ZONING ORDINANCE

Ordinance #2

CITY OF LEBANON, NEW HAMPSHIRE

ADOPTED: *January 16, 2013*
LAST AMENDED: *March 9, 2021*

TABLE OF CONTENTS

ARTICLE I INTRODUCTION 6

SECTION 100 TITLE. 6

SECTION 101 AUTHORITY. 6

SECTION 102 PURPOSE. 6

SECTION 103 APPLICABILITY. 6

SECTION 104 ORIGINS. 7

ARTICLE II GENERAL PROVISIONS 8

SECTION 200 GARDENING, FORESTRY, AND LAND CULTIVATION. 8

SECTION 201 YARD REQUIREMENTS. 8

SECTION 202 REDUCTION OF LOT AREA OR DIMENSIONS. 9

SECTION 203 HEIGHT REQUIREMENTS. 10

SECTION 204 LOTS IN TWO ZONING DISTRICTS. 16

SECTION 205 ONE PRINCIPAL STRUCTURE PER RESIDENTIAL LOT. 16

SECTION 206 SIGHT DISTANCE AT STREET AND DRIVEWAY INTERSECTIONS. 16

SECTION 207 YARD SALES. 16

SECTION 208 (Reserved). 16

SECTION 209 MANUFACTURED HOMES. 17

SECTION 210 OPEN BUILDING EXCAVATIONS. 17

SECTION 211 TEMPORARY USES AND STRUCTURES. 17

SECTION 212 ANTI-NUISANCE STANDARDS. 20

SECTION 213 IMPACT FEES. 20

SECTION 214 GOVERNMENTAL USES. 26

SECTION 215 LOCATION OF ACCESSORY USE. 26

ARTICLE III USE DISTRICTS 27

SECTION 300 ESTABLISHMENT OF USE DISTRICTS. 27

SECTION 301 ZONING MAP. 27

SECTION 302 USES. 28

SECTION 303 LIGHT INDUSTRIAL DISTRICT (IND-L). 31

SECTION 303A INDUSTRIAL - RAIL ACCESS DISTRICT (IND-RA). 33

SECTION 304 HEAVY INDUSTRIAL DISTRICT (IND-H). 35

SECTION 305 GENERAL COMMERCIAL DISTRICT (GC). 37

SECTION 305A GENERAL COMMERCIAL ONE DISTRICT (GC-1). 39

SECTION 306 CENTRAL BUSINESS DISTRICT (CB). 41
SECTION 307 LEBANON DOWNTOWN DISTRICT (LD). 43
SECTION 308 RESIDENTIAL ONE DISTRICT (R-1). 48
SECTION 309 RESIDENTIAL TWO DISTRICT (R-2). 50
SECTION 310 RESIDENTIAL THREE DISTRICT (R-3). 52
SECTION 311 RESIDENTIAL-OFFICE DISTRICT (R-O). 54
SECTION 311A RESIDENTIAL-OFFICE-ONE DISTRICT (R-O-1). 56
SECTION 311B PROFESSIONAL BUSINESS DISTRICT (PB). 58
SECTION 312 RURAL LANDS ONE DISTRICT (RL-1). 60
SECTION 313 RURAL LANDS TWO DISTRICT (RL-2). 61
SECTION 314 RURAL LANDS THREE DISTRICT (RL-3). 62
SECTION 315 MEDICAL CENTER DISTRICT (MC). 63
ARTICLE IV OVERLAY DISTRICTS 65
SECTION 400 ESTABLISHMENT OF OVERLAY DISTRICTS. 65
SECTION 401 WETLANDS CONSERVATION DISTRICT. 65
SECTION 402 FLOODPLAIN DISTRICT. 71
SECTION 403 STEEP SLOPES DISTRICT. 72
SECTION 404 RIDGELINE DISTRICT. (**reserved)** 73
SECTION 405 SCENIC CORRIDORS DISTRICT. **(reserved)** 73
SECTION 406 AQUIFER PROTECTION DISTRICT. **(reserved)** 73
SECTION 407 AIRPORT PROTECTION DISTRICT. 73
SECTION 408 HISTORIC DISTRICT. 75
SECTION 409 LANDFILL RECLAMATION DISTRICT. 79
SECTION 410 RIVERBANK PROTECTION DISTRICT. 80
ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS 88
SECTION 500 GENERAL. 88
SECTION 501 PLANNED UNIT DEVELOPMENT (PUD). 88
SECTION 502 (RESERVED). 103
SECTION 503 MANUFACTURED HOME PARKS. 103
SECTION 504 MANUFACTURED HOME SUBDIVISIONS. 104
SECTION 505 RECREATIONAL CAMPING PARKS. 105
SECTION 506 MEDICAL CENTER COMPLEXES. 106
SECTION 507 BONUSES FOR CERTAIN PLANNED DEVELOPMENT. 108

SECTION 508 PLANNED BUSINESS PARKS. 109
ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES 112
SECTION 600 HOME BUSINESSES. 112
SECTION 600A HOME-BASED CONTRACTOR'S YARD. 113
SECTION 600B HOME-BASED AGRICULTURAL BUSINESS. 115
SECTION 601 SPECIAL DESIGN STANDARDS. 117
SECTION 602 NON-COMMERCIAL SWIMMING POOLS AND HOT TUBS. 119
SECTION 603 SENIOR HOUSING COMPLEXES. 120
SECTION 604 GROUP DAY CARE FACILITIES. 120
SECTION 605 JUNKYARDS. 121
SECTION 606 EXCAVATION OF NATURAL EARTH MATERIAL. 122
SECTION 607 PARKING. 122
SECTION 608 SIGNS. 128
SECTION 609 SEXUALLY ORIENTED BUSINESS. 139
SECTION 610 ACCESSORY DWELLING UNIT (ADU). 146
SECTION 611 KEEPING OF CHICKENS. 147
SECTION 611A BEEKEEPING. 148
SECTION 612 RENEWABLE ENERGY SYSTEMS. 149
SECTION 613 ALTERNATIVE TREATMENT CENTERS. 152
ARTICLE VII NON-CONFORMITIES 153
SECTION 700 GENERAL. 153
SECTION 701 NON-CONFORMING LOTS. 153
SECTION 702 NON-CONFORMING USES. 153
SECTION 703 NON-CONFORMING BUILDINGS AND STRUCTURES. 155
SECTION 704 PRE-EXISTING USES THAT ARE SPECIAL EXCEPTIONS OR CONDITIONAL USES. 155
SECTION 705 PRIOR UNLAWFUL USES. 156
ARTICLE VIII BOARD OF ADJUSTMENT 157
SECTION 800 ESTABLISHMENT OF BOARD OF ADJUSTMENT. 157
SECTION 801 POWERS AND DUTIES. 157
SECTION 802 BOARD PROCEDURES. 160
ARTICLE IX ADMINISTRATION AND ENFORCEMENT 164
SECTION 900 ZONING ADMINISTRATOR. 164
SECTION 901 ZONING PERMITS. 164

SECTION 902 OCCUPANCY. 166
SECTION 903 ENFORCEMENT. 166
ARTICLE X MISCELLANEOUS PROVISIONS 167
SECTION 1000 ZONING ORDINANCE AMENDMENTS. 167
SECTION 1001 CONFLICTS. 169
SECTION 1002 SEVERABILITY. 170
SECTION 1003 EFFECTIVE DATE. 170
APPENDIX A DEFINITIONS 171
APPENDIX B KEY TO HIS SOIL TYPES 189
APPENDIX C HISTORIC DISTRICT MAP 195

ARTICLE I INTRODUCTION

SECTION 100 TITLE.

This Ordinance may be known and may be cited as "Zoning Ordinance of the City of Lebanon, New Hampshire."

SECTION 101 AUTHORITY.

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

SECTION 102 PURPOSE.

This Ordinance is enacted for the purpose of promoting the health, safety and general welfare of the community; for the purposes listed in RSA 674:16; for the purposes stated in the City of Lebanon Master Plan; for the specific purposes stated for each zoning district or section herein; and for any and all purposes for which land use regulations may be validly enacted under New Hampshire law. The Ordinance is designed to:

- Lessen congestion in the streets and promote safe and efficient movement of people, vehicles, and goods;
- Secure safety from fire, panic and other dangers;
- Promote health and the general welfare;
- Promote adequate natural light and clean air;
- Prevent the overcrowding of land by people and structures by avoiding undue concentration of population and preserving open space;
- Promote adequate facilities and infrastructure for transportation, solid waste, water, sewerage, energy schools, recreation, parks, and child day care;
- Protect and assure proper stewardship of natural resources;
- Provide a range of housing choices and affordability;
- Provide a range of economic opportunities and services;
- Encourage the preservation of agricultural lands and buildings; and
- Encourage energy-efficient land uses and installation of renewable energy systems.

SECTION 103 APPLICABILITY.

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

SECTION 104 ORIGINS.

This Ordinance repeals and replaces the Zoning Ordinance currently in effect in the City of Lebanon, which was adopted on December 5, 1990, and amended several times.

ARTICLE II GENERAL PROVISIONS

SECTION 200 GARDENING, FORESTRY, AND LAND CULTIVATION.

The non-commercial raising of crops, keeping of gardens, orchards, indoor hydroponics/aquaponics, forestry (including tree farms), and maple sugaring are not regulated by this Ordinance except as provided in Article IV, Section 401 and Section 410. Greenhouses, sugar shacks, and other such ***accessory buildings*** to these activities are subject to all applicable regulations of this Ordinance.

SECTION 201 YARD REQUIREMENTS.

Except as otherwise provided herein, no ***building*** or ***structure*** other than accessory structures and buildings of 130 sq. ft. or less per Section 201.8 below shall occupy any part of any yard required by ARTICLE III, except that ***architectural details*** may extend not more than two (2) feet into any required yard.

201.1 Reduction for an Average Front Yard.

The required front yard may be reduced to the average front yard of the existing buildings on the same side of the street in the same block, provided that there are at least two (2) such buildings and provided that all such buildings are within 300 feet of the premises (as measured along the ***street line***). This reduction shall not be allowed for lots fronting on a state highway.

201.2 (Reserved).

201.3 Lots on More Than One Street.

A ***lot*** adjoining two streets shall have a minimum front yard on each street and minimum side yards on the remaining sides. A ***lot*** adjoining three streets shall have minimum front yards on at least two intersecting streets, a minimum rear yard on the other street and a side yard on the remaining side.

201.4 Fences, Hedges and Walls.

Fences, hedges and walls may be located within minimum required ***yards***, but if located within required front yards they shall not exceed 3 ½ feet in height unless set back at least 15 feet from the right-of-way. The Board of Adjustment, as a ***special exception***, may allow fences, hedges and walls of a greater height. This section shall not apply to fences and walls erected for agricultural (e.g., the confinement of animals), safety or security purposes in the industrial, commercial or rural lands districts.

Fences, hedges and walls not in conformance with this section shall be discontinued.

*Note: Section 603.2 of the July 19, 1978 Zoning Ordinance provided that non-complying fences, hedges and walls be discontinued by July 18, 1983.

201.5 Flagpoles.

Flagpoles may occupy required yards.

201.6 Antennae, Satellite Dishes, Etc.

Radio, TV and communications antennae, satellite dishes and the like shall not occupy the areas of front yards or required side and rear yards; provided, however, that this restriction may be relaxed by ***special exception***, if the Board of Adjustment finds, in addition to the standards set forth in Section 801.3, that such a relaxation is required by applicable federal regulations and RSA 674:16, IV, in order to reasonably accommodate such facilities.

201.7 Driveways and Parking Areas.

Driveways may occupy required ***yard*** areas. ***Parking areas*** may occupy required ***yard*** areas provided they maintain at least a 5 ft. ***setback*** from all lot lines, except that (i) ***parking areas*** in the ***front yard*** are prohibited in the LD District per Section 307.9.B, and (ii) ***parking areas*** in the ***front yard*** in the ***residential districts***, the R-O District, and the R-O-1 District, shall be set back no less than the lesser of the minimum ***front yard*** requirement or the ***building line***, but in no case less than five (5) feet.

201.8 Accessory Structures and Buildings of 130 Square Feet or Less.

One-story detached accessory structures and buildings of 130 sq. ft. or less and not exceeding twelve (12) feet in height may be located within the minimum required side and rear yards, in all zoning districts, provided they are placed a minimum of 5 feet from the side and rear property lines. A zoning permit shall be required for an ***accessory building***.

201.9 Accessory Renewable Energy Systems.

Accessory renewable energy systems shall not occupy the areas of required front, side and rear yards (a.k.a. front, side and rear setbacks). This restriction may be relaxed by ***special exception***, if the Board of Adjustment finds, in addition to the standards set forth in Section 801.3, that such relaxation is required for the reasonable use of the proposed system.

SECTION 202 REDUCTION OF LOT AREA OR DIMENSIONS.

The configuration of a ***lot*** shall not be altered so that the area, yards, ***lot width***, ***frontage***, coverage or other requirements of this Ordinance are less than the minimums required herein. This requirement shall not apply when part of a ***lot*** is taken for a public purpose.

SECTION 203 HEIGHT REQUIREMENTS.

203.1 Exceptions to Height Requirements.

Except as provided in Section 407 for structures near the airport or in the airport approach zone, the following structures may exceed the maximum height limitations of ARTICLE III by not more than 20 percent:

A. Flagpoles.

B. Rooftop features including chimneys, spires, towers, lightning rods, heating, ventilation and air-conditioning equipment, elevator shafts, accessory solar energy facilities or similar structures/equipment.

C. Radio or TV antennae or satellite dish for private, non-commercial reception.

D. Accessory wind energy facilities, except as provided in Section 203.3.

E. Silos, except that the Board of Adjustment may allow a greater height for silos in the RL Districts by ***special exception*** granted pursuant to Section 801.3.

203.2 Commercial Television or Radio Broadcast Station Antennas and Towers.

Commercial television or radio broadcast station antennas or towers allowed by ***special exception*** in RL Districts shall be exempt from the maximum height limits of Sections: Section 312, Section 313 and Section 314, except as provided in Section 407; provided, however, that in addition to the findings required by Section 801.3, the Board of Adjustment shall also find:

A. That the proposed height of the antenna and associated structures such as towers is the minimum height permitted by federal regulations for the frequency and type of broadcast signal to be used by the applicant, in light of best available technology, and that no additional height is being sought solely to increase the range of the signal; and

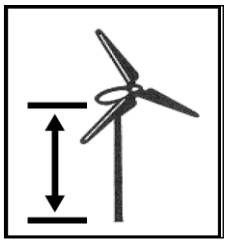
B. That there are no feasible alternative sites within the RL Districts of the City where the facility could be located with significantly less visual impact on the neighborhood and City as a whole, due to reduced height needs, reduced visibility, or other site advantages.

To show that these standards are met, the applicant shall furnish the Board with a written impact analysis prepared by a professional radio frequency engineer familiar with both the technology and the regulatory framework for the type of station proposed. The analysis shall not be conclusory, but shall detail the applicant's specific objectives, and shall evaluate and compare specific alternative technologies, and the suitability and visual impacts of specific alternative sites within the City, using viewshed maps and photo simulations. The Board of Adjustment may, at the applicant's expense, hire a person, with such qualifications as the Board may determine, to review the analysis. The Board may require additional information as needed to decide the case.

203.3 Accessory Wind Energy Facilities.

Accessory wind energy facilities may exceed the Section 203.1 exception to the maximum height limits in RL Districts (Sections: Section 312, Section 313 and Section 314) by ***special exception***, except as provided in Section 407 (the more restrictive Section applies). In addition to the findings required by Section 801.3, the Board of Adjustment shall also find that the proposed tower height (ground to top of the tower as illustrated) shall be restricted to 35 feet above the average height of the tree canopy within 300 feet of the base of the tower. The maximum wind energy facility tower height shall be 120 feet. (Section 612.2 specifies required setbacks for accessory wind energy facilities.)

Illustration of tower height.



203.4 Telecommunication Facilities.

A. Location of Telecommunication Facilities:

1. Collocation or Modification. Any telecommunications facility whose installation meets the definition of "collocation" in RSA 12-K:2, X or which constitutes a "modification" as defined in RSA 12-K:2, XVIII, with respect to any facilities or structures in existence as of September 22, 2013 (but excluding "substantial modification" of such existing facilities or structures, as defined in RSA 12-K:2, XXV) shall be deemed to be a permitted use in all zoning districts. As set forth in RSA 12-K:10, I, applications for such collocation or modification shall be reviewed solely for conformance with applicable building code and building permit requirements, within the time frame set forth in RSA 12-K:10, II and III, and shall not be subject to zoning regulations, planning board review or any public hearing requirement.

