

TITLE LXIV PLANNING AND ZONING

CHAPTER 675 ENACTMENT AND ADOPTION PROCEDURES

Zoning Ordinance, Historic District Ordinance and Building Code Enactment Procedures

Section 675:4

675:4 Method of Enactment by Petition. –

I. Twenty-five or more voters may petition for an amendment to a zoning ordinance, historic district ordinance, or a building code. Petitioned amendments shall be voted only at the annual town or village district meeting. A petition to amend a zoning ordinance, historic district ordinance, or a building code shall be submitted to the board of selectmen or the village district commissioners during the period between 120 and 90 days prior to the annual town or village district meeting. The petition shall be in correct warrant article form, as determined by the selectmen or village district commissioners, to amend the zoning ordinance, historic district ordinance, or building code. The selectmen or the village district commissioners shall submit the petitions to the planning board in a timely manner.

II. The planning board at its first regular meeting following the petition period shall set the date of the public hearing for each petitioned amendment which is received and shall hold a public hearing on each petitioned amendment. Notice for the time and place of the public hearing shall be the same as that provided in RSA 675:7.

III. Each petitioned amendment shall be placed on a ballot which may be separate from the ballot used to elect town or village district officers. A notation on the ballot stating the planning board's approval or disapproval shall immediately follow the question's description. Any petitioned question receiving an affirmative vote of a majority of the legal voters present and voting shall be adopted, except as provided in RSA 675:5. The planning board shall forward to the town or village district clerk all proposed amendments to a zoning ordinance, historic district ordinance, or building code under this section not later than the fifth Tuesday prior to the date for electing town or village district officers.

IV. The town or village district clerk shall include each question on a petitioned amendment on the appropriate official or special ballot, or separate official ballot, in the same manner as provided in paragraph III and in RSA 675:3, VII.

V. The method for amending a zoning ordinance, historic district ordinance or building code, as set forth in this section, may also be utilized to repeal such ordinance or code. The ballot question shall use the word "repeal" in place of the word "amendment."

Source. 1983, 447:1. 1985, 103:24; 266:3. 1990, 54:3. 1996, 43:2, eff. June 23, 1996.

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Section 675:5

675:5 Zoning Ordinance Protest Petition. –

I. Zoning regulations, restrictions and boundaries may from time to time be amended or repealed.

I-a. A favorable vote of 2/3 of all the members of the legislative body present and voting shall be required to act upon any amendment or repeal in the case of a protest against such zoning change signed by either:

(a) The owners of 20 percent of the area of the lots included in such proposed change; or

(b) The owners of 20 percent of the area within 100 feet immediately adjacent to the area affected by the change or across a street from such area.

I-b. Paragraph I-a shall apply only to amendments which alter the boundary locations separating previously defined zoning districts, or to amendments which alter the regulations or restrictions of an area not larger than 1/3 of the land area within the municipality.

I-c. The area of streets, commons, or land owned by a governmental entity shall not be included in any calculation under this section.

II. In order to have any protest considered pursuant to paragraph I-a:

(a) The owners signing the petition shall identify themselves on the petition by name and address, and by address of the property involved, or by lot and map number, or by whatever other means is used within the town or village district to identify the land in question, so that the selectmen or commissioners may identify such owners as interested and affected parties; and

(b) The signed protest petition shall be submitted to the selectmen or village district commissioners at least 7 days prior to the town or village district meeting; provided, however, that each protest petition shall apply to only one article on the warrant. A notice of receipt of the protest petition shall be posted at the polling place, and the moderator shall announce at the opening of the town meeting that a protest petition has been received.

Source. 1983, 447:1. 1985, 103:24. 1989, 44:1-3, eff. June 11, 1989.

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Section 675:7

675:7 Notice Requirements for Public Hearing. –

I. Notice shall be given for the time and place of each public hearing held under RSA 675:2-4 and RSA 675:6 at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places. Any person owning property in the municipality may request notice of all public hearings on proposed amendments to the zoning ordinance, and the municipality shall provide notice, at no cost to the person, electronically or by first class mail. If a proposed amendment to a zoning ordinance would change a boundary of a zoning district and the change would affect 100 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owners of each affected property. If a proposed amendment to a zoning ordinance would change the minimum lot sizes or the permitted uses in a zoning district that includes 100 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owner of each property in the district. Notice by mail shall be sent to the address used for mailing local property tax bills, provided that a good faith effort and substantial compliance shall satisfy the notice by mail requirements of this paragraph. Petitioned amendments as authorized in RSA 675:4 shall not be subject to notification by mail requirements.

II. The full text of the proposed master plan, zoning ordinance, building code, subdivision regulation, site plan review regulation and historic district regulation, ordinance, or amendment need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice. The notice of a hearing on a proposed amendment to a zoning ordinance to be sent electronically or by first class mail shall include a statement describing, to the greatest extent practicable and in easily understood language, the proposed changes to the zoning ordinance, the areas affected, and any other information calculated to improve public understanding of the proposal.

Source. 1983, 447:1. 1985, 103:24. 2014, 161:8, eff. July 10, 2014.