

PROPOSED
LAND USE ORDINANCE
For The
Lower Bartlett Water Precinct
Bartlett, New Hampshire

An ordinance to promote the health, safety, morals, convenience and general welfare of the community by regulating and restricting the use and construction of buildings and premises in the Lower Bartlett Water Precinct, Bartlett, New Hampshire.

ARTICLE I - AUTHORITY AND PURPOSE

Preamble

In pursuance of authority conferred by Chapter 31, Sections 60-89 N.H. Revised Statutes Annotated, 1955, as amended, and for the purpose of promoting the health, safety, morals, prosperity, convenience of general welfare, as well as efficiency and economy in the process of development, of the inhabitants of the Lower Bartlett Water Precinct, Bartlett, New Hampshire, by securing safety from fire, panic, and other dangers, providing adequate areas between buildings and various rights of way, by preserving the rural charm now attached to our village, the promotion of good civic design and arrangements, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements, and by other means, now therefore the following Ordinance is hereby enacted by the voters of the Lower Bartlett Water Precinct, Bartlett, New Hampshire in legal meeting convened.

ARTICLE II - TITLE

This Ordinance shall be known and may be cited as the "Land Use Ordinance for the Lower Bartlett Water Precinct, Bartlett, New Hampshire." It is hereinafter referred to as "this ordinance."

ARTICLE III - ZONING DISTRICTS

This Ordinance shall apply to all the land within the boundaries of the Lower Bartlett Water Precinct. For purposes of the Ordinance, the Lower Bartlett Water Precinct shall be divided into two (3) districts as shown on the official zoning map on file with the clerk of the precinct and dated April, 1980.

1. General Rural Residential District. (To include all the land within the Lower Bartlett Water Precinct lying outside of the General Commercial District).
2. General Commercial District. (To include all of the land lying within the Lower Bartlett Water Precinct situated westerly of New Hampshire Route 16 and between said Route 16 and the tracks of the Maine Central Railroad. Rural Residential usage may be permitted in the General Commercial District).
3. Ground water protection District. (To include all parcels of land within the boundaries as listed in the addendum of Article XXIII. It is a zoning overlay district, which imposes additional requirements and restrictions to those of the underlying zoning district. In all cases, the more restrictive requirements

shall apply)

ARTICLE IV GENERAL PROVISIONS

The following provisions shall apply throughout the Lower Bartlett Water Precinct zoning districts:

1. Junk yards, dumps, etc. No owner or occupant of land in any of the said districts shall maintain a junk yard or place for the storage of discarded machinery, vehicles, glass, paper, cordage, refuse, or other waste or discarded material. This provision shall not, however, prohibit the storage of material and equipment used seasonally.
2. Dangerous or unsightly ruins. No owner or occupant of land in any of said districts shall maintain thereon any structure ruined by fire, storm or otherwise abandoned during construction or dangerously dilapidated by reason of age, but within one year of the occasion of the damage to the structure or within one year of its becoming unsafe, the owner or occupant thereof shall either repair, reconstruct, renovate or replace the same, returning it to a safe condition, or shall demolish the same to the ground level, removing any remaining dangerous or unsightly materials and shall fill all excavations, cellars, pits, wells, and holes to ground level.
3. Sand pits, gravel banks, etc. The excavation and removal of clay, sod, loam, sand, gravel, stone or earth materials of any sort from the premises in any of the said districts is hereby prohibited; provided, however, that nothing herein shall prevent the ordinary excavation, grading or re-grading of premises by or in behalf of the owner in connection with any construction project lawfully undertaken thereon or in connection with the routine grading, improvement or beautification of the said premises, and in such case the area shall be regraded, reloamed, reseeded, or otherwise recovered to assure that the premises shall be left in sightly condition and protected against erosion.
4. Land fill. Land fill is permitted on premises in any of the said districts provided that said land fill is not in conflict with rules and regulations of the N. H. Water Supply and Pollution Control Commission, or such other agency or department of the State of New Hampshire as may have jurisdiction with respect thereto. The materials used must be clean and solid.
5. Sanitary facilities. All sanitary, sewage, waste disposal of other like systems of any sort situated within any of the said districts shall comply with the following requirements:
 - a. No privy, cesspool, septic tank, or sewage disposal system shall be constructed or maintained unless it is in accordance with the standards set and enforced by the N.H. Water Supply and Pollution Control Commission, or such other agency or department of the State of New Hampshire as may have jurisdiction with respect thereto.
 - b. All dwellings and sanitary systems shall be constructed and maintained in accordance with standards set and enforced by the N.H. State Department of Health and the N.H. Water Supply and Pollution Control Commission, or such other agency or department of the State of New Hampshire as may have jurisdiction with respect thereto.
 - c. The above paragraphs shall not pertain to installations in effect at the time of enactment of this Ordinance provided the same meet the requirements of the State Health officials.
6. Obnoxious uses generally prohibited. Any use of the premises within any of the said districts that is unreasonably obnoxious or injurious to the public or to persons occupying other premises in the vicinity by reason of the creation or emission of odor, dust, smoke, refuse matter, fumes, noise, ashes, vibration or similar conditions, or that unreasonably interferes with the comfort, peace, enjoyment, health or safety of the community, or is unreasonably disturbing or annoying to occupants

