

ARTICLE I
INTRODUCTION

100 TITLE

This ordinance may be known and may be cited as the “Land Use Ordinance” of the Town of Washington, N.H. Definitions of terms used in this ordinance may be found in the Appendix.

#101 AUTHORITY

This ordinance is enacted pursuant to the Planning and Zoning Enabling Legislation of the State of New Hampshire, which is embodied in New Hampshire Revised Statutes Annotated, Title LXIV, Chapters 672-677, as amended.

100.1 Board of Adjustment

A Board of Adjustment, consisting of five members, with the power and authority to hear appeals from land-use decisions as described in RSA 674:33, shall be appointed by the Board of Selectmen, who may also appoint up to five alternate members as necessary.

#102 PURPOSE

This ordinance is enacted to promote the health, safety, and general welfare of the community. The regulations herein give consideration to the character and suitability for particular uses of areas in the Town of Washington, the conservation of the value of property and buildings, and the encouragement of the most appropriate use of land throughout the town. The ordinance is designed to:

Prevent the overcrowding of land.

Avoid undue concentration of population.

Lessen congestion in the streets.

Secure safety from fire, panic, and other dangers.

Promote health and the general welfare.

Facilitate adequate provision of water, light, air, transportation, school, and recreation facilities and the disposal of solid waste and sewage.

Assure proper use of natural resources and other public requirements.

#103 APPLICABILITY

No land in the Town of Washington shall hereafter be used for building, development, or other use and no structure shall be erected, enlarged, materially altered, or moved except in conformance with this ordinance.

#104 ORIGINS

This ordinance replaces the “Town of Washington Land Use Ordinance Amended March 1999.”

ARTICLE II
GENERAL REGULATIONS

The Town of Washington, hereafter termed the Town, is hereby established as a single zoning district.

#200 PERMITTED USES

Six types of uses are permitted together with the accessory uses customarily incidental to them:

200. 1 Residential, civic, and agricultural

This includes residences for not more than two families; municipal land use including schools, churches, cemeteries, and town offices, fire houses, etc.; farms or other agricultural uses, and forestry and wildlife preservation. A building permit from the Board of Selectmen is required for construction.

200.1 Cottage Industry

This is a business conducted essentially within a private home or accessory building and may occupy an area no more than one-third of the floor space of the home. It is operated by family members living on the premises and/or by no more than one other person. Other than minor items incidental to the main product or service, no goods made off the premises shall be sold. Exterior spaces may not be used for storage or display, and the business shall not disturb the rural environment. (See also Article III.)

The owner of the property must file a “statement of property usage” with the Planning Board that documents the current use of the property and proposed use of the property. The owner of the property must also certify that the home occupation meets the conditions of Section III, Paragraph 5 of the Site Plan Review Regulations.

No permit is required, but if any of these provisions is exceeded, the business shall fall into one of the two categories below.

200.2 Home Business (personal services, contractors)

This is also a business conducted from a private home or accessory building, and may occupy an area no more than one-third of the floor space of the home. The work itself may or may not be done on the premises (e.g., maintenance or repair work might be done at the customer’s site). It may employ no more than two other individuals beyond family members. Up to 5,000 sq. feet of exterior space may be used for storage or display if properly screened. No more than three work-related vehicles may be parked on the premises. (See also Article III.)

A business permit must be obtained from the Planning Board, which will require a site plan review. For a business legally established prior to the approval of this ordinance see section 400.

200.3 Business use

Business use includes sales, repair, lodging, personal services, offices, and earth excavation. Junk yards, commercial landfills, and incinerators are not permitted. No business will be permitted that uses more than 10,000 sq. ft. of building space. If work or storage is done out of doors, those areas shall be screened from view of the road and neighboring properties.

A business permit must be obtained from the Planning Board, which will require a site-plan review. No new business shall be permitted that could cause undue hazard to health, safety, or property values or that is offensive because of noise, vibration, excessive traffic, unsanitary conditions, noxious odor, or similar reasons. (See also Article III.)

