

ZONING ORDINANCE

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ARTICLE I

INTRODUCTION

S 100 TITLE

This Ordinance may be known and may be cited as "Zoning Ordinance of the Town of Loudon".

S 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.

S 102 PURPOSE

This Ordinance is enacted for the purpose of promoting the health, safety and general welfare of the community. The regulations herein give consideration to the character and suitability for particular uses of area in the Town of Loudon, the conservation of the value of buildings and the encouragement of the most appropriate use of land throughout the Town of Loudon.

The Ordinance is designed to:

- Lessen congestion in the streets
- Secure safety from fire, panic and other dangers
- Promote health and general welfare
- Promote adequate light and air
- Prevent the overcrowding of land
- Avoid undue concentration of population
- Facilitate adequate provision of transportation, solid waste, water, sewerage, school and recreation facilities and,
- Assure proper use of natural resources and other public requirements.

S 103 APPLICABILITY

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

S 104 ORIGINS

This Ordinance, upon passage, repeals and completely replaces the Zoning Ordinance adopted on March 11, 1986. Loudon's first Zoning Ordinance was enacted on March 8, 1979.

If this Ordinance is not enacted, all prior zoning regulations of the Town of Loudon remain in effect.

ARTICLE II

USE DISTRICTS

S 200 ESTABLISHMENT OF USE DISTRICTS

The Town of Loudon is hereby divided into the following use districts:

- Village District (V)
- Rural Residential District (RR)
- Commercial/Industrial District (C/I)
- Commercial/Recreational District (C/R)
- Agriculture/Forestry Preservation District (AFP)

Each district may be referred to hereinafter by its respective abbreviation.

S 201 ZONING MAP

201.1 Establishment

The districts and the boundaries of such districts shall be as shown upon a map prepared by the Loudon Planning Board dated March 11, 1987 together with all notations, references, and other matter and things set forth and, or attached thereto, on file at the Loudon Town Offices. This same map is hereby adopted and shall be known as the Official Zoning Map of the Town of Loudon, and shall be certified by the Selectmen and the Town Clerk. The Selectmen and the Town Clerk shall promptly make all changes effected by amendment to this Ordinance.

201.2 Location

The original of said Zoning Map shall remain on file with the Town Clerk.

201.3 Final Authority

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be published, the Official Zoning Map which is on file with the Town Clerk shall be the final authority on current zoning.

201.4 Boundaries of Districts

Where uncertainty exists with respect to the boundaries of the various districts shown on the Official Zoning Map, the following rules shall apply:

- A. Where a district boundary is shown following a street, road, railroad, utility line or watercourse, the boundary shall be construed as following the center-line of such facility, unless otherwise indicated.
- B. District boundaries shown as being setback from roads, streets, railroads, utility lines or watercourses are defined by a line parallel to such facility and setback from the centerline the number of feet shown on the map.
- C. Where a district boundary approximates the location of a lot line, the lot line, as it existed at the date of enactment of this ordinance, shall be construed to be the boundary, unless otherwise indicated.
- D. Where a district boundary cuts across a lot, the boundary location shall be determined from the scale of the Official Zoning Map, unless otherwise indicated by dimensions noted on the map. If more than 60 percent of a lot is classified in the Commercial/Industrial (C/I) District, subject to special exception approval by the Board of Adjustment in accordance with S 701.3.
- E. When a question about the location of a district boundary cannot be resolved by the above provisions, the Planning Board shall determine the exact location of the boundary.

S 202 APPLICABILITY OF USE DISTRICT REGULATIONS

202.1 Use

No structure shall be erected, reconstructed, or altered nor shall any structure or land be used for any purpose other than is permitted in the district in which such structure or land is located.

202.2 Other Regulations

No structure shall be erected, reconstructed or altered nor shall any structure or lot be used for any purpose if said

structure or lot does not conform to all the regulations of the use district in which it is located.

S 203 VILLAGE DISTRICT (V)

203.1 Purpose

The purpose of the V District is to regulate the future use of land in Loudon Village in a manner compatible with the residential town village land uses, development densities and structural types that now exist there.

203.2 Permitted Uses

In the V District, only the following uses are permitted:

- A. Single family detached dwellings
- B. Two family dwellings
- C. Churches
- D. Schools
- E. Libraries
- F. Municipal buildings and uses
- G. Public utility buildings necessary for the transmission of essential public utilities - Subject to Planning Board site plan review
- H. Farming, including the sale of products grown on the premises
- I. Accessory uses customarily incidental to the above and minor home occupations subject to the conditions of S 502.1
- J. [Greenhouse and horticultural enterprises. Adopted 2012]

203.3 Special Exceptions

In the V District, the following uses only are permitted by special exception pursuant to S 701.3. In addition to the requirements of S 701.3 such uses shall be permitted by special exception only if they (1) exist as of the date of enactment of this Ordinance; or (2) constitute the use

conversion of an existing residential structure or barn; or
(3) occupy a new structure of residential architecture of the
Village District.

- A. Multiple family dwellings of not more than three dwelling units per building
- B. Major Home occupations, subject to compliance of S 502.2
- C. General stores and variety stores, but not including the sale of gasoline or other fuels requiring bulk storage
- D. Boarding houses, lodging houses, tourist homes and "bed and breakfast" facilities provided there are not more than six guest units, but not motels, hotels or inns
- E. Public or private day care facilities
- F. Banks and lending institutions
- G. Business, professional and real estate offices
- H. Gift and antique shops
- I. Studios
- J. Accessory uses customarily incidental to any use granted a special exception
- K. [Cable Television system facilities and/or accessories, provided such systems have a franchise agreement with the Town of Loudon per RSA 53-C. adopted 1990]
- L. Wireless Telecommunication Towers and Antennas permitted subject to special exception and Planning Board site plan review
- M. Campgrounds and camping parks subject to compliance with the additional requirements of S 503
- N. [Meeting halls and lodges for non-profit social, fraternal and club organizations. Adopted March 2016]

203.4 Area, Frontage and Coverage Requirements

- A. Lot Area: Every lot shall contain at least 40,000 square feet. No more than one residential building shall occupy a lot.

- B. Lot Frontage: Every lot shall have a frontage of 125 feet.
- C. Coverage: Building coverage shall not exceed twenty percent of the area of a lot. Impermeable coverage (including building coverage) shall not exceed forty percent of the area of a lot.

203.5 Setback and Yard Requirements

No structure, except fences and walls shall occupy any yard areas established by the setback requirements set forth below. Driveways may cross front yard setbacks and side setbacks for driveways may be reduced by special exception.

- A. Front Setback: 15 feet
- B. Side Setbacks: 15 feet
- C. Rear Setbacks: 25 feet

[The above requirements may be reduced by Special Exception. Prior to granting any such special exception, the Board of Adjustment shall (in addition to making the determinations required by Section 701.3) specifically determine that the reduced setback(s):

1. Will not unreasonably diminish the light, air and space between properties; and
2. Will not obstruct fire access or other emergency access; and
3. Will not result in increased storm runoff or drainage onto adjacent parcels; and
4. Does not adversely affect abutting property values; and
5. Will not adversely affect the development capability of the lot; and
6. Is consistent with the comparable applicable setbacks of developed adjacent properties; and
7. Is consistent with other existing setbacks in the neighborhood; and
8. Does not adversely affect traffic or pedestrian safety and/or visibility at intersections, driveways or other accesses to the street network.

9. Adequately considers the prospects of future widening of the road and is consistent therewith (for setbacks along road frontages only). Adopted 1993]

203.6 Bulk Storage

[Bulk Storage: There shall be no storage aboveground or subsurface of any fuels or liquids except:

1. Heating Oil not to exceed 500 gallons
2. Diesel Fuel not to exceed 500 gallons
3. Propane Gas not to exceed 500 gallons
4. Gasoline not to exceed 500 gallons
5. Storage tanks designed as part of the septic disposal system required for septage generated on the lot
6. Storage tanks holding water for firefighting or on-site use
7. Storage tanks for food products (such as maple sap, milk)

All other storage tanks may be approved by special exception with the Board of Adjustment in accordance with S 701.3. Amended 2008]

S 204 RURAL RESIDENTIAL DISTRICT (RR)

204.1 Purpose

The purpose of the RR District is to regulate the future use of land in Loudon in a manner compatible with the Loudon Master Plan's goals for rural residential areas. The regulations set forth herein will promote the preservation of the natural land and rural character by encouraging primarily residential land uses at densities compatible with the development capability of the land, the limited availability of community facilities and services and the limited capacity of the road network.

204.2 RR District - Permitted Uses

In the RR District, only the following uses are permitted.

- A. Single family detached dwellings

- B. Two family dwelling
- C. Mobile home parks and subdivisions subject to compliance with the requirements of S 400
- D. Open Space Development is subject to compliance with the requirements of S 401
- E. Churches
- F. Schools
- G. Municipal buildings and uses
- H. Public utility buildings necessary for the transmission of essential public utilities - Subject to Planning Board site plan review
- I. Farming, including the sale of products grown on the premises
- J. [Greenhouses and horticultural enterprises Adopted 1997]
- K. Forestry and wildlife preservation activities
- L. Accessory uses customarily incidental to the above and minor home occupations subject to the conditions of S 502.1

204.3 RR District-Uses Permitted by Special Exception

In the RR District, only the following uses may be permitted by special exception granted by the Board of Adjustment pursuant to S 701.3.

- A. Multiple family dwellings provided that, in addition to the requirements of S 701.3, all of the requirements of S 504 are met
- B. Boarding houses, lodging houses, tourist homes and "bed and breakfast" facilities provided there are not more than six guest units
- C. Meeting halls and lodges for non-profit social, fraternal and club organizations
- D. [Outdoor Recreation facilities - Amended 1993]
- E. Major home occupations, subject to compliance of S 502.2

- F. Kennels
- G. Campgrounds and camping parks subject to compliance with the additional requirements of S 503
- H. Sand and gravel pits subject to compliance with all applicable local and state regulations
- I. Non-commercial or non-residential uses compatible with the intent of this Ordinance and the purpose of the RR District
- J. Accessory uses customarily incidental to any use permitted by special exception
- K. [Cable television system facilities and/or accessories, provided such systems have a franchise agreement with the Town of Loudon per RSA 53-C. Adopted 1990]
- L. Wireless Telecommunication Towers and Antennas permitted subject to special exception and Planning Board site plan review
- M. Dormitory type housing for seasonal agricultural workers provided housing remains empty for at least six months out of each calendar year. Seasonal workers must be employed at place of residence.
- N. [Accessory buildings can be built prior to the dwelling provided that applicant is on the building permit list. Adopted 2007]
- O. [Firewood production for resale. Adopted 2013]
- P. [Outdoor Event Venues, for non-recurring events such as weddings or reunions, not to exceed eight events per year. Adopted 2016]

204.4 Area, Frontage and Coverage Requirements

Except as otherwise provided herein for certain uses requiring special exceptions, all uses shall comply with the following area, frontage and coverage requirements:

- A. Lot Area: Minimum of two acres, except two family dwellings which require three acres
- B. Lot Frontage: Minimum 200 feet, except two- family dwellings which require 250 feet

- C. Coverage: Building coverage shall not exceed ten percent of the area of a lot. Total impermeable coverage (including building coverage) shall not exceed twenty percent of the area of a lot.

204.5 Setback and Yard Requirements

No structure, except fences and walls shall occupy any yard areas established by the setback requirements set forth below. Driveways may cross front yard setbacks and side setbacks for driveways may be reduced by special exception.

- A. Front Setback: 50 feet
- B. Side Setbacks: 30 feet
- C. Rear Setbacks: 40 feet

[The above requirements may be reduced by Special Exception. Prior to granting any such special exception, the Board of Adjustment shall (in addition to making the determinations required by Section 701.3) specifically determine that the reduced setback(s):

1. Will not unreasonably diminish the light, air and space between properties; and
2. Will not obstruct fire access or other emergency access; and
3. Will not result in increased storm runoff or drainage onto adjacent parcels; and
4. Does not adversely affect abutting property values; and
5. Will not adversely affect the development capability of the lot; and
6. Is consistent with the comparable applicable setbacks of developed adjacent properties; and
7. Is consistent with other existing setbacks in the neighborhood; and
8. Does not adversely affect traffic or pedestrian safety and/or visibility at intersections, driveways or other accesses to the street network.

9. Adequately considers the prospects of future widening of the road and is consistent therewith (for setbacks along road frontages only). Adopted 1993]

204.6 Bulk Storage

[Bulk Storage: There shall be no storage aboveground or subsurface of any fuels or liquids except:

1. Heating Oil not to exceed 500 gallons
2. Diesel Fuel not to exceed 500 gallons
3. Propane Gas not to exceed 500 gallons
4. Gasoline not to exceed 500 gallons
5. Storage tanks designed as part of the septic disposal system required for septage generated on the lot
6. Storage tanks holding water for firefighting or on-site use
7. Storage tanks for food products (such as maple sap, milk)

All other storage tanks may be approved by special exception with the Board of Adjustment in accordance with S 701.3. Amended 2008]

S 205 AGRICULTURE/FORESTRY PRESERVATION DISTRICT (AFP)

205.1 Purpose

The purpose of the Agricultural/Forestry Preservation District is to regulate the future use of land in a manner that; (1) preserves agriculture and forest resources and other critical natural resources identified by the Loudon Master Plan in a manner compatible with current ownership patterns and use; and, (2) phases the development of Loudon in a manner compatible with its community facility capabilities.

205.2 AFP District - Permitted Uses

In the AFP District, only the following uses are permitted:

- A. Single family detached dwellings
- B. [deleted 2006]

- C. Churches
- D. Municipal Buildings
- E. Public Utility buildings necessary for the transmission of essential public utilities - Subject to Planning Board site plan review
- F. Farming, including the sale of products grown on the premises
- G. [Greenhouses and horticultural enterprises - Adopted 1997]
- H. Forestry activity and wildlife preservation
- I. Accessory uses customarily incidental to the above and minor home occupations subject to the conditions of S 502.1

205.3 AFP District - Uses Permitted by Special Exception

In the AFP District only the following uses may be permitted by special exception granted by the Board of Adjustment pursuant to S 701.3.

- A. Public and private outdoor recreational facilities
- B. Cemeteries
- C. Major Home occupations, subject to compliance of S 502.2
- D. Kennels
- E. Accessory uses customarily incidental to the above
- F. [Cable Television systems facilities and/or accessories provided such systems have a franchise agreement with the Town of Loudon per RSA 53-C. Adopted 1990]
- G. Wireless Telecommunication Towers and Antennas permitted subject to special exception and Planning Board site plan review
- H. Campgrounds and camping parks subject to compliance with the additional requirements of S 503

- I. [Accessory buildings can be built prior to the dwelling provided that applicant is on the building permit list. Adopted 2007]
- J. [Dormitory type housing for seasonal agricultural workers provided housing remains empty for at least six months out of each calendar year. Seasonal workers must be employed at place of residence. Adopted 2010]
- K. [Boarding houses, lodging houses, tourist homes and "bed and breakfast" facilities provided there are not more than six guest units. Adopted 2013]
- L. [Firewood production for resale. Adopted 2013]
- M. [Meeting halls and lodges for non-profit social, fraternal, and club organizations. Adopted 2016]
- N. [Outdoor Event Venues, for non-recurring events such as weddings or reunions, not to exceed eight events per year. Adopted 2016]

205.4 Area and Frontage Requirements

All uses shall comply with the following area and frontage requirements:

- A. Lot Area: Minimum of five acres
- B. Frontage: Minimum of 400 feet

205.5 Dimensional Requirements

No structure, except fences and walls shall occupy any yard areas established by the setback requirements set forth below. Driveways may cross front yard setbacks and side setbacks for driveways may be reduced by special exception.

- A. Front Setback: 50 feet
- B. Side Setback: 30 feet
- C. Rear Setbacks: 40 feet

[The above requirements may be reduced by Special Exception. Prior to granting any such special exception, the Board of Adjustment shall (in addition to making the determinations required by Section 701.3) specifically determine that the reduced setback(s):

1. Will not unreasonably diminish the light, air and space between properties; and
2. Will not obstruct fire access or other emergency access; and
3. Will not result in increased storm runoff or drainage onto adjacent parcels; and
4. Does not adversely affect abutting property values; and
5. Will not adversely affect the development capability of the lot; and
6. Is consistent with the comparable applicable setbacks of developed adjacent properties; and
7. Is consistent with other existing setbacks in the neighborhood; and
8. Does not adversely affect traffic or pedestrian safety and/or visibility at intersections, driveways or other accesses to the street network.
9. Adequately considers the prospects of future widening of the road and is consistent therewith (for setbacks along road frontages only). adopted 1993]

205.6 Bulk Storage

[Bulk Storage: There shall be no storage aboveground or subsurface of any fuels or liquids except:

1. Heating Oil not to exceed 500 gallons
2. Diesel Fuel not to exceed 500 gallons
3. Propane Gas not to exceed 500 gallons
4. Gasoline not to exceed 500 gallons
5. Storage tanks designed as part of the septic disposal system required for septage generated on the lot
6. Storage tanks holding water for firefighting or on-site use
7. Storage tanks for food products (such as maple sap, milk)

All other storage tanks may be approved by special exception with the Board of Adjustment in accordance with S 701.3. Amended 2008]

AFP DISTRICT BOUNDARIES

1. Beginning at the Canterbury town line at Shaw Road and running easterly to the west branch of Academy Brook; thence to Academy Brook; thence along Academy Brook easterly to Lower Ridge Road to a point just northeasterly of the intersection of Bumfagon Road.

2. Thence running southerly along Bumfagon Road to Haynes Road; thence westerly along Haynes Road for approximately 600 feet.

3. Thence running southerly and parallel to Bumfagon Road along a line 600 feet from the west right-of-way line to Bumfagon Road to Clough Hill Road.

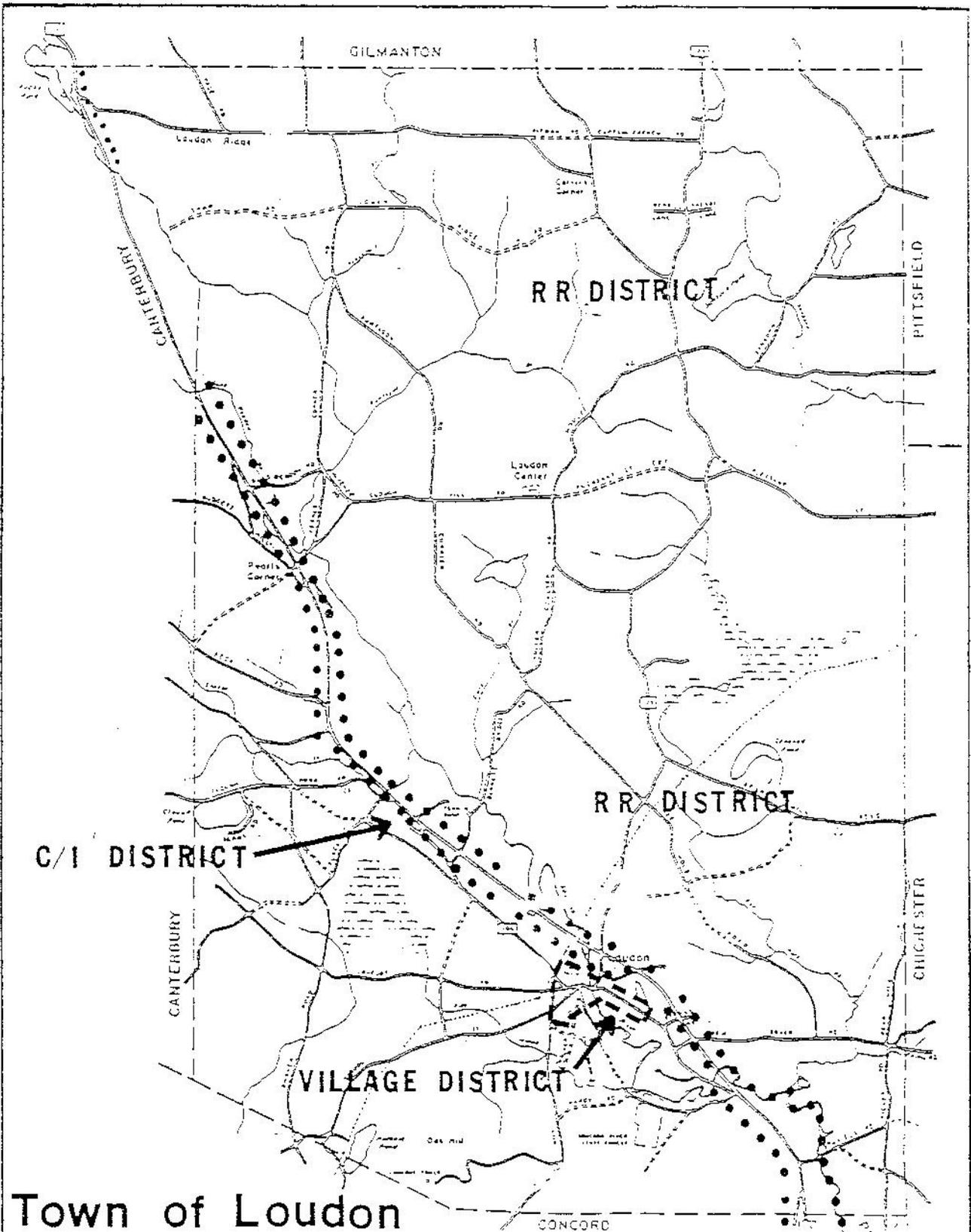
4. Thence easterly along Clough Hill Road to Young's Hill Road; thence northeasterly along Young's Hill Road to Pittsfield Road.