of neighboring land or to the public, is hereby prohibited.

7. Mobile homes, trailer parks, and commercial camping areas. Within any of the said districts the use of land for the accommodation of trailers, mobile homes, and commercial camping areas shall be as provided below, and not otherwise:
 - a. Any owner or occupier of land may accommodate thereon the use of an occupied single travel trailer or camper of a non-resident and non-paying guest for a temporary period not exceeding two (2) weeks.
 - b. Trailer parks, mobile home parks and commercial camping areas are prohibited. Mobile homes are prohibited except insofar as the same may be permitted as "manufactured housing" in the General Rural Residential District.
 - c. Nothing herein shall prohibit any owner or occupier of land in any of the said districts from parking or storing a travel trailer or camper owned or rented by such person upon his premises in said districts during the period of non-use.
8. 8 Drive-in theaters. No drive-in theater or outdoor movie shall be permitted in any of the said districts.
9. 9 Lumber operations. Timber may be cut and harvested in any of said districts for commercial purposes only after a prior permit has been obtained from the zoning board, which shall impose such terms and conditions upon the issuances of said permits for the protection of the public health, safety and welfare, including the protection of the peace and beauty of the community, as it may deem proper. Clear cutting shall not be permitted within a distance of one hundred fifty (150) feet from the nearest public right of way line, but selected cutting may be carried out to any such right of way line provided that there be left uncut within such one hundred fifty (150) foot strip a reasonable growth of substantial trees. Any permit issued may make appropriate requirements for removal of brush and protection against the hazard of fire. Nothing herein shall prevent ordinary clearance of a lot for the purpose of construction of buildings or structures.
10. Public and private roads. All public and private roads shall conform to the Town of Bartlett road specifications as to the width, pitch and contour.

ARTICLE V – HEIGHT LIMITATIONS

A. Residential.

All buildings or structures upon any lot in this district shall conform to the following maximum height requirement: No building or structure shall be in excess of thirty-five (35) feet in height.

B. Commercial

Height restrictions. All buildings or structures upon any lot in this district shall conform to the following maximum height requirements: No building or structure shall be in excess of thirty-five (35) feet in height, or in excess of four (4) stories above natural grade for the lot.

ARTICLE VI – MINIMUM LAND AREA REQUIRED

A. Residential.

Lot Area and Frontage Requirements. No lot in this district shall have an area of less than one (1) acre, and no lot in this district shall have frontage of less than 100 feet; provided, however, that the requirements of this paragraph as to minimum lot size and frontage shall not apply to any lot which is a duly recorded and lawful lot of record at the time of the adoption hereof.

B. Commercial

Lot Area and Frontage Requirements. No lot in this district shall have an area of less than one (1) acre, and no lot shall have a frontage of less than two hundred (200) feet; provided, however, that the requirements of this paragraph as to minimum lot size and frontage shall not apply to any lot which is a duly recorded and lawful lot of record at the time of the adoption hereof.

ARTICLE VII – MINIMUM FRONTAGE

A. Residential.

Lot Area and Frontage Requirements. No lot in this district shall have an area of less than one (1) acre, and no lot in this district shall have frontage of less than 100 feet; provided, however, that the requirements of this paragraph as to minimum lot size and frontage shall not apply to any lot which is a duly recorded and lawful lot of record at the time of the adoption hereof.

B. Commercial

Lot Area and Frontage Requirements. No lot in this district shall have an area of less than one (1) acre, and no lot shall have a frontage of less than two hundred (200) feet; provided, however, that the requirements of this paragraph as to minimum lot size and frontage shall not apply to any lot which is a duly recorded and lawful lot of record at the time of the adoption hereof.

