

# CITY OF CONCORD

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*In the year of our Lord two thousand and seventeen*

**AN ORDINANCE** amending the Code of Ordinances, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-8-2, Nonconforming Lots, Uses and Structures

**The City of Concord ordains as follows:**

**SECTION I:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code, Chapter 28, Zoning Ordinance, Article 28-8, Nonconforming Lots, Uses and Structures; Section 28-8-2, Determination of a Nonconformity, by adding the following subsections as follows:

(e) Restoration of Merged Lots.

- (1) "Involuntary merger" and "involuntarily merged" mean lots merged by municipal action for zoning, assessing, or taxation purposes without the consent of the owner.
- (2) "Owner" means the person or entity that holds legal title to the lots in question, even if such person or entity did not hold legal title at the time of the involuntary merger.
- (3) "Voluntary merger" and "voluntarily merged" mean a merger under RSA 674:39-a, or any overt action or conduct that indicates an owner regarded said lots as merged such as, but not limited to, abandoning a lot line.
- (4) Lots or parcels that were involuntarily merged prior to September 18, 2010 by a city, town, county, village district, or any other municipality, shall at the request of the owner, be restored to their premerger status and all zoning and tax maps shall be updated to identify the premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided the request is submitted to the governing body prior to December 31, 2021.
- (5) Lots or parcels that were voluntarily merged prior to January 1, 1995 by any owner in the chain of title, and where no evidence of voluntary merger exists on the lots or parcels since January 1, 1995, may, at the request of the owner, be restored to their premerger status, and all zoning and tax maps updated to identify the premerger boundaries of said lots or parcels as recorded at the appropriate registry of deeds, provided:

- (i) The request is submitted to the governing body prior to December 31, 2021;
  - (ii) No owner in the chain of title voluntarily merged his or her lots on or after January 1, 1995. In that case, all subsequent owners shall be estopped from requesting restoration. The municipality shall have the burden of proof to show that any previous owner voluntarily merged his or her lots; and
  - (iii) The merged lot does not have any unpaid real estate taxes or a real estate tax lien thereon.
- (6) If there is any mortgage on any lot to be unmerged, the property owner shall give written notice to each mortgage holder prior to submission of the request to unmerge the lots. The written consent of each mortgage holder shall be required prior to submission of the request to unmerge the lots, and shall be recorded with the notice of the restoration of the lots. The City of Concord shall not be liable for any deficiency in the notice to mortgage holders.
- (7) All decisions of the governing body may be appealed in accordance with the provisions of RSA 676.
- (8) Any unmerged lot under this ordinance shall not gain the right of a non-conforming lot. Non-conforming status relief must be obtained through the zoning board of adjustment.
- (9) This ordinance shall take effect immediately upon passage and shall remain in effect until December 31, 2021.