5. Thence easterly along Pittsfield Road to Sanborn Road; thence easterly along Sanborn Road to Ring Road; thence easterly along Ring Road to the Pittsfield town line.

6. [Thence northerly along the Pittsfield town line to the Gilmanton town line; thence westerly along the Gilmanton town line to the Canterbury town line; thence southerly along the Canterbury town line to the point of the beginning. adopted 1989]

*Beginning at the intersection of the easterly right-of-way line of State Route 106 with the Gilmanton town line; thence southerly along the easterly right-of-way line of Route 106 to the northerly most intersection of Route 106 with the Canterbury town line; thence easterly in a direction perpendicular to Route 106 for a distance of 500 feet; thence northerly along a line running parallel to and 500 feet from the right-of-way line of Route 106 to the Gilmanton town line; thence westerly along the Gilmanton town line to the point of the beginning.

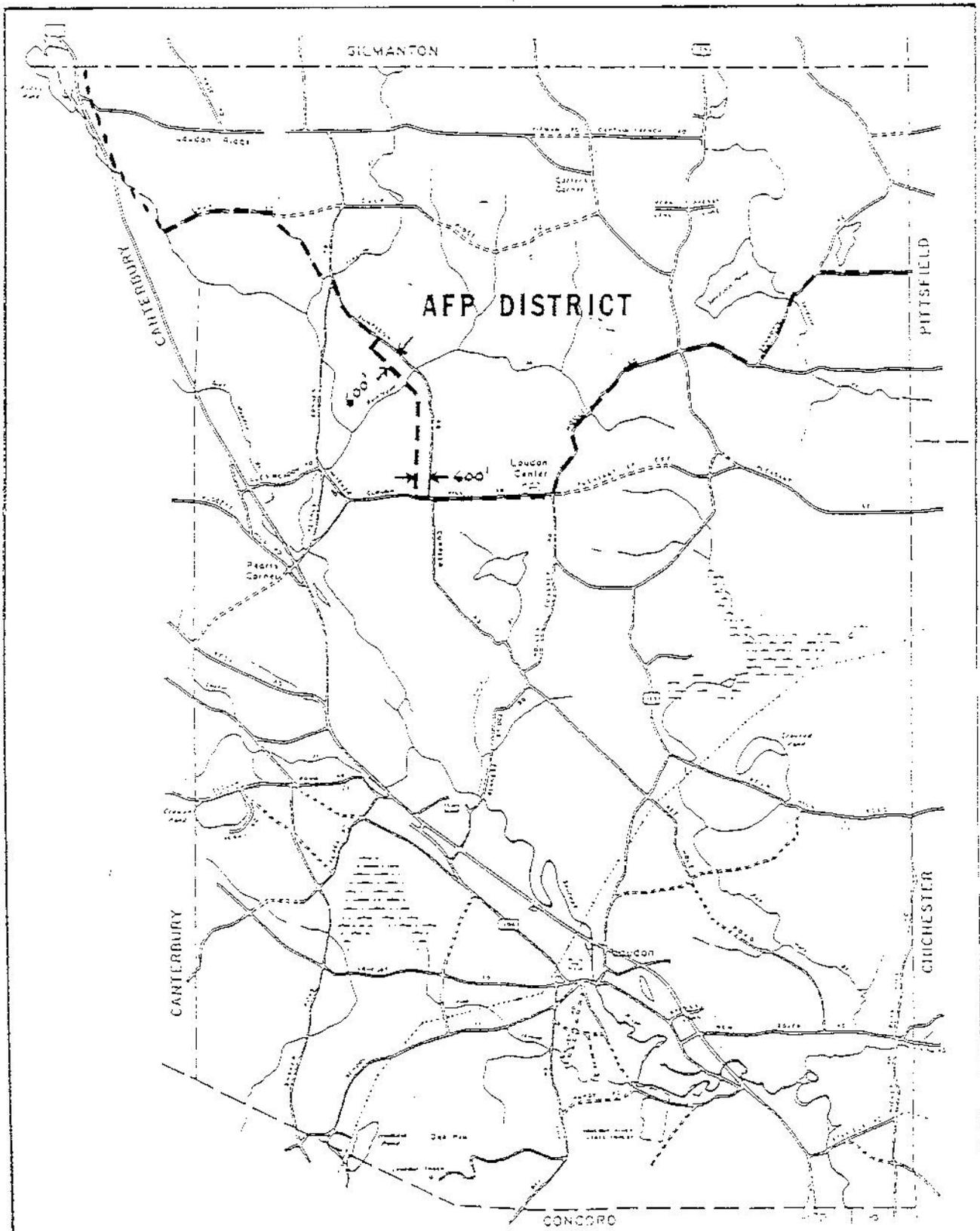
*This section removed from AFP District and voted to C/I District, March 1990.



Town of Loudon
ZONING MAP

Note: See Tax Map Supplement for exact boundaries of C/I District and Village District. All other land is RR District.

- V District
- C/I District



TOWN OF LOUDON

AFP Zoning Map Amendment

----- AFP Boundary

TABLE OF DIMENSIONS

This Table of Dimensions is intended to be only a guide to be used for the purpose of quick reference. It is not a regulation per se, and it is not a substitute for the requirements of Article II of the Loudon Zoning Ordinance.

All parties affected by the Loudon Zoning Ordinance bear the responsibility of knowing its terms.

<u>USE DISTRICT</u>	<u>MINIMUM LOT DIMENSIONS</u>			<u>MINIMUM SETBACKS</u>			<u>MAXIMUM COVERAGE</u>	
	<u>AREA</u>	<u>CONTIGUOUS BUILDABLE AREA</u>	<u>FRONTAGE</u>	<u>FRONT</u>	<u>SIDE</u>	<u>REAR</u>	<u>BUILDINGS</u>	<u>IMPERMEABLE</u>
<u>Village (V)</u>	40,000 sf	30,000 sf	125'	15'	15'	25'	20%	40%
<u>Rural Residential (RR)</u>								
Single-family Dwellings	2 acres	1.5 acres	200'	50'	30'	40'	10%	20%
Two-family Dwellings	3 acres	1.5 acres	250'	50'	30'	40'	10%	20%
<u>Agricultural/Forestry Preservation (AFP)</u>	5 acres	1.5 acres	400'	50'	30'	40'		
<u>Commercial/Industrial (C/I)</u>								
Commercial Uses	2 acres	1.5 acres	200'	60' for buildings	30'	40'	25%	50%
Industrial Uses	5 acres	1.5 acres	300'	30' for parking	30'	40'	25%	50%
<u>Commercial/Recreational (C/R)</u>								
Commercial Uses	2 acres	1.5 acres	200'	60' for buildings	30'	40'	25%	50%
Industrial Uses	5 acres	1.5 acres	300'	30' for parking	30'	40'	25%	50%
Sport Facilities	100 acres	1.5 acres						

S 206 COMMERCIAL/INDUSTRIAL DISTRICT (C/I)

206.1 Purpose

The purpose of the C/I District is to concentrate commercial and industrial growth in those areas which have the best access to major transportation corridors and which can best serve the overall interest of the community.

206.2 Permitted Uses

In the C/I District, only the following uses are permitted:

- A. Offices and laboratories
- B. Retail Sales businesses
- C. Shopping Centers
- D. Motels, Hotels and Inns
- E. Personal and business services
- F. Restaurants and eating places including drive-ins and fast-food establishments
- G. Travel or camping trailer, motor home, or boat sales, service, repair or storage businesses
- H. Roadside farm stands
- I. Commercial greenhouses and horticultural enterprises
- J. Public utility buildings necessary for the transmission of essential public services. Subject to Planning Board site plan review.
- K. Funeral homes
- L. Accessory uses customarily incidental to the above and minor home occupations subject to the conditions of S 502.1.
- M. Contractor/Construction Services [Adopted 2007]
- N. Sexually Orientated Business subject to S 506.
- O. [Farming, including the sale of products grown on the premises. Adopted 2012]

206.3 Uses Permitted by Special Exception

In the C/I District, the following uses only are permitted as special exceptions granted by the Zoning Board of Adjustment pursuant to S 701.3:

- A. Restaurants with entertainment or night club facilities
- B. Automotive uses such as: service stations, repair garages, car washes
- C. Warehouses or distribution centers
- D. Recreational facilities
- E. Salvage yards, junk yards, auto grave yards
- F. Manufacturing, assembly, processing, packaging, and research facilities
- G. Sawmills
- H. Auto body shops
- I. Cemeteries
- J. Excavation, sand and gravel, subject to compliance with all state and local regulations
- K. Gasoline filling stations
- L. Campgrounds and camping parks subject to compliance with the additional requirements of S 503
- M. [Cable television system facilities and/or accessories, provided such systems have a franchise agreement with the Town of Loudon per RSA 53-C. Adopted 1990]
- N. Major home occupations, subject to compliance of S 502.2
- O. [Wireless Telecommunication Towers and Antennas permitted subject to special exception and Planning Board site plan review. Adopted 2005]
- P. [Kennels and veterinary clinics. Adopted 2012]

Q. [Meeting halls and lodges for non-profit social, fraternal and club organizations. Adopted 2016]

206.4 Area, Frontage and Coverage Requirements

All uses shall comply with the following area, frontage and coverage requirements.

- A. Lot Area: Minimum of two acres for commercial uses and five acres for industrial uses.
- B. Lot Frontage: Minimum two hundred feet for commercial uses and three hundred feet for industrial uses.
- C. Coverage: Building coverage shall not exceed twenty-five percent of the area of a lot. Total impermeable coverage (including building coverage) shall not exceed fifty percent of the area of the lot.

206.5 Setback and Yard Requirements

No structure, except fences and walls shall occupy any yard areas established by the setback requirements set forth below. Driveways may cross front yard setbacks and side setbacks for driveways may be reduced by special exception.

- A. Front Setback: [60 feet for buildings and 30 feet for parking areas - Amended 2012]
- B. Side Setbacks: 30 feet
- C. Rear Setbacks: 40 feet

[The above requirements may be reduced by Special Exception. Prior to granting any such Special Exception, the Board of Adjustment shall (in addition to making the determinations required by Section 701.3) specifically determine that the reduced setback(s):

- 1. Will not unreasonably diminish the light, air and space between properties; and
- 2. Will not obstruct fire access or other emergency access; and
- 3. Will not result in increased storm runoff or drainage onto adjacent parcels; and
- 4. Does not adversely affect abutting property values; and

5. Will not adversely affect the development capability of the lot; and
6. Is consistent with the comparable applicable setbacks of developed adjacent properties; and
7. Is consistent with other existing setbacks in the neighborhood; and
8. Does not adversely affect traffic or pedestrian safety and/or visibility at intersections, driveways or other accesses to the street network.
9. Adequately considers the prospects of future widening of the road and is consistent therewith (for setbacks along road frontages only). Adopted 1993]

206.6 Special Requirements

All uses permitted herein are subject to the following requirements:

A.[Bulk Storage: There shall be no storage aboveground or subsurface of any fuels or liquids except:

1. Heating Oil not to exceed 500 gallons
2. Diesel Fuel not to exceed 500 gallons
3. Propane Gas not to exceed 500 gallons
4. Gasoline not to exceed 500 gallons
5. Storage tanks designed as part of the septic disposal system required for septage generated on the lot
6. Storage tanks holding water for firefighting or on-site use
7. Storage tanks for food products (such as maple sap, milk)

All other storage tanks may be approved by special exception with the Board of Adjustment in accordance with S 701.3 - Amended 2008]

B. [deleted 1989]

- C. Water Quality: The project shall not adversely affect surface water quality or groundwater quality.
- D. Noise, Glare, Odors: Operations on the premise shall not generate any noise, glare, smoke, dust or odors noticeable on abutting properties or detrimental to the neighborhood.
- E. Residential Setbacks: Special side yard setbacks of 60 feet shall be maintained from the boundary of any abutting residential district. Natural vegetation and trees within these yards shall not be disturbed except as necessary for utility services.
- F. Sewage: There shall be no on-site discharge of any waste except sanitary sewage. Design approval of on-site waste disposal facilities by NHWSPC shall have been received.
- G. Hazardous or Offensive Businesses: No businesses or commercial venture shall be permitted which could cause any undue hazard to health, safety or property values.

S 207 COMMERCIAL/RECREATIONAL DISTRICT (C/R)

207.1 Purpose

The purpose of the C/R District is to regulate the future use of land currently owned and occupied by NHMS in a matter compatible with commercial land use and which can best serve the overall short and long term interest of the community.

207.2 Permitted Uses

In the C/R District, only the following uses are permitted:

- A. Existing sports facilities including motor-sport parks
- B. Offices and laboratories
- C. Retail Sales businesses
- D. Shopping Centers
- E. Motels, Hotels and Inns
- F. Personal and business services
- G. Restaurants and eating places including drive-ins and fast-food establishments

- H. Travel or camping trailer, motor home, or boat sales, service, repair or storage businesses
- I. Public utility buildings necessary for the transmission of essential public services - Subject to Planning Board site plan review
- J. Accessory uses customarily incidental to the above
- K. [deleted 2005]

207.3 Uses Permitted by Special Exception

- A. New Sports Facilities including motor-sports parks
- B. Restaurants with entertainment or night club facilities
- C. Automotive uses such as: service stations, repair garages, Car Washes
- D. Warehouses or distribution centers
- E. Recreational facilities
- F. Manufacturing, assembly, processing, packaging, and research facilities
- G. Auto body shops
- H. Public and institutional facilities:
 - 1. Hospitals
 - 2. Museums
- I. Excavation, sand and gravel, subject to compliance with All State and local regulations
- J. Gasoline filling stations
- K. Campgrounds and camping parks subject to compliance with the additional requirements of S 503
- L. Overnight parking associated with special events subject to review and approval of the Loudon Planning Board not to exceed twenty-one days per calendar year
- M. Cable television system facilities and/or accessories provided such systems have a franchise agreement with the Town of Loudon per RSA 53-C

- N. [Wireless Telecommunication Towers and Antennas permitted subject to special exception and Planning Board site plan review - Adopted 2005]
- O. [Kennels and veterinary clinics - Adopted 2012]
- P. [Meeting halls and lodges for non-profit social, fraternal and club organizations. Adopted 2016]

207.4 Area, Frontage and Coverage Requirements

All uses shall comply with the following area, frontage and coverage requirements.

- A. Lot Area: Minimum of two acres for commercial uses, five acres for industrial uses and one hundred acres for sport facilities.
- B. Lot Frontage: Minimum two hundred feet for commercial uses and three hundred feet for industrial uses.
- C. Coverage: Building coverage shall not exceed twenty-five percent of the area of a lot. Total impermeable coverage (including building coverage) shall not exceed fifty percent of the area of the lot.

207.5 Setback and Yard Requirements

No structure, except fences and walls shall occupy any yard areas established by the setback requirements set forth below. Driveways may cross front yard setbacks and side setbacks for driveways may be reduced by special exception.

- A. Front Setback: [60 feet for buildings and 30 feet for parking areas - Amended 2012]
- B. Side Setbacks: 30 feet
- C. Rear Setbacks: 40 feet

[The above requirements may be reduced by Special Exception. Prior to granting any such Special Exception, the Board of Adjustment shall (in addition to making the determinations required by Section 701.3) specifically determine that the reduced setback(s):

- 1. Will not unreasonably diminish the light, air and space between properties; and

2. Will not obstruct fire access or other emergency access; and
3. Will not result in increased storm runoff or drainage onto adjacent parcels; and
4. Does not adversely affect abutting property values; and
5. Will not adversely affect the development capability of the lot; and
6. Is consistent with the comparable applicable setbacks of developed adjacent properties; and
7. Is consistent with other existing setbacks in the neighborhood; and
8. Does not adversely affect traffic or pedestrian safety and/or visibility at intersections, driveways or other accesses to the street network.
9. Adequately considers the prospects of future widening of the road and is consistent therewith (for setbacks along road frontages only). Added 2009]

207.6 Special Requirements

All uses permitted herein are subject to the following requirements:

- A. Any business including sports facilities operating in or enlarging operations in this zone will be required to compensate the town of Loudon for unique police, fire or other town services with compensation to be determined at least annually by the selectmen.
- B. [Bulk Storage: There shall be no storage aboveground or subsurface of any fuels or liquids except:
 1. Heating Oil not to exceed 500 gallons
 2. Diesel Fuel not to exceed 500 gallons
 3. Propane Gas not to exceed 500 gallons
 4. Gasoline not to exceed 500 gallons
 5. Storage tanks designed as part of the septic disposal system required for septage generated on the lot

6. Storage tanks holding water for firefighting or on-site use

7. Storage tanks for food products (such as maple sap, milk).

All other storage tanks may be approved by special exception with the Board of Adjustment in accordance with S 701.3 - Amended 2008]

- C. Water Quality: The project shall not adversely affect surface water quality or groundwater quality.
- D. Noise: The planning board will determine the number of days a Sports facility may operate and they shall consider any noise being generated and consider reducing same.
- E. Sewage: There shall be no on-site discharge of any waste except sanitary sewage. Design approval of on-site waste disposal facilities by NHWSPC shall have been received.
- F. Hazardous or Offensive Businesses: No businesses or commercial venture shall be permitted which could cause any undue hazard to health or safety.

S 208 REQUIREMENTS APPLICABLE TO ALL USE DISTRICTS

208.1 One Residential Building Per Lot

There shall be only one residential building on a lot, except that multiple family housing projects approved as special exceptions in the RR District may have more than one building per lot.

208.2 Height

No structure, except farm silos, utility transmission poles and church steeples, shall exceed thirty-five feet in height to the structure's highest point as measured from the grade elevation adjacent to the structure on the side accessible to fire apparatus. For site plans with lot sizes greater than the minimum required acreage, the height of structures may be increased ten feet per additional acre of lot size up to a maximum of fifty feet subject to sections 701.3 Special Exceptions and S 701.4 Special Conditions.

