on One Lot**

There shall be only one residential building on a lot unless otherwise approved under Innovative Land Use Controls.

(Rev. 3/2003)

**CONTINUATION OF ARTICLE II: GENERAL PROVISIONS**

**Section 2.06 Section 2.06: Temporary Use of Manufactured Housing**

The Building Inspector may issue a temporary Certificate of Occupancy for use of manufactured housing for dwelling or office use while rebuilding after an unforeseen disaster, such as fire. The temporary use shall be for no more than six (6) months but may be renewed for up to six (6) months as long as construction is actively pursued. For temporary use while building a new dwelling application shall be made to the Board of Adjustment requesting a Special Exception. To be granted a Special Exception the applicant must have an approved driveway permit and building permit for the new structure and on-site water and septage disposal facilities to service the manufactured home. The Board of Adjustment may require other reasonable conditions and safeguards in order to minimize any injurious effect upon the neighborhood to protect contiguous property and to insure that the use will be a temporary expedient. The temporary Certificate of Occupancy, to be issued by the Building Inspector, shall be for a period to be determined by the Board of Adjustment but shall not exceed six (6) months. On request to the Building Inspector and with good cause shown, the temporary use may be extended for up to six (6) more months.

**Section 2.07 Section 2.07: Temporary Use of an Unfinished Structure**

The Building Inspector may issue a temporary Certificate of Occupancy for the use of an unfinished structure for single family residential purposes only. The temporary use may be for a period of no more than 6 months but may be renewed once for up to 6 months provided construction is actively pursued subject to the following restriction to the area being occupied:

1. Water and septage facilities are installed and approved;
2. Electrical and plumbing facilities are installed and approved; and
3. All other safety and health standards are addressed.

**Section 2.08 Section 2.08: Lots Recorded Prior to the Adoption of This Ordinance**

Refer to section 2:02 E.

**Section 2.09 Section 2.09: Contiguous or Attached Property**

No lots of record adjacent or contiguous to other lots of record in the same ownership shall be required to be combined or attached for any purpose except that of the owner/s of said properties.

**Section 2.10: Impact Fee Ordinance**

See Section 15.03:C: C

## ARTICLE III: DEFINITIONS

For the purpose of this Ordinance, words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular. The word "lot" shall include "plat" or "parcel". The word "structure" shall include the word "building", where the context requires. The word "used" shall include "arranged, designed, rented, leased, intended to be used, and occupied". The word "shall" is mandatory; and the word "may" is permissive. Certain other terms or words shall be interpreted as follows:

**Accessory Dwelling Unit:** A second dwelling unit, attached or detached which is permitted by a land use control regulation to be located on the same lot, plat, site or other division of land as the permitted principal dwelling unit RSA 674.21.

**Agriculture:** Shall be that use delegated by RSA 259:3: "The words "agriculture" and "farming" shall mean all operations of a farm such as the cultivation, conserving, and tillage of the soil, dairying, greenhouse operations, the production, cultivation, growing and harvesting of any agricultural, floricultural, sod or horticultural commodities, the raising of livestock, bees, fur-bearing animals, fresh water fish or poultry, or any practices on the farm as an incident to or in conjunction with such farming operation, but no necessarily restricted to, the following, preparation for market, delivery to storage or to market, or to carriers for transportation to market, of any products or materials from the farm; the transportation to the farm of supplies and materials; the transportation of farm workers; forestry or lumbering operation, the marketing or selling at wholesale or retail or in any other manner any products from the farm and of other supplies that do not exceed in average yearly dollar volume the value of products from such farm.

**Arterial Street:** Reference in this ordinance to arterial street(s) shall mean: Route 27 from the Hooksett town line to the Raymond town line; Route 43 (Deerfield Road) from the intersection of Business Route 101 to the Deerfield town line; Business Route 101 from the intersection of Brown Road to the intersection of Route 27.

**Board of Adjustment:** The Zoning Board of Adjustment of the Town of Candia.

**Buildable:** As applied to land does not include very poorly drained soils, or standing water, steep slopes over 25%, or any part of the lot considered not buildable. .

**Buildable Lot:** A lot, intended for placement of a dwelling which meets the acreage requirements for the district in which it is located and which is capable of providing adequate septage and water supply systems for the intended use.

**Building:** Any independent structure having a roof with structural supports for the shelter or enclosure of persons, animals, or property.

**Building, Accessory:** A building subordinate to and located on the same lot with a main building, the use of which is clearly incidental to that of the main building, such as a detached garage or barn.

**Cellar:** An area partly underground having more than one half of its clear ceiling height below the average finished grade level at the foundation.

**Collector Street:** Reference in this ordinance to collector street(s) shall mean those streets which carry traffic directly to arterial streets, including the principal entrance streets of a residential development and streets for circulation within such a development.

**Common Area:** Common area shall be any parcel of land and/or water area set aside under a residential cluster subdivision plan which is not designated for individual ownership. The common area includes areas designated as open space. Common areas may contain accessory structures for education, recreation, social or other uses by the owners of the dwelling units within the residential cluster subdivision.

**CONTINUATION OF ARTICLE III: DEFINITIONS**

**Condominium:** Real property and any interests therein, lawfully submitted through the recordation of condominium instrument pursuant to the provisions of Chapter 356-B New Hampshire Revised Statutes Annotated. No project shall be deemed a condominium unless the undivided interests in the common area(s) [all portions of the condominium other than the units are vested in the unit owners].

**Condominium Unit:** A dwelling unit together with the undivided interest in the common area pertaining to that unit.

**Day Care Center:** A commercial or non-profit, non-resident center providing care for more than six (6) children. Such a center may include teachers and staff.

**Dwelling:** A building or portion thereof containing one or more dwelling units.

**Dwelling, Multi-Family:** A building or portion thereof containing 3 or more dwelling units.

**Dwelling, Single Family Attached, Duplex:** A single family dwelling superimposed or attached by a common wall or other means to one other single family dwelling.

**Dwelling, Single Family Detached:** A structure designed for and occupied by not more than one family and which is not attached to any other dwelling unit by any means.

**Dwelling Unit:** A building or portion thereof providing complete living cooking, sanitary, and sleeping facilities.

**Elderly Housing:** Housing intended for, and 100 percent of the dwelling units are occupied solely by, persons 55 years of age or older, featuring small single-family detached or attached dwelling units and apartments. In no event shall more than four (4) occupants live in any dwelling unit of an elderly housing development.

**Essential Services:** The erection, construction or major alteration by public or private utilities or municipal or other governmental agencies of underground or overhead gas, electrical, sewer, steam or water transmission or distribution systems, collection communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes conduits, cables and similar equipment and accessories in connection therewith, and including buildings reasonably necessary for the furnishing of adequate service or for the public health, safety or general welfare. For the purpose of this Ordinance, essential services shall not include the replacement of facilities (other than buildings) or minor relocation or minor additions such as street lights, hydrants, wires, alarm boxes, communications boxes, pipes.