ARTICLE VIII - DENSITY

In ALL Districts, for all commercial and industrial uses not more than 75% of a lot, tract or parcel of land's capacity for septic disposal will be utilized. All plans and/or proposals for the commercial and industrial utilization of land will include a determination from NHWSPCC of the maximum number of patrons, tables, and gallons per day, employees, or other form of measurement allowable under its current criteria against which the 75% will be applied. (Town of Bartlett Zoning Ordinance)

ARTICLE IX – GREEN AREAS

All green areas should conform to the town of Bartlett Article 1X

For the purpose of promoting health and the general welfare of the community and to preserve an environmentally esthetic community, the following green areas are established (trees, other natural growth, and landscaping including flowers, shrubbery, and lawns shall be preserved and maintained in order to present an esthetically pleasing environment). For the purpose of this section, the front area is defined as the area of the lot which determines its frontage, the back area is directly opposite the front area, and the side areas are all other areas of the lot. Where it is necessary to create a green area to

meet this requirement a combination of trees, shrubbery, flowers, and lawn/grass will be planted and maintained to insure a buffer between properties except in such limited uses such as ski trails or golf course fairways, where the strict application of this requirement would be inconsistent with the permitted use and serves no beneficial purpose. (Town of Bartlett zoning ordinance)

ARTICLE X – OPEN SPACE, COMMON AREA, AND CLUSTER DEVELOPMENT

For any residential development of 5 acres or more, a minimum of 15% of the total land area suitable for recreation will be set aside as common open space for the use and enjoyment of the residents of the development. This common open space shall be permanently restricted for the recreation open space and/or conservation use and will be protected and maintained by a homeowners or condominium association. On the remaining land, clustering of housing units is permitted and encouraged in order to further preserve open spaces, to provide efficient and economical use of land and to provide flexibility in subdivision design. Areas reserved or used for outside property setbacks (excludes setbacks from internal roadways) may be included in calculating the 15% open space requirement. This provision is not intended to limit the number of bedrooms authorized for a particular tract or plot of land beyond that number authorized by the State of NH or elsewhere in this Ordinance. (Town of Bartlett zoning ordinance)

- ARTICLE XI--SETBACKS

A. Residential

Building Set-Back or Yard Requirements; and Building Height Requirements. All buildings and structures upon any lot in this district shall conform to the following minimum set-back requirements:

1. Rights of way set-back. There shall be between the nearest edge of the rights of way and the extreme front of any building or structure a minimum distance of fifty (50).
2. Side line and back line set-back. There shall be between the property of any abutter and any building or structure a minimum distance of fifteen (15) feet

B. Commercial

Building Set-Back or Yard Requirements, and Building Height Requirements.

1. Rights of way set-back. There shall be between the nearest edge of the rights of way for Route 16 and the extreme front of any structure or building a minimum distance of seventy-five (75) feet. The same seventy-five (75) foot set-back shall be maintained for any property within the district fronting on a service road serving Route 16.
- 2 The first twenty-five (25) feet from the right of way for Route 16, or from any service road serving Route 16, shall be a green belt, upon which grass, trees, or other natural or planted growth shall be maintained. This green belt shall not, however, prohibit the location and maintenance of reasonably adequate entry and exit ways to permit access to and from Route 16 across the green belt.
- 3 Side line and back line set-back. There shall be between the property line of any abutter and

any building or structure a minimum distance of fifteen (15) feet.

ARTICLE XII – NON-CONFORMING USES, LOTS AND STRUCTURES

Existing non-conforming uses exempt. Any non-conforming use of land or of a building or structure thereon may continue in its present use, except that the non-conforming use may not be:

- 1... Changed to another non-conforming use.
2. Re-established after discontinuance unless a declaration of intent to re-establish is filed with the Board within one (1) year of discontinuance.
1. 3. Extended or enlarged: provided that existing businesses may expand or add accessory services that pertain to their primary business if expansion or addition is of such character that it conforms to the provisions of this Ordinance, to be determined by the Water Commissioners at the time application is made for a building permit.

ARTICLE XIII – PERMITTED USES

A. District No.1 - General Rural Residential District

Land within Zoning District No.1, the General Residential District may be occupied and used and buildings and structures thereon may be erected, altered, occupied, and used only for the following purposes and subject to the following provisions:

1. Permitted Uses. The following uses are hereby permitted:
 - a. Single and two-family dwellings, to include manufactured housing, with or without private garages and accessory buildings subject, however, to the requirement that there shall be provided with each new building or structure, either garage or off-street parking space for not less than two (2) private passenger cars for each family intended to reside upon the premises.
 - b. Churches and religious institutions, hospitals, municipal buildings, and public or private parks, playgrounds and schools.
 - c. Forestry, horticultural and general gardening and farming activities, provided, however, that no storage or use of manure, or odor or dust producing substances shall be permitted within one hundred (100) feet of any property line, and that any forestry, horticultural, garden or farm use which is unreasonably injurious, obnoxious, or offensive to the neighborhood is prohibited.

