

Town of Hillsborough Zoning Ordinance

As Amended March 13, 2018

Planning Board Established – 1958

Zoning Ordinance Adopted February 2, 1976

CHAPTER 229 ZONING

ARTICLE I. Title; Authority; Purpose; Scope

§ 229-1. Title

§ 229-2. Authority

§ 229-3. Legislative History

§ 229-4. Purpose

§ 229-5. Scope

ARTICLE II General Provisions

§ 229-6. Definitions and Word Usage

§ 229-7. Conflicts

§ 229-8. Building Height

§ 229-9. Unsafe Buildings

§ 229-10. Stream and Shoreline Protection

§ 229-11. Outdoor Sales

§ 229-12. Modular Building

§ 229-13. Recreational Camping Permit

§ 229-14. Accessory Living Units (In Law Apartments)

§ 229-15. Technical Corrections

ARTICLE III Use Districts

§ 229-16. Establishment of Districts

§ 229-17. Zoning Map; Boundaries

§ 229-18. Rural District

§ 229-19. Residential District

§ 229-19.1. Village Residential District

§ 229-19.2. Lower Village Residential District

§ 229-19.3 Emerald Lake Village Residential District

§ 229-19.4 Historic District

§ 229-20. Commercial District

§ 229-20.1. Central Business District

§ 229-21. Dimensional Standards

§ 229-22. Use Standards

§ 229-23. (Reserved)

§ 229-24. (Reserved)

§ 229-25. (Reserved)

ARTICLE IV Overlay Districts

§ 229-26. (Reserved)

§ 229-27. (Reserved)

§ 229-28. (Reserved)

§ 229-29. (Reserved)

ARTICLE IX Administration and Enforcement

§ 229-58. Administering Agency

§ 229-59. Building Permits

§ 229-60. Enforcement

§ 229-61. Commercial/Multi Family/Combined Use Site Maintenance
~~(Reserved)~~

§ 229-62. (Reserved)

ARTICLE X Miscellaneous Provisions

§ 229-63. Amendments

§ 229-64. Mandatory Review

§ 229-65. Severability

§ 229-66. When Effective

ARTICLE XI Sexually Oriented Businesses

§ 229-67. Authority

§ 229-68. Purpose and Goals

§ 229-69. Definitions

§ 229-70 Siting Standards

§ 229-71. Enforcement

ARTICLE XII Telecommunications

§ 229-72. Authority

§ 229-73. Purpose and Goals

§ 229-74. Definition

§ 229-75. Siting Standards

§ 229-76. Applicability

§ 229-77. Construction Performance Requirements

§ 229-78. Conditional Use Permits

§ 229-79. Waivers

§ 229-80. Bonding and Security; Insurance

§ 229-81. Removal of Abandoned Antennas and Towers

§ 229-81.1. Requirement to Maintain Camouflage Design

§ 229-82. Enforcement

ARTICLE XIII Home Businesses and Occupations

§ 229-83. Authority

§ 229-84. Purpose

§ 229-85. Reserved

§ 229-86. Standards

§ 229-87. Enforcement

ARTICLE XIV Cluster Development

§ 229-88. Purpose and Goals

§ 229-89. Definitions

§ 229-90. General Requirements

§ 229-91. Conditional Use Permit

§ 229-92. Incentive Zoning

ARTICLE XV Historic District Ordinance(Reserved)

229-93 Purpose

229-94 Boundaries of District

229-95 Power and Duties

229-96 Certificate of Approval Required

229-97 Certificate of Approval Not Required

229-98 Appeals

229-99 Enforcement

~~§ 229-93-100. -- § 229-103 (Reserved)~~

ARTICLE XVI Groundwater Protection Ordinance

229-100 Definitions

229-101 Ordinance

229-102 Applicability

229-103 Performance Standards

229-104 Performance Standards for Conditional Use

229-105 Permitted Uses

229-106 Prohibited Uses

229-107 Conditional Uses

229-108 Source Material

ARTICLE XVII Small Wind Energy Systems

§ 229-109. Authority

§ 229-110. Purpose

§ 229-111. Definitions

§ 229-112. Permits Required

§ 229-113. Conditional Use permit

§ 229-114. Design Standards

§ 229-115. Abandonment

§ 229-116. Compliance Required; Exception.