200.4 Earth excavation

Removal of soil or other ground materials is permitted in accordance with RSA 155-E, with the following additional requirements: (1) no more than three acres shall be opened to excavation at any time; (2) the finished restored grade shall be at least six feet higher than the seasonal high water table or lower with a conservation easement; and (3) a surety bond covering restoration costs shall be provided to the Town.

Except for excavations for which RSA 155-E requires no permit, an excavation permit shall be obtained from the Planning Board, which may apply other conditions deemed necessary.

200.5 Communication towers

Communication towers are permitted subject to this and any other Town of Washington ordinances. Business permits, building permits, and site plan review are required.

#201 AREA, FRONTAGE, DEPTH, AND COVERAGE

All uses shall comply with the following requirements:

200.1 Lot area. Not less than two acres.

200.2 Frontage. Any frontage, whether on road or water, must be not less than 200 feet.

200.3 Depth. Not less than 200 feet.

200.4 Building coverage. Building coverage shall not exceed 10% of the area of a lot. Total impermeable coverage, including building coverage, shall not exceed 20% of the area of the lot.

#202 SETBACKS

No structures, except fences, walls, driveways, utility poles, and on-site waste disposal systems, may extend closer to a lot-line than any of the following distances.

	Business Uses (Except Home Businesses)	Other Uses	Detached Bldgs. Under 50 Sq. Ft.
Front setback	75'	50'	
Side setback	50'	30'	15'
Rear setback	50'	40'	20'
Shoreline setbacks	75'	50'	20'*

*with natural screening as viewed from the water)

#203 HEIGHT

No building or structure, with the exception of communication towers, shall exceed the lesser of two and one-half stories in height above the foundation or 35 feet measured from the average undisturbed grade around the building.

#204 NOISE

Noise may be regulated by a separate Town ordinance.

#205 WETLANDS

All construction shall comply with the Comprehensive Shoreline Protection Act (483-B:1-483-B:20), the wetland regulations defined in Chapter 483 of the State of New Hampshire RSA, or the Town of Washington LUO, whichever is stricter.

ARTICLE III
SPECIAL REGULATIONS

#300 OFF-STREET PARKING AND LOADING

After the effective date of this ordinance, any building erected or enlarged by more than 25% of its gross floor area above ground level and any new use of land shall comply with the following off-street parking and loading requirements.

300.1 Required number of parking spaces, located off the right-of-way.

Type of use	Number of required spaces
<u>Residential</u>	Two per dwelling unit, except elderly housing projects may have one per dwelling unit.
<u>Public and Semi-Public</u>	
Places of assembly (clubs, meeting halls, etc.)	One for every three seats or 100 sq. feet, whichever is greater
Schools	One for each employee, plus one space for each 500 sq. ft. of gross floor area.
Day care facilities	One for each employee plus one space for every five children.

Libraries, museums, and similar uses	One for each employee plus one space for each 800 sq. ft. of gross floor area.
<u>Business uses</u>	
Retail sales	One for every 150 sq. ft. of sales area plus one for every 600 sq. ft. of gross floor area.
Outdoor sales such as autos, boats, campers	Same as for retail sales plus one for every 3000 sq. ft. of exterior area used to display sales items.
Banks, offices, and personal service businesses	One for each 200 sq. ft. of gross floor area.
Beauty parlors, barber shops	One for each employee, plus two for each work station.
Doctor/dentist offices, clinics	One for each employee (including doctors) plus three patient spaces for each doctor.
Motels, hotels, tourist homes, lodging houses, bed & breakfasts	One for each sleeping unit, plus one space for each employee on the largest shift.
Restaurants with take-out	One for each two seats.
Restaurants without take-out	One for each three seats.
Service stations	One for each employee, plus two for each service bay.
Auto repair facilities, body shops	One for every 200 sq. ft. of gross floor area plus one for every 1000 sq. ft. of exterior storage space.
Wholesale establishments, ware- houses, storage	One space for every 1,500 sq. ft. of gross floor area.
Other commercial	One space for every 500 sq. ft. of gross floor area, but Planning Board may require more through the site plan review process.