2. Installation On Structures Later Erected For Other Purposes. Any ***telecommunications facility*** installed upon a ***building*** or ***structure*** erected *subsequent to* September 22, 2013, but which was, at the time of erection, neither intended nor designed for the mounting of telecommunications facilities, shall also be a permitted use in all districts, with the approval of a ***conditional use*** permit from the Planning Board, so long as the installation of the telecommunications facilities does not increase the height or footprint, or alter the overall profile, of the said ***building*** or structure.

3. Facilities Other Than Collocation or Modification. ***Telecommunication facilities*** requiring a new dedicated tower or other structure, or which otherwise do not fit within paragraphs A.1 or A.2 above, shall be:

a. Permitted in the Industrial, General Commercial, and Medical Center zoning districts by ***conditional use*** permit;

b. Allowed by ***special exception*** in the RL zoning districts and,

c. Prohibited in all other zoning districts.

B. Other Use And Siting Factors.

1. Primary or Accessory Use. If sited in compliance with the provisions of Subsection A above, telecommunications facilities may be considered either principal or ***accessory uses***. Neither the existence nor absence of a permitted use already on a ***lot*** or site shall be deemed to preclude the installation of a telecommunications facility on that same ***lot*** or site, as long as all other provisions of the Ordinance are met.

2. Dimensional Requirements. All district regulations relating to minimum yard setbacks and ***building coverage***, as set forth in the tables in Article III, shall apply to telecommunications facilities, unless the zoning board of adjustment grants ***special exception*** relief pursuant to Section 201.6.

3. Nonconforming Uses. Telecommunications facilities which are installed in compliance with the provisions of this section shall not be deemed to create or constitute an unlawful expansion of any previously existing nonconforming use or ***structure*** on the lot.

4. Subsequent Changes To Facilities.

a. In general, for any telecommunications facilities which are installed pursuant to a ***special exception*** or ***conditional use*** permit, or both, either before or after the effective date of this Section, no alteration which increases the height or footprint or substantially alters the profile of such facilities shall be permitted in the absence of a new or modified ***special exception*** and/or ***conditional use*** permit, as applicable.

b. The rule in Subsection B.4.a above shall not apply if the proposed alteration constitutes “collocation” or “modification” with respect to structures or facilities which existed prior to September 22, 2013, as set forth in Section A.1 above.

c. Lawfully existing towers, antennas and other telecommunications equipment may be replaced in kind, without the need to obtain a new or modified ***conditional use*** permit or ***special exception***.

C. Construction Performance Requirements. Except where specifically exempted under RSA 12-K:10, all telecommunications facilities shall meet the following standards:

1. Federal Requirements. All telecommunications facilities must meet or

exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate such telecommunications facilities.

2. Height. The height of a dedicated tower or ***structure*** shall not extend more than 20 feet above the average tree canopy. The height of an antenna mounted on an existing ***building*** or ***structure*** shall not exceed the height limitations of the zoning district and Section 203, unless a ***variance*** is granted by the Zoning Board to allow a greater height.

"Average Tree Canopy," for purposes of this Section, means the average height found by inventorying the height above ground level of all trees over 20 feet in height for a radius of 200 feet. All efforts should be made to keep tower height at a minimum, and in no case shall a tower or antenna exceed 200 feet regardless of the average tree canopy.

3. Setbacks and Separation. In addition to compliance with the minimum zoning district ***setback*** requirements (Subsection B.2 above), all dedicated tower and structures shall be set back a distance equal to 125% of the height of the tower from all property lines (i.e. fall zone).

4. Security Fencing. Towers and associated equipment shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.

5. Landscaping. A buffer shall be provided that effectively screens the view of the compound from adjacent property. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the perimeter of the compound.

6. Visual Impacts. In locations where the visual impact of the compound would be minimal or non-existent, the landscaping requirement may be reduced or waived entirely by the Planning Board.

7. Existing Trees. Existing mature ***tree*** growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers on large wooded lots, natural growth around the property may be deemed a sufficient buffer.

8. Camouflaging:

    a. At a tower site, the design of the buildings and related structures shall, to the maximum extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower telecommunications facilities with the natural setting and built environment.

    b. If an antenna is installed on a ***structure*** other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and

related equipment visually unobtrusive.

9. Balloon Test. The applicant shall provide notice of a date on which a balloon (or balloons) will be floated at the proposed dedicated tower site at the discretion of the Planning Board, and provide pictures from all locations around town and within 20 miles from which the balloon(s) is visible. The Planning Board, at its discretion, may also require balloon test for antennas mounted on existing buildings and structures if not hidden or camouflaged.

D. Procedure:

1. Unless specifically exempted under Subsection A.1 of this Section, ***telecommunications facilities*** are permitted only after obtaining a ***conditional use*** permit or ***special exception*** as required under Subsection A.3. All such uses must comply with other applicable ordinances and regulations of the City of Lebanon, State of New Hampshire, and Federal Government.

2. ***Telecommunications facilities*** requiring a new dedicated tower or other ***structure***, or which otherwise do not fit within Subsections A.1 or A.2, shall obtain site plan approval from the Planning Board which shall act upon the site plan application in accordance with the procedural requirements of the Site Plan Review Regulations, provided that regional notification requirements contained in RSA 12-K:7 must also be followed.

3. Basic plan submission requirements shall be the same as stated in the Planning Board's Site Plan Review Regulations to any and all extent such regulations are applicable.

4. Other Information Required. In order to assess compliance with these regulations, the Planning Board shall normally require the applicant to submit all of the following prior to any approval by the Board; provided, however, that the Board may waive any of these requirements if the Board finds that the spirit of the Ordinance can be fulfilled without such submission.

   a. Propagation map showing proposed radio frequency coverage.

   b. Photographic documentation of the balloon test(s).

   c. Studies and analysis of alternative sites or layouts that have been considered for providing coverage, including potential sites outside the City.

   d. A proposed agreement, or condition of approval, which will allow for the maximum allowance of collocation upon any new structure. Such statement shall, at a minimum, require the applicant to permit feasible collocation for reasonable fees and costs to other wireless telecommunication providers. Compliance with this requirement shall not, in and of itself, constitute a justification for excessive height, or for the failure to adequately analyze alternatives.

e. Copies of any federal license or permit from the FCC proving that the applicant is eligible to institute its system pursuant to the Federal Telecommunications Act of 1996, or other applicable statute.

f. Detailed maps showing all of the carrier's current externally visible tower and monopole locations in the state within a 20-mile radius, both active and inactive; and Site descriptions for each of the above locations showing the antenna height and diameter, and all externally visible structures. [Note: The purpose of this information is not to enable the Board to evaluate an applicant's business decisions, contrary to RSA 12-K:11, I(a), but rather to assist the Board to evaluate the relative engineering effectiveness of coverage alternatives, in conjunction with Paragraph D.4.c above.]

E. Removal of abandoned telecommunication antennas and towers: Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and hazardous to the public health and safety, unless the owner of said tower or antenna provides proof of quarterly inspections. The owner shall remove the abandoned structure within 90 days of receipt of a declaration of abandonment from the City. A declaration of abandonment shall only be issued following a public hearing, noticed per the Planning Board's Site Plan Review regulations, with notice to ***abutters*** and the last known owner/operator of the tower. If the abandoned tower is not removed within 90 days, the City may execute any security and may cause the tower to be removed. If there are two or more users of a single tower, this provision shall not become effective until all users cease using the tower.

203.5 Bonding and Security for Towers and Similar Structures.

Whenever the Planning Board or the Zoning Board (in the event that site plan review is not required) approves an application to construct a tower or similar structure which, if abandoned and unmaintained, could present a hazard to health or safety from a potential fall or collapse, including but not limited to broadcast antennas or towers under Section 203.2, telecommunications towers under Section 203.4, or wind energy facilities under Section 203.3, the respective Board shall require the applicant to provide a bond or other security to the City in an amount sufficient to cover the costs of removal and disposal of such structure. The Board shall set the form and amount of the security. Any engineer, attorney, or other consultant engaged by the Board to determine the adequacy of the form and amount of security shall be at the applicant's expense. The Board shall also require the applicant to submit proof of appropriate liability insurance with respect to the proposed structure prior to construction.

SECTION 204 LOTS IN TWO ZONING DISTRICTS.

Where a district boundary line divides a ***lot of record*** at the time such district boundary line is established, the regulations for either district of such ***lot*** may extend up to thirty feet (one hundred feet in rural lands districts) into the other district, provided the ***lot*** has ***frontage*** on a street in the district which is being extended**,** and provided that the ***lot*** has not been altered by subdivision, merger, or lot line adjustment subsequent to the establishment of the district boundary.

SECTION 205 ONE PRINCIPAL STRUCTURE PER RESIDENTIAL LOT.

There shall be only one ***principal structure*** on a ***lot*** in the ***residential districts***, R-O district, and R-O-1 district, except when:

205.1 Approved pursuant to the PUD provisions of this Ordinance; or

205.2 When the project involves solely the permitted remodeling or reconstruction of existing buildings, or when constructing new buildings for multi-family use, as otherwise permitted by this Ordinance; or

205.3 When the project involves a ***group residence***, provided that site plan approval is obtained from the Planning Board.

SECTION 206 SIGHT DISTANCE AT STREET AND DRIVEWAY INTERSECTIONS.

There shall be no obstruction to vision between the heights of three (3) feet and ten (10) feet above the ***street*** surface within any triangular area formed by the intersection of two ***street lines*** and a third line joining them at points 25 feet away from their intersection, or by the intersection of a ***driveway*** and a ***street line*** and a third line joining them at points 25 feet away from their intersection. The Board of Adjustment may grant a ***special exception*** to this requirement, pursuant to Section 801.3, in the commercial and industrial districts only.

SECTION 207 YARD SALES.

A yard sale from any one location shall not be considered a use regulated under this Ordinance, providing that it does not occur more than twice within any calendar year for a period of not more than two consecutive days each and does not contain items purchased expressly for such sale. Any such type of sale exceeding these limits shall conform to the provisions of this Ordinance and shall require a zoning permit.

SECTION 208 (Reserved).

SECTION 209 MANUFACTURED HOMES.

Manufactured homes are permitted only in manufactured home parks or in manufactured home subdivisions or manufactured home Planned Unit Residential Developments (PURDs). See Sections: Section 503 and Section 504.

SECTION 210 OPEN BUILDING EXCAVATIONS.

Within six months after work on an excavation for a ***building*** has begun, the excavation shall be covered (such as with ***building*** construction) or filled to normal grade. For safety purposes, excavations with slopes exceeding one horizontal to two vertical shall be protected by a fence at least four feet in height.

SECTION 211 TEMPORARY USES AND STRUCTURES.

211.1 General.

Temporary uses such as tent sales, temporary greenhouses, trailer storage and ***box trailer*** sales (whether such trailers are registered or unregistered), which are accessory to the principal use of a lot, may be permitted for not more than 60 days per year. Such uses shall take place only in use districts where they are allowed and shall comply with all yard and parking requirements of this Ordinance. All such uses shall require a zoning permit except for ***box trailers***.

If such temporary uses occur in subsequent years, the City may require site plan review. If such uses are in accordance with an approved site plan they may exist for 120 days per year, except for ***box trailers*** and container units, which are governed by Subsection 211.2.

211.2 Box Trailers.

In all districts except the ***residential districts***, ***box trailers***, whether registered or unregistered, are permitted for more than 60 days, provided:

A. Trailer Criteria.

1. The use of trailers shall be accessory to the principal use of the lot.

2. Trailers shall set on inflated tires (except sea boxes and the like).

3. The exterior of trailers shall be well maintained and free of rust.

4. Trailers shall not be used for ***advertising*** purposes.

5. Trailers shall not be lighted.

6. Trailers shall not be used to store hazardous and/or inflammable liquids, materials, products or wastes, including but not limited to petroleum.

B. Location of Trailers.

Box trailers shall not occupy required yard spaces or parts of lots which provide required parking or which are necessary for traffic flow, safety or landscaping requirements.

C. Density.

1. No more than 10 percent of the ***lot area*** may be occupied by trailers.

2. No more than six (6) trailers shall be permitted on a ***lot*** or business premises.

D. Converted Motor Vehicles.

The conversion of buses, motor homes, recreational vehicles and other motor vehicles for storage use or other temporary use is prohibited.

E. Zoning Permits.

1. The siting of ***box trailers*** permitted pursuant to this subsection shall require a zoning permit. The purpose of the permit is to establish approved locations for trailers of a certain size. Replacement trailers of the same or smaller size may occupy the same locations without obtaining a permit for each trailer provided that each replacement trailer shall comply with all other provisions of this Ordinance.

2. Permits shall be renewed annually after review for compliance with this subsection.

3. A permit may be revoked or not renewed for locations having trailers or containers that do not comply with the requirements of this subsection.

4. The City may require a reasonable fee for such zoning permits and the annual renewal thereof.

F. Compliance.

All ***box trailers*** shall comply with these requirements or be removed from the premises by October 31, 1992. ***Box trailers*** located in the ***residential districts*** prior to September 28, 1990, are vested against the prohibition in those districts, but such trailers shall comply with all other requirements of this subsection.

211.3 Incidental to Construction.

Temporary permits may be issued by the Zoning Administrator for a period not exceeding one year for ***non-conforming uses*** and\or ***non-conforming structures*** incidental to construction projects, provided such permits are conditioned upon agreement by the owner to remove the 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.

211.4 Temporary Structures for Permitted Uses.

Temporary structures to house uses permitted in the GC, GC-1, IND-H, IND-L, or MC Districts are permitted in such districts, for one year, provided:

A. The applicant certifies that an application for site plan approval for building construction or expansion to accommodate the use located in the temporary ***structure*** will be submitted.

B. The applicant certifies that an application for site plan approval for building construction or expansion to accommodate the use located in the temporary ***structure*** will be submitted

C. The site plan application is submitted within six (6) months of the issuance of a zoning permit for the temporary structures. If the required site plan application is not submitted within six (6) months, the zoning permit for the temporary ***structure*** shall be revoked.

D. If site plan review approval is received the zoning permit may be extended for an additional year.

E. The temporary structures shall not be located in the front yard or within the required side or rear yards.

211.5 Temporary Structures on Vacant Lots.

Temporary structures/uses on vacant lots shall conform to all requirements of the Zoning Ordinance. All such structures/uses shall be required to obtain a zoning permit.

211.6 Hawkers, Peddlers and Itinerant Vendors.

In addition to any applicable requirements of this section, ***hawkers***, ***peddlers*** and itinerant vendors shall comply with RSA Chapters 320 and 321 and all other applicable local Ordinances.

211.7 Compliance.

All temporary uses and structures existent at the date of enactment of this Ordinance shall comply with the provisions of this section within sixty (60) days thereof.

SECTION 212 ANTI-NUISANCE STANDARDS.

212.1 General.

No use shall emit noise, odors, dust and smoke that is obnoxious, harmful or a nuisance to abutting properties or the neighborhood. Noise, odors and dust emitted by farming uses, including the keeping of livestock and poultry, that were existent as of the date of enactment of this Ordinance are exempt from this provision.

212.2 Noxious Gases.

No use shall emit any noxious gases which endanger the health, comfort, safety or welfare of any person, or which may have a tendency to cause injury or damage property, business or vegetation.

212.3 Vibration.

No use shall cause, as a result of normal operations, a vibration which creates displacement of 0.002 of one inch.

212.4 Vision Impairment.

No use shall have lighting or signs which create glare which would impair or obstruct the vision of a driver of any motor vehicle.

212.5 Fire, Explosion or Safety Hazard.

No use shall be such so as to potentially cause a fire, explosion or safety hazard.

SECTION 213 IMPACT FEES.

213.1 Authority.

These regulations are authorized by New Hampshire RSA 674:21, V, and other pertinent state law, as an innovative land use control. Under this authority, new development in the City of Lebanon may be assessed impact fees in proportion to its demand on the public capital facilities of the City and the School District.

213.2 Purpose.

The following regulations shall govern the assessment of impact fees for public capital facilities to accommodate the demands of new development on these facilities. These provisions are intended to:

A. Assist in the implementation of the Master Plan and Capital Improvements Program;

B. Provide for the public capital facilities necessitated by new development;

C. Assess an equitable share of the cost of public capital facilities to new development in proportion to the facility demands of new development.

213.3 Definitions**.**

The following definitions shall be considered to pertain to this Section (213) only:

A. Assessed property means any land or buildings comprising new development that is subject to an impact fee assessment.

B. Assessment with respect to an impact fee means a notification issued to an assessed property by the City of Lebanon, its Planning Board, or its Building Inspector, stating the amount of an impact fee due and the conditions or schedule for its collection.

C. Collection or collected with respect to an impact fee means the actual delivery of payment of the fee to the City of Lebanon on behalf of an assessed property.