§ 229-117. Violations and Penalties

Attachments:

§229- Attachment 1 Table 1-Lot Frontage and Area requirements Rural District

§229- Attachment 2 Table 2 Lot Frontage and Area requirements Residential, Village Residential, Lower Village Residential, Emerald Lake Village Residential, Commercial and Central Business Districts

§229- Attachment 3 Table 3-Setback Coverage and Building Height Requirements

§229- Attachment 4 Table 4 Chart of Uses

CHAPTER 229 ZONING

[HISTORY: Adopted by the Annual Town Meeting of the Town of Hillsborough during codification. *Editor's Note: See § 229-3 of this chapter. Amendments noted where applicable.*]

GENERAL REFERENCES

Conservation Commission — See Ch. 24.
~~Historic District — See Ch. 38 and 147.~~
Planning Board — See Ch. 55.
Regional Planning Commission — See Ch. 63.
Building permits — See Ch. 107, Art. I.
Numbering of buildings — See Ch. 110.
Driveways — See Ch. 127.
Impact fees — See Ch. 149.
Loon Pond — See Ch. 160.
Parks — See Ch. 170.
Site plan review — See Ch. 185.
Solid waste — See Ch. 193.
Subdivision of land — See Ch. 201.

ARTICLE I. Title; Authority; Purpose; Scope

§ 229-1. Title

This chapter shall be known and shall be cited as the "Zoning Ordinance of the Town of Hillsborough, New Hampshire."

§ 229-2. Authority

This chapter is enacted pursuant to the Planning and Zoning Enabling Legislation of the State of New Hampshire, which is embodied in New Hampshire Revised Statutes Annotated, Title LXIV, Chapters 672-677, as amended.

§ 229-3. Legislative History

The Town of Hillsborough first enacted zoning on March 2, 1976, in the form of the "Town Plan of Hillsborough, New Hampshire." The zoning regulations enacted in 1976 were amended over the years, and the ordinance was re-codified in November 1988 as part of the general re-codification of Town ordinances. The re-codified zoning ordinance was enacted on March 14, 1989.

BED-AND-BREAKFAST--A transient lodging facility, which is also the owner's personal residence, which contains not more than six (6) sleeping rooms for rental accommodations to visitors. In such a facility, the only scheduled meal served to guests is breakfast. Each sleeping room may contain a bathroom but shall not contain individual kitchen facilities. Sleeping rooms shall not be located in an accessory structure.

BOARDING KENNEL-- Any premises where four or more dogs which are five months old or older are kept temporarily, commercially, excluding pet grooming shops and veterinary clinics. Boarding of animals is permitted.

BOATHOUSE--A structure designed solely for the protection and storage of watercraft and accessories.

BUFFER--An area along a public road or property boundary which is left in its natural state and/or landscaped so as to limit the visibility of the development from the road or adjacent properties.

BUILDING AND SERVICE TRADE-- Shall include, but not be limited to, such building and service trades as carpenter, plumber, electrician, mason, and such similar trades where the tradesman performs his /her skill or works away from his/her home or business location and usually at the customer's site or property. No heavy equipment or outside storage of supplies, material, or equipment is to be permitted in connection of this use.

BUILDING ENVELOPE--The area in which buildings will be built, and shall include the area necessary for the installation of the septic system as well as the area required for a replacement septic system.

BUILDING--A structure built for the support, shelter, or enclosure of persons, animals, or movable property of any kind.

CAMP, RECREATIONAL--A parcel of land, including buildings and other structures, dedicated to seasonal recreation, which may include temporary overnight accommodations for those attending camp activities.

CAMPGROUND-- A parcel of land with one or more specific sites, with or without water, electricity, and sewage hookups, that has provision for the pitching of a tent or the parking of any recreational vehicle or trailer for use as sleeping quarters on a temporary and transient basis.

CEMETERY--Property used for interring the dead.

CERTIFICATE OF APPROVAL-HISTORIC DISTRICT—Issuing approval for Building Permits shall be in accordance with in RSA 676:8-676:9.

CHANGE OF USE-- A change of use occurs when the use of any land, building or structure is changed from one permitted land use classification to another, or when any of the following occurs:

COVERAGE--The aggregate cross-sectional area of all buildings on the lot, including accessory buildings.

CREMATORY-- A facility containing furnaces for the reduction of dead bodies, either animal or human, to ashes by fire.

DAY CARE FACILITY, ADULT-- A structure or portion of a structure (residential home or Commercial building) used for less than 24 hours per day on a regular or continuous basis to care for elderly and/or functionally impaired adults requiring care, maintenance, and supervision by someone other than a relative or legal guardian, which has been licensed or registered by a state licensing agency. Clients shall be ambulatory or semi-ambulatory and shall not be bedridden."

