

HB 574 - AS INTRODUCED

2021 SESSION

21-0712

11/10

HOUSE BILL **574**

AN ACT relative to change of use of certain retail properties.

SPONSORS: Rep. Janigian, Rock. 8; Rep. Abbas, Rock. 8; Rep. Gay, Rock. 8; Rep. McBride, Rock. 8; Rep. Edgar, Rock. 21

COMMITTEE: Municipal and County Government

ANALYSIS

This bill establishes the right of certain commercial spaces to change categories of use without a zoning 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 change of use of certain retail properties.

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

1 1 New Section; Zoning; Small 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 Small Retail Change of Use; Exception from Variance Requirement. Notwithstanding
4 RSA 674:16, any existing commercial space or combined space that is zoned with a category of use of
5 retail, retail stores, store groups, shops, and service establishments shall be entitled by right to
6 change its category of use without a zoning variance or conditional use permit if all of the following
7 criteria are met:

8 I. The space or combined spaces are 3,500 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 as something other than commercial shall not qualify for
11 change of use pursuant to this section.

12 III. The change of category of use is from "retail" or "retail stores, store groups, shops, or
13 service establishments" to any of the following:

14 (a) Place of assembly.

15 (b) A non-drive through restaurant with 60 seats or less.

16 (c) Office spaces, including business, professional, administrative, or banking.

17 (d) Membership clubs including gyms, dance studios, fitness studios, and personal and
18 group exercise training spaces.

19 (e) Medical, dental, eye care, and urgent care offices.

20 (f) Salons, including but not limited to beauty, hair, cosmetic, health, waxing, and nail
21 salons.

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

26 2 Effective Date. This act shall take effect 60 days after its passage.