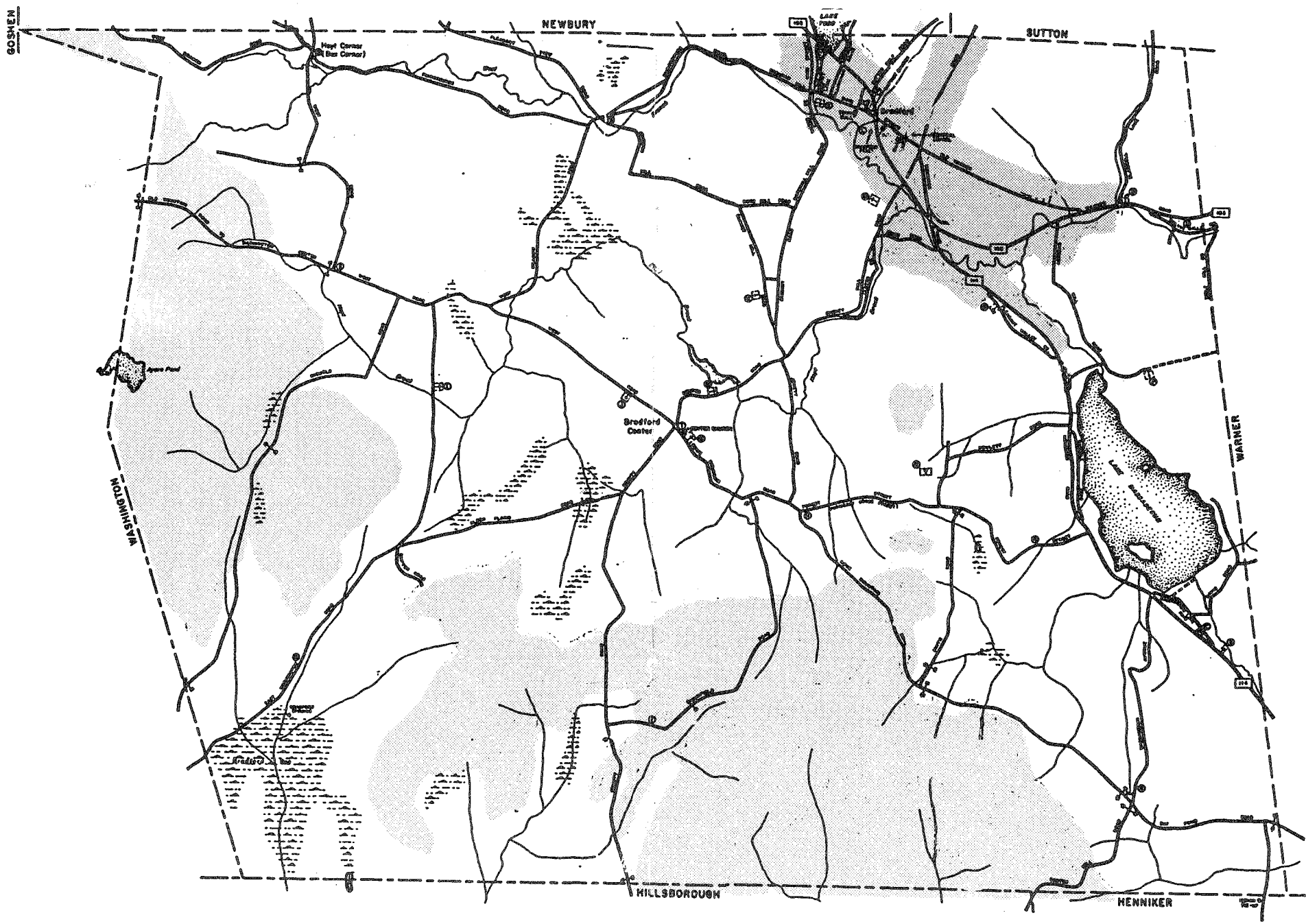


1989

BRADFORD, N.H. ZONING ORDINANCE



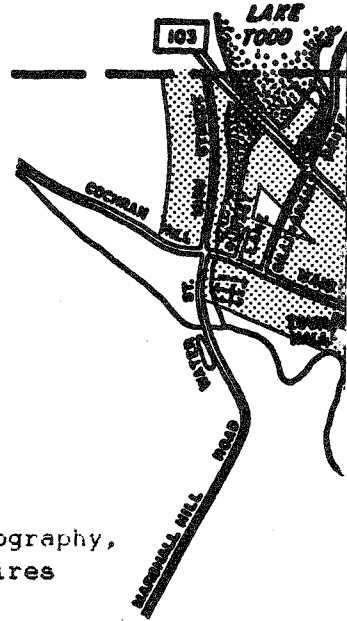
