
Zoning Ordinance

Town of Troy, New Hampshire



ADOPTED: June 11, 1974

AMENDED:

March 2, 1976	March 12, 1996	January 3, 2006	March 13, 2018
March 9, 1982	March 11, 1997	March 26, 2006	March 10, 2020
March 12, 1984	March 10, 1998	March 13, 2007	March 9, 2021
March 13, 1985	March 9, 1999	March 9, 2010	March 8, 2022
March 11, 1986	March 14, 2000	March 13, 2012	March 14, 2023
September 9, 1986	March 13, 2001	March 12, 2013	March 12, 2024
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March 9, 1993	March 9, 2004	March 8, 2016	
March 14, 1995	March 18, 2005	March 14, 2017	

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ARTICLE I

PURPOSE AND TITLE

- A. PURPOSE:** To promote the health, safety, convenience and general welfare of the community; to protect and conserve the value of property and to promote the preservation of the rural aspect of the Town of Troy. Also that the community may grow in an orderly manner, the following ordinance is hereby enacted by the voters of said Town of Troy pursuant to authority conferred by the Revised Statutes of the State of New Hampshire, Chapter 674, 1983, as amended. Specifically, this ordinance is designed to:
- lessen congestion in the streets;
 - secure safety from fires and other dangers;
 - promote health and the general welfare;
 - provide adequate light and air;
 - prevent the overcrowding of land;
 - avoid undue concentration of population;
 - assure proper use of natural resources and other public requirements; and
 - facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, and child day care.
- B. TITLE:** This ordinance shall be known, and may be cited as, the "Town of Troy Zoning Ordinance", hereinafter referred to as "this ordinance."

ARTICLE II

ESTABLISHMENT OF DISTRICTS

- A.** For the purpose of this ordinance, the Town of Troy is divided into the following districts, as shown on the Official Zoning Map filed with the Town Clerk:
1. Village District
 2. Residential District
 3. Rural District
 4. Highway Business District
 5. Light Industrial District
 6. Mill District
 7. Mountain District
- B. BOUNDARIES OF DISTRICTS:** Where uncertainty exists with respect to the boundaries of the various districts shown on the Official Zoning Map, the following rules shall apply:
1. Where a district boundary is shown as following a street, road, railroad, utility line or watercourse, the boundary shall be construed as following the centerline, unless otherwise indicated.
 2. Where a district boundary approximates the location of a lot line, the boundary shall be construed to be the lot line as it existed on the effective date of this ordinance, unless otherwise indicated.

3. Where a district boundary line divides a lot of record at the time such line is established, the regulations applicable to the larger part of the lot may also at the option of the owner be applicable to the smaller part.
4. When a question about the location of a district boundary cannot be resolved by the above provisions, the Planning Board shall determine the exact location of the boundary.

ARTICLE III

GENERAL PROVISIONS APPLICABLE TO ALL DISTRICTS

- A. Any privy, cesspool, septic tank, or sewage disposal system shall be subject to the provisions of the Town of Troy *Water Resources Protection Ordinance*, and in accordance with any applicable requirements of the State of New Hampshire Water Supply and Pollution Control Division.
- B. No land shall be used for a private dump for storage of abandoned vehicles or parts thereof, junk, scrap paper, rags or discarded materials of any kind, nor used in any manner that is disorderly, unsightly, noxious or detrimental to the public or prejudicial to the general welfare. Commercial junkyards, as defined in Article XX, are subject to the provisions of RSA 236:111-123.
- C. No more than two (2) unregistered vehicles are permitted per lot.
- D. With some exceptions, no commercial excavation of land, either for private use or for sale, is permitted without a permit from the Planning Board. This paragraph is not intended to restrict landscaping on personal or private property (RSA 155-E).
- E. No building or structure shall be built to a height of more than three (3) stories.
- F. In the event of a catastrophe rendering an existing dwelling unusable, a manufactured home may be temporarily allowed on an occupied lot for a period not to exceed 12 months, to allow for repair or rebuilding of the dwelling, provided that safe and adequate sewage and a safe water supply can be provided.
- G. Recreational vehicles may, by special permit of the Selectmen, be used as an auxiliary temporary living unit on any occupied residential lot in any district for a period not to exceed 180 consecutive days in a calendar year, provided that adequate sewage disposal and all applicable setback requirements for the district can be met.
- H. It is the intent of this ordinance that there shall be only one principal use permitted per lot; however, more than one principle use per lot may be allowed by Special Exception of the Board of Adjustment, subject to the conditions of Article XIII, C2, a.
- I. Manufactured housing is permitted in Manufactured Housing Parks or in subdivisions created specifically for manufactured housing in the Rural District, subject to the provisions of the Troy Manufactured Housing Park Ordinance and the Troy Subdivision and/or Site Plan Review Regulations, as applicable; and on individual lots in the Rural District.
- J. All plans for the development or change or expansion of use of land for non-residential or multi-family purposes require Site Plan Approval by the Planning Board.
- K. All dumpsters shall be subject to the front setback requirements for each district. All rubbish shall be contained within dumpsters, and they shall be maintained in a tidy and sanitary fashion.
- L. Bed & Breakfast Establishments are permitted by special exception in all districts, subject to the provisions of Article XIII, D, 6.
- M. Additions of unenclosed porches, decks and carports for residential use may encroach into setback areas by Special Exception, provided that the dwelling lawfully existed at the time of the adoption of this

ordinance, and that enough space is left between structures on abutting properties for emergency equipment to pass.

- N. Any improvements necessitated by the American with Disabilities Act are exempted from setback requirements, provided no reasonable alternative exists.
- O. One utility structure or tool shed is allowed to be placed up to three feet from side or rear setbacks provided: (1) the lot is nonconforming in such a way that meeting the required setback for the district is not possible or presents a hardship; (2) the front setback for the district must be met; and (3) the structure is no larger than 10 feet by 12 feet and no higher than 12 feet.
- P. Fences are not subject to setback requirements, although they must be set far enough from the property lines so that they can be maintained without trespass onto the neighboring property.
- Q. All structures used or intended to be used as dwellings shall be constructed on permanent foundations. All such foundations shall be protected from yearly frost, pursuant to the NH Building Code RSA 155-A.

ARTICLE IV

CONSERVATION SUBDIVISIONS

A. AUTHORITY AND PURPOSE

This ordinance is adopted pursuant to the provisions of RSA 674: 16 - Grant of Power and 17 - Purpose, and RSA 674:21, II – Innovative Land Use Controls. This ordinance is intended to encourage environmentally sound planning, create attractive living environments, and discourage consumption of scenic, forested, agricultural or recreational land, thus advancing goals of the Troy Master Plan, including but not limited to the following:

- 1. To preserve areas that have high natural, historic or cultural conservation values.
- 2. To encourage innovative design and energy-efficient site development.
- 3. To locate buildings and structures on those portions of a site that are the most suitable for development.
- 4. To create contiguous connections between open space within a subdivision and, where possible, open space or trails on adjoining lands.
- 5. To reduce the amount of roads, sidewalks and stormwater management facilities needed to support development.

B. APPLICABILITY

- 1. This ordinance shall apply to all subdivisions in the Town of Troy, except as provided below. Applicants may use a conventional subdivision design when they can demonstrate to the satisfaction of the Board that a conservation design would do no more to further the goals of this ordinance than would a conventional design.
- 2. The following subdivisions are exempt from this ordinance:
 - a. Subdivisions involving five (5) lots or less.
 - b. A subdivision that creates a lot for no more than one additional dwelling unit; or
 - c. Any new parcel created is at least 11 acres in size and 10 acres are to be placed in Current Use; and
 - d. Where there is no potential under current zoning for future subdivision or the deed for each lot contains a restriction prohibiting further subdivision.