**Family:** One or more persons living as a single house-keeping unit.

**Family Day Care Home:** A residence occupied by a day care provider in which a maximum of six (6) children are cared for on a full-time basis. The maximum includes any children under six (6) years old who live in the home and any children related to the provider who are received for child care.

**Floor Area:** The internal heated living space area of a single dwelling unit. It shall not include any garage, shed, porch or similar structure or accessory use.

**Frontage:** The contiguous distance along the lot line dividing a lot from either **a)** a public highway, excepting limited access highways as defined by RSA 230:44 and Class VI highways; or **b)** a road shown on an approved and recorded subdivision plan.

**Gasoline Station:** Building and premises where gasoline, oil, grease, batteries, tires, automobile accessories and incidentals are sold at retail and where minor servicing and repairs take place. Major mechanical and body work, straightening condition, or other work involving noise, glare, fumes, or smoke are not included in this definition.

## CONTINUATION OF ARTICLE III: DEFINITIONS

**Height:** The vertical distance between the average finished grade at the base of a building or structure and the highest point of the roof of a building or structure.

**Junkyard:** As defined in RSA 236:112.

**Lot:** A tract of land, in the same ownership throughout, as described by metes and bounds on a deed or plat properly registered with the Rockingham County Registrar of Deeds. Nothing in this ordinance shall be construed as requiring the selectmen to, or preventing the selectmen from, consolidating lots on the Candia, New Hampshire tax maps for the purpose of assessment or taxation.

**Lot, Corner:** A lot with frontage on two or more streets at their intersection, where the interior angle of the intersection is less than one hundred and thirty-five (135) degrees.

**Lot Area:** The area in square feet or acres enclosed by the lot lines of a single lot.

**Lot Depth:** The average distance from the front lot line to the rear lot line.

**Lot Width:** The average distance from between the side lot lines at right angles to the depth.

**Lot Line, Rear:** The lot line most distant from the front lot line, except that in the case of a corner lot, the owner shall have the option of choosing which of the lot lines shall be the rear lot line.

**Major Recreational Equipment:** Boat and boat trailers, travel trailers, pick-up campers or coaches, motorized dwelling, tent trailers, and similar devices.

**Manufactured Housing:** The term manufactured housing shall mean "any structure transportable in one or more sections which, in the traveling mode is 8 body feet or more in width and 40 body feet or more in length or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein, excluding pre-site built housing as defined herein."

**Manufactured Housing Subdivision:** Any subdivision created for the placement of manufactured housing on individually owned lots.

**Manufactured Housing Parks:** A tract of land consisting of not less than 16 acres used to accommodate two (2) or more occupied manufactured homes each of which shall have its own lot space within the tract for which a rental fee is charged for such accommodation. The term "Manufactured Housing Park" shall not be construed to include a tract of land whereupon unoccupied manufactured homes are parked for display and sale as a commercial business. Travel trailers as defined in this Ordinance shall not be maintained as dwelling units within approved manufactured housing parks.

**Master Plan:** A document prepared and/or adopted by the Planning Board to guide the long-range development of the Town.

**Non-Conforming Lot:** A lot of record at the time this Ordinance becomes effective but which does not conform with the regulations for the district in which it is located.

**Non-Conforming Use, Valid:** A use of land or a structure lawfully existing at the effective date of this Ordinance or any subsequent amendment thereto that is not in conformity with the current provisions of this Ordinance.

**Open Space:** Land required to be permanently left in its natural state. Acceptable conservation practices when used to maintain the natural qualities of this land are permitted and encouraged.

## CONTINUATION OF ARTICLE III: DEFINITIONS

**Parking Spaces:** An off-street space, whether inside or outside of a structure, to be used primarily as parking area for a vehicle.

**Planning Board:** The Planning Board of the Town of Candia.

**Pre-Site Built Housing:** Any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with HUD minimum property standards and local building codes, for installation or assembly and installation, on the building site. Pre-site built housing shall not include manufactured housing as defined herein.

**Set-Back:** A line beyond which the foundation wall and/or any covered porch or other portion of a building shall not project.

**Sign:** A structure, device or inscription that is arranged, intended, designed or used as an advertisement, announcement, or direction, but not including those structures, devices, or inscriptions erected and maintained by any public agency in exercising its duties.

**Sign, Area of:** The entire surface area of a sign within a single continuous perimeter enclosing the extreme limits of writing representation, emblem or figure but excluding the supports on which the sign is placed. The area of one side of a double-faced sign shall be regarded as the total area of the sign.

**Special Exception Use:** A use which may be permitted in certain locations within certain specified districts by the Board of Adjustment in accordance with Articles XII and XIII of this Ordinance. Such uses shall be construed to be conforming uses under this Ordinance.

**Special Use Permit:** A permit issued by the Planning Board for development under Innovative Land Use Controls.

**Story:** That portion of a building included between the floor and floor or roof next above. A half-story is a partial story under a sloping roof, the wall plates of which on two exterior walls are not more than two (2) feet above the floor of such partial story.

**Structure:** Anything constructed or erected, the use of which demands its permanent location on the land, except minor installations such as fences, mailboxes, flagpoles, portable screen houses and the "like".

**Subdivision:** In accordance with Chapter 672:14 New Hampshire Revised Statutes Annotated, to mean the division of a lot, tract or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision and, when appropriate to the context, relates to process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.

**Travel Trailer:** A vehicular, portable structure designed to be used for temporary recreational housing.

**Use:** The principal purpose for which a lot or the principal building thereon is designed, occupied, maintained, or intended to be used.

**Use, Change or Expansion of Use of a Site:** Any multifamily or nonresidential use which substantially differs from the previous use of a building or land. Any activity which in the opinion of the Building Inspector, constitutes a change or expansion of the use of a site may be subject to Planning Board approval under the Candia Site Plan Review Regulations.

**CONTINUATION OF ARTICLE III: DEFINITIONS**

**Use, Accessory:** A use of land, building, or portion thereof, normally incidental to the permitted principal use of the premises.

**Yard, Front:** Area is defined as the portion of the lot facing the Street or Road where the lot frontage is located.

## ARTICLE IV: ESTABLISHMENT OF DISTRICTS

### **Section 4.01: Division into Districts**

The Town of Candia, New Hampshire, is hereby divided into six (6) Zoning Districts to be designated as follows:

<u>Full Name</u>	<u>Short Name</u>
Residential	R
Commercial	C
Light Industrial 1	LI-1
Light Industrial 2	LI-2
Mixed Use	MX
Wetlands Conservation	W
Groundwater Protection	GPD (3/9/2010)

The restrictions and regulations especially applicable to each of the above mentioned Districts are shown in Article V and VI, which use the short name for each District and Article X (Wetlands Conservation). General restrictions and regulations applicable to all Districts are included throughout this Ordinance.