BRADFORD, NH
ZONING ORDINANCE

MARCH 1989

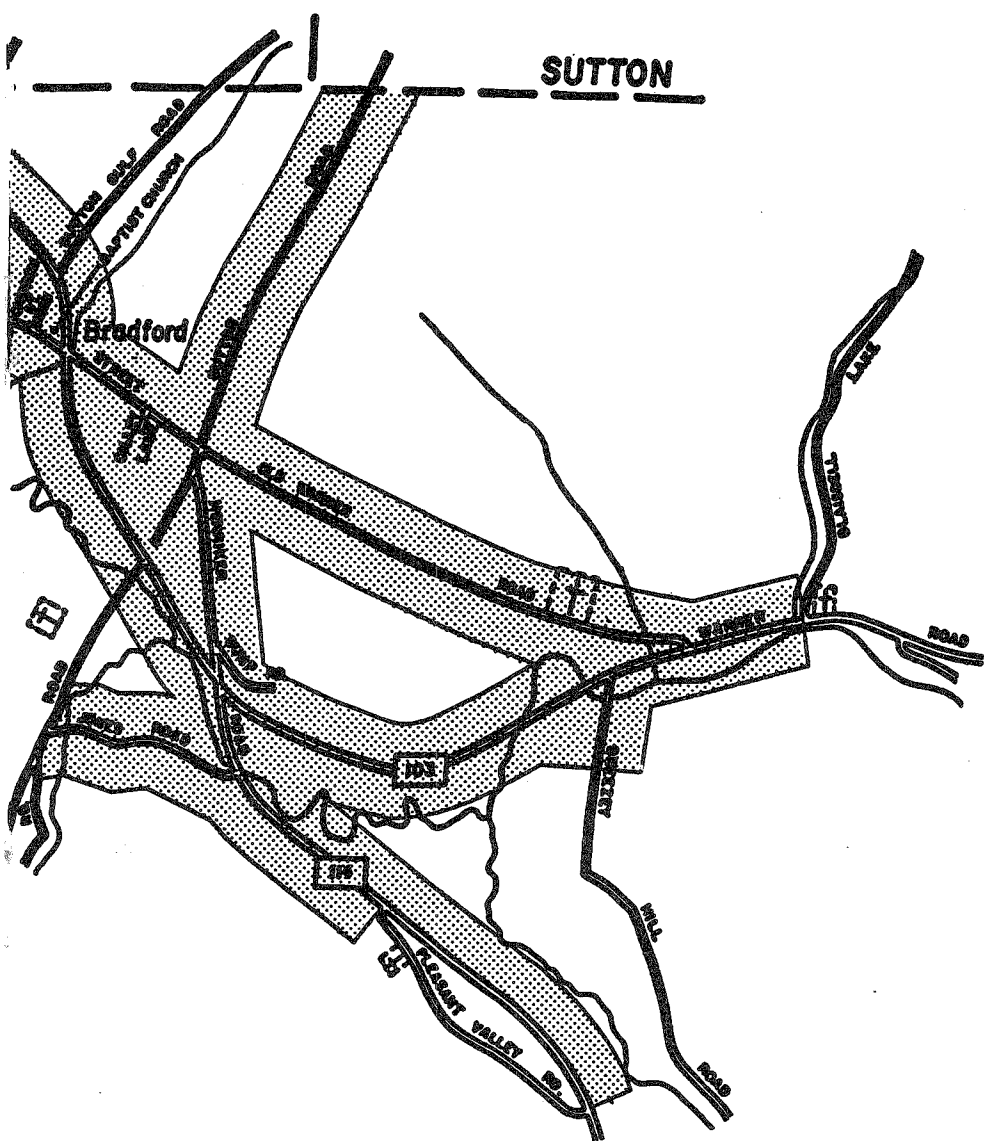
Summary of Zoning Regulations.

