ZONING ORDINANCE

TOWN OF LANCASTER, NH

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Chairperson

ZONING ORDINANCE
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Z O N I N G O R D I N A N C E
TOWN OF LANCASTER, NEW HAMPSHIRE

ARTICLE 1 PURPOSES

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

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

ARTICLE 2 TITLE

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

ARTICLE 3 DEFINITIONS

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

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

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

A. Attached Accessory Dwelling Unit: means a unit that is within or physically connected to the principal dwelling unit, or completely contained within a preexisting detached structure.
B. Detached Accessory Dwelling Unit: means a unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure that complies with the requirements of, and any municipal ordinances or regulations adopted pursuant to, RSA 674:72(IV)-(IX).

3.03 Adaptive Reuse: Shall mean the repurposing of existing buildings or structures in whole or in part for residential purposes.

3.04 Affordable Housing: Shall men housing with combined rental and utility costs or combined mortgage loan debt services, property taxes, and required insurance that do not exceed thirty (30) percent of a household's gross annual income.

3.05 Agriculture: A/k/a farming, means all operations or activities of a farm, including the cultivation, conservation, or tillage of the soil, the storage and use of or spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments, the use of or application of agricultural chemicals, the husbandry of livestock which shall include but not be limited to all beef or dairy cattle, steer, oxen, goats, sheep, swine, horses, mules or other Equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk

(Cervus canadensis), fallow deer (Dama dama), red deer (Cervus elaphus), or reindeer (Rangifer tarandus), the husbandry, boarding, training, or riding instruction of equines, the husbandry and harvesting aquaculture products including fresh or salt water finfish, shellfish, or other aquatic organisms grown for consumption or processing, the husbandry of poultry or game birds or production of eggs, the husbandry of bees or production of honey, the husbandry of domesticated strains of fur-bearing animals, the production of greenhouse crops, the production, cultivation, growing, or harvesting of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees or tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any plant that can be legally grown or harvested extensively for profit or subsistence. any practice or activity on the farm incident to, ancillary to, or in conjunction with such farming operations, including, but not necessarily restricted to preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm, the transportation to the farm of supplies and materials, the transportation of farm workers, forestry or lumbering operations, marketing or selling at wholesale or retail, regardless of the manner or form of the transaction, any livestock or products derived principally from the production of the farm whether on-site or off-site provided that marketing such products is not specifically prohibited by local regulations (for the purposes of this section marketing shall include agritourism), irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation, the use of dogs for herding, working, or guarding livestock, and the production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.

3.06 Agritourism: Attracting visitors to a farm to attend events or activities that are accessory uses to the primary farm operation, including, but not limited to, being provided a meal, making overnight stays, enjoyment of the farm environment, education which shall be instruction or learning about the farm's operations, or active involvement in the activities of the farm. Such attractions are undertaken by farmers to contribute to both the economic viability and the long-term sustainability of the primary agricultural activities of New Hampshire farms. Agritourism shall not be unreasonably limited by use of municipal planning and zoning powers or by the unreasonable interpretation of such powers, however any new establishment, re-establishment after abandonment, or significant expansion of an agricultural use/agritourism may be made subject to applicable special exception, building permit, site plan review, or other local land use board approval in accordance with the provisions of RSA 674:32-c, II and III, and may be regulated to prevent traffic and parking from adversely impacting adjacent property, streets and sidewalks, or public safety.

3.07 Bed & Breakfast Inn: Shall mean a house, or portion thereof, where short-term lodging,

rooms, and meals are provided. The operator of the inn shall live on the premises.

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

3.09 Below-grade area: means any part of a building that is entirely or partially below ground level, including basements, cellars, and sublevels.

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

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

3.12 Conservation Subdivisions: sometimes called cluster developments, conservation subdivisions maintain a significant portion of a development site in common open space by minimizing individual lot sizes, while maintaining the overall density of development specified by the zoning ordinance.

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

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

3.15 Cottage: Shall mean a structure intended for year-round occupancy that meets the requirements of the state building code, as defined in RSA 155-A, and is larger than 600 square feet, but less than 1000 square feet. Cottages must comply with all sanitary waste provisions required by the NH Water Supply and Pollution Control Commission and any local ordinances and regulations. A foundation shall consist of a poured concrete slab, concrete or masonry frost walls, or a full basement of poured concrete or masonry with interior walls no less than eight (8) feet in height.

3.16 Cottage Court: shall mean a group of small (1 to 1.5-story), detached structures arranged around a shared court. The shared court is an important community-enhancing element and unit entrances should be from the shared court. It often replaces the function of a rear yard.

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

3.18 Duplex Housing: Shall mean one building designed, occupied, or intended for occupancy by two separate families; each a complete, independent living facility with separate, permanent, full provisions for sleeping, eating, cooking and sanitation. Each of the two dwelling units shall provide complete internal access to all rooms in the unit.

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

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

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

3.22 Farm: Any land, buildings, or structures on or in which agriculture and farming operations or activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock; in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in the operations or activities of agriculture or any combination of such individual operations or activities.

3.23 Floor-area ratio (FAR): means the ratio of a building's total floor area to the size of the parcel of land upon which it is built.

3.24 Foundation: For the purposes of this ordinance, a foundation shall consist of a permanent, poured concrete slab, concrete or masonry stem wall on cement footings, or a full basement of poured concrete or masonry with interior walls no less than eight (8) feet in height.

3.25 Frontage: Means that portion of a lot abutting a street, or a town-plan-approved highway, street, or right-of-way or private road (or in the case of an island, a body of water).

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

3.27 Gasoline Filling Station: Shall mean any establishment devoted primarily to the retail sale of gasoline, motor vehicle lubricants and motor vehicle accessories. The servicing of motor vehicles, consisting of changing and repairing tires, greasing and lubricating such vehicles and washing the same, shall be permitted in this use. No other motor vehicle repair work shall be permitted

in this use.

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

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

3.30 Home Occupation: Shall mean any use that is customarily conducted within a dwelling or accessory use building "AUB" by the residents thereof and employs no more than four (4) non-resident employees and which is a secondary use and does not change the character of the building or the character of the neighborhood. Home occupations shall be administratively reviewed for site plan by the Land Use Department.

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

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

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

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

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

3.36 Junkyard: Shall mean any place of storage or deposit, whether in connection with another business or not, where two or more unregistered motor vehicles no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper, cordage or other waste or discarded or secondhand material defined as junk in definition 3.35 of this Ordinance or in RSA 236:112 et seq.

3.37 Kennel, commercial: A commercial kennel means the establishment or domicile of any

person who sells dogs at wholesale or retail; and if retail, who sells or transfers 10 or more litters a year, or sells or transfers 50 or more puppies per year; or who derives 40 percent or more of gross annual income from the sale or transfer of dogs.

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

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

3.40 Manufactured Housing: As defined in RSA 634:21, shall mean a structure which is transportable in one or more sections and which, in the traveling mode, exceeds 8 feet in width and 40 feet in length, or when erected on site is 320 square feet or more, and is built on a permanent chassis and designed to be used as a dwelling unit. A permanent foundation and connection to the required utilities, which include plumbing (water and sewer/septic), heating and electrical heating systems contained therein is required. This does not include pre-site-built housing as defined in 3.40 of this ordinance and in RSA 674:31-a.

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

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

3.43 Manufacturing Use: *See Industrial Use 3.33*

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

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

3.46 Mini-Mart: *See Convenience Store/Mini Mart Section 3.14*

3.47 Mixed-use: Shall mean a type of development that combines residential, commercial,

cultural, institutional, or entertainment uses within a single building or development area.

3.48 Multi-unit Housing: Shall mean any structure designed for living purposes containing three (3) or more dwelling units, condominiums or apartments whether attached or detached. This includes multi-family housing for the purpose of workforce housing developments, as defined by the State of New Hampshire to include buildings or structures containing 5 or more dwelling units, each designed for occupancy by an individual household.

3.49 New construction: means any newly constructed building or structure, including those that are newly erected or created by major renovations.

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

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

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

3.53 Permanent Residents: Shall mean residents who have used any building continuously as a dwelling for a period of six or more months (183.5 days).

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

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

3.56 Primary wood processing facility: Shall means any permanent or portable mill, or any off-site log yard operated by a primary wood processing mill, wherever located, sawing or otherwise processing logs, bolts, pulpwood, or other primary forest products into secondary forest products as permitted by NH RSA 227-I:9.

3.57 Recreational Vehicles: Shall mean the following:

A. Travel Trailer: a vehicular portable structure built on a chassis for use as a temporary dwelling

for travel, recreation and vacation use.

B. Pick-up Coach and Camper: a structure to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation use.
C. Motor Home: a portable temporary dwelling constructed as an integral part of a self-propelled vehicle for travel, recreation and vacation use.
D. Tent Trailer: a folding structure mounted on wheels for travel, recreation and vacation use.
E. Micro Dwelling: a portable structure mounted on a chassis for travel and less than 320 square feet.

3.58 Rehabilitation Facility: Shall mean any continuing-care residential facility under one ownership (single legal or single managerial entity is a requirement to be certified by a state on behalf of CMS to receive Medicare payments) providing nursing care and a variety of services for the rehabilitation or long-term care of elderly, infirm or those recovering from illness or surgery. This definition includes nursing homes and similar facilities but does not include hospitals.

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

3.60 Road, Private: Shall mean a highway, street, road, avenue or way not open to public use as a matter of right for vehicular travel, the maintenance and repair of which shall be borne by the subdivider, abutting landowners or an association of abutting landowners. Building along private roads is permissible so long as a signed Agreement and Release Regarding Land Use Permit for Class VI Highway and/or Private Road is recorded at the Registry of Deeds and a Certificate of Insurability are submitted to the Land Use Department prior to issuance of a Land Use Permit.

3.61 Rooming/Boarding House: Shall mean a building that is the primary residence of the owner or under single management and in which rooms are provided by the owner, for compensation, with or without meals, to three or more adult persons not related by blood, marriage, or adoption to the owner/manager. The residence is available for permanent occupancy (>90 days) only and makes no provision for cooking in any of the rooms occupied by paying guests.

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

A. Front Setback: the distance between the extreme front line of the building or structure thereon and the nearest existing edge of the public or accepted private right-of-way,
B. Side Setback: the distance between the side lot lines and sides of the closest building or structure and,
C. Rear Setback: the distance between the rear lot line and the rear line of the closest building or structure.

3.63 Short Term Rental – A commercial use of a dwelling unit that is offered for a fee for less than 30 consecutive days at a time.

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

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

3.66 Tiny Home: Shall mean a structure intended for year-round occupancy that meets the requirements of the state building code, as defined in RSA 155-A, and no larger than 600 square feet. This may include single-room structures and must comply with all sanitary waste provisions required by the NH Water Supply and Pollution Control Commission and any local ordinances and regulations. A foundation shall consist of a poured concrete slab with tie downs, concrete or masonry concrete or masonry stem walls on cement footings, or a full basement of poured concrete or masonry with interior walls no less than eight (8) feet in height.