C. GENERAL REQUIREMENTS

1. All applications for Conservation Subdivision shall be reviewed and decided under the Troy Subdivision or Site Plan Review Regulations, in addition to the requirements of this ordinance.
2. Where there are proposed common areas, open space, structures, facilities, utilities, or roads, a Homeowners Association shall be formed to specify the individual and collective responsibilities for ownership and maintenance. The Association agreements must be reviewed and approved by Town Counsel prior to Board approval, and following approval shall be filed with the approved plans in the Cheshire County Registry of Deeds.

D. DENSITY DETERMINATION

1. The number of lots or dwelling units is based on the permitted density for the district in which the subdivision is located.
2. Additional density can be gained through the allocation of points for any of the following activities listed in the table below. For every one point earned, a one (1) percent increase in density is allowed, up to a maximum of 25% increased density.

Activity	Points
1. Providing open space per V. B, 2:	
a. Up to 25% of the total parcel as open space	2
b. From 26% to 50% of the total parcel as open space	3
c. From 50% to 75% of the total parcel as open space	5
2. Designing the building sites to take advantage of solar access.	1
3. Providing recreational trails within the subdivision.	1
4. Providing public access to recreational trails within the subdivision.	2
5. Connecting recreational trails within the subdivision to adjacent off-site trails.	3
6. Providing other recreational facilities within the subdivision.	2
7. Providing public access to recreational facilities within the subdivision.	3
8. Burying utility cables and lines.	1
9. Minimizing curb cuts through the use of shared driveways.	1
10. Using pervious paving materials where suitable.	1
11. When building plans are part of the project, incorporating sustainable construction technologies, including heating and cooling systems.	5

E. DIMENSIONAL REQUIREMENTS

1. If the development is proposed as a clustered-type pattern with open space set aside, the frontage for the lot may be reduced from the minimum required for the zoning district, but in all cases must retain a minimum 50-foot right-of-way into the lot.
2. Dwelling units may be located on individual lots, or on common lots with no lot lines, or a combination thereof.
3. The minimum lot sizes for individual lots, or lot areas for dwelling units, will be determined by the Planning Board based on the availability and adequacy of sewage disposal, the soil types, topography, and other features of the lot considered by the Board to be pertinent.
4. In the case of multiple dwellings being placed on a common lot, the lot area designated for each dwelling will be determined by the Planning Board, and the distances between buildings shall not

be less than the State building and fire codes require for the type of construction and the use of the buildings.

5. If the subdivision is to be served by on-site water and sewer systems, the Planning Board will make a determination of lot size based on finding that the proposal meets with the Department of Environmental Services approval and otherwise satisfies any reasonable concerns regarding public health and the environment.
6. Any new lot or building site created cannot have more than 50% of its area consist of slopes over 35%.

F. DESIGN STANDARDS.

1. General

- a. All lots or building sites shall front on internal roads only.
- b. A building envelope shall be identified for each new lot or building site to ensure that building placement is compatible with the purposes of this section. Each envelope shall be set back at least 15 feet from the edge of the roadway and from any other building envelope.
- c. Cul-de-sacs are not permitted.

2. Conservation Areas

- a. All subdivisions shall be designed to protect, preserve and/or conserve identified primary and secondary conservation areas, as defined and described in the Definitions.
- b. Open Space. Any designated Open Space shall remain in a natural, undisturbed state except for permitted uses.
- c. Any areas to be designated as open space shall comply with the following:
 - i. Any designated open space area must have a minimum contiguous area of 12% that contains no wetlands and no slope no greater than 12%, except as follows:
 - a) Where 26-49% of the parcel is open space, the steepness of slope may be up to 15%.
 - b) Where 50-74% of the parcel is open space, the steepness of slope may be up to 20%.
 - c) Where more than 75% of the parcel is open space, the steepness of slope may exceed 25%
 - ii. No structures or roads are allowed in the designated open space; the following uses are permitted:
 - a) Recreational uses, except for any non-motorized uses, including trails and any associated parking, provided that no more than five (5%) percent of the open space is covered by impervious surface.
 - b) Agriculture or forestry.
 - c) Water, septic, and stormwater management facilities.
 - iii. Designated open space areas need not be contiguous, but any fragmented open space areas must be large enough to be usable for their stated purposes.
 - iv. All open space areas shall be so designated on the plan and any future development of such areas is prohibited.

G. ADMINISTRATION

1. Notwithstanding other provisions of the Troy Zoning Ordinance, authority per RSA 674:21, II is granted to the Planning Board to issue Conditional Use Permits to modify any of the requirements of this section of the Zoning Ordinance for good cause shown. Any such modifications granted shall be consistent with the purposes of this section and shall not be detrimental to public health, safety or welfare.
2. Applications for a Conditional Use Permit shall be made on forms provided by the Troy Planning Board. Application for a Permit may be made separately, or as part of the subdivision and/or site plan review process.

**ARTICLE V
VILLAGE DISTRICT**

In the Village District, buildings or premises may be erected, placed, altered or used and land may be used for the following purposes only, and in accordance with the following provisions. In order to encourage mixed-use development, more than one principal use on a lot or in a building is permitted.

A. Permitted Uses:

1. One and two-family dwellings.
2. Multi-Family dwellings subject to the following:
 - a. If the structure is more than one floor, the Planning Board may require the ground floor to be used for a retail or service establishment.
 - b. There may be no more than four (4) dwelling units in one building, and no more than one (1) building on a lot.
 - c. If the proposed use involves the conversion of a structure existing as of March 10, 2026, the structure is exempt from complying with setback, frontage, or height requirements, provided that the existing characteristics do not change.
3. Places of worship.
4. Governmental, educational and cultural facilities.
5. Banks, business and professional offices.
6. Personal service establishments, such as beauty shops, barber shops, shoe repair, dry cleaning and laundry, and funeral services.
7. Restaurants or other eating places, not including fast-food or drive-through restaurants, or taverns.
8. Breweries.
9. Brew Pubs.
10. Retail establishments.
11. Family day care.
12. Medical/Dental/Pharmaceutical/Other Health Care Facilities.
13. Veterinary Establishments with no outside boarding of animals.
14. Lodging, Rooming and Boarding Houses, or other accommodations for overnight guests; and Hotels.
15. Any use(s) accessory to the principal uses above.

B. Special Exception Uses: The following uses are permitted by Special Exception of the Board of Adjustment, subject to the conditions outlined in Article XIV:

1. Group homes, nursing homes, health care centers, family group day care and group childcare centers.
2. Conversion of single-family residence into mixed commercial and residential.
3. Fraternal organizations and private clubs.
4. Housing for the Elderly.
5. Sales of farm produce grown on the premises.

C. Lot and Yard Requirements:

1. Each lot shall have a minimum area of one-half (½) acre, with at least 100 feet of contiguous frontage.
2. No structure shall be located closer than 20 feet from the edge of an approved right-of-way, nor closer than 15 feet from the side and rear property lines.
3. Lots or structures legally existing as of March 9, 1999 that do not meet these requirements are hereby considered to be conforming for the purposes of this ordinance.
4. Development in the Village District shall be of a type that is consistent and in harmony with the historic nature of the area.

D. Buffer Area:

New non-residential development abutting existing residential uses shall provide and maintain a vegetative buffer or visual screen within the front, side and rear setback areas, as approved by the Planning Board during Site Plan Review.

ARTICLE VI

RESIDENTIAL DISTRICT

In the Residential District, buildings or premises may be erected, altered or used and land may be used for the following purposes only, and in accordance with the following provisions:

A. Permitted Uses:

1. One and two-family dwellings.
2. Places of worship.
3. Sales of farm produce grown on the premises, provided that they are incidental to the primary residential use and are in no way injurious, obnoxious, or offensive to the neighborhood.
4. Family day care.
5. Any use(s) accessory to the principal uses above.