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

E. New development means an activity that results in:

(1) The creation of a new ***dwelling unit*** or units or new ***manufactured housing***; or

(2) The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of ***dwelling units***; or

(3) Construction resulting in a new non-residential ***building*** or a net increase in the ***gross floor area*** of any non-residential ***building***; or

(4) The conversion of a lawful existing use to another use if such change would result in a net increase in the demand on public capital facilities that are the subject of impact fee assessment; however,

(5) New development shall not include the replacement of an existing manufactured housing unit or the reconstruction of a ***structure*** that has been destroyed by fire or natural disaster where there is no change in size, density, or type of use that would increase the demand on capital facilities for which impact fees are assessed.

F. Off-site improvements means those improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval by the Planning Board. Such off-site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development.

G. Public open space means a ***parcel*** of land essentially unimproved and available to the public only for passive recreational use or natural resource conservation. City parks which do not include "public recreation facilities" constitute public open space within the meaning of this Paragraph.

H. Public recreation facilities means the land and facilities owned or operated by the City of Lebanon, other than public open space, which are designed for the conduct of recreational sports, or other active leisure uses that include use of equipment, structures, or other improvements to the land to provide active indoor or outdoor public recreation programs or activities. Public recreation facilities shall include recreational improvements to conservation or open space lands, for example walking, hiking, or skiing trails for active recreation.

I. School District means the Lebanon School District.

213.4 Authority to Assess Impact Fees.

The Planning Board is hereby authorized to assess impact fees upon new development, as herein defined, and in accordance with the standards herein set forth. The Planning Board shall have the authority to adopt regulations to implement the provisions of this Ordinance and to delegate the administrative functions of impact fee assessment, collection and disbursement.

213.5 Standards and Basis of Assessment**.**

A. The amount of any impact fee shall be a proportional share of public facility improvement costs which are reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee.

B The Planning Board may prepare, adopt, or amend studies, reports, or cost allocation procedures that are consistent with the above standards, and which define a basis for impact fee assessment for public capital facilities, and the impact fee assessment schedules therefore.

C. No methodology, cost allocation procedure, or other basis of assessment, nor related impact fee schedules, or changes in the basis of assessment or the fee schedules, shall become effective until it shall have been the subject of a public hearing before the Planning Board, in accordance with RSA 675:6 and :7.

D. In the case of new development created by conversion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee assessed for the new use for each category of impact fee assessment as compared to the highest impact fee that was or would have been assessed for

each category of impact fee assessment for the previous use in existence on or after the effective date of this Ordinance.

E. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

213.6 Review and Change in Assessment Schedules.

The impact fee assessment schedules shall be reviewed annually by the Planning Board, along with the foundation documents that provide the basis for the assessment schedules. Such review may result in recommended adjustments in one or more of the fees based on the most recent data as they affect the variables in the fee calculations. Changes in the impact fee assessment schedules shall be effective only where the change in the basis of assessment or the fee schedule is adopted following a public hearing on the proposed change.

213.7 Assessment and Collection of Impact Fees.

A. Where subdivision or site plan approval is required for new development, impact fees shall be assessed at the time of Planning Board approval of a subdivision plat or site plan.

B. When no Planning Board approval is required, or has been made prior to the adoption or amendment of the impact fee Ordinance, impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit.

C. Impact fees shall be collected at the time a certificate of occupancy is issued. If no certificate of occupancy is required, impact fees shall be collected at the time when the development is ready for its intended use.

D. The Planning Board and the assessed property owner may establish an alternate, mutually acceptable schedule of payment of impact fees. If an alternate schedule of payment is established, the Planning Board may require the applicant to post security, in the form of a cash bond, letter of credit, or performance bond so as to guarantee future payment of assessed impact fees.

213.8 Waivers**.**

The Planning Board may grant full or partial waivers of impact fees to an assessed property where the Board finds that one or more of the following criteria are met with respect to the particular public capital facilities for which impact fees are normally assessed:

A. An assessed property may apply for a full or partial waiver of public school impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 62 or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The Planning Board may waive school impact fee assessments on restricted-occupancy units where it finds that the ***dwelling unit*** will be bound by lawful deeded restrictions on occupancy by senior citizens age 62 or over for a period of at least 20 years.

B. An assessed property may apply to the Planning Board for a full or partial waiver of impact fee assessments imposed by this Ordinance on the basis of other contributions toward public capital facilities. The amount of such a waiver shall not exceed the value of land, facilities construction, or other contributions for public capital facilities. The value of on-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, and which would have to be completed by the developer, regardless of the impact fee provisions, shall not be considered eligible for waiver under this Ordinance. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. All costs incurred by the City for the review of a proposed waiver, including consultant and counsel fees, shall be paid by the applicant.

C. The Planning Board may waive an impact fee, in whole or in part where, in the opinion of the Board, such fee would, due to interference with constitutionally-vested rights, pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of this Ordinance.

213.9 Appeals under This Section.

A. A party aggrieved by a decision made by the Zoning Administrator relating to administrative decisions in the assessment or collection of impact fees authorized by this Section may appeal such decision to the Planning Board within 30 days of the administrative decision, and not afterward.

B. As set forth in RSA 676:5, III, a party aggrieved by a decision of the Planning Board under this Section may not appeal to the Zoning Board of Adjustment, but may appeal to the Grafton County Superior Court as provided by RSA 677:15, as amended.

213.10 Administration of Impact Fees.

A. All funds collected shall be properly identified and promptly transferred for deposit into an individual public capital facilities impact fee account for each of the categories under which impact fees are assessed, and shall be used solely for the purposes specified in this Ordinance. Impact fee accounts shall be segregated, nonlapsing accounts which shall under no circumstances be commingled with the City's general fund.

B. Impact fees shall be paid out or applied to the provision of public capital facilities only upon specific authorization by the City Council.

C. The City shall record all fees paid, by date of payment, name of the person making payment, and the ***parcel***, ***lot*** or ***building*** for which the fee has been paid. The City shall maintain an updated record of the current ownership, tax map and lot reference number of each property for which an impact fee has been paid and the amount of that fee for a period of at least six (6) years.

D. Funds withdrawn from the public capital facilities impact fee accounts shall be used solely for the purpose of acquiring, constructing, expanding or equipping public

capital facilities or improvements made within the individual categories established by the fee schedules and basis of assessment adopted by the Planning Board.

E. In the event that bonds or similar debt instruments have been issued for public capital facilities which were constructed in anticipation of new development, or are issued for advanced provision of capital facilities identified in this Ordinance, impact fees may be used to pay debt service on such bonds or similar debt instruments.

213.11 Refund of Fees Paid.

A. A refund shall be made to the owner of record of an assessed property for which an impact fee has been paid, where:

1. The calculation of an impact fee has been predicated upon some portion of capital improvement costs being borne by the City or the School District, and the City, or in the case of school impact fees the School District, has failed, within the period of six (6) years after the date of the payment of such fee, to appropriate the municipal share of related capital improvement costs; or

2. The impact fee has not been encumbered or otherwise legally bound to be spent for the purpose for which it was collected within a period of six (6) years after the date of the payment of the fee.

B. The City shall provide all owners of record who are due a refund, written notice of the amount due, including accrued interest.

213.12 Other Authority Retained.

This Ordinance shall not be deemed to affect other authority of the City or the Lebanon Planning Board over subdivisions or site plans, or rules and regulations pertaining to the City's water and sewer systems including, but not limited to:

A. The authority of the Planning Board to declare a development to be premature or scattered in accordance with the regulations of the Board and in accordance with RSA 674:36, II(a); or

B. The authority of the Planning Board to require the payment of exactions for off-site improvements for highway, drainage, sewer and water upgrades necessitated by the development, in accordance with the provisions of RSA 674:21, V (j); or

C. Other authority of the City of Lebanon to assess other capital investment fees or system development charges under the authority of other statutes, City Ordinances, or through the Site Plan Review and Subdivision Regulations of the Lebanon Planning Board.

D. Nothing in this Section shall be construed to limit the existing authority of the Planning Board to disapprove proposed development which is scattered and premature, or which would require an excessive expenditure of public funds, or which would otherwise violate applicable Ordinances and regulations. Nothing in

this Section shall be construed to limit the Board's authority to require off-site work to be performed by the applicant, or the Board's authority to impose other types of conditions of approval. Nothing in this Section shall be construed to affect types of fees governed by other statutes, City Ordinances or regulations.

SECTION 214 GOVERNMENTAL USES.

Governmental Uses shall be governed by RSA 674:54; provided, however, that governmental uses proposed by the City of Lebanon shall be considered to be subject to this Ordinance, unless expressly exempted from it by vote of the City Council.

SECTION 215 LOCATION OF ACCESSORY USE.

An ***accessory use*** shall be permitted only upon the same ***lot*** where its respective primary use lawfully exists. In the case of lots in two zoning districts, an ***accessory use*** shall be permitted only on that portion of the ***lot*** where its respective primary use is permitted.

ARTICLE III USE DISTRICTS

SECTION 300 ESTABLISHMENT OF USE DISTRICTS.

The City of Lebanon is hereby divided into the following use districts:

IND-L	Light Industrial
IND-RA	Industrial Rail Access
IND-H	Heavy Industrial
GC	General Commercial
GC-1	General Commercial One
CB	Central Business
LD	Lebanon Downtown
R-1	Residential One
R-2	Residential Two
R-3	Residential Three
R-O	Residential-Office
R-O-1	Residential-Office-One
PB	Professional Business
RL-1	Rural Lands One
RL-2	Rural Lands Two
RL-3	Rural Lands Three
MC	Medical Center

Each district may be referred to by its respective abbreviation.

SECTION 301 ZONING MAP.

301.1 Establishment.

The districts and the boundaries of such districts shall be as shown on a map entitled "OFFICIAL ZONING MAP OF THE CITY OF LEBANON, NEW HAMPSHIRE." This map, which was adopted on July 19, 1978, and amended several times thereafter, is hereby re-adopted. Said map is to be prepared and maintained by the City of Lebanon Planning & Development Department, and amendments thereto shall be certified by the City Clerk.

301.2 Location.

The original (an electronic and paper copy) of said Official Zoning Map shall remain on file with the City Clerk.

301.3 Final Authority.

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

301.4 Boundaries of Districts.

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

A. Where a district boundary is shown as following a street, road, railroad, utility line or watercourse, the boundary shall be construed as following the centerline of such facility, unless otherwise indicated.

B. District boundaries shown as being set back from roads, streets, railroads, utility lines or watercourses are defined by a line parallel to such facility and set back from the centerline the number of feet shown on the map.

C. Where a district boundary approximates the location of a lot line, the lot line, as it existed at the date of enactment of this Ordinance, shall be construed to be the boundary, unless otherwise indicated.

D. Where a district boundary cuts across a lot, the boundary location shall be determined from the scale of the Official Zoning Map, unless otherwise indicated by dimensions noted on the map.

SECTION 302 USES.

302.1 Permitted Uses. In the districts described herein, only those uses listed as "permitted uses" shall be permitted. Uses listed as "***special exception***" may be allowed, but only at the discretion of the Board of Adjustment pursuant to Section 801.3. Uses listed as "conditional use permit" may be allowed, but only at the discretion of the Planning Board pursuant to Section 302.4. It is the intent of this Ordinance that no other uses be allowed. All uses shall comply with the dimensional requirements of the "Table of Area, Dimensions and Coverage" of the zoning district in which the use is located. Uses not listed are neither permitted nor allowed by ***special exception*** nor allowed by ***conditional use*** permit.

302.2 Accessory Uses. ***Accessory uses*** shall be considered permitted uses in all districts except that where such uses are accessory to uses permitted by ***conditional use*** permit or by ***special exception***, the ***accessory use*** shall also require a ***conditional use*** permit or ***special exception***, respectively.

302.3 Mixed use buildings. ***Mixed use buildings*** are permitted in all zoning districts.

302.4 Enhanced Performance Standards.

A. Objective. The City hereby provides for the use of Enhanced Performance Standards as an Innovative Land Use Control authorized pursuant to RSA 674:21, I(h) in order to ensure a thorough and comprehensive review of the compatibility of certain land uses while providing for an integrated and streamlined public review by the Planning Board of certain proposed multi-family residential and non-residential development within the non-residential zoning districts of the City of Lebanon.

B. Authorization. Pursuant to RSA 674:21, II, the Planning Board is hereby authorized to grant a ***conditional use*** permit for uses identified in Article III as permitted by ***conditional use*** permit if the application is found to be in compliance with the enhanced performance standards set forth in Section 302.4.D.

C. Procedures. Applications to the Planning Board for a ***conditional use*** permit under this section shall be made on forms provided by the Board, and shall be accompanied by any required application fees as may be established by the Board, and by whatever plans and other information is required by the Board as set forth on the application form. In all cases, the applicant shall provide, either as part of the application or through evidence at the public hearing, information sufficient to demonstrate that the application conforms with the criteria set forth in subsection D below.

The Planning Board shall act upon the application in accordance with the applicable procedural requirements of its Site Plan Review Regulations.

D. Approval Standards. A ***conditional use*** permit shall be granted only if the Planning Board determines that the proposal conforms to all of the following standards:

1. The site is suitable for the proposal. This includes:

    a. Adequate vehicular and pedestrian access for the intended use.
    b. The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, safe access, and other municipal services.
    c. The absence of environmental constraints (floodplain, steep slope, etc.) proposed to be impacted by the intended use.
    d. The availability of appropriate utilities to serve the intended use including water, sewage disposal, stormwater treatment, electricity, and similar utilities.

2. External impacts: The external impacts of the proposed use on abutting properties and the neighborhood shall be commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. This shall include, but not be limited to, water runoff, drainage, traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. In addition, the location, nature, design, and height of the ***structure*** and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood. The proportion of the site proposed to be occupied by impervious surfaces shall be minimized to the extent necessary to preclude unreasonable risk of runoff, erosion, sedimentation, and other potentially adverse on-site or off-site effects.

3. Character of the site development: The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts on ***abutters***, the

neighborhood, and nearby public ways and infrastructure. This shall include, but not be limited to, the relationship of the building(s) to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.

4. Character of the buildings and structures: The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the ***building*** or structure, the roof line, locations of access, and visual compatibility with the area.

5. Preservation of natural, cultural, historic, and scenic resources: The proposed use and layout of the site, including all related development activities, shall to the greatest extent practicable preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting properties. This shall include, but not be limited to, identified ***wetlands***, floodplains, significant wildlife habitat and documented wildlife corridors, stonewalls, mature tree lines, identified historic buildings or sites, scenic views, and viewsheds.

E. Safeguards and Other Conditions. Additionally, the Planning Board may impose conditions as it finds reasonably appropriate to safeguard the neighborhood and the general public or otherwise serve the purposes of this Ordinance, including such measures as set forth in Section 802.4 ("Special Conditions").

F. Appeals. Any person aggrieved by a Planning Board decision on a ***conditional use*** permit may appeal that decision to the Superior Court, as provided for in RSA 677:15. A Planning Board decision on the issuance of a ***conditional use*** permit cannot be appealed to the Zoning Board of Adjustment (RSA 676:5, III).

G. Telecommunication Facilities, PUDs, Planned Business Parks, and Non-Accessory Renewable Energy Facilities. Uses permitted by ***conditional use*** pursuant to Section 203.4 ("Telecommunication Facilities"), Section 501 ("Planned Unit Development (PUD)"), Section 508 ("Planned Business Park"), and Section 612.3 ("Non-Accessory Renewable Energy Systems") shall be subject to the provisions and requirements set forth in those sections and shall not be subject to Section 302.4.

SECTION 303 LIGHT INDUSTRIAL DISTRICT (IND-L).

303.1 Purpose.

The purpose of the IND-L District is to provide land in appropriate locations for the establishment of manufacturing plants and other businesses of a similar nature, which improve employment opportunities and strengthen the economic base of the city. Such activities should not adversely affect the natural environment, adjacent residential areas or community facilities. A variety of manufacturing, distribution and service industries, and certain limited support activities are allowed in the district. However, in order to preserve appropriate land for such uses, residential uses and many types of commercial uses, such as retailing and ***personal services***, are not allowed.

303.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Commercial/Non-Residential 1. Airport 2. ***Bus terminal*** 3. ***Essential service*** 4. ***Health club*** 5. ***Light industry*** 6. ***Local government use*** 7. ***Outdoor storage*** per Section 303.4 (less than 20%) 8. Plumbing, electrical or carpentry shop 9. Publishing/printing 10. Research laboratory 11. ***Renewable energy system*** per Section 612 12. ***Retail product pickup*** 13. Retail showroom per Section 303.5 (less than 10%) 14. Trucking terminal 15. ***Warehouse*** Planned Developments 16. Industrial PUD per Section 501 17. ***Planned business park*** per Section 508	Commercial/Non-Residential 1. ***Care and treatment of animals*** 2. ***Contractor's yard*** 3. ***Educational facility,*** college/university 4. ***Educational facility, vocational school*** 5. ***Group day care facility*** per Section 604
	Uses by ***Conditional Use*** Permit (see Section 302.4)
	Commercial/Non-Residential 1. Car wash 2. ***Inpatient rehabilitation facility*** 3. ***Office*** 4. ***Outdoor storage*** per Section 303.4 (more than 20%) 5. Retail showroom per Section 303.5 (between 10-20%)

303.3 Table of Area, Dimensions and Coverage.

Minimum ***Lot*** Requirements					Maximum Limitations	
Area	***Frontage***	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
2 acres	200’	40’	20’	20’	50%	65’ See Section 303.7

303.4 Outdoor Storage.

Outdoor storage shall be permitted as an ***accessory use*** to a permitted use if it occupies an area of 20 percent or less of the footprint area of the ***principal building***. Otherwise, outdoor storage shall require a ***conditional use*** permit from the Planning Board pursuant to Section 302.4. The 20% limitation shall not apply to Contractor’s Yards. All outdoor storage, including outdoor storage for a Contractor’s Yard, shall be appropriately screened from view from abutting ***parcels*** and shall not occupy required yard areas.

