

# CODE OF THE TOWN OF FITZWILLIAM

## LAND USE ORDINANCES

### TABLES OF DIMENSIONAL REGULATIONS AND PRINCIPAL USES

#### TABLE OF STANDARD DIMENSIONAL REGULATIONS

See §127-19 for special provisions and exceptions to dimension regulations.

The symbol “NR” on this table indicates no specific minimum or maximum regulation.

ZONING DISTRICTS	Min. Lot Area (Sq Ft)	Min. Lot Frontage (Ft)	Min. Lot Depth (Ft)	Min. Lot Front Yard (Ft)	Min. Side/Rear Yards (Ft)	Min. % Open Space	Max. Bldg Coverage (%)	Max. Bldg Height
Residence 1	40,000	100	100	50	10	NR	NR	36
Rural	120,000 <sup>1</sup>	300	125	75	20	NR	NR	36
Village Ctr Bus	NR	NR	NR	10	102	NR	NR	36
General Bus	40,000	200	80	50	30	35	35	36
Light Industrial	160,000	200	50	100	503	35	35	NR
Gen. Industrial	160,000	200	50	100	504	35	35	40

<sup>1</sup> In the Rural District, the minimum lot area shall be one hundred twenty thousand (120,000) square feet; however, not less than eighty thousand (80,000) square feet in any lot in the Rural District shall consist of soils which are rated as moderately drained or better by the Cheshire County Conservation District. Wetland areas, excluding bodies of water, may be used to satisfy minimum lot requirements, provided that seventy-five percent (75%) of the minimum required lot size is contiguous nonwetlands and that the contiguous nonwetland area is sufficient in size and configuration to adequately accommodate all required utilities, such as a wellhead and sewage disposal for on-site septic tanks and leach fields. (Amended by ATM 3-12-1991 by Art. 3)

<sup>2</sup> In the VCB District, where a non-residential use abuts a residential district, the yard or yards abutting the residential district shall be increased to twenty (20) feet.

<sup>3</sup> Where an industrial use in the LI or GI District abuts a residential use or a residential district, the yard or yards abutting the residential use or district shall be increased to one hundred (100) feet. The minimum front yard shall be measured from the edge of the public right of way where it abuts the property line. (Amended by STM 11-1-1989 by Art. 4)

<sup>4</sup> Where an industrial use in the LI or GI District abuts a residential use or a residential district, the yard or yards abutting the residential use or district shall be increased to one hundred (100) feet. The minimum front yard shall be measured from the edge of the public right of way where it abuts the property line. (Amended by STM 11-1-1989 by Art. 4)

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#### TABLE OF PRINCIPAL USES

(Amended by STM 11-1-1989 by Arts. 6-10; Amended by ATM 3-9-2004 by Art.9; Amended by ATM 3-14-06 by Arts. 3, 7; Amended y ATM 3-11-2008, Art.3; Amended by ATM 3-9-10, by Art. 11; Amended by ATM 3-13-12 by Arts.4, 5, 7, 8, 9, 11) All principal uses listed in this table are subject to provisions in corresponding Article III.

PRINCIPAL USES	RESIDENTIAL DISTRICTS		BUSINESS DISTRICTS		INDUSTRIAL DISTRICTS	
	R-1	RURAL	VCB	GB	LI	GI
<b>§ 127-8 General Uses</b>						
A. Agriculture	Y	Y	Y	Y	Y	Y
B. Forestry	Y	Y	Y	Y	Y	Y
C. Conservation	Y	Y	Y	Y	Y	Y
D. Excavation, major (> 10,000 cu.yds/year)	N	N	N	N	N	SE
Excavation, minor (10,000 cu.yds/year or <)	SE	SE	SE	SE	SE	Y
E. Recreation	Y	Y	Y	Y	Y	Y
F. Livestock Keeping	Y	Y	Y	Y	Y	Y
<b>§ 127-9 Residential Uses</b>						
A. Single-family dwelling, including manufactured	Y	Y	Y	Y	N	N
B. Accessory Dwelling Units (See 127-9 B)	SE	SE	SE	SE	SE	SE
C. Two-family (duplex) dwellings	SE	SE	SE	SE	N	N
D. Dwelling Conversions	SE	SE	SE	SE	N	N
E. Multi-family dwellings (See 127-19 B)	SE	SE	SE	SE	N	N
F. Home Occupation/Business (See 127-14)	Y	Y	Y	Y	N	N