B. Special Exception Uses: The following uses are permitted by Special Exception of the Board of Adjustment, subject to the provisions outlined in Article XIV:

1. Family group day care and group childcare centers.

C. Lot and Yard Requirements:

1. Each lot shall have a minimum area of one (1) acre, with at least one hundred (100) feet of contiguous frontage.

2. No structure or parking area shall be located closer than 35 feet from the edge of an approved right-of-way, nor closer than twenty 20 feet from the side and rear property lines.

ARTICLE VII

RURAL DISTRICT

In the Rural District, buildings and premises may be erected, altered or used and land may be used for the following purposes only, and in accordance with the following provisions:

A. Permitted Uses:

1. One and two-family dwellings.
2. Agricultural uses.
3. Roadside stands for the sale of farm products raised on the premises.
4. Stables and riding academies.
5. Plant nurseries and greenhouses.
6. Veterinary hospitals.
7. Family day care.
8. Sand and gravel excavation operations, as per RSA 155-E.
9. Any use(s) accessory to the principal uses above.

B. Special Exception Uses: The following uses are permitted by Special Exception of the Board of Adjustment, subject to the provisions outlined in Article XIV:

1. Family group day care; group childcare centers.

C. Lot and Yard Requirements:

1. Each lot shall have a minimum area of two (2) acres, with at least two hundred (200) feet of contiguous frontage.
2. No structure or parking area shall be located closer than 35 feet from the edge of an approved right-of-way, nor closer than 20 feet from the side and rear property lines.

D. Backlot Development

Because of the value of the preservation of the unique character of the Town of Troy, and because of the rough topography of the land, private access to lots that lack frontage on town- or state-maintained roads is not specifically prohibited. However, for private access to be allowed in such cases, each of the following conditions must be met:

1. Only one back lot shall be created off of a front lot that was an existing lot of record at the time of adoption of this ordinance (*March Town Meeting 1993*).
2. The back lot shall have not less than 50 contiguous feet of frontage on a Class V or better road. If the front lot has no more than 200 feet of frontage, an access easement may be allowed across said front lot. In the event the front lot has frontage of 250 feet or greater, the 50-foot access must be deeded to the back lot. The plan identifying such a lot shall clearly indicate on it the private character of said access and shall be so recorded, on the plan and on the deeds to both lots. In no event shall more than a total of two (2) lots be created out of one (1) existing lot of record using the backlot provision; one (1) backlot and one (1) front lot turning the existing lot of record into a maximum of 2 lots.

3. In the case of an easement being granted over a lot with less than 250 feet frontage, only one curb cut will be allowed for both lots, whenever feasible. The access strip shall meet all the gradient and curvature requirements as specified in the Troy Subdivision Regulations. All curb cuts are to be approved by the Road Agent.
4. The back lot must have a width at the building line of at least 200 feet, and have a lot size of at least five (5) acres. The area of the access shall not be included in determining the required lot size. The lot shall meet all other requirements of the zoning ordinance for this district, and the Troy Subdivision Regulations.
5. There will be only one single-family dwelling permitted on each lot, and no further subdivision of land shall be allowed.

The creation of backlots is not intended to circumvent the zoning ordinance or the subdivision regulations, but to alleviate hardship for a property owner caused by land without adequate frontage. Therefore, the creation of backlots is to be discouraged, and the Board in its discretion may deny requests, when the land could be subdivided through usual methods.

ARTICLE VIII MOUNTAIN DISTRICT

It is intended that the Mountain District should preserve the rural scenic beauty of the roads immediately surrounding and leading to Mount Monadnock and Gap Mountain by limiting the kinds of commercial development that would not be consistent with the goal of protecting these valuable natural resources. Therefore, in the Mountain District, buildings may be erected, placed, altered or used and land may be used or occupied for the following purposes only, and in accordance with the following provisions:

A. Permitted Uses:

1. One and two-family dwellings.
2. Agricultural uses, including roadside stands for the sale of seasonal farm products raised on the premises.
3. Family day care.
4. Any use(s) accessory to the principal uses above.

B. Special Exception Uses: The following uses may be granted by Special Exception by the Board of Adjustment, subject to the conditions outlined in Article XIV:

1. Family group day care and group childcare centers.

C. Lot and Yard Requirements:

1. Each lot shall have a minimum area of two (2) acres, with at least 200 feet of contiguous frontage.
2. No structure or parking area shall be located closer than 35 feet from the edge of an approved right-of-way, nor be closer than 20 feet from the side and rear property lines.

ARTICLE IX HIGHWAY BUSINESS DISTRICT

A Highway Business District is established to provide an area in town where commercial activity can locate without impinging on the residential neighborhoods by way of increased traffic, visual and other effects of commerce that are incompatible with residential uses. Therefore, in the Highway Business District, buildings or premises may be erected, altered or used and land may be used for the following purposes only, and in accordance with the

following provisions. In order to encourage mixed-use development, more than one principal use on a lot or in a building is permitted.

A. Permitted Uses:

1. Any principal use authorized in the Village District.
2. Restaurants and other eating establishments.
3. Wholesale or retail establishments.
4. Commercial amusement establishments.
5. Motels.
6. Automotive sales, service, parts and repair facilities.
7. Sales and service of farm and garden supplies and equipment.
8. Greenhouses, Plant Nurseries.
9. Self-Storage Facilities
10. Any use(s) accessory to the principal uses above.

B. Lot and Yard Requirements:

1. Lots having access to town water and sewer shall have a minimum area of one (1) acre with at least 100 feet of contiguous frontage. Lots with on-site septic and water shall have a minimum area of two (2) acres with at least 200 feet of contiguous frontage.
2. No structure or parking area shall be located closer than 20 feet from the edge of an approved right-of-way, nor closer than 20 feet from the side and rear property lines, except for the following:

Where the Highway Business District abuts any existing residential use within the Highway Business District or abuts either the Village, Residential or the Rural District, the side and rear setbacks shall be 35 feet; 20 feet of this setback, as measured inward from the property line, shall be maintained as a vegetative buffer strip or visual screen, to be approved by the Planning Board during Site Plan Review. Within this buffer strip there will be no parking or storage areas, driveways, signs, lighting fixtures, or principal or accessory structures.
3. The amount of lot coverage, consisting of all buildings, structures and parking facilities, shall be no more than 50% of the total lot area.

C. Standards for Nonresidential Uses

1. Nonresidential uses abutting a residential use or any boundary of the Village, Residential or Rural District shall provide and maintain a vegetative buffer or visual screen within the side and rear setback area, as approved by the Planning Board during Site Plan Review. Within this buffer area there will be no parking or storage areas, driveways, signs, lighting fixtures, dumpsters or principal or accessory structures.
2. The amount of lot coverage, consisting of all buildings, structures and parking facilities, shall be no more than 50% of the total lot area.
3. Where feasible, parking areas shall be located to the side and/or rear of the property, rather than in the front of the building.
4. Parking areas and front yards of nonresidential development shall be landscaped in accordance with a Landscaping Plan submitted as part of the Site Plan Review process.
5. In an effort to reduce traffic conflicts on Route 12, the use of shared driveways is encouraged, whenever such use is feasible.

D. Route 12 Gateway

Route 12 serves as the entrance corridor to Troy from the north and south. As such, during Site Plan Review for nonresidential proposals, the Planning Board will encourage landowners to take into consideration their unique location and effect on travelers entering Troy in the design of their plans.

ARTICLE X

LIGHT INDUSTRIAL DISTRICT

A light industrial district is designated in order to: encourage development that will contribute to a balanced economy in the Town of Troy; specifically limit the amount of heavy truck traffic into these districts; and ensure that the scale of development is consistent with the rural character of the town while at the same time provides for the growth of its economic base. By its nature, this district is concerned primarily with the manufacture of products rather than the sale of goods. In order to encourage mixed-use development, more than one principal use on a lot or in a building is permitted.

