

HB 573 - AS INTRODUCED

2021 SESSION

21-0711

10/04

HOUSE BILL **573**

AN ACT relative to the uses of certain large retail properties.

SPONSORS: Rep. Janigian, Rock. 8; Rep. Abbas, Rock. 8; Rep. Gay, Rock. 8; Rep. McBride, Rock. 8

COMMITTEE: Municipal and County Government

ANALYSIS

This bill allows for a zoning category change in use for certain large retail commercial spaces without a variance or conditional use permit.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the uses of certain large retail properties.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Section; Zoning; Large Retail Change of Use; Exception from Variance Requirement.
2 Amend RSA 674 by inserting after section 33-a the following new section:

3 674:33-b Large Retail Change of Use; Exception from Variance Requirement. Notwithstanding
4 RSA 674:16, any existing commercial space that is currently zoned with a category of use for large
5 retail or for retail sales of furniture, automobiles, nursery stock or such other goods as usually
6 involve extensive display areas in relation to customer traffic shall not require a variance or
7 conditional use permit for a change of category of use if all of the following criteria are met:

8 I. The retail space is 15,000 square feet or less.

9 II. The property is in an area zoned commercial. Grandfathered commercial areas that are
10 encompassed within an area that is zoned something other than commercial are not eligible for this
11 automatic change of use and must go through the normal process for a change of use.

12 III. The change of category of use is from large retail or retail sales of furniture,
13 automobiles, nursery stock and such other goods as usually involve extensive display areas in
14 relation to customer traffic to either or both of retail or retail stores, store groups, shops and service
15 establishments.

16 IV. The landlord agrees in writing or via email to the planning and/or zoning department
17 prior to the new tenant's occupancy to operate and manage the property so parking does not overflow
18 onto neighboring or adjacent parking lots unless such overflow is already allowed or agreed upon for
19 the specific site, or existing town or city ordinances or zoning laws allow for such overflow.

20 2 Effective Date. This act shall take effect 60 days after its passage.