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

3.68 Workforce Housing: Shall men housing which is intended for sale and which is affordable to a household with an income of no more than 100 percent 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. Workforce housing also means rental housing which is affordable to a household with an income of no more than 60 percent 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 percent of the units, or in which more than 50 percent of the dwelling units have fewer than two bedrooms, shall not constitute workforce housing.

ARTICLE 4 GENERAL PROVISIONS

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

4.02 Driveways: Driveways shall be no more than seven hundred fifty (750) feet. Driveways longer than 750 feet may be permitted by Special Exception. Any driveway longer than 750 feet permitted by Special Exception shall be constructed NHDOT road standards and specifications or as designated by Lancaster Public Works.

4.03 Frontage: All lots having one or more acres shall have no less than fifty (50) contiguous feet of frontage along a public highway, private road, or right-of-way. Back or flag lots as defined by Lancaster Subdivision Regulations shall consider shared driveways.

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

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

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

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

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

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

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

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

4.07 Recreational Vehicles:

A. No recreational vehicle(s) or tent(s), as defined by RSA 216-I:1, may be used as a permanent

dwelling at any time except in accordance with the provisions of Section 4.07(D)

B. Recreational vehicles or tents shall comply with all zoning setbacks and shall be 5 feet from any right-of-way or easement.
C. Must be registered, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.
D. Temporary permits may be issued by the Land Use Office for a period not exceeding one year for uses incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove such structure or use upon expiration of the permit. Such permits may be renewed upon application for an additional period of one year as long as construction is active. These uses shall be limited to manufactured homes, recreational vehicles, or portable structures used for residential, office, storage, and locker purposes, provided that proper sanitary facilities, as defined by RSA 216-1:4, are available.
E. The Land Use Coordinator or designee may issue a permit for any property owner or tenant to accommodate themselves or nonpaying guests to reside on the property in no more than two recreational vehicles or tents, as defined by RSA 216-I:1, for a period not exceeding 180 days in any one calendar year provided that proper sanitary facilities, as defined by RSA 216-I:4, are available; the requirements of Special Flood Hazard Areas are met; and all applicable life safety codes are met.
F. A property owner or tenant may store unoccupied recreational vehicles which they own provided that the recreation vehicles meet the requirements of Special Flood Hazard Areas; are not connected to any utilities; are not used for storage, shelter, or human habitation; and they do not create a junkyard.

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

4.09 Location of Pre-site Built Housing: Pre-site built housing, as defined in Section 3.53, which is transported in two or more sections and sited on a permanent foundation, is permitted in all zoning districts.

4.10 Manufactured Housing as defined in Section 3.38 of this Ordinance shall be subject to the following conditions:

A. All existing manufactured housing which is not sited on a permanent foundation as defined in Section 3.15 or on a concrete pad shall require appropriate skirting of brick, lattice or other suitable material which provides for a tidy, finished exterior.
B. An accessory building of at least 100 square feet shall be provided for each individual lot.

C. In areas where manufactured housing on individual lots is permitted, the entire area of the lot shall be included.

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

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

4.13 Accessory Dwelling Units:

A. Purpose: The purpose and intent of an Accessory Dwelling Unit (ADU) is to address the need and desire for more diverse and independent housing. These units will improve the inventory of smaller housing without significantly altering the rural character of the community.

B. Administration: This section is enacted pursuant to RSA 674: 71, 72 as reenacted in 2025, and 73 and the Planning Board shall have exclusive authority for the administration of this section of the ordinance, including granting of a Conditional Use Permit and the adoption of regulations implementing the provisions of this section of the ordinance.

C. Accessory Dwelling Units (ADU) shall conform with the following:

1. Only one ADU per Single-Family Dwelling
2. To the fullest extent permitted by law, (i) there shall be no conveyance of an Accessory Dwelling Unit separate from the principal Dwelling unit, (ii) the Accessory Dwelling Unit shall not have ownership separate from the owner of the Lot on which the principal Dwelling unit is located, and (iii) the Lot and the Structure containing the Accessory Dwelling Unit shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the principal Dwelling unit.
3. All applicable dimensional requirements including but not limited to setbacks shall be met
4. An ADU shall have a separate 9-1-1 address
5. One of the dwellings shall be the domicile of the property owner
6. An ADU shall have independent ingress/egress, sleeping, cooking and sanitation facilities (Bedroom, kitchen and bathroom
7. An ADU shall have no more than two Bedrooms
8. An ADU shall not exceed 950 square feet

9. An ADU shall conform to the requirements of a Single- Family Dwelling including provisions for water supply and sewage disposal meeting the requirements of this ordinance and applicable state regulations
10. An ADU is prohibited on rented or leased land
11. Of street parking shall be provided; one space per dwelling unit
    a. Garage Space(s) meet this requirement
    b. Off street parking shall not be within the Front Yard setback
    c. Off street parking shall be 5 feet from any right of way or easement
12. Accessory Dwelling Units:
    a. Shall not be considered an additional Dwelling Unit for the purposes of determining minimum lot size or density
    b. May be deemed a unit of workforce housing for the purpose of satisfying the municipality's regional fair share obligation under RSA 674:59(III) if the unit meets the criteria in RSA 674:58(IV) for rental units
    c. Shall be permitted to be converted or repurposed from existing non-conforming structures

4.14 Inclusionary Housing:

A. Purpose and Authority

1. Pursuant to the Lancaster Master Plan, the Town wishes to expand housing diversity in commercial districts in order to increase the vibrancy of these districts, stimulate the local economy, and provide access to rental and homeownership options that are not possible in other districts.
2. Developments meeting the conditions of this Inclusionary Housing Provision may exceed the permitted density in the District by 1 unit per 10,000 sf.

B. Restrictions on Sales and Rental Price

1. A minimum of 10% of all units proposed will be sold or rented at the prices specified herein for rental or home ownership. For the inclusionary units, the applicant may propose exclusively rental, exclusively home ownership, or some combination of the two. Units shall be calculated as whole numbers and rounded up. For example, if 22 units of housing are proposed, three units are needed to meet a minimum of 10%.
2. For home ownership, the initial sales price shall be affordable for a household with an income not more than 80% of the HUD area median income for a family of four as most recently reported by New Hampshire Housing.

3. For rental property, rental rates shall be affordable to a household with an income not more than 60% of the HUD median area income for a family of three as most recently reported by New Hampshire Housing.
4. The inclusionary housing units shall be on-site and shall be designed and constructed in a manner that makes them fully consistent in form, materials, architectural details, and internal systems with market rate units in the same development.
5. Inclusionary housing units will be sold or rented at the required level of affordability in perpetuity using a deed restriction that includes a housing agreement. The deed restriction and housing agreement the owner proposes to use shall be submitted to the Planning Board as part of the development application process. Applicants are encouraged to contact the Planning Department for guidance on the development of an acceptable housing agreement.
6. No certificate of occupancy shall be issued for an inclusionary housing unit without written confirmation of the income eligibility of the tenant or buyer of the inclusionary housing unit and confirmation of the rent or price of the inclusionary housing unit as documented by an executed lease or purchase and sale agreement.
7. On-going responsibility for monitoring the compliance with resale and rental restrictions on inclusionary housing units shall be the responsibility of landlord and the New Hampshire Housing Finance Authority, or another designee approved by the Planning Board.
8. For rental inclusionary units, the owner or his/her designee shall prepare an annual report, due on January 31, certifying that the gross rents of affordable units, the sale and resale price, and the household income of renters/buyers are in compliance with this ordinance. Such reports shall be submitted to New Hampshire Housing Finance Authority or another designee if approved by the Planning Board. Failure to submit the annual report, or an annual report that shows non-compliance, will be treated as violations of the Zoning Ordinance.
9. Where monitoring of income levels in rental inclusionary units shows the tenant no longer qualifies based on increases in income, the next available rental unit in the development shall be rented and restricted to the income level specified in subsection B.3 (above).

10. Inclusionary units offered for sale and approved by the Planning Board shall require a restrictive covenant and lien granted to the Town of Lancaster. The initial 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 Town's lien is indexed over time at a rate equal to a consumer price index identified in the restrictive covenant and lien document. Future maximum resale limits shall be calculated as the fair market value minus the adjusted lien value and a transaction administrative fee. Subsequent sales prices are not limited based on income targets, but on the housing unit's fair market value, minus the adjusted lien value.

4.15 Short-Term Rental Regulations

Short Term Rental of a room or rooms within a dwelling or of an entire dwelling shall be considered a commercial use. The short-term rental shall meet the following criteria:

A. Short-term rentals shall be permitted as a commercial use in the Commercial District and Central Business Districts. Short-term rentals may be permitted by Conditional Use Permit as a commercial use in the Residential, Commercial/Industrial and Agricultural Districts;
B. Short-term rentals shall submit an application biannually (every 2 years).
C. Short-term rentals may occur for periods of less than 30 days each.
D. Adequate off-street parking shall be provided to accommodate the advertised occupancy of the dwelling. Parking shall not be allowed within the setback for the District in which the property is situated. Parking shall be at least 5 feet from any right-of-way.
E. Adequate state approved septic system shall be in place and consistent with the number of bedrooms advertised.
F. A point of contact shall be provided to occupants and to the Town that is accessible 24 hours a day.
G. Provisions for trash disposal shall be made.
H. Short-term rentals shall not be permitted in accessory dwelling units unless the property is owner-occupied as a primary residence.

4.16 Conservation Subdivisions see Article 8

ARTICLE 5 DISTRICTS

For the purpose of this Ordinance, portions of the Town of Lancaster are divided into districts as shown on 1) the Zoning Map filed with the Town Clerk on December 1, 1970, (amended from the July 19, 1956 map) as amended and including the Residential District, the Commercial District, the Commercial-Industrial District, and the Agricultural District and 2) the Central Business District Zoning Map approved at Town Meeting on March 12, 2014 and filed with the Town Clerk. When the Zoning Maps and any provision of this Zoning Ordinance conflict regarding the delineation of zoning districts or uses therein, the Zoning Map shall prevail.