DAY CARE FACILITY, CHILD OR FAMILY-- A structure or portion of a structure used for less than 24 hours per day on a regular or continuous basis, used for the protection, care and supervision of children under sixteen (16) years of age by someone other than a relative or legal guardian, which has been licensed or registered by a state licensing agency."

DAY CARE FACILITY, DOG--A controlled and monitored environment in a structure or portion of a structure used for less than 24 hours per day on a regular or continuous basis for a group of 5-10 dogs to interact and play in an enclosed building or yard.

DENSITY--The number of dwelling units or the number of individual lots for single-family homes which may be built upon a unit area of land. Density is calculated based on the zoning district in which the parcel is located, as well as the physical characteristics of the land which would preclude in total or in part the development of the parcel.

DRIVE-THROUGH FACILITY-- a structure or portion of a structure, which is designed to permit customers to receive products or services directly from a motor vehicle.

DRIVEWAY-- An area located on a lot, tract or parcel of land and built for direct access to a garage or off-street parking space, serving not more than two lots.

DRY CLEANER--A business operation that engages in the cleaning of clothing or fabrics or other such material that may be cleaned with chemical solvents using little or no water.

~~**DWELLING UNIT**--One or more rooms arranged for the use of one or more persons living together as a single housekeeping unit, and having cooking, living, sanitary and sleeping facilities, but not including hotel, motel, tourist cabin (camp), lodging house, institutional home, residential club units or other similar commercial accommodations offered for occupancy.~~

DWELLING UNIT--One or more rooms arranged for the use of one or more persons living together as a single housekeeping unit, and having cooking, living, sanitary and sleeping facilities, but not including hotel, motel, tourist cabin (camp), lodging house, institutional home, residential club units or other similar commercial accommodations offered for occupancy.

- a) Dwelling, Single A single building, situated on a single lot, having one dwelling unit.
- b) Dwelling, Two Unit: (including duplex) A single building situated on a single lot having two dwelling units which are either attached side-by-side, through the use of a common party wall, or stacked with one dwelling unit over the other.
- c) Dwelling, 3 and 4 Unit: Any building or structure located on a single lot containing three or four dwelling units.
- d) Dwelling, More Than 4 Units- Any building or structure located lot containing more than four dwelling units

DWELLING--A building used for living quarters, but not including mobile homes, trailers of any kind, hotels, motels, lodging houses, institutional homes, residential clubs, tourist camps, cabins, or other commercial accommodations offered for occupancy.

EASEMENT-- A right of use over the property of another

~~FAMILY~~--~~One (1) or more persons living as a single housekeeping unit.~~

FARM -Shall be as defined in RSA 21:34-a I [Added ATM 3-15-2017 ART.1]

FARMERS' MARKET --Shall have the same meaning as defined in RSA 21:34-aV The term "farmers' market" means an event or series of events at which 2 or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture, as defined in paragraphs I-IV. "Farmers' market" shall not include any event held upon any premises owned, leased, or otherwise controlled by any individual vendor selling therein.

FLEA MARKET-- An outdoor sale at which new or secondhand articles are sold.[Amended by the ATM 3-12-1991 by Art. 2]

FRONTAGE-That side of a lot abutting on a street and ordinarily regarded as the front of the lot. For a corner lot, half of the curve of the radius may be included in frontage.

FUNERAL HOME-- A building used for preparation of the deceased for burial, for display of the deceased and for ceremonies connected therewith before burial or cremation. A

ARTICLE III Use Districts

§ 229-16. Establishment of Districts

[Amended 3-11-2003 ATM by Art. 5; 3-14-2006 ATM by Art. 5]

The Town of Hillsborough is hereby divided into the following use districts:

Rural District

Residential District

Commercial District

Central Business District

Emerald Lake Village Residential District

Village Residential District

Lower Village Residential District

Historic District

§ 229-17. Zoning Map; Boundaries

- A. The location and boundaries of the districts are shown on the Town of Hillsborough Zoning Map, which is on file in the office of the Town Clerk. This map is hereby adopted and shall be known as the "Official Zoning Map of the Town of Hillsborough" and shall be certified by the Selectmen and the Town Clerk. The Selectmen and Town Clerk shall promptly and properly make all changes to the Official Zoning Map as may be affected by any amendment to this chapter.
- B. Boundaries.
 - 1. Where a boundary follows a right-of-way or a watercourse, it shall be construed to be the centerline thereof.
 - 2. Where a boundary parallels the centerline of right-of-way or watercourse or a Town boundary, it shall be considered parallel to these features and at a distance indicated on the map.
 - 3. Where a boundary line follows within 10 feet of an existing line, it shall be considered to coincide with that lot line.
 - 4. Where a boundary line intersects an existing recorded lot, the nonconforming use may be extended not more than 100 feet into the adjoining district.