303.5 Retail Showrooms.

Showrooms and on-premise sales may be allowed as part of a ***warehouse*** or distribution facility if it occupies an area of 10 percent or less of the footprint area of the ***principal building***. Otherwise, showrooms and on-premise sales shall require a ***conditional use*** permit from the Planning Board pursuant to Section 302.4 provided that: (1) such showrooms occupy no more than 20 percent of the floor area occupied by the ***warehouse*** or distribution facility; and (2) the goods being displayed are the same as those being stored/ distributed on the premises; and (3) all other requirements of Section 302.4 are met.

303.7 Special Height Restrictions.

On ***parcels*** adjacent to residential districts the height limitation of the adjacent residential district shall apply; but, on such ***parcels***, ***building height*** may be increased above the residential limitation by one (1) foot for each two (2) feet that the ***building*** is set back from the required ***setback line***(s) on sides of the ***lot*** adjacent to the residential district. However, in no case shall the height exceed 65 feet.

SECTION 303A INDUSTRIAL - RAIL ACCESS DISTRICT (IND-RA).

303A.1 Purpose.

The purpose of the IND - RA District is to optimize the potential for sites with rail access to industries which can make use of this resource, and to encourage thereby the rejuvenation of rail transport in the City. The targeted industries for this district are those whose products or raw materials are more efficiently transported by rail than by highway. In recognition of the interdependence of industrial uses, a diversity of manufacturing, distribution, and service industries, with appropriate support activities, are allowed in the district.

303A.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Commercial/Non-Residential 1. Bituminous paving plant 2. Concrete mixing plant 3. ***Contractor's yard*** 4. ***Essential service*** 5. ***Health club*** 6. ***Light industry*** 7. ***Local government use*** 8. ***Outdoor storage*** and sales 9. Recycling facility 10. Research laboratory 11. ***Renewable energy system*** per Section 612 12. Retail showroom per Section 303A.5 13. ***Warehouse*** Planned Developments 14. Industrial PUD per Section 501 15. ***Planned business park*** per Section 508	Commercial/Non-Residential 1. Bulk petroleum and liquid propane gas storage 2. ***Excavation of natural earth material*** per Section 606 and/or processing of natural earth material 3. Intermodal transportation facility 4. ***Educational facility, vocational school*** 5. ***Group day care facility*** per Section 604
	Uses by ***Conditional Use*** Permit (see Section 302.4)
	Commercial/Non-Residential 1. ***Office***

303A.3 Table of Areas, Dimensions, and Coverage.

Minimum ***Lot*** Requirements					Maximum Limitations	
Area	***Frontage***	Front Yard	Side Yard	Rear Yard	***Building Coverage***	Height
2 acres	200’	30’ (*)	20’ (*)	20’ (*)	50%	65’

* This restriction may be relaxed by ***conditional use*** permit, if the Planning Board finds, in addition to the standards set forth in Section 302.4, that such relaxation is required to allow access to or use of rail service.

303A.4 Special Setback Restrictions.

Principal structures on lots in the IND-RA district which abut a residential zoning district shall be set back a minimum of 75 feet from the property line or lines which abut the residential zone.

303A.5 Retail Showrooms.

Showrooms and on-premises sales may be allowed as part of a ***light industry*** use or ***warehouse*** provided that: (1) such showrooms are limited in floor area to no more than 10% of the total acreage of the ***lot*** on which they area located or a maximum of 20,000 square feet, whichever is smaller, and, (2) the goods being displayed are the same as those being manufactured/stored/distributed on the premises.

303A.6 Special Noise Restrictions.

A. Noise beyond the limits set forth in this section shall be prohibited within 75 feet of abutting property lines of residential districts.

Maximum A-Weighted Sound Level in Decibels	
7:00 AM - 10:00 PM	10:00 PM - 7:00 AM
70	55

B. Noise shall be measured using a sound meter meeting the standards of the American Standards Institute (ANSI S1.4-1983 *American Standard Specification for General Purpose Sound Level Meters*). The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with ANSI S 12.31 and S 12.32 *American Standard Meter for the Physical Measurement of Sound.* The slow level meter response of the sound-level meter shall be used in order to best determine that the amplitude has not exceeded the limiting noise level set forth in Section 303A.6A.

C. The following uses and activities shall be exempt from the provisions of this Section:
   (1) Safety signals, warning devices, and emergency relief valves.
   (2) Power tools, including lawn mowers, snow blowers, and chain saws, when used for the construction or maintenance of property.

SECTION 304 HEAVY INDUSTRIAL DISTRICT (IND-H).

304.1 Purpose.

The purpose of the IND-H District is to limit the location of industrial uses which have operational characteristics that are usually incompatible with other land uses to the area west of the Lebanon Municipal Airport, which is now dominated by such uses.

304.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Commercial/Non-Residential 1. ***Contractor's yard*** 2. ***Essential service*** 3. Recycling facility 4. ***Renewable energy system*** per Section 612 5. Sanitary landfill 6. Sawmill per Section 304.5 Planned Developments 7. Industrial PUD per Section 501 8. ***Planned business park*** per Section 508	Commercial/Non-Residential 1. Bulk storage of petroleum products 2. ***Junkyard*** per Section 605 3. ***Excavation of natural earth material*** per Section 606 and/or processing of natural earth material
	Uses by ***Conditional Use*** Permit (see Section 302.4)
	Commercial/Non-Residential 1. Bituminous paving plant 2. Concrete mixing plant 3. Stone crushing plant

304.3 Table of Area, Dimensions and Coverage.

Minimum ***Lot*** Requirements					Maximum Limitations	
Area	***Frontage***	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
2 acres	200’	40’	20’	20’	50%	65’ See Section 304.4

304.4 Special Height Restriction.

On ***parcels*** adjacent to residential districts the height limitation of the adjacent residential district shall apply; but, on such ***parcels***, ***building height*** may be increased above the residential limitation by one (1) foot for each two (2) feet that the ***building*** is set back from the required ***setback line***(s) on sides of the ***lot*** adjacent to the residential district. However, in no case shall the height exceed 65 feet.

304.5 Sawmills.

Sawmills shall not be located within 200 feet of any property line. Outdoor storage shall not be located within the required front yard or within 50 feet of any property line.

SECTION 305 GENERAL COMMERCIAL DISTRICT (GC).

305.1 Purpose.

The purpose of the GC District is to provide ample land with good highway access for the location of commercial development serving the regional and local markets.

305.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Residential 1. ***Dwelling unit(s)*** above first floor 2. ***Multi-family dwelling*** (see Section 305.5) Commercial/Non-Residential 3. ***Amusements (indoor)*** 4. Car wash 5. ***Community center*** 6. ***Drive-in restaurant, refreshment stand*** 7. ***Drive-through facility*** 8. Drycleaning pick-up station 9. ***Financial institution*** 10. Funeral home 11. ***Group day care facility*** per Section 604 12. ***Health club*** 13. ***Hotel*** 14. House of worship 15. Laundromat 16. ***Local government use*** 17. ***Membership club*** 18. ***Motel*** 19. Movie theater 20. ***Office*** 21. ***Personal service*** 22. Publishing/printing 23. Radio or TV studio 24. ***Recreational facility, indoor***	Commercial/Non-Residential 1. ***Alternative treatment center*** per Section 613 2. ***Bus terminal*** 3. ***Educational facility, college/university*** 4. ***Essential service*** 5. ***Truck terminal***
	Uses by ***Conditional Use*** Permit (see Section 302.4)
	Commercial/Non-Residential 1. ***Care and treatment of animals*** 2. ***Contractor's yard*** 3. ***Craftsman's shop*** 4. Plumbing, electrical or carpentry shop 5. ***Produce stand*** 6. ***Recreational facility, outdoor*** 7. ***Warehouse*** 8. Wholesale sales

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
25. ***Renewable energy system*** per Section 612 26. ***Restaurant***, sandwich shop 27. ***Retail product pickup*** 28. ***Retail store*** 29. ***Service station*** 30. ***Vehicular repair*** 31. ***Vehicular sales*** Planned Developments 32. Commercial PUD per Section 501	

305.3 Table of Area, Dimension and Coverage.

Minimum ***Lot*** Requirements					Maximum Limitations	
Area	***Frontage***	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
50,000 square feet	150’	40’	20’	20’	30%	45’ See Section 305.4

305.4 Special Height Restriction.

On ***parcels*** adjacent to residential districts the height limitation of the adjacent residential district shall apply; but, on such ***parcels***, ***building height*** may be increased above the residential limitation by one (1) foot for each two (2) feet that the ***building*** is set back from the required set back line(s) on sides of the ***lot*** adjacent to the residential district. However, in no case shall the height exceed 45 feet.

305.5 Dwelling Unit Density.

Density determinations for ***multi-family dwellings*** and ***mixed use buildings*** shall be made by the Planning Board during the course of site review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

SECTION 305A GENERAL COMMERCIAL ONE DISTRICT (GC-1).

305A.1 Purpose.

The purpose of the GC-1 District is to provide opportunities for a mix of commercial and multi-family residential uses within close proximity to regional employers, public transportation routes, and pedestrian and biking trails. The GC-1 District is intended to provide for uses that are compatible with the limited access design of Route 120, and which would tend to retain and enhance the existing character of the area. New multi-family housing is encouraged to provide convenient access to major centers of employment, to facilitate future economic growth along the Route 120 corridor, and to complement the existing array of services and amenities within walking or biking distance of the GC-1 District.

305A.2 Table of Uses.

Permitted Uses	Uses by ***Conditional Use*** Permit (see Section 302.4)
Residential 1. ***Multi-family dwelling*** (see Section 305A.4) Commercial/Non-Residential 2. ***Dwelling unit(s)*** above first floor 3. ***Essential service*** 4. ***Financial institution*** 5. ***Group day care facility*** per Section 604 6. ***Office*** 7. ***Personal service*** 8. ***Renewable energy system*** per Section 612 Planned Developments 9. Commercial PUD per Section 501	Commercial/Non-Residential 1. ***Alternative treatment center*** per Section 613 2. Drycleaning pick-up station 3. ***Educational facility, college/university*** 4. ***Inpatient rehabilitation facility*** 5. ***Light industry*** 6. Research laboratory 7. ***Restaurant***, sandwich shop 8. ***Retail store***

305A.3 Table of Area, Dimension and Coverage.

Minimum ***Lot*** Requirements					Maximum Limitations	
Lot Area	***Frontage***	***Front Yard***	***Side Yard***	***Rear Yard***	***Building Coverage***	***Building Height***
50,000 square feet	150’	40’	20’	20’	30%	55’

305A.4 Dwelling Unit Density.

Density determinations for ***multi-family dwellings*** and ***mixed use buildings*** shall be made by the Planning Board during the course of site review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

SECTION 306 CENTRAL BUSINESS DISTRICT (CB).

306.1 Purpose.

The purpose of the CB District is to provide in-town areas for retail and service businesses, banks, offices and government facilities in West Lebanon. Other related commercial activities and higher density residential uses should be encouraged.

306.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Residential 1. ***Dwelling unit(s)*** above first floor 2. ***Multi-family dwelling*** (see Section 306.5) 3. ***Senior housing complex*** Commercial/Non-Residential 4. ***Amusements (indoor)*** 5. ***Community center*** 6. Drycleaning pick-up station 7. ***Financial institution*** 8. Funeral home 9. ***Health club*** 10. ***Hotel*** 11. House of worship 12. Laundromat 13. Library 14. ***Local government use*** 15. ***Membership club*** 16. ***Motel*** 17. Museum 18. ***Office*** 19. ***Personal service*** 20. Radio or TV studio 21. ***Renewable energy system*** per Section 612 22. ***Restaurant***, sandwich shop	Commercial/Non-Residential 1. ***Craftsman's shop*** 2. ***Drive-through facility*** 3. ***Educational facility, college/university*** 4. ***Group day care facility*** per Section 604
	Uses by ***Conditional Use*** Permit (see Section 302.4)
	Commercial/Non-Residential 1. ***Essential service*** 2. Other uses per Section 306.4 3. ***Parking facility*** 4. Publishing/printing 5. ***Recreational facility, indoor*** 6. ***Recreational facility, outdoor***

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
23. ***Retail store*** 24. ***Social service center*** 25. Theater, concert hall, movie theater Planned Developments 26. Commercial PUD per Section 501	

306.3 Table of Area, Dimensions and Coverage.

Minimum ***Lot*** Requirements					Maximum Limitations	
Area	***Frontage***	Front Yard	Side Yard	Rear Yard	Building Coverage	Height
3,000 square feet	50’	NONE	NONE	10’ (*)	NONE	45’

*May be reduced or eliminated by ***conditional use*** permit.

306.4 Other Uses.

Other uses include any use not identified in Section 306.2 that will contribute positively to the vibrancy of the Central Business District. Such other uses shall be permitted by ***conditional use*** permit from the Planning Board pursuant to Section 302.4 provided the applicant demonstrates that the proposed use:

1. Will encourage the presence of the public in the Central Business District and/or create regular and sustained opportunities for members of the public to utilize the Central Business District. Examples include, but are not limited to, providing a retail, ***personal service***, and/or ***restaurant*** component which is accessory to the primary use.
2. Will not be incompatible with abutting properties and uses. An example of incompatibility includes, but is not limited to, credible evidence that the proposed use will negatively impact the value of any abutting property and/or the viability of any existing abutting use.
3. Meets the standards set forth in Section 302.4.

306.5 Dwelling Unit Density.

Density determinations for ***multi-family dwellings*** and ***mixed use buildings*** shall be made by the Planning Board during the course of site review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

SECTION 307 LEBANON DOWNTOWN DISTRICT (LD).

307.1 Purpose. The purpose of the Lebanon Downtown District is to provide in-town areas for retail and service businesses, banks, offices, and government facilities in downtown Lebanon, and to encourage other related commercial activities and higher density residential uses. The district regulations are intended to promote an active pedestrian environment consistent with the mixed-use character of the district by providing for continuity of building setbacks and limiting parking in front yards to promote an environment that is safe for walking and biking.

307.2 Table of Uses.

Permitted Uses	Uses by ***Conditional Use*** Permit (see Section 302.4)
Residential 1. ***Multi-family dwelling*** (see Section 307.5) 2. ***Dwelling unit(s)*** above or below the ***street level story*** Commercial/Non-Residential 3. ***Amusements (indoor)*** 4. ***Community center*** 5. ***Financial institution*** 6. ***Health club*** 7. ***Hotel*** 8. House of worship 9. Library or museum 10. ***Local government use*** 11. ***Membership club*** 12. ***Office*** 13. ***Personal service*** 14. Radio or TV studio 15. ***Renewable energy system*** per Section 612 16. ***Restaurant***, sandwich shop 17. ***Retail store*** 18. ***Senior housing complex*** 19. ***Social service center*** 20. Theater, concert hall, movie theater	Commercial/Non-Residential 1. ***Craftsman's shop***, art studio 2. Dry cleaning pick up station 3. ***Educational facility, college/university*** 4. ***Essential service*** 5. ***Group day care facility*** per Section 604 6. Laundromat 7. Other uses per Section 307.4 8. ***Parking facility*** 9. Publishing/printing 10. ***Recreational facility, indoor*** 11. ***Recreational facility, outdoor***

307.3 Table of Dimensional Requirements.

Minimum ***Lot*** Requirements					Maximum Limitations	
Lot Area	***Frontage***	***Front Yard***	***Side Yard***	***Rear Yard***	***Building Coverage***	***Building Height***
3,000 square feet	40' (*)	NONE, except as may be required per Section 307.7	NONE, except as may be required per Section 307.7	10' (*), except as may be required per Section 307.7	NONE	55', except as may be permitted by ***conditional use*** permit per Section 307.8

*May be reduced by ***conditional use*** permit per Section 302.4.