### **Section 4.02: Zoning Maps**

The location and boundaries of the Districts are as shown on "The Zoning Map of the Town of Candia, New Hampshire" dated January 2006 as prepared by the Southern New Hampshire Planning Commission and "The Town of Candia Wetlands Conservation District Map" dated December 2005 as prepared by the Southern New Hampshire Planning Commission. Both the Zoning Map and the Wetlands Conservation District Map are a part of this Ordinance.

The Zoning Map and Wetlands Conservation District Map shall be kept on file with the Office of the Town Clerk. For purposes of identification, the date of adoption and the signature of the Planning Board Chair shall be placed on both maps. The Planning Board shall be responsible for maintaining and updating the maps as amended. All amendments shall be so noted and dated on each map.

### **Section 4.03: Zoning Districts**

#### **A. Zone R – Residential District**

The Residential District is designed for the protection of areas that have been and are being developed predominantly for single-family detached dwellings.

#### **B. Zone C – Commercial District**

The purpose of the Commercial District is to provide a centralized area for the provision of shopping facilities, offices, banking and other commercial and retail establishments where road systems can accommodate high traffic volumes. The Commercial district shall provide for convenient access, adequate parking and lighting, and good design to promote public safety. All residential dwellings that existed prior to the effective date and establishment of this District may continue as legal permitted uses in the District subject to the requirements of Section 2.02 of this Ordinance.

A vegetative buffer of trees and shrubs 100 feet wide shall be maintained along the eastern boundary of the Commercial District to separate commercial buildings from existing residential dwellings. A vegetative buffer of trees and shrubs 150 feet wide shall be maintained within the Commercial District to protect the adjacent Branch River.

## CONTINUATION OF ARTICLE IV: ESTABLISHMENT OF DISTRICTS

### **C. Zone L1 - Light Industrial**

The purpose of this district is to provide a location for the establishment of light manufacturing and related small-scale light service industries that will not conflict with the uses of other areas. All residential dwellings that existed prior to the effective date and establishment of this District may continue as legal permitted uses in the District subject to the requirements of Section 2.02 of this Ordinance.

A vegetative buffer of trees and shrubs 150 feet wide shall be maintained within the LI-Light Industrial District to protect the adjacent Branch River.

A vegetative buffer of trees and shrubs 150 feet wide shall be maintained within the LI-Light Industrial District to protect the adjacent Branch River.

### **D. Zone L2 - Light Industrial**

The purpose of this district is to foster the diversification of the Town's economic base by encouraging a variety of light manufacturing uses and light industries with good access to transportation facilities, thereby improving employment opportunities within the community and making a valuable contribution to the Town's tax base. All residential dwellings that existed prior to the effective date and establishment of this District may continue as legal permitted uses in the District subject to the requirements of Section 2.02 of this Ordinance.

A vegetative buffer of trees and shrubs 100 feet wide shall be maintained along the boundary of the district to separate light industrial use from existing residential dwellings.

### **E. Zone MX - Mixed Use**

The purpose of this district is to provide for a greater variety and mixture of land uses, the blending of which is not otherwise possible in the Town's other zoning districts. The intent is to provide for a mixture of land uses that can be designed and arranged in an efficient manner in keeping with the goal of making Candia an attractive town. Residential and commercial uses may combined within a principleprincipal structure on a lot within this district. All preexisting uses in existence prior to the adoption of this ordinance shall be allowed to continue as a permitted use in this district even if they are not denoted as "Permitted By Right" in Section 5.02: Table of Use Regulations.

### **F. Zone W - Wetlands Conservation**

See Article X: Wetlands Protection for purpose and intent, definitions, district boundaries, relation to other districts, permitted uses, buffer provisions, filled and pre-existing uses - non-residential, exemption for residential structures, conditional uses and exceptions.

### **G. Zone GPD- Groundwater Protection**

See Article XI: Groundwater protection for authority, purpose, definitions, groundwater protection district, applicability, performance standards, permitted uses, prohibited uses, conditional uses, existing non-conforming uses, exemptions, relationship between State and Local regulations, maintenance and inspection, enforcement procedures and penalties, savings clause and effective date. (3/9/2010)

## **Section 4.04 Interpretation of District Boundaries**

Where any uncertainty exists with respect to the boundary of any District as shown on the Zoning Map, the following rules shall apply:

- A. Where a boundary is indicated as a highway, street, alley, railroad, watercourse, or Town boundary, it shall be construed to be the center line thereof for such District Boundary.
- B. Where a boundary is indicated as approximately parallel to a highway, street, alley, railroad, watercourse, or Town boundary, it shall be construed as parallel thereto and at such distance from the center line thereof as shown on the Zoning Map.

**CONTINUATION OF ARTICLE IV: ESTABLISHMENT OF DISTRICTS**

- C. If no dimension is given on the Zoning Map, the location of any boundary shall be determined by use of the scale shown on the Zoning Map.
  
- D. Where a boundary coincides within 10 feet or less with a lot line, the boundary shall be construed to be the lot line.
  
- E. Where a boundary divides a lot of record, district regulations governing either portion of the severed lot may be extended not more than 100 feet into the adjoining district.
  
- F. All boundary questions not covered by A through E above shall be resolved by appeal to the Board of Adjustment as provided in Section 14.02A.

## ARTICLE V: USE REGULATIONS

### **Section 5.01: Use Regulations**

In any District, uses of land and buildings shall be permitted as indicated in Section 5.02, the Table of Use Regulations which is part of this Ordinance, and as regulated below:

#### **A. Sand, Gravel and Borrow Excavating Operations:**

1. No excavation of earth shall be allowed in the R District or MX District except those uses specifically allowed in RSA 155-E:2 and RSA 155E:2a..
2. An excavation A permit from the Planning Board shall be required for excavating operations in the C, and LI and L2 Districts. Said permit shall be subject to the permit process under RSA 155-E. and the Town of Candia's Earth Excavation Regulations, adopted in 1989, and as amended by the Planning Board. (3/9/2010)

#### **B. Junkyards:**

No junkyard shall be located in the R, C, MX or LI Districts. A license to operate, establish or maintain a junkyard shall be obtained from the Board of Selectmen in the manner set forth in RSA 236:111-129.

#### **C. Performance Requirements for Industrial Uses and Utilities:**

Industrial uses and utilities permitted under Section 5.02 of this Ordinance shall be regulated such that noise, vibrations, electro-magnetic transmission, odor, air pollution, and all other emissions shall not be perceptible without instruments at the boundary of the District in which the use is permitted.

#### **D. Parking, Storage, or use of Major Recreational Equipment:**

No such equipment shall be parked or stored in the front yard area in the R District and shall not be used for living, sleeping, or housekeeping purposes on the premises.

#### **E. Storage Trailers or Containers**

No storage trailers or containers will be allowed to be parked in front yard areas in the R District (Front yard area is defined as the portion of the lot facing the Street or Road where lot frontage is located.)

