

**ZONING ORDINANCE
TOWN OF LANCASTER, N H**

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APPENDIX

Map of Zoning Districts

**ZONING ORDINANCE
TOWN OF LANCASTER, NEW HAMPSHIRE**

ARTICLE 1 PURPOSES

This Ordinance, in concert with the comprehensive Town Plan, is adopted in accordance with RSA 674:16 as amended to foster those purposes set forth in RSA 674:17 and is designed to lessen congestion in the streets; to ensure safety from fires, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks and child day care; to assure proper use of natural resources and other public requirements; to encourage the preservation of agricultural lands and buildings; and to encourage the installation and use of renewable energy sources.

Furthermore, this Ordinance seeks to maintain or improve the quality of life for residents of Lancaster, the rural character of the Town, the sense of community among its residents, the uncrowded living conditions and aesthetics unique to the Town, the peace and quiet of the Town, the natural and reasonable growth of the Town and the preservation of Main Street and its historic nature.

ARTICLE 2 TITLE

Pursuant to the authority conferred by Chapter 31, Sections 60-89, New Hampshire Revised Statutes Annotated 1955, et seq., this Ordinance shall be known and cited as the Town of Lancaster Zoning Ordinance and hereinafter referred to as “this Ordinance”.

ARTICLE 3 DEFINITIONS

Unless otherwise stated, words shall for the purpose of this Ordinance have the meaning indicated in this Article. Words used in the present tense include the future. The singular includes the plural and the plural the singular. The word “person” includes a corporation, partnership or incorporated association or persons. The word “shall” is mandatory, not directory.

3.01 Accessory Building or Use: Shall mean any use or combination of materials, whether portable, movable or fixed, having a roof and built to form a structure for the shelter of animals or property which is located on the same lot as the principal building or use and use of which is considered customarily incidental to those of the principal building such as, but not limited to, detached garages, swimming pools and equipment sheds.

3.02 Bed & Breakfast Inn: Shall mean a house, or portion thereof, where short-term lodging, rooms, and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

3.03 Bedroom: Shall mean any room used principally for sleeping purposes separable from other rooms by a door, an all-purpose room, a study, or a den.

3.04 Building: Shall mean any combination of materials, whether portable, movable or fixed, having a roof and enclosed within exterior walls, built to form a structure for the shelter of persons, animals or property of any kind.

3.05 Child Care Center: Shall mean a building or structure where care, protection and supervision are provided, on a regular schedule, at least twice a week to four or more children unrelated to the operator or caregiver. A child care center does not include an occupied dwelling where child care is provided as a home occupation.

3.06 Contiguous Land: Shall mean land of one owner which may be physically separated only by a public or private right-of-way or watercourse.

3.07 Convenience Store/Mini-Mart: A retail store specializing in a limited line of high – volume grocery, beverage and related items and emphasizing fast service including pumps for the sale of motor vehicle fuels.

3.08 Driveway: Shall mean an area located on a lot, tract or parcel of land, and built for access to the lot.

3.09 Dwelling: Shall mean a privately or publicly owned building containing a dwelling unit or dwelling units including a unit of a condominium development or vehicle, stationary or mobile. The term shall include, but not be limited to, house, apartment, cottage, tourist cottage, motel, hotel, and inn.

3.10 Dwelling Unit: Shall mean one or more rooms arranged for the use of one or more individuals living as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities. The term shall not include recreational vehicles.

3.11 Easement: Shall mean that land designated through authorization by a property owner for the use of another and for specified purposes of any designated portion of his/her property.

3.12 Foundation: For the purposes of this ordinance, a foundation shall consist of a permanent, full basement of poured concrete or masonry with interior walls no less than eight (8) feet in height. A concrete pad shall not constitute a foundation.

3.13 Frontage: Means that side of the lot abutting a street, approved right-of-way or private road (or in the case of an island, a body of water) and ordinarily regarded as the front of the lot.

3.14 Front Yard: Shall mean an open unoccupied space extending for the full width of a lot between the extreme front line of the building thereon and the nearest existing edge of the public or accepted private right-of-way.

3.15 Gasoline Filling Station: Shall mean any establishment devoted primarily to the retail sale of gasoline, motor vehicle lubricants and motor vehicle accessories. The servicing of motor vehicles, consisting of changing and repairing tires, greasing and lubricating such vehicles and

washing the same, shall be permitted in this use. No other motor vehicle repair work shall be permitted in this use.

3.16 Group Home: Shall mean an establishment with lodging for five or more persons where meals are regularly prepared and served for compensation and where food is placed upon the table family style, without service or ordering of individual portions from a menu.

3.17 Height: Shall mean the vertical distance between the mean finished grade at the structure front line and the highest point of the roof of the structure.

3.18 Home Occupation: Shall mean any use that is customarily conducted within a dwelling by the residents thereof and employs no more than four (4) non-resident employees and which is a secondary use of the dwelling for residential purposes and does not change the character of the building or the character of the neighborhood.

3.19 Home Produce and Products: Shall mean everything of an agricultural nature grown, produced, conditioned or otherwise carried on at the property of the resident, also such articles as are manufactured or altered by members of the household of the bona fide resident of the property.

3.20 Hotel: Shall mean a facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

3.21 Industrial Use: Shall mean the manufacture, processing, packaging, fabrication or other operations to goods or materials.

3.22 Institutional Use: Shall mean facilities primarily engaged in public services, including but not limited to, education, research, health and public worship.

3.23 Junk: Shall mean any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk shall include, but not be limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

3.24 Junkyard: Shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unregistered motor vehicles no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material defined as junk in definition 3.21 of this Ordinance or in RSA 236:112 et seq.

3.25 Kennel, commercial: A commercial kennel means the establishment or domicile of any person who sells dogs at wholesale or retail; and if retail, who sells or transfers 10 or more litters a year, or sells or transfers 50 or more puppies per year; or who derives 40 percent or more of gross annual income from the sale or transfer of dogs.

3.26 Livestock: Livestock shall include, but not be limited to, swine, sheep, goats, dairy cows, beef animals, domesticated strains of buffalo or bison, llamas, alpacas, emus, ostriches, yaks, elk, fallow deer, red deer, reindeer, equines (horses), poultry or game birds and ducks.

3.27 Lot: Shall mean a parcel of land of at least sufficient size to meet the minimum requirements of this Ordinance for use, area, setback, frontage and having access on an improved street or right-of-way.

3.28 Manufactured Housing: As defined in RSA 634:21, shall mean a structure which is transportable in one or more sections and which, in the traveling mode, exceeds 8 feet in width and 40 feet in length, or when erected on site is 320 square feet or more, and is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, which include plumbing, heating and electrical heating systems contained therein. This does not include pre-site built housing as defined in 3.40 of this ordinance and in RSA 674:31-a.

3.29 Manufactured Housing Park: Shall mean a site with required improvements and utilities for the long-term parking of three or more units of manufactured housing whose sites are leased or rented by the residents and which may include services and facilities for the residents.

3.30 Manufactured Housing Subdivision: Shall mean a Subdivision developed exclusively for Manufactured Housing on individually owned, rented or leased lots. The purpose of a Manufactured Housing Subdivision is to allow clustering with reduced lot sizes for Manufactured Housing so as to promote alternate forms of housing, the most appropriate use of land and preservation of open land in the Town for conservation and recreation.

3.31 Manufacturing Use: See Industrial Use.

3.32 Mixed-Use Structures: Shall mean structures characterized by a mixture of use which may include retail, wholesale, service establishments, office and residential. For the purpose of calculating density, each unit in a mixed-use structure will count as one unit.

3.33 Motel: Shall mean a building or group of buildings containing apartments and/or rooming units, each of which maintains a separate entrance. Such building or group of buildings is designed, or intended, or used primarily for the accommodations of automobile travelers and provides automobile parking conveniently located on the premises.

Mini-Mart: See Convenience Store/Mini Mart Section 3.07

3.34 Multi-unit Housing: Shall mean any structure designed for living purposes containing three (3) or more dwelling units, condominiums or apartments whether attached or detached.

3.35 Non-conforming Lot: Shall mean any lot which does not conform to the requirements of this Ordinance.

3.36 Non-conforming Use: Shall mean any use of any land, building or premise which is not use permitted by the provisions of this Ordinance for the district in which such land building or use is situated.