5.01 Central Business District

A. Purpose and Intent: The Town of Lancaster Central Business District (CBD) is regulated by form-based zoning as opposed to conventional Euclidian zoning. This form-based zoning code is intended to reinforce the existing development pattern and to foster vital mixed-use districts. The three sub-districts are intended to promote a lively mix of uses including shop fronts, sidewalk cafes, and upper story residences and offices as well as single family residences, civic uses, and highway commercial enterprises. Redevelopment within the CBD shall be regulated by the following zoning regulations in order to achieve the Town's vision set forth in the Master Plan. The goal of these regulations shall be to secure the harmonious and orderly evolution of these sub-districts. All of the areas within the CBD share a common goal of an increased emphasis on the form and placement of structures, and a decreased emphasis on the function(s) contained within them. As such, this article sets careful and clear controls on building form—with broader parameters on building use—so as to shape clear, attractive public and private spaces in the CBD with a healthy mix of uses. Wherever there appears to be a conflict between this form-based code and other sections of the Zoning Ordinance (as applied to a particular development), the requirements specifically set forth in this section shall prevail. For development standards not covered herein, the other applicable sections in the Lancaster Land Use Regulations shall be used as the requirement.

B. Sub-Districts
    1. The Regulating Plan shall locate the boundaries for the following sub-districts in the CBD:
        i. South End
        ii. Middle
        iii. North End
    2. Guiding Principles
        i. The goal of the building height and build to line (setback) standards is to create a healthy and vital public realm.

ii. Buildings are aligned and relate to the street in a way that reinforces the District Purpose Statement and contributes to vital and safe public space.
iii. Consistent building forms exist on both sides of the street, creating a clear public space and community identity.
iv. Vehicle storage, garbage and mechanical equipment are screened, kept away from the street, and buffered from properties in neighboring districts.
v. Within the South End sub-district, new retail and commercial activities are located on the Ground Floor along the frontage. Residential activity is not permitted on the Ground Floor, unless as a pre-existing use.
vi. Parking (not including on-street parking) shall be located away from the streets and shared parking facilities and shared access to lots is required.
vii. The preservation and renewal of historic buildings shall be a priority, and historic character shall be preserved and enhanced by context sensitive construction during renovations and new construction.

C. Standards

The standards for use and dimensions to be utilized within the CBD are shown on the Sub District Standard Sheets at the end of this section. Included in each table are the following areas:

1. District Purpose
2. Dimensional Standards Table
3. Diagram of Building Height
4. Diagram of Building Position
5. Design Standards
6. Permitted Uses

D. Design Requirements

The General Principles and intent of these Site Design, Architectural, and Landscape/Streetscape Standards are to provide design requirements that assist with the development and redevelopment of properties within the CBD Sub-districts. These standards were developed to reflect and preserve the character of each Sub-district, while ensuring pedestrian and vehicular safety and comfort.

1. Site Design:
   i. Build-to and Setbacks: Sites within the South End CBD shall be developed so that buildings are placed at or near the back of the sidewalk. In the Middle and North End a setback is allowed, but structures are expected to relate to and reinforce the public realm along the street. Lots abutting more than one street or right-of-way have frontage along all rights-of-way and require setbacks for frontage.

ii. Facade Alignment: Individual, adjacent buildings shall be aligned when practical, to create a continuous form along the streetscape. New development in all Sub Districts shall take into consideration the facade alignment of existing adjacent structures. In the case of differing adjacent alignments, the new buildings shall align with the most conforming adjacent building.

iii. Parking: Off-street parking shall conform to Standard Sheets for each district. Where feasible, the sharing of parking within adjacent lots shall be considered. Overnight parking in public parking lots shall be subject to local parking ordinance and bans. Parking provided for a project shall be screened from the street to a height of at least 4′. Parking shall be considered accessory and is not permitted as a principal use of a lot. No more than 25% of the total parking area may be located in front of the primary structure where permitted.

iv. Existing Vegetation: The protection and incorporation of existing, healthy trees is encouraged in new site plans.

v. Service Areas and Utilities: Loading docks, trash/recycling facilities, utility boxes, transformers, and other such mechanical equipment shall not be visible from the street. Placement behind buildings and/or screening shall be required

vi. Pedestrian Access: Safe pedestrian access that complies with the most recent Americans with Disabilities Act Accessibility guidelines shall be provided from the public way to the entrances to the buildings and parking areas.

vii. Access Management: Curb cuts must be limited to increase safety and preserve the capacity of the roadway network, and vehicular and pedestrian connections to adjacent properties are required.

viii. Non-Public Realm: The private, rear portions of the lots allow commercial operators to utilize these spaces as efficient working environments unseen by the public and allow residents to have private and semi-private (for apartment and condominium buildings) open space.

2. Architectural Standards:

The following standards are required and shall be utilized by the applicant. Additional standards have been included in the Site Plan Regulations to guide the applicant. The intent behind these standards is to reinforce the existing character and historic nature of Lancaster's CBD. However, modern buildings that are sensitive to that character may be permitted as well, subject to Planning Board approval.

i. Corporate Architecture: Architecture that serves as a 'sign' or buildings that use architecture to define a corporate identity (corporate architecture) shall not be permitted.

ii. Building Walls (Exterior): Building walls shall reflect and complement the traditional materials and techniques of Lancaster's architecture. They should express the construction techniques and structural constraints of traditional, long-lasting, building materials. Simple structural configurations and solid craftsmanship are favored over complexity and ostentation.

iii. Roofs and Parapets:

a. Roofs and Parapets should demonstrate a commonsense recognition of the climate by utilizing appropriate pitch, drainage, and materials. Gable ends, when utilized, shall be oriented towards the primary street.

b. Buildings without visible roof surfaces and overhanging eaves shall have a cornice projecting horizontally at least six (6) inches beyond the building walls. For buildings two stories or taller, the cornice projection shall increase an additional six (6) to twelve (12) inches per story.

c. Skylights and roof vents are permitted but should be shielded from the street view.

d. Building designs need to reflect the adjacent massing. Ornamentation should be consistent with that used in the neighborhood of buildings to reinforce the fabric and richness of the community.

iv. Windows and Doors:

a. The building facade must have a pedestrian scale entrance that faces the primary frontage, and at least 30% of the facade shall be composed of windows. Principal building entrances shall be clearly visible from the street and create a safe inviting space. Overhead pedestrian covering, lighting, and business identification signage should be incorporated.

b. Long expanses of horizontal windows shall be divided by mullions or vertical elements, as appropriate for the building style, so as to crate vertically oriented window sections.

v. Optional Requirements Related to Architectural Standards:

a. LEED (Leadership in Energy and Environmental Design) standards, or an equivalent standard (or such others as may succeed them), are optional but encouraged to be incorporated into the building design

b. Green roof technologies are encouraged, if suitable, to promote energy efficiency and stormwater management. Vegetative cover should be considered for flat roofs and solar panels should be considered for integration on all roof structures.

3. Landscape/Streetscape Elements:

i. Streetscape elements such as sidewalk materials, lighting, and street trees, must be consistent within a project and complimentary to materials and planting on adjacent properties.

ii. Building facades are the public "face" of every building. Owners are encouraged to place planters, window boxes or in-ground plantings of year-round seasonal interest. Evergreen and flowering plants, perennials, and/or climbing vines shall be used to enhance areas in front of buildings.

iii. Street trees are an essential element in defining the street form. Trees are also important in traffic calming, decreasing heat-island effect by shading of pavement, and enhancing the aesthetic appeal of the district. Trees shall be planted at regular intervals, not less than 30 feet on center where possible. Adjacent trees shall be considered when choosing placement and species.

iv. In the North End Sub-district, where off-street parking is located along the streetscape in front of buildings, a 10 (ten) foot planting strip shall be incorporated along the front property line to screen parking lots. Plantings shall be at least 3'-4' tall, but shall not interfere with vehicular site lines (at entrances and exits) or pedestrian safety.

v. Rain gardens and biofiltration swales designed to treat or infiltrate stormwater runoff are encouraged. These planting areas must be located and designed to enhance the visual quality of the development and the safety of pedestrians.

vi. Lighting: Materials and equipment chosen for lighting fixtures should be durable, energy efficient and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration. However, it should be noted that lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution. These elements are to be avoided.

a. In order to minimize light pollution, light should be directed downward to the immediate area being lighted and away from any living quarters.

b. Lights shall be located no more than sixteen (16) feet above grade.

4. Mechanical Equipment:

i. The following shall not be stored or located within any area considered a front yard under this Code, and shall be screened from view from the street or adjacent properties: Air compressors, mechanical pumps, exterior water heaters, water softeners, utility and telephone company transformers, meters or boxes, garbage cans, storage tanks, and the like.

ii. Roof mounted mechanical equipment shall be located so as to not be visible from the street, public space, or parking lots, or from the ground level of adjacent properties. Screening features employed shall use similar and/ or complementary building materials to the building on which they are located.

a. Renewable energy systems including solar photovoltaic panels, solar hot water systems, and small wind turbines are exempt from the shielding requirements, but placement must be considered to ensure that adjacent properties are not impacted.

E. Conditional Use Permit

1. Conditional use approval for relief from the dimensional standards herein may be granted by the Planning Board (RSA 674:21 II) after proper public notice and public hearing provided that the proposed project complies with the following standards:

i. That both public and private buildings and landscaping shall contribute to the physical definition of rights of way as civic spaces.

ii. That development shall adequately accommodate automobiles, while respecting pedestrians and the needs of public areas.

iii. That the design of streets and buildings shall reinforce safe, accessible environments.

iv. That architecture and landscape design will be guided by the local climate, topography, history, and building practice.

v. That buildings shall be energy efficient in accordance with the state energy code at a minimum.

vi. That civic buildings and public gathering places shall be provided at locations that reinforce community identity and activity.

vii. That the preservation and renewal of historic buildings shall be a priority.

viii. That the harmonious and orderly evolution of these sub-districts shall be secured through the adoption of these regulations.

ix. That the proposed building(s) shall match the more conforming façade alignment of the adjacent buildings' rather than the provisions of this code, through the issuance of a conditional use permit.

x. That there are no environmental constraints (floodplain, steep slope, hazardous access, etc.) or development of a plan to substantially mitigate the impacts of those constraints.

2. Conditional use approval to permit a use under the "other" category may be granted by the Planning Board (RSA 674:21 II) after proper public notice and public hearing provided that the proposed use complies with the following standards:

i. The requested use is essential or beneficial to public convenience or welfare.

ii. The requested use will not create undue traffic congestion, nor adversely impact highway or pedestrian safety.

iii. The requested use will not overload any public water, drainage or sewerage system nor any other municipal system to such an extent that the requested use or any developed use in the immediate area or in any other area of the town will not be unduly subjected to hazards affecting health, safety or general welfare.

iv. That the use will be compatible with the neighborhood and with adjoining or abutting uses in the area where it is to be located.

v. That there are no environmental constraints (floodplain, steep slope, hazardous access, etc.) or development of a plan to substantially mitigate the impacts of those constraints.

vi. Any conditional use permit which has not been acted upon in accordance with the approval of the Planning Board within one (1) year of the date of said approval shall be considered null and void.

3. Conditional use approval shall be subject to the completion of a Conditional Use Permit by the Planning Board and the Applicant. Said permit shall be recorded at the Coos County Registry of Deeds.

