

GENERAL REFERENCES

Planning Board — See § 5-23.

Building construction — See Ch. 119.

Zoning Board of Adjustment — See § 5-24.

Electrical standards — See Ch. 135.

ARTICLE I
General Provisions

§ 235-1. Title.

This chapter shall be referred to as the "City of Laconia Zoning Ordinance."

§ 235-2. Authority and purpose.

- A. Pursuant to the authority conferred by Title LXIV, Planning and Zoning, New Hampshire Revised Statutes Annotated, the zoning regulations and districts as herein set forth are designed to regulate and restrict:
- (1) The height, number of stories and size of buildings and other structures.
 - (2) Lot sizes, the percentage of a lot that may be occupied, and the size of courts, yards and other open spaces.
 - (3) The density of the population in the municipality.
 - (4) The location and use of buildings, structures and land used for business, industrial, residential or other purposes.
- B. Further, this chapter is designed to:
- (1) Lessen congestion in the streets.
 - (2) Secure safety from fires, panic and other dangers.
 - (3) Promote health and the general welfare.
 - (4) Provide adequate light and air.
 - (5) Prevent the overcrowding of land.
 - (6) Avoid undue concentration of population.
 - (7) Facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks and other public requirements.
 - (8) Assure proper use of natural resources and other public requirements.
- C. Authority for this chapter includes the power to adopt innovative land use controls under RSA 674:16, II, Grant of Power, including but not limited to the specific methods of innovative land use controls contained in RSA 674:21, Innovative Land Use Controls. Within this chapter, innovative land use controls may be applied through the use of conditional use permits. Wherever a conditional use is authorized by this chapter, the

authority to administer or grant conditional use permits shall be vested in the Planning Board.

§ 235-3. Purpose of districts.

These regulations are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

§ 235-4. Jurisdiction.

This chapter shall be effective throughout the City's planning jurisdiction. The City's planning jurisdiction comprises the area within the corporate boundaries of the City. In addition to other locations required by law, a copy of a map showing the boundaries of the City's planning jurisdiction shall be available for public inspection in the Department of Planning and Community Development.

§ 235-5. Effective date.

The provisions in this chapter were originally adopted on December 26, 1995, and became effective on January 1, 1996.

§ 235-6. Relationship to other land use controls.

Wherever the provisions of this chapter come in conflict with any other ordinance or duly promulgated rules or regulations, the more strict shall prevail.

§ 235-7. Effect of amendments and replacements.

To the extent that the provisions of this chapter are the same in substance as the previously adopted provisions that they replace in the City's Zoning Ordinance, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under the previously adopted Zoning Ordinance does not achieve lawful nonconforming status under this chapter merely by the repeal of the former Zoning Ordinance.¹

§ 235-8. Relationship to the Master Plan.

It is the intention of the City Council that this chapter implement the planning policies adopted by the Council for the City as reflected in the Master Plan and other planning documents. While the City Council reaffirms its commitment that this chapter and any amendment to it be in conformity with adopted planning policies, the Council hereby

1. Editor's Note: The "former Zoning Ordinance" refers to Ch. 48 of the Public Ordinance of 1975.

expresses its intent that neither this chapter nor any amendments to it may be challenged on the basis of any alleged nonconformity with any planning document.

§ 235-9. Applicability. [Amended 12-8-1997 by Ord. No. 12.97.12]

No person may use, occupy or sell any land or buildings or authorize or permit the use, occupancy or sale of land or buildings under their control except in accordance with all of the applicable provisions of this chapter. For the purposes of this section, the use or occupancy of a building or land relates to anything and everything that is done to, on or in that building or land. The City of Laconia shall be exempt from the provisions of this chapter subject to the Planning Board granting a conditional use permit for the proposed municipal use in accordance with the procedures set forth herein.

§ 235-10. Fees.

Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters shall be set by the City Council and shall be charged to applicants seeking services governed by this chapter. Fees established in accordance with this subsection shall be paid upon submission of an application or notice of appeal.

§ 235-11. Computation of time.

Unless otherwise specifically provided, the time period within which an act is to be done shall be computed by excluding the day of the event or act that starts the time period, and no others; if the final day of the period falls on a Saturday, Sunday or legal holiday, the period shall extend to the next day that is not a Saturday, Sunday or legal holiday.

**ARTICLE II
Definitions and Word Usage**

§ 235-12. Word usage.

For the purpose of this chapter, certain terms or words herein shall be interpreted or defined as follows:

- A. Words used in the present tense include the future tense. The singular includes the plural.
- B. The word "person" includes a corporation, as well as an individual.
- C. The word "lot" includes the word "plot" or "parcel."
- D. The term "shall" is mandatory; "may" is permissive.
- E. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."