

**ZONING ORDINANCE
FOR THE
TOWN OF NEWTON, NH**

SECTION I PREAMBLE

The purpose of this bylaw is to promote the health, safety, welfare and convenience of the inhabitants by dividing the town into Zones and regulating the use with a view to encouraging the most appropriate use of land in the town in accordance with provisions of Chapter 31 of the New Hampshire Revised Statutes and any amendments thereto.

SECTION II ESTABLISHMENT OF ZONES

The Town of Newton is hereby divided into zones as follows:

1. Residential A
2. Residential B
3. Residential C
4. Commercial
5. Light Industrial/Commercial
6. Senior Citizens Housing Zone

These zones as shown on the "Zoning Map of the Town of Newton" and filed with the Town Clerk and which, with its notations, are hereby made a part of this bylaw.

Location of boundaries of districts:

1. Where the boundary lines are shown upon said map within the street lines or utility transportation lines, the centerlines of such ways or lines shall be the boundary lines, unless otherwise indicated.
2. Boundary lines located outside of such street lines or transmission lines, and shown approximately parallel thereto, shall be regarded as parallel to such lines, and dimensions shown in figures placed upon said map between such boundary lines from center line of such lines, such distances being measured at right angles to such lines unless otherwise indicated.
3. Where the boundary lines are shown approximately on the location of property or lot lines, and the exact location of property, lot or boundary lines is not indicated by means of dimensions shown in figures, then the property or lot lines shall be the boundary lines.
4. In all cases which are not covered by other provisions of this Section, the location of boundary lines shall be determined by the distance in feet, if given, from other lines upon said map, by the use of identifications as shown on the map, or by the scale of said map.

SECTION III HOME OCCUPATIONS AND HOME-BASED BUSINESSES

Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit to allow for Home Occupations in accordance with the restrictions and requirements of this section.

Purpose

The purpose of allowing home occupations and home-based businesses is to enhance economic opportunities for residents without significantly detracting from the quality of the neighborhoods.

The conduct of business in residential units may be permitted under the provisions of this section. It is the intent of this section to:

1. Ensure the compatibility of home occupations with the uses permitted in the Residential A and B Zones;

2. Maintain and preserve the character of residential neighborhoods;
3. Promote the efficient use of public services and facilities by assuring these services are provided to the residential population for which they were planned and constructed, rather than commercial use.

Definitions:

ACCESSORY BUILDING: A building whose purpose is subordinate to that of the main building. It may be separate from or attached to the main building. For the purpose of this Ordinance a breezeway, a garage or a carport that is attached directly, or by means of another structure, to the main building shall be regarded as an integral part of the main building.

ACCESSORY USE: Any subordinate use of premises which customarily is accepted as a reasonable corollary to the principal use thereof and which is neither injurious nor detrimental to the neighborhood.

HOME OCCUPATION: Any individual business or profession conducted entirely within a dwelling or accessory building which is incidental to the dwelling such that there are no impacts detectable from beyond the property boundaries, no non-resident employees, no increase in traffic generation, no increase in parking, no outside activity or storage of any kind, and no exterior signage.

HOME BASED BUSINESS: Any individual business or profession conducted entirely within a dwelling or accessory building which is incidental to the dwelling and which does not change either its character or that of the neighborhood in which it is established and which is conducted by the resident owner of the dwelling, employs not more than two persons outside the immediate family and utilizes an area not to exceed twenty five percent (25%) of the total floor area of finished floor space of the dwelling including the basement and accessory structures.

Where Permitted

- A) Home Occupation. One home occupation may be permitted in each residential unit in Residential A and B zones. No Town approval is required.
- B) Home-Based Business. One home-based business may be permitted in each single family residential unit, exclusive of duplexes, condominium units or elderly housing units, in Residential A and B zones, subject to the following:
 - 1) The home-based business is accessory to the residential use.
 - 2) There shall be no outdoor activity or use, including storage and parking of commercial vehicles or trailers exceeding 12,000 GVW, except for the provision of employee parking.
 - 3) The home-based business shall not be such that it requires regular or frequent service by heavy commercial trucks since this would adversely impact the character of the neighborhood.
 - 4) The home-based business shall be registered by conditional use permit and through the filing of an official Town of Newton "Home Based Business" form, both of which are subject to review and approval by the Planning Board.
- C) General.
 - a) Exterior of the building must not create or display any evidence of the home occupation / Home Based Business, except a permitted sign for a Home Based Business. Variation from the residential character and appearance is prohibited. The maximum size sign allowed shall be two square feet.
 - b) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials that are improperly used or stored onsite.
 - c) Not more than two commercial vehicles may be kept overnight at the premises.

- d) No off-street parking is allowed. Adequate off-street parking must be provided and used. Provide one parking space per employee.
- e) Home occupation/home-based business must be conducted by the resident of the premises.
- f) There shall be no outside operations, storage, or display of materials or goods.
- g) No process shall be utilized which is hazardous to public health, welfare, or safety.
- h) The home occupation/home-based business must not offend by emitting smoke, dust, odor, noise, gas, fumes, lights, or refuse matter.
- i) The home occupation/home-based business shall not involve over-night parking of commercial vehicles or trailers exceeding 12,000 GVW.

Permitted Uses

No more than one home occupation or home-based business (per property) is permitted. Such use shall be clearly incidental and secondary to the residential use of the dwelling unit.

Application Procedure

No Town approval is required for Home Occupations.

Applications for conditional use permits for a Home-Based Business shall be made in accordance with the procedures set forth in the relevant sections of the Site Plan Review Regulations of the Newton Planning Board.

Enforcement

This section shall be administered by the Board of Selectmen. Any person who violates the provisions of this section shall be fined \$100 for each offense. Each day that a violation is continued shall constitute a separate offense. An action may be brought about under this provision unless the alleged offender has been given at least seven (7) days notice from the Selectmen by certified mail, return receipt requested, that a violation exists.

Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit to allow for Home Occupations in accordance with the restrictions and requirements of this section.

SECTION IV RESIDENTIAL A ZONE USES

In the Residential A Zone, no building or structure shall be erected or altered and no building, structure or premises shall be used for any purpose except the following:

- 1. Not more than a one (1) family dwelling.
- 2. Any lawful municipal, religious, educational and nonprofit recreational purpose.
- 3. Accessory use on the same lot with and customarily incidental to any of the above permitted uses and not detrimental to a residential neighborhood. The term accessory uses shall include:
 - a. A garage for not more than four (4) automobiles.
 - b. The display and sale by the owner at a roadside stand or otherwise of natural products, the major portion of which is raised in the town. (Amended 1995)
- 4. Any agricultural use and uses customarily incidental thereto except fur farms and piggeries.
- 5. Mobile homes shall be permitted as single family dwellings only in subdivisions established for the purpose of mobile home placement on individually owned lots.