(Rev. 3/2003)

CONTINUATION OF ARTICLE V: USE REGULATIONS

**Section 5.02: Table of Use Regulations**

In this table for each use and each District:

- (P) Shall denote a use PERMITTED BY RIGHT
- (S) Shall denote a use PERMITTED ONLY BY SPECIAL EXCEPTION granted by the Board of Adjustment
- (C) Shall denote a use PERMITTED ONLY BY CONDITIONAL USE PERMIT granted by the Planning Board
- (-) a dash shall denote a use that is EXPRESSLY PROHIBITED

Type of Land Use	Zoning Districts				
	R	C	MX	LI-1	LI-2
<b>A. Residential:</b>					
1. One-family dwelling	P	P	-	-	-
2. Accessory Units, subject to Provisions of 1314:04E	S	S	-	-	-
3. Two-family and multi-family dwellings subject to provisions of Section 1314.04B	S	S-	-	-	-
4. Dwelling in building used for commercial purposes subject to provisions of Article 1314.04 F.	-	S	P	-	-
5. Boarding or rooming house not intended for occupancy by transient guests or tourists	S	P	P	-	-
6 Home Occupation	P	P	-	-	-
7. Home Offices	P	P	-	-	-
8. Seasonal home	P	P	-	-	-
9. Residential Cluster Subdivision	-	-	-	-	-
10. Manufactured Housing Subdivision	P1	-	-	-	-
11. Manufactured Housing Park	P2	S	-	-	-
12. Elderly Housing subject to the provisions of Sections 5.04, 5.05, and 5.06	C	C	-	-	-

P1 Location of Manufactured Housing Subdivisions in the R District are designated as follows:

Tax Map #	Lot(s)
406	186
406	191
413	28
408	60 & 66 *

(Rev. 3/2003)

**CONTINUATION OF ARTICLE V: USE REGULATIONS**

- Because of the lack of access on lot 66 these two parcels are designated as a single development unit. Any proposed development of the two lots must therefore be within the context of an overall Master Development Plan, which may be phased.

Locations for Manufactured Housing Parks in the R District are designated as follows:

Tax Map #	Lot(s)
404	88
404	79

(This is the presently existing Manufactured Housing Park - Country Lane Manor, Rt. 27)

**Table of Use Regulations**

Type of Land Use	Zoning Districts				
	R	C	MX	LI-1	LI-2
<b>B. Commercial:</b>					
(b-1) Farm produce stand provided that display of goods shall be located at least twenty (20) feet from any street (right-of-way) line	P	P	P	-	-
(b-2) Tourist home, hotel and motel	-	P	P	P	-
(b-3) Service establishments and retail stores serving local neighborhood needs including barber and beauty shops, real estate office, drug stores and the sale of groceries, baked goods and the like. Where permitted as Special Exceptions in the R District the conditions set forth in Section 134.03 and 134.04A shall apply	S	P	P	S	P
(b-4) General service and retail establishments, supermarkets, laundromat, florist, the sale of appliances, electrical parts and supplies, housewares, hardware, furniture, toys and novelties, sporting goods, apparel, office supplies and garden supplies	-	P	P	P	P
(b-5) Funeral home. Where permitted as Special Exception in the R District, the conditions set forth in Section 1314.03 and 1314.04A shall apply	S	P	P	-	-
(b-6) Business and professional offices and banks. Where permitted as Special Exceptions in the R District, the conditions set forth in Section 134.03 and 1314.04A shall apply. Will now allow retail and professional offices, banks, beauty and barber shops in the LI-2 zone.	S	P	P	-	P

**CONTINUATION OF ARTICLE V: USE REGULATIONS**

Type of Land Use	Zoning Districts				
	R	C	MX	LI-1	LI-2
<b>B. Commercial continued:</b>					
(b-7) Restaurant for consumption indoors at the premises, indoor commercial recreation such as bowling	-	P	P	P	P
(b-8) Drive-in restaurant and refreshment stand P	-	P	-	-	P
(b-9) Outdoor commercial recreation facility such as drive-in theatre, golf driving range and swim club - S - - P	-	P	-	P	P
(b-11) Car wash, establishment for the sales and service of automobiles, trucks, mobile homes, travel trailers, and major recreational equipment, but excluding the repair of heavy motorized equipment, or the dismantling and storage of inoperative motor vehicles or other material or equipment held only for discard	-	P	-	P	P
(b-12) Boatyard and marina for the construction, warehousing, and warehousing, and storage of boats	-	-	-	P	P
(b-13) Animal hospital or commercial kennel provided that such use shall not be within 50 feet of any dwelling and within 200 feet of any residential district and the kennel area shall be completely enclosed within a wall or fence	-	P	-	P	-
(b-14) Sexually Oriented Business Subject to Provisions of Section 14:04D	-	S	-	-	-
<b>C. Industrial and Transportation</b>					
(c-1) Manufacturing, assembly, processing, packaging, research and testing operations including the following uses, provided that such operations shall be conducted entirely within an enclosed building or structure	-	-	-	-	P
(c-1-a) Products developed from previously refined or similarly processed materials such as bone, ceramic, cloth, grass, leather, metals, plastics, paper, rubber (except tires)	-	-	-	P	P
(c-1-b) Electrical and mechanical instruments and appliances, optical goods	-	-	-	P	P
(c-1-c) Cosmetics, toiletries, and pharmaceutical products	-	-	-	P	P
(c-1-d) Administrative offices, data processing centers and laboratories for scientific and industrial research including testing and product development. Where permitted by Special Exceptions in the R District, the conditions set forth in Section 14.04A shall apply.	S	P	P	P	P

**CONTINUATION OF ARTICLE V: USE REGULATIONS**

Type of Land	Zoning Districts				
	R	C	MX	LI-1	LI-2
<b>C. Industrial and Transportation continued</b>					
(c-2) Craftsman's or contractor's shop including a carpenter's shop, welding shop, ornamental iron works electrical and machine shop excavating and heavy equipment operation	-	P	-	P	P
(c-3) Open storage of lumber and building materials	-	P	P	P	P
(c-4) Warehouse including self storage facilities, bottling plant, establishment, and similar distribution center	-	P	-	P	P
(c-5) Planing mill, sawmill and similar uses	-	-	-	-	P
(c-6) Metal working, but not reduction, smelting, and refining; manufacture and assembly of metal products but not including heavy structural steel operation; paint manufacture not employing a boiling or rendering process	-	-	-	S	P
(c-7) Storage for coal, fuel oil, bottled gas, and similar materials, provided that such use shall not be located nearer than 300 feet to any existing or permitted dwelling and that such use shall be subject to any state or local laws relating to the storage of such materials. Fuel storage tanks shall be surrounded by a dyked area sufficient to contain stored fuels	-	-	-	S	P
<b>D. Communications and Utilities</b>					
(d-1) Essential Services	S	P	P	P	P
(d-2) Radio or televisions tower, provided that any portion of the structure shall be at least 200 feet away from any residential district	-	-	P	P	P
(d-3) Telecommunications/Personal Wireless Services Facilities	S	P	S	P	P
<b>E. Public and Institutional</b>					
(e-1) Church or other place of worship, parsonage	-	S	P	-	-
(e-2) Cemetery	S	S	-	-	-
(e-3) Hospital, nursing home	-	P	P	P	P
(e-4) Golf course, country club, tennis club and the like	P	P	-	P	P
(e-5) Social clubs of non-profit organizations	-	P	P	P	P
(e-6) Public or private schools including recreational facilities connected therewith, but not including dormitories	S	S	S	S	-
(e-7) Library, museum and the like	-	P	P	P	-
(e-8) Day Care Center	-	S	P	S	-