A. Permitted Uses:

1. Self-storage facilities.
2. Electronics, wood and plastics assembly.
3. Mechanical services, e.g.: welding, automotive body shops, appliance repairs.
4. Publishing, printing, and bookbinding.
5. Research and development.
6. Construction establishments, such as plumbing and heating, welding, blacksmithing, ventilation, air conditioning and refrigeration, and carpentry.
7. Shops for custom work or making of articles.
8. Any use(s) accessory to the principal uses above.

B. Lot and Yard Requirements:

1. Each lot shall have a minimum area of two (2) acres, with at least 200 feet of contiguous frontage.
2. No structure or parking area shall be located closer than 50 feet from the edge of an approved right-of-way. The minimum setback from side and rear boundary lines is 30 feet, except for the following:

Where the Light Industrial District abuts either the Village, Residential, or the Rural District, the side and rear setbacks shall be 35 feet; 20 feet of this setback, as measured inward from the property line, shall be maintained as a vegetative buffer strip or visual screen, to be approved by the Planning Board during Site Plan Review. Within this buffer strip there will be no parking or storage areas, driveways, signs, lighting fixtures, or principal or accessory structures.
3. The amount of lot coverage, consisting of all buildings, structures and parking facilities, shall be no more than 50% of the total lot area.
4. Where feasible, parking areas shall be located to the side and/or rear of the property, rather than in the front of the building.
5. Parking areas and front yards shall be landscaped in accordance with a Landscaping Plan submitted as part of the Site Plan Review process.

ARTICLE XI
THE MILL DISTRICT

Purpose and Intent: The purpose of this District is to allow the redevelopment of an historic site located adjacent to the central Village District of the Town. The site, once the home of Troy Mills, served for more than 150 years as an anchor to the Town's economy and identity. The following provisions are intended to recognize that the previous limited purpose industrial use of this site is no longer viable. Therefore, these special regulations are adopted so that this important site can be adapted to viable uses and once again contribute to the economic and commercial well being of the community.

In order to accomplish the purpose of this ordinance, the following provisions are written expressly to facilitate the redevelopment and reuse of the Troy Mills site. Such a redevelopment requires maximum flexibility in locating a variety of complementary and compatible uses on the same parcel and/or in the same building.

A. Permitted Uses. The following uses are permitted by right in the Mill District. The listed uses are representative of the nature and types of mixed-use activities envisioned in the Mill District and are not intended to be limiting. It is intended that this section of the ordinance be liberally interpreted to accommodate a broad array of compatible and complementary types of uses. Further, more than one use on a parcel or in one building is allowed.

1. Apartments/condominium units.
2. Retail Establishments.
3. Personal Services.
4. Banks, Business and Professional Offices.
5. Restaurants/Cafes/Banquet Facilities.
6. Movie Theaters/Indoor Entertainment/ Other Recreational Uses.
7. Medical/Dental/Pharmacy/Health Club/Other Health Care Establishments.
8. The making and selling of products by artisans and craftsmen.
9. Light Industry, such as storage/warehouse facilities, or light assembly operations and shops for custom work.
10. Any use(s) accessory to the principal uses above.

B. Uses Not Permitted. The following uses are expressly not permitted in the Mill District.

1. Sexually-Oriented Businesses.
2. Manufactured Housing on individual lots or in parks.
3. Heavy Industrial uses, such as processing plants.

C. Lot and Yard Requirements

Typical lot and yard requirements do not apply to this District. There are no minimum lot sizes, frontages, lot coverage, or setback requirements, provided the redevelopment of the site is limited to the existing structures on the site. Any new exterior building construction, however, is subject to a minimum 25-foot setback from roads or property lines, and must conform to the Troy Site Plan Review Regulations.

D. Performance Standards. The following standards are intended to address aesthetic issues, as well as off-site impacts associated with the redevelopment of the site.

1. Parking areas will be designed so that they are not a predominant feature visible from public roads. Appropriate screening, including vegetation, will be used to soften the visual effect around the edges of the site.

2. Buffering shall be required where any new construction within the Mill District is closer than 50 feet to an existing residential use outside of the District. The purpose of the buffering is to mitigate factors such as visual impact, light and noise. The type and amount of buffering will be determined by the Planning Board during Site Plan Review.
3. Exterior lighting and signage will be reminiscent of the historic character of the site. All lighting will be designed so that light from the fixtures does not leave the property or create glare or other nuisance to abutters or traffic on the public roads.
4. Stormwater runoff will be managed in accordance with the most recent NH Department of Environmental Services recommended standards and best management practices. To the greatest extent possible, landscaping will be used for infiltration of the runoff into the ground.
5. Any new exterior construction on the site will be designed to be consistent with the character of the existing mill building.
6. An impact analysis, if requested by the Board, will be submitted to the Planning Board during Site Plan Review to identify and address potential impacts on Town services such as roads and water/sewer capacity from the proposed project.

E. Conflicting Provisions

In the event that any provisions contained within any of the Troy zoning ordinances or subdivision or site plan review regulations are in conflict with the provisions contained herein, the provision that imposes the higher standard shall prevail.

ARTICLE XII

SUPPLEMENTAL PROVISIONS

A. Yard Sales. Yard or Tag Sales are permitted in all districts subject to the following:

1. Sale events may occur no more than five (5) times in a calendar year.
2. No individual sale may last longer than three (3) consecutive days.
3. Upon written request the Selectmen may grant an approval for either additional sales and/or the duration of the sale.
4. Any signage placed anywhere in town or on the property relative to the sale must be removed within two (2) days of the conclusion of the sale.
5. In no case shall any sale result in sidewalk or roadway obstruction, nor shall parking create any nuisance or dangerous situation.

B. Home Occupations. Home Occupations are permitted in all districts subject to the following conditions:

1. No stock and trade shall be maintained unless kept within a building.
2. The number of persons employed for such activity shall not exceed two (2) persons, in addition to the resident family members.
3. The activity shall be carried on wholly within the principal or accessory structure.
4. The activity shall not result in the production of any offensive noise, vibration, light, odor, dust, smoke, or other pollution external to the property.
5. The use will not generate vehicular or pedestrian traffic of a quantity or quality as to be injurious, offensive, or otherwise detrimental to the neighborhood. Vehicular traffic of more than ten (10) vehicles per day shall be considered evidence of traffic that is detrimental to the neighborhood.

6. The activity shall not occupy more than 500 square feet within the dwelling unit or the accessory building. The activity may occupy up to 1,500 square feet within the Rural and Mountain Districts.
7. There shall be no exterior display, no exterior sign greater than six (6) square feet, no exterior storage of materials, and no exterior indication that a home occupation activity is being carried on within either the principal or accessory building.
8. Vehicles operated from the premises shall not exceed 12,000 pounds GVW, and the use shall not entail more than occasional visits by vehicles of such size. One truck up to 12,000 pounds GVW, which is used in the business, may be parked on the premises.
9. In the case of a bed and breakfast, no more than three (3) sleeping rooms may be allowed for rent.
10. In no case shall a home occupation be open to the public at times earlier than 7:00 a.m. or later than 7:00 p.m., except in the case of a bed and breakfast.
11. When the Home Occupation will necessitate the construction of new buildings, building additions, or parking areas, the applicant shall submit a site plan in conformance with the Troy Site Plan Review Regulations to the Planning Board for review and action.

C. Workforce Housing

1. Any proposal for Workforce Housing must meet the definitions and requirements of RSA 674: 58-61.
2. Multi-family workforce housing, as defined by RSA 674: 58, is permitted only in the Village and Residential Districts on lots that are served by municipal water and sewer. In all other districts where residential uses are allowed, workforce housing may be of the single-family or two-family type.

D. Conversion Apartments

1. Conversion Apartments are permitted by special exception in all districts, subject to the provisions of Article XIV, C. 2.
2. Any conversion resulting in three or more units is subject to site plan review by the Planning Board.

