SECTION A

Wilton Zoning Ordinance: Complete Revised Text

(As passed by ballot vote at Annual Town Meeting, March 9, 1971, and as amended through March 5, 1974)

Zoning Ordinance for the Town of Wilton, New Hampshire for adoption at Town Meeting

ARTICLE I
Preamble

In pursuance of authority conferred by Chapter 31, Sections 60-89, N. H. Revised Statutes, Annotated, 1969, and for the purpose of promoting the health, safety, morals, prosperity, convenience or general welfare, as well as efficiency and economy in the process of development, of the inhabitants of the incorporated Town of Wilton, New Hampshire, by the promotion of good civic design and arrangements, wise and efficient expenditures of public funds, and the adequate provision of public utilities and other public requirements, and by other means. Articles of this Ordinance take precedence over like articles of the "Wilton Code for Building and Sanitation. Therefore, the following Ordinance is hereby enacted by the voters of the Town of Wilton, New Hampshire, in Official Town Meeting convened.

ARTICLE II
Districts

For the purpose of this ordinance the Town of Wilton is divided into districts as shown on the zoning map filed with the Town Clerk and dated March 9, 1971, and including the following: (1) Residential District; (2) General Residence and Agricultural District; (3) Commercial District; (4) Industrial District.

ARTICLE III
Definitions

For the purpose of this Ordinance, certain terms are defined as provided in this section.

A. **Home produce and products** means and includes everything of an agricultural nature grown, produced, conditioned or otherwise carried on on the property of the resident; also such articles as are manufactured or altered by members of the household of the bona fide resident of any property.

B. **Right of Way** means and includes all town, state and federal highways and the land on either side of same as covered by statutes to determine the width of the rights of way.

C. **Tourist Home** means any place consisting of a room or group of rooms located on one premise where transient accommodations for sleeping or living purposes for not more than six persons are provided for a price.

D. **Accessory building** means a building subordinate to the main building on a lot used for purposes incidental to those of the main building.

E. **Trailer Park or Mobilehome Park** means a land area occupied or designed for occupancy by two or more house trailers in use for living purposes.

F. **Front Yard** is a space extending for a full width of a lot between the extreme front line of a building and the nearest right of way.

G. **Frontage** means the length of the lot bordering on the public right of way.

H. **Non-conforming building or structure.** A non-conforming building or structure is a building or structure, or the use of which, in whole or in part, does not conform to the regulations of the district in which the building or structure is located.

I. **Non-conforming Land Use.** A non-conforming land use is a use of any land which does not conform to the regulations of the district in which such use exists.

J. **Lot of Record.** Land designed as a separate and distinct parcel in a legally-recorded deed filed in the record of Hillsborough County, New Hampshire.

K. **Lot Line.** A line dividing one lot from another.

L. **Sign.** Any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any structure; or produced by painting on or posting or placing printed, lettered, pictured, figured or colored material on any building, structure or surface; provided however, that signs placed or erected by the Town or the State for the purpose of showing street names or traffic directions or regulations or other municipal or governmental purposes shall not be included herein; nor shall this include signs which are a part of the architectural design of the building.

M. **On the Town Zoning Map,** districts and land areas will be shown in the following colors:

Residential — Blue
General Residential and Agricultural — White
Commerical — Red
Industrial — Yellow
Public, State and Town Property — Green

N. **Dwelling Unit.** One room or rooms connected together, constituting a separate, independent housekeeping establishment physically separated from any other dwelling units in the same structure and containing independent cooking and sleeping facilities.

O. **Family.** One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit.

P. **Lot.** A parcel of land occupied or capable of being occupied by one building or use, and the building or uses accessory thereto, including such open spaces and yards as are required by this ordinance.

owner or developer during any one year shall have prior approval of the Planning Board based upon satisfactory submitted working plans. Said Planning Board shall impose requirements, restrictions or changes to such plans as deemed necessary for public safety and protection in areas of drainage, health, pollution, fire, safety, roads, etc. . . . Such owner, developer or agents thereof shall have recourse to the Board of Adjustment to set aside, all or in part, those requirements so imposed.