Residential Business

Approximate area: 740 Ac.
% of TOTAL Area: 3.1 %



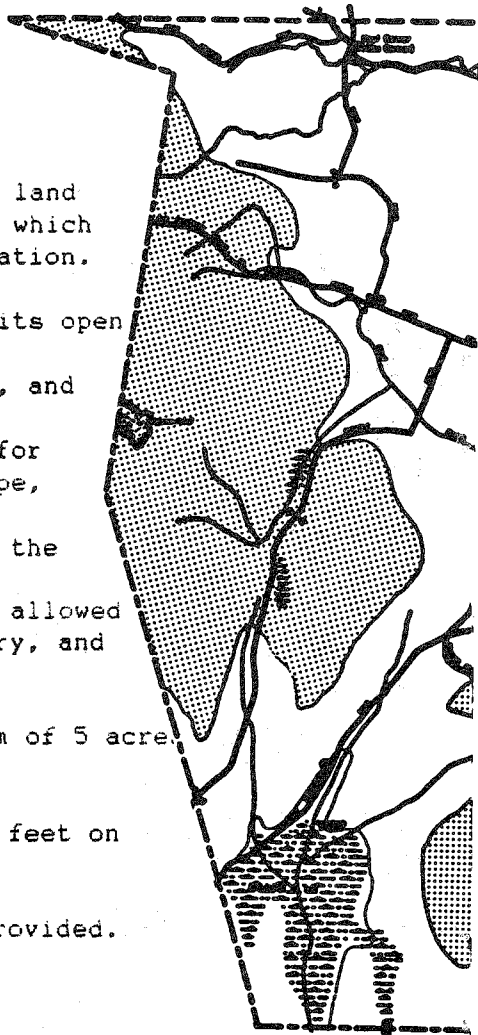
1. One dwelling or business unit per 2 acres. Additional business or dwelling units on the same lot require 1/2 acre per unit.
2. Each lot to have a minimum contiguous frontage of 250 feet on an accepted public road.
3. Sufficient off-street parking to be provided.
4. A larger lot is required where topography, soil, or adequate sewage area requires such.
5. Location of dwelling or business unit:
 - A. Minimum of 50 feet from the edge of the right of way of an accepted public road or 75 feet from the center of an accepted public road, whichever is greater.
 - B. Minimum of 30 feet from abutters property lines.
 - C. Accessory units may be within 15 feet of abutters property lines with the permission of the Planning Board.
6. Maximum height of any building to be 35 feet.
7. Road classification may affect minimum lot size.