E. Parking Standards

Adequate off-street parking shall be provided whenever any new use is established or any existing use is enlarged or expanded, according to the following standards. Each parking space shall measure 10 feet by 20 feet and have sufficient area for turning and maneuvering.

Within the Village District, the off-street parking standards may be waived when, in the opinion of the Planning Board, adequate on-street parking can be provided for the proposed use.

<u>TYPE OF USE</u>	<u>MINIMUM SPACES REQUIRED</u>
All Residential Uses	1 space per dwelling unit
Accessory Dwelling Units	1 space per unit
Professional and Office Use	1 space per 750 square feet gross floor area
General Retail/Commercial Use	1 space per 300 square feet gross floor area
Manufacturing	1 space per 1,000 sq. feet gross floor area
Wholesale and Storage	1 space per 3,000 sq. feet gross floor area

F. Solar Energy Systems. Authorization: Pursuant to RSA 674:21, Solar Energy Systems are permitted in all zoning districts subject to the following:

1. Permitting and Zoning
 - a. All Solar Energy Systems require an approved building and/or electrical permit prior to construction.
 - b. For purposes of construction compliance, Solar Energy Systems are to be considered structures and must meet all applicable permitting and zoning requirements.
2. Installation
 - a. Solar Energy Systems must be installed by a qualified installer trained for this specific purpose.
 - b. Any and all system connections to the Utility Electrical Power Grid must be made by a licensed Electrician and must be approved by the Utility.
3. General Standards
 - a. Glare or Reflection. Solar Energy Systems must be positioned in a way so as not to create glare or reflection that impacts any other property or right of way.
 - b. All systems may be only of a roof- or ground-mounted type.
 - i. Roof-mounted systems are subject only to building and electrical code permits.
 - c. A ground-mounted system may not exceed 20 feet in height.
 - d. Lot Coverage. Solar Energy Systems shall not cover more land area than is contained within the security barrier as specified in Table #1:

Table #1: Lot Coverage for Ground-Mounted Systems	
<i>Lot Size (Acres)</i>	Maximum Coverage (% of Lot Size)
<i>Less than 2</i>	5%
<i>2 – less than 6</i>	7.5%
<i>6 – less than 10</i>	10%
<i>10 or more</i>	35%

4. General Standards for Commercial- and Utility-Scale Solar Energy Systems.
 - a. The system may be located on the property for which it is supplying power, or on a separate lot.
 - b. Every facility shall have only one entry point from an approved Class V or better right-of-way, unless prior approval for access has been granted by the Select Board.
 - c. Every facility shall have a security barrier around the entirety of the property or the area being utilized for the facility and shall be kept secure at all times during operations of the facility.
 - d. Every security barrier shall be setback a minimum of 75 feet from a Class V or better right-of-way and 100 feet from all abutting property lines. All equipment must be set back a minimum of 10 feet within the security barrier.
 - e. Impact Analysis. All applications must address the extent to which, if any, the proposed project would impact: the standard of living or the real estate value of the abutters; the rural character of and wildlife impacts on the project area; and the economic health of the Town of Troy.
 - f. Prior to the start of the project, a 3rd party electrical inspector shall be approved by the Planning Board and hired at the applicant’s expense to inspect the project from start to completion. The inspector shall ensure that all workers comply with NH state law as to licensed electrician and

apprentice percentages, and that work is being performed under a Master Electrician’s license. No work shall begin until the Board has approved an inspection schedule; the schedule shall, at a minimum, include the following:

- i. Inspector’s initial review and approval of all plans.
 - ii. Inspection of utility interconnect work.
 - iii. Inspection of all underground work prior to backfilling.
 - iv. Rough inspections (if necessary).
 - v. Final inspection.
- g. Decommissioning. Proposals for Commercial- or Utility-Scale systems must include a plan for decommissioning in the event of abandonment or cessation of operations. The Planning Board reserves the right to require the posting of a bond for the removal of an unused facility.

5. Table of Permitted Uses.

USE	Table #2: Permitted Use by District						
	Village	Residential	Rural	Mountain	Highway Business	Light Industrial	Mill
Accessory	P	P	P	P	P	P	P
Commercial	NP	NP	CUP	NP	CUP	CUP	CUP
Community	CUP	CUP	CUP	NP	CUP	CUP	CUP
Utility	NP	NP	CUP	NP	NP	CUP	NP

P = Permitted without CUP or Site Plan Review
 CUP = Conditional Use Permit from the Planning Board and Site Plan Review
 NP = Not Permitted

6. Waivers. The Board may waive or modify any part of these regulations or impose reasonable conditions if it believes that the specific circumstances of the proposal justify such action and that the wavier aligns with the spirit and intent of these regulations.

G. **Campgrounds.** Campgrounds are permitted by right in the Mountain and Rural Districts. Pursuant to the provisions of RSA 674:21, II the Planning Board is hereby authorized to issue Conditional Use Permits for campgrounds in all other districts, subject to criteria outlined in Section III, E. of the Site Plan Review Regulations. All campgrounds are subject to compliance with RSA 216-I, in addition to the following:

- 1. The minimum lot size on which campgrounds are permitted is five (5) acres.
- 2. There shall be a minimum setback from the perimeter of the lot of 100 feet, within which no structures or recreational facilities may be located.
- 3. Access to a campground must be from a Class V or better road.

H. **Accessory Dwelling Units.** Accessory Dwelling Units (ADU’s) are permitted by right in all districts where residential uses are allowed, subject to the following:

- 1. Accessory Dwelling Units (ADU) are permitted only in association with a single-family dwelling. Only one such unit is permitted per single-family dwelling, which may be an existing or newly-constructed residence. The ADU may be within or attached to the primary dwelling, or in a separate structure on the same lot.
- 2. The ADU may not be larger than 1,000 square feet in total.
- 3. If the ADU is attached to or within the primary dwelling:
 - a. The ADU may not be larger than the primary dwelling.

4. The property owner shall provide the documentation to demonstrate that there are adequate sewage disposal facilities and water supply for both dwellings.
5. Adequate provisions shall be made for at least one off-street parking *space*.
6. Access shall be provided through the existing curb cut.
7. Either the primary residence or the ADU shall be occupied by the property owner, except for bona fide temporary absences.
8. Neither the primary dwelling nor the ADU shall be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing primary dwelling.
9. A detached structure may be converted into an ADU, even if the structure does not meet the setback or lot coverage requirements of the district.

ARTICLE XIII

NON-CONFORMING USES, STRUCTURES AND LOTS

Any lawful use of land or buildings or parts thereof at the time of the adoption of this ordinance may be continued indefinitely, although such use does not conform to the provisions of this ordinance, subject to the conditions listed below.

A. NON-CONFORMING USES

1. When any existing non-conforming use of land or buildings has been discontinued for one year, the land and buildings shall thereafter be used only in conformity to this ordinance.
2. A non-conforming use may not be changed to another non-conforming use. If a non-conforming use is superseded by a conforming use, the non-conforming use may not thereafter be resumed.
3. A non-conforming use may not be substantially expanded or enlarged; natural, but limited, expansion may be allowed under some circumstances.

B. NON-CONFORMING STRUCTURES

1. Any non-conforming structure destroyed or damaged by fire or other casualty, in whole or part, may be replaced by a structure to be used for the same purpose as the one destroyed, provided that such reconstruction or replacement shall not exceed in cubic contents that of the original structure, and that it occur within 12 months of the casualty.
2. Any non-conforming structure may be altered, provided that such alteration conforms to the dimensional and setback requirements for the zoning district in which it is located.
3. A non-conforming structure may be expanded by Special Exception, provided that the expansion does not encroach any more into the non-conforming direction than the existing structure. Expansion in a conforming direction is permitted.
4. A non-conforming structure may be replaced or relocated on the property, provided that the replacement does not increase the non-conformity.