2 Uses Requiring Special Permits. The following uses of premises in this district are permitted only upon the condition that a prior permit has been obtained from the Board of Adjustment after its finding that a Special Exception from the strict terms of the Ordinance should be granted pursuant to Article XVIII below, that any other necessary facts exist as herein below specified, and further upon such terms and conditions as the board may reasonably impose to carry out the purpose and spirit of this Ordinance.

- a. Enterprises selling or dispensing alcoholic beverages
- b. Enterprises providing public entertainment.
- c. Enterprises engaging in light manufacturing and/or light assembly

B District No.2-General Commercial District

Land lying within Zoning District No. 2, the General Commercial District may be used and occupied and buildings and structures thereon may be erected, altered, occupied and used only for the following purpose and subject to the following provisions:

1. Permitted Uses. The following uses of land and buildings within this District are hereby permitted:
 - a. Shops, stores, restaurants, and general retail businesses, provided that the following are prohibited:
 - (1) Shopping centers and malls; gasoline service stations; auto repair shops; bowling alleys; roller skating rinks; discount houses or discount sales outlets; recreational ranges such as golf driving ranges, baseball or archery ranges, miniature golf facilities, and the like; fast food restaurants; wholesale and distribution enterprises; fuel oil businesses; water slides; alpine slides.

ARTICLE XIV – PROHIBITED USES

Any use not specifically permitted in Article XIII and for which exceptions are not permitted in Article XVIII are prohibited. *Pursuant to NH RSA 674:16 V – Aircraft takeoffs and landings on private land shall not be considered a valid or permitted accessory use in any district. (Town of Bartlett zoning ordinance)

ARTICLE XV – OFF STREET LOADING AND PARKING

Whenever any new use is established or any existing use is enlarged, off-street loading and parking shall be provided in accordance with the following provisions: (Town of Bartlett zoning ordinance)

- A. All new construction of institutional, commercial or industrial uses requiring off-street loading facilities shall make provisions for delivery vehicles to be parked outside of the street right-of-way.
- B. Each new residential dwelling unit shall be provided with at least two off-street parking spaces.
- C. Any new hotel, motel, tourist accommodation or lodging unit shall provide one parking space for each unit.
- D. Any new commercial or industrial use shall provide one space for each three anticipated patrons or employees on the premises, at any one time.
- E. Any new church, theater, hall, and auditorium shall provide at least one parking space for each unit.
- F. A single parking space is defined as being two hundred (200) square feet in area.
- G. One-third of the off-street parking requirement may be satisfied with existing on-street parking where available.
- H. Parking provided by public lots in lieu of or in combination with on-site parking may be utilized when provided within a distance not to exceed four hundred (400) feet.

- I. Parking lots shall not contain more than eighty spaces of a minimum of 200 sq. ft. each in no more than two rows separated by an access lane. These parking lots shall be separated by not less than fifteen (15) feet of maintained growth on all sides with no more than 25% to be grass/lawn and not less than 5% trees of a minimum five (5) foot height. Parking lots of 20 or less spaces are exempt from this provision.

ARTICLE XVI – SIGNS

The following provisions shall apply to the location, erection, and maintenance of signs within the town of Bartlett:

A) General

- 1) No person shall erect any outdoor sign that is visible from a public way except in conformation with this Ordinance.
- 2) A building and use permit shall be obtained for any sign covered under this Ordinance.
- 3) No outdoor sign shall be attached to any tree, fence or utility pole or be painted upon or otherwise directly affixed to any rock, rock face or other natural feature.
- 4) No outdoor sign shall be erected at any location where by reason of position, shape, wording, lighting or color; it interferes with or obstructs the view of pedestrian or vehicular traffic or which may be confused with any authorized traffic sign, signal or device.
- 5) All signs and their supporting structures shall be properly maintained to prevent rust, rot, peeling, or other deterioration.
- 6) Only one or two sided flat signs where the sides are in the same single geometric plane are permitted. In determining the square foot area of a sign, only usable message area of one side of the sign is counted. (Amd 11/8/88, 3/10/92, 3/9/04)
- 7) No sign shall have visible moving parts or have blinding, moving, flashing, illumination or be a mechanical or digital changing message board of any size, be internally lit or be neon-lighted or consist of banners, pennants, ribbons, spinners of similar moving, fluttering or revolving devices, streamers, flags, inflatable devices, or any similar devices no matter how displayed. United States, State of New Hampshire, national and/or one (1) decorative/informative flag shall be allowed. Decorative or informative flags shall not be more than three (3) feet in height and five (5) feet in length. Only three (3) such flags will be permitted. (amd 1/8/88, 3/10/92, 3/9/04)
- 8) No ground sign shall be closer than fifteen feet to a lot line.
- 9) No ground sign shall be within any right of way as determined by the board of selectman or, if no right of way can be determined, a right of way of 66 feet will be assumed.
- 10) No outdoor sign shall be erected on any premises other than on the premises where the activity to which the sign pertains is located. (amd3/10/92)
- 11) The use of any sign lawfully in existence at the time of the adoption of this Ordinance may continue although the sign does not conform to the provisions of this Ordinance. Normal maintenance and repairs are permitted but the sign shall not be altered, or enlarged except in conformance with this ordinance; however, a non-conforming sign may be altered to decrease its degree of non-conformity.