300.2 Size of parking spaces

All parking spaces shall be at least 10 feet wide and 20 feet deep. Home business use parking shall be set back 50 feet from the right of way. Business use parking shall be set back 75 feet from the right of way and 50 feet from the side and rear lot lines.

300.3 Off-street loading/unloading

All commercial uses shall provide adequate off-street space for deliveries, loading, and unloading. Such space shall not occupy the yards established by the setback requirements of this ordinance and shall not be the same space used to satisfy parking requirements.

#301 ONE DWELLING-ONE LOT RULE.

A lot shall not be occupied by more than one permanent dwelling.

#302 CORNER LOTS

The #201 frontage requirement shall be met along the heavier traveled road. Frontage along the lesser traveled road shall be at least 100 feet.

#303 ON-SITE WASTE DISPOSAL SYSTEMS

303.1 Household wastes

On-site waste disposal systems shall comply with all state regulations of the New Hampshire Department of Environmental Services and with all other state and federal requirements with no waivers for holding tanks permitted.

302.2 Agricultural or business wastes

Agricultural or other business waste shall not constitute a health hazard or nuisance.

#304 BUILDING EXTERIORS

Exteriors of buildings shall be constructed of high-grade materials commonly used for outside construction. Lesser grade coverings, such as tar paper or smooth-roll roofing, are prohibited.

#305 MINIMUM DIMENSIONS

Any dwelling of 320 sq. ft., or more in area shall require a building permit from the Board of Selectmen and shall be considered to be permanent. It shall have permanent water, electrical, and waste disposal systems and shall be placed on a permanent foundation.

#306 MOBILE HOMES/TRAILERS

No structure less than 320 sq. ft. in living space may be used as a permanent dwelling. Dwellings of less than 320 sq. ft. of living space that are on wheels and roadworthy shall not be parked within the town for more than 15 consecutive days. All set-back requirements of this LUO shall be met. No vehicle other than a mobile home or recreational vehicle may be used for living purposes, and mobile home parks are not permitted.

#307 DRIVEWAYS

No driveway or access may be established or altered so as to adjoin any Town road without first obtaining a permit from the Planning Board pursuant to RSA

236:13 and 236:14. The permit application shall specify details of construction, including drainage, deemed necessary to protect the Town and adjoining properties. A copy of any state-issued permit should be filed with the Town.

#308 GLARE LIGHTING

No property owner or resident shall install, or cause to be installed, flood or spot lighting of any kind that is directed at an abutting owner's property or that may be a hazard to public safety or publicly obnoxious.

#309 SIGNAGE

Outdoor advertising shall be classified as commercial use and permitted only when in conformity with the following regulations:

- A. An outdoor sign or display shall not be larger than 12 sq. ft. in area.
- B. It shall not be placed within 35 ft. of a road centerline or within 150 ft. of an intersection.
- C. Illumination shall be only by continuous non-flashing and non-colored light.
- D. A permit to erect a sign or display shall be procured from the Selectmen and at the usual fee, if established.

This ordinance shall be in use until a separate signage ordinance is passed.

#310 CLUSTER DEVELOPMENT

Cluster development is the grouping of single-family dwellings—but not duplex dwellings—closer than otherwise permitted by this ordinance, while preserving open space. The total number of single-family lots in a cluster subdivision shall not exceed that permitted if the entire parcel were divided into conforming lots.

Each dwelling in a cluster development shall face and be accessed by an interior subdivision road.

Provision shall be made for common open space, at least 50% of which shall be usable, e.g., with no slope greater than 25% and no wetland.

The total area of the parcel/development shall be at least 15 acres. The minimum lot size for each dwelling shall be one acre, with a minimum road frontage of 100 feet.

#311 FUEL TANKS

Tanks shall be at least 50 feet from a right of way or shoreline, at least 30 feet from any property line, and screened from all property lines.

