

Town of Unity, New Hampshire
Land Use Ordinance
Changes Accepted March 14, 2017

Article I – Authority and Purpose

1.1 Authority: This ordinance is established pursuant to the authority conferred by Chapters 672 through 677, New Hampshire Revised Statutes Annotated, and shall be known as the “Land Use Ordinance of the town of Unity, New Hampshire.”

1.2 Purpose: The purpose of this ordinance is as identified by RSA 674:17: I, particularly:

To protect the public health, safety, prosperity, and general welfare;
To carry out the goals and objectives of the Unity master plan;
To preserve and enhance the rural atmosphere, natural beauty, natural environment, and the overall quality of life in Unity;
To allow for orderly growth and development;
To protect the value of homes and property;
To secure safety from fire, panic, and other dangers;
To facilitate the adequate provision of municipal and school services and facilities; and
To prevent the overcrowding of land and undue concentration of population.

Article II – Districts

2.1 Single District: The Town of Unity shall constitute a single district for the purposes of this ordinance. Unless otherwise noted herein, all uses are permitted.

2.2 Prohibited Uses

2.2.1 Private commercial landfills and other facilities for the disposal, storage, processing, or transportation of waste.

2.2.2 Manufactured housing parks.

2.2.3 Occupancy of recreational vehicles as defined by RSA 216 I-viii which results in such a vehicle becoming an occupant’s primary residence or domicile (is prohibited) in the town of Unity, whether inside a campground or camping park or at any other location, unless the Board of Selectmen has granted the owner a permit, under the provision of State Regulation 674:32 II, to occupy the temporary living structure during the reconstruction of a permitted dwelling on the same lot, and the temporary living structure either contains adequate sanitation facilities and potable water, or is in close proximity to such facilities as is customarily employed on construction sites.

2.3 Special Exception Uses Permitted by the Zoning Board of Adjustment:

2.3.1 Facilities associated with the recycling of non-hazardous wastes.

2.4 Conditional Uses Permitted by the Planning Board:

2.4.1 Pursuant to RSA 674:21 the Planning Board is hereby authorized to grant a Conditional Use Permit to allow for Accessory Dwelling Units (ADU) in accordance with the restrictions and requirements of Section 3.4 and 6.1.

2.4.2 Pursuant to the authority of RSA 674:21, II, and subject to the criteria listed in Section 6.1 of this ordinance, the planning board may grant a Conditional Use Permit for one (1) dwelling unit per one (1) acre, exclusive of wetlands as defined in RSA 674:55, for the following uses:

2.4.3.1 Housing that will be available for sale or lease to households earning 80% of or less than the median household income for Sullivan County without spending more than 30% of the household income on housing costs, and by virtue of ownership by a nonprofit housing developer and or covenants approved by the Planning Board that will assure that the housing will remain affordable in perpetuity. In no case shall the number of lots created in a subdivision under this provision increase over the number of lots that could have been created as part of a subdivision not utilizing this provision. No more than 10% of the lots in a subdivision shall be subject to conditional use permit.

Article III – Dimensional Standards

3.1 Minimum Lot Size/Maximum Density.

The minimum lot size shall be three (3) acres. The maximum residential density for any lot shall be one (1) dwelling unit per three (3) acres.

3.2 Frontage

Each lot shall have a minimum contiguous frontage of two hundred (200) feet.

3.3 Yard Setback Requirements

Buildings and structures shall be located a minimum of twenty (20) feet from property lines, and twenty (20) feet from public rights-of-way. The following structures are exempt from setback requirements: fences, gates, and walls up to eight (8) feet high, signs, lampposts, mailboxes, flagpoles, well coverings, docks, stairs, walkways, and uncovered patios.