[In the Commercial/Industrial (C/I) District only, the height of chimneys, stacks, industrial silos, towers, mechanical equipment, elevator shafts, and similar types of uninhabited appurtenant structures may be increased to a maximum height not greater than fifty-five feet by special exception granted by the Board of Adjustment pursuant to Section 701.3. Adopted 1991]

208.3 Corner Lots

- A. Sight Distance: On a corner lot, nothing shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between a height of two and a half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines or such corner lots and a line joining points along said street lines fifty feet from the point of the intersection of such street lines.
- B. Frontage: On a corner lot, the frontage requirement shall apply to the heavier traveled street. Frontage on the lesser traveled street shall be no less than one-half the required frontage.
- C. [On a corner lot, setbacks on all roads shall be equal to the front setback of the district, with remaining setbacks equal to the side setback. Adopted 2007]

208.4 Driveways

- A. Front yard: Driveways may cross the front yard spaces established by the front setback requirements.
- B. Corner Lots: On a corner lot, the driveway shall be off the lesser traveled street.
- C. [Standards: A residential driveway shall serve two or fewer lots or housing units. Each housing unit of a condominium type of development shall be treated as a separate unit for the purposes of this definition. In addition the following shall be used in defining a new driveway and standards for a driveway.
 - 1. [Be pitched a minimum of -2% away from the road for a distance of twelve feet for driveways sloping downhill away from the roadway so as to create a landing for vehicles to safely enter the

roadway; Or be pitched a minimum of -2% away from the road for a distance of six feet for driveways sloping uphill away from the road so not to create unsafe conditions such as the creation of puddles of water, formation of ice patches, and create additional drainage onto the road network. The required -2% pitch areas of driveways shall be surfaced to match the existing road surface. Amended 2008]

2. The width of the driveway shall be dictated by the existing and proposed uses, with proper consideration given to providing adequate turning radius for emergency vehicles and the type of vehicles which typically frequent the site, no residential driveway shall be no less than ten feet in width. Adopted 2006]

208.5 Waste Disposal Systems

All on-site waste disposal systems shall comply with all applicable state and local regulations. On-site waste disposal systems are exempt from the setback requirements of this Ordinance but must comply with applicable state setback requirements.

208.6 Installation of Manufactured Housing

- A. Manufactured Housing Standard: The construction and installation of manufactured housing units shall comply with the provisions of the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. Sec.5401), commonly known as the HUD (U.S. Department of Housing and Urban Development) code.
- B. Temporary Permits: In any zoning district, the owner-occupant of a dwelling which is damaged by fire or other disaster may place a manufactured housing unit on the lot of such residence, and temporarily reside in that unit while the residence is being rebuilt, provided that the manufactured home is served by an adequate water supply and sewage disposal system installed in compliance with town and state regulations. A building permit for such temporary placement shall be obtained from the Board of Selectmen. The period of occupancy in the temporary unit shall expire twelve months from the placement on the manufactured housing unit on the lot or upon the issuance of a certificate of occupancy for the rebuilt permanent residence, whichever occurs first. A manufactured housing unit which is installed as a

temporary dwelling under this paragraph shall not attain the status of a vested nonconforming use.

- C. Storage: The storage of no more than one manufactured housing unit and two motor homes, camping trailers or pick-up campers shall be permitted on any lot.

208.7 Subdivisions

[No single subdivision in the Village District (V), Rural Residential District (RR) or the Agricultural/Forestry Preservation District (AFP) shall receive final plat approval for more than five lots in any twelve month period, except that the Planning Board may approve additional lots if the applicant has proposed measures that will mitigate the impact of the additional lots. Moved from Growth Management Ordinance 2008]

[208.8 Fire Cisterns

A. Fire cisterns are exempt from the setback requirements of this Ordinance.

B. Standards: The finished grade of a cistern shall be at existing grade. Adopted 2015]

ARTICLE III

OVERLAY DISTRICTS

S 300 ESTABLISHMENT OF OVERLAY DISTRICTS

The following overlay districts are hereby established:

- Wetlands Conservation District
- Steep Slope District
- Elderly Housing District

In the areas of Loudon which are included in an overlay district, the regulations of the overlay district shall apply in addition to the regulations of the applicable use district. Where regulations in a use district and an overlay district conflict the regulation of the most restrictive district shall apply.

S 301 WETLANDS CONSERVATION DISTRICT

301.1 Purposes

[The purpose of the Wetlands Conservation District, consistent with RSA 482-A, is to:

1. Prevent the degradation of surface water and groundwater quality by preserving the ability of wetlands to recharge groundwater, augment stream flow, stabilize shorelines, filter pollutants, trap sediments, retain and absorb nutrients and chemicals, and produce oxygen.
2. Prevent development of structures and land uses on wetlands, which will contribute to pollution of surface and groundwater by sewage or toxic substances or sedimentation.
3. Prevent the destruction or significant alteration of wetlands, which provide floodwater storage or desynchronization.
4. Protect habitats for wetland dependent fish and wildlife; rare, unique, threatened or endangered species of flora and fauna; and ecological communities.
5. Prevent unnecessary or excessive expenses to the town for the purpose of providing or maintaining essential services and utilities, which might be required as a result of misuse or abuse of wetlands.

6. Preserve and enhance the aesthetic, recreational, scientific and educational values of wetlands.
7. Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas; and
8. Encourage those uses that can be appropriately and safely located in wetland areas.

301.2 Definitions

The "**Wetlands Conservation District**" is hereby determined to be all the surface waters, wetlands and buffers as determined by the following criteria.

"Wetland" is an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include, but are not limited to, swamps, streams, ponds, vernal pools, marshes, bogs, tidal wetlands and similar areas. Wetlands shall be further defined as stated in RSA 674:55. Man-made detention basins and treatment swales are not to be construed as wetlands.

"Vernal Pools" are defined as a temporary body of water providing essential breeding habitat for certain amphibians and invertebrates and that do not support fish. For reference, see *Identification and Documentation of Vernal Pools in New Hampshire, 1997*.

"Buffer" is an area adjacent to a wetland providing protection as outlined in S 301.6.

301.3 Delineation of Wetlands

Mapping: Wetlands shall be determined and delineated on an individual parcel basis by a NH Certified Wetland Scientist.

301.4 Permitted and Prohibited Land Uses in Wetlands

A. **Prohibited uses** include any use that [permanently or temporarily] alters the surface configuration of the land by the addition of fill or by dredging, except if expressly permitted in Section B below. [Amended

2012}

B. **Permitted uses** are as follows:

In the Wetlands Conservation District permitted uses are only those uses which will not require the erection or construction of any structure and will not alter the natural surface configuration by the addition of fill or by excavation or dredging. [All uses must be in compliance with NH Law: RSA 482 A, RSA 482 B, NH Department of Environmental Services Wetlands Program Code of Administrative Rules Chapter Wt 100-900, and the Town of Loudon Zoning Ordinance

301.6 Buffers and Other Wetland Criteria. Amended 2012]

The permitted uses are:

1. Forestry and tree farming, using *Best Management Practices Erosion Control on Timber Harvesting Operations in New Hampshire (April 1996)*. This permitted use includes the construction of an access road for said purpose.
2. Agriculture, including grazing, crop production and the construction of fences, using *Best Management Practices for Agriculture (July 1993- Amended September 1998)* provided that such use does not cause significant increases in surface or groundwater contamination by pesticides or other toxic or hazardous substances and that such use will not cause or contribute to soil erosion.
3. Wildlife enhancement and management.
4. Conservation areas and nature trails using *Best Management Practices for Erosion Control During Trail Maintenance and Construction (1994 update 1996)*.
5. Passive recreational uses consistent with the purpose and intent of this article as defined in 301.1.

301.5 Special Exceptions

In the Wetlands Conservation District the following uses may be allowed by special exception granted pursuant to the provisions of S 701.3. All applications for special exception uses in the Wetlands Conservation District shall be referred by the Zoning Board of Adjustment to the Conservation Commission, Health Officer and Planning Board for review and comment at least thirty days prior to the hearing.

- A. Streets, roads, driveways and utility easements, including power lines and pipe lines, if essential to the productive use of land located outside the Wetlands Conservation District and if constructed to minimize any detrimental impact upon the wetlands, and only upon finding all of the following:
 1. The proposed construction is essential to the productive use of the non-wetland areas.

2. Design, construction and maintenance methods will minimize any detrimental impact upon the wetlands, and will include restoration of the site as nearly as possible to its original grade and condition.
3. No alternative is feasible and reasonable
4. The New Hampshire Wetlands Bureau and Army Corps of Engineers has issued all applicable, required permits. A copy of these permits shall be submitted to the Town in advance.
5. All Special Exception criteria specified in S 701.3 of this ordinance are satisfied, and
6. Appropriate mitigation measures, close to the affected wetland, will be provided.

B. Water impoundments

- C. Accessory buildings or structures customarily incidental to permitted uses allowed by S 301.4, provided any such buildings are not used for occupancy purposes and provided no on-site waste disposal facilities are required

301.6 Buffers and Other Wetlands Criteria

- A. A seventy-five foot buffer shall protect all wetland areas in excess of 2,000 square feet.
- B. A wetland buffer of seventy-five feet may also be required for wetlands less than 2,000 square feet if such wetlands are deemed to have exceptional functional value as determined by a NH Certified Wetland Scientist.
- C. A minimum seventy-five foot natural wetland buffer shall exist for any wetland that is 2000 square feet or greater in size or wetlands that are very poorly drained, hydraulically connected or a vernal pool, as well as all brooks, streams and rivers that are not protected under the Shoreland Protection Act. The natural wetland buffer setback shall begin at the edge of the jurisdictional wetland, which has been designated and flagged by a state-licensed wetland scientist, and proceed seventy-five feet measured horizontally. The first twenty-five feet of upland from the edge of the wetland shall be left undisturbed, except for uses allowed in S 301.4 and S 301.5. Dead, diseased or fallen trees may be removed only if they are considered to be unsafe. The remaining fifty feet of buffer may be selectively cut

such that no more than fifty percent of the basal area shall be removed. Stumps may be removed by special exception as outlined in S 701.3.

- D. No pesticides or fertilizers shall be used within the entire natural wetland buffer, except for uses allowed in S 301.4.
- E. The purpose of this buffer shall be to protect the quality of the water by minimizing erosion, preventing siltation and turbidity, stabilizing soil, preventing excess nutrients and chemical pollution, maintain natural water temperatures, maintain a healthy tree canopy and understory, preserving fish and wildlife habitat, and respecting the overall natural condition of the protected shoreland. If there are any questions or uncertainties concerning the boundary of the wetland, the Planning Board may request a site visit by the Planning Board and the chairperson of the Conservation Commission (or a designated representative). If deemed necessary, the Loudon Planning Board may call upon the services of an independent qualified wetlands scientist to examine said area and report findings to the Planning Board for their determination of the boundary. Qualified wetland scientist shall mean a person who is qualified in soil classification and wetlands delineation and who has been certified by the State of New Hampshire. The costs of such appeal shall be borne by the petitioner. Amended 2007; further amended 2010]

S 302 STEEP SLOPE DISTRICT

302.1 Purpose

[The purpose of the Steep Slope District is to prevent development on slopes in excess of twenty-five percent. Development on such slopes causes soil erosion and stream sedimentation; unnecessary loss of vegetative ground cover and destruction of trees; on-site waste disposal problems; difficult street construction; and expensive street maintenance. Amended 2009]

302.2 Description of Steep Slopes District

[Steep Slope District is defined as all areas within which there is an elevation change of twenty-five feet or more AND the average slope is twenty-five percent or greater. This ordinance shall apply where the proposed site disturbance is greater than 25,000 square feet. Steep

slopes and other topographic features shall be determined based on an actual field survey by a licensed land surveyor in conjunction with appropriate USGS maps or other mapping resources. The methodology and resources used in defining the topographic features of the site shall be duly cited on the plan. Contour lines shall be shown with two-foot intervals. All slopes in excess of twenty-five percent shall be highlighted on any plan submitted for review by the Planning Board, Zoning Board of Adjustment and Conservation Commission. Amended 2009]

302.3 Permitted Uses

No buildings, structures or roads shall be permitted in the Steep Slopes District. Otherwise, the following uses are permitted:

- A. Forestry and tree farming using best management practices in order to protect streams from damage and to prevent sedimentation
- B. Wildlife refuges, conservation areas and nature trails
- C. Open Space and outdoor recreation
- D. [Septic Systems - Adopted 2007]
- E. [Cultivation and harvesting of crops according to recognized soil conservation practices, including the protection of wetlands from pollution caused by fertilizers, pesticides and herbicides used in such cultivation - Adopted 2007]
- F. [Driveway not impacting more than 2500 SF, and where the existing terrain does not exceed thirty-five percent - Adopted 2007]

302.4 Special Exceptions

[In the Steep Slope District the following uses may be allowed by special exception granted pursuant to the provisions of S701.3. All applications for special exception shall be referred by the Zoning Board of Adjustment to the Conservation Commission, Health Officers and Planning Board for review and comment at least thirty days prior to the hearing.

- A. Streets, roads, driveways and utility easements, including power lines and pipe lines, if essential to the productive use of land located outside the Steep Slope District and if constructed to minimize any

detrimental impact upon the steep slopes, and only upon finding all of the following:

1. The proposed construction is essential to the productive use of the non-steep slope areas.
2. Design, construction and maintenance methods will minimize any detrimental impact upon the steep slopes, and will include restoration of the site as nearly as possible to its original grade and condition.
3. No alternative is feasible and reasonable
4. The New Hampshire Wetlands Bureau and Army Corps of Engineers have issued all applicable, required permits. A copy of these permits shall be submitted to the Town in advance.
5. All Special Exception criteria specified in S701.3 of this ordinance are satisfied.
6. Appropriate mitigation measures, close to the affected wetland, will be provided, and
7. Does not impact more than 10,000 SF. Adopted 2007]

S 303 ELDERLY HOUSING DISTRICT

303.1 Purpose

In recognition of its inherent obligation to its elderly citizens, the Town of Loudon hereby establishes an overlay district in which "elderly housing" shall be allowed as a special exception.

The regulations in this section have been established for the purpose of encouraging the construction of housing units, suitable for occupancy by elderly persons, while ensuring compliance with local planning standards, land use policies, good building design, and the requirements for the health, safety, and general welfare of the inhabitants of Loudon. Where the Town zoning regulations differ from the provisions contained in this section, this section shall take precedence.

303.2 Definitions

- A. [Elderly Housing - A housing unit intended for and occupied by a person or persons fifty-five years of age or older; where such elderly housing unit is so occupied, the occupancy by not more than one other person, fifty-two years of age or older shall be permitted. Amended 2013]
- B. A housing unit is an autonomous unit providing the necessary requirements for independent living, containing bedroom, bath and kitchen facilities.

303.3 Description of Elderly Housing District

This District includes all of the current Village District plus the area bounded by Route 106 on the east, Route 129 on the south, North Village Rd. on the west and the northern boundary of parcel map 30, lot 6 (approximately opposite Sheep Rock Rd.) on the north which is not already in the Village District plus an area to the West bounded by Oak Hill Rd. and Hardy Road to a line closest to the Soucook River, the Soucook River upstream, N. Village Rd. and School Street.

303.4 Special Exception Conditions

Any site proposed for elderly housing under this section shall be allowed by grant of special exception from the Board of Adjustment if the Board finds that (in addition to making the determinations required by Section 701.3) all of the following conditions are met:

- A. The proposed site is an appropriate location for elderly housing by reason of its proximity to those support services (e.g. shopping, medical, places of worship, etc.) necessary to meet the needs of the elderly.
- B. The proposed site will not have a detrimental impact upon the district in which it is located, the surrounding neighborhood, or scenic views or other natural features.
- C. Adequate and appropriate support facilities (i.e. sewer, septic, water, well, etc.) will be provided for the proposed use.
- D. The parcel area is sufficient, appropriate, and adequate for the proposed use and the reasonable anticipated operation.

303.5 General Requirement

- A. The minimum lot area shall be ten acres.
- B. Not more than ten dwelling units per acre for elderly housing shall be allowed.
- C. The maximum number of units in an elderly housing development shall not exceed fifty per 10-acre lot. Accessory and community buildings shall not be considered housing units.

- D. Housing units shall have a maximum of two bedrooms and shall be specifically designed for occupancy of the elderly.
- E. The maximum number of attached units shall not exceed four. Where housing units are under one common roof, the following standards shall apply:
 - 1. In attached units, firewalls shall separate each unit.
 - 2. [Fire detection systems, designed to standards from the most current edition of NFPA life safety code as adopted by the State of New Hampshire, are required in all attached units - Amended 2008]
 - 3. [Fire suppression systems, designed to standards from the most current edition of NFPA life safety code as adopted by the State of New Hampshire, are required in all attached units - Amended 2008]
- F. All construction must comply with the Architectural Barrier Free design code for the State of New Hampshire and New Hampshire Fire Safety Codes.
- G. Minimum green space shall be thirty-five percent of the total site acreage.
- H. Minimum lot frontage shall be seventy-five feet on a Class II, IV, or V roadway.
- I. Minimum setbacks shall be thirty-five feet at the front yard and twenty-five feet at the side and rear yards.
- J. As a requirement for elderly housing, there shall be one parking space for every dwelling.
- K. The site plan shall show a designated area for additional parking to be provided on the basis of one space for every four dwelling units.
- L. All roads shall be built to Town road standards.
- M. The design and site layout of the proposal shall consider such factors as energy usage, scenic views, natural areas, and recreational opportunities. The design shall accommodate and encourage pedestrian access throughout the site.

N. Building types and styles, including exterior and unit arrangements, shall be suitable and appropriate for their intended purpose, in light of the size and scale of the project, the prominence and the visibility of the proposed project in the community, the surrounding neighborhood, and other relevant factors.

O. The development shall be landscaped so as to be integrated with the Town. The perimeter of the development shall be landscaped with a sufficient buffer strip to minimize its intrusion on neighboring land uses.

303.6 - The proposed use shall be subject to the provisions of the Site Plan review regulations of the Town of Loudon.

303.7 - The Planning Board may review all condominium, homeowner association maintenance agreements and operational documents through legal counsel to ensure that both the Town and the residents are guaranteed adequate and appropriate services.

ARTICLE IV

PLANNED DEVELOPMENTS

S 400 MANUFACTURED HOUSING PARKS AND SUBDIVISIONS

400.1 General

Manufactured housing shall be permitted only in manufactured housing parks or manufactured housing subdivisions approved as per the provisions of this ordinance. [The Zoning Board of Adjustment (or the Planning Board, if applicable) shall not grant approval for Special Exceptions for manufactured housing parks that result in the creation of more than a town-wide total of six new rental manufactured house spaces in a calendar year. Moved from Growth Management Ordinance 2008]

400.2 Manufactured Housing Parks

- A. Approval of Plan: Manufactured housing parks shall be developed in accordance with a plan approved by the Planning Board. The plan approval procedures, informational submittals and hearings shall be as required by the Planning Board's Land Development Regulations for the review and approval of major site plans.
- B. Criteria:
1. Park Size: Manufactured housing parks shall be located on parcels of at least ten acres and shall contain at least four manufactured housing spaces.
 2. Gross Density: The gross density of a manufactured housing park shall not exceed 0.5 manufactured homes per acre.
 3. Location: No manufactured housing park shall be located on a parcel that is:
 - a. Inaccessible from good roads
 - b. Close to swamps or other potential breeding places for insects and rodents
 - c. On poorly drained or very poorly drained land
 - d. On slope in excess of fifteen percent
 - e. On land subject to flooding, erosion, fire, safety or traffic hazards
 - f. On land which is exposed to chronic nuisances such as noise, smoke, fumes and odors

4. Special Requirements:

- a. Area: Each manufactured home space shall contain the minimum area required by NH WS1004.03 (f), which is 10,000 square feet plus adjustments for soils/slopes capability. All spaces shall be individually marked and no space shall be occupied by more than one manufactured home.
- b. Yards: Manufactured homes shall be placed at least ten feet from each space boundary. No manufactured home, vehicle or building shall be located within one hundred feet of any residential lot.
- c. Parking: Each manufactured housing space shall have at least one hundred fifty square feet of parking space. Such space shall be well drained, stabilized and maintained in good repair.