- 12) Any structure, article or similar device designed to attract attention to the activity on the site will be deemed a sign and will comply with the provisions of this ordinance. (amd3/10/92)
- 13) Signs will be assessed and taxed as structures where applicable. (amd 3/10/92)
- 14) Signs on motor vehicles, boats, and/or trailers, which are determined by his selectmen to be circumventing the intent of this ordinance, are prohibited. Circumventing shall include, but not be limited to, signs which are continuously in the same location, or are displayed on a vehicle that is unregistered and or un-inspected or signs that extend beyond the height, width, or length of the vehicle. (Added 3/12/02, amd 3/9/04).

B. On premise signs in the TCD shall meet the following conditions:

- 1) No lot shall contain a total of more than four (4) signs having a total combined message area not to exceed a total of sixty (60) square feet. No one sign shall contain more than forty-eight square feet of message area.
- 2) No ground sign shall have a height greater than eighteen (18) feet above ground level; no roof sign shall have a height greater than three (3) above the roof of the building to which it is attached
- 3) Window advertising shall be limited to twenty-five per cent (25%) of the gross window area. Window advertising shall not be counted in determining the maximum sign area allowed.
- 4) Outdoor signs allowed under paragraph B may be displayed as
 - a) ground signs
 - b) wall or roof signs
 - c) projecting signs or
 - d) A combination of these but the total sign area of all such signs displayed must not exceed 60 square feet. the signs listed in paragraph B-3 are not to be counted in determining the 60 square foot maximum
- 5) For multiple business enterprises on the same lot, the maximum sign area of sixty square (60) feet or the sign area square footage in existence on the date of enactment of this ordinance may be increased by sixteen (16) square feet for each additional business. Each additional sign may only be used by the new business being created (and entire section 3/10/92 OR for clustered business enterprises of three or more on the same lot, one main directory-style is permitted with a maximum sign area of one hundred and twenty (120) square feet or the sign area square footage in existence on the date of enactment of this ordinance and may add one ten (10) square foot sign for each additional business AFFIXED at their entrance DOOR only. Each additional sign may only be used by the new business being created. Clustered business enterprise is defined as three or more businesses on the same lot with a common driveway, common parking lot, and with each business under separate and distinct ownership. (amd3/12/960)
- 6) On premise signs in the Town Commercial District shall meet the following conditions to include; No signs, except official business and directional signs shall be erected inside of the public right of way, in addition, if the paved surface of the road extends to the edge of the right of way, signs must be located at least 6 feet from such paved surface. (Added 3/12/96)

A. On premise signs in the TRDA, TID, and TRDB shall meet the following conditions:

- 1) Be limited to one sign per business, profession, service enterprise or premises.
- 2) Be no larger than 16 square feet exclusive of supports.
- 3) May be ground sign, projecting sign or wall sign
- 4) Ground signs shall not exceed 8 feet above the natural ground level.
- 5) In the TID for multiple business enterprises on the same lot served by a single entrance to

West Side Road, a maximum sign area of (32) square feet is permitted. Sixteen (16) square feet for each additional business beyond the first business may increase the maximum thirty-two (32) square feet. Each additional sign may only be used by the new business being created. (Amd 3/10/92)- Off Premise Signs: Off premise signs are prohibited in all districts except as provided elsewhere in this Ordinance. (Amd11/4/86)

- B. Off Premise signs: Off premise signs are prohibited in all districts except as provided elsewhere in This ordinance. (Amd. 11/4/86)

C. Grand Opening and Holiday Promotional Activity Signs: Grand opening and holiday promotional activity signs advertising events occurring no more than six (6) times annually and which are four (4) days or less in duration as follow:

- 1) Only one such sign on-premise sign is allowed.
- 2) The maximum square footage of said sign is limited to forty (40) square feet
- 3) They may be erected no sooner than the first day of the event and must be removed no later than the last day of the event.
- 4) balloons, banners and/or flags may be attached to said sign
- 5) A building and use permit is required for such signs.