3.37 Outdoor Recreation Facility: Facilities for a variety of outdoor recreation such as golf courses, fairgrounds, campgrounds, outdoor theater or others and only when approved under site plan review. This definition specifically excludes motorized tracks and racecourses.

3.38 Permanent Residents: Shall mean residents who have used any building continuously as a dwelling for a period of six or more months.

3.39 Permitted Use: Shall mean any use of property which is allowed by right in Lancaster.

3.40 Pre-site Built Housing: Shall mean any structure designed primarily for residential occupancy which is wholly or in substantial part made, fabricated, formed, or assembled in off site manufacturing facilities in conformance with the United States Department of Urban Development minimum property standards, state and local building codes, for installation, or assembly and installation, on the building site. This definition does not include Manufactured Housing as defined in RSA 674:31 and section 3.28 of this Ordinance. All Pre-site Built Housing shall be labeled with NH Department of Safety Certificate of Compliance with RSA 205-C and NH Code of Administrative Rules SAF-C 3300.

3.41 Recreational Vehicles: Shall mean the following:

Travel Trailer: a vehicular portable structure built on a chassis for use as a temporary dwelling for travel, recreation and vacation use.

Pick-up Coach and Camper: a structure to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation use.

Motor Home: a portable temporary dwelling constructed as an integral part of a self-propelled vehicle for travel, recreation and vacation use.

Tent Trailer: a folding structure mounted on wheels for travel, recreation and vacation use.

3.42 Rehabilitation Facility: Shall mean any continuing-care residential facility under one ownership providing nursing care and a variety of services for the rehabilitation or long-term care of elderly, infirm or those recovering from illness or surgery. This definition includes nursing homes and similar facilities but does not include hospital

3.43 Right-of-Way: Means a strip of land for which legal right of passage has been granted by a landowner to provide access to a lot which lacks adequate frontage.

3.44 Road, Private: Shall mean a highway, street, road, avenue or way not open to public use as a matter of right for vehicular travel, the maintenance and repair of which shall be borne by the subdivider, abutting landowners or an association of abutting landowners.

3.45 Rooming House: Shall mean a building that is the primary residence of the owner and in which rooms are provided by the owner, for compensation, with or without meals, to three or more adult persons not related by blood, marriage, or adoption to the owner. The residence is available for permanent occupancy only, and makes no provision for cooking in any of the rooms occupied by paying guests.

3.46 Setback: Shall mean the distance between the nearest edge of a legal boundary (right-of-way, property line, or lot line) and the nearest edge of a part of a building and shall be defined as:

Front: the distance between the extreme front line of the building or structure thereon and the nearest existing edge of the public or accepted private right-of-way,

Side: the distance between the side lot lines and sides of the closest building or structure and,

Rear: the distance between the rear lot line and the rear line of the closest building or structure.

3.47 Sign: Shall mean any medium which is used or intended to be used to attract attention to its subject matter. Neither court nor government notices nor the flag, emblem nor insignia of a nation, political unit, or school are considered signs.

3.48 Special Exception: The Zoning Board of Adjustment may, in certain cases specifically enumerated under this Ordinance, grant Special Exceptions to this Ordinance subject to appropriate conditions and safeguards, as long as the applicant demonstrates to the Zoning Board of Adjustment that the granting of the Special Exception is in harmony with the purpose and intent of the zoning ordinance and is in accordance with the provisions of Section 12.02 of this Ordinance.

3.49 Variance: Shall mean a permit authorizing a use of property which is contrary to the Ordinance. Variances may be granted by the Zoning Board of Adjustment in accordance with RSA 674:33, et seq., in cases where, owing to the specific conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship and so that the spirit of this Ordinance shall be observed and substantial justice done.

ARTICLE 4 GENERAL PROVISIONS

4.01 Destruction by Fire or other Event: No owner or occupant of land in any district shall permit fire or other ruins to be left, but shall remove the same within one year from the event of destruction.

4.02 Height Regulations and Exceptions: Building height shall be regulated as follows:

Maximum structure height shall not exceed thirty-five (35) feet measured as the vertical distance between the mean finished grade of the building front line to the highest point of the roof, except as provided for in this section.

Flagpoles located on a roof or in any required yard may extend above the herein specified height limit.

Chimneys, spires, silos, towers, stage houses, lightning rods and like structures, not used for human occupancy, may extend above the height limit if located on the structure of main use.

Radio or television antennas for private, non-commercial reception, may be located on the roof or in the side or rear yard of a structure of main use, but not in the required front yard.

Maximum structure heights greater than thirty-five (35) feet may be granted as a special exception from the Zoning Board of Adjustment.

4.03 Television Satellite Parabolic Antennas: These antennas, commonly referred to as dish antennas, must meet setback and lot line requirements as a building in all districts.

4.04 Minimum Lot Size: All lots shall have a minimum area of one (1) acre or more as determined by the "Minimum Lot Size by Soil Classification" in the Town of Lancaster Subdivision Regulations, et seq., except in those areas where public water and public sewage are provided. Where public water and public sewage systems are provided, a minimum lot size of at least 10,000 square feet is required.

4.05 Occupancy of Recreational Vehicles: Recreational vehicles may not be inhabited on a private lot for longer than six (6) months in any one (1) calendar year. Temporary use (6 months to 1 year) may be granted by written permission of the Building Inspector. All recreational vehicles inhabited on a private lot for more than two (2) weeks in any one (1) calendar year must comply with all sanitary waste provisions required by the NH Water Supply and Pollution Control Commission and any local ordinances and regulations.

4.06 Use of Manufactured Housing or Recreational Vehicles for storage or other accessory uses: Manufactured housing units or recreational vehicles shall not be used for the purpose of storage or other uses accessory to residential uses except as a temporary use related to construction.

4.07 Location of Pre-site Built Housing: Pre-site built housing, as defined in Section 3.40, which is transported in two or more sections and sited on a permanent foundation, is permitted in all zoning districts.

4.08 Manufactured Housing as defined in Section 3.28 of this Ordinance shall be subject to the following conditions:

- a. All manufactured housing which is not sited on a permanent foundation as defined in Section 3.12 or on a concrete pad shall require appropriate skirting of brick, lattice or other suitable material which provides for a tidy, finished exterior.
- b. An accessory building of at least 100 square feet shall be provided for each individual lot.
- c. In areas where manufactured housing on individual lots is permitted, the entire area of the lot shall be included.

4.09 Private Junkyards: No land shall be used for a private junkyard or dump for the storage of abandoned vehicles or parts thereof, junk, scrap paper, rags or discarded materials of any kind, nor used in any manner that is disorderly, unsightly, noxious or detrimental to the public or prejudicial to the general welfare.

4.10 Dumpsters and Trash Receptacles: All dumpsters and trash receptacles shall be subject to the front setback requirements for each district and shall be maintained in a tidy and sanitary fashion with all refuse contained.

ARTICLE 5 DISTRICTS

For the purpose of this Ordinance, portions of the Town of Lancaster are divided into districts as shown on the Zoning Map filed with the Town Clerk on December 1, 1970, (amended from the July 19, 1956 map) as amended and including the Residential District, the Commercial District, the Commercial-Industrial District, and the Agricultural District. Where the Zoning Map and any provision of this Zoning Ordinance conflict regarding the delineation of zoning districts or uses therein, the Zoning Map shall prevail.

5.01 RESIDENTIAL DISTRICT: The Residential District shall be characterized mainly by single family dwellings and regulated by the following provisions.

Permitted Uses:

- a. Single family dwellings
- b. Display and sale of Home Produce or Products
- c. Bed and Breakfast Inn or Rooming House
- d. Multi-unit dwellings with a density no greater than four (4) dwelling units per 10,000 square feet of land and with a minimum of one off-street parking space per unit.
- e. Home occupations including, but not limited to offices for doctors, engineers, architects, lawyers, real estate and insurance, or other recognized profession and such home occupations as hairdressing, dressmaking, manufacture of craft products, and manufacture of food products.
- f. Churches, schools
- g. Manufactured Housing Subdivisions
- h. Manufactured Homes on individual lots in an area extending 200 feet in depth on the westerly side and 350 feet on the easterly side of Sand Street.
- i. Manufactured housing on individual lots with road frontage on both sides of Water Street in the Residential District.
- j. Accessory building or use

Non Permitted Uses/Restricted Uses

- a. The raising and sale of livestock.
- b. Other uses not specifically allowed under 5.01 **Permitted Uses** or 5.01 **Uses Permitted by Special Exception.**

Uses Permitted By Special Exception:

- a. Child care center
- b. Accessory buildings in excess of three (3)
- c. Accessory use of trailers for storage purposes
- d. Other uses not inconsistent with the purposes of this Ordinance and the Residential District.