#312 WELLS

The minimum distance between a well and the edge of the right of way shall be 50 feet. This may be reduced by variance, but in that case the Town shall not be liable for contamination by road materials.

ARTICLE IV
NONCONFORMITIES

#400 GENERAL

At the time this ordinance takes effect, all lawful lots, buildings, structures, and uses which do not comply with this ordinance are declared to be nonconforming and shall be subject to the regulations below. Any lawful nonconforming lot, building, structure, and/or use that is in existence when this ordinance takes effect may continue in that present use. Nothing in this ordinance shall be deemed to make legal an existing lot, building, structure, or use that was not legal at the time of enactment of this ordinance.

#401 NONCONFORMING LOTS OF RECORD

A dwelling and customary accessory buildings may be erected on a nonconforming vacant lot that was a lot of record as of March 5, 1974.

400.1 Set-backs and frontage

A lawful nonconforming lot of record that existed as of March 5, 1974 may be developed for the uses allowed by this ordinance provided it meets the requirements of Section 200 of this LUO and all applicable permits have been obtained.

400.2 Septic system requirements

No structure or building shall be erected on a nonconforming lot of record unless the septic system requirements of both the State of New Hampshire and the Town are complied with.

#402 NONCONFORMING USES

Lawful nonconforming uses of land or structures existing at the effective date of this ordinance may be continued, as follows:

401.1 Resumption after discontinuance

When a nonconforming use of land, structures, or buildings has been discontinued for two years, then the land, structures, or buildings shall be used thereafter only in conformity with this ordinance.

402.2 Change or expansion

Any nonconforming use shall not be changed to another non-conforming use. Any nonconforming use may be enlarged or extended provided such enlargement or expansion does not come within 25 feet of a side or rear lot line or within 35 feet of an abutter's building. Any structure or part thereof into which such nonconforming use is expanded shall conform to the requirements of this ordinance.

401.3 Superseded by a conforming use

If a nonconforming use is superseded by a conforming use, then it shall thereafter conform with the regulations of this ordinance, and the nonconforming use may not be resumed.

402.4 Restoration, reconstruction, and/or replacement

Any and all nonconforming uses of land, buildings, or structures that are partially or wholly destroyed by reason of any cause whatsoever may be resumed or restored and operated in their former nonconformity if same is done within two years thereafter. The replacement uses of the land and/or structures must be in the same location and of the same dimensions as before the damage, unless change of location or dimensions would make the nonconforming uses more conforming. After two years, such use shall not be replaced unless a variance is obtained from the Board of Adjustment.

402 NONCONFORMING BUILDINGS AND STRUCTURES

Any nonconforming building or structure may be continued indefinitely and may be altered, expanded, substantially improved, restored, reconstructed, and/or replaced subject to the following limitations.

402.1 Alterations and expansion

Any nonconforming building may be altered or expanded provided such alteration or expansion does not come within 25 feet of a side or rear lot line or within 35 feet of an abutter's building. The expansion of any structure or part thereof shall conform to the requirements of this ordinance.

403.2 Abandonment, discontinuance, destruction

Any and all nonconforming buildings, or structures that are abandoned, discontinued, or vacated or that are partially or wholly destroyed by reason of any cause whatsoever may be restored and operated in their former nonconformity if same is done within two years thereafter. The replacement buildings/structures must be in the same location and of the same dimensions as before the damage, unless change of location or dimensions would make the replacement more conforming. After two years, such buildings/structures shall not be replaced unless a variance is obtained from the Board of Adjustment.

403.3 Hazardous buildings

Buildings that are designated hazardous by the health officer or the Board of Selectmen must be repaired or removed within a two year period from the time they are so designated, otherwise the Town will arrange for repair or removal at the owner's expense.

ARTICLE V
ADMINISTRATION & ENFORCEMENT

#500 ADMINISTRATION AND ENFORCEMENT RESPONSIBILITY

It shall be the duty of the Board of Selectmen to administer and enforce this ordinance, and the Board of Selectmen is hereby authorized to do so.

