

## **Zoning Ordinance**

### **Town of Columbia, New Hampshire**

As adopted March 9, 1971 and amended 1972 - 1977, 1983, 1986, 1987, 1996, 2000, 2001, 2004, 2005, 2007, 2009, 2010 and 2012, 2013, 2014, 2015, and 2016.

*The Town of Columbia adopts the following Zoning Ordinances pursuant to the authority granted under New Hampshire RSA 674:16, as amended. The provisions of these ordinances are intended to regulate the use of land for the purpose of protecting the public health, safety, convenience and general welfare of the residents of the Town of Columbia. These ordinances are adopted in accordance with and in order to implement the Master Plan and other policies designed to promote the orderly growth of the Town of Columbia. Among other purposes, these ordinances are specifically adopted to preserve air and water quality; to conserve open space and agricultural resources; to protect natural and scenic resources from degradation; to provide for recreational needs; to protect life and property from flooding and other natural hazards; to preserve historic sites and structures; and to ensure that development is commensurate with the character and physical limitations of the land. Further, these ordinances are designed to ensure that the timing, location and nature of new development takes into account the immediate and long-range financial impacts of proposed uses and enhances the achievement of the town's economic development goals.*

*The Planning Board shall have authority to make non-substantive changes to the zoning ordinances of the Town of Columbia for any one or more of the following purposes: assignment or re-assignment of section numbers; update of statutory references; correction of typographical errors; and elimination of definitions that are no longer used or referenced in the zoning ordinances. (voter approved 2015)*

#### **Article 1 - Zoning**

The Town of Columbia shall have two (2) zoning districts.

**A.** Flood Plain Zone: All lands designated as "Special Flood Hazard Areas" by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Rate Maps dated April 2, 1986, or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

All lands in the FloodPlain Zone, as defined above and designated as "special flood hazard areas" shall comply with the Columbia FloodPlain Ordinance - (See separate document). The regulations of the Columbia FloodPlain Ordinance shall overlay and supplement the regulations of this Zoning Ordinance and shall be considered part of this Zoning Ordinance for purposes of administration and appeals under state law. If any provision of the Columbia FloodPlain Ordinance differs or conflicts with any provision of this Zoning Ordinance, the provision imposing the greater restriction or more stringent standard shall be controlling.

**B.** Rural Zone: All lands in the Town shall be zoned as rural and subject to the following provisions of this Ordinance.

#### **Article 2 - Permits**

**A.** After the passing of this Ordinance, it shall be unlawful to erect and use any structure over

100 square feet, or to relocate any building without first obtaining a permit, hereafter called a zoning compliance certificate (“ZCC”) from the Planning Board. For each such certificate from the Planning Board, the Board shall collect and pay to the Town Treasurer the sum for such zoning compliance certificate as stated in Appendix 1. The Planning Board, at its discretion, has the right to waive the zoning compliance fee. This certificate is to be kept posted at the construction site during construction and protected from inclement weather.

**B.** No zoning compliance certificate shall be required for remodeling or repairing where the purpose for which the building or structure to be used is not changed, or the building is not enlarged or living area expanded.

**C.** A permit for a driveway must be approved by the Selectmen and or Road Agent before issuance of a zoning compliance certificate, (where a driveway does not already exist.) A copy of the driveway permit must accompany the zoning compliance certificate application. 2002

**D.** All applications for zoning compliance certificates in the Town of Columbia shall comply with New Hampshire Water Supply and Pollution Control Standards.

**E.** If construction of the building for which a zoning compliance certificate has been issued is not begun with one (1) year from date of issuance, said certificate shall expire. Property owner(s) may come before the Planning Board to request an extension of the certificate for up to one (1) year. Any extension thereafter, a certificate fee will be applied.

**F.** After the passing of this ordinance any sign must obtain a zoning compliance certificate. Any temporary sign can be placed for 60 days or less without obtaining a zoning compliance certificate.

### **Article 3 - Construction**

**A.** All exterior walls shall be of an industry standard material. Examples of acceptable materials are clapboards, board and batten, logs, vinyl siding, T-111, shingles, etc. Plain plywood, tarpaper, tarp material and tyvar materials are not to be considered exterior finish material.