Setbacks & Frontage:

- a. Setbacks
 - 1. Front yard of no less than fifteen (15) feet
 - 2. Side yard of no less than ten (10) feet
 - 3. Rear yard of no less than ten (10) feet
 - 4. All sewage disposal systems and areas shall be constructed and maintained 75 or more feet from the edge of public water bodies, wells and dwellings other than that to which it is appurtenant.
- b. Frontage
 - 1. No less than 100 feet for lots not served by a public water supply and public sewage disposal system
 - 2. No less than 50 feet for lots served by a public water supply and public sewage disposal system.

5.02 COMMERCIAL DISTRICT: The Commercial District shall be characterized primarily as the business district, to include retail, wholesale, service establishments and office units which may be combined with residential units. For the purpose of calculating density, each unit in a mixed-use structure will count as one unit.

Permitted Uses:

- a. Single family dwellings
- b. Display and sale of Home Produce or Products
- c. Bed and Breakfast Inn, Rooming Houses and Group Homes
- d. Multi-unit housing or mixed-use structures with a density no greater than two (2) dwelling units per 10,000 square feet of land and with a minimum of one off-street parking space per dwelling unit.
- e. Home occupations including, but not limited to offices for doctors, engineers, architects, lawyers, real estate and insurance, or other recognized professional services and such home occupations as hairdressing, dressmaking, manufacture of craft products, manufacture of food products
- f. Churches, schools, and rehabilitation facility.
- g. Hotels, motels, or cabins, including such retail businesses within these permitted buildings as are conducted for the convenience of the residents or guests
- h. Retail and wholesale businesses, services or offices
- i. Parking lots
- j. Theaters, halls, fraternal or civic clubs and indoor recreation facilities
- k. Gasoline filling stations, as defined, shall be permitted in that part of the commercial district comprising Bridge Street and Main Street north from Railroad Street to Page Hill Road
- l. Manufactured Housing Subdivisions
- m. Manufactured Housing on individual lots with road frontage on the north and south sides of Brickyard Road and Water Street.
- n. Accessory building or use

Uses Permitted by Special Exception:

- a. Convenience Store/Mini-Mart

- b. Fuel Storage
- c. Funeral Home
- d. Lumber yard
- e. Car wash
- f. Warehouse
- g. Freight or trucking terminal
- h. Wholesale fuel distribution service
- i. Accessory buildings in excess of three (3)
- j. Manufacturing which is incidental to a retail business where articles are sold at retail on the premises and where not more than five (5) operators are employed in such manufacturing,
- k. The raising and sale of livestock.
- l. Other uses not inconsistent with the purposes of this Ordinance and the Commercial District

Setbacks and Frontage:

- a. Setbacks
Shall be no less than fifteen (15) feet from any right-of-way and no less than ten (10) feet from the side or rear property lines, excepting that portion of Main Street from the corner of Mechanic (tax map P11 L33) to Park and Bunker Hill Streets, on Middle from Main to Summer Street, on Canal Street to Thompson's Machine Company, on Bunker Hill Street to the municipal parking lot on Bunker Hill Street (tax map P7 L44), and on Park Street to Thompson's Machine Company.
- b. Frontage: None required.

5.03 COMMERCIAL-INDUSTRIAL DISTRICT: The Commercial-Industrial District shall be characterized by a wide range of commercial, multi-unit housing, mixed-use and industrial uses which conform to the performance standards of this Ordinance and are compatible with residential and commercial uses. For the purpose of calculating density, each unit in a mixed-use structure will count as one unit.

Permitted Uses:

- a. Display and sale of Home Produce or Products
- b. Multi-unit housing or mixed use structures with a density no greater than two (2) dwelling units per 10,000 square feet of land and with a minimum of one off-street parking space per dwelling unit.
- c. Home occupations including, but not limited to offices for doctors, engineers, architects, lawyers, real estate and insurance, or other recognized profession and such home occupations as hairdressing, dressmaking, manufacture of craft products, manufacture of food products
- d. Hotels, motels, or cabins, including such retail businesses within these permitted buildings as are conducted for the convenience of the residents or guests
- e. Retail and wholesale businesses, services or offices
- f. Parking lots
- g. Theaters, halls, fraternal or civic clubs and indoor recreation facilities

- h. Facilities for the storage and distribution of grains, fertilizers, lumber and lumber products.
- i. All industrial manufacturing activities
- j. Garages and gasoline filling stations
- k. Motor vehicle sales agencies
- l. Facilities for the storage and distribution of petroleum products, coal products, products of mines, quarries and gravel deposits.
- m. Manufactured Housing on individual lots with road frontage in the Commercial-Industrial Zoning District on Page Hill Road and Causeway Street.

Uses Permitted by Special Exception:

- a. Child care center
- b. Single family dwelling
- c. Funeral Home
- d. Junkyards or places for the storage of discarded machinery, vehicles or other scrap materials only when enclosed by a suitable fence
- e. Manufactured Housing Subdivisions and Parks
- f. Churches, schools
- g. Accessory buildings in excess of three (3)
- h. Outdoor recreation facility
- i. The raising and sale of livestock.
- j. Other uses not inconsistent with the purposes of this Ordinance and the Commercial-Industrial District

Setbacks and Frontage:

- a. Setbacks
 - 1. Shall be no less than fifteen (15) feet from any right-of-way, except along Park and Canal Streets and Mechanic Street
 - 2. Shall be no less than ten (10) feet from side and rear property lines
 - 3. All garages and gasoline filling station structures shall be constructed no less than thirty (30) feet from the nearest lot line or public right-of-way and all gasoline pumps shall be constructed no less than fifteen (15) feet from the nearest lot line or public right-of-way.
- b. Frontage: None required.

5.04 AGRICULTURAL DISTRICT: The Agricultural District shall be characterized by the lowest intensity of use having primarily such uses as agriculture, forestry and outdoor recreation and single family dwellings.

Permitted Uses:

- a. Single family dwellings
- b. Farm buildings, located no less than 100 feet from any regulated Residential District boundary line
- c. Roadside agricultural stands, for the sale of farm products raised on the premises
- d. Stables and riding academies
- e. Plant nurseries and greenhouses

- f. Veterinary hospitals
- g. Home occupations
- h. Manufactured Housing Subdivisions
- i. Manufactured housing on individual lots with road frontage in the following areas of the Agricultural District:
 - 1. The south side of Page Hill Road from the former VT/NH Railroad crossing to the Town of Northumberland line, so-called;
 - 2. The north side of Page Hill Road from the intersection of Page Hill and the Public service utilities right-of-way crossing (34.5 KV Powerline #376—"First Powerline") to the Town of Northumberland line so-called;
 - 3. The north and south sides of the East Whitefield Road, from the intersection of East Whitefield Road and Prospect Road to the Whitefield Town Line;
 - 4. Both sides of Brook Road in the Agricultural District;
 - 5. Both sides of Water Street in the Agricultural District.
 - 6. Both sides of Causeway Street.
 - 7. Both sides of Riverside Drive.
- j. All Agricultural uses as defined in RSA 21.34-a, et seq..
- k. Bed and Breakfast Inns
- l. Accessory structures and uses
- m. The raising and sale of livestock.

Uses Permitted by Special Exception:

- a. Accessory buildings in excess of three (3)
- b. Multi-unit housing, provided there be no more than three (3) dwelling units per acre and provided that the land area is capable of supporting on-site waste disposal and provided adequate domestic water is available
- c. Sawmills
- d. Outdoor Recreation Facility
- e. Gravel pits, gravel processing plants
- f. Motels, inns, cabins or other transient lodgings provided that every individual cabin or rented space shall be supplied with its individual running water and sewage facilities.
- g. Commercial Kennel
- h. Other uses not inconsistent with the purposes of this Ordinance and the Agricultural District

Setbacks and Frontage:

- a. Setbacks
 - 1. Front yard of no less than fifty (50) feet from the edge of the right-of-way
 - 2. Side and rear yards of no less than forty (40) feet from the property line
 - 3. No building or other structure shall be located less than fifty (50) feet from the nearest existing edge of the public or accepted private street
 - 4. Farm buildings, located no less than 100 feet from any Residential District boundary line
- b. Frontage: Frontage of no less than fifty (50) feet on a town road, private street or right-of-way.

