

TITLE LXIV PLANNING AND ZONING

CHAPTER 675 ENACTMENT AND ADOPTION PROCEDURES

Zoning Ordinance, Historic District Ordinance and Building Code Enactment Procedures

Section 675:3

675:3 Method of Enactment in Certain Towns and Village Districts. –

I. Any town not operating under the town council form of government, or any village district which is specifically authorized by law to enact a zoning ordinance, shall establish and amend a zoning ordinance, historic district ordinance, or building code upon the affirmative vote by ballot of a majority of the legal voters present and voting on the day of the meeting, as provided in paragraph VII. Any proposed zoning ordinance, as submitted by a planning board or any amendment to an existing zoning ordinance as proposed by a planning board, board of selectmen or village district commission shall be submitted to the voters of a town or village district in the manner prescribed in this section.

II. No zoning ordinance, historic district ordinance, or building code shall be established or amended at a town or village district meeting until after the planning board holds at least one public hearing on the proposed ordinance, code or amendment. Notice for the time and place of each public hearing shall be the same as that provided in RSA 675:7.

III. After the public hearing the planning board shall, by vote, determine the final form of the ordinance, amendment, or amendments to be presented to the town or village district, which ordinance or amendment may include editorial revisions and textual modifications resulting from the proceedings of that hearing.

IV. An additional public hearing shall be held if the proposal is substantively altered by the planning board after public hearing. Subsequent public hearings shall be held at least 14 days after the prior public hearing and with the notice provided in RSA 675:7.

V. Official copies of the final proposal to adopt or amend the zoning ordinance, historic district ordinance, or building code shall be placed on file and made available to the public at the town or village clerk's office not later than the fifth Tuesday prior to the date when action is to be taken. An official copy of the proposal shall be on display for the voters at the meeting place on the date of the meeting.

VI. Each village district must be specifically authorized to zone by the legislature.

VII. If the town or village district has adopted an official ballot for the election of its respective officers, the issue as to the adoption of the proposed ordinance, building code, or amendment shall be presented to the voters of the town or village district by having the town or village district clerk prepare an official ballot separate from the official ballot used to elect town or village district officers which shall include the following question, or by including the

following question on the official ballot as prepared by the town or village district clerk:

"Are you in favor of the adoption of the zoning ordinance, historic district ordinance, or building code (or amendment to the existing town (village district) zoning ordinance, historic district ordinance, or building code) as proposed by the planning board?" In the event that there shall be more than a single proposed amendment to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: "Are you in favor of the adoption of Amendment No. ____ as proposed by the planning board for the town (village district) zoning ordinance (historic district ordinance or building code) as follows: (Here insert topical description of substance of amendment.)?" If such action is to be taken at a meeting other than the one at which officers are to be elected, the clerk shall prepare a special ballot containing the question or questions above stated, and the meeting shall open not later than noon and shall remain open at least 8 hours. If such action is to be taken at a meeting in a town or village district which has not adopted an official ballot, the clerk may prepare a special ballot likewise separate from the ballot used to elect town or village district officers for the use of voters in voting on the question. If a majority of the voters present and voting on any question as herein provided shall vote in the affirmative, the ordinance or amendment thereto shall be declared to have been adopted. When submitting any question to the voters under this section, there shall be 2 squares printed after the question, one with the word "yes" beside it and another with the word "no" beside it.

VIII. If an amendment is submitted by the selectmen or village district commissioners, the ballot shall so indicate. A notation on the ballot stating the planning board's approval or disapproval shall immediately follow the question's description.

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

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