**B.** Foundations for residences shall be concrete, masonry walls, concrete masonry piers or concrete slab.

**C.** All chimneys shall be constructed in accordance with New Hampshire’s Fire Safety Code Regulations and recommended practices.

**D.** No structure shall be placed or erected on any lot in Columbia having a height of more than thirty five (35) feet. *(approved 2016)*

### **Article 4 - Lot Size, Building Placement, and other regulations**

**A.** Minimum lot size is 3 acres (130,680 sq. ft.) Only one principal residential unit shall be allowed per 3 acre lot. Accessory structures which are customarily incidental to the primary structure, such as garages, sheds, decks, storage containers, etc. shall also be allowed by separate application and compliance with the ordinance. Non-residential and cluster housing require site plan review.

**B.** Minimum road frontage per lot of 200 feet is necessary on either a state road, town road, or approved subdivision road. Selectmen’s approval is also required for all lots with frontage on a Class VI road or private road.

**C.** A building should not be erected or placed closer than twenty five (25) feet to all boundaries unless written consent from all parties is presented with the application for a zoning compliance certificate. Further, a building shall not be erected or placed closer than 25 feet from any and all

public rights of way.

**D.** No owner or occupant of any land in said Town shall permit any building or structure of fire ruins to be left unfinished or incomplete but shall complete the removal or reconstruction within one (1) year, unless otherwise specified by the Board of Adjustment.

**E.** Nothing in this Ordinance shall be construed to prevent continuance for any existing use of land or buildings except that non-conforming uses shall not be enlarged or extended after passage of this Ordinance.

**F.** A non-conforming use, nonetheless, which becomes non-operative or vacant for a period of one (1) year, shall not thereafter be reoccupied except for a use conforming to this Ordinance.

### **Article 5 - Manufactured Homes**

**1.** A manufactured home to be occupied as a dwelling shall be allowed if the following conditions are met:

a) the town issues a zoning compliance certificate prior to placement of the manufactured home.

b) Lots will conform to present requirements for permanent housing (size of lot, frontage, placement, water, sewerage, etc.)

c) The minimum size of the manufactured home will be 600 square feet.

d) the manufactured home will meet present requirements of Columbia's Zoning Ordinance regarding chimneys. (Article 3 section C.)

e) the manufactured home will meet present requirements of Columbia's Zoning Ordinance regarding foundations, and exterior walls, (Article 3 sections A and B) to include skirting of the manufactured home.

f) A zoning compliance certificate is also required of a manufactured home intended to be a replacement of an existing manufactured home, or one lost by fire, accident, or any force of nature.

g) All manufactured homes must be placed and secured on a continuous concrete foundation slab.

h) By state law, any manufactured home must be clear of all taxes and liens from its' prior location (RSA 80:02-A)

### **2. Other Uses**

a) Travel trailer or manufactured home may be maintained as living quarters by a person employed in adjoining construction work or for whom a residence is being built, or as an office, store room, or shop in connection with construction work. This is provided that such use is shown to be a temporary expedited and also that the use will conform with all sanitary codes. Such a home to be removed 30 days after completion of project.

b.. Camper trailers (all recreational vehicles) are not to be inhabited in Columbia on any lot as permanent camps. A zoning compliance certificate may be issued for not more than one camper trailer per lot - with proof of current registration - for up to six (6) months in one (1) calendar year. A camper trailer (recreational vehicle) inhabited on a private lot for more than two (2) weeks in any one (1) calendar year must comply with all sanitary waste provisions required by the New Hampshire Water Supply and Pollution Control Commission and any local ordinances and regulations. Applications must be accompanied by the proper fee according to Appendix I.