ARTICLE 6

REGULATION OF SIGNS

6.01 Purpose and Intent

The principal guiding this Article is that signage should not destroy nor detract from the scenic vistas, compete unnecessarily with the natural environment which is a major asset to the Town's tourist economy, nor proliferate in number with competitive advertising sales campaigns. Therefore, recognizing that any business needs identification, and that the public needs direction, the following regulations are adopted for the specific needs of the Town of Lancaster.

All signs in all districts other than an identification sign, a sign advertising the sale or lease of the premises, or certain types of temporary signs, shall not be erected or placed in the Town of Lancaster without a permit. An application for a sign permit shall include site location, sign size, method of illustration, if any, and types and colors of materials to be used in construction. Permits shall be issued by the Board of Selectmen or their authorized agent.

6.02 Definitions:

Cantilevered signs:

Any sign that is not flush mounted and parallel to a building where it is mounted shall be considered cantilevered.

Free standing sign: a sign supported upon the ground by poles or braces and not attached to any building.

Individual letters: the square footage of a sign comprised of individual letters mounted directly to a wall shall be calculated by measuring from the outer most dimensions of the letters vertically and horizontally.

Lighted panels: the whole panel, whether lighted externally or internally, complete with words, logos, or symbols shall be considered in the calculation of the square footage of the sign.

Off-Premise Signs: A sign advertising a business, profession, or a commodity or service not sold or offered on the premises shall be permitted only by Special Exception in all districts. Signs on a business advertising another branch of the same business in Lancaster shall not be considered off premise signs.

Ratios: No free standing or cantilevered building mounted sign shall be longer than five times the height or taller than five times the width.

Sandwich Boards: A portable sign containing two faces of equal size not to exceed eight (8) square feet per side shall be allowed in addition to other signage. When placed on the sidewalk the sign must be located within four (4) feet of the building façade in other locations the sign must be out of the right-of-way. Maximum one sandwich board sign per business location. These signs must be removed during non-business hours.

Sign: Any material, structure or device displaying an advertisement, announcement, notice, insignia or name and designed specifically for the purpose of advertising or identifying any establishment, product, goods or services is considered a sign and shall include, but not be limited to: banners, awnings, canopies, portable signs, temporary signs, free standing signs, and building mounted signs.

Size: The size of a sign shall be calculated by measuring its outer-most dimensions, both vertically and horizontally. Signs with more than two sides shall include all faces that may be seen, totally or partially, from any one direction. All sign faces, borders, backgrounds, and integral parts of a sign, excluding supports, building fascias, or facades, shall be included in the calculation of the total sign square footage.

Temporary or portable sign: means a moveable, detached and free standing sign, not larger in size than 4 feet by 8 feet.

6.03 Residential District: As defined in the Lancaster Zoning Ordinance and Map. There shall be no more than one freestanding sign per property, not to exceed six square feet per side or six feet in height.

6.04 Commercial District and Commercial/Industrial District: As defined in the Lancaster Zoning Ordinance and Map.

- a. There shall be a maximum of two exterior signs, not to exceed a total of fifty (50) square feet facing the primary Street. A sign may either project from the building, such as a canopy or awning, or be flat against the building such as a wall sign. If two signs are utilized, one must be on the building and one free standing.
- b. The free-standing sign, whether it advertises one or more businesses, may not exceed thirty-five (35) square feet per side in Commercial Districts or exceed a height of 20 feet above grade.
- c. A business facing on more than one street or facing a primary street and adjoining an appurtenant open lot or parking lot, there may be a sign erected facing each street or lot, provided the total signage does not exceed seventy-five (75) square feet.
- d. Where two or more commercial businesses occupy a single building, each commercial business shall be permitted a wall sign; no more than one free-standing sign encompassing all the commercial businesses shall be permitted.
- e. Lots under single ownership with multiple businesses and with building(s) that set back seventy-five (75) feet or more from the street right-of-way may have one sign not to exceed fifty (50) square feet for each business on the building(s) and a sign not to exceed twelve (12) square feet for each business on a single sign standard located on the property near the entrance.
- f. Signs hanging over a sidewalk right-of-way shall not hang lower than eight (8) feet and shall be safely attached to the building. No sign shall overhang the street right-of-way.
- g. A maximum of three (3) small directional signs such as exit identifying signs, entrance, office, etc., not to exceed six (6) square feet are permitted per premise.

6.05 Agricultural District: As defined in the Lancaster Zoning Ordinance and Map.

- a. All signs permitted in other districts shall be permitted in this district except that the total square footage of all signs shall not exceed 35 square feet per side.

6.06 Directional Signs: One identifying directional sign per business, no larger than ten (10) inches by twenty-four (24) inches may be provided for business not located on Main Street, on a pole to be erected by the Town. Poles will be erected only in street right-of-ways intersecting Main Street. The bottom of the sign shall not hang below seven (7) feet above street level, the top of the highest sign shall not exceed eleven (11) feet above street level. Signs shall be uniform in size and lettering, and shall be approved by the issuing authority. Signs will be furnished by the Town at the cost of the owner.

6.07 Tourist Attraction Signs: Tourist Attraction Signs may be erected on sign standards maintained by N.H. Department of Transportation or the Town of Lancaster, providing they conform to standards of the State of N.H. or Town, and with a proper license and permit from the appropriate agency.

6.08 Special Identification Signs: There shall be no more than one common sign standard on each approach to the Town for all Fraternal Organizations, Service Clubs and Religious Organizations to affix their respective signs or logos. Each individual sign or logo to be affixed to the common sign standard shall be no larger than five (5) square feet in area. These signs and sign standards shall be erected, furnished and maintained in good condition cooperatively by participating organizations or churches, subject to other laws, regulations and required permits.

6.09 Exempt Signage:

1. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connotations.
2. Flags and insignia of any government except when displayed in connection with commercial promotion.
3. Signs erected or posted or maintained for public safety or welfare pursuant to any governmental function, law or regulation.
4. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
5. A bulletin board not exceeding 24 square feet is permitted in connection with any church, school or similar public structure.
6. Interior window advertising displays, posters or window lettering in the Commercial District.
7. National, state, local or other patriotic flags or flags indicating a business is open.
8. Traffic signs and legal notices.

6.10 Temporary and Portable Signs:

1. Temporary or Portable Signs, advertising events sponsored by religious, fraternal, charitable or other non-profit organizations or commercial events, may be placed at the site of the event up to ten (10) consecutive days prior thereto, however, they must be

removed immediately following the event. Permits must be acquired prior to erecting the sign at the site of the event.

2. Portable signs advertising the sale or lease of property may be permitted provided that the sign does not exceed the dimensions permitted in the district in which they are to be displayed.
3. Political signs shall be permitted in accordance with state legislation.
4. Banners and Streamers – A permit may be issued for a limited time for streamers, flags and banners for special promotional events, such as, but not limited to, grand openings as long as they are in good repair. Signage will not exceed forty (40) square feet and will be displayed for no longer than 30 days.
5. Agricultural Signs – Temporary signs, not exceeding six (6) square feet, indicating a locally grown produce may be placed off premise with the written permission of the landowner on whose property the sign is erected. Each sign shall advertise a maximum of three types of produce. No more than two (2) signs may be erected on any road or street by any one produce seller. The distance to the location at which the produce is being sold may be indicated on the sign. The signs shall not indicate any business name.

6.11 Prohibited Signs and Structures:

1. A sign not designed with its own internal lighting may be illuminated only by continuous indirect white light, with light sources so placed that they will not constitute a hazard to street or highway driving by glare.
2. Flashing or animated signs with visible moving parts, searchlights or intermittent lighting to create the visual effect of movement, are not permitted in any district.
3. No sign shall move nor create an illusion of movement through shimmering and rippling. No sign shall contain any parts which move except those parts unrelated to advertising and which solely indicate date, time, or temperature.
4. No vehicles of any kind including parts thereof (e.g. trailers or other accessories) shall be used as a sign except for a licensed, registered and inspected vehicle that is regularly and customarily used to transport people or property.