3. Cluster development of dwelling units may be permitted provided that the following conditions are met:

a. Minimum development site not less than fifteen (15) acres.

b. Minimum frontage on a public right of way, class 5 or better, shall be no less than five hundred feet (500').

c. Dwelling unit density shall be determined by the Planning Board but shall not exceed a ratio density of four (4) dwelling units per acre. Total number of dwelling units will be determined by the total acreage being submitted for development including land that shall be restricted by Section d. below.

d. Forty percent (40%) of said land shall be restrictive deeded and set aside as open space in a method prescribed by the Planning Board.

e. Prior approval of the Planning Board shall be based upon satisfactory working plans. Said Board shall impose requirements, restrictions or changes to such plans as deemed necessary to serve the best interests of the Town and for public safety and protection in areas of health, pollution, fire safety, roads, access, recreational facilities, construction, architecture, sidelines and set-back, etc. The developer, owner or agent thereof, shall have recourse to the Board of Adjustment to set aside or change such restrictions, or requirements, all or in part, as imposed.

f. A public hearing shall be held prior to approval if potential population increase exceeds ten percent (10%).

C. **Yards Required**

Buildings shall be placed on the lot to meet the following requirements:

1. There shall be a **front yard** on each lot which shall be not less than thirty-five (35) feet in depth from the front yard lot line, or at a depth to conform with existing buildings.

2. On each interior lot, side yards shall be provided in an aggregate minimum width of thirty-five (35) feet with a minimum of fifteen (15) feet for any one side yard.

3. On each corner lot there shall be a side yard abutting the street having a width of not less than thirty-five (35) feet.

4. On any lot, a detached private garage may be erected and maintained if not closer to the side lot line than fifteen (15) feet on an interior lot and twenty-five (25) feet on a corner lot and not closer to the front yard line than thirty-five (35) feet or at a depth to conform with existing buildings.

5. Height of buildings not to exceed forty-five (45) feet or 2 stories.

D. **Trailers and Mobilehomes**

The use of land for the accommodation of trailers and/or mobilehomes is prohibited. However, any property owner or lessee may accommodate the trailer of a non-paying guest for a period not exceeding thirty (30) days in any one year.

ARTICLE IV
General Provisions

A. The removal of sod, loam, clay, sand, gravel, or other natural inorganic material from any premises in any District is allowed in instances when such removal is (1) incidental to the lawful construction or alteration of a building or structure, or the lawful construction of a way (including driveway), on the portion of the premises where removal occurs; or (2) incidental to the construction or operation of public works by the Town or the State at the location where the removal occurs. Otherwise, the removal of such materials or any of them from any premises in any District is prohibited except that such removal may be authorized by the Board of Adjustment by special permit in any instance where the Board determines that the removal will be advantageous to the premises in question or to the neighborhood, or otherwise desirable, and will be of such character and can be so accomplished that by proper re-grading, re-loaming, re-seeding or other means which shall be required, assure that the premises will be left in sightly condition and protected against erosion.

B. **Sanitary protection**

1. All sanitary systems shall hereinafter be constructed and maintained in accordance with standards set and enforced by the N.H. State Department of Health and Welfare and by the N.H. Water Supply and Pollution Control Commission.

ARTICLE V
Residential District

A building may be erected, altered or used, and a lot may be used or occupied, for the following purposes, and in accordance with the following provisions:

A. **Uses permitted**

1. Single-family and multi-family dwellings.

2. Churches, synagogues, parish houses, convents, hospitals, sanatoriums, day nurseries and kindergartens; recreational, fraternal and civic buildings, and grounds for games and sports, except those carried on primarily for gain.

3. Municipal buildings, schools and institutions of higher education.

4. Residences may be used to house uses by the owner or tenant as offices for doctors, veterinarians, engineers, architects, lawyers, real estate and insurance, or other recognized professions, or home occupations such as hair-dressing, dressmaking, manufacture of craft products, or manufacture of food products, except that the number of persons employed at any one location shall not number more than 2 persons in addition to the owner or tenant. Any use injurious, obnoxious or offensive to the neighborhood is prohibited.

B. **Required Lot Area**

1. The lot area shall not be less than one acre and the frontage not less than two hundred feet (200) on a public right of way, class 5 or better; provided the lot area for a multi-family dwelling shall not be less than one acre per dwelling unit and complies with Article IV B (Sanitary protection).