### **Article 6 - Manufactured Housing Parks**

**A.** Any existing manufactured housing parks to be enlarged or extended after the passage of this Ordinance must have lots with a minimum of one-quarter (1/4) acre (10,890 sq. ft.) per dwelling unit with additional one-quarter (1/4) acre (10,890 sq. ft.) of green space per lot and have adequate sewerage disposal and running water. Green space may be used as common area, or for sewerage and water facilities. All such developments must have a minimum fifty (50) foot wide natural buffer area along perimeter of development to include the main access to park. No dwelling, accessory structure, collector, service roads, or parking areas shall be permitted within the designated buffer area. Primary roads are allowed to cross the buffer. All future installations of water, electrical, and sewerage lines shall conform to the foregoing lot size.

**B.** Manufactured homes to be placed in manufactured housing parks or placed on private land must have a minimum area of 600 square feet. They must be placed on a continuous concrete foundation or slab to be a minimum of 4 inches thick with a 16 inch grid of ½ inch re-bar or mesh and to be fastened down at the cost to the manufactured housing park owner or landowner. The base of the manufactured home shall be fully skirted by durable standard material utilizing industry approved methods.

**C.** An application for a zoning compliance certificate to place a manufactured home in a manufactured housing park shall be signed by the owner of the home and also by the park owner. All applications for zoning compliance certificates for accessory structures shall meet requirements of all other articles of the Columbia Zoning Ordinance and also be signed by both manufactured home owner and manufactured home park owner.

#### **Article 7 - Enforcement**

**A.** It shall be the duty of the Planning Board and said Board is hereby given the power and authority to enforce the provisions of this Ordinance.

**B.** The Planning Board shall issue any and all zoning compliance certificates requested when such certificates are in accordance with the provisions of this Ordinance.

**C.** Upon any well founded information that this ordinance is being violated the Planning Board shall, on their own initiative, take immediate steps to enforce the provisions of this Ordinance by seeking an injunction against said violations or by any other legal means.

**D.** All property owners taking any action which requires a zoning compliance certificate, before receiving approval shall be subject to an "after-the-fact" penalty of two hundred dollars (\$200.) Once assessed no application approval shall be granted until all charges are paid. *(approved 2016)*

#### **Article 8 - Penalty**

Any failure to comply with the provisions of this Ordinance shall, upon written notification by certified mail by the Planning Board, be subject to a fine of not more than \$275.00 for each day the violation shall continue. RSA 676:17

#### **Article 9 - Board of Adjustment**

A. Within thirty (30) days after the adoption of the Ordinance and there after as terms expire and vacancies occur, the Board of Selectmen shall make appointments to a Board of Adjustment of five (5) members conforming in duties to the provisions of Section 67, Chapter 31 on the New Hampshire Revised Statutes Annotated, 1955.

#### **Article 10 - Amendments**

This Ordinance may be amended by a majority vote at any legal Town Meeting when such amendments have been presented to the public as required by New Hampshire RSA 31:63a

**Article 11 - Format**

The format of this Ordinance shall be the responsibility of the Planning Board.

**Article 12 - Saving Clause**

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

**Article 13 - When Effective**

This Ordinance and any amendment thereto, shall take effect immediately upon its passage.

**Article 14 - Personal Wireless Service Facilities**

March 2001 Town Meeting adopted an Ordinance regulating the building and placement of personal wireless service facilities. See separate document.

**Article 15 - Planning Board Members**

The Planning Board shall consist of five (5) members and two (2) alternates. One shall be a Selectman designated by the Selectboard , the remaining four (4) members to be elected by the legislative body in accordance with RSA 673:2II (b)(2) or such state statutes as may apply. The alternate members shall be appointed.

**Article 16 - Commercial Wind Turbines and Related Connector Transmission Lines:**

No commercial wind turbines or test towers to determine suitability of terrain for development of wind turbines shall be sited, constructed, installed or operated in the Town of Columbia. No above ground commercial wind turbine connector transmission lines shall be sited, constructed, installed or operated in the Town of Columbia. This article shall apply to all commercial wind turbines, test towers and connector transmission lines over which the Town of Columbia has siting authority. This article shall not apply to small wind energy systems as defined in NH RSA 674:62. With respect to commercial wind turbine energy facilities over which the New Hampshire Site Evaluation Committee has siting authority pursuant to the provisions of RSA 162:H, this article may be offered as evidence of the view of the Town of Columbia Planning Board. (2014)

**Article 17 - Landfills and Incinerators**

Landfills, incinerators, and other uses related to waste disposal shall be deemed prohibited. The Board of Selectmen shall be permitted to provide for waste disposal for the municipal purposes of the Town and other towns with whom they may contract, in designated landfill or waste disposal sites. With the exception of the authority of the Section, as above, waste disposal shall not be allowed by special exception.