6.12 Sign Special Exceptions

Size Exceptions: A Special Exception for a sign may be given by the Zoning Board of Adjustment for signs larger than the current zoning limitations provided the sign is no larger than the largest grand-fathered sign in the Zoning District and provided the business is similar to the business with the grand-fathered sign. The ZBA shall look at the request with an eye to aesthetics and mitigating any impact to the surrounding properties.

A Special Exception for a larger sign shall meet the following conditions:

1. Letter size and spacing on sign should be no larger than recommended for safe reading at the speed limit in the area a sign is located, as outlined below:

Speed	Stopping Distance	Distance Traveled	Distance Total	Recommended Letter size (ft.)	Letter Height Inches	Letter Width Inches	Space Between Inches	Viewing Time
20	110	29	139	0.28	3.3	2.5	0.8	4.8
30	200	44	244	0.49	5.9	4.4	1.5	5.5
35	250	51	301	0.60	7.2	5.4	1.8	5.9
40	300	59	359	0.72	8.6	6.5	2.2	6.1
50	450	73	523	1.05	12.6	9.4	3.1	7.1

Background shall be twice the letter height.
Letter stroke shall be 1/5 the height.

2. Amount of information shall be limited. It should not exceed the information needed to indicate the Business name and a general business description. The description size shall be no more than 2/3 of the business name.
3. Color contrasts – colors of lettering and background shall contrast so that the sign is visible.
4. Surrounding properties and signs – the proposed sign shall be compatible with surrounding properties.
5. Safety – the sign shall not be a traffic hazard.
6. Architectural style of the building(s) – the sign shall be of an architectural style similar to the buildings on the property it resides.
7. Location and height – the sign location and height shall not interfere with adjacent properties and their visibility.

Roof Signs Exception: : In place of another sign allowed on the premises, one roof sign not projecting more than ten (10) feet above the highest point of the roof and displaying only the name of the business may be allowed by Special Exception.

Off-Premise Sign Exception: Off-premise signs may be approved by Special Exception of the Zoning Board of Adjustment in all districts.

6.13 General Sign Requirements:

1. **Maintenance:** All signs and other advertising structures, together with all their supports, braces, hooks, guys and anchors, shall be of substantial and sturdy construction, shall be kept in good repair, and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance. Within 10 days of notice of default, owner must take steps to correct same.
2. **Wind pressure and dead load:** Any sign or advertising structure shall be designed and constructed to withstand the elements and weather conditions.
3. **Obstruction to safety:** No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door.

4. **New Signs Mounted on Obsolete Signs:** A new sign mounted over an obsolete sign must cover the entire surface of the obsolete sign.

6.14 Unsafe and Unlawful Signs and their Removal:

If the Zoning Administrator shall find that any sign is unsafe or has been constructed in violation of the provisions of this Section, he/she shall immediately give written notice to the owner of the sign and also the owner of the premises on which the sign is located, via certified mail with return receipt requested. If the owner(s) fails to bring the structure into conformity with these bylaws within ten (10) days after receipt of such notice, the administrative officer shall enforce the provisions of these bylaws.

6.15 Non-Conforming Signs:

1. Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which the sign is located shall be considered a protected (“grandfathered”) non-conforming use and may continue in such status until it is either abandoned or removed by its owner.
2. Non-conforming signs damaged by accident or vandalism may be replaced in-kind.
3. A permit is required for all changes, replacements or modifications to non-conforming signs. An application shall be filed prior to any change. Included in the application shall be the sign size, type, colors, age, and who is performing the work. Permit and application fees shall be waived.

6.16 Exceptions to Non-Conforming Status:

1. A non-conforming sign shall not be enlarged or replaced by another more non-conforming sign.
2. A sign will lose its status if it is relocated or if it advertises products, businesses or activities which have not been carried on or sold on the premises for six (6) months.
3. The sign shall not have been repaired or properly maintained within thirty (30) days after written notice to that effect has been given by the Board of Selectmen.
4. No sign that was erected in violation of any previously existing sign ordinance shall, by virtue of this ordinance, become legally non-conforming.

6.17 Discontinued and Obsolete Signs:

Signs in all districts advertising any business, trade, or industry that discontinues operations must be removed within thirty (30) days. Any sign which pertains to a business, service, activity or event, which no longer applies because of discontinuance or relocation of said business, service, activity or event shall be deemed abandoned and the sign(s) shall be considered obsolete. Such obsolete signs are prohibited and shall be removed by the owner(s) of the sign or owner of the premises, and in addition, said owner(s) shall be subject to other provisions of this Zoning Ordinance.

6.18 Sign Setbacks:

All free-standing signs shall be set back at least five (5) feet from any public right-of-way and at least ten (10) feet from any lot line.

(The sign ordinance was adopted 03/08/88, revised 3/8/94 and 3/12/96)

ARTICLE 7 MANUFACTURED HOUSING SUBDIVISION
(Added March 1994)

7.01 Purpose of Manufactured Housing Subdivision: The purpose of a Manufactured Housing Subdivision is to allow clustering with reduced lot sizes for Manufactured Housing so as to promote alternate forms of housing, the most appropriate use of land, and preservation of open land in the Town for conservation and recreation.

7.02 Manufactured Housing Subdivision Area Requirements

- a. Minimum Subdivision Area – Manufactured Housing may be located in a Manufactured Housing Subdivision having an area of not less than 15 acres.
- a. The minimum setbacks of Manufactured Housing to existing lots and public streets shall be 50 feet.
- b. The minimum setbacks within the Manufactured Housing Subdivision located in the Agricultural District shall be as follows:
 - Front: 35 feet
 - Side: 30 feet*
 - Rear: 30 feet*

*Five feet when adjoining Open Space. The setback requirements of Article 7, Section 7.02.b. supercedes these setbacks.

- d. Building setbacks for Manufactured Housing in all other Districts shall be as indicated within each respective District (see Article 5).
- e. Manufactured Housing Subdivisions shall not be located abutting on or accessing from Town designated Scenic Roads.

7.03 Maximum Density: The maximum number of Manufactured Houses in a Manufactured Housing Subdivision shall not exceed the density permitted within the District it is located.

7.04 Open Space

- a. There shall be legal restrictions running with the land to preserve a minimum of 35% of the entire subdivision tract to retain Open space for the purpose of recreation, agriculture, conservation, and forestry.
- b. A buffer strip of fifty (50) feet shall be maintained along all abutting properties and public roads.

ARTICLE 8 WIRELESS TELECOMMUNICATIONS FACILITIES
(Added March 2001)

8.01 Purpose and Intent: The purpose of this Ordinance is to preserve the authority of the Town of Lancaster to regulate and provide opportunity for the siting of wireless telecommunications facilities while keeping first and foremost, the scenic quality of the Town consistent with its Master Plan. The rural and environmental qualities are to be preserved also. The intent and goal of this ordinance is to permit wireless telecommunications facilities in the Town of Lancaster and to:

- A. Reduce adverse impacts on scenic vistas;
- B. Reduce adverse impacts on environmentally sensitive areas, historically significant locations, health and safety by injurious accidents to persons and property, and prosperity through protection of property values;
- C. Promote co-location and minimal-impact siting to the highest extent possible;
- D. Require use of existing structures whenever possible and permit construction of new towers only where all other reasonable opportunities have been exhausted;
- E. Require that structures be constructed and maintained safely;
- F. Encourage personal wireless telecommunications services to provide a blanket of coverage for the Town of Lancaster, not just nearby corridors, incorporating the goals listed above to ensure that the facilities constructed will provide the best possible service and benefits to the community;
- G. Require at the applicant's expense any and all engineering studies deemed necessary by the Planning Board to fulfill the purpose and intent of this ordinance.

8.02 Definitions

For the purpose of this Article, the following terms shall have the meaning given herein:

Antenna: The surface from which wireless radio signals are sent and/or received by a personal wireless service facility.

Antenna Array: A collection of antennas attached to a mount to send and receive radio signals.