#501 BUILDING PERMITS

500.1 Building permits required

After passage of this ordinance, it shall be unlawful to erect, structurally alter the exterior, increase the number of bedrooms within, install footings for proposed new construction, or relocate any building or structure without first obtaining a building permit from the Board of Selectmen. A Building Permit shall not be issued:

- A. For any use, development, building, structure, or other activity that is not in conformance with this ordinance.
- B. For any building having sanitary facilities that do not comply with N.H. Department of Environmental Services Regulations. Where State approval of on-site disposal systems is required, a building permit shall not be issued until the State approval has been received.
- C. For any new building or development that has not received the requisite driveway permit from the N.H. Department of Transportation or the Planning Board.
- D. For any nonresidential or multifamily building or construction activity that has not received the requisite site plan approval from the Planning Board.
- E. For any activity that has not received all other federal and state permits that may be required.

500.2 Commencing work without a permit

The commencement of work for which a permit is required without such a permit shall be a violation of this ordinance.

500.3 Building permit fees

The Board of Selectmen is hereby authorized to establish reasonable building permit fees and to revise and amend those fees as necessary.

500.4 Building permit applications

No application for a building permit shall be accepted or approved unless it is:

- 1) filed in writing on a form prescribed by the Selectmen;
- 2) accompanied by the required permit fee; and
- 3) accompanied by a drawing showing the lot plan, the location of the building or use on the lot, accurate dimensions of the lot and building or use.

If the building or use is for human habitation, the drawing must also show location and specifications of domestic water supply (on-site well) and means of waste and sewage disposal, as well as means of access to such lot or use, and such other information as the Selectmen may deem necessary to provide for the observance of the provisions of this ordinance, including documentation of state approval of on-site disposal systems.

500.5 Implied inspection consent

Any person making application to the Board of Selectmen for a building permit shall be deemed to have granted permission to the Selectmen or their duly authorized representatives to enter the building/property at reasonable times for the purpose of assuring compliance with this ordinance or any building permit conditions issued thereto.

500.6 Stakes and markers

No application for a building permit shall be approved until stakes or markers shall be fixed on the lot to indicate the location of lot lines and all corners of building(s), structure(s), and alteration(s) proposed.

500.7 Building permit conditions

The Selectmen may attach conditions that they deem necessary to the enforcement of this ordinance to the issuance of a building permit.

500.8 Revocation of building permit

The Selectmen may suspend or revoke any building permit upon determining that the work or project in process is not in conformity with the permit as granted or is otherwise in violation of the terms of this ordinance. In the event of such suspension or revocation of a building permit, the work or project concerned shall immediately cease, or legal action to enforce such cessation shall forthwith be taken by the Selectmen.

500.9 Length of building permit

Construction shall start within one year and be completed by the end of the second year after the issuance of a valid building permit.

500.10 Renewal of building permit

In cases of hardship, the Selectmen may renew a building permit once, for a period of one year, at a renewal fee to be established by the Selectmen.

#502 OCCUPANCY

501.1 New buildings

No new habitable building shall be occupied or otherwise used until the following conditions are met:

- A. The building is habitable;
- B. The exterior complies with #304;

- C. The on-site waste disposal system is complete and in compliance with state regulations;
- D. All plumbing, water supply, electrical, and sanitary facilities have been installed and are properly functioning; and
- E. All State Fire Code requirements have been met.

501.2 New additions and substantial improvements

Any new addition or substantial improvement to a building designed for human habitation shall also meet the requirements of 502.1, A through E.

501.3 Seasonal buildings

A building designed for or presently used for seasonal habitation shall not be converted to year-round use until all applicable requirements of 502.1 are met.

501.4 Change of business or use

When the business use of a building is changed, sold, or altered, that building must meet the water, sanitary, electrical, and fire code requirements related to its new use and is subject to a business permit application.