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### § 127-10 Governmental, Institutional and Public Service Uses

A. Municipal	Y	Y	Y	Y	Y	Y
B. Educational	Y	Y	Y	Y	Y	Y
C. Religious	Y	Y	Y	Y	Y	Y
D. Nursing Home	SE	SE	SE	SE	N	N
E. Public or private utility facilities	N	N	Y	Y	Y	Y
F. Day care facility (6 or < children at any one time)	Y	Y	Y	Y	Y	Y
G. Day care facility (> 6 children at any one time)	SE	SE	SE	SE	SE	SE
H. Day care facility (accessory to permitted industrial use, for the benefit of employees)	SE	SE	SE	SE	Y	Y

### § 127-11 Business Uses

A. Retail store	SE	N	Y	Y	N	N
B. Business or professional office	SE	SE	Y	Y	Y	Y
C. Financial	N	N	Y	Y	Y	Y
D. Restaurant	SE	N	SE	Y	N	N
E. Hotel, inn or motel	N	N	SE	SE	N	N
F. Bed & Breakfast	Y	Y	Y	N	N	N
G. Combined Business & Dwelling	SE	N	SE	SE	N	N
H. Lodge or club	N	N	SE	Y	N	Y
I. Funeral Home	N	N	Y	Y	N	N
J. Veterinary Care	N	N	N	SE	N	SE
K. Commercial Kennel	N	SE	N	SE	N	SE
L. Personal Services	N	N	Y	Y	N	N
M. General Services	N	N	Y	Y	N	N
N. Studio	N	N	Y	Y	N	N
O. Building Trade Shop	N	N	Y	Y	Y	Y
P. Commercial Recreation	N	N	N	SE	N	SE
Q. Commercial and Trade School	N	N	N	Y	Y	Y

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### § 127-11 Business Uses, continued

R. Amusement Facility	N	N	N	SE	N	SE
S. Motor vehicle service station or car wash	N	N	SE	SE	N	SE
T. Motor vehicle repair or body shop	N	N	N	N	Y	Y
U. Light vehicular and equipment sales	N	N	N	Y	Y	Y
V. Parking facility	N	N	N	Y	Y	Y
W. Antique/Craft Shop	SE	N	Y	Y	N	N

### § 127-12 Industrial Uses

A. Warehouse	N	N	N	Y	Y	Y
B. Miniwarehouse	N	N	SE	Y	N	Y
C. Construction yard	N	N	N	N	N	Y
D. Lumberyard <sup>5</sup>	N	N	N	N	N	Y
E. Heating Fuel Sales & Service	N	N	N	SE	N	SE
F. Heavy vehicular sales or repair garage	N	N	N	N	N	Y
G. Light Manufacturing	N	N	N	N	Y	Y
H. Woodworking	N	N	N	N	SE	Y

### § 127-13 Prohibited Principal Uses

A. Heavy Manufacturing	N	N	N	N	N	N
B. Storage	N	N	N	N	N	N
C. Amusement	N	N	N	SE	N	N
D. General	N	N	N	N	N	N

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<sup>5</sup> Including Tax Map 41, Lots 11,12,12-01, and 16 (Amended by ATM 3-9-10, by Art. 3)

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**TABLE OF ACCESSORY USES**

(Amended by ATM 3-9-2004 by Art. 8; Amended by ATM 3-9-10, Arts. 4, 13)

All accessory uses listed in this table are subject to provisions in corresponding Article III.