D. Off site open house real estate signs advertising open house activities occurring no more than three (2) Times annually per property and which are of three (3) days or less in duration as follows: 1) they shall be no more than four (4) square feet in size. 2) A building and use permit is required for each such sign.

- B. Temporary Activity Signs: Temporary activity signs advertising activities occurring no more than twice annually and which are of seven days or less in duration as follows:

- 1) Special promotional signs or banners, for public or institutional events, no larger than forty (40) square feet may be erected no sooner than seven (7) days prior to the event and will be removed no later than three (3) days subsequent to the event. Only one such sign is permitted.
- 2) Special promotional signs or banners, for public or institutional events, no larger than two Hundred (200) square feet that cross a public road may be erected no sooner than seven (7) Days prior to the event and will be removed no later than (3) days subsequent to the event. Only One such sign is permitted.
- 3) Garage, barn or yard, church fair/bazaar, seasonal fruit or vegetable, or charitable/non-profit Sale signs no larger than (12) square feet may be erected.
- 4) Political, election, primary, or referendum signs no larger than twelve (12) square feet may be Erected no sooner than three (3) weeks before voting day and will be removed no later than one Week subsequent to voting day.
- 5) Not more than four (4) off premise special event identification and directional signs not to exceed Sixteen (16) square feet each may be erected no sooner than (2) days prior to the event and will Be removed no later than two (2) days subsequent to the event. The board of Selectmen must approve the location of these signs.

6) Any business entity wishing to erect temporary signs advertising real estate for sale or contracted labor at the site shall be permitted through the selectmen's office. Signs shall be removed no later than 15 days after a real estate closing or the completion of contract. Failure to comply with this ordinance will result in revocation of said permit.

ARTICLE XVII – ADMINISTRATION, ENFORCEMENT AND PENALTIES

1. The Board of Commissioners Constituted Zoning Board to Administer Ordinance. The Board of Commissioners of the Lower Bartlett Water Precinct is hereby constituted the Zoning Board hereunder. It shall be the duty of the said Zoning Board to take such action, including the institution and prosecution of all actions, civil or criminal, as may be necessary to enforce the provisions of this Ordinance, including suits for injunctions against violations and for court decrees for the removal or alteration of structures or conditions violating this Ordinance. The Zoning Board shall have no power to authorize any departure from the terms of this Ordinance whether in the nature of special exception, variance or otherwise. (But see Paragraph 4 below, Board of Adjustment.) The Zoning Board may expend such funds as may be raised and appropriated by the Precinct for legal and other expenses related to this Ordinance.
2. Permits. Application for a prior permit from the Zoning Board shall be made as hereinabove required, as well as for any of the following:
 - a. For the erection or relocation of any new principal building or of any structure herein regulated.
 - b. For any action which would constitute a special exception or variance from the terms of this Ordinance, including, without limiting the generality of the foregoing, a change in the nature of the use of any building, structure or premises to a non-conforming use from a conforming or a different non-conforming use or the addition of a new non-conforming use, or the expansion of an existing non-conforming use or a change in lot size or shape which would result in a violation of area or frontage regulations.
 - c. The installation, construction, or reconstruction of any privy, cesspool, septic tank, or sewage or waste disposal system, all of which shall have first received the prior approval of the New Hampshire Water Supply and Pollution Control Commission, or any other state agency or department having jurisdiction with respect thereto.
3. Rules and Regulations. The Zoning Board shall have power to adopt such rules and regulations governing its own procedure as well as governing the filing and processing of applications for permits and the initiation of appeals in matters arising under this Ordinance as it may deem proper. The Zoning Board shall have the power to designate the Chairman of the Board of Commissioners, or other member(s) of said Board, as having authority to issue permits on its behalf consistently with the provisions of this Ordinance.
4. Penalties. Any person or corporation, whether as principal, agent, occupant, employee, or otherwise, who violates any of the provisions of this Ordinance, shall be fined \$10.00 for each offense. The violator shall be notified by certified mail and posting at the property of the existence of the offense, and each day that the violation continues following the violator's receipt of said notice shall be deemed a separate offense.

ARTICLE XVIII – BOARD OF ADJUSTMENT

Board of Adjustment. The Board of Commissioners shall make appointments to a Board of Adjustment, which shall conform in membership to the applicable provisions of the statutes of the State of New

Hampshire.