§229-19.3. Emerald Lake Village Residential District
[Added TM 2015]

- A. Permitted uses: In the Emerald Lake Village Residential District, permitted uses are indicated in Table 4-Chart of Uses.
- B. Uses permitted only by special exception. In the Emerald Lake Residential District, uses, permitted by special exception granted by the Board of Adjustment pursuant to § 229-51 are indicated in Table 4-Chart of Uses.

229-1 9.4 Historic District –

The Historic District was adopted by Annual Town Meeting of the Town of Hillsborough 3/4/75 as Article 31 and amended ATM 03-13-1979

District established.

[Amended by the ATM 3-13-1979 by Art 5]

The town voted to establish an Historic District pursuant to the authority of RSA 674:43 and 674:44, said district to be described as follows: Beginning at a point of the East Washington Road, said point being approximately 1,050 feet, more or less, northerly from the intersection of the northwest point of the Hillsborough Centre triangle; thence running easterly in a line 1,000 feet northerly from the road constituting the north leg of the Hillsborough Centre triangle approximately 2,500 feet to a point on the North Road; thence crossing the North Road and running in a general southerly direction in a line which is 1,000 feet easterly from the road constituting the east leg of the Hillsborough Centre triangle approximately 3,150 feet to a point on the Centre Road; thence crossing the Centre Road and running in a southwesterly direction 1,000 feet to a point, thence turning and running northwesterly in a line which is 1,000 feet from the East Washington Road 4,100 feet, more or less, to a point which is 1,000 feet southwesterly of the place of beginning, thence running northeasterly crossing the East Washington Road 1,000 feet to the place of beginning.

Historic District Commission.

- A. In order to carry out the purpose of this District, an Historic District Commission is appointed to consist of five members, one of whom shall be a representative of the Board of Selectmen, one of whom shall be a representative of the Planning Board, and three members shall be appointed by the Selectmen. At least two of the three members at large shall be residents of the District, and the three members at large shall serve for three-year terms on a staggered basis.
- B. The Commission shall function in accordance with the provisions of New Hampshire RSA'S 674:46-a-674:50.

2013 ATM by Art. 2]

3. Wall Signs: Wall signs are permitted. The maximum size for a wall sign is 40% of the width of the wall on which it is placed. A wall sign shall not protrude above the wall on which it is located.
4. Projecting Signs: Projecting Signs are permitted. This type of sign shall not project more than five feet from the supporting building façade. A minimum clearance of eight feet must be maintained between the sign and the finished grade. The maximum height for a projecting sign shall not exceed the height of the wall on which it is located.

3) Residential Districts

- a) Home Businesses: Persons conducting an approved Home Business may further erect a single permanent sign not exceeding six (6) square feet in area.
- b) Non-commercial temporary signs are permitted in residential districts per C(2)(e) of this Article.

4) Historic District

4)5) _____

A. Signs in the Historic District are not to exceed four (4) square feet.

B. All signs located in the Historic District require a Certificate of Approval from the HDC in addition to a Sign Permit from the Building Department.

C. Temporary signs are prohibited in the Historic District.

E. SEVERABILITY

The invalidity of any provision of this Ordinance shall not affect validity of any of the provisions. If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding will not affect or impair any other section, clause, provision or portion of this ordinance.

F. ENFORCEMENT

The enforcement of this Sign Ordinance shall be the duty of the Selectmen or its duly authorized agent.

§ 229-36. Waterfront Development

F. Revocation of building permit. The Selectmen or duly authorized Building Inspector may suspend or revoke any building permit upon determining that the work or project in process is not in conformity with the permit as granted or is otherwise in violation of the terms of this chapter. In event of such suspension or revocation of a building permit, the work or project concerned shall immediately cease or legal action to enforce such cessation shall forthwith be taken by the Selectmen or duly authorized Building Inspector.

G. The Zoning Board of Adjustment shall serve as the Building Code Board of Appeals

H. A building permit for a building, structure, alteration or proposed land use or otherwise shall become void if the work is not substantially started and completed with all reasonable due diligence within 2 years. For new buildings, the commencement of work shall be considered to be the completion of the foundation.

I. Renewal of building permit. A building permit under which work has commenced may be renewed for an additional year for a renewal fee to be established by the Selectmen as per Subsection **B** above.

I.J. Procedure for Approval of Building Permits in the Historic District shall be per the requirements in RSA 676:8-9 See also Article XV of the town of Hillsborough Zoning Ordinance.

