

Proposed Amendment: (Draft 01/02/08) (*Added language in italics*)

Section 13 (2007) Industry, Commercial and Non-commercial Enterprises: Trade, enterprises, facilities, whether commercial, non commercial and/or industrial use of land or buildings, including the commercial excavation of earth materials, not specifically authorized under other sections of this ordinance, may be permitted by special exception if approved by the Board of Adjustment after a public hearing on the subject. *At said public hearing the Board of Adjustment shall only grant a special exception upon a finding that the following standards have been met:*

- 1) *The proposed use shall be setback at least five hundred feet from any existing dwelling of another owner; provided, however, that, at the discretion of the Board of Adjustment, this distance may be reduced in any amount to a minimum of two hundred feet, but only if written permission is obtained from the abutting owners affected.*
- 2) *The Board of Adjustment finds that the proposed use shall have off street parking which will be ample to serve the proposed use; provided, however, that any such off street parking shall, at a minimum, be set back at least fifty-five (55) feet from all lot lines.*
- 3) *The Board of Adjustment finds that the proposed use shall not be obnoxious or injurious by reason of production or emission of odor, dust, smoke, refuse matter, fumes, noise, vibration, traffic or similar conditions, or that is dangerous to the comfort, peace, enjoyment, health, or safety of the community or lend to its disturbance or annoyance.*

In the event that the Board of Adjustment finds that the above standards have been met and, accordingly, grants a special exception, any such use SHALL comply with the following additional conditions and the Board of Adjustment may not waive compliance with the following conditions as part of its decision regarding the special exception:

- 1) All buildings shall be set back at least one hundred feet from all lot lines;
- 2) Access shall be provided by not more than two driveways, not more than thirty two feet (32) wide;
- 3) *The total footprint of all buildings and structures shall occupy no more than one-eighth (1/8) of the lot or parcel of land.*

However, this prohibition is NOT intended to limit the Board of Adjustment in the exercise of its authority to consider applications for variances from the terms of the ordinance made pursuant to RSA 674:33, (I)(b).

Approvals granted hereunder shall expire at the end of twelve months after the date of the Notice of Decision if the activity for which the Special Exception is granted has not been started or significantly acted upon. The Board of Adjustment, upon timely application, may extend the expiration date for an additional twelve months at its discretion and without a public hearing.

Existing Ordinance:

Section 13 (2001) Industry, Commercial and Non commercial Enterprises: Trade, enterprises, facilities, whether commercial, non commercial and/or industrial use of land or buildings, including the commercial excavation of earth materials, not specifically authorized under other sections of this ordinance, may be permitted by special exception if approved by the Board of Adjustment after a public hearing on the subject, and provided that the proposed use shall conform to the following requirements.

- 1) setback at least five hundred feet from any existing dwelling of another owner; at the discretion of the Board of Adjustment, this distance may be reduced in any amount to a minimum of two hundred feet, provided written permission is obtained from the abutting owners affected;
- 2) all buildings shall be set back at least one hundred feet from all lot lines;
- 3) ample off street parking set back at least fifty-five (55) feet from all lot lines shall be provided.
- 4) access shall be provided by not more than two driveways, not more than thirty two feet (32) wide;
- 5) the use shall not be obnoxious or injurious by reason of production or emission of odor, dust, smoke, refuse matter, fumes, noise, vibration or similar conditions, or that is dangerous to the comfort, peace, enjoyment, health, or safety of the community or lend to its disturbance or annoyance; and
- 6) all buildings and structures shall occupy no more than one-eighth (1/8) of the lot or parcel of land.

Approvals granted hereunder shall expire at the end of twelve months after the date of the Notice of Decision if the activity for which the Special Exception is granted has not been started or significantly acted upon. The Board of Adjustment, upon timely application, may extend the expiration date for an additional twelve months at its discretion and without a public hearing.