#503 ENFORCEMENT

502.1 Duty of Selectmen to enforce

It shall be the duty of the Board of Selectmen, upon receiving any well founded information or upon complaint, to take appropriate action or institute legal proceedings to prevent any unlawful use or development of any land, building, structure, or premises in violation of any provision of this ordinance.

502.2 Cease and desist orders

The Selectmen may issue violation and/or cease and desist orders themselves or through legal counsel. The Selectmen may take all actions they deem necessary to enforce and/or to prevent violations of this ordinance.

502.3 Injunctive relief

In addition to other remedies provided by law, the Selectmen, through Town legal counsel, may institute an action for injunctive relief or any other action authorized by state statute and necessary for the enforcement of this ordinance.

502.4 Penalties

Any person who violates this ordinance shall be subject to the penalties provided for by New Hampshire RSA 676:17, as follows:

- A. “A civil fine of not more than \$275 for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the municipality that he is in violation of this ordinance, whichever date is earlier.”

B. A criminal penalty, which shall be:

1. A misdemeanor if the violation is committed by a natural person; or
2. A felony if the violation is committed by any other person.

502.5 Attorney's fees and costs

In any legal proceeding required to enforce this ordinance, the Town shall seek all attorneys' fees and costs allowed by New Hampshire RSA 676:17 or other law.

ARTICLE VI

AMENDMENT, CONFLICTS, SEVERABILITY, AND EFFECTIVE DATE

#600 AMENDMENT

This ordinance may be amended from time to time as prescribed in N.H. RSA, Chapter 675, as amended.

#601 CONFLICTS

The requirements of this ordinance shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. Where they conflict with other local, state, or federal requirements, the stricter requirements shall govern. It is not intended that this ordinance interfere with, abrogate, or annul any easements, covenants, or other private agreements; where this ordinance imposes a greater restriction or higher standard than an easement, covenant, or private agreement the requirements of this ordinance shall govern.

#602 SEVERABILITY

Should any section or provision of this ordinance be held to be invalid or unconstitutional by any court or authority of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section or provision of this ordinance, and to such end, all sections and provisions of this ordinance are declared to be severable.

#603 EFFECTIVE DATE

This ordinance shall take effect upon its passage. It shall thereupon supersede the "Land Use Ordinance as amended 1996," which is hereby repealed.

APPENDIX

Definitions

For the purpose of this ordinance, the definitions below are those used and intended by its writers. Further, the present tense includes the future; the singular number includes the plural, and a plural the singular. The word “used” includes “designed, arranged, or intended to be used”; the word “person” includes an individual, partnership, firm, association, corporation, or organization. The word “structure” includes the word “building.” The word “shall” is always mandatory and not merely a recommendation.

ABUTTER: The owner of record of a parcel of land that is within 200 feet at any point of the parcel under consideration.

ACCESSORY BUILDING: A subordinate building on the same lot, whether attached or unattached to the main dwelling or building thereon.

ACCESSORY USE: Any use of premises that customarily is accepted as a reasonable corollary to its principal use.

BUILDING: Any structure, either temporary or permanent, having a roof or other covering and designed or used for the shelter or enclosure of any person, animal, or property of any kind.

BUILDING COVERAGE: The aggregate cross-sectional area (footprint) of all buildings on the lot, including accessory buildings.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

DWELLING: A building or portion thereof containing one or more living units, but not hotels, motels, boarding houses, inns, clubs, lodges, camping trailers, recreational vehicles, or other structures solely for transient, seasonal, or overnight occupancy.

DWELLING, SINGLE FAMILY: A detached building designed for or occupied exclusively by one family.

DWELLING, TWO FAMILY: A detached building designed for or occupied by two families exclusively, living independently and

separately from each other therein, in separate dwelling units.

DWELLING UNIT: One or more rooms with cooking, living, sanitary, and sleeping facilities arranged for the use of one or more persons living together as a single household.

FAMILY: A family is 1) an individual; 2) two or more persons related by blood, marriage, or adoption; or 3) not more than four (4) persons not so related, provided that all of these individuals are normally living together and sharing the same living quarters.

