

## **Article 301: BUILDINGS AND BUILDING LOTS**

(Amended 03/12/96, 03/11/08, 03/08/16, 03/14/2023, 03/12/2024)

### **301.1 LOT REGULATIONS**

- A.** Every building lot shall have a minimum contiguous frontage of two hundred (200) feet on a “public right-of-way”. This frontage shall provide access to the lot. (The term “public right-of-way” for the purposes of this ordinance shall be limited to those highways which qualify as Class I through V highways under the provisions of N.H. RSA 229:5) and shall contain a minimum area of 80,000 (eighty thousand) square feet, unless the land is subject to zoning district specific requirements that may differ from those enumerated in this paragraph. *(Adopted 3/12/1963; Amended 3/11/08, 03/08/16)*

(Removed previous letter B. 03/12/2024 and relettered remaining sections in 301.1)

- B. LOTS OF CONTINUOUS FRONTAGE OR CONTIGUOUS LOTS** - In any district in which structures are permitted, a structure may be erected on each lot which was a lot of record at the date of adoption or amendment of this ordinance, even though such lot fails to meet the requirements for area or width or both, that are applicable in the district, provided such lot is not of continuous frontage or a contiguous lot to other lots of the same ownership. (The definition of “same ownership” shall be governed by the definition of ownership and relationships as set forth in the Internal Revenue Code, 1964, Section 267 and 318). This provision shall not waive any other requirements of the Town for issuance of a building permit. *(formerly 5.30)*

- C.** Every structure shall be set back from front property line a minimum of twenty (20) feet. No structure shall be located within twenty (20) feet of property lines (side and rear). For purposes of this section, fences and septic systems are not considered structures. Septic systems shall conform to the subsurface disposal rules and regulations of the Kingston Board of Health. *(Adopted 3/12/1963; Amended 3/11/08)*

- D.** The building setback for new construction for properties located along NH Route 125 shall be 100 feet as measured from the centerline of NH Route 125. Expansions to existing structures shall not encroach beyond the existing building footprint. For purposes of this section parking areas, signage, fencing and landscaping treatments are permitted within the 100 foot setback distance. Septic systems are not permitted within the 100 foot setback distance. *(formerly 5.10.4)*

- E. For non-occupied structures such as a sheds or carports, that are 168 sq. feet or less, with a height of less than 12 feet, and are not placed on a permanent foundation, no permit is required. Additionally, it may be placed on the side or rear yards no less than 5 feet from the property line. The structure would still have to meet the required front yard setback for the applicable zoning district. The structure may still be subject to a safety inspection by the code enforcement officer. *(Added 03/14/2023)*
- F. For properties in the Historic Districts, a Certificate of Approval is still required from the Historic District. Refer to sections 102.7.1 and 1201.10.E for further information. *(editorial-added 03/12/2024)*

### **301.2 BUILDING PERMITS**

- A. No structure or addition, or changes thereto shall be erected or moved into the Town without a building permit, subject to the ordinance passed at Town Meeting, March 9, 1977, to be issued by the Board of Selectmen. Exterior alterations of existing buildings, except for normal maintenance, shall also require a permit. Each request for a permit shall be accompanied by such information as the Board of Selectmen may require. After issuance of the permit, construction must be commenced within six (6) months and be completed within two (2) years, except that the Board may extend the time of completion upon application. *(formerly 6.10.1)*
- B. No building permit will be issued for lots on proposed roads within a new subdivision until said roads have been either fully constructed or constructed through sub-grade with a cash bond as required by the Town, posted for surfacing. Construction of the road to current Town standards and of all other agreed-upon improvements required for subdivision approval must be supervised and approved by the Town Engineer. *(formerly 5.10.3)*

### **301.3 CONSTRUCTION REQUIREMENTS**

- A. No permit shall be granted unless the building will meet the following requirements. *(formerly 6.10.3)*
  - 1. Every dwelling shall have a minimum of two (2) accessible outside exits, windows excluded. *(formerly 6.10.4)*
  - 2. Every dwelling unit shall have a minimum living area of 600 square feet per unit. *(formerly 6.10.8)*
  - 3. Chimneys shall be constructed of stone, brick, cement, or cinder

blocks, from the ground upward and shall be internally lined with tile. Any other chimney construction that is approved by the National Board of Fire Underwriters or any other nationally recognized code shall be permitted. *(formerly 6.10.5)*

4. Outside walls of wood frame buildings shall be constructed of wood shingles, fire resistant shingles, siding, clapboard, glass, brick or stucco. Cement or cinder block, metallic, or synthetic fabrication shall be permitted. *(formerly 6.10.6)*

**B.** All buildings and structures shall be subject to the following regulations, restrictions, and conditions in accordance with the current edition of ICC. *(Amended 03/08/16)*

**C.** All educational facilities (including Day Care) are required to be protected by a supervised alarm system, such system having the capability of informing the dispatching facility of the Kingston Fire Department of any alarm activation at the time of such activation. EXCEPTION: any facility with less than 3 clients. *(formerly 6.20.5)*  
*(Amended 03/08/16)*

**D.** Pursuant to RSA 674:52, VI, the adoption of updates or revisions to national codes previously adopted as part of the Article shall be allowed after a public hearing held by the Planning Board. *(formerly 6.20.6)*

#### **301.4 OCCUPANCY PERMIT**

**A.** No new building shall be occupied until the Certificate of Occupancy shall have been issued by the Building Inspector. The certificate of occupancy issued for a residential structure shall remain in force until such time as the structure has been demolished, but does not apply to altered sections or additions. The altered section or addition shall not be occupied or used until a separate certificate has been issued by the Building Inspector certifying that the work has been completed in accordance with the provisions of the approved permit. For other than residential structures, a certificate of occupancy shall be required for the structure certifying that the work has been completed in accordance with the provisions of the building permit and site plan, and a separate certificate of occupancy shall be associated with the occupant of the structure. A new certificate of occupancy shall be required for each new occupant. In the case of multi-businesses in one structure, a separate certificate of occupancy is required for each business. *(Amended 03/08/2005)*

**B.** Before an occupancy permit shall be issued, certification will be provided by the Building Inspector that the site is in compliance.  
*(Amended 03/14/2006)*

### **301.5 RENTED APARTMENTS**

Any building to be erected or altered for use as rented apartments, shall have a minimum of two (2) readily accessible exits (windows excluded) from each apartment. Every apartment to be used by a single family shall have a minimum living area of 600 square feet per unit. (formerly 6.20)

### **301.6 MOBILE HOMES**

Mobile homes will not be permitted for use as dwellings in the Historic District, the Single Family Residential District, or the Single Family Residential-Agricultural District.

### **301.7 CONVERSION OF SEASONAL RESIDENCES**

Before any seasonal residence is converted to a year-round residence the septic system must be inspected and approved to meet both town and N. H. Water Supply and Pollution Control Commission requirements existing at the time of the conversion. An occupancy permit will be issued only after such approval has been procured.

### **301.8 DAMAGED STRUCTURE**

No owner or occupant of land in any district shall permit fire or other ruins to be left abandoned but shall remove the same and refill to ground level within one year; or restore or replace the damaged structures. If, in the opinion of the building inspector, the damaged structure poses a health or safety hazard, the immediate removal of the structure will be required.

### **301.9 TRAVEL TRAILERS**

It shall be unlawful to park any occupied travel trailer within the limits of the Town of Kingston for more than three (3) days without first obtaining a permit from the Board of Selectmen. This permit is to be issued for one – ninety-day period in a calendar year and is not renewable. No more than one travel trailer shall be parked on a building lot.