307.4 Other Uses.

Other uses include any use not identified in Section 307.2 that will contribute positively to the vibrancy of the Lebanon Downtown District. Such other uses shall be permitted by ***conditional use*** permit from the Planning Board pursuant to Section 302.4 provided the applicant demonstrates that the proposed use:

1. Will encourage the presence of the public in the Lebanon Downtown District and/or create regular and sustained opportunities for members of the public to utilize the Lebanon Downtown District. Examples include, but are not limited to, providing a retail, ***personal service***, and/or ***restaurant*** component which is accessory to the primary use.
2. Will not be incompatible with abutting properties and uses. An example of incompatibility includes, but is not limited to, credible evidence that the proposed use will negatively impact the value of any abutting property and/or the viability of any existing abutting use.
3. Meets the standards set forth in Section 302.4.

307.5 Dwelling Unit Density.

Density determinations for ***multi-family dwellings*** and ***mixed use buildings*** shall be made by the Planning Board during the course of site plan review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

307.6 Non-Residential Uses.

A. Buildings with Frontage on Primary Streets.

1. If a ***building*** is located on a ***lot*** with ***principal frontage*** on a primary ***street***, a minimum of 1,000 square feet or 1/3 of the ***gross floor area***, whichever is less, of the ***street level story*** of the ***building***, shall be reserved for a non-residential use or uses, and such combined uses shall have both a depth and width of not less than 20 feet along the primary ***street***.

2. All ***buildings*** on a ***lot*** shall comply with the requirement set forth in subsection 1, unless the ***building*** located closest to the primary ***street*** has a total ***gross floor area*** of 50% or more of the total ***gross floor area*** of the largest ***building*** on the ***lot***, in which case the non-residential use requirement set forth in subsection 1 shall only apply to the ***building*** located closest to the primary ***street***.

B. Buildings with Frontage on Secondary Streets.

1. If a ***building*** equal to or greater in size than 20,000 gross square feet is located on a ***lot*** with ***principal frontage*** on a secondary ***street***, a minimum of 1,000 square feet or 1/3 of the ***gross floor area***, whichever is less, of the ***street level story*** of the ***building***, shall be reserved for a non-residential use or uses, and such combined uses shall have both a depth and width of not less than 20 feet along the secondary ***street***. In the case of multiple ***buildings*** on a ***lot*** with ***principal frontage*** on a secondary ***street***, the non-residential use shall be located in the ***building*** closest to the secondary ***street***.

2. Notwithstanding the above requirements, the Planning Board may waive the requirement for non-residential uses on ***the street level story*** and permit residential uses on the entire ***street level story*** in these locations by ***conditional use*** permit pursuant to Section 302.4 provided the applicant demonstrates that:

   a. Non-residential uses on the ***street level story*** are inappropriate given the unique characteristics of the subject property.
   b. The proposed development provides improvements to streetscapes, public ways, or public spaces that implement recommendations for downtown Lebanon in current plans, policies, or programs adopted by the City of Lebanon including but not limited to the Master Plan, Downtown Visioning Study, and the Capital Improvement Program.
   c. The proposed development includes a high-quality design with attention to architectural quality and detail, universal accessibility, and/or environmental sustainability.

C. Definitions. For purposes of this subsection, primary and secondary ***streets*** are defined as follows:

1. Primary Streets. The Downtown Mall, Taylor Street within 500 feet of the Downtown Mall, Hanover Street from Hough Street to Church Street, Mascoma Street, Court Street, West Park Street, and North Park Street.

2. Secondary Streets. Hanover Street from NH Route120 to Hough Street, Foundry Street, Church Street, High Street, Mechanic Street, Water Street, East Park Street, Bank Street, Taylor Street more than 500 feet from the Downtown Mall, Campbell Street, and Spencer Street.

3. For any street that is located in more than one zoning district, the above designation as a primary or secondary street shall only apply to the segment of the street located within the LD District.

307.7 Additional Front Yard, Side Yard, and Rear Yard Requirements.

A. Additional Front Yard Requirements.

1. Minimum Front Yard.

a. For ***buildings*** with residential uses located on the ***street level story*** at the ***building front line***, a ***front yard*** of at least ten (10) feet shall be required, except that features required by Section 6.10.B.10.c of the Site Plan Review Regulations for ground floor residential uses (e.g. raised landings, weather protection, stoops, porches, and/or decks, or entrance features for each lobby or unit accessed from the exterior at the ground-floor level) may project into the minimum required ***front yard*** provided that such features do not project into the ***front setback*** along the ***building***'s ***frontage*** more than 35 percent of that ***building***'s ***frontage***; and

b. For all buildings with ***street level stories*** occupied by non-residential uses at the ***building front line***, no ***front yard*** is required, except as required to meet the provisions of (c) below.

c. The placement of a ***building*** on a ***lot*** shall provide a ***front yard*** sufficient for the construction of streetscape improvements, including but not limited to sidewalks, curbing, drainage, street trees, and pedestrian improvements as may be required through Site Plan Review and by the Site Plan Review Regulations.

2. Maximum Front Yard. No ***front yard*** shall be greater than 15 feet, except that a ***front yard*** with a depth greater than 15 feet may be provided when such ***front yard*** provides usable streetscape improvements, public ways, or other amenities on site that are accessible to the public and is approved by the Planning Board through Site Plan Review and the Site Plan Review Regulations.

B. Additional Side and Rear Yard Requirements.

1. All ***principal buildings*** with a ***building height*** of 45 feet or greater shall maintain a minimum ***setback*** of 15 feet from any side or rear lot line that is directly adjacent to a ***residential district***.

2. All ***principal buildings*** with a ***building height*** of less than 45 feet shall maintain a minimum ***setback*** of 10 feet from any side or rear lot line that is directly adjacent to a ***residential district***.

C. Notwithstanding the above requirements, the Planning Board may waive the additional ***front yard***, ***side yard***, and ***rear yard*** requirements by ***conditional use*** permit pursuant to Section 302.4 provided the applicant demonstrates that the proposed ***yard***:

1. Will provide an adequate ***buffer*** to abutting residential properties through site layout, landscaping, or fencing.
2. Meets the standards set forth in Section 302.4.

307.8 Building Height.

A. Maximum Height. By ***conditional use*** permit per Section 302.4, the Planning Board may allow a maximum ***building height*** of 65 feet if the Planning Board determines that the proposal conforms to the following standards:

1. The ***building front line*** of the top ***story*** is set back at least ten (10) feet from the ***building front line*** of the ***story*** below when built within thirty feet of the front lot line.
2. The proposal provides improvements to streetscapes, public ways, or public spaces that implement recommendations for downtown Lebanon in current plans, policies, or programs adopted by the City of Lebanon including but not limited to the Master Plan, Downtown Visioning Study, and the Capital Improvement Program.
3. The proposal includes a high-quality design with attention to architectural quality and detail, universal accessibility, and/or environmental sustainability.

B. Minimum Height. A ***principal building*** shall have a minimum height of not less than two (2) ***stories***. For the purposes of this requirement, a second ***story*** shall have a ***gross floor area*** of no less than 50% of the ***gross floor area*** of the ***street level story.*** The Planning Board may waive these requirements by ***conditional use*** permit pursuant to Section 302.4.

C. Minimum Story Height. The ***street level story*** of a ***building*** shall not be less than twelve (12) feet in height as measured between finished floors. All other ***stories*** shall be no less than ten (10) feet in height as measured between finished floors. The Planning Board may waive these requirements by ***conditional use*** permit pursuant to Section 302.4.

307.9 Driveways, Parking Areas, and Circulation Areas.

A. A driveway intersecting a street that constitutes the ***principal frontage*** of a ***lot*** is not permitted when the ***lot*** abuts another ***street*** or is accessed by an existing shared driveway.

B. No ***parking area*** or circulation area for vehicles shall be located in the ***front yard***. For improved surfaces in existence as of January 20, 2021, the Planning Board may waive these requirements by ***conditional use*** permit pursuant to Section 302.4 if the Board find that there is no other location on the ***lot*** to provide parking. Where a ***lot*** abuts more than one ***street***, this restriction shall only apply to the ***front yard*** along the ***principal frontage***.

307.10 Site Plan Review Regulations.

Development proposals and projects located in whole or in part within the Lebanon Downtown District are also subject to additional guidelines regarding building design and site design as established by the Planning Board in its Site Plan Review Regulations.

SECTION 308 RESIDENTIAL ONE DISTRICT (R-1).

308.1 Purpose.

The purpose of the R-1 District is to provide areas for all types of residential uses at relatively high densities.

308.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Residential 1. ***One-family dwelling*** 2. ***Two-family dwelling*** 3. ***Multi-family dwelling*** 4. ***Accessory dwelling unit*** (ADU) per Section 610 5. ***Senior housing complex*** (see also Section 603) Commercial/Non-Residential 6. Home-based agricultural business per Section 600B.2 (***lots*** 5 acres or more) 7. ***Home business*** per Section 600 8. House of worship 9. Public education facility 10. ***Public recreation facility*** 11. ***Public safety facility*** 12. ***Renewable energy system*** per Section 612 Planned Developments 13. ***Manufactured home park*** per Section 503 14. ***Manufactured home subdivision*** per Section 504 (or ***manufactured home PURD***) 15. PURD per Section 501	Commercial/Non-Residential 1. Cemetery 2. ***Essential service*** 3. Funeral home 4. ***Group day care facility*** per Section 604 5. ***Group residence*** 6. Home-based agricultural business per Section 600B.2 (***lots*** less than 5 acres) 7. ***Indoor recreational facility*** 8. ***Outdoor recreational facility*** 9. ***Lodging house*** 10. ***Nursing home*** 11. ***Tourist home (or bed and breakfast facility)***

308.3 Table of Area, Dimensions and Coverage.

Minimum Lot Size

Class	Area	Width	Additional Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75’	3,000 sq.ft.	45’ or 55’ per Section 308.4
2	15,000 sq.ft.	75’	5,000 sq.ft.	45’ or 55’ per Section 308.4
3	40,000 sq.ft.	100’	15,000 sq.ft.	45’ or 55’ per Section 308.4

Minimum Yard

Class	Front	Side	Rear	Maximum ***Building Coverage***
1	20’	15’	20’	25%
2	20’	15’	20’	20%
3	25’	25’	30’	15%

308.4 Building Height.

By ***conditional use permit*** per Section 302.4, the maximum ***building height*** for a proposed ***building*** may be increased up to 10 additional feet if the increase in ***building height*** is for the purpose of accommodating a ***parking structure*** underneath or within the proposed ***building***, and provided that the ***building*** is set back from the ***setback line*** a minimum distance equal to two (2) feet for every one (1) foot of additional ***building height*** over 45 feet.

SECTION 309 RESIDENTIAL TWO DISTRICT (R-2).

309.1 Purpose.

The R-2 District is designed to preserve the older, established residential sections of the city as viable residential neighborhoods. The conversion of large older ***dwellings***, and other buildings to ***multi-family dwellings***, office, educational and cultural facilities is allowed, subject to appropriate controls in Section 601 but new ***multi-family dwellings***, offices, private educational and cultural facilities are not allowed.

309.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Residential 1. ***One-family dwelling*** 2. ***Two-family dwelling*** 3. ***Multi-family dwelling*** conversion (4 ***dwelling units*** or less) per Section 601 4. ***Accessory dwelling unit*** (ADU) per Section 610 5. ***Senior housing complex*** Commercial/Non-Residential 6. Home-based agricultural business per Section 600B.2 (***lots*** 5 acres or more) 7. ***Home business*** per Section 600 8. House of worship 9. Public education facility 10. ***Public recreation facility*** 11. ***Public safety facility*** 12. ***Renewable energy system*** per Section 612 Planned Developments 13. PURD per Section 501	Residential 1. ***Multi-family dwelling*** conversion per Section 601 (5 ***dwelling units*** or more) Commercial/Non-Residential 2. ***Office*** conversion per Section 601 3. Cemetery 4. ***Essential service*** 5. Funeral home 6. ***Group day care facility*** per Section 604 7. ***Group residence*** 8. Home-based agricultural business per Section 600B.2 (***lots*** less than 5 acres) 9. ***Indoor/outdoor recreational facility*** 10. ***Lodging house*** 11. ***Nursing home*** 12. ***Tourist home (or bed and breakfast facility)***

309.3 Table of Area, Dimension and Coverage.

Minimum Lot Size

Class	Area	Width	Additional Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75’	3,000 sq.ft.	45’
2	15,000 sq.ft.	75’	5,000 sq.ft.	45’
3	40,000 sq.ft.	100’	15,000 sq.ft.	45’

Minimum Yard

Class	Front	Side	Rear	Maximum ***Building Coverage***
1	20’	15’	20’	25%
2	20’	15’	20’	20%
3	25’	25’	30’	15%

SECTION 310 RESIDENTIAL THREE DISTRICT (R-3).

310.1 Purpose.

The purpose of the R-3 District is to provide areas primarily for single family residential neighborhoods.

310.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Residential 1. ***One-family dwelling*** 2. ***Accessory dwelling unit*** (ADU) per Section 610 Commercial/Non-Residential 3. ***Home business*** per Section 600 4. Home-based agricultural business per Section 600B.2 (***lots*** 5 acres or more) and per Section 600B.3 (***lots*** greater than 10 acres) 5. Hospital 6. House of worship 7. Public education facility 8. ***Public recreation facility*** 9. ***Public safety facility*** 10. ***Renewable energy system*** per Section 612 Planned Developments 11. PURD per Section 501	Residential 1. ***Two-family dwelling*** by conversion of existing ***one-family dwelling*** 2. ***Senior housing complex*** Commercial/Non-Residential 3. Cemetery 4. ***Essential service*** 5. ***Group day care facility*** per Section 604 6. Home-based agricultural business per Section 600B.2 (***lots*** less than 5 acres) and per Section 600B.3 (5–10 acre ***lots***) 7. ***Nursing home***

310.3 Table of Area, Dimensions and Coverage.

Minimum Lot Size

Class	Area	Width	Maximum Height
1	10,000 sq.ft.	75’	35’
2	15,000 sq.ft.	75’	35’
3	40,000 sq.ft.	100’	35’

Minimum Yard

Class	Front	Side	Rear	Max. ***Building Coverage***
1	20’	15’	20’	25%
2	20’	15’	20’	20%
3	25’	25’	30’	15%

310.4 Dwelling Unit Density.

For ***senior housing complexes*** and PURDs per Section 501.2 (“Planned Unit Residential Development (PURD)”), one (1) ***dwelling unit*** is permitted per each 10,000 sq. ft. of lot area. Density for ***senior housing complexes*** may be increased per Section 603 (“Senior Housing Complexes”).

SECTION 311 RESIDENTIAL-OFFICE DISTRICT (R-O).

311.1 Purpose.

The purpose of the R-O District is to preserve the residential character of older, established neighborhoods by carefully guiding the transition of residential structures to office use. The district balances the goals of: (1) preserving the economic viability of older large ***dwellings*** located on heavily traveled streets; (2) providing attractive locations for small offices; and, (3) preserving the residential character of older established neighborhoods.

311.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Residential 1. ***One-family dwelling*** 2. ***Two-family dwelling*** 3. ***Multi-family dwelling*** conversion (4 ***dwelling units*** or less) per Section 601 4. ***Accessory dwelling unit*** (ADU) per Section 610 Commercial/Non-Residential 5. ***Community center*** 6. Conversion of a ***dwelling*** to ***office*** use per Section 601 7. ***Home business*** per Section 600 8. House of worship 9. ***Personal service*** 10. ***Renewable energy system*** per Section 612 Planned Developments 11. PURD per Section 501	Residential 1. ***Multi-family dwelling*** conversion (5 ***dwelling units*** or more) per Section 601***Senior housing complex*** Commercial/Non-Residential 2. Cemetery 3. ***Educational facility, college/university*** 4. ***Educational facility, primary/secondary*** 5. ***Essential service*** 6. Funeral home 7. ***Group day care facility*** per Section 604 8. ***Group residence*** 9. ***Health club*** 10. ***Hospice*** 11. Library or museum conversion per Section 601 12. ***Lodging house*** 13. ***Public safety facility*** 14. ***Recreational facility, indoor*** 15. ***Recreational facility, outdoor*** 16. Theater, concert hall, movie theater conversion per Section 601 17. ***Tourist home (or bed and breakfast facility)***

311.3 Table of Area, Dimensions and Coverage.

Minimum Lot Size

Class	Area	Width	Additional Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75’	3,000 sq.ft.	45’
2	15,000 sq.ft.	75’	5,000 sq.ft.	45’
3	40,000 sq.ft.	100’	15,000 sq.ft.	45’

Minimum Yard

Class	Front	Side	Rear	Maximum ***Building Coverage***
1	20’	15’	20’	25%
2	20’	15’	20’	20%
3	25’	25’	30’	15%

SECTION 311A RESIDENTIAL-OFFICE-ONE DISTRICT (R-O-1).

311A.1 Purpose.