§ 229-60. Enforcement

A. Enforcing authorities. It shall be the duty of the Selectmen of the Town of Hillsborough to enforce this chapter. The Selectmen may delegate enforcement authority to the Building Inspector. Where necessary, the Selectmen or the Building Inspector may retain legal counsel to assist with enforcement proceedings.

B. Cease and desist orders. The Selectmen or the duly authorized Building Inspector may issue violation and cease and desist orders personally. The Selectmen may take all actions deemed necessary by them to enforce this chapter or to prevent violations thereof.

C. Penalties. Penalties for violation of these regulations shall be as provided by New Hampshire RSA 676:17, as amended. Any person who violates any of these regulations:

(1) Shall be guilty of a misdemeanor if a natural person or guilty of a felony if any other person.

(2) Shall be subject to a civil penalty not to exceed \$100 for each day that such violation is found to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he is in violation, whichever is earlier.

D. Injunctive relief. In addition to other remedies provided by law, the Selectmen, Building Inspector or legal counsel may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent or abate or remove erections, construction, alterations or reconstructions that are in violation of this chapter.

E. Recovery of legal costs. As permitted by New Hampshire RSA 676:17, the Selectmen shall seek to recover all costs and reasonable attorney's fees in any legal action necessary to enforce this chapter.

§ 229-61. Commercial/Multi Family/Combined Use site maintenance in the Commercial Zone and Central Business District.

Purpose

A healthy commercial base is essential to the vitality and overall health and welfare of the residents of Hillsborough. Well maintained and attractive Central Business District and Commercial zones attract desirable businesses, and bring focus to the town's natural and historic assets. Well maintained businesses and property encourage businesses to locate to Hillsborough, attract tourists, supports property values and ultimately benefit the commercial base and the quality of life for the residents of Hillsborough.

SITE MAINTENANCE REQUIREMENTS

A. Any owner of a commercial, multi family or combined use property within the Central Business District or Commercial zones of the Town, whether or not such property has an approved site plan, shall maintain such property in such a way that it will enhance the property and not detract from the neighboring properties. Items to be maintained shall include, but are not limited to:

(1) Existing parking lots shall be maintained, and repaired as necessary.

(2) Striping for all parking, fire lanes and any necessary directional arrows shall be maintained as per approved site plan or per the Code Enforcement Officer in compliance with the Town's Zoning Ordinance and Site Plan Regulations.

(3) All exterior street facing surfaces and facades shall be maintained in accordance with their material.

(4) Signage shall not be DILAPIDATED per Chapter 239-35-B Definition DILAPIDATED SIGNS

(5) Dumpsters shall be maintained, placed on pavement or concrete pad and secured with fencing of at least six (6) feet high sufficient to block the dumpster and its contents from view from public streets and adjacent properties at ground level. There shall be no trash or other debris left around the property.

(6) Landscaping (i.e., trees, shrubs, grass/lawns) shall be regularly pruned; dead shrubs, branches and/or trees shall be removed and replaced; landscaped areas shall be regularly weeded and mulched; and lawn areas shall be regularly mowed

(7) Any other conditions that may be applicable to comply with an approved site plan.

B. Annual property inspections may be required by the Code Enforcement Officer to determine compliance with this section, any approved site plan and/or any other applicable regulations. Failure to comply, once notified of a violation, may result in fines and/or penalties per Chapter 229-60 Enforcement.

~~{Reserved}~~

§ 229-62. (Reserved)

ARTICLE XV Historic District Ordinance(Reserved)

Editor's Note: Former Article XV, Growth Management, added 3-8-2005 ATM by Art. 3, expired at the Annual Town Meeting in 2009.

LEGISLATIVE HISTORY

. The Center Historic District Ordinance Article I was adopted by the Annual Town Meeting of the Town of Hillsborough 03-13-1979 as Art 3.

§ 229-93. Authority.

This article has been adopted by the Town of Hillsborough in accordance with the authority granted in the New Hampshire Revised Statutes New Hampshire Revised Statutes Annotated 673:1, 673:4, 674:44-674:50 procedurally under the guidance of RSA 675:1, II.

Powers and duties if the Historic District Commission shall be as prescribed in RSA 674:46-a

ARTICLE I

[Adopted ATM 3-13-1979 Article 31]

229-94 Permitted Uses:

Permitted uses in the Historic District are located in Table 4 Chart of Uses

Historic District Commission Powers and Duties

Powers and Duties of the Historic District Commission shall be as prescribed in RSA 674:46-a, as amended.