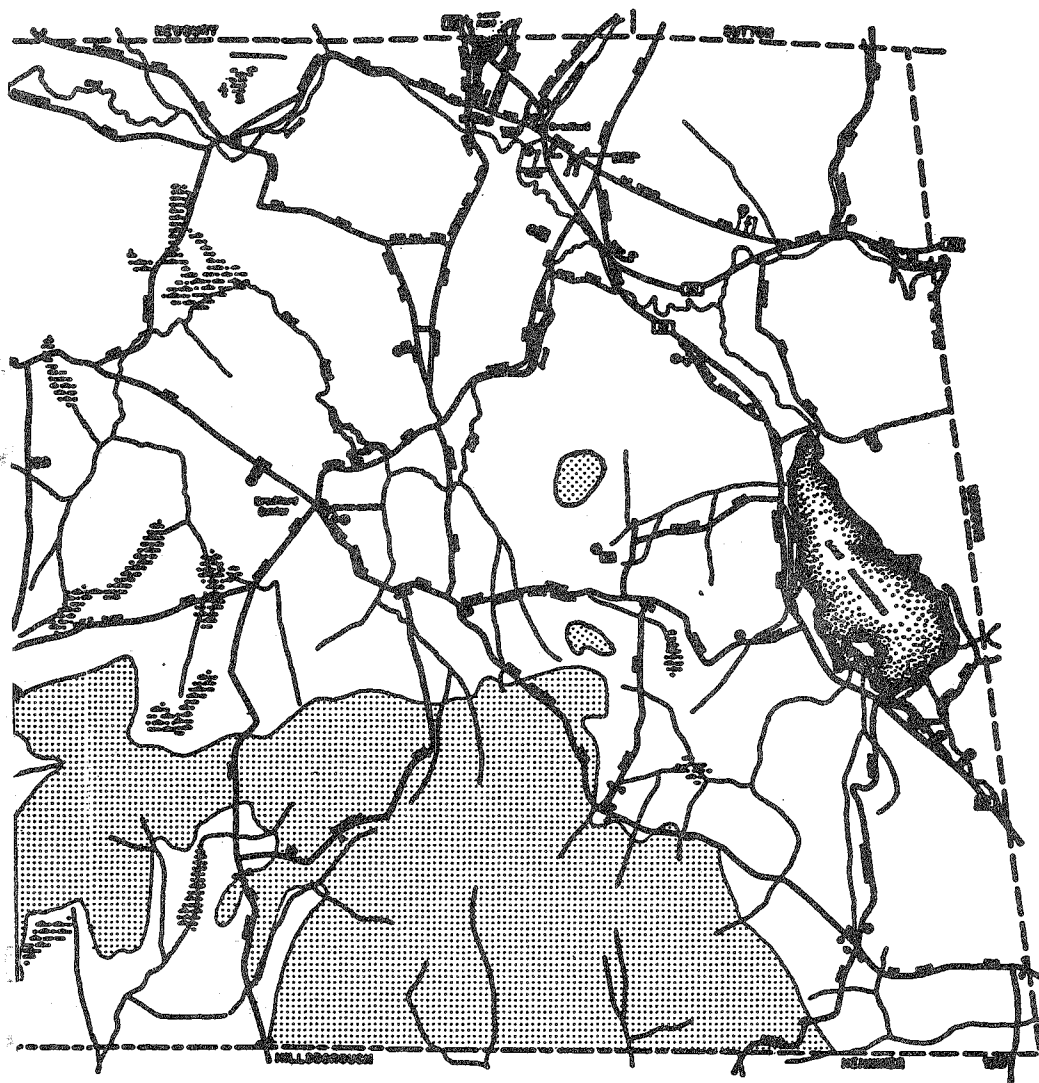


Conservation District

Approximate area: 5950 Ac.
% of TOTAL Area: 25.4 %

1. This district contains all land within the town boundaries which is above 1200 feet in elevation.
2. This land is valuable for its open spaces, forest resources, recreational opportunities, and scenery. This district is generally not well suited for development due to its slope, soils conditions and inaccessibility. Based on the merits of site specific conditions, development is allowed for dwelling units, forestry, and agriculture.
3. Each lot shall be a minimum of 5 acre.
4. Each lot to have a minimum contiguous frontage of 400 feet on an accepted public road.
5. Off street parking to be provided.
6. Location of dwelling unit:
 - A. Minimum of 50 feet from the edge of the right of way of an accepted public road or 75 feet from the center, whichever is greater.
 - B. Minimum of 30 feet from abutters property line.
 - C. Accessory units may be within 15 feet of abutters property line with the permission of the Planning Board.
7. Maximum height of any building to be 35 feet.
8. Road classification may affect minimum lot size.