**CONTINUATION OF ARTICLE V: USE REGULATIONS**

**Type of Land Use**

**Zoning Districts**

**F. Rural and Agricultural**

		<b>R</b>	<b>C</b>	<b>MX</b>	<b>LI-1</b>	<b>LI-2</b>
(f-1)	Small scale part-time agricultural operations whether commercial or not, including the keeping of livestock and poultry	P	P	-	-	-
(f-2)	Large scale full-time agricultural operations including animal husbandry	S	S	-	P	-
(f-3)	Growth and harvesting of forest products, tree nursery, orchards, and similar uses including the sale of produce grown on the premises	P	P	P	-	-
(f-4)	Commercial greenhouses	S	P	P	P	P
(f-5)	Farmers markets (non-residential use shall be subject to Site Plan Review approval under provisions of Article 16.03)	S	P	P	-	-

## CONTINUATION OF ARTICLE V: USE REGULATIONS

### **Section 5.03: Accessory Uses**

The following accessory uses may be allowed subject to the requirements herein. All accessory uses require a Certificate of Occupancy.

#### **A. Home Occupation:**

Customary home occupations such as barber and beauty shops, limited to one chair; dressmaking; photography; teaching; art studio; home cooking; Justice of the Peace; Family Day Care Home; crafts; and the like, operated and staffed solely by a person or persons resident on the premises and no more than one outside employee, are allowed in the R District provided such use is not carried on in a detached accessory building and does not occupy more than one-third the area of the dwelling unit in which it is located. The use shall not cause any additional vehicular traffic between the hours of 9:00 p.m. and 6:00 a.m.

#### **B. Home Office:**

Offices within a single family detached dwelling for an office occupation of a resident therein shall be allowed provided that not more than one person not resident on the premises shall be employed therein. The use must not cause any additional vehicular traffic between the hours of 9:00 p.m. and 6:00 a.m. Such use shall not have an enclosed floor area in excess of 600 square feet and must conform to section 9:06M regarding parking.

#### **C. Home Shop:**

Customary home shops for the repair of electrical appliances, clocks, firearms, furniture and the like may be allowed by Special Exception subject to the following:

1. Use is clearly an accessory use.
2. Use does not change the character of the dwelling.
3. Use is carried out within the dwelling.
4. Use shall not utilize outdoor storage or display visible to surrounding properties.
5. Use employs not more than one person who is not resident in the dwelling.
6. Use does not cause undue nuisance to neighbors by reason of noise, dust, glare, traffic, vibration or other disruptive influence.
7. Retail sale of new products shall not be considered a home shop.
8. Use does not cause any additional vehicular traffic between the hours of 9:00 p.m. and 6:00 a.m.

### **Section 5.04 Conditional Use Permit**

1. **Authority.** Conditional Use Permits may be granted by the Planning Board as authorized by RSA 674:21 II, Innovative Land Use Controls for the uses identified in Section 5.02, Table of Use Regulations.
2. **Conditions.** In granting a Conditional Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed use on adjoining properties, and preserve the intent of the Board's Site Plan and Subdivision Regulations as well as the Town of Candia's Zoning Ordinance and Master Plan.
3. **Procedure.** The Planning Board shall act upon the application for a Conditional Use Permit in accordance with the submission and the procedural requirements of the Board's Site Plan Regulations and the Board's Subdivision Regulations, as applicable.
4. **Decisions.** All applications for Conditional Use Permits must comply with the Town of Candia Zoning Ordinance including the Planning Board's Site Plan and Subdivision Regulations, as continuation of article v: use regulations

## CONTINUATION OF ARTICLE V: CONDITIONAL USE PERMIT

applicable. Possible decisions rendered by the Board include Approval, Approval with Conditions, or Denial. All decisions shall be in writing and shall be based upon substantial evidence contained in the written record.

5. Standards Considered in Granting Conditional Use Permits. In the review of Conditional Use Permit applications, the applicant and the Planning Board shall address all applicable Standards in the Board's Site Plan and Subdivision Regulations, including the Conditional Use Permit Review Criteria and Conditional Use Permit Standards as provided in Sections 5.05 and 5.06 below.
6. Modification of Conditional Use Permits. All alterations or modifications of the plans shall be in accordance with Section 18.05 of the Subdivision Regulations.
7. Fees. The Planning Board has established and from time to time may amend a schedule of fees. The Planning Board shall not accept a site plan or subdivision application for a Conditional Use Permit, unless it includes the appropriate fees as established by the Board's formal fee schedule.
8. Special Investigative Studies. In the review of a Conditional Use Permit application, the Planning Board may also assess the applicant reasonable fees to cover the Board's administrative expenses and costs of special investigative studies and the review of documents and other matters which may be required in the review of particular applications. All fees shall be paid prior to final approval.
9. Performance Security. Prior to the granting of a Conditional Use Permit, the applicant shall execute and deliver a performance security to the Board of Selectmen in accordance with Section IV: Standards for Subdivision Construction, Article 18. Administrative Provisions, Section 18.04 Performance Bond.
10. Waivers Compliance with the individual provisions of this ordinance shall constitute the conditions required for the issuance of a Conditional Use Permit. Any provision of this ordinance may be waived, when, upon the application by the applicant to the Planning Board, the Board shall determine in its sole discretion 1) that requiring compliance with the particular provision for the granting of a Conditional Use Permit would create an unreasonable hardship and 2) that the application would be consistent with the spirit and intent of this ordinance. Requests for waivers must be written and the Planning Board must vote on each waiver request at a properly noticed public hearing.