**Article 18 - Definitions** *Unless otherwise stated, words shall for the purpose of the Ordinance, have the meaning indicated in the Article. Words used in the present tense shall include the future. The singular includes the plural and the plural includes the singular. The word "person" shall include a corporation, partnership, limited liability company, trust, unincorporated association of persons or any other legal entity recognized by the State of New Hampshire. The word "shall" is mandatory not directory.*

**Accessory building or use:** A building or use located on the same lot as the principal building and the use of which is considered customarily incidental to those of the principal building such as garages, sheds, metal storage containers, barns, buildings, etc.

**Buffer:** An area of land surrounding dwelling units where nothing may be constructed.

Vegetation may consist of plants, trees and shrubs that will enhance the surrounding areas without damaging the natural habitat.

**Building:** Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter or protection of persons, animals, or property of any kind.

**Cluster Housing:** Any development consisting of three (3) or more dwelling units on a single piece of property. Form of Ownership may be commercial, condominium or such other legal form of ownership as permitted under laws of the State of NH.

**Driveway:** An access way serving not more than two (2) lots.

**Dwelling unit:** A room or group of rooms, with its own sanitary and kitchen facilities, forming a habitable unit for one family, used or intended to be used for living, sleeping, eating, cooking, and sanitation.

**Frontage:** The distance that a lot borders on a state, town, private or approved subdivision road.

**Green space:** Land which remains undeveloped and is maintained for the benefit and enjoyment of residents of adjacent dwellings, or the public, in a residential development.

**Incinerator:** A facility which employs a method of using controlled thermal combustion, including flame combustion, to thermally break down waste or other materials, including refuse to an ash residue that contains little or no combustible materials.

**Landfill:** Place where waste, including but not limited to, household trash, construction debris and industrial refuse is deposited and buried with earth.

**Late fee:** Any fee collected for issuance of a zoning compliance certificate applied for after the work has begun.

**Lot:** A parcel of land of at least sufficient size to meet the minimum requirements of the Ordinance for use, area, setback, frontage and having access on an improved street or right of way.

**Manufactured Home:** A detached residential dwelling unit designed for transport after fabrication, on street or highway on its own wheels and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for assembly operations, located on jacks, or other temporary or permanent foundations, connections to utilities, etc. A travel trailer shall not be considered a manufactured home.

**Non-conforming lot:** A lot, which does not conform to the requirements of the Ordinance.

**Open space:** Land upon which there is no construction, left in its natural state or enhanced by landscaping.

**Permitted use:** A use of property, which is allowed by the Ordinance.

**Private Road:** A roadway providing access to three (3) or more lots but which is not maintained by the Town.

**Public Right-of-way:** Any town, state or federal highway or road and the land on either side of the same, as covered by statutes to determine the width of right-of-ways. Roads and streets are public right-of-ways.

**Setbacks:** The distance between the property boundary line and the proposed structure.

**Sign:** Any medium, which is used or intended to be used to attract attention to its subject matter. Neither court and government notices, nor the flag, emblem or insignia of a nation, political unit, school or religion are considered signs.

**Structure:** A structure shall be considered to be anything constructed or erected with a fixed location on the ground. Structures need a zoning compliance certificate prior to being constructed or erected, including earthwork and foundations. Structures include, but are not limited to: buildings, manufactured homes, metal storage container boxes, sheds, barns, carports, garages, and dwelling units. Minor installations such as but not limited to: mailboxes, radio antennas, and flagpoles are not to be considered structures.

**Travel trailer:** a camper trailer that is considered a recreational vehicle and is meant to have a motor vehicle registration.

**Variance:** relief from compliance with an Ordinance granted by the Zoning Board of Adjustment in accordance with New Hampshire RSA 674:33 or as amended.