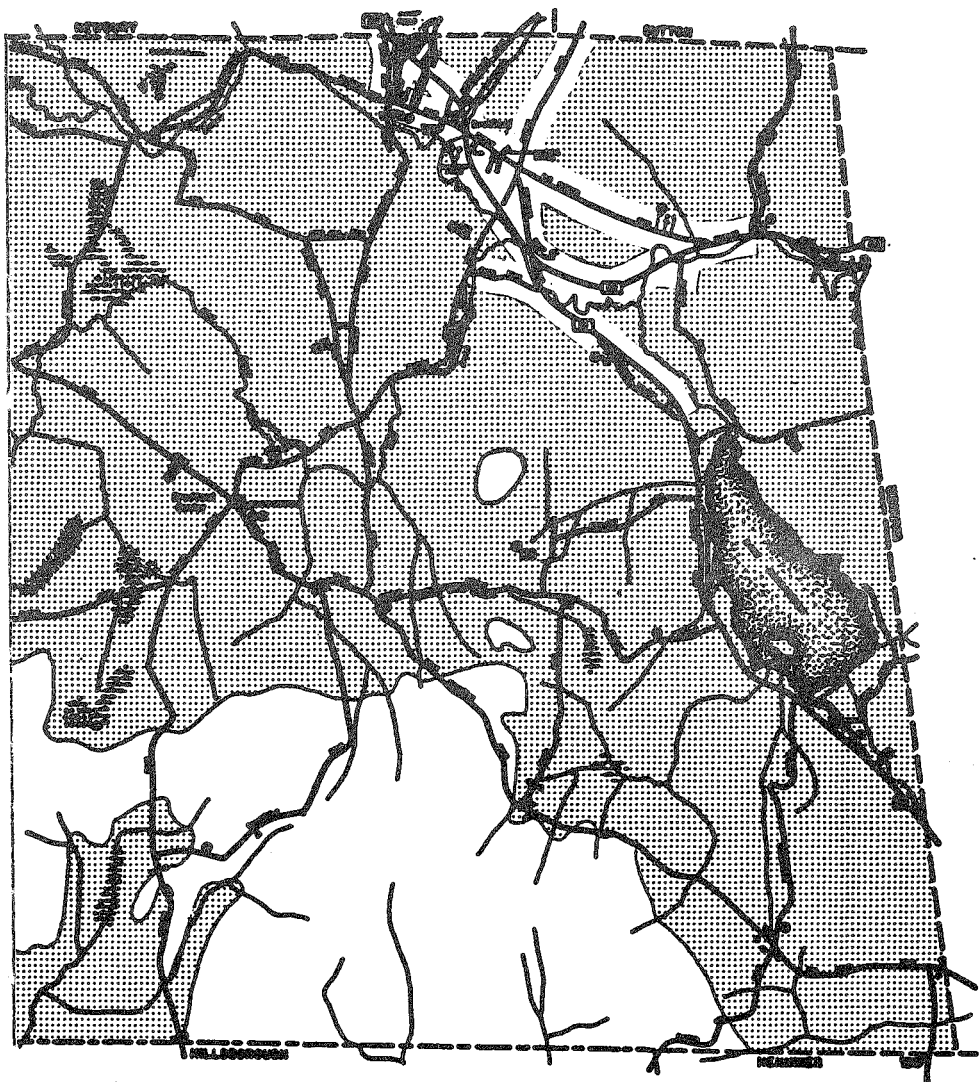


Residential Rural

Approximate area: 16775

% of TOTAL Area: 71.5 %

1. One dwelling unit per 2 acres.
2. Each lot to have minimum contiguous frontage or 250 feet on an accepted public road.
3. Off street parking to be provided.
4. Location of dwelling unit:
 - A. Minimum of 50 feet from the edge of the right of way of an accepted public road or 75 feet from the center, whichever is greater.
 - B. Minimum of 30 feet from abutters property line.
 - C. Accessory units may be within 15 feet of abutters property line with the permission of the Planning Board.
5. Maximum height of any building to be 35 feet.
6. Road classification may affect minimum lot size.



ARTICLE I

In pursuance of the Laws of the State of New Hampshire, (Title LXIV N.H. Statutes Annotated), in accordance with the intent of the current Bradford Master Plan and in order to protect and promote the general welfare of the Town by preserving its rural charm and natural resources and promoting open space and a strong business climate, the following Ordinance is enacted by the voters of the Town of Bradford, New Hampshire.

ARTICLE II

Definitions

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. Accepted Public Road - means:

- A. any highway, road, or right-of-way which the state or county has an obligation to maintain; and
- B. any highway, road, or right-of-way dedicated to and accepted by the town of Bradford.

Note: "accepted public road" shall not include any road or right-of-way which has been discontinued as an open highway or made subject to gates and bars or which shall not have been maintained and repaired by the town in suitable condition for travel for five (5) successive years or more.

2. Building - means any permanent or temporary structure that has a roof and walls and is used as a:

- A. Dwelling unit - intended to shelter people in a single housekeeping unit.
- B. Accessory unit - intended to shelter animals or property.

- C. Business unit - intended to shelter a business, industry, corporation, partnership, joint venture or sole proprietorship for the purpose of conducting business for the public.
3. Building Inspector - means the Board of Selectmen or that person whom they shall designate.
4. Frontage - means the length of a lot bordering on an accepted public road.
5. Home Business - means any business use conducted entirely within a dwelling or an accessory building which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no outside display or storage, nor emission of dust, noise, fumes, vibration, or smoke beyond the lot line.
6. Junk - means any old metals; old bottles; solid textile mill waste, unfinished cloth; textile mill yarns; old paper products; two or more unregistered motor vehicles which are unfit for use on highways; used parts and materials of motor vehicles; and other second hand or waste articles, the accumulation of which is detrimental or injurious to the neighborhood.
7. Lot - means a parcel of land at least sufficient in size to meet the minimum requirements for use, coverage and area and to provide required yards and other open spaces in the district in which the lot is located. An undersize lot is permissible if it passes state standards for soil conditions and substantially meets the requirements here and if in existence on the date of adoption of this ordinance.
8. Manufactured Housing - means structures as defined in RSA 674:31, and mobile homes and trailers as defined in the Bradford "Mobile Home and Trailer Ordinance". These are considered dwelling units for the purpose of this ordinance.

9. Nonconforming Building - means a building, in whole or in part, that does not conform to the provisions of the district in which it is located, which lawfully existed at the time of adoption or amendment of this ordinance
10. Nonconforming Use - means a use of any building, structure, or land, which does not conform to the use provisions of the district in which such use exists, which lawfully existed at the time of adoption or amendment of this ordinance.
11. Parking Space - means an off street space having the dimensions of 10 feet by 20 feet, or more, suitable for use of parking one motor vehicle, together with reasonable access.
12. Person - means an individual, firm, association, organization, partnership, trust, company or corporation.
13. Sign - means a structure, building wall or other outdoor surface, or any device used in visual communication for the purpose of bringing the subject thereof to the attention of the public, or to display, identify and publicize the name and product or service of any person.
14. Special Exception - means a particular use that is permitted in conformance with the provisions of the district, which must meet the conditions in Article VIII. B., and may be granted by the Board of Adjustment following a public hearing.
15. Variance - means a relaxation of the provisions of the zoning ordinance where such relaxation will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.
16. Wetlands - means those areas identified and delineated as poorly drained or very poorly drained soils by the National Cooperative Soil Survey as shown on a map or maps designated as the Town of Bradford Wetlands Map.