5. Access and Circulation:

- a. Manufactured housing spaces shall not have access directly onto existing public roads and streets.
- b. Interior access streets shall have a paved width of at least twenty feet, if no on-street parking is provided. If on-street parking is provided, the width shall increase eight feet per side of parking.
- c. Adequate access for fire-fighting equipment, fuel delivery and refuse collection shall be provided.

6. Playgrounds: Manufactured housing parks shall provide common playground areas and playground equipment adequate to service the needs of the anticipated occupant families, as determined by the Planning Board.

7. Other Site Criteria: Manufactured housing parks shall comply with all other applicable site plan standards of the Planning Board's Land Development Regulations, including standards requiring adequate buffers, screening, lighting, solid waste disposal, utility services and drainage.

8. Bonds: Prior to plan approval an applicant for a manufactured housing park must meet the bonding

requirements for site plans as set forth in the Planning Board's Land Development Regulations.

400.3 Manufactured Housing Subdivisions

Manufactured housing subdivisions shall be at least ten acres in size; shall contain at least five lots; and shall be occupied only by manufactured homes. Such subdivisions shall comply with all the requirements for the subdivision of land, as set forth in the Planning Board's Land Development Regulations.

S 401 OPEN SPACE DEVELOPMENT

401.1 Authority and Purpose

[The provisions of Section 401 are adopted as an innovative land use control as authorized by RSA 674:21 (f) cluster development and (j) Environmental Characteristics zoning. For the purposes of this ordinance, the term to be used is open space residential development. Open space residential development allows for more creative and alternative patterns of land use development to accommodate single family housing options and to preserve and protect the open space from further subdivision or development of such open space. In accordance with RSA 674:21 the Planning Board should have exclusive jurisdiction over the administration of this ordinance and shall have the authority to adopt such regulations as may be necessary to implement its terms.

401.2 General Provisions and Restrictions

- A. The open space residential development shall comply with all provisions of the Zoning Ordinance; unless specified otherwise within and shall be developed in accordance with the Subdivision Regulations of the Town of Loudon.
- B. Prior to submittal of a formal application, the applicant shall present a general concept plan to the Planning Board showing the proposed areas for the location of the housing units, locations of roads, contiguous buildable area of the parcel, existing and proposed trail network and the areas to be preserved as open space.

- C. Open space residential developments are permitted in the Rural Residential and Agricultural Forestry Preservation districts as a permitted use and are permitted in the Village District by Special Exception.

401.3 Development Standards

- A. The minimum tract size proposed for an Open Space Residential Development shall be seventy-five acres in the AFP district and fifty acres in the RR and Village District. The Planning Board reserves the right to consider smaller plots of land if through discussion it is determined there is significant areas to preserve.
- B. A minimum of sixty-six percent of the parcel is to become permanently designated "open space," of which two thirds must be farmland, forestland, or inactive farmland (wildlife habitat). No more than twenty-five percent of the total parcel can be wetlands or slopes greater than twenty-five percent.

Contiguous Buildable area: The following land and land features shall not be included in calculating the contiguous buildable area.

1. All wetlands as defined within these regulations, State regulations, and Federal regulations, the stricter definition shall apply;
2. Land with slopes in excess of twenty-five percent;
3. Any land covered by any soils listed by the New Hampshire Water Supply and Pollution Control Division as Groups 5 or 6, refer to NHDES publication Subdivision and Individual Sewage Disposal System Design Rules, Chapter Env-Ws 1000, August 1999 or as amended;
4. No land subject to periodic flooding or land designated in the one hundred year flood zone;
5. Land with ledge which is exposed which has a surface area of more than one hundred square feet (10 x 10); and
6. Areas which are subject to an easement or right of way of the Town, County, State or Federal Government, or any third party including but not limited to access easements, ROW easements, roads (private or public), drainage easements, slope easements and any other easements which may currently exist or proposed

- C. The number of units permitted shall not be more than what is allowed in the underlying zoning district in which this use is permitted. The number of housing units permitted shall be based on the contiguous buildable area of the parcel, not the total (gross) acreage of the parcel. The developer shall submit a plan showing the proposed development under conventional zoning and that under the open space provisions. Such plans shall include sufficient detail to allow the Planning Board to make an informed decision when comparing them. These details shall include but not be limited to, soil classification, topography, wetlands, floodplain and other constraining features of the site, proposed road locations, number of units, and other site attributes proposed.
- D. Each lot shall have a minimum of one acre of contiguous contiguous buildable area and meet the minimum contiguous buildable area as defined. Contiguous buildable area shall be defined as land whose perimeter can be circumscribed without interruption by the features describes under the definition of contiguous buildable area. A contiguous buildable area shall not be less than fifty feet in width at any point on the parcel.
- E. The minimum road frontage on any lot shall be one hundred and twenty-five feet. The width of the frontage shall extend at least fifty feet in depth into the lot.
- F. Setbacks will remain the same as per Loudon Zoning Ordinance.
- G. A vegetative buffer zone, an area with no structures, roads (except one main road into the site) or parking areas, shall be provided along the perimeter of the entire parcel with a minimum width at all points of one-hundred and fifty feet along any town road, private road and State road. The perimeter buffer area shall not be included in determining any individual lot size or be used as the setback requirement for any lot, it may however be used in calculating the overall contiguous buildable areas of parcel. Said buffer shall be maintained in its natural state.
- H. Residential units may be grouped in clusters of up to 6 homes. If other housing clusters are part of the plan, said clusters shall be separated by at least two

hundred and twenty-five feet. The area separating the housing clusters may include vegetation in its natural state, grass, or other manicured vegetative landscaped features. No structures or accessory buildings shall be located in the areas separating the clusters.

- I. Shared common driveways, serving no more than two housing units or two lots are encouraged. If a common driveway is proposed, the easement shall be shown on the plan and legal language submitted for the Planning Board to transmit to Town Counsel for review and approval.
- J. Existing stone walls should be used as much as possible to define lot lines. The Planning Board may require the applicant to modify a plan design to protect these and other cultural and natural features on the site.
- K. The internal road network should include a series of connecting roads. These serve to connect the community and provide alternative routes for emergency vehicles and should other hazards affect access to a particular area of town. The use of cul-de-sac, T streets and other dead-ends with one access point roadway are not encouraged.
- L. All utilities shall be placed underground.
- M. The Planning Board may require a parking area be incorporated near the site to accommodate the usage of the open space on the property and other open space areas connected to the property.

401.4 Common Open Space Standards

- A. Common open space areas shall be located so as to protect the visual, natural and cultural values of the property including, but not limited to, protecting views, wildlife habitat areas, continuity and connectivity of natural areas for the movement and viability of animal corridors, water resources, and priority given to preserving farmland, farm fields, inactive farm lands and other characteristics of the landscape to promote the rural character of the Town of Loudon. The location of the open space component of the site should be designed whenever possible to provide connectivity to other open space land and other trail networks which exist in the Town of Loudon.

- B. The common open space shall be so defined on a subdivision plan and shall be made subject to a deed restriction, conservation easement or other protective legally binding mechanism, which shall thereafter prohibit further subdivision or development of the open space. A note shall be included on the plan and in the deed stating no further subdivision or development of the open space is permitted. The private or individual backyard areas of any individual lot shall not be included in defining or calculating the open space requirements. The boundaries of the designated common open space areas shall be surveyed, monumented, blazed and painted and clearly delineated the plan.
- C. Each lot shall have reasonable access to the common open space land, but need not front directly on such land. Such reasonable access shall be a trail or pathway system accessible by foot.
- D. The developer shall transfer title or easement of the open space to the Town of Loudon, an appropriate conservation organization (after comment from the Loudon Conservation Commission), or homeowners association, following review and approval of all said legal documents by Town Counsel, with preference given to transferring a title or easement rights to the town or an appropriate conservation organization. In either case a monitoring and management fund shall be given to the Town in the amount of \$100/acre or a \$10,000.00 minimum. Final decision of ownership shall be approved by the Planning Board.
- E. The primary purpose of the open space area is to maintain the area in its nature state as much as possible. Legal restrictions to preserve the land for purposes of conservation and open space shall run with the land and shall be noted on the plan. The common open space area shall not be used for commercial uses including, but not limited to, a clubhouse, golf course, pro shop, sports field (field hockey, soccer), riding stable, commercial tree farm or other commercial type adventure.
- F. The common open space shall not be used for the construction of buildings, subsurface disposal systems, streets, driveways, setbacks or any parking areas; except parking spaces for open space access.

- G. Every open space development shall include some trails or pedestrian network. Reasonable attempts should be made to link natural open space areas to other open space areas via existing trails and path networks, other lands held in conservation easements and provide connections to Class VI roads. Expanding the existing trails system on the site is encouraged, and the Planning Board may require the extension and connection to other existing trails abutting the parcel. The trails system should serve to promote these and other land protection mechanisms, and to promote the general recommendation included in the Open Space Trail System Plan for the Town of Loudon, dated July 2001.
- H. At least seventy-five percent of the common open space shall be contiguous with no portion less than fifty feet in width.
- I. The common open space area may not be used as a staging area for construction vehicles and equipment during the construction phase of the project.
- J. A community water system or private well may be used. The protective well radius of the well(s) may extend into the common open space, provided the common lands are left in a natural state, and Town Counsel is asked to provide a written response to any potential concerns or issues, and such necessary legal documentation developed to protect the owners of the common land.
- K. Individual septic systems are preferred over a community septic system. No part of any community or individual septic system may be located on the common open space land however a separate parcel may be created as part of the subdivision solely for locating a community septic system. If a community septic system is proposed, the reasons shall be clearly stated in the application. The application should include details regarding the location of said system, elements of the overall design, maintenance and operational agreements and other documentation. All maintenance and operational agreements are subject to review and approval by Town Counsel at the applicant's expense. Amended 2006]

ARTICLE V

SPECIAL REGULATIONS

S 500 OFF-STREET PARKING AND LOADING

After the effective date of this Ordinance, any building erected or enlarged by more than twenty-five percent of its gross floor area above ground level and any lot used or occupied for any purposes listed in S 500.1, shall comply with the off-street parking and loading requirements set forth herein.

500.1 Required Number of Parking Spaces

The following number of off-street parking spaces shall be provided on the same lot or on land adjacent thereto.

<u>Type of Use</u>	<u>Number of Required Spaces</u>
<u>Residential</u>	Two spaces per dwelling unit, except elderly housing projects may have one space per dwelling unit.
<u>Public and Semi-Public</u>	
Churches and other places of public assembly	One space for every eight seats
Schools	One space for each employee plus one space for each 500 sq. ft. of gross floor space
Day Care Facilities	One space for each employee plus one space for every five children
Libraries, community centers, and similar uses	One space for each employee plus one space for each 800 sq. ft. of gross floor area
Clubs, meeting etc.	One space for each 100 sq. ft. halls, of gross floor area
<u>Business Uses</u>	

Retail sales	One space for every 150 sq. ft. of sales area plus one space for every 600 sq. ft of gross floor area
Outdoor sales such as autos, boats, & campers	Number of spaces required for retail sales plus one space for every 3000 sq. ft. of exterior area used to display sales items
Banks, offices, and personnel service business	One space for each 100 sq. ft of gross floor area
Beauty parlors, barber shops	1.5 spaces for each work station
Doctor's office, clinics, dentist	One space for each employee (including doctors) plus three spaces per each doctor
Motels, hotels, tourist homes, lodging houses, bed & breakfast	One parking space for each sleeping unit plus one space per each employee on the largest shift
Restaurants	One space for every table plus one space for each employee on the largest shift
Service stations	One space per each pump island plus two spaces per each bay
Auto repair, body shops	One space for every 200 sq. ft. of gross floor area plus one space for every 1000 sq. ft. of exterior storage space
Wholesale establishments, Warehouses, storage	One space for every 3000 sq. ft. of gross floor area
Other commercial	One space for every 300 sq. ft. of gross floor area, but planning board may require more through site plan review process

Businesses that are not part of shopping centers	60, 1/3 of which can be used as changeable copy sign area	20
Shopping Centers, Business/Office parks, and Industrial parks	50*	20
Industries	32	20
[Farming, Greenhouse and Horticultural, Roadside Farm Stand. Adopted 2012]	24, ½ of which can be used for changeable copy area	8
[Temporary seasonal farm products for sale. Adopted 2012]	10	8

* Where four or more businesses are located on one lot, directory signs may be incorporated as part of a freestanding sign, at the ratio of six square feet per business, for the purpose of identifying specific businesses located within a development, provided that the total area of such freestanding sign, inclusive of individual directory signs, shall not exceed seventy-two square feet. In addition to such sign area, a shopping center may be permitted up to twenty square feet of changeable copy sign area where such area is incorporated as part of the freestanding sign.

501.2 Attached Signs

- A. Building Facade: Any business, industry or public or semi-public use may also have a flat identification sign attached to the front facade of its building, provided that the size of the sign does not exceed:
1. Four square feet for home occupations and businesses located in residential structures.
 2. For other business and industry uses the lesser of:
 - a. Fifty percent of the area allowed for a free standing sign as per S 501.1; or
 - b. One square foot for each foot of building frontage.

If a business not located in a shopping center does not have a free-standing sign, it may have a sign attached to its front facade as large as the area permitted by S 501.1.

- B. Sides of Buildings: Businesses and industries not located in residential structures may have a sign attached to the side of a building upon special exceptions to the Board of Adjustment. However, the aggregate area of such sign plus any sign located on the front facade shall not exceed the area permitted under S 501.2 A.2 above.

501.3 Projecting Signs

Attached signs that project above the roof line or out from the front facade or side of a building are not permitted, except for the signs allowed by S 501.2 A.1 above (home occupations and businesses in residential structure).

501.4 Flashing signs

Signs which have any part moving or flashing are prohibited.

501.5 Illuminated Signs

Illuminated signs are permitted within the C/I District and by Special Exception in all other districts, provided that they do not adversely affect other neighboring properties or the visibility of any occupant in any vehicle traveling upon any street(s) next to which the illuminated sign is placed.

Any illuminated sign on property which abuts a residential property must be placed at least fifty feet from the boundary of the residential property, in addition to any other limitations. An illuminated sign shall not be located within any right of way nor within one hundred fifty feet of any intersection unless attached to a building.

501.6 Off-Premises Signs

[In all zoning districts, only the following off-premises signs shall be permitted:

- A. Business directional signs located within a state highway right-of-way pursuant to RSA 236:84 and NH Admin Rules Tra 602 (June 1990), as amended.
- B. Other business directional signs, provided that: (1) such signs shall not be located on the same road on

which the business is located; (2) no more than two such signs shall be permitted per business; and (3) such signs shall comply with the following limitations:

Such Limitations (Maximum)

<u>Posted Hwy. Speed (MPH)</u>	<u>Ht. of Letters (Inches)</u>	<u>Panel Ht. (Inches)</u>	<u>Panel Width (Feet)</u>
50-55	6	20	8
35-45	5	16	7
Under 35	2	9	4

- C. Civic signs intended to promote the Town of Loudon, provided that such signs shall not exceed thirty-two square feet in area.
- D. Temporary directional signs for real estate sales, provided that such signs shall not exceed four square feet in area; that such signs shall remain in place no longer than thirty days; and that no more than two such signs shall be permitted per property being sold.
- E. Political signs that are in full compliance with RSA 664:14 to RSA 664:17-a, as amended. Adopted 1991]

501.7 Temporary Signs

Temporary signs advertising the sale of property, or promoting or accommodating special events within the Town of Loudon, may be displayed under the following conditions, provided that they also comply with the specific dimensional and setback requirements of this ordinance.

- A. Temporary for sale sign for residential and commercial real estate: remove immediately after closing.
- B. Temporary construction sign: may be displayed from the date of the final development approval by the town until completion of construction.
- C. Temporary special event signs: may be displayed from non-residential properties to announce or promote special events located within Loudon such as competitive sports and racing, fairs, church, charitable and civic gatherings and programs, craft sales, auctions, and yard sales. Such signs shall be erected no earlier than one week prior to the event and shall be removed within one

week following the event. The number and size of these event signs should be reasonable for the business displaying them.

S 502 HOME OCCUPATIONS

Customary home occupations that do not materially disturb the residential neighborhood environment must comply with the following requirements:

502.1 Criteria for Minor Home Occupations

Uses classified as minor shall be permitted in all zoning districts which allow single-family residences. The following regulations shall apply to all minor home occupations.

- A. The use shall be conducted entirely within a dwelling and carried on by the inhabitants hereof and no others.
- B. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered to the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials construction, lighting, signs or the emission of sounds, or vibrations that carry beyond the premise.
- C. No more than one room of the dwelling may be used for the home occupation.
- D. There shall be no advertising, display or other indication of home occupation on the premises.
- E. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves or racks are not allowed, but person may pick up an order placed earlier as described above.
- F. No storage or display of goods shall be visible from the outside of the structure.
- G. No highly explosive or combustible material should be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any

offensive noise, odors, smoke, dust, vibration, heat, or glare noticeable at or beyond the property line.

- H. A home occupation shall not create greater vehicle or pedestrian traffic than normal for the area.
- I. A home occupation shall have additional parking spaces available to compensate for the additional parking needs generated.
- J. No use of material or equipment not recognized as being part of the normal practice of owning and maintaining a residence shall be allowed.
- K. Deliveries from commercial suppliers may not be made more than once a week and the deliveries shall not restrict traffic flow.

Permitted minor home occupations include, but are not limited to the following:

1. Artists and sculptors
2. Authors and composers
3. Home crafts for off site sales
4. Office facility of minister, rabbi, or priest
5. Office facility of a salesman, sales representative, or manufacturers representative provided that no transactions are made in person on the premises
6. Professional office facilities
7. Individual tutoring
8. Preserving and home cooking for sale off site
9. Individual instrument instruction provided that no instrument is amplified
10. Telephone solicitation work
11. Family daycare home involving not more than three children

502.2 Criteria for Major Home Occupation

Uses classified as major home occupations shall require a special exception. Further, major home occupations shall be encouraged in neighborhoods in transition from one land use to another such as residential properties in the CI district. Pure single family neighborhoods, in general, should be protected from major home occupations unless it can be specifically demonstrated that such a use will not have a negative short or long term impact on the neighborhood. To this extent, the following regulations shall apply to all major home occupations.

- A. [The use shall be conducted within a residence and carried on by inhabitants thereof and no more than three other persons. amended 1989]
- B. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by use of colors, materials, construction, lighting, signs or the emission of sounds, noise or vibrations.
- C. [deleted 2005]
- D. Signs consistent with the sign regulations are permitted.
- E. Incidental retail sales of stocks or merchandise, supplies or products may be made in connection with a major home occupation.
- F. Home occupations shall provide additional off street parking area reasonably adequate to accommodate needs created by the home occupation of not less than one parking space for each three hundred square feet of floor area devoted to the home occupation.
- G. [Area and exterior storage for the major home occupation will be subject to the use with consideration by the Zoning Board. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line. Amended 2005]
- H. Inspections, there may be one annual inspection each year by the zoning inspection officer to determine safety and compliance conditions.