C. NON-CONFORMING LOTS OF RECORD (Grandfather Clause)

1. In any district, a vacant lot that was a lawful lot of record as of the effective date of this ordinance may be developed for the uses permitted in that district, even though the lot does not conform to the area or frontage requirements of this ordinance. The applicable district requirements for yard setbacks and state septic system requirements shall still apply.
2. Any non-conforming lot may be enlarged, even though the enlargement does not make the lot conforming.

ARTICLE XIV

BOARD OF ADJUSTMENT

- A. CREATION:** A Board of Adjustment is hereby created and shall have the terms and power hereby conferred upon the Board of Adjustment by the provisions of New Hampshire Revised Statutes Annotated, Chapters 672-677, 1983 and as may be amended. The Board of Adjustment members will be elected by the Town Meeting annually; *Alternate members to be selected by appointment by Selectmen.*
- B. ADOPTION OF RULES:** The Board of Adjustment shall adopt rules to govern its proceedings in accordance with the provisions of this ordinance, and the provisions of Chapters 672-677, Revised Statutes Annotated, 1983, and as may be amended.
- C. POWERS OF THE ZONING BOARD OF ADJUSTMENT:**
1. **HEAR AND DECIDE APPEALS FROM ADMINISTRATIVE DECISIONS.** The Board shall hear and decide appeals where or if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement thereof or any Ordinance adopted pursuant thereto.
 2. **SPECIAL EXCEPTIONS.** The Board of Adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of this Ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the ordinance and shall be in accordance with the general or specific rules contained in this ordinance. The Board, in acting on an application, shall take into consideration the following criteria:
 - a. When the application is for more than one principal use on a lot, as per Article III, H., the proposed use or uses shall be designated as permitted or by special exception in the district, and shall be subject to the requirements of this Paragraph, in addition to any requirements for such use contained in Section D of this article that apply.
 - b. The proposed use shall be designated as a special exception use in the district and any applicable requirements for such use contained in Paragraph D of this Article shall be met.
 - c. The proposed site is an appropriate location for the use. Among the factors the Board of Adjustment will consider are: topography, soils, water resources, road access and locations of driveways, condition of existing structures and other relevant characteristics such as whether the proposed use is compatible with the surrounding land uses.
 - d. The proposed use will not adversely affect the value of adjacent property. An adverse effect on adjacent property is one which would limit the use of neighborhood property by causing such problems as excessive noise, traffic, dust, fumes, glare or other conditions that are associated with the intended use but are not typical of permitted uses within the area.
 - e. The lot must be of a size, configuration, slope and soil type such that the proposed use is able to comply with all requirements of the Troy Zoning Ordinance.
 - f. No hazardous waste shall be disposed of on the property, and provision for the disposition of all waste shall be made without jeopardy, financial or otherwise, to the Town of Troy.
 - g. Traffic generated by the proposed use must not present a hazard to the neighborhood for either vehicles or pedestrians.
 - h. In all cases where a proposed project requiring Site Plan Review is located next to an existing residential use, buffering shall be provided within the setback areas, of a type and amount deemed appropriate by the Planning Board during Site Plan Review.

- i. The Board of Adjustment will request a recommendation from the Planning Board, the Conservation Commission and the Health Officer concerning the proposed use.

3. VARIANCES. The Board of Adjustment shall authorize upon appeal in specific cases a variance from the terms of this Ordinance as will not be contrary to the public interest if, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. The Board shall grant a variance provided the following conditions are satisfied:

- a. The variance will not be contrary to the public interest.
- b. The variance is consistent with the spirit of the ordinance.
- c. Substantial justice is done by granting the variance.
- d. The values of surrounding properties will not be diminished.
- e. Literal enforcement of the provisions of this ordinance would result in unnecessary hardship. For the purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:
 - i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; AND
 - ii. The proposed use is a reasonable one.

If the criteria in subparagraph (e) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

4. EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS: In accordance with RSA 674:33-a, when a lot of other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by the zoning ordinance, the Board of Adjustment **shall**, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, **if and only if** the Board makes **all** of the following findings:

- a. That the violation was not noticed or discovered until after a structure in violation had been substantially completed, or until after a lot had been subdivided.
- b. That the violation was not an outcome of ignorance of the law, or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith, but was instead caused by either a good faith error in measurement or calculation, or by an error in ordinance interpretation or applicability made by a municipal official.
- c. That the physical dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with any future uses of such property.
- d. That due to the degree of past construction or investment the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require correction.

In lieu of satisfying paragraphs (a) and (b) above, the landowner may demonstrate that the violation has existed for 10 years or more, and that no enforcement action has been commenced against the violation during that time by the municipality.

- D. REQUIREMENTS FOR GRANTING SPECIAL EXCEPTIONS.** The Board of Adjustment may grant special exceptions for the following activities, provided the conditions of Paragraph 2 above, in addition to the following conditions, are met:
1. Additions of unenclosed porches, decks and carports may encroach into setback areas by Special Exception, provided that the dwelling was lawfully existing at the time of adoption of this ordinance, and that enough space is left between structures for emergency equipment to pass.
 2. Any improvements necessitated by the Americans with Disabilities Act are exempted from setback requirements, provided no reasonable alternative exists.
 3. Lodging, rooming and boarding houses, or other accommodations for overnight guests; hotels, and bed and breakfast establishments; group homes, nursing homes, health care centers; family group day care and group child care centers; and fraternal organizations and private clubs shall all be subject to the provisions of Section F above.
 4. Housing for Elderly
 - a. The review of any proposal for elderly housing shall recognize the desirability of locating such developments as close as possible to pertinent support services, including shopping, places of worship, libraries, etc.
 - b. When the development is proposed either within existing buildings or new construction, certain lot, yard and setback requirements may be waived provided there is no resulting threat to public welfare or safety.
 - c. In determining the number of parking spaces, the ZBA may waive the standard requirements for the district.
 - d. A vehicular drop-off area may be permitted within the required setback or front yard area to facilitate physical needs of the elderly.
 - e. The maximum allowable dwelling units per building will be determined based on septic capability and the impact on existing land uses in the area.
 5. Bed & Breakfast Establishments
 - a. There will be one parking space provided for each guestroom and each resident of the home.
 - b. Where feasible, parking areas shall be located in the back of the property and screened or buffered from neighboring properties.
 - c. No noise or bright lights shall be transmitted outside the property boundaries.
 - d. One sign is permitted, not to exceed six (6) square feet.
 - e. Bed & Breakfast establishments shall require Site Plan approval by the Planning Board.
 6. Conversion Apartments
 - a. All newly-created apartments must have a minimum floor area of 600 square feet.
 - b. The exterior architectural appearance and/or size of the structure shall not be substantially altered.
 - c. The minimum lot area per dwelling unit shall be 10,000 square feet in excess of the minimum area required for the district in which it is located.
 - d. There shall be in respect of each building a minimum setback of 50 feet from front, side, and rear property lines.

- e. No multi-family building shall contain more than 10 dwelling units. Within such maximum limitations, the number of dwelling units in any multi-family housing complex shall in no case exceed the number obtained by dividing the lot area by the minimum lot area per dwelling units specified in subparagraph “c” above.
 - f. The site layout shall be in such character as to harmonize with the neighborhood, protect property values, and to preserve the appearance and beauty of the neighborhood.
 - g. The proposed use shall conform to such other conditions as the Zoning Board of Adjustment may prescribe that are in furtherance of an in harmony with the purpose of these regulations.
 - h. Any proposal that would create three or more units is subject to Site Plan Review and approval by the Planning Board.
- E. APPEALS:** Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as notice to the parties in interest, and decide the same within thirty (30) days. Upon the hearing, any party may appear in person or by agent or attorney.
- An appeal cannot be taken to or granted by the Board of Adjustment for both a special exception and variance at the same time or concurrently for the same case, use, structure or lot.
- F. DURATION OF APPROVALS:** All approvals granted for any special exception or variance shall be valid if exercised within two (2) years from the date of approval, unless further extended by the Zoning Board for good cause.