ARTICLE III

General Provisions

1. Prohibited Uses:

Any use that may be obnoxious or injurious by reason of production or emission of odor, dust, smoke, radioactivity, refuse matter, fumes, noise, vibration or similar conditions, or that is dangerous to the health or safety of the community is prohibited. Enforcement shall be in accordance with Article VII of this ordinance.

2. Mining or Excavation

A. Before mining, excavation or removal of soil, rock, sand, gravel or similar material is allowed, the owner of said property upon which the mining, excavation, or removal is to take place shall apply for a permit pursuant to RSA 155-E:3. The Planning Board shall apply the provisions of Chapter 155-E of the Revised Statutes Annotated and any amendments thereto to determine whether a permit is required, whether the intended mining, excavation, or removal is prohibited and if not, will proceed to conduct the necessary hearings pursuant to RSA 155-E to determine whether the granting of the permit is appropriate. The Board shall require the applicant to post a bond in an amount to be determined by the Board to ensure compliance with RSA 155-E and any further requirements imposed by the Board.

B. Alteration. Any future enlargement of the commercial use or alteration of that use can be made only with the approval of the Board of Adjustment.

C. Expiration. A permit shall be deemed to authorize only one particular use and shall expire if the use shall cease for more than one year for any reason.

3. Fire or Other Ruins

No owner or occupant of a lot in any district shall permit fire or other ruins to remain. Within one (1) year of the event causing the ruins, the owner or occupant shall remove or refill the same to clear ground level or shall repair, rebuild, or replace the building.

4. Minimum Setbacks and Height Regulations

The following shall be observed in the construction of new buildings or in the relocation or modification of existing ones:

- A. Minimum distance between any building and the edge of a public right-of-way or an accepted public road shall be fifty (50) feet; or seventy-five (75) feet from the center, whichever provides the greater set back distance.
- B. Minimum distance from any building to an abutter's property line shall be thirty (30) feet. However, upon application, the Planning Board may grant small detached accessory buildings to within fifteen (15) feet of an abutters property line, upon a finding of no detriment to the neighborhood.
- C. Minimum distance from the shoreline, as determined by the natural high water mark, to any building shall be 75 feet.
- D. Maximum height of any building shall be thirty-five (35) feet with the determination being the vertical distance from the average finished grade surrounding the building to a point midway between the highest and lowest points of the highest roof. Silos, barns, and church towers are exceptions.

5. Off-Street Parking Requirements

The following minimum number of parking spaces shall be provided and maintained by the owner of the

property for each building that is erected or enlarged in all districts after passage of this ordinance.

- A. Dwelling Unit- at least two (2) spaces for each unit.
- B. Business Use - at least two parking spaces for each business unit and one additional parking space for each five hundred (500) square feet of floor space.
- C. Churches, auditoriums, theaters, or other places of assembly - at least the number of parking space equal to one-third (1/3) the total seating capacity.
- D. Health Care Facilities and Nursing Homes - at least one (1) parking space for each employee on the major shift and one (1) parking space for every three (3) patients' beds.
- E. Industrial and manufacturing establishments - at least one (1) parking space for each employee on the major shift.

6. Temporary Structures

- A. The Board of Selectmen may approve the temporary use of a trailer or mobile home to 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, storeroom or shop in connection with construction work, provided that such use is only during the period the construction work is in progress. The use will conform with the sanitary protection requirements of the State of New Hampshire. Permits shall be issued by the Board of Selectmen for a six-month period, renewable upon request if warranted.
- B. Any property owner or lessee may accomodate one (1) trailer or mobile home of a non-paying guest for a period not exceeding ninety (90) days in any one (1) year.

7. Junk Yards and Motor Vehicle Junk Yards

Junk yards and motor vehicle junk yards are allowed by special exception and only in the Residential Rural District. Motor vehicle junk yards must conform to state regulation RSA Chapter 236, 1981, Sections 111-129.

8. Lots in More Than One District

The regulations of a particular zoning district shall govern any portion of a lot falling within that district.

9. Lot Size Regulations

Minimum Lot Size

Minimum lot size is determined by the minimum lot size required by the particular zoning district and as per the current Town of Bradford Road Classification.

A. Zoning District	Minimum Lot Size	Minimum Frontage
Residential Business	2 Acres	250 Feet
Residential Rural	2 Acres	250 Feet
Conservation	5 Acres	400 Feet

B. Road Classification

- a. Lots on Class V roads built and maintained to Class A specifications shall have a minimum size of 2 acres.
- b. Lots on Class V roads built and maintained to Class B specifications shall have a minimum lot size of 4 acres containing 2 buildable acres.
- c. Lots on Class V roads maintained by the town which do not meet Class A or Class B specifications shall have a minimum lot size of 10 acres.