The purpose of the R-O-1 district is to provide for well-planned neighborhoods of offices and higher density housing by carefully guiding the integration of multi-residential housing and office uses. The district balances the goals of: (1) preserving the economic viability of older, large ***dwellings*** modified to accommodate multiple residential units or office space or both; (2) providing for attractive locations for small offices; and (3) providing for new office buildings compatible with surroundings.

311A.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Residential 1. ***One-family dwelling*** 2. ***Two-family dwelling*** 3. ***Multi-family dwelling*** (4 ***dwelling units*** or less) per Section 601 4. ***Accessory dwelling unit*** (ADU) per Section 610 Commercial/Non-Residential 5. Construction of new ***office building*** (3,000 sq. ft. or less) per Section 601 6. Conversion of a ***dwelling*** to ***office*** use per Section 601 7. ***Financial institution*** 8. ***Home business*** per Section 600 9. House of worship 10. ***Personal service*** 11. ***Renewable energy system*** per Section 612 Planned Developments 12. PURD per Section 501	Residential 1. ***Multi-family dwelling*** (5 ***dwelling units*** or more) per Section 601 2. ***Senior housing complex*** Commercial/Non-Residential 3. Construction of new ***office building*** (3,001 sq. ft. – 6,000 sq. ft.) per Section 601 4. ***Educational facility, college/university*** 5. ***Educational facility, primary/secondary*** 6. ***Essential service*** 7. Funeral home 8. ***Group day care facility*** per Section 604 9. ***Group residence*** 10. ***Health club*** 11. ***Hospice*** 12. ***Lodging house*** 13. ***Public safety facility*** 14. ***Recreational facility, indoor*** 15. ***Recreational facility, outdoor*** 16. ***Tourist home (or bed and breakfast facility)***

311A.3 Table of Area, Dimensions and Coverage.

Minimum Lot Size

Class	Area	Width	Additional Area per D.U. After Two	Maximum Height
1	10,000 sq.ft.	75’	3,000 sq.ft.	45’
2	15,000 sq.ft.	75’	5,000 sq.ft.	45’
3	40,000 sq.ft.	100’	15,000 sq.ft.	45’

Minimum Yard

Class	Front	Side	Rear	Maximum ***Building Coverage***
1	20’	15’	20’	25%
2	20’	15’	20’	20%
3	25’	25’	30’	15%

SECTION 311B PROFESSIONAL BUSINESS DISTRICT (PB).

311B.1 Purpose.

The purpose of the PB District is to:

1. Safeguard, enhance, and perpetuate the architecturally historic structures within the district;

2. Support and promote business and commerce and provide economic benefit to the City by protecting and enhancing the visual attractiveness of the City to home buyers, business people, tourists, visitors, and shoppers;

3. Conserve and improve the value of property within the Professional Business District;

4. Prevent future urban blight by fostering and encouraging the preservation, restoration, and rehabilitation of historic structures, areas, and neighborhoods;

5. Foster civic pride in the beautiful and noble architectural accomplishments of the past.

311B.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Residential 1. ***One-family dwelling*** 2. ***Two-family dwelling*** 3. ***Multi-family dwelling*** per Section 311B.7 4. ***Accessory dwelling unit*** (ADU) per Section 610 Commercial/Non-Residential 5. House of worship 6. ***Office*** 7. ***Personal service*** 8. ***Renewable energy system*** per Section 612	Commercial/Non-Residential 1. ***Educational facility, college/university*** 2. ***Educational facility, primary/secondary*** 3. ***Group day care facility*** per Section 604 4. ***Lodging house*** 5. ***Public recreation facility*** 6. ***Public safety facility*** 7. ***Tourist home (or bed and breakfast facility)***

311B.3 Table of Area, Dimensions and Coverage.

Minimum Lot Size

Class	Area	Width	Maximum Height
1	10,000 sq.ft.	75’	45’
2	15,000 sq.ft.	75’	45’
3	40,000 sq.ft.	100’	45’

Minimum Yard

Class	Front	Side	Rear	Maximum ***Building Coverage***
1	20’	15’	20’	25%
2	20’	15’	20’	20%
3	25’	25’	30’	15%

311B.4 Parking Requirements.
Parking shall be as set out in Section 607.4 of this Ordinance except that parking shall be provided on site for any ***dwelling unit(s)*** per Section 607.2 (“Table of Minimum Off-Street Parking Requirements”). Such on-site parking shall not occupy the front yard and shall be screened from abutting properties.

311B.5 Setback Requirements.
For the construction of any new addition to an existing ***building***, the minimum required ***yard*** may be reduced to the alignment of the existing, dominant building wall exclusive of minor projections, for example bay windows.

311B.6 Reconstruction.
Notwithstanding the provisions of Section 703.2, a previously destroyed or removed nonconforming feature of an historic structure, to include but not limited to a bay window, dormer, porch, cupola, portico, and ***awning***, may be reconstructed by ***special exception*** pursuant to Section 801.3. In addition to the findings required by Section 801.3, the Board of Adjustment shall find:

A. That the reasonable use of abutting properties is not adversely affected by the reconstruction; and
B. That the Heritage Commission has verified the prior existence of the feature; and
C. That the feature is compatible with the existing design of the ***structure*** and with the character of the neighborhood.

311B.7 Dwelling Unit Density.
Density determinations for ***multi-family dwellings*** and ***mixed use buildings*** shall be made by the Planning Board during the course of site review based on site specific conditions and factors such as the availability of parking and/or the ability to provide required parking, the availability of adequate water and sewer, and the ability to provide required site improvements and to meet all other requirements of the Site Plan Review Regulations and all other applicable City regulations.

SECTION 312 RURAL LANDS ONE DISTRICT (RL-1).

312.1 Purpose. The purpose of the RL-1 District is to provide areas of transition between the denser urban neighborhoods of the R Districts and the more sparsely settled and/or more environmentally sensitive RL-2 and RL-3 areas.

312.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Residential 1. ***One-family dwelling*** 2. ***Accessory dwelling unit*** (ADU) per Section 610 Commercial/Non-Residential 1. ***Agriculture*** 2. ***Home business*** per Section 600 3. House of worship 4. Public education facility 5. ***Public recreation facility*** 6. ***Renewable energy system*** per Section 612 Planned Developments 7. ***Manufactured home park*** per Section 503 8. ***Manufactured home subdivision*** per Section 504 (or ***manufactured home PURD***) 9. PRec per Section 501 10. PURD per Section 501	Commercial/Non-Residential 3. ***Care and treatment of animals*** 4. Cemetery 5. ***Essential service*** 6. ***Group day care facility*** per Section 604 7. ***Home-based contractor's yard*** per Section 600A 8. Radio or TV tower or other communication equipment 9. Recreational camping park per Section 505 10. ***Recreational facility, indoor*** 11. ***Recreational facility, outdoor***

312.3 Table of Area, Dimensions and Coverage.

Minimum ***Lot*** Requirements						Maximum Limitations	
Class	Lot Area	Lot ***Frontage***	Front Yard	Side Yard	Rear Yard	Height	***Building Coverage***
1 or 2	1 acre	150'	40'	25'	30'	35'	15%
3	3 acres (*)	150'	40'	25'	30'	35'	15%

*The minimum lot size may be reduced to an area not smaller than one (1) acres by application of the High Intensity Soils Mapping Standards (i.e. ***HIS***) of Appendix B.

SECTION 313 RURAL LANDS TWO DISTRICT (RL-2).

313.1 Purpose. The purpose of the RL-2 District is to provide land for low density, rural living.

313.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Residential 1. ***One-family dwelling*** 2. ***Accessory dwelling unit*** (ADU) per Section 610 Commercial/Non-Residential 3. ***Agriculture*** 4. ***Home business*** per Section 600 5. House of worship 6. ***Public recreation facility*** 7. ***Renewable energy system*** per Section 612 Planned Developments 8. ***Manufactured home park*** per Section 503 9. ***Manufactured home subdivision*** per Section 504 (or ***manufactured home PURD***) 10. PRec per Section 501 11. PURD per Section 501	Commercial/Non-Residential 1. ***Care and treatment of animals*** 2. Cemetery 3. ***Essential service*** 4. ***Group day care facility*** per Section 604 5. ***Home-based contractor's yard*** per Section 600A 6. ***Produce stand*** 7. Radio or TV tower or other communication equipment 8. Recreational camping park per Section 505 9. ***Recreational facility, indoor*** 10. ***Recreational facility, outdoor*** 11. ***Excavation of natural earth materials*** per Section 606

313.3 Table of Area, Dimensions and Coverage.

Minimum ***Lot*** Requirements						Maximum Limitations	
Class	Lot Area	Lot ***Frontage***	Front Yard	Side Yard	Rear Yard	Height	***Building Coverage***
1 or 2	1 acre	150'	40'	20'	25'	35'	20%
3	3 acres (*)	200'	40'	35'	30'	35'	10%

*The minimum lot size may be reduced to an area not smaller than one (1) acres by application of the High Intensity Soils Mapping Standards (i.e. ***HIS***) of Appendix B.

SECTION 314 RURAL LANDS THREE DISTRICT (RL-3).

314.1 Purpose.

These are areas of the City within which development should be restricted until it has been further studied and detailed plans developed. These are critical areas where slopes of over twenty-five percent (25%) may be found, ***wetlands*** and a seasonably high water-table exist or have poor highway access to the rest of the community. These areas almost uniformly have severe restrictions for on-site disposal of sewage and any extensive development, including driveways, may present problems in grades and control of erosion. The primary use of these areas should be for forestry with only limited development for single family residential purposes on large lots.

314.2 Table of Uses.

Permitted Uses	***Special Exception*** Uses (see Section 801.3)
Commercial/Non-Residential 1. ***Agriculture*** 2. ***Home business*** per Section 600 3. ***Public recreation facility*** 4. ***Renewable energy system*** per Section 612 Planned Developments 5. PRec per Section 501 6. PURD per Section 501	Residential 1. ***One-family dwelling*** 2. ***Accessory dwelling unit*** (ADU) per Section 610 Commercial/Non-Residential 3. Cemetery 4. ***Essential service*** 5. ***Home-based contractor's yard*** per Section 600A 6. Radio or TV tower or other communication equipment 7. Recreational camping park per Section 505 8. ***Recreational facility, indoor*** 9. ***Recreational facility, outdoor***

314.3 Table of Area, Dimensions and Coverage.

Minimum ***Lot*** Requirements				Maximum Limitations	
Lot Area	Front Yard	Side Yard	Rear Yard	Height	***Building Coverage***
10 acres	50'	50'	50'	35'	1%

SECTION 315 MEDICAL CENTER DISTRICT (MC).

315.1 Purpose.

The purpose of this district is to provide for the establishment and maintenance of a use which has as its goal, the provision of inpatient and outpatient health care, the furnishing of undergraduate and graduate medical education, the performance of medical research and other related and complimentary uses. This district recognizes the integrated and interdependent nature of this use, the importance of accessibility to the public and the virtue of maintaining natural land features. This district, and any use within, shall be serviced with public water and sewer systems, and any development shall adequately address vehicular and pedestrian traffic concerns, impacts on City services, including but not limited to schools, police protection and fire protection.

This district will be dominated by a Medical Center Complex as defined in this Ordinance. Therefore, it is recognized that certain service-type uses may be advantageous in the immediate vicinity of the complex and have therefore been provided for as uses allowed by ***conditional use*** permit pursuant to Section 302.4. It is anticipated that impacts on City streets and highways may be reduced by allowing for these uses in the vicinity of the complex.

315.2 Table of Uses.

Permitted Uses	Uses by ***Conditional Use Permit*** (see Section 302.4)
Commercial/Non-Residential 1. ***Essential service*** 2. ***Group day care facility*** per Section 604 3. ***Health club*** 4. ***Hospice*** 5. ***Medical center complex*** per Section 506 6. Medical office ***building*** 7. ***Medical research facility*** 8. ***Renewable energy system*** per Section 612 9. ***Retail product pickup*** Planned Developments 10. Commercial PUD per Section 501	Commercial/Non-Residential 1. ***Drive-through facility*** 2. ***Financial institution*** 3. ***Inpatient rehabilitation facility*** 4. ***Motel*** 5. ***Hotel*** 6. ***Office*** 7. ***Parking facility*** 8. ***Personal service*** 9. ***Restaurant*** 10. ***Retail store***

315.3 Table of Area, Dimensions and Coverage.

Minimum ***Lot*** Requirements					Maximum Limitations	
Lot Area	Lot ***Frontage***	Front Yard	Side Yard	Rear Yard	Height	***Building Coverage***
75,000 sq. ft.	200’	40’	20’	20’	60’, except as required by Section 315.4 and as permitted by Section 506.2	50%

315.4 Special Height Restriction.

On ***parcels*** adjacent to residential districts the height limitation of the adjacent residential district shall apply; but, on such ***parcels***, ***building height*** may be increased above the residential limitation by one(1) foot for each two (2) feet that the building is set back from the required setback line(s) on sides of the ***lot*** adjacent to the residential district. However, in no case shall the height exceed 60 feet (or 100 feet if allowed by Section 506.2).

ARTICLE IV OVERLAY DISTRICTS

SECTION 400 ESTABLISHMENT OF OVERLAY DISTRICTS.

The following overlay districts are hereby established:

- Wetlands Conservation District
- Floodplain District
- Steep Slope District
- Airport Protection District
- Historic District
- Landfill Reclamation District
- Riverbank Protection District

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

SECTION 401 WETLANDS CONSERVATION DISTRICT.

401.1 Purposes.

The purposes of the Wetlands Conservation District are to:

A. Preserve ***wetlands***, which provide flood protection, recharge groundwater supply, augment stream flow during dry periods, provide wildlife habitat, and enhance water quality; and which are important for such other reasons as those cited in RSA 482-A:1.

B. Prevent the development of structures and land uses on ***wetlands***, which would contribute to the pollution of surface or ground water, disrupt ***wetland*** ecosystems, and damage property due to flooding.

C. Prevent unnecessary or excessive expenses to the City of Lebanon for essential services and utilities because of the incompatible use of ***wetlands***.

D. Allow those uses that can be appropriately and safely located in ***wetlands***, following ***best management practices*** recognized by the State of New Hampshire.

E. Protect wetland-dependent wildlife habitat for native flora & fauna.

F. Enhance protection for the high quality ***wetlands*** located in the City of Lebanon, which require naturally vegetated buffers for the integrity of their ecosystems.

G. Preserve and enhance scenic and educational values associated with the ***wetlands*** in the City of Lebanon.

H. Achieve a higher level of protection in ***wetlands*** categorized as of high or very high function and value, by prohibiting inappropriate uses.

401.2 Description of Wetlands Conservation District.

The Wetlands Conservation District includes the following:

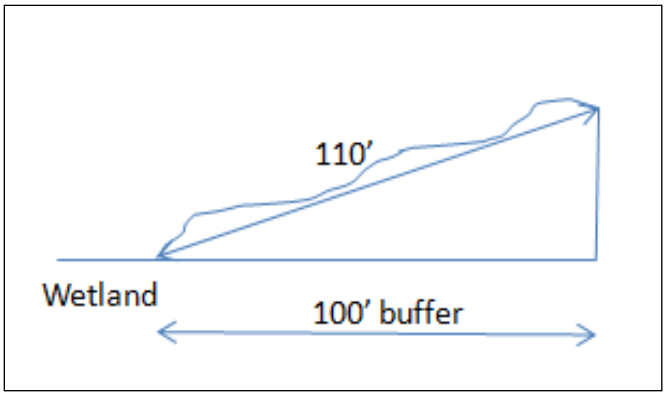
A. All areas in the City that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as set forth in RSA 482-A and 674:55.

B. A horizontal buffer of 100 feet to all ***wetlands*** of High or Very High Value according to *Natural Lebanon: Results of the Phase II Natural Resource Inventory of the City of Lebanon, NH* (June 2010), and further depicted in the Lebanon Wetland Overlay District map adopted March 12, 2013.

C. Buffers are applied irrespective of lot lines and municipal boundaries. When a ***wetland*** is located solely on one side of a street or public street, buffer restrictions shall not apply to any properties on the opposite side of the street or public street.

401.3 Boundary Disputes:

In a dispute about the boundary of the Wetlands Conservation District, the edge of a wetland, as defined by RSA 482-A and as required by RSA 674:55, shall be determined by a certified wetland scientist using field methods prescribed by the *Army Corps of Engineers Wetland Delineation Manual* (January *1987)* and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region* (January 2012, as amended). Where applicable, the edge of the buffer shall be computed as a horizontal distance from the edge of the wetland, as determined above. If the land is sloped, the measurement along the sloped ground is not applicable (see diagram). The City may retain an independent certified wetland scientist to map the area in question and require the applicant to pay the cost thereof.