### **Section 5.05 Conditional Use Permit Review Criteria**

**Elderly Housing:** A Conditional Use Permit for Elderly Housing may be issued by the Planning Board provided all of the following review criteria are met:

1. The proposed development shall be consistent with the general purpose, goals and objectives of the Town of Candia Master Plan.
2. The proposed development shall be consistent with all applicable provisions of the Town's Zoning Ordinance and the Planning Board's Site Plan and Subdivision Regulations.
3. The proposed development shall be designed to provide facilities and services to meet the social or physical needs of older persons such as services designed to assist residents with the maintenance and upkeep of buildings and grounds, programs designed to provide a social and recreational life for residents, an accessible physical environment, access to common lands and open space, access to public or private

## CONTINUATION OF ARTICLE V: CONDITIONAL USE PERMIT REVIEW CRITERIA

transportation services, if available, and other similar services, facilities and considerations.  
Rev 3/10/2009

4. The design and site layout of the proposed development shall compliment and harmonize with the rural character of the Town of Candia and shall maximize the privacy of dwelling units and preserve the natural character of the land.
5. The size and scale of the proposed development shall not have an adverse impact upon adjacent property nor diminish the capacity and safety of adjacent streets in terms of, traffic conditions, utility placement, and other areas related to public health, safety and general welfare.
6. No portion of the proposed development that is altered, cleared or within 50 feet of the outside face of a building or edge of road shall be located within an identified floodplain or area designated as having a 1% annual chance of flooding as provided on the FEMA flood insurance maps prepared for the Town of Candia. Rev 3/10/2009

### Section 5.06 Conditional Use Permit Standards

**Elderly Housing:** A Conditional Use Permit for Elderly Housing may be issued by the Planning Board provided all of the following general standards are met:

1. Residency Restrictions. The applicant/developer shall provide deed restrictions, use limitations, covenants, or some other legally enforceable instrument, which shall permanently restrict occupancy of all the elderly dwelling units to persons who meet all applicable restrictions regarding age. All deed restrictions and instruments shall be subject to review of Town Counsel and shall be recorded at the Rockingham County Registry of Deeds prior to issuance of the Conditional Use Permit. The applicant/owner of the development shall also incorporate a written enforcement mechanism satisfactory to the Planning Board and Town Counsel whereby on an annual basis, a written age based census of the existing Occupants shall be provided to the Board of Selectmen. Upon any change in ownership or tenancy, the age of any new Occupants shall be given to the Board of Selectmen within thirty (30) days of tenancy/occupancy changes.
- 1.2. Maximum Amount of Elderly Dwelling Units. The total number of dedicated elderly dwelling units in the Town of Candia shall not exceed ten (10) percent of the total number of existing dwelling units in the Town at the time of application acceptance by the Planning Board. The total number of existing dwelling units shall not include those dwelling units already set aside for elderly housing. Elderly housing shall be those dwelling units which meet the definition of elderly housing, and are subject to permanent deed restrictions requiring the maintenance of the dwelling unit for exclusive occupancy by individuals 55 years of age or older. The Planning Board will determine whether the number of dwelling units in an elderly housing project exceeds the maximum percentage described above.
3. Architectural Design. Architectural renderings showing the exterior facades of all sides of the proposed buildings shall be submitted and approved by the Planning Board. Building design and style shall be distinctly residential in character, drawing on historical design elements that are consistent with rural New England architecture such as pitched roofs, clapboard or shingle style siding, raised panel exterior doors and divided light windows.

**CONTINUATION OF SECTION 5.06: CONDITIONAL USE PERMIT STANDARDS**

4. Landscaping. All elderly housing developments shall be landscaped to enhance their compatibility with surrounding areas, with emphasis given to the utilization of natural features wherever possible. A detailed landscape plan with a planting schedule (identifying all landscaping quantities, sizes and locations) shall be prepared by a landscape architect and submitted for approval by the Planning Board. This plan may include typical unit landscape plan options for individual lots within the development. Prior to granting of a Conditional Use Permit, a performance security for all landscaping shall be submitted to the Board of Selectmen in a form acceptable to Town Counsel in accordance with Subdivision Regulations, Section IV: Standards for Subdivision Construction, Article 18. Administrative Provisions, Section 18.04 Performance Bond.
5. Minimum Tract Area. The minimum tract area or parcel for an Elderly Housing development shall be at least twenty (20) acres in size.
6. Frontage. All elderly housing developments shall maintain a minimum of two hundred (200) feet of frontage on an Arterial Street as defined by the Town of Candia's Zoning Ordinance.
7. a. Maximum Density for Multi-Family. The maximum number of dwelling units within an elderly housing development containing 3 or more dwelling units per building shall be based on the distance the further extent of the property is from the commonly known "Four Corners" intersection of NH 27 and NH 43 as follows:

One mile or less	1 dwelling unit per 1 buildable acre
Greater than one mile but less than two miles	1 dwelling unit per 2 buildable acres
Greater than two miles	1 dwelling unit per 3 buildable acres

Buildable shall be as defined in Article III, Definitions of this Zoning Ordinance.

b. Maximum Density for Detached Single-Family and Attached Duplex Single-Family Dwellings. The maximum number of detached single-family dwellings or attached duplex single-family dwellings containing 1 or 2 dwelling units per building shall be based on the distance the further extent of the property is from the commonly known "Four Corners" intersection of NH 27 and NH 43 as follows:

One mile or less	1 dwelling unit per 1 buildable acre
Greater than one mile but Less than two miles	1 dwelling unit per 2 buildable acres
Greater than two miles	1 dwelling unit per 3 buildable acres

Buildable shall be as defined in Article III, Definitions of this Zoning Ordinance.

8. Maximum Number of Units per Building. There shall be no more than six dwelling units per structure.
9. Minimum Lot Frontage. In the case of Elderly Housing not under a condominium form of ownership, minimum lot frontage shall be 100 feet.
10. Minimum Setbacks. Minimum front, side and rear setbacks for buildings, internal roads, and parking lots from all external property lines shall be fifty (50) feet.