Major home occupations requiring a special exception include but are not limited to the following:

1. Any use allowed as a minor home occupation
2. Single chair beauty parlors and barber shops
3. Photo developing
4. Organized classes with up to six students at one time
5. Television and other electrical repair excluding major appliances such as refrigerators etc
6. Small engine repairs, excluding automobiles, motorcycles and snowmobiles
7. Upholstering
8. Dressmaking
9. Pet grooming
10. Woodworking including cabinet making
11. Day care facilities caring for more than three children
12. [Local contractors subject to all requirements of this section - Adopted 2005]

502.3 [Such occupations shall not involve any stock in trade offered for sale other than that made on the premises, except by special exception. Amended 1989]

502.4 Such occupation shall involve no advertising visible from the street except identification signs complying with S 501 are permitted.

502.5 Such occupation shall not distract from the residential character of the neighborhood. It shall not:

- A. Generate non-residential levels of noise, vibration, glare, smoke, dust, fumes, odors or heat
- B. Require more than four (4) off-street parking spaces beyond those required by normal residential site plan

- C. Utilize the exterior spaces of the residential structure or yard for storage, display or occupational activities that unreasonably deviates from typical residential use

S 503 CAMPGROUNDS AND CAMPING PARKS

503.1 Site Plan Review

Campgrounds and camping parks are non-residential uses. No campground or camping park shall be permitted unless it has received site plan review approval from the Planning Board.

503.2 Criteria

- A. Lot Size: Campgrounds and camping parks shall be at least twenty acres in size.
- B. Camping Sites: Camping sites shall be at least 2500 square feet in area and shall be clearly marked. No camping site shall be located closer than 150 feet to a public road or abutting property line.
- C. Number of Sites: The number of camping sites shall not exceed six per acre, exclusive of areas within the Wetlands Conservation District.
- D. Open Space: At least fifty percent of the area of the campground shall be undisturbed open space, not utilized for camping sites.
- E. Buildings: No buildings shall be located in a campground or camping park other than buildings accessory to the camping use, except that one single family dwelling for use of the owner or a caretaker is permitted.

503.3 Temporary Camping or Campgrounds

Temporary camping or campgrounds are not permitted in any district except that of local civic organizations and youth groups which may be granted permission by applying to the Selectmen's Office. If such permission is granted the Selectmen may impose such conditions and limitations that they deem necessary to protect public health, safety and welfare. This section shall not be construed to limit the owner-occupant of a residence served by adequate sanitary facilities from accommodating, without compensation, occasional overnight guests in tents, recreational vehicles, or campers placed temporarily within the yard of such residence.

S 504 MULTIPLE-FAMILY DWELLINGS

Where multiple family dwellings are permitted by special exception pursuant to S 701.3, the following additional requirements shall be met.

504.1 Location The site shall be within one-half of a road mile of the Village District or within one-half of a road mile of State Route 106 (measured from the midpoint of the lot frontage of the site.)

504.2 Density The gross density of the site shall not exceed 0.5 dwelling units per acre.

504.3 Sewage The on-site waste disposal system shall have received the design approval of the NHWSPCC.

504.4 Traffic Traffic generated by the project shall not overburden local streets and roads. All sites shall be on a paved road.

504.5 Site Plan Site Plan approval shall have been received from the Planning Board.

504.6 Water Quality The project shall not adversely affect the surface water quality for groundwater quality.

S 505 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

Section 505.1 Purpose

The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas and to consider: (1) residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently; (8) consider the public

health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, Loudon shall give due consideration to its master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

A. Permitted Uses The following uses are specifically permitted:

1. Antennas or towers located on property owned, leased, or otherwise controlled by Loudon provided a license or lease authorizing such antenna or tower has been approved by Loudon.
2. [deleted 2005]

Section 505.2 Special Exception Use approval

A. General The following provisions shall govern the issuance of special exceptions for towers or antennas by the Zoning Board of Adjustment:

1. Applications for special exceptions under this Section shall be subject to the procedures and requirements of Section 701.3[special exceptions] of the Zoning Ordinance, except as modified in this Section.
2. In granting a special exception, the Zoning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
3. All applications once approved are subject to planning board site plan review and compliance with land use guidelines for cellular towers.
4. In addition to any standards for consideration of special use permit applications, the Zoning Board shall consider the following factors in determining whether to issue a special exception.
 - a. Height of the proposed tower;
 - b. Proximity of the tower to residential structures and residential district boundaries;
 - c. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Zoning Board of Adjustment that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's a proposed

antenna. An applicant shall submit information requested by the Zoning Board related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology must accompany the applicant's proposal.

S 506 SEXUALLY ORIENTED BUSINESSES

Section 506.1 Purpose

It is the purpose of this section to establish reasonable and uniform regulations to prevent the concentration of sexually orientated businesses within the Town of Loudon; and, it is the intent to promote the health, safety and general welfare of the citizens of the Town of Loudon; and, it is the intent of this article that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of sexually oriented businesses; and the provisions of this section have neither the purpose nor the effect of imposing limitation or restriction on the content of any communicative materials, including sexually oriented materials; arid; it is not the intent nor 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 effect of this section to condone or legitimize the distribution of obscene material.

A. Allowed locations and location restrictions of sexually oriented businesses:

1. Sexually Oriented Businesses, as defined above shall be permitted only in the Commercial/Industrial zone south of Route 129 to the Concord town line provided that all other regulations, requirements, and restrictions for the zone in which the sexually oriented business is to be located are met; and, no sexually oriented business shall be permitted within 1000 feet of another existing sexually oriented business or one for which a building permit has been applied for.
2. No sexually oriented business shall be permitted

within 1000 feet of any residence, apartment or manufactured housing.

3. No sexually oriented business shall be permitted within 1000 feet of any church, place of worship, parish house, convent, public, parochial, or private school, kindergarten, State approved day care center or public sports/recreation parks; and, no sexually oriented business shall be permitted within 1000 feet of the Town boundaries.
4. No sexually oriented business shall be permitted within 1000 feet of another existing sexually oriented business and no sexually oriented business shall be permitted within a building, premise, structure or other facility that contains a sexually oriented business as defined in this ordinance.
5. The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures from the closest exterior structural wall or temporary or permanent physical divider between each business.
6. The Zoning Board is empowered to review and approve special exception applications for sexually oriented businesses. The Planning Board is empowered to review permit applications and impose reasonable restrictions for buffering, outdoor lighting, parking, adequate egress from the set off of and onto public roads, pedestrian movement, and to provide for appropriate landscaping and building aesthetics in the "Site plan Review regulations of the town of Loudon, NH", and to avoid site development layout which may result in negative environmental impacts.

S 507 FLOODPLAIN ORDINANCE

[Certain areas of the Town of Loudon, New Hampshire are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Town of Loudon, New Hampshire has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act

of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Management Ordinance. Added 2008]

This ordinance, adopted pursuant to the authority of RSA 674:16, shall be known as the Town of Loudon Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Loudon Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

[The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Merrimack, NH" dated April 19, 2010, or as amended, together with the associated Flood Insurance Rate Maps dated April 19, 2010, or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.] Amended 2010

Item 1 - Definition of Terms

The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Loudon.

1. ["Area of Special Flood hazard" is the land in the floodplain within the Town of Loudon subject to a one-percent or greater possibility of flooding in any given year. The area is designated as zone A on the FIRM. Amended 2008]
2. "Base Flood" means the flood having a one-percent possibility of being equaled or exceeded in any given year.
3. "Basement" means any area of a building having its floor sub grade on all sides.
4. "Building" - see "structure".
5. ["Development" means 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

operation or storage of equipment or materials.
Amended 2008]

6. "FEMA" means the Federal Emergency Management Agency.
7. "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land area from:
 - a. the overflow of inland or tidal water, or
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
8. "Flood Insurance Rate Map" (FIRM) means the official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Loudon.
9. ["Flood Insurance Study" (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards. Added 2008]
10. "Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").
11. "Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.
12. "Floodway" - see "Regulatory Floodway".
13. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.
14. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

15. "Historic Structure" means any structure that is:
- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as registered historic district;
 - c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (i). by an approved state program as determined by the Secretary of the Interior, or
 - (ii). directly by the Secretary of the Interior in states without approved programs.
16. "Lowest Floor" means the lowest floor of the lowest enclosed are (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
17. ["Manufactured Home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days. This includes manufactured homes located in a manufactured home park or subdivision. Amended 2008]
18. ["Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into

two or more manufactured home lots for rent or sale.
Added 2008]

19. ["Mean sea level" means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. Amended 2008]
20. ["New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Added 2008]
21. "100-year flood" - see "base flood"
22. "Recreational Vehicle" is defined as:
 - a. built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - c. designed to be self-propelled or permanently towable by a light duty truck; and
 - d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
23. ["Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the bases flood without increasing the water surface elevation more than a designated height. Amended 2008]
24. ["Special flood hazard area" (See - "Area of Special Flood Hazard") Amended 2008]
25. "Structure" means for floodplains management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
26. "Start of Construction" includes substantial improvements, and means the date the building permit

was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

27. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.
28. "Substantial Improvement" means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal:
- a. the appraised value prior to the start of the initial repair or improvement, or
 - b. in the case of damage, the value of the structure prior to the damage occurring.

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. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alteration

will not preclude the structure's continued designation as a "historic structure".

29. ["Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under Item V or Item VIII (2)(b) of this ordinance is presumed to be in violation until such time as that documentation is provided. Added 2008]

30. ["Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains. Amended 2008]

Item II [All proposed development in any special flood hazard area shall require a permit. Added 2008]

Item III - Construction Requirements

The Code Enforcement Officer shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonable safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

- a. be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
- b. be constructed with materials resistant to flood damage,
- c. be constructed by methods and practices that minimize flood damages,
- d. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Item IV - Water and Sewer Systems

Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Code Enforcement

Officer with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

Item V - Certification

For all new or substantially improved structures located in special flood hazard areas, the applicant shall furnish the following information to the building inspector:

- a. the as-built elevation (in relation to NGVD) of the lowest floor (including basement) and include whether or not such structures contain a basement.
- b. if the structure has been flood proofed, the as-built elevation (in relation to NGVD) to which the structure was flood proofed.
- c. any certification of flood proofing.

The Code Enforcement Officer shall maintain the aforementioned information for public inspection, and shall furnish such information upon request.

Item VI - Other Permits

The Code Enforcement Officer shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

Item VII - Watercourses

1. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of Environmental Services and submit copies of such notification to the Code Enforcement Officer in addition to the copies required by the RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau.
2. The applicant shall submit to the Code Enforcement Officer certification provided by a registered

professional engineer assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.

3. The Code Enforcement Officer shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

"No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."

Item VIII - Special Flood Hazard Areas

1. [In Zone A the Code Enforcement Officer shall obtain, review, and reasonably utilize any one hundred year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site plan approvals). Amended 2008]
2. The Code Enforcement Officer's one hundred year flood elevation determination will be used as criteria for requiring in zone A that:
 - a. All new construction or substantial improvement of residential structures has the lowest floor (including basement) elevated to or above the one hundred year flood elevation.
 - b. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the one hundred year flood level; or together with attendant utility and sanitary facilities, shall:
 - (i). be flood proofed so that below the one hundred year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii). have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

- (iii). Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
- c. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the one hundred year flood elevation; and be securely anchored to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- d. All recreational vehicles placed on sites within Zones A shall either:
- (i). be on the site for fewer than one hundred eighty consecutive days;
 - (ii). be fully licensed and ready for highway use; or
 - (iii). [meet all standards of Section III of this ordinance and the elevation and anchoring requirement for "manufactured homes" of Item VIII 2(c) of this ordinance. Amended 2008]
- e. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
- (i). the enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage;
 - (ii). the area is not a basement; and
 - (iii). shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above

grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

Item IX - Variance and Appeals

1. Any order, requirement, decision or determination of the Code Enforcement Officer made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33,I (b), the applicant shall have the burden of showing in addition to the usual variance standards under state law that:
 - a. the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
 - b. if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
 - c. the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. The Zoning Board Of Adjustment shall notify the applicant in writing that:
 - a. [the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
Amended 2008]
 - b. such construction below the base flood level increases risks to life and property.

[Such notification shall be maintained with a record of all variance actions. Added 2008]

4. The community shall:
 - a. maintain a record of all variance actions, including their justification for their issuance, and
 - b. report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

A. General Requirements:

Any residential subdivision of four or more units in which one or more units is more than two thousand feet roadway/driveway travel distance from an existing municipal pressurized hydrant, dry hydrant or cistern shall provide a water supply for fire department use.

B. Fire Cistern Requirements:

1. Fire cisterns shall be located no more than two Thousand feet roadway/driveway travel distance from any structure on the furthestmost lot within a development.
2. The cistern capacity shall be calculated in accordance with Chapter 5 of the most recent edition of Standard 1231 of the National Fire Protection Association (NFPA). The capacity of the cistern will be based on the size of the largest home/structure constructed within the development. However, no cistern shall be smaller than thirty thousand gallon water capacity.
3. The design plans for the cistern shall be submitted to the Fire Department for approval prior to construction. These plans must be signed and stamped by a Structural or Fire Protection engineer licensed in the State of New Hampshire.
4. The entire fire cistern shall be rated for H-20 highway loading unless specifically exempted by the Fire Department.
5. Each cistern shall be sited to the particular location by a licensed Professional Engineer or a licensed land surveyor and approved by the Fire Department. All appropriate easements to the Town shall be in place prior to construction.
6. The construction of the cistern shall be according to guidelines provided by the Fire Department.
7. [Standards: The finished grade of a cistern shall be at existing grade. Adopted 2015]

C. Dry Hydrant Requirements:

1. Dry hydrant shall be located no more than two thousand feet road/driveway travel distance from any structure on the furthestmost lot within a development.
2. The body of water supplying the dry hydrant shall have a year round minimum volume of forty thousand gallons of water. Winter volume shall be calculated assuming four feet of ice. A professional engineer, utilizing 50-year drought records, shall calculate the available volume.

3. The maintenance of the dry hydrant shall be the responsibility of the land owner until such time that the town accepts the road and has a deeded right to maintain the hydrant. It is the property owner's responsibility to make sure the hydrant is kept in full operating condition until such time that the town accepts the hydrant. The hydrant may be replaced but shall never be removed by the property owner.
4. The suction piping system shall be eight inches in diameter and capable of delivering one thousand gallons per minute.
5. The design of dry hydrants shall be submitted to the Fire Department for approval prior to construction. All plans must be signed and stamped by a Professional Engineer licensed in the State of New Hampshire.
6. The Fire Department shall give final approval for the operation of each dry hydrant.
7. The construction of the dry hydrant shall be according to guidelines provided by the Fire Department. Adopted 2012]

ARTICLE VI

NON-CONFORMITIES

S 600 GENERAL

At the time this Ordinance takes effect, all lawful lots, buildings, structures and uses, which would not be otherwise allowed in the district where the same is located by the terms of this Ordinance, are declared to be non-conforming and shall be subject to the regulations set forth herein. All non-conforming lots, buildings, structures and uses when this Ordinance takes effect may continue indefinitely in their 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.

S 601 NON-CONFORMING LOTS OF RECORD

In any district in which single family detached dwellings are permitted, such dwelling and customary accessory buildings may be erected on a vacant lot which was a lot of record as of: the date of the zoning change making said lot non-conforming providing that said lot has a minimum of 50 feet of road frontage. Such buildings may be erected even though the lot does not conform to the area or frontage requirements of this Ordinance.

601.1 Contiguous Lot Rule

[Deleted 2013]

601.2 Yard Dimensions

The applicable district requirements for yard dimensions and other requirements not involving area or frontage shall still apply to non-conforming lots of record.

601.3 Septic System Requirements

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

S 602 NON-CONFORMING USES

Lawful uses of land, structures or buildings existent at the effective date of this Ordinance may be continued as non-conforming uses so long as they remain lawful, provided that:

602.1 Expansion

No such non-conforming use shall be enlarged, increased or extended more than twenty-five percent over original area established in March 1987.

602.2 Change to Another Non-Conforming Use

If no structural alterations are made, any non-conforming use of a building structure or land may be changed to another non-conforming use upon approval by the Board of Adjustment, after duly held public hearing, provided that the Board of Adjustment makes a specific finding that the proposed non-conforming use is equally or more appropriate to the district than the existent non-conforming use. In granting approval, the Board of Adjustment may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

602.3 Replacement with Permitted Use

Any building, structure, or land in or on which a non-conforming use is replaced by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the non-conforming use may not thereafter be resumed.

602.4 Abandonment, Discontinuance, Destruction

Any and all non-conforming uses of land, buildings or structures which are abandoned, discontinued or vacated or which are partially or wholly destroyed by reason of any cause whatsoever, including obsolescence, fire, explosion, storm, or other acts of god, may be resumed or restored and operated in their former-non-conformity if same is done within eighteen months thereafter.

The replacement uses (or buildings and structures, if applicable) 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.

S 603 NON-CONFORMING BUILDINGS AND STRUCTURES

Where lawful buildings or structures exist at the effective date of this Ordinance which could not be built under the terms of this Ordinance by reason of restrictions on lot coverage, height, yard, location on the lot or other

requirements concerning the building or structure, such buildings or structures may be continued as non-conforming buildings or non-conforming structures, so long as they remain lawful, provided that:

603.1 Expansion

Expansion of non-conforming parts of buildings or structures is not allowed. Those parts of any building or structure which are conforming may be expanded provided the expansion is conforming and the use is not changed.

603.2 Abandonment, Discontinuance, Destruction

Any non-conforming building or non-conforming structure which is abandoned or vacated or which is partially or wholly destroyed by reason of any cause whatsoever, including obsolescence, fire, explosion, storm, tides, or other acts of god, may be resumed or restored and operated in its former non-conformity if same is done within eighteen months thereafter. If possible, the replacement of the building or structure shall conform to the requirements of this ordinance with which it previously did not conform, as well as to all other requirements with which it did conform. Otherwise, the replacements shall be in the same location and of the same dimensions as before the damage occurred, unless change of location or dimensions would make the replacement less non-conforming.

ARTICLE VII

BOARD OF ADJUSTMENT

S 700 ESTABLISHMENT OF BOARD OF ADJUSTMENT

The Board of Adjustment, as established, is hereby continued as such. The word "Board" when used in this section shall be construed to mean the Board of Adjustment.

700.1 Membership

[The Board shall consist of five members elected by the voters, each to be elected for three years. The terms shall be arranged so that no more than two members are elected annually. No person holding the office of Selectmen shall serve on this Board. Amended 2007]

700.2 Alternate Membership

[The Board of Adjustment shall appoint not more than five alternate members to the Board. Amended 2007]

700.3 Meetings

Regular and special meetings of the Board shall be held at the call of the Chairman or of a majority of the members of the Board at such time as the chairman or majority of the members of the Board may determine. The presence of three members shall be necessary for a quorum. [Amended 2007]

700.4 Organization

- A. Rules of Procedure: As required by NH RSA 676:1, the Board shall adopt rules of procedure.
- B. Minutes: The secretary shall keep minutes of the proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating the fact.
- C. Annual Election of Officers: The Board shall annually elect a Chairman, Vice-Chairman and Secretary.
 1. A Chairperson shall be elected annually by the Board in the month of March by a majority vote of the Board. Said Chairperson shall serve for one year and shall be eligible for re-election. He/she shall preside over all meetings and hearings, appoint such committees as directed by the Board

and shall affix his/her signature in the name of the Board.

2. A vice-Chairperson shall be elected annually by the Board in the month of March by a majority vote of the Board. Said Vice-Chairperson shall serve for one year and shall be eligible for re-election. Said Vice-Chairperson shall preside in the absence of the Chairperson and shall have the full powers of the Chairperson on matters which come before the Board during the absence of the Chairperson.
3. A clerk shall be hired at the discretion of the Board. He/she shall maintain a record of all meetings, transactions, findings of the Board, and perform such other duties as the Board may direct by resolution.
4. Whenever a member of the Board is unable to attend a regular or specially called meeting of the Board or to perform other responsibilities, said member will notify the Chairperson who will select one of the alternates to assume the responsibilities.