F. Administration

1. The CBD exists like every other district and development within the community, and is intended to be reviewed and approved as any other district. A Conditional Use Permit

process with the Planning Board has been created, however, to allow for relief from the dimensional standards if necessary and to allow for consideration of additional uses. Any appeals of this section shall be treated as any other zoning appeal, and shall be directed to the Zoning Board of Appeals. Projects submitted shall follow the process outlined in the Site Plan Review.

Commercial – South End Sub-District

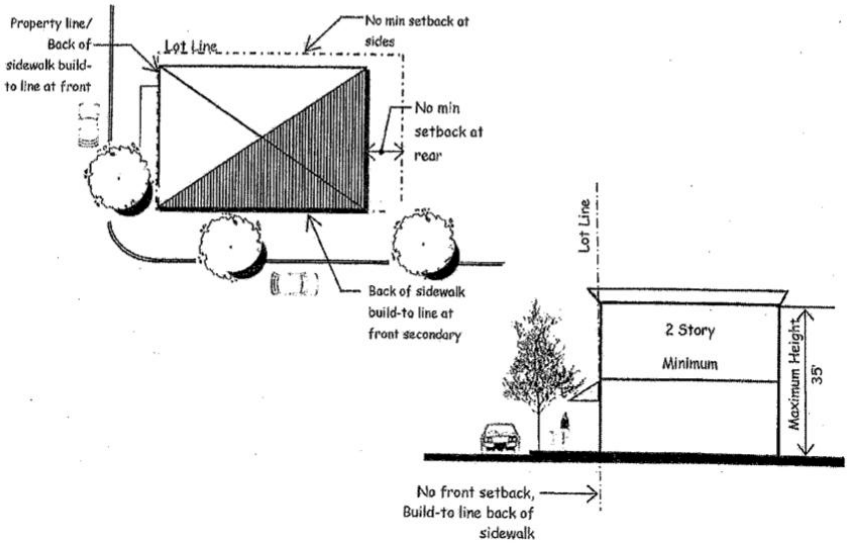
The information included in this Table represents the requirements for development in this District, see section 5.1 for additional requirements.

Statement of Purpose

This is the traditional commercial core for Lancaster, starting at the Town Hall and running north to Bunker Hill Street it is characterized by multi-story, primarily 19th century structures construed of traditional materials primarily brick and clapboard. There is minimal building setback from the public sidewalks. In general, structures follow their traditional pattern of ground floor retail uses and upper story residential and/or office uses. Where on-site parking is provided, it is generally to the rear or side of the buildings. This is the historic core of the community.

Design Standards	
ARCHITECTURAL STANDARDS	Yes
LANDSCAPE STANDARDS	Yes
ACCESS MANAGEMENT STANDARDS	Yes
PARKING STANDARDS	Off site

Dimensional Building Table	
LOT DIMENSIONS	
Density	6 Units per 10,000 sf
Min Lot Size	None
Frontage (feet)	None required
Lot Coverage	None required
PRINCIPAL BUILDING SETBACK (Feet)	
ROW Setback	Build-to at property line
Side Setback	None
Rear Setback	None
OUTBUILDING/ACCESSORY USE SETBACKS (Feet)	
ROW Setback	Behind principal building
Side Setback	0
Rear Setback	0
BUILDING HEIGHT (Feet)	
Principal Building	35
Outbuilding	35
Minimum Stories	Two story minimum



Commercial – Middle Sub-District

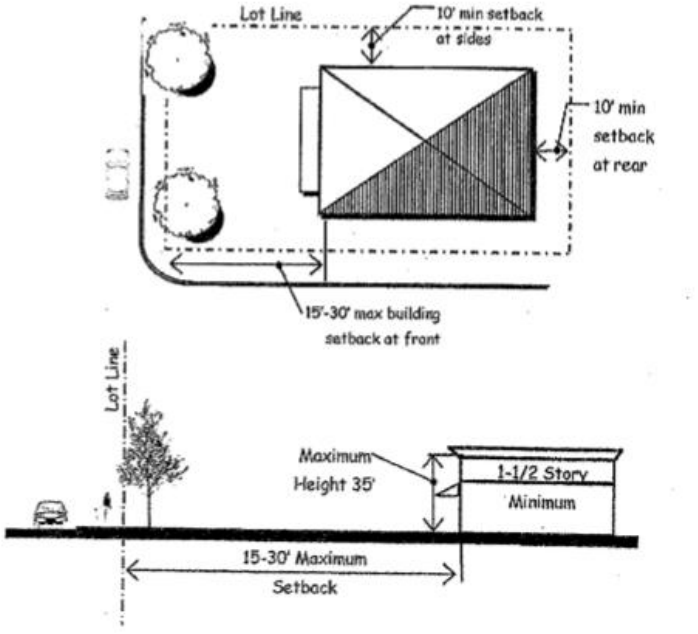
The information included in this Table represents the requirements for development in this District, see section 5.1 for additional requirements.

Statement of Purpose

This section of Main Street runs from Bunker Hill Street to Depot Street. It is characterized by many institutional uses: churches, the new and older courthouses, and the library. Although with towers and steeples some of the buildings are quite tall, in general this area has a lower building density and structure height than the southern end of Main Street. There are many public, or quasi-public, green spaces that are used for markets, quiet seating areas, or other non-intensive uses. Residences, or residences converting to commercial uses are present, but still at a lower density than at the southern end of Main Street.

Design Standards	
ARCHITECTURAL STANDARDS	Yes
LANDSCAPE STANDARDS	Yes
ACCESS MANAGEMENT STANDARDS	Yes
PARKING STANDARDS	On site to side and rear

Dimensional Building Table	
LOT DIMENSIONS	
Density	4 Units per 10,000 sf
Min Lot Size	10,000sf
Frontage (feet)	None required
Lot Coverage	60% (Footprint FAR only)
PRINCIPAL BUILDING SETBACK (Feet)	
ROW Setback	15-30 max
Side Setback	10
Rear Setback	10
OUTBUILDING/ACCESSORY USE SETBACKS (Feet)	
ROW Setback	Principal Building setback + 15ft min
Side Setback	10
Rear Setback	10
BUILDING HEIGHT (Feet)	
Principal Building	35
Outbuilding	35
Minimum Stories	One and a half story min



Commercial – North End Sub-District

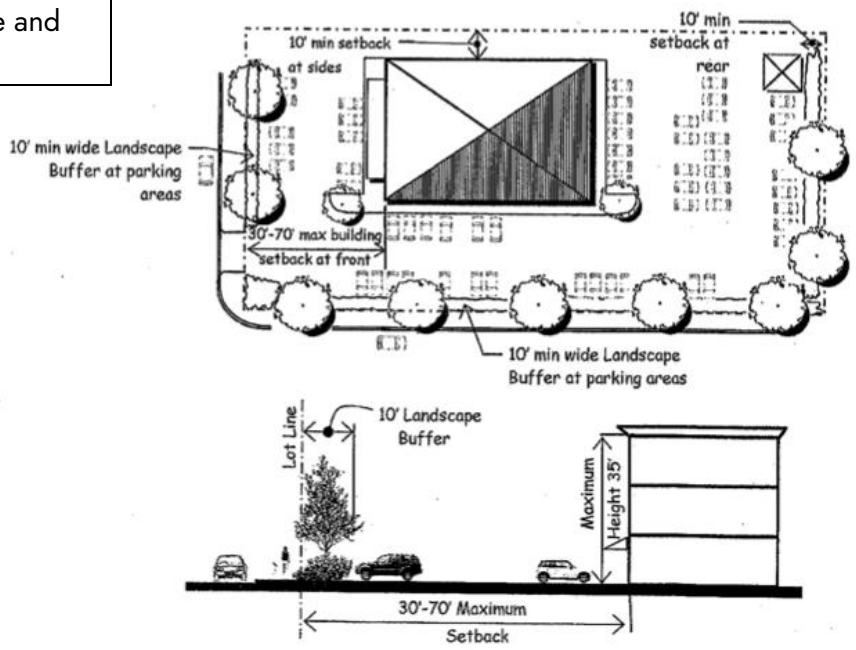
The information included in this Table represents the requirements for development in this District, see section 5.1 for additional requirements.

Statement of Purpose

From Depot Street to the intersection of Routes 2 and 3 there lies and area in transition. There remain some older residential homes, but they are now interspersed with new commercial activity. While sidewalks line both sides of the roadway, there is more a focus on automobile-based shopping here. Most newly re-developed commercial sites offer on-site parking. As this area continues to develop, automobile traffic will be a continual focus, but, to the extent possible, it will be important to introduce landscaping and pedestrian elements that reflect the traditional uses here. Safety will be a continuing concern there requiring careful blending of the needs of pedestrians and through traffic with the needs of vehicles entering and exiting these new commercial sites.

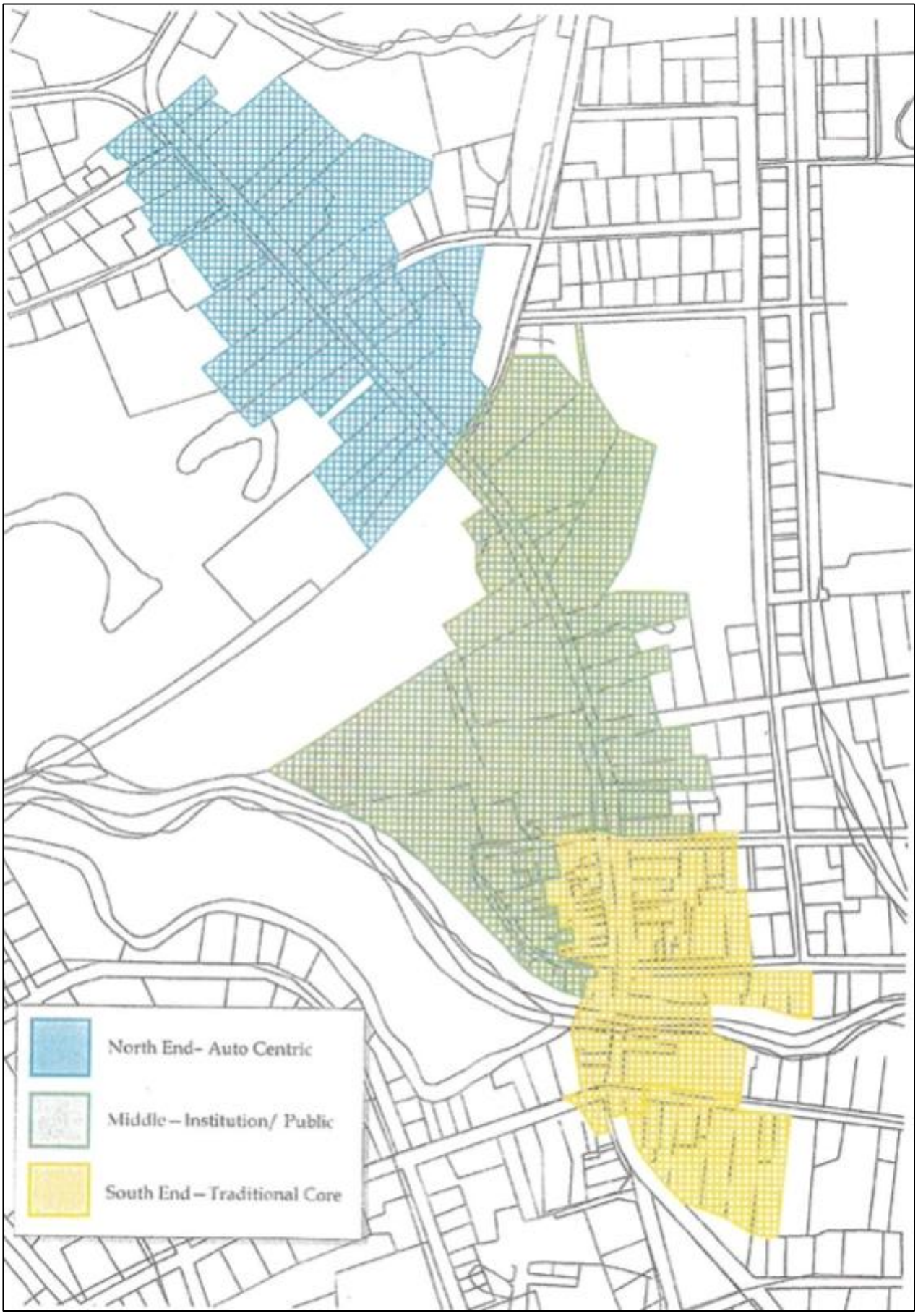
Design Standards	
ARCHITECTURAL STANDARDS	Yes
LANDSCAPE STANDARDS	Yes
ACCESS MANAGEMENT STANDARDS	Yes
PARKING STANDARDS	On site; limited to 25% at front, majority to side and rear