## CONTINUATION OF SECTION 5.06: CONDITINAL USE PERMITS STANDARDS

11. Lot Coverage. Lot coverage, including roofs, roadways, sidewalks and parking areas shall not exceed 50% of the total lot area.
12. Maximum Number of Bedrooms. No dwelling unit shall contain more than two (2) bedrooms.
13. Minimum Dwelling Unit Size. Each dwelling unit shall contain at least eight hundred (800) square feet of living space. 3/9/2010
14. Maximum Building Height. All buildings shall be single story above grade in height. 3/9/2010
15. Minimum Building Separation. A minimum horizontal separation of one hundred (100) feet shall be maintained between all multi-family buildings.
16. Buffer. A fifty (50) foot wide no cut buffer zone consisting in whole or in part of existing natural vegetation shall be provided and maintained along all sides of the proposed development abutting adjoining properties.
17. Parking. Adequate on site space shall be provided to allow one and one half off-street parking spaces for each dwelling unit.
18. Roads, Access Drives, Parking Lots and Walkways. All roads, access drives, parking lots and walkways shall be built according to Town standards and maintained by the Homeowners' Association (as described in Section 5.06 28.). All parking areas, including driveways, shall be paved in accordance with Town regulations. Roads are encouraged to be curvilinear in design and looped as opposed to being dead-ended at a cul-de-sac.
19. Pedestrian Access. Provisions for pedestrian access (including amenities such as benches, street and path lighting) shall be provided within the development and, to the extent possible, to off-site community facilities.
20. Lighting. Lighting shall be provided along access roads, parking areas, and walking paths that shall be appropriate sized and shielded for the residents of the development.
21. Signage. All elderly housing developments shall comply in all respects with Article VIII: Sign Regulations of the Town's Zoning Ordinance.
22. Community Facility. One common community facility to be used for Homeowners' Association meetings or general community activities shall be provided as part of one of the housing structures or as a stand-alone building.
23. Drainage and Snow Removal. Adequate provisions for drainage and snow removal shall be provided in accordance with Town standards.
24. Water Supply and Wastewater Disposal. The water supply and wastewater disposal systems, serving the residential dwelling units shall be owned, operated and maintained by a Homeowners' Association (as described in Section 5.06 28.). All residential dwelling units shall be sprinkled and shall be installed with a monitored fire alarm system. The applicant shall prove that adequate water supply and water capacity is available prior to Planning Board approval of an Elderly Housing development. Water supply and wastewater disposal systems shall be approved by the New Hampshire Department of Environmental Services.
25. Building Codes. All dwelling units shall be built in accordance with applicable federal, state and local codes. Within any elderly housing development, a minimum of ten (10) percent of the dwelling units shall be compliant with current edition of International Building Code Type B dwelling.
26. Common Land/Open Space. Common land/open space shall be set aside and covenanted to be maintained permanently as open space. The required amount of open space for all elderly housing developments shall be calculated as no less than forty (40%) of the gross area of development. In calculating open space, the following shall not be included: public rights-of-way, parking lots, the footprints of all structures and the area within fifty feet of the structures. In addition, no more than twenty (25%) of the open space, shall consist of very

## CONTINUATION SECTION 5.06: CONDITIONAL USE PERMIT STANDARDS

poorly drained soils, wetlands, water bodies, and slopes greater than 20%. Sixty (60%) of the common land/open space should be contiguous throughout the development. 3/9/2010

Use of common land shall be restricted to recreational uses such as parks, swimming pools, tennis courts, a common meeting facility, or conservation. If the buffer zone is considered part of the common land, none of the above uses shall be allowed within the buffer zone nor any other uses that would disturb the natural vegetation within this zone. These restrictions of the use of open space (including the buffer zone) shall be stated in the covenants running with the land. Access to common land/open space shall be provided by a suitable trail or pathway within the development.

Open space, common areas, common facilities, private roadways, and other features within the elderly housing development shall be protected by covenants running with the land and shall be conveyed by the property owner(s) to a homeowners association, or each owner within the subdivision is to own an undivided interest in the common property so as to guarantee the following:

- a. The continued use of the land for the intended purposes.
- b. Continuity of proper maintenance for those portions of the development requiring maintenance.
- c. The availability of funds required for such maintenance.
- d. Recovery for loss sustained as a result of casualty, condemnation or otherwise.
- e. Creation of a homeowners association with automatic membership and obligation of the residents of the elderly housing development upon conveyance of title or lease to single dwelling units. Homeowners association shall include lien provisions and shall be subject to review of Town Counsel and approval by the Planning Board.

27. Homeowners' Association. It shall be the responsibility of the developer/builder of each elderly housing development to establish a Homeowners' Association and to prepare and adopt appropriate Articles and By-Laws, which are to be submitted in advance to the Planning Board and Town Counsel for their review and approval. In preparing the Articles and By-Laws, particular consideration shall be given to accommodating the unique needs of the elderly citizens and to ensuring that residents of such developments are guaranteed adequate and appropriate services. The creation of the Homeowners' Association and the Articles and By-Laws shall be at the sole expense of the developer/builder and the costs for the review by the Planning Board and Town Counsel shall also be borne by the developer/builder. Any association formed for the purpose of elderly housing must have stipulated in the By-Laws and Declaration of Covenants, that the Association will at all times be in compliance with current ordinances of the Town governing elderly housing. Rev. (3/14/2000)

28. Limitations on Approval. All requirements of conditional approval of Conditional Use Permits shall be met within one year. If all conditions are not met within one year of approval a new application may be required.

## ARTICLE VI: DIMENSIONAL REQUIREMENTS

Rev. (3/14/2000)

### Section 6.01: Areas Included In Table Of Dimensional Requirements

Lot area; front, side and rear yard areas; and height restrictions shall be as specified in Section 6.02 of this Ordinance with the following special provisions:

- A. **Building Set-back:** On streets with less than 50 foot rights-of-way, the set-back requirement shall be 75 feet from the center line of the right-of-way.
- B. **Location of Accessory Buildings:** In any district, no permanent or temporary accessory building or structure shall be permitted in any required setback area. (Rev. 3/2003)
- C. **Frontage Requirements for Lots on Cul-de-Sac:** In the case of lots fronting on the ends of cul-de-sacs, the required lot frontage shall be applied 100 feet from the street line, provided that in no case shall the frontage along the cul-de-sac be less than 100 feet.
- D. **Structures Excluded from Height Requirement:** Height restrictions shall not apply to necessary appurtenant structures such as church spires, belfries, cupolas, domes, smokestacks, flagpoles, smokestacks, flagpoles, antennae, or similar structures.
- E. **Lot Width:** Lot widths must be maintained for at least a depth of 100 feet from the lot lines.
- F. **Lot Shape:** Lots shall be compact and regular in shape. No irregularly shaped portion of a lot narrower than 50 feet shall be used to satisfy the minimum lot size.
- G. **Tower Setbacks:** No buildings, roads or driveways that are not part of the tower site shall be built within 150% of the height of any tower that is located in any zone. Towers must be set back a distance equal to 150% of the height of the tower from any unaffiliated structure, parking areas or lots, driveways, roads, developed areas or property lines.

### Section 6.02: Table Of Dimensional Requirements-Minimum Setbacks and Dimensions, Maximum Heights Allowed

<u>District</u>	<u>Lot Area</u> (acres)	<u>Lot Width &amp; Frontage</u> (feet)	<u>Front</u> (feet)	<u>Side</u> (feet)	<u>Rear</u> (feet)	<u>Height</u> (feet)	<u>Stories</u>
R	3	200	50	25	25	35	2.5
C/L1/L2	2	200	50	25	25	35	2.5
MX	2	200	50	25	25	35	2.5

### Section 6.03: Floor Area

A single family detached or single family attached, duplex dwelling shall contain 800 square feet of floor area per dwelling unit if one story or 672 square feet on the first floor if two stories.

## **ARTICLE VII: MANUFACTURED HOUSING, MOBILE HOME SUBDIVISION, AND MOBILE HOME PARKS**

### **Section 7.01: General Provisions For Manufactured Housing**

In subdivisions, where Manufactured Housing or Mobile Homes are to be located on individually owned lots, said Manufactured Housing or Mobile Homes shall comply with lot size, frontage requirements, space limitations and other reasonable controls that conventional single family housing in the same area must meet.