S 701 POWERS AND DUTIES

The powers and duties of the Board shall be as prescribed by NH RSA 674:33, as amended. The powers and duties are:

701.1 Administrative Appeals

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by any administrative official in the enforcement of this Ordinance. In exercising this power, the Board may reverse or affirm, wholly or partly, 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 officer from whom the appeal is taken. An appeal stays all proceedings under the action appealed from unless the officer from whom the appeal is taken certifies to the Board, after notice of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by the Superior Court on notice to the officer from whom the appeal is taken and cause shown.

701.2 Variance

[To authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

(1) The variance will not be contrary to the public interest;

(2) The spirit of the ordinance is observed;

(3) Substantial justice is done;

(4) The values of surrounding properties are not diminished; and

(5) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

(i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

(ii) The proposed use is a reasonable one.

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance. Amended 2010]

701.3 Special Exceptions

To hear and decide special exceptions to the terms of the zoning Ordinance upon which such board is required to pass under such Ordinance. In passing upon any application for a special exception, the Board shall make each of the following findings:

1. The special exception is specifically authorized by Article II or Article III of this Ordinance.
2. The proposed use will not be injurious or detrimental to the neighborhood.
3. Any special conditions required by Article II, Article III or Article V will be complied with.
4. The proposed use will not make an excessive demand on municipal services.
5. The proposed use will not generate traffic volumes that will overburden existing roads and streets.
6. The proposed use will not have an adverse impact on the natural environment.
7. [The proposed use will not adversely affect Loudon's groundwater resources, in particular the aquifer shown on maps prepared as part of Loudon's current Master Plan. amended 2006]

701.4 Special Conditions

In approving a special exception or variance, the Zoning Board of Adjustment may attach appropriate conditions to assure that the general criteria can be met and enforced, including but not limited to:

1. Specifying the length of time for which the special exception or variance is granted, the times of the year which rights granted by a special exception or variance may be exercised, and its hours of operation.
2. Front, side, or rear yard setbacks or buffer areas which are greater than the minimum requirements of this ordinance.
3. Modifications of the external features of the building or structures.
4. Requiring suitable landscaping, screening and maintenance or restoration of natural buffer areas where

necessary to reduce noise and glare, and to maintain the property in a character with the surrounding area.

5. The removal or modification of non-conforming uses, signs, buildings, or structures as conditions precedent to the granting of a special exception or variance. These actions further the purposes of the ordinance and improve compatibility of the proposed use with surrounding uses.
6. Professional studies or the funding thereof, for the purpose of monitoring compliance with the conditions required subsequent to board approval of a special exception or variance, to verify the impact of the use on municipal services, traffic, and public safety, noise, air quality, and ground and surface water quality.
7. Specifying the size of operation, number of occupants permitted within the approved use and extent of facilities required for use, and also specifying the numbers and locations of driveways and accesses for the approved use.
8. Special exceptions and variances must be utilized within twenty-four months of approval. If the approval time should lapse the applicant must return to the board again to renew the approval.

S 702 APPLICATIONS

Applications to the Board for an Administrative Appeal, Variance or Special Exception shall be made on forms provided by the Board in compliance with procedures established by the Board.

- A. Fees: The application shall be accompanied by whatever fees are required by the Board to defray its costs.
- B. Plans and Information: The application shall be accompanied by whatever plans and other information are required by the Board.
- C. Posting and Procedures: The Board shall post its application procedures, fees and informational submittal requirements in a public place and file the same with the Town Clerk.

S 703 HEARINGS AND NOTICES

The Board shall hold a public hearing on each application.

703.1 Abutters Notice

The applicant and all abutters shall be notified of the public hearing by certified mail. Such notice shall be given not less than five days or more than thirty days before the date of the hearing.

703.2 Public Notice

A public notice of the hearing shall be posted at several places in town such as the Town Offices and Post Office; and shall be published in a newspaper of general circulation in Loudon not less than five nor more than thirty days before the date of the hearing. [Amended 2007]

S 704 HEARING PROCEDURE

All hearings shall be conducted in accordance with the rules of procedure adopted by the Board.

704.1 Witnesses

The Chairman shall have the power to administer oaths and compel the attendance of witnesses.

704.2 Testimony

The Board shall hear all abutters who desire to testify and all non-abutters who can demonstrate that they are affected directly by the application under consideration. The Board may hear such others as it deems appropriate.

704.3 Burden of Persuasion

The applicant bears the burden of introducing sufficient evidence, through testimony or otherwise, to persuade the Board that the application should be granted. These representations made at public hearings and material submitted to the board by the applicant for a special exception or variance concerning features of proposed buildings, structures, parking, lighting, number, area and types of signs or other characteristics of the proposed use

or its operation shall be deemed conditions on which the approval is granted.

704.4 Conflicts of Interest

No member of the Board shall sit upon the hearing of any question which the Board is to decide in a judicial capacity if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties. If a member is disqualified or unable to act in any particular case pending before the Board, the chairman shall designate an alternate to act in his place.

704.5 Joint Hearings with Planning Board

In accordance with NH RSA 676:2, as amended, the Board of Adjustment and the Planning Board may hold joint meetings and hearings when the subject matter of an application is within the responsibilities for both boards. Each Board shall be responsible for rendering a decision on the subject matter which is within its jurisdiction.

S 705 DECISIONS OF THE BOARD

In exercising its powers 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.

705.1 Majority Vote

The concurring vote of three members of the Board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant or any matter on which it is required to pass.

705.2 Special Conditions

In granting any Appeals, Variances or Special Exceptions, the Board may attach whatever conditions it deems necessary to the approval decision in order to assure compliance with the purposes of this Ordinance.

705.3 Issuance of Decision

- A. Written Decisions: The Board shall issue a final written decision which either approves or disapproves an application. If the application is not approved, the Board shall provide the applicant with written reasons for the disapproval.

- B. Filing of Decisions: Whenever the Board issues a decision; it shall be placed on file with the Town Clerk and made available for public inspection within seventy-two hours after the decision is made.

S 706 REHEARINGS AND APPEALS

As provided by NH RSA 677:2, as amended, within thirty days after any order or decision of the Board, any party to the action or proceeding or any person directly affected by it may apply for a rehearing.

The Board shall either grant or deny a rehearing within thirty days of receiving the request or may suspend the order of decision complained of pending further consideration. Appeals to the NH Superior Court may be taken pursuant to NH RSA 677:4, as amended, within thirty days after the action complained of has been recorded.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

S 800 ADMINISTRATION AND ENFORCEMENT RESPONSIBILITY

It shall be the responsibility of the Board of Selectmen to administer and enforce this Ordinance. Subject to the availability of duly appropriated funds, the Selectmen may hire a Building Inspector and delegate these responsibilities to him or her.

S 801 BUILDING PERMITS

801.1 Building Permits Required

[Except as provided in this section, no permanent building or structure shall be erected, enlarged, altered, or moved without a building permit showing that all requirements of the Zoning Ordinance shall be complied with. A building permit shall not be required for the erection, enlargement, or alteration of an accessory structure or building in conformity with the standards of this ordinance, where the structure or building is less than ten feet in height and occupies less than one hundred square feet of ground area. Amended 1997]

801.2 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, provided that no fees may be established, amended or revised without a public hearing with ten days published and posted notice. Said notice shall contain a listing of all proposed fees.

801.3 Building Permit Applications

No application for a building permit shall be accepted or approved unless it is (1) filed in writing on the form prescribed by the Selectmen, (2) accompanied by the required permit fee, and (3) accompanied by a drawing, in duplicate, showing the lot plan, the location of the building or use on the lot, accurate dimensions of the lot and building or use; and where for human habitation or use, showing location and specifications of means of waste and sewage disposal, 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 construction from the NHWSPCC.

801.4 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 alterations proposed.

801.5 Building Permit Conditions

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

801.6 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 event of such suspension or revocation of a building permit, the work or project concerned shall immediately cease, or legal action to enforce cessation shall forthwith be taken by the Selectmen.

801.7 Expiration of Building Permit

A building permit whether for a building, structure, alteration or proposed land use, or otherwise, under the authority of which no work has been commenced within one year after issuance shall expire and become void upon such anniversary. For new buildings the commencement of work shall be considered to be the completion of the foundation.

801.8 Renewal of Building Permit

A building permit under which work has commenced may be renewed for an additional year for a renewal fee to be established by the Selectmen per S 801.2.

801.9 Completion of Work

Any building, structure or other cover built or erected as authorized by this Ordinance shall be completed as to exterior work, which shall mean the application of suitable siding, shingles or other commonly accepted material, within a period of two years from date of the original permit. The installation of sanitation facilities must be completed prior to the receipt of an occupancy permit.

801.10 Size of Building

The Selectmen shall not issue a building permit herein before described if the proposed building, structure, or other cover contains less than 920 square feet of floor surface, outside measurement exclusive of garage and storage space other than ordinary household closets and stairwells.

S 802 ENFORCEMENT

802.1 Duty of Selectmen to Enforce

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

802.2 Cease and Desist Orders

The Selectmen may issue violation and cease and desist orders personally, or by Town Counsel. The Selectmen may take all actions deemed by them to enforce this Ordinance or to prevent violations thereof.

802.3 Injunctive Relief

In addition to other remedies provided by law, the Selectmen or town legal counsel may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent or abate or remove erections, construction, alterations or re-constructions that are in violation of this Ordinance.

802.4 Penalties

Any person who violates this Ordinance shall be subject to a civil fine of not more than \$100 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, whichever date is earlier.

S 803 IMPACT FEE ORDINANCE

803.1 Purpose

This ordinance is enacted pursuant to RSA 674:21, and to:

- Promote the public health, safety and welfare and prosperity;
- Ensure that adequate and appropriate facilities are available to individuals who may come to be located in the Town of Loudon;
- Prevent scattered or premature development of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
- Provide for the harmonious development of the municipality and its environs;
- Ensure the proper arrangement and coordination of streets; and,
- Ensure streets sufficient width to accommodate existing and prospective traffic.

803.2 Definitions

Impact Fee means a fee or assessment imposed upon development, including subdivision, building construction or other land-use change, in order to help meet the needs occasioned by the development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and right of way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public libraries; and public recreation facilities, not including public open space.

803.3 Authority to Assess Impact Fees

The Planning Board is hereby authorized to assess impact fees, as herein defined, and in accordance with the standards herein set forth. The Planning Board shall have the authority to adopt regulations to implement the provisions of this ordinance.

803.4 Impact Fee Calculation Methodology

The Planning Board shall be responsible for developing and updating any proposed impact fee methodology in the Town of Loudon based on sound methodology. Town Counsel should be asked to review and comment on any proposed methodology and modifications to existing methodology in terms of legal defensibility, prior to adopting any changes to an impact fee schedule. The Planning Board or Board of Selectmen may establish subcommittees to perform such work as developing a methodology.

The Planning Board shall annually review all impact fee schedules and determine if any change is proposed to the fee schedule. The data used in making the decision to change fee schedule shall be made available for public review and summarized in a brief report. Any proposed changes to the fee schedule shall require the Planning Board to conduct a public hearing prior to making any changes to the fee schedule.

803.5 Calculation of an individual impact fee

The fees collected shall be based solely on the impact fee schedule approved by the Planning Board. The roadway impact fee shall apply to all new residential dwelling units including single family units, duplexes, apartment (multi-family) and elderly housing, whether they are located in a cluster, conventional or any specific form of development pattern. The collection of roadway impact fees shall not apply to industrial or commercial uses even if such use has a residential component associated with it such as one might expect with a secured storage facility or any other similar use which may be developed from time to time. The fee schedule shall be for each residential unit developed.

803.6 Administration of Funds Collected

Collection of Fees - The Town shall maintain a spreadsheet or other organization tool to keep track of the fees collected, which shall at a minimum include the following information:

- current owner (needs to be updated as needed)
- date of payment
- date subdivision approval given
- date subdivision plan recorded at the Registry of Deeds
- name and address of the person making the payment
- street location
- subdivision name

- tax map and lot references

All funds shall be properly identified and used solely for the purposes for which it was collected. In no circumstances will impact fee revenues accrue to the General Fund. The Planning Board or other such designated entity shall have custody of all impact fee accounts. At the end of each fiscal year the town staff responsible for maintaining such files shall make a written report of the status of all impact fees collected.

803.7 Impact Fee Payment

Acceptable forms of payment for impact fees shall be cash, certified bank check or a personal check. A personal check may be accepted, however the certificate of occupancy shall not be issued until the Town has proof from the bank that the check has cleared. Any person, corporation, or organization which issues a check with insufficient funds shall in the future only be permitted to pay for an impact fee with a certified bank check, unless there was a banking error which can be substantiated with proof from the bank

803.8 Issuance of Certificate of Occupancy (CO)

No CO shall be issued, either temporary or permanent unless all applicable impact fees have been collected.

803.9 Refund of Fees Paid

If such funds are not expended for the respective impact fee for which they were collected and within the time frame of six years, the existing owner of the property may apply for a refund. A refund shall be owed by the Town when the Town has failed to use the funds as so collected within a 6-year period. The Planning Board shall notify the owner of record by certified mail return receipt request that such refund may be applied for. Such request for a refund shall be made to the Planning Board within six-months from the date of the certified mailing notice.

803.10 Relationship to Capital Improvements Program and Benefit District

Roadway impact fee funds may be used for roadway improvements which are not currently included in the CIP. The CIP, when updated may include projects for which roadway impact fees could be used. Preference should be

given to use roadway impact fees for projects listed in the CIP. This is only a guideline, and does not imply that it shall be done. Impact fee funds shall be expended in the benefit district zone in which they are collected.

803.11 Termination of Impact Fees

The Planning Board shall have the authority to terminate the impact fee schedule for all applications, but only after conducting a public hearing.

803.12 Waivers

Any person required to pay an impact fee may request a waiver of such fee. The waiver request must be submitted to the Planning Board in writing and include an explanation of the reasons for requesting a waiver of the impact fee. The request must be made by the current owner of the property. The request letter must include the property tax map and lot number, street location, and reasons for requesting the waiver. The Planning Board may request other information as deemed appropriate by the board. The Planning Board may consult with other town boards or departments in considering any waiver request. A brief description of the outcome of such consultations shall be provided as a written comment in the file. The Planning Board shall consider all impact fee waiver requests at a regular meeting of the Planning Board. Such items shall be specifically listed on the agenda as a waiver of the impact fee and include other relevant information such as location, owner and etc. The Planning Board shall within thirty days of receipt of the waiver or at the next regular Planning Board meeting, notify the applicant of the decision outlining the reasons for either approving or denying the waiver request.

803.13 Appeals

Any decision under an impact fee ordinance may be appealed in the same manner provide by statute for appeals from the officer or board making that decision, as set forth in RSA 676:5, RSA 677:2-14 and RSA 677:15 respectively.

803.14 Applicability

This ordinance shall not be deemed to affect the existing authority of the Planning Board over subdivisions and site plans. Including, but not limited to the authority to declare a development to be premature or scattered in

accordance with the regulations of the board and in
accordance with RSA 674:36, II(a).

ARTICLE IX

AMENDMENT, CONFLICTS, SEVERABILITY AND EFFECTIVE DATE

S 900 AMENDMENT

This Ordinance may be amended from time to time as prescribed in NH RSA Chapter 675 or as prescribed by any statute amending, revising or replacing Chapter 675.

S 901 CONFLICTS

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

S 902 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.

S 903 EFFECTIVE DATE

This Ordinance shall take effect upon its passage, and shall thereupon supersede all prior Zoning Ordinances of the Town of Loudon.

ARTICLE X

SMALL WIND ENERGY SYSTEMS ORDINANCE

A. [Purpose:

This small wind energy systems ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA 672:1-III-a. The purpose of this ordinance is to accommodate small wind energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

B. Definitions:

Meteorological tower (met tower) - Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the potential to install, construct or erect a small wind energy system.

Modification - Any change to the small wind energy system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification.

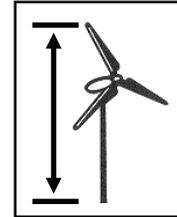
Net metering - The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period.

Power grid - The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England.

Shadow flicker - The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow

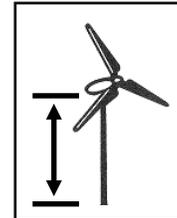
Small wind energy system - A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of 100 kilowatts or less and will be used primarily for onsite consumption

System height - The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point.



Tower - The monopole, guyed monopole or lattice structure that supports a wind generator.

Tower height - The height above grade of the fixed portion of the tower, excluding the wind generator.



Wind generator - The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

C. Procedure for Review:

1. Building Permit: Small wind energy systems and met towers are an accessory use permitted in all zoning districts, **by special exception through the Zoning Board of Adjustment**, where structures of any sort are allowed. No small wind energy system shall be erected, constructed, or installed without first receiving a building permit from the building inspector. **Upon completion of the building permit process the proposed wind energy system shall be submitted to the Loudon Zoning Board for a Special Exception.** A building permit shall be required for any physical modification to an existing small wind energy system. Met towers that receive a building permit shall be permitted on a temporary basis not to exceed 3 years from the date the building permit was issued.

2. Application: Applications submitted to the building inspector shall contain a site plan with the following information:
- i) Property lines and physical dimensions of the applicant's property.
 - ii) Location, dimensions, and types of existing major structures on the property.
 - iii) Location of the proposed small wind energy system, foundations, guy anchors and associated equipment.
 - iv) Tower foundation blueprints or drawings.
 - v) Tower blueprints or drawings.
 - vi) Setback requirements as outlined in this ordinance.
 - vii) The right-of-way of any public road that is contiguous with the property.
 - viii) Any overhead utility lines.
 - ix) Small wind energy system specifications, including manufacturer, model, rotor diameter, tower height, tower type, nameplate generation capacity.
 - x) Small wind energy systems that will be connected to the power grid shall include a copy of the application for interconnection with their electric utility provider.
 - xi) Sound level analysis prepared by the wind generator manufacturer or qualified engineer.
 - xii) Electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the International Building Code.
 - xiii) Evidence of compliance or non-applicability with Federal Aviation Administration requirements.
 - xiv) List of abutters to the applicant's property.

3. **Abutter and Regional Notification:** In accordance with RSA 674:66, the building inspector shall notify all abutters and the local governing body by certified mail upon application for a building permit to construct a small wind energy system. The public will be afforded thirty days to submit comments to the building inspector prior to the issuance of the building permit. The building inspector shall review the application for regional impacts per RSA 36:55. If the proposal is determined to have potential regional impacts, the building inspector shall follow the procedures set forth in RSA 36:57, IV.

D. Standards:

1. The building inspector shall evaluate the application for compliance with the following standards;
 - a. **Setbacks:** The setback shall be calculated by multiplying the minimum setback requirement number by the system height and measured from the center of the tower base to property line, public roads, or nearest point on the foundation of an occupied building.

Minimum Setback Requirements			
Occupied Buildings on Participating Landowner Property	Occupied Buildings on Abutting Property	Property Lines of Abutting Property and Utility Lines	Public Roads
0	1.5	1.1	1.5

- i) Small wind energy systems must meet all setbacks for principal structures for the zoning district in which the system is located.
- ii) Guy wires and guy anchors used to support the tower are exempt from the small wind energy system setback requirements.
- b. **Sound Level:** The small wind energy system shall not exceed sixty decibels using the A scale (dBA), as measured at the site property line except during short-term events such as severe wind storms and utility outages.
- c. **Shadow Flicker:** Small wind energy systems shall be sited in a manner that does not result in significant shadow flicker impacts. Significant

shadow flicker is defined as more than thirty hours per year on abutting occupied buildings. The applicant has the burden of proving that the shadow flicker will not have significant adverse impact on neighboring or adjacent uses. Potential shadow flicker will be addressed either through siting or mitigation measures.