**§127-14 Accessory Uses**

- A. Permitted in Residential Districts and dwellings in nonresidential districts
  - 1. Private garage or carport for not more than four (4) motor vehicles
    - Solar system
    - Greenhouse
    - Tool shed or barn
    - Swimming pool or tennis court provided that such recreational facilities are used only by the residents and their guests
  - 2. (a) Home Occupation – Does not require Site Plan Review (See §127-14 2(a))  
(b) Home Business – Requires Site Plan Review (See §127-14 2(b))
  - 3. The renting of rooms or boarding for not more than four (4) persons, except that by Special Exception from the Board of Adjustment, the renting of rooms or boarding to more than four (4) persons may be allowed. In either case, the service shall be operated by a resident of the premises.
- B. Permitted in the General Business District
  - 1. Rental of automobiles, light trucks or utility trailers and similar vehicles provided that such rental is secondary to the operation of a motor vehicle service station permitted under 127-11 S, 127-11 M. or 127-11 V.
  - 2. Truck or trailer cleaning and washing for the conduct of the principal use
  - 3. Drive-up facilities in a bank (See §127-14 B (3))
- C. Permitted in the Light Industrial District
  - 1. Uses necessary in connection with scientific research or development (See §127-14 C (1))
  - 2. Truck or trailer cleaning/washing, provided that the trucks or trailers are necessary for conduct of principal use of property

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**§127-14. Accessory Uses, continued**

D. Permitted in the General Industrial District

1. Truck or trailer cleaning/washing provided that the trucks or trailers are necessary for the conduct of the principal use of the property
2. Rental of heavy trucks including truck trailers and industrial equipment provided that such rental service is secondary to a heavy vehicular sales establishment permitted under §127-12 F.

E. Permitted in any District

1. Wind machines designed to serve a principal use on a lot (See § 127-14 E(1))
2. A mobile home may be placed on the site of a residence which has been rendered uninhabitable by accident (See §127-14 E.(2))
3. Farm products grown on the premises may be sold on the premises
4. Where not otherwise permitted, a greenhouse may be authorized by Special Exception from the Board of Adjustment where the principal use of the property is agriculture.
5. Fixed Wireless Transmitter Tower Structure Towers 75 feet or less are allowed in all districts. Towers over 75 feet require a conditional use permit. (See §127-14 E.5)
6. Fixed Wireless Transmitter Antenna Array. This technology may be located on an existing structure in any zoning district.  
(See §127-14 E.6)

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### TABLES OF DIMENSIONAL REGULATIONS AND PRINCIPAL USES

**Suggested Space and Housing guidelines for Fully Mature Farm Animals University of New Hampshire Cooperative Extension  
Best Management Practices**

<b>Animal</b>	<b>Horse</b>	<b>Beef Cow</b>	<b>Dairy Cow</b>	<b>Dairy Goat</b>	<b>Pig</b>	<b>Sheep</b>	<b>Hen</b>	<b>Broiler</b>	<b>Turkey</b>
<b>Unit</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
Enclosed Housing Area/Animal	Tie stalls 45 sf ; 5'x 9' Box stall 12'x 8' or 10'x 10'	75-100 sf	75-100 sf	20-25 sf	48 sf with exercise yard; 100 sf w/o exercise yard	20-25 sf	3-4 sf	3-4 sf	6 sf
Exercise Yard Area/Animal	200 sf	100-125 sf	100-125 sf	50 sf	200 sf	50 sf	10 sf*	_____	20 sf
Pasture Area Per Animal	1-2 acres	1-2 acres	1-2 acres	0.2-0.3 acres	12-14 sows/ac rotational pasture	0.2-0.3 acres	_____	_____	100 sf
Type of Housing and Boundary Setback	Enclosed ventilated barn or open 3-sided barn 50 ft setback	Open front 3-sided barn 50 ft setback	Open front 3-sided barn free-stall or enclosed stanchion brn 50 ft setback	Enclosed barn removable side panels or windows 50 ft setback	Enclosed barn, huts, shed, hutches or lean to 50 ft setback	Open front 3-sided shed 50 ft setback	Enclosed barn 50 ft setback	Enclosed barn 50 ft setback	Enclosed barn 50 ft setback
Fencing	Electric Wooden rail Woven wire	Barbed wire Electric Woven wire	Barbed wire Electric Woven wire	Electric Woven wire	Electric Plank rail	Electric Woven wire	Chicken wire	_____	Chicken wire
Family needs	1 horse per family member	½-1 beef/yr raise 2/yr for constant supply	1-2 cows	2-3 goats	2 pigs /yr	6 sheep	6 hens	24 broilers	12 turkeys