2. Any proposed building development, meeting the requirements of Art. V, B, 1 above, that exceeds four (4) dwelling units per

E. **Signs**

Property owners with business, profession, or service enterprise shall be allowed two advertising signs not to total over eight (8) square feet in area for each sign; also, two signs pertaining to the lease, sale or use of a lot or building on which they are placed, shall not exceed a total area of five (5) square feet for each sign. Flashing or moving signs shall be prohibited. Top of any sign shall not be over 20 feet from existing ground level.

ARTICLE VI

General Residence and Agricultural Districts

A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes, and in accordance with the following provisions:

A. Any use permitted in the Residential District under the same provisions as apply to residences in those districts, except that the lot areas shall be governed by Article V, Paragraph C.

B. All general farming and forestry activities.

C. **Required Lot Areas**

1. The lot area shall not be less than one acre and the frontage not less than two hundred feet (200) on a public right of way, class 5 or better; provided the lot area for a multi-family dwelling shall not be less than one acre per dwelling unit and complies with Article IV B (Sanitary protection).

2. Any proposed building development, meeting the requirements of Art. V, B, 1 above, that exceeds four (4) dwelling units per owner or developer during any one year shall have prior approval of the Planning Board based upon satisfactory submitted working plans. Said Planning Board shall impose requirements, restrictions or changes to such plans as deemed necessary for public safety and protection in areas of drainage, health, pollution, fire, safety, roads, etc. . . . Such owner, developer or agents thereof shall have recourse to the Board of Adjustment to set aside, all or in part, those requirements so imposed.

3. Cluster development of dwelling units may be permitted provided that the following conditions are met:

a. Minimum development site not less than fifteen (15) acres.

b. Minimum frontage on a public right of way, class 5 or better, shall be no less than five hundred feet (500').

c. Dwelling unit density shall be determined by the Planning Board but shall not exceed a ratio density of four (4) dwelling units per acre. Total number of dwelling units will be determined by the total acreage being submitted for development including land that shall be restricted by Section d. below.

d. Forty percent (40%) of said land shall be restrictive deeded and set aside as open space in a method prescribed by the Planning Board.

e. Prior approval of the Planning Board shall be based upon satisfactory working plans. Said Board shall impose requirements, restrictions or changes to such plans as deemed necessary to serve the best interests of the Town and for public safety and protection in areas of health, pollution, fire safety, roads, access, recreational facilities, construction, architecture, sidelines and set-back, etc. The developer, owner or agent thereof, shall have recourse to the Board

of Adjustment to set aside or change such restrictions, or requirements, all or in part, as imposed.

f. A public hearing shall be held prior to approval if potential population increase exceeds ten percent (10%).

D. **Yards Required**

No building or other structure shall be erected or used nearer to any lot line than twenty-five (25) feet.

E. **Trailers and Mobilehomes: Trailer Parks and Mobilehome Parks**

1. Trailers and mobilehomes.

An individual house trailer or an individual mobilehome may be located anywhere in this district provided it meets all frontage, front yard, side and back yard minimum land area, and Sanitary Protection requirements in this ordinance. Open space under the trailers and mobilehomes shall be enclosed with suitable "skirting."

2. No Trailer Parks or Mobilehome Parks shall be permitted without the prior approval of the Planning Board and the decision of approval is to be based on the proposed layout as evidenced by satisfactory working plans.

F. **Signs**

Property owners with business, professional or service enterprises shall be allowed two (2) advertising signs not to total over eight (8) square feet in area for each sign; also two signs pertaining to the lease, sale or use of a lot or building on which they are placed not to exceed a total area of five (5) square feet for each sign. Flashing or moving signs shall be prohibited. Top of any sign shall not be over 20 feet from existing ground level.

ARTICLE VII
Commercial District

A. A building may be erected, altered or used, and a lot may be used or occupied for any of the following purposes and in accordance with the following provisions:

1. Any use permitted in the General Residence and Agricultural District under the same provisions as apply to residences in said district.

2. Lodging houses, apartment houses, hotels, inns, motels, tourist courts cabins, including such retail businesses within these permitted buildings as are conducted for the convenience of the residents or guests shall be permitted.

3. Restaurants and other retail establishments.

4. Garages, parking lots and filling stations.

5. Business offices.

6. Theatres, halls, clubs and amusement centers.

7. Greenhouses, florist shops.

8. Funeral homes.

9. Wholesale establishments in connection with permitted retail establishments, warehousing of merchandise for retail sale within the District.

