

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

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 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 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 less than twenty five percent (25%) of the total floor area of finished floor space of the dwelling including the basement and accessory structures.

Where Permitted

Home occupations are allowed in any dwelling unit provided the provisions of this section are met.

- a) Home occupation must be located within a dwelling unit.
- b) Exterior of the building must not create or display any evidence of the home occupation, except a permitted sign. Variation from the residential character and appearance is prohibited. The maximum size sign allowed shall be two square feet.
- c) Home occupation use of the dwelling must not utilize more than 25% of the gross floor area (including basement and accessory structures) of the dwelling.
- d) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials that are improperly used or stored onsite.
- e) Not more than two commercial vehicles may be kept overnight at the premises.
- f) Adequate off-street parking must be provided and used.
- g) Home occupation must be conducted by the resident of the premises.
- h) There shall be no outside operations, storage, or display of materials or goods.
- i) No process shall be utilized which is hazardous to public health, welfare, or safety.
- j) The home occupation must not offend by emitting smoke, dust, odor, noise, gas, fumes, lights, or refuse matter.
- k) The home occupation shall not involve over-night parking of commercial vehicles over two (2) tons gross weight.

Permitted Uses

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

Application Procedure

Applications for conditional use permits for a Home Occupation 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.