- a. General Powers. The Board of Adjustment shall have the following powers and duties, as well as all other powers and duties conferred from time to time upon such Boards by the statutes of the State of New Hampshire:

- i. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Board or any other person authorized by it to issue permits or make determinations in the enforcement of this Ordinance.
- ii. To hear and decide according to the standards specified below all applications for special exceptions upon which this Ordinance requires the Board of Adjustment to pass.
- iii. To authorize variances from the terms of this Ordinance in appropriate cases, according to the standards specified below.
- iv. To make rules concerning procedure for appeals or petitions to the Board of Adjustment including the time within which such appeals or petitions may be made.

B. Uses requiring special permits

The following uses are permitted only upon the condition that a prior permit has been obtained from the board of Adjustment after its finding that a Special Exception from the strict terms of the Ordinance should be granted pursuant to Article XVIII below, that any other necessary facts exist as herein below specified, and further upon such terms and conditions as the Board may reasonably impose to carry out the purposes and spirit of the Ordinance.

- a. Offices for doctors, lawyers, dentists, architects and members of other recognized professions, offices for real estate and insurance agents and brokers; facilities for the display and sale of antiques; facilities for the conduct or usual home occupations such as hairdressing and dressmaking, or for the practice of home handicrafts, pottery, weaving and cabinet making; provided, however, that any such business uses of premises in this district shall be incidental to the ordinary and customary use of the premises for residential purposes, that no more than four (4) persons, in addition to the owner or occupant or the premises, shall be employed or engaged in such business activity there on.
- b. Greenhouses, nurseries, and other like facilities for the public display and sale of garden, food, and handicrafts products primarily produced on the premises.
- c. Golf courses, health and racquet clubs, ski clubs, hotels, motels, restaurants and inns.
- d. Nursing and convalescent homes.
- e. Boarding, lodging, Bed and Breakfast, tourist courts and cabins.

b.C Special Exceptions. Special Exceptions shall be subject to the following provisions:

- i. A use designated as a Special Exception in this Ordinance may be permitted upon application duly made to the Board of Adjustment if, in the opinion of the Board, such use in its proposed location meets the following requirements:

- 1) The site is an appropriate location for the use or structure;
- 2) The use will be compatible with neighboring land uses;

- 3) The use will not create a nuisance or hazards;
 - 4) The use will not be detrimental to pedestrian and vehicular traffic movement in the neighborhood;
 - 5) Adequate and proper facilities will be provided to ensure the proper operation of the use;
 - 6) The use is compatible with the intent of this Ordinance.
- ii. The applicant shall submit to the Board of Adjustment three (3) copies of a site plan showing the following elements where applicable:
 - 1) Location and height of existing and proposed buildings or structures;
 - 2) Proposed layout of outside facilities;
 - 3) Proposed layout of parking areas and loading bays;
 - 4) Proposed type and location of screening, of recreation and play areas, and of areas for outside storage of materials;
 - 5) Location of access, egress, and interior roadways;
 - 6) Location and adequacy of utilities, drainage, and provisions for public safety.
 - iii. In granting any Special Exception the Board may prescribe any conditions and safeguards deemed necessary to prevent nuisance and promote harmony within the neighborhood. Such conditions and safeguards shall include but not be limited to the following:
 - 1) Lot area;
 - 2) Front, side, or rear yards;
 - 3) Height limitations;
 - 4) Screening buffers or planting strips, fences or walls;
 - 5) Modification of the exterior appearance of the structure;
 - 6) Limitations upon the size, number of occupants, method and time of operation, or extent of facilities.
 - 7) Consideration of number and location of driveways, accessways, or other traffic features in accordance with applicable law, regulation, or ordinance;
 - 8) Off-street parking, lighting and loading requirements.
 - iv. The disregard of any condition or safeguard when made part of the terms under which a Special Exception is granted shall be deemed a violation of this Ordinance.
- e.D Variances. Variances shall be subject to the following provisions:
- i. The Board of Adjustment may authorize a variance from this Zoning Ordinance where unusual difficulty or special hardship would be imposed by the literal application and rigorous enforcement of this Ordinance. Such variance may be granted only by reason of

extraordinary physical conditions peculiar to the land or structure for which the variance is sought which are not substantially duplicated on adjoining property or within the same zoning district.

ii. Each petitioner for a variance shall submit statements in writing and records and photographs where necessary demonstrating the following which shall become part of the record of the petition:

- 1) The nature of the property for which the variance is sought and the physical circumstances that would occasion a hardship;
- 2) That such circumstances are peculiar to the property under appeal and are not substantially duplicated on adjoining property or within the same zoning districts;
- 3) That the relief sought would not adversely affect property adjoining or in the same zoning district and would not endanger the public health, safety, convenience nor impair the integrity of this Ordinance.
- 4) That the specific variance sought is the minimum variance required for reasonable relief to the owner and that it is necessary for a reasonable use of the property.

iii. In authorizing a variance the Board of Adjustment may require such additional information as it deems necessary and impose restrictions such as but not limited to those specified in subparagraph (iii) of paragraph (b) above applicable to Special Exceptions.

d.f. Expiration of permits. A permit granted for a Special Exception or a variance shall expire one (1) year from the date of issuance thereof unless the use shall have commenced within that period or construction shall have begun and significant progress been made towards completion in accordance with the permit.

e.g. Denial of Permits. An application for a Special Exception or variance, once denied shall not be resubmitted for consideration within six (6) months from the date of denial; provided, however, that the Board of Adjustment may, In appropriate circumstances, waive this prohibition.