Dimensional Building Table	
LOT DIMENSIONS	
Density	4 Units per 10,000 sf
Min Lot Size	10,000sf
Frontage (feet)	None required
Lot Coverage	75% (Footprint FAR only)
PRINCIPAL BUILDING SETBACK (Feet)	
ROW Setback	30-70 max
Side Setback	10
Rear Setback	10
OUTBUILDING/ACCESSORY USE SETBACKS (Feet)	
ROW Setback	Principal Building setback + 15ft min
Side Setback	10
Rear Setback	10
BUILDING HEIGHT (Feet)	
Principal Building	35
Outbuilding	35
Minimum Stories	None



FORM BASED CODE
Use Table

Uses	South End Sub-District	Middle Sub-District	North End Sub-District
Residential	Permitted, but not on ground floor	Permitted	Permitted
Lodging	Permitted	Permitted, up to 12 rooms w/stays up to 14 days	Permitted
Professional Offices/Services/ Commercial	Permitted	Permitted	Permitted
Eating & Drinking	Permitted, no drive thrus	Permitted, no drive thrus	Permitted
Retail/Personal Services	Permitted	Permitted	Permitted
Civic	Permitted	Permitted	Permitted
Other	Via Conditional Use Permit	Via Conditional Use Permit	Via Conditional Use Permit


North End- Auto Centric
Middle – Institution/ Public
South End – Traditional Core

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

A. Permitted Uses:
   1. Single family dwellings
   2. Display and sale of Home Produce or Products
   3. Bed and Breakfast Inn or Rooming House
   4. Multi-unit dwellings with a density no greater than four (4) dwelling units per 10,000 square feet of land and with a minimum of one off-street parking space per unit.
   5. Home occupations including, but not limited to offices for doctors, engineers, architects, lawyers, real estate and insurance, or other recognized profession and such home occupations as hairdressing, dressmaking, manufacture of craft products, and manufacture of food products.
   6. Churches, schools
   7. Manufactured Housing Subdivisions
   8. Manufactured Homes on individual lots in an area extending 200 feet in depth on the westerly side and 350 feet on the easterly side of Sand Street.
   9. Manufactured housing on individual lots with road frontage on both sides of Water Street in the Residential District
   10. Accessory building or use
   11. Buildings and structures on Class VI highways provided that a liability waiver is recorded in the county register of deeds and a certificate of building and property insurance is submitted to the Land Use Department
   12. One attached or detached Accessory Dwelling Unit per single-family dwelling
   13. Conservation Subdivisions

B. Uses Permitted By Special Exception
   1. Child-care center
   2. Accessory buildings in excess of three (3)
   3. Accessory use of trailers for storage purposes
   4. Buildings higher than 35 feet
   5. Driveways longer than 750 feet
   6. Other uses not inconsistent with the purposes of this Ordinance and the Residential District

C. Uses Permitted by Conditional Use Permit
   1. Short-term rentals for one (1) year or upon transfer of ownership if within one (1) year

D. Non-Permitted Uses/Restricted Uses

1. The raising of or raising for sale of livestock
2. Short-term rental of ADUs, unless the property is owner-occupied as a primary residence and domicile
3. Traditional Subdivisions
4. Other uses not specifically allowed under 5.02 Permitted Uses or 5.02 Uses Permitted by Special Exception

E. Setbacks and Frontage

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

5.03 COMMERCIAL DISTRICT: The Commercial District shall be characterized primarily as the business district, to include retail, wholesale, service establishments and office units which may be combined with residential units. Residential development in zones where industrial and manufacturing uses are permitted but may result in impacts that are incompatible with residential use such as air, noise, odor, and transportation MAY be restricted. For the purpose of calculating density, each unit in a mixed-use structure will count as one unit.

A. Permitted Uses

1. Single family dwellings
2. Display and sale of Home Produce or Products
3. Bed and Breakfast Inn, Rooming Houses and Group Homes
4. Multi-unit housing or mixed-use structures with a density no greater than four (4) dwelling units per 10,000 square feet of land provided that adequate infrastructure, including roads, water and sewage systems shall be available or provided to support the development, a minimum of one

off-street parking space per dwelling unit, and the ground floor of mixed-use buildings are dedicated to retail or other similar commercial uses. Buildings being converted to multi-family or mixed-use through adaptive reuse shall be exempted from any requirements regarding setbacks, height, or frontage so long as the building's existing floor area, height, and setbacks do not change post-conversion

5. Home occupations including, but not limited to offices for doctors, engineers, architects, lawyers, real estate and insurance, or other recognized professional services and such home occupations as hairdressing, dressmaking, manufacture of craft products, manufacture of food products
6. Churches, schools, and rehabilitation facility
7. Hotels, motels, or cabins, including such retail businesses within these permitted buildings as are conducted for the convenience of the residents or guests
8. Retail and wholesale businesses, services or offices.
9. Parking lots
10. Theaters, halls, fraternal or civic clubs and indoor recreation facilities
11. Gasoline filling stations, as defined, shall be permitted in that part of the commercial district comprising Bridge Street and Main Street north from Railroad Street to Page Hill Road.
12. Manufactured Housing Subdivisions
13. Manufactured Housing on individual lots with road frontage on the north and south sides of Brickyard Road and Water Street
14. Conservation Subdivisions
15. Accessory building or use
16. Short-term rentals
17. One attached or detached Accessory Dwelling Unit per single-family dwelling
18. Buildings and structures on Class VI highways provided that a liability waiver is recorded in the county register of deeds and a certificate of building and property insurance is submitted to the Land Use Department

B. Uses Permitted by Special Exception:

1. Convenience Store/Mini-Mart
2. Fuel Storage
3. Funeral Home
4. Lumber Yard

5. Car Wash
6. Warehouse
7. Freight or Trucking Terminal
8. Wholesale Fuel Distribution Service
9. Accessory buildings in excess of three (3)
10. Manufacturing which is incidental to a retail business where articles are sold at retail on the premises and where not more that five (5) operators are employed in such manufacturing
11. The raising of livestock
12. Buildings higher than 35 feet
13. Driveways longer than 750 feet
14. Other uses not inconsistent with the purposes of this Ordinance and the Commercial District

C. Uses Permitted by Conditional Use Permit

1. Relief from *dimensional* standards for buildings and structures situated in the Central Business Subdistrict(s)
2. Other use not specifically allowed under 5.03A Permitted Uses or 5.03B Uses Permitted by Special Exception for buildings and structures situated in the Central Business Subdistrict(s)

D. Non-Permitted Uses/Restricted Uses

1. Short-term rental of ADUs, unless the property is owner-occupied as primary residence and domicile
2. Traditional Subdivisions
3. Other uses not specifically allowed under 5.03A Permitted Uses or 5.03B Uses Permitted by Special Exception

E. Setbacks and Frontage

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

5.04 COMMERCIAL-INDUSTRIAL DISTRICT: The Commercial-Industrial District shall be

characterized by a wide range of commercial, multi-unit housing, mixed-use and industrial uses which conform to the performance standards of this Ordinance and are compatible with residential and commercial uses. For the purpose of calculating density, each unit in a mixed-use structure will count as one unit.

A. Permitted Uses

1. Single family dwellings
2. Display and sale of Home Produce or Products
3. Multi-unit housing or mixed-use structures with a density no greater than four (4) dwelling units per 10,000 square feet of land provided that adequate infrastructure, including roads, water and sewage systems shall be available or provided to support the development, a minimum of one off-street parking space per dwelling unit, and the ground floor of mixed-use buildings are dedicated to retail or other similar commercial uses. Buildings being converted to multi-family or mixed-use through adaptive reuse shall be exempted from any requirements regarding setbacks, height, or frontage so long as the building's existing floor area, height, and setbacks do not change post-conversion.
4. Home occupations including but not limited to offices for doctors, engineers, architects, lawyers, real estate and insurance, or other recognized profession and such home occupations as hairdressing, dressmaking, manufacture of craft products, manufacture of food products
5. Hotels, motels, or cabins, including such retail businesses within these permitted buildings as are conducted for the convenience of the residents or guests
6. Retail and wholesale businesses, services or offices
7. Parking lots
8. Theaters, halls, fraternal or civic clubs and indoor recreation facilities
9. Facilities for the storage, distribution, and processing of grains, fertilizers, lumber and lumber products.
10. All industrial manufacturing activities
11. Garages and gasoline filling stations
12. Motor vehicle sales agencies
13. Facilities for the storage, distribution, and processing of petroleum products, coal products, products of mines, quarries and gravel deposits.
14. Manufactured Housing on individual lots with road frontage in the Commercial-Industrial Zoning District on Page Hill Road and Causeway Street.
15. One attached or detached Accessory Dwelling Unit per single-family dwelling

16. Conservation Subdivisions
17. Solar energy generation facilities
18. Buildings and structures on Class VI highways provided that a liability waiver is recorded in the county register of deeds and a certificate of building and property insurance is submitted to the Land Use Department

B. Uses Permitted by Special Exception

1. Child care center
2. Funeral Home
3. Junkyards or places for the storage of discarded machinery, vehicles or other scrap materials only when enclosed by a suitable fence
4. Manufactured Housing Subdivisions and Parks
5. Churches, schools
6. Accessory buildings in excess of three (3)
7. Outdoor recreation facility
8. The raising of or raising for sale of livestock
9. Buildings higher than 35 feet
10. Driveways longer than 750 feet
11. Other uses not inconsistent with the purposes of this Ordinance and the Commercial-Industrial District

C. Uses Permitted by Conditional Use Permits

1. Short Term Rentals for one (1) year or upon transfer of ownership if within one (1) year

D. Non-Permitted Uses/Restricted Uses

1. Short-term rental of ADUs, unless the property is owner-occupied as primary residence and domicile
2. Traditional Subdivisions
3. Other uses not specifically allowed under 5.04A Permitted Uses or 5.04B Uses Permitted by Special Exception

E. Setbacks and Frontage

1. Setbacks
    i. Shall be no less than fifteen (15) feet from any right-of-way, except along Park and Canal Streets and Mechanic Street
    ii. Shall be no less than ten (10) feet from side and rear property lines
    iii. All garages and gasoline filling station structures shall be constructed no less than thirty (30) feet from the nearest lot line or public right-of-way and all gasoline pumps shall be constructed no less than fifteen (15) feet from the

nearest lot line or public right-of-way.