§ 229-95 Zoning Board of Adjustment:

- A. The powers of the Zoning Board of Adjustment shall be implemented as prescribed by New Hampshire RSA 674:33 as amended, and as innumerate in Chapter VIII of the Town of Hillsborough Zoning Ordinance.

B. The Historic District Commissioners shall receive notice of any land use hearings involving properties within the Historic District.

§ 224-96 Certificates of approval.

A. Certificate required- In the Historic District, no building permit shall be issued alteration, construction, demolition or use of land or of building(s) until a Certificate of Approval has been issued by the Historic District Commission as specified in RSA 676:8-9.

B. Certificates of approval shall not be required for normal repairs and preservation of stone walls, fencing, signs and landscaping.

C. -Applications for Certificate of Approval shall be submitted in writing on the form provided to the Hillsborough Center Historic District Commission, stating the location, use, nature and where pertinent, the materials, for which such certificate is sought. Any site plans, building plans, elevations, samples, photographs, sketches or other information reasonably required by the Commission to determine the appropriateness in question shall be made available by the applicant.

D. Issuing Certificates of Approval for Building Permits shall be as prescribed in RSA 676:8-9.

E. The Historic District Commission shall file a Certificate of Approval or a Notice of Disapproval within 45 days from receipt of the application pursuant to RSA 676:8 -9

F. The Historic District Commission may hold a public hearing on a Certificate of Approval application and shall hold a public hearing if one is requested by the applicant in the following manner: Ten days after the filing of an application for a certificates of approval or application for demolition, the abutters shall be notified no less than 10 days before the public hearing.

G. The Historic District Commission shall review applications for building permits within the Historic district for their impact on the district and its objectives as prescribed in RSA 676:8.

H. The acceptability of any features, fixtures and uses in any such application, shall reflect the objectives of RSA 674:45.

I. The Historic District Commission shall review:

- a. Architectural style,
- b. General design and arrangement,
- c. Textures,
- d. Materials of the building or structure or appurtenant fixtures in question
- e. The relation of such features to similar features of buildings in the immediate surroundings
- f. The appropriateness of proposed features, buildings, structures and appurtenant fixtures
- g. The location on the lot and the removal or demolition of any building or structure or appurtenant fixture in the district wherever such features, buildings, structures and appurtenant fixtures are subject to public view.

J. The Commission shall not make any recommendations or requirements except for purposes of historic preservation and of preventing developments, construction or changes incongruous with the historic districts, its buildings, sites and surroundings.

K. Within a period of 45 consecutive calendar days after the filing of such application or within such further time as the applicant may in writing allow, the Commission shall determine whether the action or usage proposed will be appropriate in its opinion in the Historic District in accordance with the purposes of this section and shall file a certificate of approval or notice of disapproval with the Board of Selectmen, Building Inspector or other duly delegated authority. No building permit shall be issued without a certificate of approval. Failure to file said certificate or notice by the Commission within the specified period of time shall be deemed to constitute approval.

L. Notwithstanding that the action or usage proposed may be deemed inappropriate, owing to conditions especially affecting the lot, building or structure involved but not affecting the Historic District generally, the Commission may find that failure to issue a certificate of approval will involve a hardship (physical, financial or otherwise) to the applicant. Such certificates may be issued without substantial derogation from the intent and purposes of historic preservation in the Town of Hillsborough as stated above. If the Commission determines that a proposed activity is not appropriate, owing to aforesaid conditions, but that failure to issue a certificate will cause substantial hardship, the Commission shall forthwith approve such application and shall issue to the applicant a certificate of approval in which the Commission may impose conditions.

M. Record of reasons for non-issuance-If the Commission determines that a certificate of approval should not be issued; the reasons for such determination shall be entered in its records and may include recommendations respecting the proposed construction, reconstruction, alteration, moving or demolition.

§-229-97 Appeals.

Appeals shall be taken to the Hillsborough Zoning Board of Adjustment by any owner of property wholly or partly within the Historic District and by any other person, agency or group if aggrieved by a ruling of the Historic District Commission. The Board of Adjustment shall hear and act upon such appeals within the periods of time prescribed by New Hampshire statute.

§-229-98 Enforcement.- See section 229-60

229-99 Compatibility-

Per RSA 674-46 a, IV:All districts and regulations shall be compatible with the Master Plan and zoning ordinance of the town of Hillsborough.