- d. Signs: All signs including flags streamers and decorative items, both temporary and permanent, are prohibited on the small wind energy system, except for manufacturer identification or appropriate warning signs.
- e. Aviation: The small wind energy system shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installations close to airports, and the New Hampshire Aviation regulations, including but not limited to RSA 422-b and RSA 424.
- g. Visual Impacts: It is inherent that small wind energy systems may pose some visual impacts due to the tower height needed to access wind resources. The purpose of this section is to reduce the visual impacts, without restricting the owner's access to the optimal wind resources on the property.
 - i) The applicant shall demonstrate through project site planning and proposed mitigation that the small wind energy system's visual impacts will be minimized for surrounding neighbors and the community. This may include, but not be limited to information regarding site selection, wind generator design or appearance, buffering, and screening of ground mounted electrical and control equipment, and placement of electrical conduits underground.
 - ii) The color of the small wind energy system shall either be the stock color from the manufacturer or painted with a non-reflective, unobtrusive color that blends in with the surrounding environment. Approved colors include but are not limited to white, off-white or gray.

iii) A small wind energy system shall not be artificially lit unless such lighting is required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights for the small wind energy system.

h. Utility Connection: If the proposed small wind energy system is to be connected to the power grid through net metering, it shall adhere to RSA 362-A:9.

i. Access: The tower shall be designed and installed so as not to provide step bolts or a ladder readily accessible to the public for a minimum height of eight feet above the ground. All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

E. Abandonment:

1. At such time that a small wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the building inspector by certified U.S. mail of the proposed date of abandonment or discontinuation of operations.

2. Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within ninety days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the building inspector. "Physically remove" shall include, but not be limited to:

a. Removal of the wind generator and tower and related above-grade structures.

b. Restoration of the location of the small wind energy system to its natural condition, except that any landscaping, grading or below-grade foundation may remain in its same condition at initiation of abandonment.

3. In the event that an applicant fails to give such notice, the system shall be considered abandoned or

discontinued if the system is out-of-service for a continuous twelve-month period. After the twelve months of inoperability, the building inspector may issue a Notice of Abandonment to the owner of the small wind energy system. The owner shall have the right to respond to the Notice of Abandonment within thirty days from Notice receipt date. After review of the information provided by the owner, the building inspector has thirty days to determine if the small wind energy system has been abandoned. If it is determined that the small wind energy system has not been abandoned, the building inspector shall withdraw the Notice of Abandonment and notify the owner of the withdrawal.

4. If the owner fails to respond to the Notice of Abandonment or if, after review by the building inspector, it is determined that the small wind energy system has been abandoned or discontinued, the owner of the small wind energy system shall remove the wind generator and tower at the owner's sole expense within three months of receipt of the Notice of Abandonment. If the owner fails to physically remove the small wind energy system after the Notice of Abandonment procedure, the building inspector may pursue legal action to have the small wind energy system removed at the owner's expense.

F. Violation:

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt from this ordinance except when modifications are proposed to the small wind energy system.

G. Penalties:

Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as allowed by NH Revised Statutes Annotated Chapter 676:17. Adopted 2009]

**LOUDON ZONING BOARD OF ADJUSTMENT
REPROCESSED SOIL PERMITTING PROCESS**

The Loudon Zoning Board of Adjustment is responsible for permitting land application of all reprocessed soil in Loudon per Article #16 voted on at the 1998 Town meeting.

Requests for reprocessed soil application and the permitting process are as follows:

1. Anyone wishing to apply reprocessed soil on any land in Loudon will contact the Loudon Compliance Officer and provide the following information.
 - a. Source and type of reprocessed material including test results.
 - b. Location of land where material will be placed.
 - c. Amount of material to be placed and the time frame.

2. The Compliance Officer will complete the request and forward to the zoning office by the next working day.
 - a. ZBA chairman (or designate) will review the soil application request.
 - b. ZBA chairman (or designate) will require an independent background soil test at the property where the reprocessed soil will be placed to be completed in 7 business days or less.
 - c. ZBA chairman (or designate) will schedule a full board hearing after receipt of any request and notify applicant of status including background and other test results.
 - d. All requests will be responded to in thirty (30) days or less with a decision either permitting or denying the request being rendered.
 - e. Test results of reprocessed soil from the supplier will be required by the ZBA prior to any approvals and the ZBA requires that a background soil sample test at applicant's expense be conducted. The ZBA retains the right to confirm test results through independent testing at the expense of the applicant.

The Compliance Officer will obtain soil samples on request of the ZBA and submit to the town engineer for independent lab analysis. The engineer will analyze these results and report back to the ZBA.

- A. Soil tests will include the eight common state controlled elements.
- B. Soil may also be tested for volatiles.

[Application of soil will be restricted based on Department of Environmental Services (DES) recommendations and/or directives, current version, as follows: (Amended 2010)]

Clean soil derived from contaminated soil, by having been fully treated at an authorized facility to meet standards specified for distribution and use as soil, excluding uses:

- a. residential applications
- b. playground application
- c. within the one hundred year flood plain or wetland
- d. on land used for the production of crops for direct human consumption
- e. within a recharge area of any sole source drinking water supply
- f. within one hundred feet of any surface water

WORKFORCE HOUSING ORDINANCE

[1. **Purpose.** The purpose of this Article is as follows:

- A. To encourage and provide for the development of affordable workforce housing;
- B. To ensure the continued availability of a diverse supply of home ownership and rental opportunities for low to moderate income households;
- C. To meet the goals related to affordable housing provisions set for in the town's Master Plan; and
- D. To comply with the requirements of SB 342, An Act establishing a mechanism for expediting relief from municipal actions which deny, impede, or delay qualified proposals for workforce housing (RSA674:58-61).

In the course of implementing this Article, the Town of Loudon has considered the region's affordable housing needs as described in the Central New Hampshire Regional Planning Commission's Housing Needs Assessment and relevant regional fair share analysis.

II. Authority. This innovative land use control Article is adopted under the authority of RSA 674:21, and is intended as an "Inclusionary Zoning" provision as defined in RSA 674:21(I)(k) and 674:21(IV)(a), as well as RSA 672:1, III-e, effective July 2009 which states:

"All citizens of the state benefit from a balanced supply of housing which is affordable to persons and families of low and moderate income. Establishment of housing which is decent, safe, sanitary and affordable to low and moderate income persons and families is in the best interests of each community and the state of New Hampshire, and serves a vital public need. Opportunity for development of such housing shall not be prohibited or unreasonably discouraged by use of municipal planning and zoning powers or by unreasonable interpretation of such powers."

III. Applicability

- A. The provisions of this ordinance will be in effect only when Loudon does not meet its regional "fair share" of workforce housing. During those times when Loudon does meet its regional "fair share" of workforce housing the provisions of this ordinance will not apply. A Housing Commission, or the Planning Board (or it's designee) in the absence of a Housing Commission, will monitor and report regional housing trends to determine if Loudon meets its "fair share" of workforce housing for the region. The Central New Hampshire Regional Planning Commission Regional Housing Needs Assessment and any relevant methodology will be consulted when determining if Loudon meets its "fair share" of the region's workforce housing needs.
- B. When in effect, the Planning Board will have the authority to waive any growth control provisions that, in the official opinion of the Board, provide a barrier to, or impede with, the implementation of this ordinance. Growth control provisions will include a Growth Management Ordinance, Impact Fees, or any other growth control method adopted under the authority of RSA 674:21.
- C. Development in accordance with the provisions of this Article is permitted as a conditional use in the Workforce Housing Overlay District as depicted in the Town of Loudon Official Zoning Map.
- D. Permitted Uses: Single family, duplexes, multi-family, accessory apartments (so-called "In-Law Apartments"), and manufactured housing, a mix of housing types within the same development, or a mix of commercial and multi-family housing is permitted within an application under this Article.
- E. Appeal: Any person aggrieved by a Planning Board decision that constitutes a denial of a Conditional Use Permit due to noncompliance with one or more of the provisions of this ordinance may appeal that decision to the Superior Court, as provided for in RSA 677:15. A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment (RSA 676:5 III).

IV. Procedural Requirements/ Applicant

- A. Notice of Intent to Build Workforce Housing: Any person who applies to the Planning Board for approval of a development that is intended to qualify as workforce housing under this subdivision shall file a written statement of such intent as part of the application.
- B. Waiver: Failure to file such a statement shall constitute a waiver of the applicant's rights under RSA 674:61 (so-called builder's remedy), but shall not preclude an appeal under other applicable laws.
- C. In any appeal where the applicant has failed to file the statement required by this section, the applicant shall not be entitled to a judgment by a court on appeal that allows construction of the proposed development, or otherwise permits the proposed workforce housing development to proceed despite its nonconformance with the municipality's ordinances or regulations.

V. Procedural Requirements/Planning Board

- A. Notice of Conditions: If the Planning Board approves an application to develop workforce housing subject to conditions or restrictions, it shall notify the applicant in writing of such conditions and restrictions and give the applicant an opportunity to establish the cost of complying with the conditions and restrictions and the effect of compliance on the economic viability of the proposed development. The board's notice to the applicant of the conditions and restrictions shall constitute a conditional approval solely for the purposes of complying with the requirements of RSA 676:4 I(i). It shall not constitute a final decision for any other purpose, including the commencement of any applicable appeal period.
- B. Submission of evidence to establish cost of complying with conditions: Upon receiving notice of conditions and restrictions as described above, the applicant may submit evidence to establish the cost of complying with the conditions and restrictions and the effect on economic viability within the period directed by the board, which shall not be less than 30 days. Upon receipt of such evidence, the Board shall allow the applicant to review the evidence at the board's next

meeting for which 10 days notice can be given, and shall give written notice of the meeting to the applicant at least 10 days in advance. At such meeting, the board may also receive and consider evidence from other sources. The board may affirm, alter, or rescind any or all of the conditions or restrictions of approval after such a meeting.

- C. Final decision: The board shall not issue its final decision on the application before such meeting, unless the applicant fails to submit the required evidence within the period designated by the board, in which case it may issue its final decision any time after the expiration of the period. If the applicant notifies the board in writing at any time that the applicant accepts the conditions and restrictions of the approval, the board may issue its final decision without further action under this paragraph.
- D. Appeals: Any person who has filed the written notice and whose application is denied or is approved with conditions or restrictions which have a substantial adverse effect on the viability of the proposed workforce housing development may appeal the municipal action to the Superior Court under RSA 677:4 or RSA 677:15 seeking permission to develop the proposed workforce housing.

VI. Definitions

- A. Affordable: Affordable means housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed 30 percent of the household's gross annual income.
- B. Multi-family housing: Multi-family housing for the purposes of workforce housing, means a building or structure containing 5 or more dwelling units, each designed for occupancy by an individual household.
- C. Reasonable and realistic opportunities for the development of workforce housing: Means Opportunities to develop economically viable workforce housing within the framework of a municipality's ordinances and regulations adopted pursuant to this chapter and consistent with RSA 672:1, III-e.
- D. Workforce housing/owner occupied: Means housing which is intended for sale and which is affordable to a

household with an income of no more than 100% of the median income for a 4-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development.

- E. Workforce housing/renter occupied: Means rental housing which is affordable to a household with an income of no more than 60% of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by the United States Department of Housing and Urban Development. Housing developments that exclude minor children from more than 20% of the units, or in which more than 50% of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing for the purposes of this subdivision.

- F. Area Median Income (AIM): Means the median income of the greater region, either the HUD Metropolitan or Non-Metropolitan Fair Market Rent Area to which the community belongs, as is established and updated annually by the United States Department of Housing and Urban Development. Income considers both wage income and assets.

- G. Market-rate Housing: Means any units within a development, whether the unit is to be owner or renter occupied, that is intended to be available for sale or occupancy at the prevailing market value for the area similar to comparable real estate transactions.

VII. Density Bonus

- A. A site plan or subdivision plan that will guarantee a designated percentage of units no more than 33.3% reserved as workforce housing. The Planning Board may allow a reduction of the minimum lot size of workforce housing by 15% to accommodate the workforce housing as long as soil conditions permit the siting of septic and wells within the decreased lot size.

- B. The applicant shall submit a yield plan with sufficient detail including soil types and slope as well as any natural resource constraint zoning such as wetland/lot size on percentage restrictions to determine the achievable density on the parcel that would meet the standards of the underlying district.

Density Bonus

Housing Development	Percent of total units that are affordable workforce housing		Reduction in workforce housing minimum lot size
	33.3% of units		15%

VIII. General Requirements of Workforce Housing Units

- A. Architectural compatibility of all units: The dwellings qualifying as workforce housing shall be compatible in architectural style and exterior appearance with the market-rate dwellings of similar type, (i.e. affordable and market-rate multifamily units, affordable and market-rate single family homes) in the proposed development. The workforce housing units should be interspersed throughout the overall development and not concentrated in a separate area of the development. Workforce housing units shall be mixed with, and not clustered together or segregated in any way from the market-rate units.

- B. Phasing: The phasing plan for the development shall provide for the development of workforce housing units concurrently with the market-rate units.

IX. Affordability

- A. Certification of Income Levels: To ensure that only eligible households purchase/rent the designated affordable housing units, the purchaser/renter of a workforce housing unit must submit copies of their last three years federal income tax returns with written certification, verifying that their annual income level, combined with household assets, does not exceed the maximum level as established by this ordinances. The tax returns and written certification of income and assets must be submitted to the developer of the housing units, or the developer's agent, prior to the transfer of title. A copy of the tax return and written certification of income and assets must be submitted to all parties charged with administering and monitoring this ordinance, within 30 days following the transfer of title.

- B. Assurance of continued affordability: Workforce housing units offered for sale shall require a lien, granted to the Town of Loudon, be placed on each workforce housing unit. The value of the lien shall be

equal to the difference between the fair market value of the unit and its reduced affordable sale price, which is indexed according to the qualifying income standards. The municipality's lien is inflated over time at a rate equal to the Consumer Price Index (CPI). Future maximum resale values shall be calculated as the fair market value minus the CPI adjusted lien value. Subsequent sales are not limited based on income targets, but the combination of the maintenance of the municipality's lien and adherence to this Article's definition of affordable housing for a period of 40 years.

- C. Workforce housing rental units shall limit annual rent increases to the percentage increase in the area median income, except to the extent that further increases are made necessary by hardship or other unusual conditions.
- D. Documentation of restrictions: Deed restrictions, restrictive covenants, or contractual arrangements related to dwelling units established under this Article must be documented on all plans filed with the town's Planning Board and with the Registry of Deeds.

X. Administration, Compliance, and Monitoring

- A. This Article shall be administered by the Planning Board.
- B. Certificate of Occupancy: No certificate of occupancy shall be issued for a workforce housing unit without written confirmation of the income eligibility of the tenant or buyer of the workforce housing unit and the confirmation of the rent or price of the workforce housing unit as documented by an executed lease or purchase and sale agreement.
- C. Ongoing responsibility for monitoring the compliance with resale and rental restrictions of workforce housing units shall be the responsibility of an organization designated by the Board of Selectmen (such as but not limited to the New Hampshire Housing Finance Authority) or, in the absence of an outside monitoring organization, the Loudon Planning Board or its designee.

D. Annual Report: The owner of a project containing workforce housing units for rent shall prepare an annual report certifying that the gross rents of affordable units and the household income of tenants of workforce housing units have been maintained in accordance with this Article. Such reports shall be submitted to the (monitoring agent indicated in C above) or their designee and shall list the contract rent and occupant household incomes of all workforce housing units for the calendar year.

XI. Relationship to other ordinances and regulations

No portion of this ordinance shall nullify the provisions of any other town ordinance provisions which relate to environmental protection, water supply, sanitary disposal, traffic safety, and fire and life safety protection. Where workforce housing applicants propose a development of single family homes or mixed single family and multi-family homes, all provisions of the subdivision and site plan regulations shall apply unless waived by the Planning Board. Where workforce housing applicants propose development of multi-family units or mixed commercial and multi-family units, the site plan regulations shall apply unless waived by the Planning Board.

XII. Conflict

If any provisions of this ordinance are in conflict with the provisions of other ordinances, the more restrictive provisions shall apply, except for any provision dealing with affordability, in which the provisions of this ordinance shall apply. Adopted 2010]

Town of Loudon Workforce Housing Overlay District

Legend

 WFH Overlay

Zoning Districts

 AFP

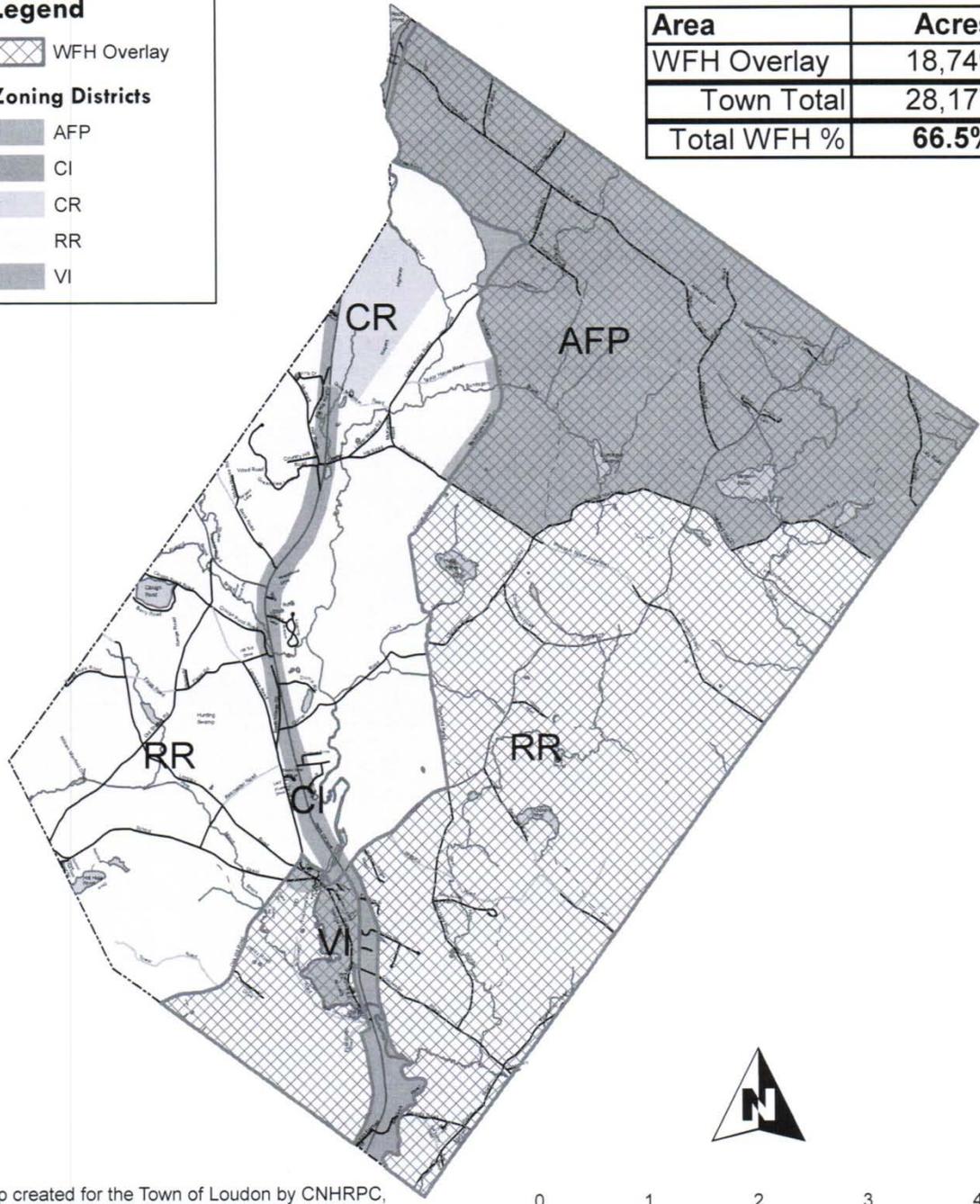
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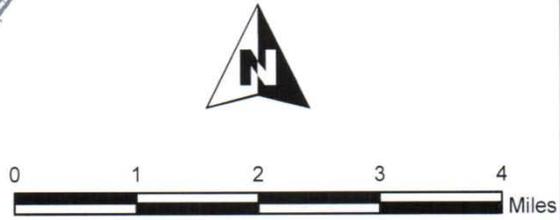
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 VI

Area	Acres
WFH Overlay	18,749
Town Total	28,177
Total WFH %	66.5%



Map created for the Town of Loudon by CNHRPC,
December 2009.
This map is intended for planning purposes only.