- d. Lots on Class V roads, which are designated seasonal, per order of the Board of Selectmen shall have a minimum lot size of ten (10) acres.
- e. Land bordering on ponds whose surface is at least 10 acres and lots bordering on a river shall have a minimum shore frontage of 125' and a minimum area of 2 buildable acres or as required by the New Hampshire Water Supply and Pollution Control Commission, whichever is greater, with legal access to at least a Class B gravel road.

The above provisions which require the larger minimum sized lot within a particular zoning district shall prevail.

10. Cluster Housing

Permission for cluster housing will be granted by the Planning Board under the following terms and conditions.

- A. The slope of grade of the building area shall be compatible to the surrounding environment.
- B. An integral area of common land for recreational purposes is required. The balance of the land shall be preserved, as much as possible, in its natural unencumbered environmental state.
- C. Density. The minimum acreage per dwelling unit shall conform to the requirements for the district in which the land is located.
- D. Since municipal water and sewerage services are not available, each cluster/group shall be provided with its own facilities.
- E. The frontage requirement per dwelling unit may be waived if all other criteria of the ordinance are met.

ARTICLE IV

Establishment of Districts and District Provisions

1. Zoning Map and Districts

The Zoning map officially entitled "Bradford Zoning Map" is hereby adopted as part of this ordinance. The Town of Bradford Zoning Map shows a division of the Town into the following districts; Residential Business, Conservation, and Residential Rural. The official Zoning Map shall be located in the Selectmens' office.

2. Description of Districts

A. Residential Business

This district provides for business and residential development, that is in conformance with the capability of the land, in an area chosen to make the best utilization of existing community services.

This district shall include all lands excepting wetlands, land currently owned by the Town of Bradford, the Kearsage Regional School District or the state of New Hampshire lying within five hundred (500') feet of the center of the following streets: Main Street, High Street, Old Warner Road, Jones Road, Greenhouse Lane, the easterly side of Route 114 beginning at the southerly end of Pleasant Valley Road to the Sutton Town line, the westerly side of Route 114 beginning at the northerly end of Pleasant Valley Road to the Sutton Town line, Route 103 from Blaisdell Lake Road to the Newbury Town line, and Breezy Hill Road from Route 103 to a point 1,000 feet from Route 103. See pages 2 & 3 for a diagram of Residential Business District.

Provisions

- a. The owners or their authorized agent of any proposed business or multi-unit dwelling

shall submit a Site Plan to the Planning Board for review and approval.

- b. Sufficient off-street parking shall be provided. (See general provisions.)
- c. Each lot shall be a minimum of two (2) acres. The density of this district shall not exceed one dwelling or business unit per lot, except that additional business or dwelling units may be allowed on the same lot by special exception and shall require 1/2 acre per unit. Road classification may affect minimum lot size. (See General Provision Number 9.)
- d. Each lot shall have a minimum contiguous frontage of 250 feet on an accepted public road.
- e. Wherever required by reason of topography, subsoil or the need for adequate sewage area, the Planning Board may require a larger lot size.
- f. The conversion of a dwelling unit and/or a business unit to multiple or other uses will require full compliance with State regulations and applicable sections of this ordinance. A plan must be reviewed and approved by the Planning Board prior to the start of any such conversion.

B. Conservation District

This district contains all land within the town boundaries which is above twelve hundred (1200) feet in elevation. See pages 4 & 5 for a diagram of this district. This land is valuable for its open space, forest resources, recreational opportunities, and scenery. This land is generally not well suited for development due to its slope, soil conditions and inaccessibility.

Provisions

- a. Based on the merits of site specific conditions, development is allowed for dwelling units, forestry, and agriculture.
- b. Each lot shall be a minimum of five (5) acres. Each dwelling unit shall require a minimum of five (5) acres. Road classification may affect minimum lot size. (See General Provisions Numbers 9 & 10.)
- c. Each lot shall have a minimum contiguous frontage of 400 feet on an accepted public road.

C Residential Rural District

This district includes all lands not within the Residential Business and Conservation Districts. See pages 6 & 7 for a diagram of this district.

Provisions

- a. Each lot shall be a minimum of two (2) acres. Each dwelling unit shall require a minimum of two (2) acres. No more than one dwelling unit shall be allowed per lot. Road Classification may affect minimum lot size. (See General Provisions Numbers 9 & 10.)
- b. Each lot shall have a minimum contiguous frontage of 250 feet on an accepted public road.
- c. Home businesses are permitted and require full compliance with applicable sections of this ordinance.
- d. Commercial or industrial establishments may be permitted within the residential rural district by special exception only. Review and approval of a site plan by the Planning Board is required.