ZONING

229 Attachment 2

Table 2

Lot Area and Frontage Requirements

Residential, Village Residential, Lower Village Residential, Emerald Lake Village Residential
Commercial and Central Business Historic Districts
Town of Hillsborough

		With Municipal Water <u>and</u> Sewer		With Municipal Water <u>or</u> Sewer		With <u>no</u> Municipal Water or Sewer	
		Minimum Frontage (feet)	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Lot Size (square feet)	Minimum Frontage (feet)	Minimum Lot Size (square feet)
Residential, Village Residential, Emerald Lake Village Residential, Lower Village Residential and Commercial Districts							
	Single-dwelling units	100	10,000	100	20,000	125	40,000
	Two-dwelling units	100	20,000	100	40,000	125	80,000
	Three-dwelling units	125	28,500	150	52,000	150	120,000
	Four-dwelling units	150	37,500	150	64,000	150	160,000
	Commercial uses (each building)	200	40,000	200	40,000	200	40,000
	All other uses	200	40,000	200	60,000	200	80,000
Central Business District							
	<u>All Uses</u>	<u>50</u>	<u>5,000</u>	<u>50</u>	<u>5,000</u>	<u>50</u>	<u>5,000</u>
<u>Historic District</u>							
	<u>All Uses</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>200</u>	<u>87120</u>

NOTES:

ZONING

229 Attachment 3

Table 3
Setback, Coverage and Building Height Requirements
Town of Hillsborough

District and Type of Use	Minimum Setbacks			Maximum Front Setback (feet)	Maximum Coverage (percent)		Maximum Building Height (feet)
	Front (feet)	Side (feet)	Rear (feet)				
Residential, , Emerald Lake Village Residential, Village Residential, Lower Village Residential and Commercial, <u>Historic</u> Districts							
Dwellings	30	15	20	<u>N/A</u>	25		50
Commercial Uses	50	20	25	<u>N/A</u>	30		50
Other Uses ¹	50	20	25	<u>N/A</u>	30		50
Lake Lots ²	75	25	25	<u>N/A</u>	20		50
Rural District							
Dwellings	30	25	50	<u>N/A</u>	25		50
Commercial Uses	50	25	50	<u>N/A</u>	30		50
Other Uses ¹	50	25	50	<u>N/A</u>	30		50
Lake Lots ²	75	25	25	<u>N/A</u>	20		50
Central Business District							
All Uses	<u>0</u>	<u>0</u> ³	<u>10</u>	<u>25</u> ⁴	<u>75</u>		50
Historic District							
All Uses	<u>50</u>	<u>25</u>	<u>50</u>	<u>N/A</u>	<u>25</u>		<u>50</u>

NOTES:

- 1 Other uses include rooming house with owner or agent in residence, residential use with house sales or professional office, church, school, etc.
- 2 For lake lots, the front of the lot is toward the lake and the front setback is measured from the average mean high water level.
- 3 If adequate fire protection can be provided.
- 4 For primary building.

Zoning

Table 4

Chart of Uses

P=Permitted Use S= Permitted by Special ExceptionC= Permitted as a Conditional Use (#) See Notes

Attachment 4:1

Zoning Districts-Residential Uses								
Uses	Rural	Residential	Village Residential	Emerald Lake Village Residential	Historic District	Lower Village Residential	Commercial	Central Business District
Bed and Breakfast	P	P	P	P	S(#)			P
Cluster Development	C	C	C	C		C		
Dwelling-Single Family	P	P	P	P	<u>P</u>	P	S(1)	S(2)
Dwelling-2 Family	P	P	P	P	<u>P</u>	P	S(1)	S(2)
Dwelling, 3 and 4 Family	S	S	S			S	S(1)	S(2)
Dwelling More than 4 Family	S	S	S				S(1)	S(2)
Home Occupation	P	P	P	P	<u>P</u>	P	P	P
Mobile Home/Manufactured	P	P						
Mobile Home Park	S	S						
Mobile Home Subdivision	P	P						
<u>RESIDENTIAL USES NOTES</u> (1) Uses permitted by Special Exception only when such is a secondary use in conjunction with a commercial use and when such a use comprises less than 50% of the square footage of the structure (2) Dwellings at street level require a Special Exception. Minimum floor area for any dwelling unit shall be 600 square feet <u>#All Changes of Use may be subject to Site Plan Review</u>								

Table 4

Chart of Uses

P=Permitted Use S= Permitted by Special ExceptionC= Permitted as a Conditional Use (#) See Notes