APPENDIX

DEFINITIONS

For the purpose of this Ordinance, the words listed in this appendix are as defined herein. Further, for this Ordinance the present tense includes the future; the singular number includes the plural, and the plural the singular; the word "used" includes the words "designed, arranged, or intended to be used"; the word "person" includes an individual, or partnership, firm, association, corporation, or organization; the word "structure" includes the word "building"; the word "shall" is always mandatory and not merely directory.

ACCESSORY BUILDING: Means a subordinate building on the same lot, whether attached or unattached to the main dwelling or building thereon. For the purpose of this Ordinance, attached barns, sheds, and garages are accessory buildings.

ACCESSORY USE: Means any subordinate use of premises which customarily is accepted as a reasonable corollary to the principal use thereof.

BOGS: Bogs consist of peat or muck deposits of significant depths and are characterized by a distinct group of trees and plants which are adapted to the bog's highly acidic conditions. The water in a bog is practically devoid of oxygen and nutrients. Bogs usually develop in un-drained glacial depressions. Typical plants are:

Atlantic White Cedar	Pale Laurel
Black Spruce	Pitcher-plants
Bladder Warts	Rhodora
Bogbean or buckbean	Sedges
Bog-laurel	Sheep Laurel
Bog-rosemary	Sphagnum Moss
Cotton Grass	Sundews
High-bush Blueberry	Sweet Gale
Leatherleaf	

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 of all buildings on the lot, including accessory buildings.

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

CAMPING: The use of shelters such as tents, trailers, campers, and recreational vehicles as temporary living quarters for recreational, educational, or vacation purposes provided that such parcel is not used in excess of 21 days per calendar year for such camping activities.

CAMPGROUND: A parcel of land with two or more specific sites, with or without water, sewage or electrical hookups, that has provision for the pitching of a tent or the parking of a recreational vehicle or camping trailer for use as a temporary sleeping quarters, and licensed by the State of New Hampshire.

CAMPING PARKS: See CAMPGROUNDS

COMMERCIAL USES: Are the following types of businesses: retail and wholesale trades; offices and laboratories; banks and financial institutions; clinics and hospitals; personal and business services; motels and hotels and inns; automotive service; restaurants and entertainment facilities; and other similar uses.

CONTIGUOUS BUILDABLE AREA: [As part of the determining of the minimum lot size there shall be a minimum contiguous buildable area on each lot. Contiguous buildable area shall be defined as land whose perimeter can be circumscribed without interruption by the features described here. A contiguous buildable area shall not be less than fifty feet in width at any point on the parcel.] [The following land and land features shall not be included in calculating minimum contiguous buildable area.

1. All wetlands as defined within these regulations, State regulations, and Federal regulations, the stricter definition shall apply;
2. [Land with slopes in excess of twenty-five percent; Amended 2009]
3. Any land covered by any soils listed by the New Hampshire Water Supply and Pollution Control Division as Groups 5 or 6, refer to NHDES publication Subdivision and Individual Sewage Disposal System Design Rules, Chapter Env-Ws 1000, August 1999 or as amended;
4. No land subject to periodic flooding or land designated in the one hundred year flood zone;
5. Land with ledge which is exposed which has a surface area of more than one hundred square feet (10 x 10); and
6. Areas which are subject to an easement or right of way of the Town, County, State or Federal Government, or any third party including but not limited to access easements, ROW easements, roads (private or public), drainage easements, slope easements and any other easements which may currently exist or proposed for a selected piece of property being considered for development. Adopted 2006]

7. [The main residence and accessory buildings shall be located in the Contiguous Buildable Area. Added 2014][BUILDABLE AREA & CONTINGUOUS AREA definitions combined 2014]

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

DORMITORY TYPE HOUSING: A building for the sole purpose of housing seasonal agricultural workers.

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

DWELLING, MULTI-FAMILY: (or multiple family) A dwelling designed for or occupied by three or more families living independently and separately of each other. A building comprised of attached single family dwelling units is a multi-family dwelling under this Ordinance.

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 of each other therein.

DWELLING UNIT: One or more rooms arranged for the use of one or more persons living together as a single housekeeping unit, and having separate and independent cooking, living, sanitary and sleeping facilities.

FACADE: The exterior, front wall of a building.

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

FARMING: All such activities included under NH RSA 21:34-a.

FRONT SETBACK: See SETBACK, FRONT

FRONT YARD: See YARD, FRONT.

FRONTAGE: All that continuous side of a lot or tract of land abutting on one side of a street, measured along the street line. The frontage of a lot having non-continuous frontage shall be the longest single continuous frontage.

GROSS DENSITY: The number of dwelling units on a parcel, lot or tract divided by the total area of the parcel, lot or tract.

GROSS FLOOR AREA: The total horizontal area of all floors of a building measured from the outside of the walls, but not including fire escapes, unroofed porches or balconies and basements and attics used solely for accessory purposes.

HEIGHT: See BUILDING HEIGHT

HOME OCCUPATION: A lawful occupation or business activity which results in a product or service which is conducted in whole or in part within a residence, and which is clearly subordinate to the residential use.

HOUSE TRAILER: See MANUFACTURED HOUSING

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

INDUSTRIAL USE: Are places of manufacturing, assembly, packaging, testing or warehousing goods. Laundries and dry cleaning plants, printing, binding and publishing plants and bottling plants are industries.

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

LOT AREA: Means the extend in square feet of the surface of a lot, but not including any part of the street right-of-way upon 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 which is the mean direction of the side lot lines.

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

LOT OF RECORD: A lot is described in a deed which has been lawfully recorded in the Registry of Deeds for the County of

Merrimack, or which, if not so deeded, is a lot which is part of a subdivision, the plan of which has been lawfully recorded in such Registry of Deeds.

LOT WIDTH: The mean distance between the lot side lines measured on a line which is the mean direction to the front and rear lot lines.

MANUFACTURED HOUSING: Any structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and forty body feet or more in length, or which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical heating systems contained therein. Manufactured housing as defined in this section shall not include pre-site built housing. (RSA 674:31)

MANUFACTURED HOUSING PARK: A parcel of land upon which two or more manufactured housing units may be placed upon rented spaces.

MANUFACTURED HOUSING SUBDIVISION: A subdivision, the lots of which shall be occupied only by manufactured housing.

MARSHES: Marshes are treeless wetlands dominated by soft-stemmed herbaceous plants. The surface of the marsh is covered with water year round, though seasonal fluctuations in water depth are expected. Marshes range from the wet meadows variety to deep marshes which can be covered with several feet of water. The vegetational community is made up of some or all of the following:

Arums	Leatherleaf
Bladder Warts	Pickerel Weeds
Bur-reeds	Rushes
Cat-tails	Sedges, including Bulrushes
Duckweeds	Cotton-grasses & wool-grasses
Eelgrass	Smartweeds
Frog's-bits	Sweet Gale
Horsetails	Water-lilies
Hydrophylus Grasses	Water Milfoil

METEOROLOGICAL TOWER (MET TOWER): [Includes the tower, base plate, anchors, guy wires and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment for anemometers and vanes, data loggers, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. For the purpose of this ordinance, met towers shall refer only to those whose purpose are to analyze the environmental factors needed to assess the

potential to install, construct or erect a small wind energy system. Adopted 2009]

MODIFICATION: [Any change to the small wind energy system that materially alters the size, type or location of the small wind energy system. Like-kind replacements shall not be construed to be a modification. Adopted 2009]

MULTI-FAMILY DWELLING: See DWELLING, MULTI-FAMILY

NET METERING: [The difference between the electricity supplied to a customer over the electric distribution system and the electricity generated by the customer's small wind energy system that is fed back into the electric distribution system over a billing period. Adopted 2009]

NHWSPPC: The New Hampshire Water Supply and Pollution Control Commission, or its successor agency.

NH ADMIN RULES: New Hampshire Code of Administrative Rules.

NON-CONFORMING BUILDING: Any building which does not, in whole or in part, conform to the regulations of the district in which it is located.

NON-CONFORMING LOT: Any lot which does not conform to the area or frontage requirements of the district in which it is located.

NON-CONFORMING STRUCTURE: Any structure which does not conform, in whole or in part, conform to the regulations of the district in which it is located.

NON-CONFORMING USE: Any use of land and/or structure that does not conform to the provisions of the district in which it is located.

ON-SITE WASTE DISPOSAL SYSTEM: (or facility) See WASTE DISPOSAL SYSTEM.

POWER GRID: [The transmission system, managed by ISO New England, created to balance the supply and demand of electricity for consumers in New England. Adopted 2009]

PRE-SITE BUILT HOUSING: 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 State Department of Housing and Urban Development minimum property standards and local building codes, for installation, or assembly and installation, on the building site. For purposes of this section, pre-site built housing shall not include manufactured housing. (RSA 674:31-A)

REAR SETBACK: See SETBACK, REAR

REAR YARD: See YARD, REAR

RESIDENCE: The dwelling plus customary accessory buildings.

RETAIL SALES: A transportable article of trade sold to the consuming public by a licensed (where required) dealer. Subject to special exception uses when applicable.

ROAD: See STREET

SETBACK: The distance from the extreme limit of the structure to a street, lot line or edge of a watercourse or water body.

SETBACK, FRONT: The setback is measured from the street right-of-way.

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

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

SEXUALLY ORIENTED BUSINESSES: A sexually oriented business is any place of business at which any of the following activities is conducted:

I. Adult Bookstore or Adult Video Store - A business that devotes more than fifteen percent of the total display, shelf, rack, table, stand or floor area, utilized for the display and sale of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, CD-Rooms or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1; or instruments, devices or paraphernalia which are designed for use in connection with "sexual conduct" as defined in RSA 571.-.B:1 other than birth control devices. AN ADULT BOOKSTORE OR ADULT VIDEO STORE DOES NOT INCLUDE AN ESTABLISHMENT THAT SELLS BOOKS OR PERIODICALS AS AN INCIDENTAL OR ACCESSORY PART OF ITS PRINCIPAL STOCK AND TRADE AND DOES NOT DEVOTE MORE THAN FIFTEEN PERCENT OF THE TOTAL FLOOR AREA OF THE ESTABLISHMENT TO THE SALE OF BOOKS AND PERIODICALS.

II. Adult Cabaret - A nightclub, bar, restaurant, or similar establishment which during a substantial portion of the total presentation time features live performances which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1 and/or feature

films, motion pictures, video cassettes, slides or other photographic reproductions, a substantial portion of the total presentation time of which is devoted to showing of material which meets the definition of "Harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

III. Adult Drive-In Theater - An open lot or part thereof with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions and other forms of visual productions, for any form of consideration to persons in motor vehicles or on outdoor seats, in which a substantial portion of the total presentation time being presented for observation by patrons is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

IV. Adult Motel - A motel or similar establishment offering public accommodations for any form of consideration which provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides or other pictorial reproductions, a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis upon the depiction or description of materials which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

V. Adult Motion Picture Arcade - Any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, in which a substantial portion of the total presentation time of the images so displayed is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

VI. Adult Motion Picture Theater - An establishment with a capacity of five or more persons, where for any form of consideration, films, motion pictures, video cassettes, slides or similar pictorial reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1, for observation by patrons. For subsection c, d, e, f, and g, a "substantial portion of the total presentation time" shall mean the presentation of films or shows described above for viewing on more than

seven days within any thirty consecutive day period.

VII. Adult Theater - A theater, concert hall, auditorium or similar establishment either indoor or outdoor in nature, which, for any form of consideration, regularly features live performances, a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

VIII. Nude Model Studio- A place where a person who appears in a state of nudity or displays male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals and is observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration or such display is characterized by an emphasis on activities which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

IX. Sexual Encounter Center - A business or commercial enterprise that as one of its primary business purposes offers for any form of consideration (A) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (B) activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity, or where the activities in (A) or (B) are characterized by an emphasis on activities which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

[SHADOW FLICKER: The visible flicker effect when rotating blades of the wind generator cast shadows on the ground and nearby structures causing a repeating pattern of light and shadow. Adopted 2009]

SHOPPING CENTER: A group of commercial establishments primarily devoted to retailing, which is planned, developed and managed as a unit which has all off-street parking provided on the property.

SIDE SETBACK: See SETBACK, SIDE

SIDE YARD: See YARD, SIDE

SIGN: Any device or visual communication that is used for the purpose or bringing the subject thereof to the attention of the public.

SIGN, ANIMATED - [Any sign which includes action or motion, such as changing electronic sign or electronic message center. For purposes of this Ordinance, this term does not refer to flashing, changing or indexing. Adopted 2009]

SIGN, BUSINESS DIRECTIONAL: [A sign that provides directional information only to any privately owned business. Such sign shall contain only the name of the business, a directional arrow, distance and symbol (if applicable) arranged in accordance with Figures 1,3 and 5 of the NH Department of Transportation Specifications for Business Directional Signs, Section 680 (January 1990), as amended. Such signs shall have a blue background over the entire sign face, and all copy shall be white. adopted 1991]

SIGN, CHANGEABLE COPY: [deleted 2009]

SIGN, CHANGEABLE COPY (electronic) - [A sign that is electronically, electrically or mechanically controlled to illustrate different copy changes on the same sign. This sign's message may be changed by electronic switching or automatic switching of lamps or alteration in the level of illumination or other illumination source to form words, letters, designs, figures, numerals and pictures often through the apparent vertical or horizontal movement of light. Such signs shall not include a flashing light source. In the case of a changing sign (electronic), flashing shall be defined as an interval of illumination less than five seconds in duration. A changing sign includes, without limitation, time, temperature, date and message centers or reader boards, indexing signs, and those known as electronic message centers. Brightness: At discretion of Building Inspector. Electronic changing signs must have an automatic dimmer control to produce a distinct illumination change from a higher illumination level to a lower level for the time period between one half-hour before sunset and one half-hour after sunrise. (Also see "flashing sign") Adopted 2009]

SIGN, CHANGEABLE COPY(manual) - [A sign that is designed so that the message, characters, letters or illustrations can be manually (as opposed to electronically) changed or rearranged without altering the face or the surface of the sign. A sign permit is required for the initial establishment of the sign. (Also see "electronic message center", "temporary sign" and "portable sign")Adopted 2009]

SIGN, DIRECTORY: A sign listing the tenants or occupants of a building or group of buildings and that may indicate their respective professions or business activities.

SIGN, ELECTRIC MESSAGE CENTER - [See "Changeable Copy Sign (electronic) Adopted 2009]

SIGN, FLASHING - [A flashing sign contains an intermittent light source or includes the illusion of intermittent light by means of animation or an externally mounted intermittent light source. Flashing signs are prohibited in all zoning districts in the Town. (A Changeable Copy (electronic) sign operated in accordance with the provisions of the Zoning Ordinance is not a flashing sign.) Adopted 2009]

SIGN, FREESTANDING: Any sign supported by structures or supports that are placed on or anchored in, the ground and that are independent from any building or other structure.

SIGN, ILLUMINATED: A sign lighted by or exposed to artificial lighting either by lights on or in the sign, or directed toward the sign.

SIGN, OFF-PREMISES: [Any sign identifying, advertising or giving directions to a business, person, activity, property or service not located on the premises where the sign is located. adopted 1991]

SIGN, PORTABLE: A type of freestanding sign, not affixed to a building, structure or the ground, or a sign designed to be transported, including any sign attached to or displayed on a vehicle that is used for the purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of motoring or pedestrian traffic.

SIGN, PROJECTING: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than twelve inches from such building or structure. A facade sign is a type of wall sign.

SIGN, TEMPORARY: A sign with or without a structural frame intended for a limited period of display, which is used to provide information, direction, identification, or advertising in connection with intermittent or special events, or other activities including but are not limited to construction, the sale of real estate, and occasional yard sales. Temporary sign include promotional banners for special events.

SINGLE FAMILY DWELLING: See DWELLING, SINGLE FAMILY

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

SMALL WIND ENERGY SYSTEM: [A wind energy conversion system consisting of a wind generator, a tower, and associated control or conversion electronics, which has a rated capacity of one hundred kilowatts or less and will be used primarily for onsite consumption. Adopted 2009]

SPECIAL EXCEPTION: Exceptions to the terms of this Ordinance regarding the types of use which may be permitted in a particular district. Such exceptions are specifically provided for by the terms of a particular district.

STEEP SLOPE DISTRICT: [Steep Slope District is defined as all areas within which there is an elevation change of twenty-five feet or more AND the average slope is twenty-five percent or greater. This ordinance shall apply where the proposed site disturbance is greater than 25,000 square feet. Added 2009]

STREET: A public right-of-way dedicated or intended to be dedicated for public travel or an approved private way offering the principal means of access to abutting properties.

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

SUBDIVISION: The division of the lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or building development. It includes re-subdivision 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.

SWAMPS: Swamps or areas where the water table is at or near the ground surface for a significant part of the year. The vegetational community consists mostly of trees and woody shrubs, such as:

Alders	Poison Sumac
Arrow-wood	Red Maple
Atlantic White Cedar	Rhodora
Black Ash	Sphagnum Moss
Black Gum	Spicebush
Black Spruce	Sweet Pepperbush
Buttonbush	Tamarack (Larch)

Common Elder
High-bush Blueberry
Marsh Rose

Willows
Winterberry

SYSTEM HEIGHT: [The vertical distance from ground level to the tip of the wind generator blade when it is at its highest point. Adopted 2009]

TOWER: [The monopole, guyed monopole or lattice structure that supports a wind generator. Adopted 2009]

TOWER HEIGHT: [The height above grade of the fixed portion of the tower, excluding the wind generator. Adopted 2009]

TWO-FAMILY DWELLING: See, DWELLING, TWO-FAMILY

WASTE DISPOSAL SYSTEM: (or waste disposal facility) Any sewage disposal or treatment system, other than a municipal-owned or operated system, which receives sanitary sewage or waste, or both, including septic tanks, holding tanks, cesspools, dry wells, leaching fields, beds and trenches and chamber systems.

WETLAND: [Shall be defined as stated in RSA 674:55 as may be amended. The following is the exact language of RSA 674:55: Wherever the term "wetlands," whether singular or plural, is used in regulations and ordinances adopted pursuant to this chapter, such term shall be given the meaning in RSA 482-A:2, X and the delineation of wetlands for purposes of such regulations and ordinances shall be as prescribed in rules adopted under RSA 482-A. Nothing in this subdivision shall be construed to limit the powers otherwise granted under this chapter for municipalities to plan land use and enact regulations based on consideration of environmental characteristics, vegetation, wildlife habit, open space, drainage, potential for flooding, and protection of natural resources, including critical or sensitive areas or resources and groundwater. In the context of such authority, municipalities may define and delineate resources or environmental characteristics, such as wet soils or areas, and shoreline or buffer areas, in a manner different from the common meaning and delineation of wetlands required herein. adopted 2006]

WIND GENERATOR: [The blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity. Adopted 2009]

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

YARD, FRONT: The yard between the extreme front limit of a structure and the street 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.