2. Frontage: None required.

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

A. Permitted Uses:

1. Single family dwellings
2. Farm buildings, located no less than 100 feet from any regulated Residential District boundary line
3. Roadside agricultural stands, for the sale of farm products raised on the premises
4. Stables and riding academies
5. Plant nurseries and greenhouses
6. Veterinary hospitals
7. Home occupations
8. Manufactured Housing Subdivisions
9. Double-wide manufactured housing. Single-wide manufactured housing in manufactured housing subdivisions and on individual lots with road frontage in the following areas of the Agricultural District:
    i. The south side of Page Hill Road from the former VT/NH Railroad crossing to the Town of Northumberland line, so called;
    ii. The north side of Page Hill Road from the intersection of Page Hill and the Public service utilities right-of-way crossing (34.5 KV Powerline #36 – "First Powerline") to the town of Northumberland line so-called;
    iii. The north and south sides of the East Whitefield Road, from the intersection of East Whitefield Road and Prospect Road to the Whitefield

B. Uses Permitted by Special Exception:

1. Accessory buildings in excess of three (3)
2. Multi-unit housing, provided there be no more than (3) dwelling units and provided that the land area is capable of supporting on-site waste disposal and provided adequate domestic water is available
3. Sawmills and primary wood processing facilities
4. Outdoor Recreation Facility

5. Gravel pits, gravel processing plants
6. Commercial kennel
7. Buildings higher than 35 feet
8. Driveways longer than 750 feet
9. Any new establishment, re-establishment after abandonment, or significant expansion of an agricultural use defined as agritourism
10. Other uses not inconsistent with the purposes of this Ordinance and the Agricultural District

C. Uses Permitted by Conditional Use Permit:

1. Short Term Rentals for one (1) year or upon transfer of ownership if within one (1) year

D. Non-Permitted Uses/Restricted Uses

1. Short-term rental of ADUs, unless the property is owner-occupied as primary residence and domicile
2. Other uses not specifically allowed under 5.05A Permitted Uses or 5.05B Uses Permitted by Special Exception

E. Setbacks and Frontage

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

ARTICLE 6 REGULATION OF SIGNS

6.01 Purpose and Intent

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

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

6.02 Definitions

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

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

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

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

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

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

Sandwich Boards: A portable sign containing two faces of equal size not to exceed eight (8) square feet per side shall be allowed in addition to other signage. When placed on the sidewalk the sign must be located within four (4) feet of the building façade in other locations the sign

must be out of the right-of-way. Maximum one sandwich board sign per business location. These signs must be removed during non-business hours.

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

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

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

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

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

way.

G. A maximum of three (3) small directional signs such as exit identifying signs, entrance, office, etc., not to exceed six (6) square feet are permitted per premise.

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

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

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

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

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

6.09 Exempt Signage:

A. Signs not exceeding one (1) square foot in area and bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connotations.
B. Flags and insignia of any government except when displayed in connection with commercial promotion.
C. Signs erected or posted or maintained for public safety or welfare pursuant to any governmental function, law or regulation.
D. Integral decorative or architectural features of buildings, except letters, trademarks,

moving parts or moving lights.

E. A bulletin board not exceeding 24 square feet is permitted in connection with any church, school or similar public structure.
F. Interior window advertising displays, posters or window lettering in the Commercial District under thirty-six (36) inches from the top of the sill
G. National, state, local or other patriotic flags or flags indicating a business is open to be no lower than 8' from traveling way.
H. Traffic signs and legal notices.

6.10 Temporary and Portable Signs:

A. Temporary and Portable Signs, advertising events sponsored by religious, fraternal, charitable or other non-profit organizations or commercial events, may be placed at the site of the event up to ten (10) consecutive days prior thereto, however, they must be removed immediately following the event. Permits must be acquired prior to erecting the sign at the site of the event.
B. Portable signs advertising the sale or lease or property may be permitted provided that the sign does not exceed the dimensions permitted in the district in which they are to be displayed.
C. Political signs shall be permitted in accordance with state legislation.
D. Banners and Streamers – A permit may be issues for a limited time for streamers, flags and banners for special promotional events, such as, but not limited to, grand openings as long as they are in good repair. Signage will not exceed forty (40) square feet and will be displayed for no longer than 30 days.
E. Agricultural Signs – Temporary signs, not exceeding six (6) square feet, indicating a locally grown produce may be placed off premise with the written permission of the landowner on whose property the sign is erected. Each sign shall advertise a maximum of three types of produce. No more than two (2) signs may be erected on any road or street by any one produce seller. The distance to the location at which the produce is being sold may be indicated on the sign. The signs shall not indicate any business name.

6.11 Prohibited Signs and Structures:

A. A sign not designed with its own internal lighting may be illuminated only by continuous indirect white light, with light sources so placed that they will not constitute a hazard to street or highway driving by glare. Neon and fluorescent lights are prohibited.
B. Flashing or animated signs with visible moving parts, searchlights or intermittent lighting

to create the visual effect of movement, are not permitted in any district.

C. No sign shall move nor create an illusion of movement through shimmering, twinkling, and rippling. No sign shall contain any parts which move except those parts unrelated to advertising and which solely indicate date, time, or temperature.

D. No vehicles of any kind including parts thereof (e.g. trailers or other accessories) shall be used as a sign except for a licensed, registered and inspected vehicle that is regularly and customarily used to transport people or property.

6.12 Sign Special Exceptions

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

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

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

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

Background shall be twice the letter height.

Letter stroke shall be 1/5 the height.

B. Amount of information - shall be limited. It should not exceed the information needed to indicate the Business name and a general business description. The description size shall be no more than 2/3 of the business name.

C. Color contrasts – colors of lettering and background shall contrast so that the sign is visible.

D. Surrounding properties and signs – the proposed sign shall be compatible with surrounding properties.

E. Safety – the sign shall not be a traffic hazard.

F. Architectural style of the building(s) – the sign shall be of an architectural style similar to the buildings on the property it resides.

G. Location and height – the sign location and height shall not interfere with adjacent properties and their visibility.

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

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

6.13 General Sign Requirements:

A. Maintenance: All signs and other advertising structures, together with all their supports, braces, hooks, guys and anchors, shall be of substantial and sturdy construction, shall be kept in good repair, and shall be painted or cleaned as often as necessary to maintain a clean, neat, safe and orderly appearance. Within 10 days of notice of default, owner must take steps to correct same.
B. Wind pressure and dead load: Any sign or advertising structure shall be designed and constructed to withstand the elements and weather conditions.
C. Obstruction to safety: No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door.
D. New Signs Mounted on Obsolete Signs: A new sign mounted over an obsolete sign must cover the entire surface of the obsolete sign.

6.14 Unsafe and Unlawful Signs and their Removal:

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

6.15 Non-Conforming Signs:

A. Any sign legally existing at the time of the passage of this ordinance that does not conform in use, location, height or size with the regulations of the zone in which the sign is located shall be considered a protected ("grandfathered") non-conforming use and may

continue in such status until it is either abandoned or removed by its owner.

B. Non-conforming signs damaged by accident or vandalism may be replaced in-kind.

C. A permit is required for all changes, replacements or modifications to non-conforming signs. An application shall be filed prior to any change. Included in the application shall be the sign size, type, colors, age, and who is performing the work. Permit and application fees shall be waived.

6.16 Exceptions to Non-Conforming Status:

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

6.17 Discontinued and Obsolete Signs:

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

6.18 Sign Setbacks

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

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

ARTICLE 7 MANUFACTURED HOUSING SUBDIVISION

(Added March 1994)

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

7.02 Manufactured Housing Subdivision Area Requirements

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

   Front: 35 Feet
   Side: 30 Feet*
   Rear: 30 Feet*

   *Five feet when adjoining Open Space. The setback requirements of Article 7, Section 7.02.b. supersedes these setbacks.
D. Building setbacks for Manufactured Housing in all other Districts shall be as indicated within each respective District (see Article 5).
E. Manufactured Housing Subdivisions shall not be located abutting on or accessing from Town designated Scenic Roads.

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

7.04 Open Space:

A. There shall be legal restrictions running with the land to preserve a minimum of 35% of the entire subdivision tract to retain Open space for the purpose of recreation, agriculture, conservation, and forestry.
B. A buffer strip of fifty (50) feet shall be maintained along all abutting properties and public roads.
C. Conservation aka Cluster Subdivisions shall be permissible for all districts. Subdivisions situated within the Agricultural District may be either Conservation Subdivisions or Traditional Subdivisions having one single family dwelling per lot, one ADU, and preservation of a minimum of 35% of the subdivision for Open Space.

ARTICLE 8 CONSERVATION SUBDIVISIONS

8.01 Purpose

This Conservation Subdivision ordinance is intended to encourage environmentally sound planning to conserve open space, retain and protect important natural and cultural features, and provide for efficient use of land and community services to advance the goals stated in the master plan.

8.02 Objectives

· To maintain rural character, preserving farmland, forests and maintaining rural viewscapes.

· To preserve those areas of the site that have the highest ecological value, including, for example, wildlife habitat, e.g., large unfragmented blocks of undeveloped land, areas of highest condition identified based on NH Fish and Game's Wildlife Action Plan, and water resources, e.g., drinking water supply areas and watersheds, wetlands, streams and rivers.