Attachment 4:2

Zoning Districts-Commercial Uses								
Use	Rural	Residential	Village Residential	Emerald Lake Village Residential	Historic District	Lower Village Residential	Commercial	Central Business District
Auction House	S				<u>S</u> (#)		P	S
Bar							P	P
Camp, Recreational	S							
Campground	S	S						
Commercial Storage Facility							P	S
Convenience Store							P	S
Crematory	S						S	
Drive Through Facility							P	S
Dry Cleaner							P	S
Farmer's Market	S				<u>P</u> (#)		P	P
Funeral Home							P	P
Garden/Farm Supply or Nursery	S						P	
Home Business	P	P	P	P	<u>P</u> (#)	P	(1)	(1)
Hotel/Motel							P	P
Inn	S				<u>S</u> (#)		P	P
Laundromat							P	S
Livestock Auction	S						S	
Manufactured Home Sales							P	

Table 4
Chart of Uses

P=Permitted Use S= Permitted by Special Exception
C= Permitted as a Conditional Use (#) See Notes

Attachment 4:3

Zoning Districts-Commercial Uses (CONT)								
Use	Rural	Residential	Village Residential	Emerald Lake Village Residential	Historic District	Lower Village Residential	Commercial	Central Business District
Motor Vehicle Sales							P	
Motor Vehicle Service Station and Garage							P	
Night Club							P	P
Office	S	S	S		<u>S(#)</u>		P	P
Personal Services			S				P	P
Recreation, Indoor							P	P
Recreation, Outdoor	S						S	
Repair Business			S		<u>S(#)</u>		P	P
Restaurant	S	S	S		<u>S(#)</u>		P	P
Retail Business			S		<u>S(#)</u>		P	P
School, Commercial or Trade							P	P
Shopping Center							P	P
Theater	S						P	P
Vehicle and Machinery Auction							S	
COMMERCIAL USES								
(1) Home Businesses are not regulated in the Commercial and Central Business Districts but change of use may be subject to Site Plan Review								
<u>#All Changes of Use may be subject to Site Plan Review</u>								

Table 4

Chart of Uses

P=Permitted Use S= Permitted by Special ExceptionC= Permitted as a Conditional Use (#) See Notes

Attachment 4:4

Zoning Districts-Institutional Uses								
Use	Rural	Residential	Village Residential	Emerald Lake Village Residential	Historic District	Lower Village Residential	Commercial	Central Business District
Clinic	S		S				P	P
Clubs/Lodges for less than 250 people	S	S	S				P	P
Clubs/Lodges with seating 250 or more people	S						P	S
Community Center	S		S		<u>S</u> (#)		P	P
Day Care Facility Adult	S	S	S				P	P
Day Care Facility Child or Family	S	S	S		<u>S</u> (#)		P	P
Hospital	S						P	P
Municipal Facility	P	P	P	P	<u>P</u>	P	P	P
Museum	S	S	P	S	<u>S</u> (#)	S	P	P
Nursing Home, Retirement Home, Supervised Group Home	P	P	P	P		P	P	P
Nursery School/Preschool	S	S	S		<u>S</u> (#)		P	P
Religious Institutions for less than 250 people	P	P	P	S	<u>S</u> (#)	S	P	P
Religious Institutions for more than 250 people	S						P	S
School	S	S	S	S	<u>S</u> (#)	S	S	P
<u>INSTITUTIONAL USES</u>								
#All Changes of Use may be subject to Site Plan Review								

Table 4

Chart of Uses

P=Permitted Use S= Permitted by Special ExceptionC= Permitted as a Conditional Use (#) See Notes

Attachment 4:5

Zoning Districts-Industrial Uses								
Use	Rural	Residential	Village Residential	Emerald Lake Village Residential	Historic District	Lower Village Residential	Commercial	Central Business District
Building and Service Trade	P	P	P	P		P	P	P
Industry				S		S	P	
Junk Yard								
Light Industry	S						P	S
Sawmill	S						S	
INDUSTRIAL USES NOTES #All Changes of Use may be subject to Site Plan Review								
Zoning Districts-Miscellaneous Uses								
Use	Rural	Residential	Village Residential	Emerald Lake Village Residential	Historic District	Lower Village Residential	Commercial	Central Business District
Agriculture	P				<u>P</u>			
Agritourism	P(#)				<u>P(#)</u>		S	
Animal Shelter	S						P	P
Artist's Studio	P	S	S	S	<u>P</u>	S	P	P
Cemetery	P	P	P	P		P		
Daycare Facility-Dog	S	S	S	S		S	P	P
Boarding Kennel	S						S	
Farm	P				<u>P</u>		S	
Veterinary Clinic Animal Rehabilitation	P						P	P
MISCELLANEOUS NOTES: #All Changes of Use may be subject to Site Plan Review								