ARTICLE V

Nonconforming Use

1. When any existing nonconforming use of land or building has been discontinued for one year, the land or building shall thereafter be used only in conformity with this ordinance, except by Special Exception.
2. Any existing nonconforming use shall not be changed to another nonconforming use except by Special Exception.
3. No motor vehicle and machinery junk yard may continue as a nonconforming use for more than one year after the effective date of this ordinance, except that such junk yard may continue as a nonconforming use if within that period it complies with the standards set and enforced by the N.H. Revised Statutes Annotated, 1955, Chapter 236, 111-129, and also in accordance with the requirements of the Board of Selectmen.

ARTICLE VI

Signs

1. General Provisions
 - A. Illumination: Signs may be illuminated only by continuous lighting. Illumination fixtures shall be arranged to direct the light away from streets so that they will not constitute a hazard to street or highway driving by glare. They shall also be directed away or screened from nearby structures.
 - B. Location: No sign shall be placed closer than 35 feet from the center of a road, or as mandated by State law. No sign shall be placed where it will interfere with the sight distance from driveways, intersections, along streets or roads, or otherwise present a safety hazard.

- C. Nonconformity: Any nonconforming sign erected prior to the adoption of this ordinance may be continued and maintained. Any changes thereafter to such sign shall be made in conformance with this ordinance.
2. Residential Business District
- A. Building Mounted Signs: Not to exceed 32 square feet in size and not to extend more than 3 feet beyond and above the building.
 - B. Free Standing Signs: One sign for each business site, shall not exceed 24 square feet for the first business, then 6 square feet of additional area for each additional business up to a total not to exceed 54 square feet. Maximum height is 15 feet.
 - C. Off-Premise Signs: Not to exceed 6 square feet in area and limited to 4 per business.
3. All Other Districts
- Size not to exceed 6 square feet.

ARTICLE VII

Enforcement

1. Authority
- A. The Board of Selectmen, after consultation with the appropriate town officials, is hereby given final power and authority to enforce the provisions of this ordinance.
 - B. Upon any well-founded information that this ordinance is being violated, the Board of Selectmen shall take immediate steps to enforce the provisions of this ordinance by seeking an injunction in the Superior Court or by any other legal action.

- C. Upon conviction thereof, every person, firm, or corporation violating any of the provisions of this ordinance shall be fined as appropriate for a civil or criminal offense, for each day such violation exists.

ARTICLE VIII

Board of Adjustment

Within thirty (30) days after the adoption of this ordinance, and thereafter, as terms expire and vacancies occur, the Board of Selectmen shall make appointments to the Board of Adjustment of five members, one of whom shall be a member of the Planning Board. Their duties shall conform to the provisions of Chapter 673 and 674 of the New Hampshire Revised Statutes Annotated, 1983. The appointments shall be made from a broad spectrum of Town residents to maintain a balance with respect to economic status, age, and/or gender.

1. The Zoning Board of Adjustment shall have the power to:
 - A. Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination in the enforcement of any zoning ordinance.
 - B. Authorize, upon appeal, special exceptions when the following conditions are met:
 - a. The site is appropriate for the proposed use or structure;
 - b. The proposal is not detrimental or injurious to the neighborhood
 - c. The will not be undue nuisance or hazard to pedestrian or vehicular traffic;
 - d. Adequate provisions have been made for sanitary facilities;

- e. Adequate and appropriate facilities will be provided for parking and utilities to ensure the proper use of the structure;
- f. A site plan has been submitted to the planning board for approval and for recommendations from the selectmen, conservation commission, road agent, and police and fire chiefs, as appropriate; and
- g. The proposal is consistent with the spirit of this ordinance and the intent of the Master Plan.

C. Grant variances in accordance with RSA 674:33.

- 2. In exercising its powers under paragraph 1, the zoning board of adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and shall have all the powers of the administrative official from whom the appeal is taken.
- 3. The concurring vote of 3 members of the board shall be necessary to decide on any matter on which it is required to act.

ARTICLE IX

Amendments

This ordinance may be amended as provided for in RSA 675:3, 4, and 5. Upon petition of 25 or more registered voters to the Board of Selectmen for an amendment to this Ordinance, the procedures set forth in RSA 675:4 shall be followed. Petitions shall be received during the period of time 120 to 90 days prior to the annual Town Meeting.

ARTICLE X

Saving Clause

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

ARTICLE XI

When Effective

This ordinance shall take effect upon its passage.

ARTICLE XII

The Planning Board shall have the authority to renumber the Ordinance after amendments have been passed, so as to make the numbering consistent.