3.4 Accessory Dwelling Unit Requirements and Restrictions. (By Conditional Use Permit only)

3.4.1 Not more than one accessory dwelling unit is permitted per single family residence.

3.4.2 Accessory dwelling units must be attached to or within the structure containing the primary dwelling.

3.4.2.1 For the purposes of this ordinance, “attached” means that the accessory dwelling unit must share an adjacent wall with the principal dwelling unit.

Connecting two separate buildings with a covered walkway, breezeway or hallway does not meet the threshold for attached.

- 3.4.3** The applicant for a conditional use permit shall demonstrate adequate provisions for water supply and sewage disposal for the accessory and primary dwelling units in accordance with RSA 485-A:38. Water and wastewater systems for the principal and accessory dwelling units may be combined or separate.
- 3.4.4** An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit. The accessory dwelling unit shall have an independent means of ingress and egress.
- 3.4.5** Residential occupancy standards are covered by State Building Code, health and accessibility standards.
- 3.4.6** Either the principal dwelling unit or the accessory dwelling unit must be owner occupied. The owner must demonstrate that one of the units is their principal place of residence and legal domicile. Both the primary dwelling unit and the accessory dwelling unit must remain in common ownership.
- 3.4.7** The accessory dwelling unit shall have no more than two bedrooms.
- 3.4.8** The accessory dwelling unit may not exceed 750 square feet. The accessory dwelling unit may not be restricted to less than 750 square feet.
- 3.4.9** A minimum of two parking places are required per dwelling.
- 3.4.10** Accessory dwelling units shall maintain an aesthetic continuity with the principal dwelling unit as a single-family dwelling.
- 3.4.11** A granted Conditional Use Permit shall be recorded with the Sullivan County Register of Deeds.
- 3.4.12** General conditions set forth in Article VI must be met.

Article IV – Non-conformities

4.1 Non-conforming Use

Any non-conforming use may be continued indefinitely, subject to the following limitations:

- 4.1.1 Change or expansion:** Any change in, or expansion of, an existing non-conforming use shall require a grant of special exception by the Board of Adjustment, subject to property owner's proof to the satisfaction of the board that the proposed change in, or expansion of, the existing non-conforming use will not be more harmful or detrimental to abutting properties than the existing non-conforming use, in addition to meeting the conditions required for a special exception in Section 6.1 of this ordinance.
- 4.1.2 Superseded by Conforming Use:** If a non-conforming use of a property is

superseded by a conforming use, then the non-conforming use may not thereafter be resumed.

4.1.3 Restoration, Reconstruction, and/or Replacement: Nothing herein shall prevent the substantial restoration, reconstruction, and/or replacement in kind of a building or structure containing a non-conforming use destroyed in whole or in part by fire or other natural disaster.

4.1.4 Abandonment of Non-conforming Use: When a non-conforming use of property has been discontinued for one year, then the property shall thereafter only be used in conformity with this Ordinance.

4.2 Non-conforming Building or Structure:

Any non-conforming building or structure may be continued indefinitely and may be repaired or remodeled subject to the following limitations:

4.2.1 Alterations and Expansions: Any non-conforming building or structure may be altered or expanded provided that such alteration or expansion conforms with the dimensional standards for buildings and/or structures. Expansions of non-conforming buildings or structures that increase the level of non-conformity may be permitted by special exception by the Board of Adjustment, subject to the criteria in Section 6.1 of this Ordinance.

4.2.2 Restoration, Reconstruction, and/or Replacement: Nothing herein shall prevent the substantial restoration, reconstruction, and/or replacement in kind of a non-conforming building or structure destroyed in whole or in part by fire or other natural disaster.

4.3 Non-conforming Lot:

A non-conforming lot may be developed for the uses permitted by right or by special exception provided that the use and/or building or structure proposed for such lot will comply with all health and sanitary regulations for water and sewage systems as required by the State and the Town and provided that it complies with all other requirements of this Ordinance or amendments thereto other than the non-conforming aspect of the lot.

Article V – Board of Adjustment

5.1 Authorization: The Board of Adjustment shall be authorized and established in accordance with RSA Chapters 672 through 674 and amendments thereto.