ARTICLE XIX - DEFINITIONS

Condominium means a multi-unit residential building designed for separate ownership of each unit.

Frontage. -The distance along a street or a street right-of-way

Front yard- means a space extending for a full width of a lot between the extreme front line of a building and the nearest edge of the right of way.

Gravel/sand pit- means any place where any sand, gravel, mineral aggregate is mined, worked or removed.

Hotels, Motels, Tourist Courts, Cabins---Means one or more detached or semi-detached building containing guest rooms or apartments with automobile storage space serving such rooms or apartments provided in connection therewith, which group is designed or used primarily for the accommodation of automobile travelers, including groups designated as tourists cabins, courts, and motel developments.

Inns, Lodging Houses and Bed & Breakfast – An owner-occupied or manager-occupied dwelling of single family character in which not more than 12 guest rooms are offered for rent with or with or without meals for overnight guests only for the primary purpose of overnight lodging to tourists. The dwelling must exist

on the date of enactment of this amendment (11/8/88) and any additions or renovations must maintain the single-family character of the dwelling.

Junk- means any old metals, bottles, cotton or woolen mill waste, unfinished cloth, unfinished cotton or woolen yarns, old paper products, two or more unregistered vehicles, used parts and materials of motor vehicles and other secondhand articles, the accumulation of which is detrimental or injurious to the neighborhood.

Light Manufacturing and/or Light Assembly a use involving the manufacture of a product not requiring heavy, noisy, or otherwise objectionable machinery or transporting equipment and not employing more than 25 people

Manufactured Housing means any and all forms of modular, unitized or prefabricated housing as well as mobile homes which are brought to and assembled on a building site, placed on a foundation, and tied into all conventional and necessary utility systems and which are intended to be used as a permanent dwelling unit.

Mobile Home means a single complete and livable prefabricated dwelling unit, transported on wheels, and requiring connection to water, power and sewage disposal systems for proper occupancy.

Non-conforming structure use or lot- A structure, use or lot that does not conform to the regulations of the zoning district in which it is located.

Non-conforming Use--- means a use in any building or structure which Does not conform to the use regulations of this Ordinance.

Record lot means land designated as a separate and distinct parcel in a deed legally recorded and filed in the Registry of Deeds, Carroll County, New Hampshire.

Right of way means and includes all town, state and federal highways and the land on either side of same as covered by statutes to determine the widths of the rights of way. For purposes of set-back and yard requirements, it also includes any private way used as a means of access to two or more residential, institutional or commercial buildings.

Sand Pit means any place where sand is mined, worked or removed from the premises for the purpose of sale or use.

Shopping Center or Mall means any lot on which two (2) or more retail businesses are conducted.

Sign means any advertisement, announcement, direction or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure or produced by painting or on posting or placing any printed, lettered, pictured, figured, or colored material on any building, structure or surface; provided, however, that signs placed or erected by the Precinct, Town, State, or Federal Government for the purpose of showing street names or traffic regulations or for other municipal or governmental purposes shall not be included herein, nor shall this include signs which are part of the architectural design of the structure.

Ski Club means any building or portion thereof where lodging is offered to cooperative membership, and/or transient guests for compensation or for free and in which there are more than five (5) sleeping rooms with no cooking appliances in an individual sleeping or apartment.

Structure. The word structure as used in this Ordinance may include buildings. The word may also mean anything constructed or erected with a fixed location on or in the ground, or attached to anything having a fixed location on or in the ground.

Trailer Park or Mobile Home Park means land area occupied or designed for occupancy by two or more

trailers in use for living purposes.

ARTICLE XX - AMENDMENTS

This Ordinance may be amended in the manner permitted from time to time by the statutes and law of the State of New Hampshire.

ARTICLE XXI – SAVING CLAUSE

The invalidity of any provision of this Ordinance shall not affect the validity of any other provisions.

ARTICLE XXII – WHEN EFFECTIVE

This Ordinance shall take effect upon passage.