· To locate buildings and structures on those portions of the site that are the most appropriate for development and avoiding developing in areas ill-suited for development, including, for example, areas with poor soil conditions, a high-water table, that are subject to frequent flooding or that have excessively steep slopes.

· To preserve historic, archeological, and cultural features located on the site.

· To create a contiguous network of open spaces or "greenways" by linking the common open spaces within the subdivision and to open space on adjoining lands wherever possible.

· To reduce the impacts on water resources by minimizing land disturbance and the creation of impervious surfaces and stormwater runoff.

· To reduce the amount of roads, sidewalks, and stormwater management structures that must be built and maintained.

· To minimize the impact of residential development on the municipality, neighboring properties, and the natural environment.

· To encourage the development of renewable energy systems that supplement or power the buildings and vehicles within the subdivision.

8.03 Authority and Applicability

A. To facilitate the implementation of the goals of the master plan, all subdivisions for residential use shall use a conservation subdivision design approach, unless exempted under Section B below or granted a Conditional Use Permit.

B. Exemptions: Subdivisions meeting any one of the following criteria shall be exempt from the requirements of this section, unless a landowner elects to follow the standards of this section.

1. The subdivision creates lots that are, on average, equal to or greater than 479,160 square feet (11 acres) in size and provided the deed for each lot created contains a restriction prohibiting the further subdivision of the lot;

2. The parent parcel is nine acres or less in total size and the subdivision does not require a new road; or

3. The subdivision creates five or fewer dwelling units and does not require a new road.

C. Authorization to Issue a Conditional Use Permit: Notwithstanding other provisions of Lancaster's zoning ordinance, authority is hereby granted to the planning board, as allowed under RSA 674:21, II, to issue a Conditional Use Permit to modify the requirements of this section as follows:

1. The planning board may issue a Conditional Use Permit for the parcel to be developed as a conventional subdivision when it finds that:

   i. The parcel is ill-suited for development using conservation subdivision design, or a conventional design provides greater or equal benefits to the community; and
   ii. The conventional subdivision design retains and protects important natural and/or cultural features identified by the planning board and/or the site inventory.

2. The planning board may issue a Conditional Use Permit for a modified conservation subdivision design to allow for variations from certain requirements of this section as specified herein. Such modifications shall be consistent with the purposes and standards of this section, fall within the guidelines contained herein, and shall not be detrimental to public health, safety or welfare.

8.04 Open Space:

A minimum of forty percent (40%) of the land within the original parcel shall be set aside as common open space intended for the use and enjoyment of the residents of the development. Reasonable efforts must be made to locate common open space adjacent to protected open space in adjoining property or properties to the satisfaction of the Planning Board. This common open space shall be permanently restricted for recreation, open space and conservation uses and protected by a homeowners or condominium association. Except that upon mutual agreement of the Town, the development and/or the homeowners or condominium association, a portion of the common open space may be permanently protected by a public body which shall maintain the land for the benefit of the general public.

8.05 Density-Bonus:

Any recipient of a density bonus through this provision would not be eligible for a 79E incentive:

A. Density bonus of ten-percent (10%) of the total allowable number of dwelling units may be granted by the Planning Board to an applicant if fifty-percent (50%) or more of the non-buildable, undeveloped, or common open space land is permanently conveyed to the Town or Conservation Commission for the benefit of the general public for recreational and/or conservation purposes. The density bonus will only be granted upon written notice by the Town or Conservation Commission of their intent to accept a deed or easement conveying an interest in fifty percent (50%) or more of said non-buildable, undeveloped, or common open space land to the Town of Lancaster or Conservation Commission.
B. Density bonus of fifteen-percent (15%) of the total allowable number of dwelling units will be allowed for developments that will guarantee a percentage of deed restricted workforce housing.
C. Density bonus of ten-percent (10%) of the total allowable number of dwelling units may be granted by the Planning Board to an applicant if fifty-percent (50%) or more of the units are powered with dedicated renewable energy systems on site.

ARTICLE 9 WIRELESS TELECOMMUNICATIONS FACILITIES
(Added March 2001)

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

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

9.02 Definitions

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

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

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

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

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

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

provider.

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

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

Facility: See Personal Wireless Service Facility.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.04 District Regulations

A. Location: Wireless telecommunications facilities shall be permitted in the commercial, commercial-industrial and agricultural zoning districts. Applicants seeking approval for a wireless telecommunications facility shall first evaluate existing structures for the siting of the facility. Only after finding that there are no suitable existing structures, shall a provider propose a new ground-mounted facility.
B. Existing Structures Policy: Wireless telecommunications facilities shall be located on existing structures including, but not limited to, buildings, water towers, existing telecommunications facilities, utility poles or towers, and related facilities, provided that such installation preserves the character and integrity of those structures.
C. Existing Structures Burden of Proof: The applicant shall have the burden of proving that there are no existing structures that are suitable to locate its wireless telecommunications facility. To meet that burden, the applicant shall take all the following actions to the extent applicable:
    1. The applicant shall submit to the Planning Board a list of all contacts made with owners of potential sites regarding the availability of potential space for a wireless telecommunications facility. If the Planning Board informs the applicant

that additional existing structures may be satisfactory, the applicant shall contact the property owner(s) of those structures.

2. The applicant shall provide copies of all letters of inquiry made to owners of existing structures and letters of rejection. If letters of rejection are not provided, at a minimum unanswered "Return Receipt Requested" forms from the U.S. Post Office shall be provided for each owner of existing structures who was contacted.
3. If the applicant claims that a structure is not capable of physically supporting a wireless telecommunications facility, this claim must be certified by an independent licensed professional structural engineer hired by the Town of Lancaster and paid for by the applicant.

D. Ground-Mounted Facilities Policy: If the applicant demonstrates that it is not feasible to locate on an existing structure, ground mounted telecommunications facilities shall be designed so as to be camouflaged to the greatest extent possible, including, but not limited to, use of compatible building materials and colors, screening, landscaping, and placement within trees.

E. Ground-mounted facilities shall be located on sites where the grade/slope and tree cover of the site and surrounding land can be used to decrease any adverse visual impacts. Wireless telecommunications facilities shall not be visible above the ridgeline from public roads, recreational areas, designated scenic vistas or abutting property.

F. Ground-mounted facilities shall be prohibited from:
   1. Within 100 feet of town or state roads;
   2. Within 250 feet of a designated scenic road or siting in a manner which is readily visible from a designated scenic road;
   3. Within open areas that are visible from public roads, recreational areas, or abutting properties.

G. The Planning Board shall have the authority to require at the applicant's expense any and all engineering studies deemed necessary by the Planning Board to fulfill the purpose and intent of this ordinance.

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

A. Existing Tower Structures: Subject to the issuance of a building permit that includes review by the Planning Board, which review shall be limited to determining that the height of the mount is not increased, a security barrier exists, the area of the security barrier is not increased and the siting is consistent with the standards set forth at Section 15.7. Carriers may locate a wireless telecommunications facility on any guyed tower, lattice tower, mast or

monopole in existence prior to the adoption of this Ordinance, or on any wireless telecommunications facility previously approved under the provisions of this Ordinance so long as the co-location complies with the approved site plan. This provision applies only so long as height of the mount is not increased, a security barrier already exists, and the area of the security barrier is not increased. Otherwise, full site plan review is required.

B. Reconstruction of Existing Tower Structures: An existing guyed tower, lattice tower, mast or monopole in existence prior to the adoption of this Ordinance may be reconstructed with a maximum twenty (20) foot increase in height so as to maximize co-location so long as the standards of this Ordinance are met and so long as this twenty (20) foot increase in height does not cause a facility previously existing to exceed the average tree canopy height by more than ten (10) feet in height. The Planning Board will consider an extension of five (5) feet to a total of fifteen (15) feet over the average canopy height, so long as the maximum height does not exceed one-hundred ninety (190) feet, and provided that the applicant can demonstrate the technical necessity of such extension, and provided that the performance and design standards of Section 15.7 are met. The mount shall be replaced with a similar mount that does not significantly increase the visual impact on the community. Site plan review is required.

C. Existing Structures: Subject to the provisions of this Ordinance and site plan review, a carrier may locate a wireless telecommunications facility on an existing structure, building, utility tower or pole, or water tower.

D. Ground-Mounted Facility: A wireless telecommunications facility involving construction of a ground mount shall require site plan review and be subject to the provisions of this Ordinance.

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

A. Height: The maximum height of a ground-mounted wireless telecommunications facility shall be one hundred (100) feet or twenty (20) feet above the average tree canopy height within a one-hundred fifty-foot radius of the mount, security barrier and surrounding clear area, whichever is the lesser.

B. Height Extension. A height extension up to a maximum of one-hundred ninety (190) feet may be granted by the Planning Board provided that the applicant can demonstrate the technical necessity of such extension, and provided that the performance and design standards of Section 15.7 and the locational standards of Section 15.4 Paragraphs E and F are met. The applicant will pay for the town to hire an independent qualified radio frequency engineer to substantiate the applicant's claim of technical necessity. Technical considerations will include, but are not limited to the availability of alternative sites, co-location and improved reception and coverage within

the Town.

C. View shed Analysis: As part of the review process, the applicant shall conduct, at a minimum, 1) a mapped view shed delineation; and 2) a test balloon or crane extension moored at the site to indicate visibility of proposed towers or antennas. Photographs or video footage of the balloon or crane test shall be provided to the Planning Board and shall include context views from the tower site and from scenic vantage points delineated by the Planning Board or its designee. Notice to the public of the time and place of the balloon or crane test shall be provided in accordance with RSA 675:7 I, as it may be amended from time to time.

D. Height, Existing Utility Structures and Utility Poles: Carriers that locate new wireless telecommunications facilities on water towers, electric transmission and distribution towers, utility poles and similar existing utility structures, guyed towers, lattice towers, masts and monopoles may be permitted with no increase in height.

E. Height, Other Existing Structures: The height of a wireless telecommunications facility shall not increase the height of a structure unless the facility is completely camouflaged; for example, a facility completely within a flagpole, steeple, or chimney. The increase in height of the structure shall be in scale and proportion to the structure as originally configured. A carrier may locate a wireless telecommunications facility on a building that is legally non-conforming with respect to height, provided that the provisions of this Ordinance are met.

F. Setbacks: All wireless telecommunications facilities and their equipment shelters shall comply with the building setback provisions of the zoning district in which the facility is located.

G. Fall Zone for Ground Mounts: In order to ensure public safety, the minimum distance from the base of any ground mount of wireless telecommunications facilities to any property line, public road, habitable dwelling, business or institution, or public recreational area shall be, at minimum, the distance equal to the height as defined in this Ordinance.

9.07 Performance and Design Standards: These shall apply to all applications.

1. Camouflage for Facilities on Existing Buildings or Structures: Roof Mounts

    1. When a wireless telecommunications service facility extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility from public ways. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.