### **Section 7.02: Mobile Home Subdivision And Mobile Home Parks**

#### **A. Definitions:**

1. A trailer or trailer coach means any vehicle or similar portable structure having no foundation other than wheels, jacks, or skirting, and having none of the following: running water, sanitarywater, sanitary facilities, bath facilities and toilet.
2. A trailer park means a plot of ground upon which two or more trailer coaches, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodations.
3. A mobile home is a home which is mobile, a unit similar to a trailer, it is equipped with running water and sanitary facilities, bath facilities and toilet.
4. A semi-dependent mobile home is a unit similar to a trailer which is equipped with some but not all of the following: running water, sanitary facilities bath facilities and toilet.
5. A mobile home park is land upon which two or more mobile homes are parked and occupied for living purposes regardless of whether or not a charge is made for such accommodations.

#### **B. Sanitation**

All specifications as stated within the Sanitary Laws and Regulations of N.H. State Department of Health for Mobile Homes and Trailer Parks must be met.

#### **C. Use of Land**

The use of land for the accommodations of a trailer or trailers and/or a mobile home or mobile homes is prohibited except by permit and as provided in Section 2.06 of this Ordinance.

#### **D. Application**

The above applies only to trailers and/or mobile homes utilized for residential purposes, and is not intended to cover, single trailers owned by residents and stored or parked during periods of non-use on the premises of the owner.

#### **E. Special Exception**

Mobile Home Parks may be permitted as a Special Exception in a "C" District (see 5.02) by the Board of Adjustment, after two public hearings, upon compliance with the procedure specified in Section F hereof and meeting the requirements of Sections G through L hereof.

#### **F. Procedure**

1. Any person or legal entity desiring to establish and/or operate a mobile home park shall apply to the Selectmen for a renewable license therefore as hereinafter provided.

**CONTINUATION OF ARTICLE VII: MANUFACTURED HOUSING, ETC.**

2. The application form for the establishment of a mobile home park must be obtained from the Selectmen of the Town of Candia and must be accompanied by a fee of not less than \$25.00 per proposed mobile home. This fee will be in lieu of any inspection and other fees but not in lieu of local taxes. The annual renewal fee for a license to operate a mobile home shall not be less than \$5.00 per original proposed mobile home in the original application.
3. The application form must also include a plot plan approved by the Planning Board showing the size of the mobile home park, roads, streets, location, size and shape and identification numbers of mobile home lots or spaces, locations of sanitary provision and the name of abutting property owners according to the Register of Deeds of the County of Rockingham, New Hampshire.
4. Any mobile home lots or sites in addition to those now existing in parks heretofore approved, or in addition to those now showing in the initial application for a mobile home park shall require a new application and be subject to all of the provisions governing mobile home parks.
5. The above fees may be changed from time to time at the discretion of the Selectmen.
6. The initial license and fee shall be effective until the next March 31st, thereafter a renewal license and fee shall be required on each April 1st.
7. Revocation of License: The Town of Candia licensing authority may revoke or suspend any license to maintain a mobile home park when the licensee has been found guilty by a court of competent jurisdiction, of violating any provisions of this Ordinance. After such revocation, the license shall be reissued if the circumstances leading to conviction have been remedied and the park is being maintained and operated in compliance with this Ordinance.

**G. Sanitary Requirements**

1. In any mobile home park where there are two or more single family units per acre, a central sanitary sewage treatment facility must be provided. This facility must be approved by the State Water Supply and Pollution Control Board. Individual septic tanks and leaching fields will not be allowed in any mobile home parks where there are two or more single units per acre. In any event, all systems must be approved by the State Water Supply and Pollution Control Board.
2. Sewage-treatment plant effluents shall not be discharged into any waters of the state except with prior approval of the State Water Pollution Commission. The disposal plant shall be located where it will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property. The approval of the State Board of Health shall be obtained on the type of treatment proposed and on the design of the disposal plant prior to construction.
3. Each mobile home space shall be provided with at least a 3-inch diameter sewer connection. The sewer connection shall be provided with suitable fittings, so that a watertight connection can be made between the mobile home drain and the sewer connection. Such individual mobile home connections shall be constructed so that they can be closed when not linked to a space, and shall be trapped in such a manner as to maintain them in an odor-free condition.
4. Where the sewer lines of a mobile home or trailer park are not connected to a public sewer, the means of disposal of all sewage must be approved by the State Board of Health.
5. All mobile home park operators must provide suitable refuse containers conveniently located throughout the park providing easy accessibility by all tenants. These refuse containers must be of such design to be rodent free and not to create a health hazard. Refuse must be picked up not less than twice weekly by the park operator.

## CONTINUATION OF ARTICLE VII: MANUFACTURED HOUSING, ETC

### H. Water Supply

1. Public water supply is that water which is supplied to the residents as a municipal service of the Town.
2. Private water supply is that water which is supplied to the residents of a mobile home park by a private concern or operator or by an individual for his own use.
3. In the absence of a public water supply and when water must be provided by a mobile home park operator, a well must be driven and the water must be tested pure for human consumption. This well must be capable of supplying 425 gallons per day per single family unit in any development or mobile home park at a minimum pressure of 30 psi.
4. In any mobile home park where there will be more than 10 housing units confined in an area of less than 5 acres, one fire hydrant will be installed for each 10 housing units or fraction thereof.

### I. Facilities

1. Each mobile home space shall have water and sewage connections.
2. An electrical entrance supplying at least 230 volts, 100 amps shall be provided for each mobile home and trailer space. The installation shall comply with all National electrical codes. Such electrical outlets shall be weather proof.
3. Liquefied petroleum gas shall not be used at individual mobile home or trailer spaces unless the containers are properly connected by copper or other suitable metallic tubing. Liquefied petroleum gas cylinders, connecting tubing and regulating devices shall be securely fastened in place.
4. Fuel oil containers shall be properly connected. Racks to hold such containers shall be of a design which will prevent tipping or accidental overturning.
5. Space under each trailer unit shall be adequately enclosed.

### J. Roads and Streets

1. All roads within a mobile home park shall have a base of not less than 12 inches of bank gravel with 2 inches of compacted asphalt as finished surface. The minimum surface shall be 20 feet in width where off-street parking is provided and 30 feet in width with street parking. Main entrances and exits to a mobile home park will have a paved surface of not less than 30 feet in width.
2. All streets will be well graded and proper drainage will be installed.
3. Street lights shall be provided for each five mobile home sites exclusive of park entrances and exits.
4. Electric, telephone and other transmission or utility lines shall be installed underground per specifications of public utility companies involved.
5. Plans for roads and streets must be approved by the Planning Board before a license can be issued.

### K. Additional Specifications

1. Mobile home parks must be compatible with the character of the surrounding and existing traffic considerations
2. Design plans for the park layout must be submitted for approval by the Board of Adjustment.