401.4 Permitted Uses.

The following table identifies the uses that are permissible within the Wetland Conservation District, provided such uses do not involve a ***structure*** (except as expressly referenced) and do not alter the surface configuration of the land by the addition of fill, by excavation or dredging, by the construction of dams, or by any other process which would alter the ground or surface water level of any portion of the ***wetlands***, including but not limited to channeling, draining or other means:

Table 401.4 Permitted Uses

Wetland	***Wetland*** (High & Very High Value)	***Wetland buffer*** (100' to Very High & High Value wetland)
A, B, C, D, E, F, G, I	C, E, F, G	A*, B, C, D, E, F, G, H, I

A. Forestry, tree farming; and ***agriculture***, including grazing, hay production, truck gardening, and silage production; provided the applicant demonstrates that such uses adhere to ***best management practices*** (see Appendix A) and will not cause or contribute to soil erosion, and that such use is not detrimental to surface water or ground water because of the use of pesticides, fertilizers, herbicides, toxic or other hazardous substances.

**See section 401.6.C Special Provisions for additional requirements of these permitted uses within section 401.2.B Wetland Buffers.*

B. Wells for water supplies.

C. Wildlife habitat development and management.

D. Low-impact recreational uses such as pedestrian trails.

E. Open space as permitted by the City of Lebanon Subdivision Regulations and other sections of this Ordinance.

F. Conservation.

G. ***Wetland*** enhancement or restoration.

H. Only within the ***wetland buffer***, minor accessory structures of 130 square feet or less in which there is no storage of petroleum products, hazardous chemicals or materials.

I Use otherwise permitted at that site by the Zoning Ordinance and State and Federal law, provided such use does not involve a ***structure*** (except as expressly referenced), and does not alter the surface configuration of the land by the addition of fill, by excavation or dredging, by the construction of dams, or by any other

process which would alter the ground or surface water level of any portion of the ***wetlands***, including but not limited to channeling, draining or other means.

401.5 Special Exceptions.

Except for projects proposed within the High and Very High Value ***wetlands*** portion of the Wetland Conservation District, projects that qualify for a Permit by Notification, Minimum Impact Expedited Permit or any other type of Minimum Impact Permit from the State of NH Dept. of Environmental Services Wetlands Bureau shall be exempt from the requirement to obtain a ***special exception***. However, a notification form informing of said projects shall be supplied to the Zoning Administrator.

Upon application to the Zoning Board of Adjustment, excepting the Wetland Conservation District identified as Very High or High Value wetland, a ***special exception*** may be requested to permit the erection of a structure; the construction of streets, roads, and other ***access ways***; for pipelines, powerlines, and other transmission lines; and the construction of fences, footbridges, catwalks and docks within the Wetlands Conservation District, provided that all of the following conditions are found to exist, in lieu of the findings required by Section 801.3:

A. The use for which the exception is sought cannot feasibly, after consideration of all alternatives, be carried out on a portion or portions of the ***lot*** which are outside the Wetlands Conservation District; and

B. Due to the provisions of the Wetlands Conservation District, as applied to the particular characteristics, setting and environment of the property, the ***lot*** cannot reasonably be used for any of the uses permitted or allowed by ***special exception***, without some form of ***special exception*** under this section; and

C. The design and construction of the proposed use is consistent with the purpose and intent of Section 401.1 (A), (B) and (C) of this Ordinance, and adequate conservation measures shall be taken to mitigate the detrimental effects of the proposed use on the natural function of the ***wetlands***. Such measures may include but are not limited to ***wetland*** restoration or enhancement, ***wetland*** preservation, or the construction and maintenance of new ***wetland*** areas adjacent to the proposed use to replace those portions of the natural ***wetland*** affected by the proposed use; and

D. The proposed construction design of pipelines, powerlines and other transmission lines shall include provisions for restoration of the site as closely as possible to its original grade and conditions; and

E. The proposed use shall not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of ground water, or any other reason; and

F. The project is capable of complying with all State and Federal ***wetlands*** and ***wetlands*** permitting requirements. Note: Applications for required Federal and State wetland permits need not have been applied for, but a zoning permit shall not be issued until all such permits have been granted.

G. The project is capable of conforming to all existing ***best management practices***, as referenced in Appendix A, and will be implemented in a way which conforms to those practices, and which complies with any other conditions imposed by the Zoning Board of Adjustment.

Table 401.5 Special Exception

	Wetland	**Wetland (High & Very High Value)**	***Wetland buffer* 100' to Very High & High Value wetland)**
Structure	SE	Prohibited	SE
Streets/Roads/ ***Access Ways***	SE	Prohibited	SE
Pipelines/Powerlines/ Transmission lines	SE	Prohibited	SE
Fences, Footbridges,	SE	Prohibited	SE (see Section 401.6)
Catwalk & Docks	SE	Prohibited	N/A

401.6 Special Provisions.

A. The Wetlands Conservation District is an Overlay District. Where the provision of this Section conflicts with those of any underlying zoning district such as the Riverbank Protection District, the more restrictive standards shall apply.

B. Septic Tanks and Leach Fields.

1. No septic tank or leach field shall be constructed or enlarged to be within 75 feet of any ***wetland*** of low, medium-low or medium value, or to within 100 feet of any ***wetland*** of High or Very High Value.

2 Previously constructed, non-conforming septic tanks or leach fields that fall within these limits shall be replaced either in-kind or in a way that is less non-conforming, subject to State and local approval.

C. Timber Cutting.

1. In areas within the Wetland Conservation District where forestry is a permitted use, timber harvesting for forest management and commercial ***agriculture*** shall leave a minimum 25-foot naturally vegetated buffer from the edge of a High or Very High Value wetland; the remainder of the associated activities and operations beyond the 25-foot buffer shall be in conformance with the most recent ***best management practices*** (see Appendix A) as cited in 401.4.A.

2. Even in ***wetland*** and ***wetland buffer*** areas where forestry is otherwise permitted, the cutting of timber for the purpose of converting the use of the land to uses other than forestry or ***agriculture*** shall be prohibited unless all permits necessary for that change of use have been issued. Moreover, within a 12-month period no more than 50 percent of the basal area of ***trees*** shall be cut or otherwise felled, leaving a well distributed stand of healthy ***trees***. In areas that coincide with the Riverbank Protection District, the latter's vegetation removal rules will apply.

D. Driveways/Roadways/Access Ways/Parking Areas, Culvert Replacements, Minor Crossings.

1. Pre-existing driveways, roadways, ***access ways*** or ***parking areas*** established at the time of passage and located within the buffer component of the Wetland Conservation District, shall be considered non-conforming and may be repaired or replaced.

2. Pre-existing culverts established at the time of passage of this ordinance and located within the buffer component of the Wetland Conservation District shall be considered non-conforming, and may be replaced either in-kind or of a larger diameter and capacity as recommended by the State Department of Environmental Services Stream Rules Env-Wt Chapter 900, as amended.

3. Pre-existing pipelines established at the time of passage and located within the buffer component of the Wetland Conservation District of this ordinance shall be considered non-conforming, and may be replaced either in-kind or of a larger diameter and capacity.

4. Minor Crossings of the Wetland Conservation District, including but not limited to foot bridges, snowmobile bridges, temporary timber harvesting crossings, boardwalks for educational or recreational purposes, and other temporary or permanent crossings that do not significantly alter ***wetlands*** or their vegetated buffers, shall be allowed by simple notification to the Zoning Administrator.

E. The expansion of ***non-conforming buildings*** and Structures, located within the Wetland Conservation District, is regulated under Article VII, Non-Conformities, of this Ordinance, except as follows:

1. The addition of an open deck or porch is permitted to a maximum of twelve (12) feet, including towards the wetland.

2. The expansion of the non-conforming portions of existing buildings and structures located within the ***wetland buffer*** shall be allowed, provided the expansion does not encroach further towards the ***wetland*** and that expansions are less than twenty (20) percent of the existing building footprint.

3. The vertical expansion of existing buildings within the ***wetland buffer*** is permissible within the Wetland Conservation District.

All other required dimensional setbacks for the respective zoning district, in the absence of a ***variance*** or a ***special exception*** as the case may be, shall be met.

F. No underground chemical or fuel storage tank(s) (excluding propane) of any size shall be constructed, enlarged or replaced underground within 200 feet of a wetland.

401.7 Applications to Zoning Board of Adjustment.

A. Appeals of Administrative Decisions: Appeals of decisions of the Building Inspector, Zoning Administrator, Planning Board or other administrative officials relative to the Wetlands Conservation District may be made to the Zoning Board of Adjustment as administrative appeals pursuant to RSA 674:33. If such an appeal is from a determination of the district boundary, the appellant, if owner of the land in question, shall submit a map produced by a certified wetland scientist depicting the ***wetlands*** boundary. After initial hearing, the Zoning Board of Adjustment may require additional mapping, if necessary, at the expense of the applicant.

B. Environmental Impact Assessment: The Board may require the applicant to submit an environmental impact assessment when necessary to evaluate an application made under this Section. For all projects involving fill or dredge in ***wetlands*** of High or Very High Value, an environmental impact statement shall be required. The cost of this assessment shall be borne by the applicant.

C. Notice and Hearing Procedures: Shall comply with Article VIII, Section 802 Board Procedures.

D. Interested Parties: The Lebanon Conservation Commission is hereby determined to be an interested party to any Zoning Board of Adjustment proceeding under this section. Upon receipt of an application, the Zoning Board of Adjustment shall immediately forward a copy of the complete application to the Conservation Commission. The Conservation Commission shall receive notice of all proceedings of the Zoning Board of Adjustment, and the Zoning Board of Adjustment shall give due weight to all evidence submitted to it by the Conservation Commission.

SECTION 402 FLOODPLAIN DISTRICT.

402.1 Description of Floodplain District.

The Flood Plain District includes all special flood hazard areas designated by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Grafton, NH" dated February 20, 2008, together with the associated Flood Insurance Rate Maps dated February 20, 2008. Said maps are on file with the City Clerk, Planning Board and City Engineer.

402.2 Floodplain District Regulations.

Within the Floodplain District, all requirements of the Flood Damage Prevention Ordinance of June 4, 1980, City Code Chapter 74, as amended, shall be complied with.

402.3 Floodplain Official.

The Floodplain Official is responsible for administering and enforcing Section 402.2. The City Engineer will normally serve as the Floodplain Official. See City Code Chapter 74-15.

SECTION 403 STEEP SLOPES DISTRICT.

403.1 Purpose.

The purpose of the Steep Slope District is to prevent development on slopes in excess of 25 percent. Development on such slopes causes soil erosion and stream sedimentation; unnecessary loss of vegetative ***ground cover*** and destruction of ***trees***; on-site waste disposal problems; difficult street construction; and expensive street maintenance.

403.2 Description of Steep Slopes District.

The Steep Slope District includes all areas having slopes in excess of 25 percent that are located within the RL-3 District. The slope of the natural terrain shall be determinative of whether or not land is within the district. As a general guide, areas of slope in excess of 25 percent are delineated on the Steep Slopes Map prepared as part of the Lebanon Master Plan.

403.3 Permitted Uses.

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

A. Wildlife refuges, conservation areas and nature trails.

B. Open space and outdoor recreation.

403.4 Special Exceptions.

A. Roads and driveways may be granted ***special exceptions*** to cross the Steep Slopes District subject to the following findings by the Board of Adjustment.

1. The ***lot*** cannot be reasonably used without such a crossing.

2. The design and construction of the crossing will not cause:
   a. Soil erosion; or
   b. Stream sedimentation; or
   c. Loss of excessive vegetative cover; or
   d. Expensive public maintenance costs.

3. The crossing will not adversely scar a ridgeline or hillside that is a prominent visual amenity in the City.

4. All other requirements for ***special exceptions***, as set for in Section 801.3 are met.

B. Structures accessory to a use permitted by Section 403.3, such as trailside shelters.

C. Commercial forest management and ***agriculture*** using ***best management practices*** in order to protect streams from drainage and to prevent sedimentation.

SECTION 404 RIDGELINE DISTRICT. (**reserved)**

SECTION 405 SCENIC CORRIDORS DISTRICT. **(reserved)**

SECTION 406 AQUIFER PROTECTION DISTRICT. **(reserved)**

SECTION 407 AIRPORT PROTECTION DISTRICT.

Notwithstanding any other provision of this Ordinance, in order to provide for the safety of aircraft landing and taking off from Lebanon Municipal Airport, the following regulations shall apply:

407.1 Imaginary Surfaces for Objects Affecting Navigable Airspace.

A. Height Limitations. No new ***structure*** shall be built, existing structure extended in height or tree allowed to grow that would penetrate the imaginary surfaces described below:

1. Primary surface extends 200 feet beyond each end of the runways and is longitudinally centered on the runways with a width of 500 feet for Runway 7-25 and 1,000 feet for Runway 18-36.

2. Approach surface to Runway 7 which is 500 feet wide at a point 200 feet from the end of the pavement and 3,500 feet wide at 10,000 feet from the end of the primary surface of the runway, an inclined plane of 34:1 slope.

3. Approach surface to Runway 25 which is 500 feet wide at a point 200 feet from the end of the pavement and 3,500 feet wide at 10,000 feet from the end of the primary surface of the runway, an inclined plane of 34:1 slope.

4. Approach surface to Runway 18 which is 1,000 feet wide at a point 200 feet from the end of the pavement and 4,000 feet wide at 10,000 feet from the end of the primary surface of the runway, an inclined plane of 50:1

slope, and for an additional 40,000 feet at which point is 16,000 feet wide, and inclined plan of 40:1 slope.

5. Approach surface to Runway 36 which is 1,000 feet wide at a point 200 feet from the end of the pavement and 3,500 feet wide at 10,000 feet from the end of the primary surface of the runway, an inclined plan of 34:1 slope.

6. Transitional surface which extends at an inclined plan of 7:1 slope from the sides of the primary surface and from the sides of the approach surfaces.

7. Horizontal surface which is a horizontal plane 150 feet above the established Airport elevation and the perimeter extends 10,000 feet from the center of each end of the primary surface of each runway.

8. Conical surface which is the surface extending outward and upward from the periphery of the horizontal surface at an inclined plane of 20:1 slope for a horizontal distance of 4,000 feet.

B. Exceptions.

1. The height limitations set forth in subsection A shall not apply to any ***structure*** that has either received approval from the Federal Aviation Administration to pierce the imaginary surface, or is otherwise permitted to do so by and in accordance with Part 77 Federal Aviation Regulations.

2. Nothing in subsection A shall limit the height of any off-airport ***structure*** or tree to less than 30 feet above the ground upon which it is located, subject to the limitations set forth in Section 407.3.

C. Zoning Permits. The Zoning Administrator shall consult with the Airport Manager prior to the issuance of a zoning permit for any ***structure*** located within the horizontal surfaces of the Airport described in subsection A and which does not qualify for an exception under subsection B.

407.2 References.

The above surfaces are indicated upon the current Airport Master Plan maintained by the Airport Manager and on file in his or her office. The surfaces are taken from Part 77 Federal Aviation Regulations and are based upon the ultimate development of the Airport with runways and primary surfaces as follow:

A. Runway 7-25 paved 5,345' x 100' Primary surface 5,745' x 500'

B. Runway 18-36 paved 5,800' x 100' Primary surface 6,200' x 1,000'

407.3 Use of Land Near Airport.

No use may be made of land within the horizontal surfaces of the Airport described in Section 407.1.A. in such manner as to create electrical interference with radio aids or communications between the Airport and aircraft; make it difficult for flyers to distinguish between Airport lights and other lights; result in glare in the eyes of flyers using the Airport;

impair visibility in the vicinity of the Airport by the creation and discharge of smoke, steam, dust or other obstructions to visibility or otherwise endangering the landing, taking off or maneuvering of aircraft.

407.4 Requirements for Indication of Hazards.

Any ***variance*** granted to allow a greater height than permitted in Section 407.1 may require the owner of the property, at his or her own expense, to install, operate, and maintain thereon such markers and lights as may be required by the FAA to indicate to flyers the presence of an Airport hazard.

SECTION 408 HISTORIC DISTRICT.

408.1 Authority.

This section is enacted pursuant to RSA 674:46. The City of Lebanon Heritage Commission shall have the authority granted to it by RSA 674:44-a through d, et. seq., and this Ordinance.

408.2 Purposes.

The purpose of this Ordinance is to preserve the heritage and cultural resources of the City of Lebanon and, particularly, the City's structures and places of historic, architectural and community value in order to:

A. Establish and preserve districts in the City which reflect elements of its cultural, social, economic, political, community, and architectural history;

B. Conserve property values in such districts;

C. Foster civic beauty;

D. Strengthen the local economy; and,

E. Promote the use of historic districts for the education, pleasure, and welfare of the citizens of the City.

408.3 Delineation of Historic Districts.

The areas and boundaries of the Historic Districts are shown on the Historic District Map of the City of Lebanon and made a part of this Ordinance and the Official Zoning Map of the City of Lebanon. The Historic District Map is attached hereto as Appendix C.