ARTICLE XV

ADMINISTRATION AND ENFORCEMENT

- A. DUTY:** It shall be the duty of the Selectmen, and they are hereby given power and authority to administer and enforce the provisions of this ordinance. The Selectmen may appoint an agent to administer (accept and issue building permits and inspect) and enforce this ordinance.
- B. BUILDING PERMIT REQUIRED:** It shall be unlawful to erect and use any structure, alter the size of any existing building, remove or demolish any existing structure or relocate any building in any district within the Town of Troy without first obtaining a building permit from the Board of Selectmen or their agent, unless such structure is less than two hundred (200) square feet and serves as an accessory use to an existing residence. The Selectmen or their agent shall issue any and all building permits requested when such building permit is in accordance with the provisions of this ordinance. No building permit shall be issued for any building unless the street upon which the lot has actual frontage corresponds with the requirements of RSA 674:41.
- C. REMODELING:** No building permit shall be required for remodeling or repairing where the purpose or the initially approved or perceived exterior façade or visual theme for which the building or structure is to be used is not changed, or the building is not enlarged or the use extended or the number of dwelling units is not increased.
- D. CERTIFICATE OF OCCUPANCY:** No land shall be occupied or used and no building hereafter erected or altered or moved shall be occupied or used on whole or part for any purpose until a Certificate of Occupancy has been issued by the Board of Selectmen, stating that the land or building complies with all the provisions of these regulations. Such a certificate is required for any change or extension of use. The Certificate of Occupancy may be applied for at the same time as the building permit or thereafter, and if

approved shall be issued within ten (10) days' notification by the permittee that the land or building is ready for occupancy. This regulation shall not affect the moving of a portable accessory building within the boundaries of the lot on which it is situated. A record of all certificates shall be kept on file and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the land or building affected for a fee of two dollars (\$2.00) for each original certificate and one dollar (\$1.00) for each copy.

- E. **ENFORCEMENT:** Upon any well-informed 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 by any other legal action.
- F. **PENALTIES:** Every person, firm or corporation violating any of the provisions of the ordinance shall, upon conviction, be fined not more than \$100 for each day such violation may exist.

**ARTICLE XVI
AMENDMENTS**

This ordinance may be amended by vote as provided in Chapter 675 of the New Hampshire Revised Statutes Annotated, 1983, as amended.

**ARTICLE XVII
CONFLICTING PROVISIONS**

Nothing contained in this ordinance shall be construed as repealing or modifying any other ordinance or regulation of this Town, except such as may be specifically repealed or modified by this ordinance, but shall be in addition thereto. Nor shall anything in this ordinance be construed as repealing or modifying any private restrictions placed upon property by covenant, deed, or other private agreement, or any restrictive covenants running with the land to which the Town is a party, but shall be in addition thereto. Whenever the provisions of this ordinance differ from those prescribed by any statute, other ordinance or other regulation or restriction, that provision which imposes the greater restriction or the highest standard shall govern.

**ARTICLE XVIII
SEVERABILITY**

If any article, section, sub-section, sentence, clause or phrase of these regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of these regulations.

**ARTICLE XIX
EFFECTIVE DATE**

This ordinance shall take effect upon its passage and as amended.

**ARTICLE XX
APPEALS**

Notwithstanding the foregoing provisions of this ordinance, if an owner feels that he is suffering any hardship as a result of these provisions, he may appeal to the Board of Adjustment for relief per RSA 674:33.

ARTICLE XXI
DEFINITIONS

For the purpose of this ordinance, certain terms, phrases and words shall have the meaning given herein. Words used in the present tense include the future, the singular includes the plural, and the plural the singular. The word "used" shall be construed as though followed by the words "or intended or designed to be used". The words "building", "structure", "lot", or "premises" shall be construed as though followed by the words "or any portion thereof", and the word "structure" included the word "building". The word "shall" is always mandatory and "may" is advisory.

1. Abutter - Any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Planning Board. For the purpose of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.
2. Accessory Building - A detached building subordinate to the main building on a lot and used for purposes customarily incidental to those of the main building.
3. Accessory Dwelling Unit (ADU) - A residential living unit that is within or attached to a single-family dwelling or is in a separate accessory structure on the same lot, and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.
4. Accessory Use - A land use located on the same lot, which is incidental and subordinate to the main structure or use of land.
5. Administrative Decision - An order, requirement, decision, or determination made by the Selectmen in the enforcement of the zoning ordinance. Such a decision may be appealed to the Zoning Board of Adjustment pursuant to RSA 674:33.
6. Agriculture - The cultivation of the soil, production of crops, and/or raising of livestock.
7. Backlot - A newly-created lot that is allowed, under certain conditions, to not meet the legal frontage requirements for the district in which it is located.
8. Bed and Breakfast (Guest House) Facility - An existing residential building that is used as a residence and which contains not more than six (6) sleeping rooms, with or without individual sanitary facilities, for rental accommodations for tourists, for duration of less than two weeks, which serves breakfasts to guests and may serve other meals to guests. An accessory building to a residence is not a Bed and Breakfast.
9. Brewery - An establishment where beer is brewed on the premises and sold to be taken off-premises. Tasting is allowed; however on-site consumption of the product is not allowed.
10. Brew Pub - An establishment selling beer for on-site consumption, that may or may not be brewed on the premises, and that may also serve food.
11. Building - A structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, dining cars, camp trailers, trailers, and other roofed structures on wheels or other supports used for residential, institutional, business, mercantile, storage, commercial, industrial, assembly, educational, or recreational purposes.
12. Campground - Means a parcel of land used for recreational camping on which campsites are occupied for temporary use for recreational dwelling purposes only, and not for permanent residency.
13. Campsite - Means an area within a campground designated for the placement of a tent, recreational vehicle (as defined by RSA 216-I, VIII), or cabin for the overnight use of guests.
14. Commercial Amusement Establishment - Establishments engaged in providing amusement or entertainment for a fee or admission charge and include such activities as dance halls, studios, theatrical productions;

musical entertainment; bowling alleys and billiards or pool; commercial sports; and membership sports and recreation clubs. These establishments do not include any that are of a sexually-oriented nature.

15. Commercial Junkyard - Any business and any place of storage:
- a. with 2 or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways;
 - b. with used parts of motor vehicles or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to 2 or more motor vehicles; or
 - c. used for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn material which are parts of a motor vehicle or cut up the parts thereof.
16. Conversion Apartment - The remodeling of a single-family dwelling unit into two or more separate dwelling units, or the conversion of an existing two-family dwelling unit into three or more separate dwelling units.
17. Daycare -
- a. FAMILY DAY CARE means an occupied residence in which child care is regularly provided for any part of a day, but less than 24 hours, except in emergencies, for one to six children from one or more related or unrelated families. The maximum of six children includes children living in the home.
 - b. FAMILY GROUP DAY CARE means an occupied residence in which child care is regularly provided for any part of a day, but less than 24 hours, except in emergencies for 7 to 12 children from one or more related or unrelated families. The maximum of 12 children includes children living in the home.
 - c. GROUP CHILD CARE CENTERS means either full-day or half-day child care centers which regularly provides services for any part of a day, but less than 24 hours, to 13 or more children.
18. Drive-Through Restaurant – An establishment where customers may place their orders at a kiosk and pick up and pay for the order at a window.
19. Dwelling - A building designed or used as the living quarters for one or more families or households. The term "dwelling", "single-family dwelling", "two-family dwelling" or "multi-family dwelling" shall not be deemed to include "motel", "hotel", or "group home", "boarding house" or "nursing homes".
20. Dwelling Type -
- a. SINGLE FAMILY: a dwelling unit accommodating a single family or household, detached from any additional dwelling units, with two side yards.
 - b. TWO-FAMILY (DUPLEX): a building having two (2) dwelling units each with its own exterior entrance and containing no more than two families or households. The dwelling units may be either semidetached with one family living on each side of a common party wall or stacked with one family living over the other.
 - c. MULTI-FAMILY: a building containing three (3) or more dwelling units and designed to be occupied as a residence by three (3) or more families or households living independently of each other and each having its own exterior door or entrance from an interior hall. For the purpose of this code "townhouses" (row dwellings) shall be considered multi-family dwellings.
21. Farming - The science of agriculture, including cultivation of the soil, production of crops and the raising of livestock and poultry.
22. Fast-food Restaurant - An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.
23. Fraternal Organization - A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