FRONT SETBACK: See Setback, Front.

FRONT YARD: See, Yard, Front.

FRONTAGE: All that continuous side of a lot or tract of land abutting a body of water, a public highway, or a road approved by the Planning Board shown on an approved subdivision plan, recorded in the Sullivan County Registry of Deeds.

GRADE: Natural grade before fill or excavation.

HEIGHT: The height of a building is the vertical distance from the natural grade elevation to the highest point of the roof.

IMPERMEABLE COVERAGE: All that horizontal area of a lot, parcel, or tract that cannot be penetrated by rainwater because of manmade alterations to the natural surface of the land, including building, parking lot, or driveway areas.

LOT: A single unit or parcel of land in the same ownership, with ascertainable boundaries and undivided by a street.

LOT AREA: The extent in square feet or acreage of the surface of a lot, but not including

any part of the street or right of way on which the lot fronts or abuts.

LOT DEPTH: The mean distance from the front or street line of the lot to the extreme rear lot line measured on a line that is the mean direction of the side lot lines.

LOT LINES: The lines bounding a lot and dividing the lot from other lots, streets, land, or water.

LOT OF RECORD: A lot described in a deed that has been lawfully recorded in the Registry of Deeds for Sullivan County, or which if not so deeded is a lot that is part of a subdivision the plan of which has been lawfully recorded in such Registry of Deeds.

MOBILE HOME: A mobile single family dwelling, transportable in one or more sections.

NON-CONFORMING BUILDING: Any building that does not, in whole or in part, conform to the dimensional regulations of this ordinance.

NON-CONFORMING LOT: Any lot that does not conform to the area, frontage, or depth requirements of this ordinance.

NON-CONFORMING STRUCTURE: Any structure that does not, in whole or in part, conform to the dimensional regulations of this ordinance.

NON-CONFORMING USE: Any use of land and/or a structure that does not conform to the use requirements of this ordinance.

ON-SITE WASTE DISPOSAL SYSTEM (FACILITY): See Waste Disposal System.

PERSON: One human being, partnership, or corporation that is recognized by law as the subject of rights or duties.

REAR SETBACK: See Setback, Rear.

REAR YARD: See Yard, Rear.

ROAD: See Street.

SETBACK: The distance from the extreme limit of a structure to a lot line.

SETBACK, FRONT: The setback from the right-of-way boundary of a street or private way.

SETBACK, REAR: The setback from the rear lot line.

SETBACK, SIDE: The setback from the side lot line.

SHORELINE: Edges of lakes, ponds, or streams.

SIDE SETBACK: See Setback, Side.

SIDE YARD: See Yard, Side.

SINGLE FAMILY DWELLING: See Dwelling, Single Family.

SITE PLAN REVIEW: Review of site plan by the Planning Board pursuant to NH RSA 674:43, as amended.

STREET: A highway as defined by NH RSA 229:1.

STRUCTURE: Any temporary or permanently constructed, erected, or placed material or combination of materials in or upon the ground, including, but not limited to buildings, mobile homes, communication towers, sheds and storage bins or tanks, decks, portable carports, swimming pools, tennis courts, and parking lots.

SUBDIVISION: The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance, or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the

first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

TWO-FAMILY DWELLING: See Dwelling, Two-Family.

VEHICLE: Any automobile, van, small or large truck, bus, camping trailer, tent trailer, recreational travel vehicle (RV), or the like.

WASTE DISPOSAL SYSTEM (OR FACILITY): Any sewage disposal or treatment system, other than a municipally owned or

operated system, that receives sanitary sewage or waste, or both, including septic tanks, holding tanks, cesspools, dry wells, leaching fields, beds and trenches, and chamber systems.

YARD: An open and unoccupied space surrounding or adjoining a building.

YARD, FRONT: The area between the extreme front limit of a structure and the right-of-way.

YARD, REAR: The yard between the extreme rear limit of a structure and the rear lot line.

YARD, SIDE: The yard between the extreme side limit of a structure and the side lot line.