B. **Yards Required: Except Main Street from Milford Line to Forest Street**

1. There shall be a front yard on each lot which shall be not less than thirty-five (35) feet in depth, or at a depth to conform with existing buildings.

2. Each side yard shall be not less than twenty-five (25) feet wide.

3. There shall be a rear yard on each lot the depth of which shall be not less than twenty (20) feet.

C. **Percentage of Lot Coverage**

Not more than seventy-five (75) per cent of the area of any lot shall be occupied by buildings, except when authorized as a special exception by the Board of Adjustment.

D. **Signs**.

Property owners shall be allowed two (2) advertising signs or advertising structures relating only to the use or uses conducted in the building or on the immediate premises thereof. Each sign shall not total over one hundred (100) square feet in area.

ARTICLE VIII
Industrial District

A. A building may be erected, altered, or used, and a lot may be used or occupied for any of the following purposes, and in accordance with the following provisions:

1. Any use permitted in Commercial District, under the same provisions as apply in said district.

2. Industrial establishments will meet the following provisions:

a. All future industrial establishments in this district must receive prior approval to build based on the proposed layout as evidenced by satisfactory working plans submitted to the Planning Board.

b. Any expansion of any existing industrial establishment must have prior approval based on the proposed layout as evidenced by satisfactory working plans submitted to the Planning Board.

c. Any alteration of the nature of the industry carried on in an existing industrial establishment must have prior approval from the Planning Board.

ARTICLE IX
Nonconforming Uses and Buildings

A. Any nonconforming use of land or building (other than uses specified in B below), may continue in their present use, except that any nonconforming use or building may not be:

1. Changed to another nonconforming use.

2. Re-established after discontinuance for one year except to a use conforming to this ordinance.

3. Extended or enlarged as applies to buildings. Land removal may not be extended beyond present property lines.

4. Rebuilt after damage exceeding 50% of its former market value.

B. No outdoor advertising structure may continue as a nonconforming use for more than two (2) years after the effective date of this ordinance unless it is designed to direct attention to a business or profession conducted on the premises.

C. **Lot of Record.** Lots of record as recorded in Hillsboro County Register of Deeds Office as of March 9, 1971, shall be considered to meet minimum lot size and frontage requirements of this ordinance for a single-family dwelling.

ARTICLE X
Enforcement

A. There shall be a Board of Adjustment appointed per RSA 31.66 and 31.67.

B. It shall be the duty of the Board of Selectmen, and the Board is hereby given the power and authority, to see that the provisions of this Ordinance are enforced. Ch. (31:72) N.H. RSA.

C. The Building Inspector shall issue any and all building permits requested when such permits are in accordance with the provisions of this Ordinance.

D. **Permits.** After passage of this Ordinance, it shall be unlawful to erect or alter the bulk of any building, place any trailer or mobile-home, or relocate any building in these Districts without first obtaining a building permit from the Building Inspector.

E. No permit shall be required for repairing and remodeling where the purpose for which the building is to be used is not changed.

F. Upon any well-founded information that this Ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court or take any other legal action.

ARTICLE XI
Board of Adjustment

The Board of Selectmen shall make appointments to a Board of Adjustment of five members whose duties shall conform to the provisions of Chapter 31 of the N. H. Revised Statutes Annotated 1955. Thereafter, as terms expire or vacancies occur, the appointing authority shall be responsible for filling vacancies and maintaining full membership on the Board of Adjustment. The Board of Adjustment shall conform in membership and term in office to the provisions of Chapter 31:67, N.H. Revised Statutes Annotated, 1955.

ARTICLE XII
Amendments

This Ordinance may be amended in accordance with Chapter 31.63A, 31.63B, N.H. R.S.A. By petition of twenty-five (25) voters or by the Planning Board. Two (2) public hearings must be held, and voted on by ballot at town meeting.

ARTICLE XIII
Penalty

Every person, persons, firm or corporation violating any of the provisions of this Ordinance shall be fined not more than ten (10) dollars upon conviction for each day such violations may exist. Such funds collected shall go into the Town Fund.

ARTICLE XIV
Saving Clause

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

ARTICLE XV
When Effective

This Ordinance shall take effect upon its passage.

WILTON PLANNING BOARD
Kenneth A. Sargent, Chairman
Clifford Robbins
Otto Hansen
Barry A. Greene
Anne M. Godley, Secretary
Charles O. McGettigan, Jr., Selectman member