Average Tree Canopy Height: An average height found by inventorying the height at above ground level (AGL) of all mature trees of the dominant canopy type over twenty (20) feet in height in a one-hundred and fifty foot (150) radius of the facility.

Camouflaged: A personal wireless service facility that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.

Carrier: A Company that provides personal wireless services, also sometimes referred to as a provider.

Co-location: The use of a single mount on the ground by more than one carrier (vertical co-location) or the same carrier with multiple licenses, and/or the use of several mounts on an existing building or structure by more than one carrier or the same carrier with multiple licenses.

Equipment Shelter: An enclosed structure, cabinet, shed, vault or box near the base of the mount within which are used to house equipment for personal wireless service facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as base transceiver stations.

Facility: See Personal Wireless Service Facility.

Fall Zone: The area on the ground from the base of a ground mounted personal wireless service facility that forms a circle with a radius equal to the height of the facility, including any antennas or other appurtenances. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.

Guyed Tower: A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.

Height: The height above ground level (AGL) from the mean base grade of the tower footprint.

Lattice Tower: A type of mount with multiple legs and structural cross bracing between the legs that is self supporting and freestanding.

Mast: A thin pole that resembles a streetlight standard or a telephone pole. A dual-polarized antenna is typically deployed on a mast.

Monopole: A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel or concrete, or other material, that is designed for the placement of antennas and arrays along the shaft.

Mount: The structure or surface upon which antennas are mounted, including the following four types of mounts:

1. Roof-mounted: Mounted on the roof of a building.
2. Side-mounted: Mounted on the side of a building.
3. Ground-mounted: Mounted on the ground.
4. Structure-mounted: Mounted on a structure other than a building.

Personal Wireless Service Facility: Facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996, et seq.. Personal Wireless Service facilities include a mount, antenna, equipment shelter, and other related equipment.

Personal Wireless Services: The three types of services regulated by this Ordinance are commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as described in the Telecommunications Act of 1996, et seq..

Radio Frequency (RF) Engineer: An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.

Radio Frequency Radiation (RFR): The emissions from personal wireless service facilities.

Security Barrier: A wall, fence, or berm that restricts an area from unauthorized entry or trespass.

Separation: The distance between one carrier's array of antennas and another carrier's array.

8.03 Applicability: The terms of this Ordinance and the Site Plan Review Regulations shall apply to all personal wireless telecommunications facilities proposed to be located on property owned by the Town of Lancaster, on privately owned property, and on property that is owned by any other governmental entity that acts in its proprietary capacity to lease such property to a carrier.

- A. All Applications are subject to approval by the Planning Board in accordance with the terms of this Ordinance and Site Plan Review Regulations.
- B. All requests for a variance must go before the Zoning Board of Adjustment.

8.04 District Regulations

- A. Location: Wireless telecommunications facilities shall be permitted in the commercial, commercial-industrial and agricultural zoning districts. Applicants seeking approval for a wireless telecommunications facility shall first evaluate existing structures for the siting of the facility. Only after finding that there are no suitable existing structures, shall a provider propose a new ground-mounted facility.
- B. Existing Structures Policy: Wireless telecommunications facilities shall be located on existing structures including, but not limited to, buildings, water towers, existing telecommunications facilities, utility poles or towers, and related facilities, provided that such installation preserves the character and integrity of those structures.
- C. Existing Structures Burden of Proof: The applicant shall have the burden of proving that there are no existing structures that are suitable to locate its wireless telecommunications facility. To meet that burden, the applicant shall take all the following actions to the extent applicable:
 - 1. The applicant shall submit to the Planning Board a list of all contacts made with owners of potential sites regarding the availability of potential space for a wireless telecommunications facility. If the Planning Board informs the applicant that additional existing structures may be satisfactory, the applicant shall contact the property owner(s) of those structures.
 - 2. The applicant shall provide copies of all letters of inquiry made to owners of existing structures and letters of rejection. If letters of rejection are not provided, at a minimum unanswered "Return Receipt Requested" forms from the U.S. Post Office shall be provided for each owner of existing structures who was contacted.
 - 3. If the applicant claims that a structure is not capable of physically supporting a wireless telecommunications facility, this claim must be certified by an independent licensed professional structural engineer hired by the Town of Lancaster and paid for by the applicant.
- D. Ground-Mounted Facilities Policy: If the applicant demonstrates that it is not feasible to locate on an existing structure, ground mounted telecommunications facilities shall be designed so as to be camouflaged to the greatest extent possible, including, but not limited to,

use of compatible building materials and colors, screening, landscaping, and placement within trees.

- E. Ground-mounted facilities shall be located on sites where the grade/slope and tree cover of the site and surrounding land can be used to decrease any adverse visual impacts. Wireless telecommunications facilities shall not be visible above the ridgeline from public roads, recreational areas, designated scenic vistas or abutting property.
- F. Ground-mounted facilities shall be prohibited from:
 - 1. Within 100 feet of town or state roads;
 - 2. Within 250 feet of a designated scenic road or siting in a manner which is readily visible from a designated scenic road;
 - 3. Within open areas that are visible from public roads, recreational areas, or abutting properties.
- G. The Planning Board shall have the authority to require at the applicant's expense any and all engineering studies deemed necessary by the Planning Board to fulfill the purpose and intent of this ordinance.

8.05 Use Regulations: Wireless telecommunications facilities shall require a building permit in all cases and may be permitted as follows:

- A. Existing Tower Structures: Subject to the issuance of a building permit that includes review by the Planning Board, which review shall be limited to determining that the height of the mount is not increased, a security barrier exists, the area of the security barrier is not increased and the siting is consistent with the standards set forth at Section 15.7. Carriers may locate a wireless telecommunications facility on any guyed tower, lattice tower, mast or monopole in existence prior to the adoption of this Ordinance, or on any wireless telecommunications facility previously approved under the provisions of this Ordinance so long as the co-location complies with the approved site plan. This provision applies only so long as height of the mount is not increased, a security barrier already exists, and the area of the security barrier is not increased. Otherwise, full site plan review is required.
- B. Reconstruction of Existing Tower Structures: An existing guyed tower, lattice tower, mast or monopole in existence prior to the adoption of this Ordinance may be reconstructed with a maximum twenty (20) foot increase in height so as to maximize co-location so long as the standards of this Ordinance are met and so long as this twenty (20) foot increase in height does not cause a facility previously existing to exceed the average tree canopy height by more than ten (10) feet in height. The Planning Board will consider an extension of five (5) feet to a total of fifteen (15) feet over the average canopy height, so long as the maximum height does not exceed one-hundred ninety (190) feet, and provided that the applicant can demonstrate the technical necessity of such extension, and provided that the performance and design standards of Section 15.7 are met. The mount shall be replaced with a similar mount that does not significantly increase the visual impact on the community. Site plan review is required.
- C. Existing Structures: Subject to the provisions of this Ordinance and site plan review, a carrier may locate a wireless telecommunications facility on an existing structure, building, utility tower or pole, or water tower.
- D. Ground-Mounted Facility: A wireless telecommunications facility involving construction of a ground mount shall require site plan review and be subject to the provisions of this Ordinance.

8.06 Dimensional Requirements: Wireless telecommunications facilities shall comply with the following requirements:

- A. Height: The maximum height of a ground-mounted wireless telecommunications facility shall be one hundred (100) feet or twenty (20) feet above the average tree canopy height within a one-hundred fifty foot radius of the mount, security barrier and surrounding clear area, whichever is the lesser.
- B. Height Extension. A height extension up to a maximum of one-hundred ninety (190) feet may be granted by the Planning Board provided that the applicant can demonstrate the technical necessity of such extension, and provided that the performance and design standards of Section 15.7 and the locational standards of Section 15.4 Paragraphs E and F are met. The applicant will pay for the town to hire an independent qualified radio frequency engineer to substantiate the applicant's claim of technical necessity. Technical considerations will include, but are not limited to the availability of alternative sites, co-location and improved reception and coverage within the Town.
- C. View shed Analysis: As part of the review process, the applicant shall conduct, at a minimum, 1) a mapped view shed delineation; and 2) a test balloon or crane extension moored at the site to indicate visibility of proposed towers or antennas. Photographs or video footage of the balloon or crane test shall be provided to the Planning Board and shall include context views from the tower site and from scenic vantage points delineated by the Planning Board or its designee. Notice to the public of the time and place of the balloon or crane test shall be provided in accordance with RSA 675:7 I, as it may be amended from time to time.
- D. Height, Existing Utility Structures and Utility Poles: Carriers that locate new wireless telecommunications facilities on water towers, electric transmission and distribution towers, utility poles and similar existing utility structures, guyed towers, lattice towers, masts and monopoles may be permitted with no increase in height.
- E. Height, Other Existing Structures: The height of a wireless telecommunications facility shall not increase the height of a structure unless the facility is completely camouflaged; for example, a facility completely within a flagpole, steeple, or chimney. The increase in height of the structure shall be in scale and proportion to the structure as originally configured. A carrier may locate a wireless telecommunications facility on a building that is legally non-conforming with respect to height, provided that the provisions of this Ordinance are met.
- F. Setbacks: All wireless telecommunications facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located.
- G. Fall Zone for Ground Mounts: In order to ensure public safety, the minimum distance from the base of any ground mount of wireless telecommunications facilities to any property line, public road, habitable dwelling, business or institution, or public recreational area shall be, at minimum, the distance equal to the height as defined in this Ordinance.