2. Camouflage for Facilities on Existing Buildings or Structures: Side Mounts

    1. Wireless telecommunications facilities which are side mounted shall blend with the existing building's architecture and, if individual antenna panels are over five (5) square feet, the panels shall be painted or shielded with material consistent with the

design features and materials of the building.

3. Camouflage for Ground Mounted Facilities:
    1. Except if modified by the Planning Board under special circumstances, the carrier shall maintain a vegetative buffer at least as tall as the fence, 360 degrees surrounding the facility including the security fence, a minimum twenty-five (25) feet deep starting at the fence. The barrier shall be in keeping with the surrounding vegetation and shall effectively screen the facility 365 days of the year.
    2. The vegetative buffer area shall be protected by a landscape easement or be within the area of the carrier's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying, present a hazard to persons or property, or as approved during site plan review.
4. Color: To the extent that any component of a wireless telecommunications facility extends above the height of the vegetation immediately surrounding it, it shall be of a color which blends with the background or surroundings, including guy wires.
5. Equipment Shelters
    1. Equipment shelters shall be located in underground vaults; or
    2. Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the wireless telecommunications facility; or
    3. Equipment shelters shall be camouflaged behind an effective year-round landscape buffer equal to the height of the proposed building, and/or wooden fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or
    4. If mounted on a rooftop, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.
    5. All utilities to the site from existing utilities shall be underground.
6. Lighting, Signage and Security Signage and Security
    1. Lighting:
        i. The mounts of the wireless telecommunications facility shall be lighted only if required by the Federal Aviation Administration (FAA).
        ii. Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. Foot candles measurements at the property line shall be 0.0 initial foot candles.
    2. Signage: Signs shall be limited to those needed to identify the property and the

owner and warn of any danger. All signs shall comply with the requirements of Article 6 of this ordinance.

3. Security Barrier: A security barrier is required for all wireless telecommunications facilities.

7. Historic Buildings and Districts:
    1. Any wireless telecommunications facility located on or within an historic structure or designated district shall not alter the character or defining features, distinctive construction methods or original historic materials of the building or district.
    2. Any alteration made to an historic structure to accommodate a wireless telecommunications facility shall be fully reversible.
    3. Wireless telecommunications facilities authorized by this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.
8. Driveways:
    1. Existing entrances and driveways to serve a wireless service facility shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic, and environmental impact.
    2. New driveways to serve a wireless telecommunications facility shall not exceed twelve (12) feet in width and shall conform to the Town of Lancaster Driveway Standards for materials, grade, and erosion control measures.
9. Antenna Types:
    1. Any antenna array placed upon an existing or proposed ground mount, utility pole or transmission line mount shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount unless the Planning Board finds a larger antenna array does not materially impair the visual impact of the siting.
    2. Ground and Roof Mounts: All ground mounts shall be of a mast type mount. Lattice towers, guyed towers, and roof-mounted monopoles are expressly prohibited, unless constructed as part of a reconstruction project permitted under Section 15.5 B.
10. Hazardous Waste: No hazardous waste shall be discharged on the site of any wireless telecommunications facility. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred and ten percent (110%) of the volume of the hazardous materials stored or used on the site.
11. Noise: Wireless telecommunications facilities shall not generate noise in excess of that

permitted under the Site Plan Review Regulations.

12. Radio Frequency Radiation (RFR) Standards: All equipment proposed for a wireless telecommunications facility shall be fully compliant with the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation (FCC Guidelines), under Report and Order, FCC 96326, published on August 1, 1996, and all subsequent amendments.

9.08 Monitoring and Maintenance

A. The owner of the facility shall maintain the wireless telecommunications facility in good condition. Such maintenance shall include, but shall not be limited to, painting, structural integrity of the mount and security barrier, and maintenance of the buffer areas and landscaping.
B. As part of the issuance of the site plan approval or building permit, the property owner shall agree that the Town of Lancaster may enter the subject property to obtain RFR measurements and noise measurements at the expense of the carrier. The Town of Lancaster shall provide reasonable written notice to the carrier and landowner and provide them the opportunity to accompany the Town representatives when the measurements are conducted.
C. Security for Removal: Recognizing the hazardous situation presented by abandoned and unmonitored wireless telecommunications facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunications facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with section 15.9. The amount of the security shall be based upon the removal cost plus fifteen percent (15%), provided by the applicant and certified by an independent professional civil engineer licensed in New Hampshire every five (5) years from the date of the Planning Board's approval of the site plan. If the cost has increased more than fifteen percent (15%) then the owner of the facility shall provide additional security in the amount of the increase. It shall be a condition of any approval granted under this ordinance that the name and address of the facility owner shall be accurately reported to the Town at all times during the life of the facility. All transfers of ownership shall be reported in writing to the Town before such transfers occur.

9.09 Abandonment or Discontinuation of Use

A. Notification: At such time that a carrier plans to abandon or discontinue operation of a wireless telecommunications facility, such carrier will notify the Town by certified U.S. Mail of the proposed date of abandonment or discontinuation of operations.
B. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operation. In the event that a carrier fails to give such notice, the wireless

telecommunications facility shall be considered abandoned upon such discontinuation of operations.

C. Removal: Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the wireless telecommunications facility within ninety (90) days from the date of abandonment or discontinuation of use. This shall include, but not be limited to:
    1. Removal of antennas, mount, equipment shelters and security barriers from the subject property.
    2. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
    3. Restoring the location of the facility to its natural condition, except that any landscaping and grading shall remain in the after-condition.

D. Failure to Remove: If the owner of the facility does not remove the facility upon the Board of Selectmen's order, then the Board of Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the town may execute the security to pay for this action. The carrier shall be fined $100 per day starting on the 91st day after declaration until the facility is removed.

ARTICLE 10 SEXUALLY ORIENTED BUSINESSES

(Added March 2001)

10.01 Purpose and Intent: The purpose and intent of this Article is to regulate the secondary effects of sexually oriented businesses in the following areas: crime control, protection of property values, prevention of town blight, public health and the protection of children. It is not the intent nor the effect of this Article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; and neither is it the intent nor the effect of this Article to condone or legitimize the distribution of obscene material.

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

Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors or other image projecting devices are maintained to show images to five (5) or fewer persons at any one time, and where images so displayed are distinguished or characterized by depicting or describing of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore or Adult Video Store: An establishment which, as one of its principal business purposes, offers for sale or rental, or for any other form of consideration, any one of the following:

1. Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videocassettes, or other video reproductions, slides, computer software, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas".
2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

Adult Cabaret: A nightclub, bar or restaurant or similar commercial establishment, or private membership, fraternal membership or social club which during a substantial portion of the total presentation time features:

1. Live performances which are characterized by the exposure of "specified anatomical areas" or "specified sexual activities".
2. Films, motion pictures, videocassettes, or other video reproductions, slides, computer software, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas".

Adult Motion Picture Theater: An establishment where, for any form of consideration, films, motion pictures, videocassettes, or other video reproductions, slides, or other photographic representations are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material distinguished by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas". However, in no case shall motion pictures rated G, PG, PG-13 or R be considered material distinguished by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

Adult Theater: A theater, concert hall, auditorium or similar place of public assembly which features persons who appear in a state of nudity or live performances in which a substantial portion of total presentation time is devoted to the showing of material which is characterized by the exposure of "specified sexual activities" or "specified anatomical areas".

Principal Business Purpose: A principal business purpose shall be deemed to exist, for the purposes of this Article, if ten (10) percent or more of the gross floor area of a business is devoted to the display, depiction, sale, or expression of "specified sexual activities" or "specified anatomical areas", or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities".

Sexual Conduct Substantial Portion of the Total Presentation Time: Occurring more than seven (7) days within any consecutive fifty-six (56) day period.

Specified Anatomical Area: Human genitals and anus, female breasts.

Specified Sexual Activities: Means and includes any of the following:

A. Human masturbation, sexual intercourse, oral copulation or sodomy, actual or simulated, whether alone or between members of the same or opposite sex or between humans and animals.

B. Fondling or erotic touching of human genitals, anal region, buttocks or female breasts.

C. Excretory functions, flagellation or torture as part of or in conjunction with any of the activities set forth in A and B above.

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

A. Use of setbacks. Sexually oriented businesses shall not be located within five-hundred feet of any lot line of the following:
    1. A public or private school;
    2. A child daycare facility;

3. A public park, public recreational field, or similar publicly owned facility;
4. A religious institution, church, or place of worship; or
5. A hospital or nursing home.

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

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

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

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

ARTICLE 11 NON-CONFORMING USES

11.01 Continuation of Non-conforming Use: Any non-conforming use (other than uses herein specified) may continue in their present use except that any non-conforming use or building may not be changed to another non-conforming use, re-established after discontinuance for three years except to a use conforming to the district in which it is located, or extended past boundaries of lots on which they are located at time of passage of this Ordinance. Any use which was not lawfully permitted under prior ordinances shall not be allowed to continue by passage of this ordinance.

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

11.03 Junkyards: No junkyard may continue as a non-conforming use for more than one year after the effective date of this Ordinance.

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

ARTICLE 12 BOARD OF ADJUSTMENT

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

ARTICLE 13 POWERS OF THE BOARD OF ADJUSTMENT

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

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

A. Character of the Area: The proposed site should be an appropriate location for the use. Among the factors the Board of Adjustment will consider are: topography, soils, water resources, road access and locations of driveways, condition of existing structures and other relevant characteristics such as whether the proposed use is compatible with surrounding land uses.
B. Value of Adjacent Property: The proposed use should not adversely affect the value of

adjacent property. An adverse effect on adjacent property is one that would limit the use of neighborhood property by causing such problems as excessive noise, traffic, dust, fumes, glare or other conditions that are associated with the intended use but are not typical of permitted uses in the area.

C. Character of the Lot: The lot must be of a size and configuration, slope and soil type such that the proposed use is able to comply with all requirements of the Lancaster Zoning Ordinance.
D. Hazardous Waste: No hazardous waste shall be disposed of on the property, and provision for disposition of all waste made without jeopardy, financial or otherwise, to the Town of Lancaster.
E. Traffic in the Area: Traffic generated by the proposed use must not represent a hazard to the neighborhood for either vehicles or pedestrians.

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

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

ARTICLE 14 ENFORCEMENT AND ADMINISTRATION

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

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

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

ARTICLE 15 AMENDMENTS

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

ARTICLE 16 PENALTY

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

ARTICLE 17 SEPARABILITY CLAUSE

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

ARTICLE 18 EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage.
Adopted: 11/11/1970
Amended: 03/09/1982
03/08/1983
03/11/1986
03/10/1987
03/08/1988
03/13/1990
03/13/1991
03/09/1993 (Map Revision Only)
03/08/1994
03/07/1995
03/12/1996
03/13/2001
03/12/2024
03/10/2026

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