24. Frontage - The length of a lot bordering on a town- or state-maintained road or bordering on a Class VI highway or private road, either of which appears on a subdivision plat approved by the Planning Board.
25. Gross Floor Area - The total horizontal area of all floors of a building measured from the outside of the walls, but not including fire escapes, unroofed porches or balconies and basements and attics used solely for accessory purposes.
26. Group Home - An establishment that provides room and board to persons who are residents by virtue of receiving supervised, specialized services limited to health, social and/or rehabilitative services provided by a government agency, their licensed or certified agents or any other responsible social service corporation. These services shall be provided in a family environment and only to persons who are children under 18 years of age and in need of supervision and specialized services. This category shall not include facilities for persons 19 years or more of age, physically or mentally handicapped of any age; 62 or more years of age; released from or under the jurisdiction of a government bureau of corrections or similar institution. Supervision shall be determined and certified by the sponsoring agency. However, one responsible adult shall be available for the residents on a 24 hour-a-day basis while the residents are on the premises.
27. Hardship - Describes a special condition of the land which distinguishes it from other land in the same area with respect to its suitability for the use for which it is zoned, so that the strict application of the ordinance would effectively prevent the owner from making any reasonable use of the land. Financial loss does not constitute a hardship.
28. Home Occupation - An accessory use to a portion of a dwelling unit involving the manufacture of, provision or sale of goods and/or services. The use shall be clearly incidental and secondary to the primary use of the dwelling for residential purposes, and does not change the character thereof or adversely affect the uses permitted in the zoning district in which it is a part. The following activities shall not be considered home occupations: motor vehicle and small engine repair shops; auto body shops; veterinary establishments; restaurants and other eating establishments; retail sales establishments. Motor vehicle and small engine repair shops and veterinary establishments with no outside kennels shall be considered Home Occupations in the Rural and Mountain Districts only.
29. Hotel - An establishment offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreation facilities.
30. Housing for the Elderly - A building or group of buildings containing dwellings where the occupancy of the dwellings is restricted to persons 55 years of age or older, or couples where either partner is 55 years of age or older. This housing does not include convalescent or nursing facilities, but may include a congregate meal site and other areas for group resident activities.
31. Industry - Those fields of economic activity involved in the manufacture of products or goods, either from raw or processed materials; also, transportation, communication and wholesale trade.
32. Lot - A parcel of land occupied or capable of being occupied by one structure or use and the structure or uses accessory thereto, including such open spaces and setbacks as are required by this ordinance. A lot may or may not be the land shown or described as a lot on a recorded deed or plan.
33. Lot of Record - Land designated as a separate and distinct parcel in a legally recorded deed filed in the records of Cheshire County Registry of Deeds in Keene, New Hampshire.
34. Lot, Vacant - A legal lot of record that has not been developed for a principal use permitted in the district.
35. Mobile Home/Manufactured Housing - Any structure, transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein. Manufactured housing as defined in this section shall not include presite built housing as defined in RSA 674:31-a.
36. Mobile Home Park - A land area occupied or designed for occupancy by two or more mobile homes.

37. Motel (also Hotel, Motor Court) - An establishment providing transient lodging accommodations. More than half of the rooms have direct access to the outside without passing through a main lobby, and no additional services (such as restaurants) are provided.
38. Non-Conforming Uses – An existing building, use or lot that was lawful at the time of the adoption, revision or amendment of this ordinance but does not conform to the present requirements of the zoning district in which it is located. Specifically, it means:
- a. A building or structure that does not meet the setback requirements of the district.
 - b. A use that is not permitted in the district.
 - c. A lot that does not meet either the lot size, dimension and/or frontage requirements of the district.

The nonconformity may be related to any one of the above, or any combination thereof. Having one particular nonconformity does not render the entire property nonconforming. The relevant provisions of Article XIII shall apply to the particular circumstances of the property.

39. Nursing Home - An extended or intermediate care facility licensed or approved by the State of New Hampshire to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.
40. Personal Services - Establishments primarily engaged in providing services involving the care of a person or his or her apparel.
41. Public Street - Any highway, street, road, avenue, land or other right-of-way over which the public has the right to pass and repass and the state, county, or municipality has the responsibility to maintain. Any street shown on a plat approved pursuant to state law shall be considered a "public street" whether or not the state, county, or municipality has accepted the responsibility for the maintenance of said street. The word "public street" shall include the entire right-of-way.
42. Recreational Vehicle - May be either a motorhome or van, a pickup camper, or a recreational or tent trailer, all designed as portable, temporary dwellings to be used for travel, recreation and vacation.
43. Restaurant – An establishment where food is prepared and served to customers, which may be consumed on the premises or taken out.
44. Retail Trade: Establishments engaged in selling good or merchandise to the general public for personal or household use and rendering services incidental to the sale of such goods.
45. Rooming/Boarding/Lodging House - A building arranged or used for sheltering more than three but not more than ten individuals who are not members of the resident manager's family. Shelter is provided in return for compensation and meals may or may not be provided.
46. Sexually-Oriented - For the purpose of this ordinance, means a business engaged in display, sale or rental of materials that depict or describe human masturbation, sexual intercourse, actual or simulated, normal or perverted, or any touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or between members of same or opposite sex or between humans and animals, any depiction or representation of excretory functions, any lewd exhibitions of the genitals, flagellation or torture in the context of a sexual relationship. Sexual intercourse is simulated when it depicts sexual intercourse which gives the appearance of the consummation of sexual intercourse, normal or perverted.
47. Solar Energy System – An arrangement of solar collectors and other electrical and/or mechanical devices whose primary purpose is to transform solar energy into electricity, using mechanical, electrical or chemical means.
- a. Accessory Solar Energy System - Any ground- or roof-mounted system intended primarily for residential or non-residential on-site power generation that does not generate more than 25 kilowatts of energy. These systems are not to be used for the sale of electricity to other users;

however, this is not intended to prohibit the return of excess power generated from time to time to a utility company.

- b. Commercial-Scale Solar Energy System – A system that generates up to 1 megawatt of energy
 - c. Community Solar Energy System – A system owned by either the Town or a homeowner’s association that generates up to 100 kilowatts of energy.
 - d. Utility-Scale Solar Energy System – A system intended to generate power to sell to the open market and generates over 1 megawatt of electricity.
48. Special Exception - A use permitted by the Board of Adjustment upon demonstrating that special conditions attached to that use can be met.
49. Structure - Any temporary or permanently constructed, erected or placed material or combination of materials in or upon the ground, including but not limited to: buildings, manufactured housing, sheds and storage bins, storage tanks, portable carports, garages, decks & patios, swimming pools, tennis courts, and wireless communication towers.
50. Tavern – An establishment where alcoholic beverages are sold to be consumed on the premises. Food may also be provided, but the principle business is the serving of alcoholic beverages.
51. Unregistered Vehicle – A motor vehicle that does not have the proper vehicle plate registration by the State of New Hampshire in order to operate on public roads.
52. Variance - A waiver granted by the Board of Adjustment from certain provisions of the zoning ordinance.
53. Wholesale Trade - Places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Troy Zoning Map