8.07 Performance and Design Standards These shall apply to all applications.

- A. Camouflage for Facilities on Existing Buildings or Structures: Roof Mounts
 - 1. When a wireless telecommunications service facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public ways.

2. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.
- B. Camouflage for Facilities on Existing Buildings or Structures: Side Mounts
1. Wireless telecommunications facilities which are side mounted shall blend with the existing building's architecture and, if individual antenna panels are over five (5) square feet, the panels shall be painted or shielded with material consistent with the design features and materials of the building.
- C. Camouflage for Ground Mounted Facilities:
1. Except if modified by the Planning Board under special circumstances, the carrier shall maintain a vegetative buffer at least as tall as the fence, 360 degrees surrounding the facility including the security fence, a minimum twenty-five (25) feet deep starting at the fence. The barrier shall be in keeping with the surrounding vegetation and shall effectively screen the facility 365 days of the year.
 2. The vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying, present a hazard to persons or property, or as approved during site plan review.
- D. Color: To the extent that any component of a wireless telecommunications facility extends above the height of the vegetation immediately surrounding it, it shall be of a color which blends with the background or surroundings, including guy wires.
- E. Equipment Shelters:
1. Equipment shelters shall be located in underground vaults; or
 2. Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the wireless telecommunications facility; or
 3. Equipment shelters shall be camouflaged behind an effective year-round landscape buffer equal to the height of the proposed building, and/or wooden fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or
 4. If mounted on a rooftop, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.
 5. All utilities to the site from existing utilities shall be underground.
- F. Lighting, Signage and Security
1. Lighting:
 - a. The mounts of the wireless telecommunications facility shall be lighted only if required by the Federal Aviation Administration (FAA).
 - b. Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. Foot candles measurements at the property line shall be 0.0 initial foot candles.
 2. Signage: Signs shall be limited to those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of Article 6 of this ordinance.
 3. Security Barrier: A security barrier is required for all wireless telecommunications facilities.
- G. Historic Buildings and Districts:
1. Any wireless telecommunications facility located on or within an historic structure or designated district shall not alter the character or defining features, distinctive construction methods or original historic materials of the building or district.

2. Any alteration made to an historic structure to accommodate a wireless telecommunications facility shall be fully reversible.
 3. Wireless telecommunications facilities authorized by this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.
- H. Driveways:
1. Existing entrances and driveways to serve a wireless service facility shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic, and environmental impact.
 2. New driveways to serve a wireless telecommunications facility shall not exceed twelve (12) feet in width and shall conform to the Town of Lancaster Driveway Standards for materials, grade, and erosion control measures.
- I. Antenna Types:
1. Any antenna array placed upon an existing or proposed ground mount, utility pole or transmission line mount shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount unless the Planning Board finds a larger antenna array does not materially impair the visual impact of the siting.
 2. Ground and Roof Mounts: All ground mounts shall be of a mast type mount. Lattice towers, guyed towers, and roof-mounted monopoles are expressly prohibited, unless constructed as part of a reconstruction project permitted under Section 15.5 B.
- J. Hazardous Waste: No hazardous waste shall be discharged on the site of any wireless telecommunications facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred and ten percent (110%) of the volume of the hazardous materials stored or used on the site.
- K. Noise: Wireless telecommunications facilities shall not generate noise in excess of that permitted under the Site Plan Review Regulations.
- L. Radio Frequency Radiation (RFR) Standards: All equipment proposed for a wireless telecommunications facility shall be fully compliant with the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation (FCC Guidelines), under Report and Order, FCC 96326, published on August 1, 1996, and all subsequent amendments.

8.08 Monitoring and Maintenance

- A. The owner of the facility shall maintain the wireless telecommunications facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.
- B. As part of the issuance of the site plan approval or building permit, the property owner shall agree that the Town of Lancaster may enter the subject property to obtain RFR measurements and noise measurements at the expense of the carrier. The Town of Lancaster shall provide reasonable written notice to the carrier and landowner and provide them the opportunity to accompany the Town representatives when the measurements are conducted.
- C. Security for Removal: Recognizing the hazardous situation presented by abandoned and unmonitored wireless telecommunications facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned

telecommunications facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with section 15.9. The amount of the security shall be based upon the removal cost plus fifteen percent (15%), provided by the applicant and certified by an independent professional civil engineer licensed in New Hampshire every five (5) years from the date of the Planning Board's approval of the site plan. If the cost has increased more than fifteen percent (15%) then the owner of the facility shall provide additional security in the amount of the increase. It shall be a condition of any approval granted under this ordinance that the name and address of the facility owner shall be accurately reported to the Town at all times during the life of the facility. All transfers of ownership shall be reported in writing to the Town before such transfers occur.

8.09 Abandonment or Discontinuation of Use

- A. Notification: At such time that a carrier plans to abandon or discontinue operation of a wireless telecommunications facility, such carrier will notify the Town by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations.
- B. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operation. In the event that a carrier fails to give such notice, the wireless telecommunications facility shall be considered abandoned upon such discontinuation of operations.
- C. Removal: Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the wireless telecommunications facility within ninety (90) days from the date of abandonment or discontinuation of use. This shall include, but not be limited to:
 - 1. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
 - 2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
 - 3. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.
- D. Failure to Remove: If the owner of the facility does not remove the facility upon the Board of Selectmen's order, then the Board of Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the town may execute the security to pay for this action. The carrier shall be fined \$100 per day starting on the 91st day after declaration until the facility is removed.

ARTICLE 9 SEXUALLY ORIENTED BUSINESSES (Added March 2001)

9.01 Purpose and Intent. The purpose and intent of this Article is to regulate the secondary effects of sexually oriented businesses in the following areas: crime control, protection of property values, prevention of town blight, public health and the protection of children. It is not the intent nor the effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors

of sexually oriented entertainment to their intended market; and neither is it the intent nor the effect of this Article to condone or legitimize the distribution of obscene material.

9.02 Definitions. For the purpose of this Article, the following terms shall have the meaning given herein:

- A. Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors or other image projecting devices are maintained to show images to five (5) or fewer persons at any one time, and where images so displayed are distinguished or characterized by depicting or describing of “specified sexual activities” or “specified anatomical areas”.
- B. Adult Bookstore or Adult Video Store: An establishment which, as one of its principal business purposes, offers for sale or rental, or for any other form of consideration, any one of the following:
 - B.1 Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videocassettes, or other video reproductions, slides, computer software, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”.
 - B.2 Instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities”.
- C. Adult Cabaret: A nightclub, bar or restaurant or similar commercial establishment, or private membership, fraternal membership or social club which during a substantial portion of the total presentation time features:
 - C.1 Live performances which are characterized by the exposure of “specified anatomical areas” or “specified sexual activities”.
 - C.2 Films, motion pictures, videocassettes, or other video reproductions, slides, computer software, or other visual representations which depict or describe “specified sexual activities” or “specified anatomical areas”.
- D. Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, videocassettes, or other video reproductions, slides, or other photographic representations are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material distinguished by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”. However, in no case shall motion pictures rated G, PG, PG-13 or R be considered material distinguished by an emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas”.
- E. Adult Theater: A theater, concert hall, auditorium or similar place of public assembly which features persons who appear in a state of nudity or live performances in which a substantial portion of total presentation time is devoted to the showing of material which is characterized by the exposure of “specified sexual activities” or “specified anatomical areas”.
- F. Principal Business Purpose: A principal business purpose shall be deemed to exist, for the purposes of this Article, if ten (10) percent or more of the gross floor area of a business is devoted to the display, depiction, sale, or expression of “specified sexual activities” or “specified anatomical areas”, or instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities”.