5.2 Method of Appointment: The legislative body of the Town of Unity shall elect the members of the Board of Adjustment in accordance with RSA Chapter 673.

5.3 Powers: The Board of Adjustment shall have the powers provided in RSA 674:33 and other powers as may be conferred by other statutes.

5.4 Hearings and Public Notice: Hearings shall be conducted by the Board of Adjustment in conformity with the procedural and notice requirements of RSA 676:5 through 7.

Article VI – Special Exceptions and Conditional Use Permits

- 6.1 General Conditions:** For the purpose of this Ordinance, the following are established as general conditions for the grant of a special exception or a conditional use permit:
- 6.1.1** The use is specifically allowed by a special exception or conditional use permit under the terms of this ordinance
 - 6.1.2** The use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation or undue violation of the character of the neighborhood
 - 6.1.3** The use will not be contrary to the public health, safety, or welfare by reason of undue traffic congestion or unhealthful emissions or waste disposal, or similar adverse causes or conditions
 - 6.1.4** The location and size of the use, the nature and intensity of the operations involved; the size of the site in relation to the proposed use and the location of the site with respect to the existing or future street giving access to it shall be such that it will be in harmony with the neighborhood. The location, nature, and height of buildings, walls, and fences will not discourage the appropriate development and use of the adjacent land and buildings or impair the value thereof. In this regard, the Board of Adjustment or the Planning Board may impose greater standards than would otherwise be required by this Ordinance.

Article VII – Definitions

- 7.1 Accessory Dwelling Unit (ADU):** A residential living unit that meets the definition herein of “dwelling unit” and is within or attached to a single-family dwelling.
- 7.2 Building:** Any structure for the shelter, support or enclosure of persons, animals, or property having a roof and being permanently located on the land. For the purposes of this definition, “roof” shall include an awning or any similar covering, whether or not permanent in nature.
- 7.3 Dwelling Unit:** One or more living or sleeping rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary, and sleeping facilities.
- 7.4 Frontage:** The length of the lot bordering on a town or state maintained highway or road approved by the Planning Board as part of a subdivision application and intended to be dedicated to public use.
- 7.5 Lot:** Shall mean a parcel of land at least sufficient in size to meet the minimum requirements as adopted in the Unity Land Use Ordinance.
- 7.6 Manufactured Housing Park:** Any parcel of land under single or common ownership or control which contains, or is designed, laid out or adapted to accommodate two (2) or more manufactured houses.
- 7.7 Structure:** Anything constructed with a fixed location on the ground, or attached

to something having a fixed location on the ground.

7.8 Wetland: As defined in RSA 674:55.

7.9 Yard: A space extending the full width of a lot between a building or structure and the closest point on the property boundary or on the public right-of-way.

Article VIII – Administration and Enforcement

8.1 Certificate of Compliance: Permits for the erection, exterior alteration, or moving of any building or structure shall not be issued until application has been made to the Planning Board for a certificate of compliance under the terms of this ordinance. The Planning Board shall approve or deny an application for a certificate of compliance within thirty (30) days of receipt of the application. The Planning Board may delegate this authority and responsibility to a designee.

8.2 Enforcement, Fines, Penalties, and Injunctive Relief: This ordinance shall be enforced by the Board of Selectmen as provided in RSA 676:15, 676:17, 676:17-a and 676:17-b.

8.3 Amendments: This ordinance may be amended in accordance with the requirements and procedures established in RSA Chapter 675.

8.4 Conflict with Other Law: If any section of this ordinance conflicts with any other law, the more restrictive law shall apply.

8.5 Severability: If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance.

8.6 Effective Date: This ordinance is adopted by the legislative body of the Town of Unity on March ??, 2017.

Revisions:

March 2016: Changed section 2.2.3 wording.

March 2017: Added ADU language to comply with changes to RSA 674.