- G. Sexual Conduct Substantial Portion of the Total Presentation Time: Occurring more than seven (7) days within any consecutive fifty-six (56) day period.
- H. Specified Anatomical Area: Human genitals and anus, female breasts.
- I. Specified Sexual Activities: Means and includes any of the following:
 - I.1 Human masturbation, sexual intercourse, oral copulation or sodomy, actual or simulated, whether alone or between members of the same or opposite sex or between humans and animals.
 - I.2 Fondling or erotic touching of human genitals, anal region, buttocks or female breasts.
 - I.3 Excretory functions, flagellation or torture as part of or in conjunction with any of the activities set forth in I.1. and I.2. above.

9.03 Location Requirements: The location, placement and separation of sexually oriented businesses shall be established as follows:

- A. Use of setbacks. Sexually oriented businesses shall not be located within five-hundred feet of any lot line of the following:
 1. A public or private school;
 2. A child daycare facility;
 3. A public park, public recreational field, or similar publicly owned facility;
 4. A religious institution, church, or place of worship; or
 5. A hospital or nursing home.

9.04 Zoning District Setbacks: Sexually oriented businesses shall be located within the Commercial or Commercial-Industrial zoning districts, and must be located two hundred and fifty (250) feet from the boundary of any non-commercial zoning district boundary.

9.05 Separation of Uses: There shall be a minimum of seven hundred and fifty (750) feet between each sexually oriented business (structure to structure) and no sexually oriented business shall be located within five hundred (500) feet of any residential dwelling (single or multi-family).

9.06 Town Line Setback: Sexually oriented businesses shall not be located within one thousand (1,000) feet of any municipal boundary.

9.07 Site Standards: “Specified sexual activities” or “specified anatomical areas” including instruments, devices, or paraphernalia which are designed for use in connection with “specified sexual activities” or their images, shall not be visible in any fashion whatsoever from the exterior of the building within which the business is located.

ARTICLE 10 NON-CONFORMING USES

10.01 Continuation of Non-conforming Use:

Any non-conforming use (other than uses herein specified) may continue in their present use except that any non-conforming use or building may not be changed to another non-conforming use, re-established after discontinuance for three years except to a use conforming to the district in which it is located, or extended past boundaries of lots on which they are located at time of

passage of this Ordinance. Any use which was not lawfully permitted under prior ordinances shall not be allowed to continue by passage of this ordinance.

10.02 Re-development of a Legal Non-Conforming Lot: There shall be no time limit for the redevelopment of a legal non-conforming lot so long as the degree of non-conformity is not expanded by the re-development of the lot.

10.03 Junkyards: No junkyard may continue as a non-conforming use for more than one year after the effective date of this Ordinance, except that a junkyard may continue as a non-conforming use in a Commercial District if within that period it is completely enclosed within a continuous solid fence of such height, not less than eight feet high in any case, as to screen completely the operations of the junkyard. Plans of such buildings or fence shall be approved by the Board of Selectmen before it is erected.

10.04 Outdoor Advertising Structure: No outdoor advertising structure may continue as a non-conforming use for more than two years after the effective date of this Ordinance unless its continuance is approved by Special Exception of the Zoning Board of Adjustment.

ARTICLE 11 BOARD OF ADJUSTMENT

Within thirty days after the adoption of this ordinance, the Board of Selectmen shall make an appointment to the Board of Adjustment of five members and two alternates conforming in duties to the provisions of NH RSA 674:33, et seq. The Board of Selectmen shall be responsible for filling vacancies and maintaining full membership on the Board of Adjustment. The Board of Adjustment shall conform in membership and term of office to the provisions of RSA 673:3 and RSA 673:5-6, et seq.

ARTICLE 12 POWERS OF THE BOARD OF ADJUSTMENT

12.01 Administrative Appeals: The Board shall have the power to hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted, pursuant to RSA 674:16. In exercising this power, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from and may make such order, or decision, as ought to be made and to that end, shall have all the powers of the administrative official from whom the appeal is taken.

12.02 Special Exception: The Board, in appropriate cases and subject to appropriate conditions and safeguards, may make special exceptions to the terms of this Ordinance. Furthermore, the Board may attach necessary conditions to a Special Exception which ensure that the use shall be made in harmony with the general purpose and intent of the zoning ordinance. No such special exception shall be granted unless the applicant affirmatively establishes by clear and convincing evidence that the proposed Special Exception will not adversely affect:

- a. **Character of the Area:** The proposed site should be an appropriate location for the use. Among the factors the Board of Adjustment will consider are: topography, soils, water resources, road access and locations of driveways, condition of existing structures and other relevant characteristics such as whether the proposed use is compatible with surrounding land uses.
- b. **Value of Adjacent Property:** The proposed use should not adversely affect the value of adjacent property. An adverse affect on adjacent property is one that would limit the use of neighborhood property by causing such problems as excessive noise, traffic, dust, fumes, glare or other conditions that are associated with the intended use but are not typical of permitted uses in the area.
- c. **Character of the Lot:** The lot must be of a size and configuration, slope and soil type such that the proposed use is able to comply with all requirements of the Lancaster Zoning Ordinance.
- d. **Hazardous Waste:** No hazardous waster shall be disposed of on the property, and provision for disposition of all waste made without jeopardy, financial or otherwise, to the Town of Lancaster.
- e. **Traffic in the Area:** Traffic generated by the proposed use must not represent a hazard to the neighborhood for either vehicles or pedestrians.

12.03 Variance: Variances may be granted by the Board of Adjustment in accordance with RSA 674:33, et. seq.

12.04 Permit Temporary Non-conforming Uses: The Board may permit a non-conforming temporary use for a period not exceeding one year for uses incidental to construction projects, providing such permits are conditioned on the agreement of the applicant to remove such structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period of one year as long as construction is active. These uses shall be limited to trailers or portable structures used for office, storage or locker purposes

ARTICLE 13 ENFORCEMENT AND ADMINISTRATION

The Board of Selectmen is hereby given power and authority to enforce the provisions of this Ordinance. There shall be an Inspector of Buildings who shall administer the provisions of this Ordinance. He/she shall be appointed and removed by the Board of Selectmen, and shall receive such compensation as fixed by said Board. The Building Inspector shall issue any and all building permits requested when such permit is in accordance with the provisions of this Ordinance. Permits must be posted on site and be easily visible.

It shall be unlawful to erect any building or substantially alter the bulk of any building or relocate any building in any district without first obtaining a building permit from the Building Inspector. No permit shall be required for remodeling or repairing where the total cost of such work, including materials and labor will not exceed \$3,500 and the purpose for which the building is to be used is not changed. Building permits are not required for roof replacement, window replacement, installation or replacement of siding or painting of buildings or structures.

Upon any well-founded information that this Ordinance is being violated, the Selectmen shall take immediate steps to enforce the provisions of this Ordinance, by seeking an injunction in the Superior Court pursuant to RSA 676:15 et. seq. or by any other available legal action or remedy.

ARTICLE 14 AMENDMENTS

This ordinance may be amended by a majority vote of any legal Town Meeting as provided by RSA 674:16, et seq.

ARTICLE 15 PENALTY

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be fined for each day such violation may exist and fines and Penalties shall be imposed in accordance with the procedure outlined in RSA 676:17. This section shall not prohibit other enforcement and administration remedies as provided for in Article 13 of this Zoning Ordinance, including seeking injunction relief in Superior Court.

ARTICLE 16 SEPARABILITY CLAUSE

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

ARTICLE 17 EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage.

Adopted: 11/11/1970

Amended:

03/09/1982

03/08/1983

03/11/1986

03/10/1987

03/08/1988

03/13/1990

03/13/1991

03/09/1993 (Map Revision Only)

03/08/1994

03/07/1995

03/12/1996

03/13/2001

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