408.4 Certificate of Approval Required.

A Certificate of Approval shall be obtained from the Heritage Commission in the manner set forth herein prior to the commencement of any of the following activities within any Historic District:

A. The construction of any new ***building***;

B. The addition to, alteration, or repair of any existing ***building*** which would require the issuance of a building permit pursuant to the provisions of the Lebanon Building Code, unless such addition, alteration, or repair does not, in any way, alter the exterior of such ***building***;

C. The following activities, whether or not a building permit is required for such activities:

1. Roofing or re-roofing if the roof plane is changed;

2. Siding, including new and re-siding, if it involves a change of design or materials;

3. Replacement of doors and windows if it involves changes in the size, location, or number of openings in the exterior or facade of a ***building***.

4. Replacement or enclosure of porches, decks, and patios if it involves a change in size, location, design, and/or materials;

5. Replacement of exterior stairs, landings, and overhangs if it involves a change in size, location, design, and/or materials;

6. Demolition or moving of a ***building*** or ***accessory building***.

No building permit (when applicable) shall be issued prior to the receipt of a Certificate of Approval for the above-described activities.

408.5 Activities Not Requiring Certificates of Approval.

The following activities are exempt from review by the Heritage Commission, and no Certificate of Approval shall be required:

A. Any repairs, alterations, or improvements that do not require a building permit pursuant to the Lebanon Building Code with the exception of the activities described in Section 408.4 herein;

B. Any repairs, alteration, or improvements to the interior of the ***building***;

C. The re-roofing of a ***building***, provided that the roof plane remains the same;

D. Painting or re-painting of the interior or exterior of any ***building***; and,

E. Landscaping or fencing.

408.6 Criteria For Review.

In determining whether or not to grant a Certificate of Approval, the Heritage Commission shall keep in mind the purpose set forth in Section 408.2 herein and shall consider, among other appropriate factors, the following:

A. The historical or architectural value of a ***building*** and its setting;

B. In connection with additions, repair or restoration of any existing ***building***, the compatibility of the exterior design, arrangement, texture, and materials proposed to be used in relationship to this existing ***building***, its setting, and the Historic District as a whole; and,

C. The size, scale, and design of proposed construction in relationship to the existing surroundings, including consideration of such factors as a ***building***'s overall height, width, street ***frontage***, number of stories, type of roofs, facade openings (windows and doors), and ***architectural details***.

When the Heritage Commission determines that it is necessary or advisable in order to preserve or protect historically and/or architecturally significant buildings, the Commission may require preservation and/or accurate reproduction of exterior architectural features. Preservation and/or reproduction measures shall be completed pursuant to the "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings."

Applications for Certificates of Approval may be denied if such denial is required to prevent construction or development which would conflict with the stated purposes of Section 408.2 herein.

408.7 Application Procedures.

The following procedures and any rules of procedure duly adopted by the Heritage Commission shall be followed in processing applications for Certificates of Approval:

A. Written application for Certificates of Approval shall be made no later than 12:00 noon of the 15th calendar day prior to a regularly scheduled meeting of the Heritage Commission (to include the meeting date of the Commission) on forms provided by the Zoning Administrator, and the applicant shall pay an application fee as adopted by the City Council. The application may be filed simultaneously with any other application or request for City land use permits, and the issuance of a Certificate of Approval shall not be a precondition to the issuance of any other City land use permit with the exception of a building permit, when applicable.

B. There shall be a public hearing on all applications for Certificates of Approval. The applicant and all ***abutters*** shall receive a notice of the public hearing by certified mail, and a public notice of the hearing shall be posted in at least two public places and shall be published in a newspaper of general circulation in the City of Lebanon. Said notice shall be given not less than five days, nor more than 30 days, before the date of the hearing.

C. At its meeting, the Commission shall review the application for completeness as specified in Section 408.8 herein. If the application is determined to be complete, then the Commission shall vote to accept the application and commence with the public hearing. If the application is not complete, then consideration of the application shall be suspended until it is complete.

D. The Commission shall review the application using the criteria set forth in Section 408.6 herein, and then shall act to approve, approve with conditions, or disapprove the application. In reviewing the application, the Commission may request reports and recommendations regarding the feasibility of the applicant's proposal from the Planning Board, Fire Chief, Building Inspector, Health Officer, and other administrative officials who may possess information concerning the impact of the proposal on the Historic District. The Commission may also seek advice from professional, educational, cultural, or other groups or persons as may be deemed necessary for the determination of a reasonable decision.

E. Within 45 calendar days from the filing of the application, unless the applicant agrees, in writing, to a longer review period, the Commission shall notify the applicant, in writing, of its action by means of the Certificate of Approval or Notice of Disapproval sent by certified mail. In case of disapproval, the Commission shall clearly set forth in a Notice of Disapproval the reasons for its action, with specific reference to standards contained in this Section.

F. Simultaneously with notifying the applicant, the Commission shall file a copy of the Certificate of Approval with the Zoning Administrator and the Building Inspector. The Building Inspector shall not issue a building permit for any activity in an Historic District requiring a Certificate of Approval until receipt of said Certificate. In the case of a disapproval, the Notice of Disapproval shall be binding on the Building Inspector or other duly delegated authority and no permit shall be issued.

G. Failure of the Commission to file said Certificate within the specified period of time shall constitute approval by the Commission.

408.8 Submittal Requirements.

All applications for a Certificate of Approval shall contain a written description of the work or activity for which approval is requested, together with plan and elevation drawings to scale and, where appropriate, photographs which, together, shall be sufficient to reasonably inform the Heritage Commission as to the type or nature of the activity applied for, the location of the activity, and the effect or impact on the exterior of the ***building***(s) involved.

408.9 Removal or Demolition of Buildings.

No ***building*** shall be demolished or moved off its ***lot*** within any Historic District until at least one publication of notice of such demolition or removal has been published by the owner in a newspaper of general circulation in the area in which the ***building*** and ***lot*** are located, such notice to be published not less than 30 days prior to the date of such demolition or removal.

The purpose of this provision is to further the purposes of Section 408.2 and to afford a person or organization the opportunity to acquire, or to arrange for the preservation of, such ***building***.

Notwithstanding the above, upon application to the City Building Inspector, any ***building*** substantially damaged as a result of fire or other disaster or constituting a public safety hazard shall be exempt from the provisions of this section.

408.10 Appeal.

Any person aggrieved by a decision of the Heritage Commission shall have the right to appeal said decision to the Zoning Board of Adjustment as provided by RSA 677:17. Such appeals shall be filed with the Zoning Board of Adjustment within 20 days of the filing of the Certificate of Approval or Notice of Disapproval with the Building Inspector.

408.11 Enforcement.

The provisions of this Section 408 shall be enforced as provided by State law and pursuant to Section 903 of this Ordinance.

SECTION 409 LANDFILL RECLAMATION DISTRICT.

409.1 Purpose.

The purpose of the Landfill Reclamation District is to encourage the reclamation and alternative secondary uses of municipally-owned land that has been used for disposing waste. Land so used for waste disposal will principally remain, indefinitely, as a waste disposal site. For instance, even though a sanitary landfill may be capped, there will be continual monitoring requirements that can last many years. At the same time, as technological advances are made, additional secondary uses can be made of a former landfill site that are compatible with monitoring objectives. The overlay district is intended to permit secondary uses of waste disposal land area that has been closed or capped, subject to approval by the City and by the New Hampshire Department of Environmental Services.

409.2 Description of Landfill Reclamation District.

The Landfill Reclamation District includes all municipally-owned land within the Heavy Industrial (IND-H) District that is designated as a waste disposal area.

409.3 Permitted Uses.

The following uses are permitted in a closed or capped waste disposal area:

A. ***Outdoor recreational facility***.

B. ***Indoor recreational facility***.

C. ***Accessory uses*** to the secondary permitted recreational use, such as control or maintenance buildings and structures to allow food sales.

D. Renewable energy system.

E. Renewable generation facility as defined in NH RSA 72:73.

409.4 Special Requirements.

Prior to the issuance of a building permit, all approvals and permits from the New Hampshire Department of Environmental Services and any other applicable regulatory agency or body, including the Lebanon Planning Board, must be obtained for the proposed secondary use and for its site plans.

SECTION 410 RIVERBANK PROTECTION DISTRICT.

410.1 Purposes.

The purpose of the Riverbank Protection District is to protect the health, safety, and general welfare of the people of the City of Lebanon by protecting its water quality and natural resources and by providing reasonable regulations governing the development and use of land adjacent to its rivers, streams, and associated ***wetlands***. More specifically, this District is intended to serve the following purposes:

A. Protect and maintain existing and potential water supplies for use by the general public;

B. Safeguard the ***ecological integrity*** of Lebanon's streams and rivers, including but not limited to:
   (1) minimizing erosion;
   (2) preventing siltation and turbidity;
   (3) stabilizing soils;
   (4) preventing excess nutrients and chemical pollution;
   (5) maintaining natural water temperatures;
   (6) maintaining a healthy tree canopy and understory;
   (7) preserving fish, bird and wildlife habitat; and
   (8) respecting the overall natural conditions of the Riverbank.

C. Prevent pollution of surface water and groundwater associated with the stream and river systems;

D. Prevent destruction or significant alteration of the natural flow of watercourses;

E. Prevent unnecessary or excessive expenditures of municipal funds which would arise as a result of improper development of land within the Riverbank Protection District;

F. Maintain water quantity and ***instream flow*** during low flow periods;

G. Protect the recreational values associated with rivers, streams, and their ***riparian*** areas;

H. Preserve the visual and scenic richness of Lebanon by protecting the aesthetic features associated with its rivers, streams, and ***riparian*** areas.

I. Prevent the destruction of or significant changes to those ***riparian*** lands which provide flood protection and protect persons and property against the hazards of flood inundations, by assuring the continuation of the natural flow patterns of streams and other watercourses.

410.2 Authority.

This section of the Zoning Ordinance is adopted pursuant to the authority granted by RSA 483-B:8, Shoreland Water Quality Protection Act: Municipal Authority; RSA 674:16, Grant of Power to Zone; and RSA 674:21, I(j), Innovative Land Use Controls: environmental characteristics zoning.

410.3 Description of the Riverbank Protection District.

The Riverbank Protection District includes all areas in the City that are located within an area beginning at the ***ordinary high water mark*** of the following designated ***public rivers***, streams, and lakes:

(1) Connecticut River
(2) Mascoma River
(3) Stoney Brook
(4) Blodgett Brook
(5) Hardy Hill Brook
(6) Great Brook
(7) Unnamed Brook flowing southeast from Great Brook Road to Great Brook
(8) Unnamed Brook flowing east along town boundary into Great Brook
(9) Bloods (True's) Brook
(10) Martin Brook
(11) Stockwell Brook
(12) Hibbard Brook
(13) Unnamed Brook flowing out of "Wetland 31"
(14) Unnamed Brook flowing west from Boston Lot Lake to Connecticut River
(15) Unnamed Brook flowing northwest into Mink Brook
(16) Mascoma Lake

as identified by the United States Geological Survey, and depicted on the official Lebanon Riverbank Protection District Overlay Map, and extending inland to fifty (50) horizontal feet, with septic waste systems and fuel storage restrictions extending to one hundred and twenty-five (125) horizontal feet, as set forth in 410.7.F and 410.7.H.

410.4 Boundary Disputes

When questions exist as to the location of the ***ordinary high water mark***, the determination shall be made by the Zoning Administrator, subject to appeal under Section 801.1 of this Ordinance. The City may retain an independent ***water resource professional*** to assist with the determination and require the applicant to pay the cost thereof.

410.5 Permitted Uses.

The following uses are permissible within the Riverbank Protection District, provided such use does not involve a ***structure*** (except as expressly referenced) and does not alter the surface configuration of the land by the addition of fill, by excavation or by dredging:

A. Propane Tanks – (above ground only, properly secured against flooding and fast-moving water).

B. Home heating fuel tanks contained within the ***principal structure***.

C. Wells for water supplies.

D. Wildlife habitat development and management.

E. Low-impact recreational uses not involving structures, such as pedestrian trails.

F. Open space as permitted by the City of Lebanon Subdivision Regulations and other sections of this Ordinance.

G. Conservation.

H. ***Wetland*** enhancement or restoration.

I. Minor Crossings for footbridges, snowmobile bridges, temporary timber harvesting crossings, and boardwalks for educational or recreational purposes that do not significantly alter the stream, its banks, or vegetated buffers, shall be allowed by simple notification to the Zoning Administrator. All work shall be performed as to minimize any detrimental impacts to the river or stream, its banks and adjacent vegetated buffers by following all applicable ***best management practices*** listed in Appendix A of this Ordinance.

J. Fences, as regulated by Section 201.4 of this Ordinance, are permitted to be constructed within the Riverbank Protection District, provided that mechanical equipment (e.g. wheeled or tracked vehicles) is not utilized during installation. All work shall be performed as to minimize any detrimental impacts to the river or stream, its banks and adjacent vegetated buffers.

K. The expansion of ***non-conforming buildings*** and Structures, located within the Riverbank Protection District, is regulated under Article VII, Non-Conformities, of this Ordinance, except as follows:

1. The addition of an open deck or porch is permitted to a maximum of twelve (12) feet, including towards the ***ordinary high water mark***.

2. The vertical expansion of existing ***buildings*** is permissible within the Riverbank Protection District.

All other required dimensional setbacks for the respective zoning district, in the absence of a ***variance*** or a ***special exception*** as the case may be, shall be met.

L. Vegetation Removal, limited to the following:

1. Within a walking path no greater than six (6) feet in width and performed in compliance with ***best management practices*** for trails (see Appendix A – Definitions).

2. Within the ***curtilage*** (as defined by this Ordinance) of a pre-existing ***building*** constructed prior to the adoption of the Riverbank Protection District.

3. Within the area affected by the replacement of an existing ***septic system***, subject to Section 410.5 below.

4. The removal of alien, noxious or ***invasive species***.

5. Normal trimming, pruning, and thinning of branches to the extent necessary to maintain the health of the planted area, maintain clearances, and provide views is permitted provided such activity does not endanger the health of the plants being trimmed.

6. Creating Views: The limbing of branches for the purpose of providing views is limited to the bottom half of ***trees*** and ***saplings*** to help ensure the health of the ***tree*** or ***sapling***. Cutting those portions of the existing ***ground cover*** that have grown over three feet in height for the purpose of providing views is permissible.

7. Removal of Tree, Sapling, & Shrub (greater than three (3) feet): Live ***trees*** and ***saplings*** that have grown over 3 feet in height may be removed provided that the following criteria are met:

Starting from the most northerly or easterly property boundary, and working along the shoreline, divide the waterfront buffer into 50 feet x 50 feet grid segments. Within each grid segment a minimum combined ***tree***, ***sapling***, shrub and ***ground cover*** point score of at least 50 points must be maintained. If for any reason there is insufficient area for a full segment, the number of points required to be maintained is proportional to the requirement of a full segment. For instance, a segment that measures 25 feet x 50 feet, would only need to maintain at least 25 points worth of ***trees***, ***saplings***, shrubs and ***ground cover***.

To determine if ***trees*** and ***saplings*** can be removed, the owner must first verify that at least the minimum ***tree***, ***sapling***, shrub and groundcover point score will remain within the affected grid segment. To accomplish this, at a height of 4 ½ feet above the ground, on the uphill side, measure the ***tree*** and ***sapling*** diameter within each grid segment and score in accordance with the table below. If nursery stock is present, measure the ***tree*** diameter with a caliper at a height consistent with established nursery industry standards. Determine the shrub and ***ground cover*** score in accordance with the table below. Once the ***tree***, ***sapling***, shrub and ***ground cover*** score reaches the minimum score required to remain within a grid segment, then ***trees*** and ***saplings*** beyond the minimum score may be removed from the grid segment. If the score within a grid segment is less than the required

minimum score, then ***trees*** and ***saplings*** may not be removed. The stumps of felled ***trees*** and ***saplings*** may be ground flush to ground surface but the stump and root systems must remain in the ground unless the stump area is replanted with new ***trees*** or other woody vegetation. Care must be taken to avoid removal of surrounding ***ground cover***.

Calculating the tree, sapling, shrub and *ground cover* score within a 50 foot by 50 foot segment:

Determine each ***tree*** and ***sapling*** diameter 4.5 feet above the ground, uphill side. If nursery stock is present, measure the ***trees*** with a caliper at a height consistent with established nursery industry standards

Diameter of *Tree* or *Sapling*	**Score**
1 to 3 inches	1pt
Greater than 3 to 6 inches	5 pts
Greater than 6 to 12 inches	10 pts
Greater than 12 inches to 24 inches	15 pts
Greater than 24 inches	25 pts

Vegetation removal beyond the 50' buffer line is not regulated by this Overlay District but may be regulated by State regulations, including but not limited to basal area forestry laws.

M. Any use otherwise permitted at that site by the Zoning Ordinance and State and Federal law, provided such use does not involve a ***structure*** (except as expressly referenced) and does not alter the surface configuration of the land by the addition of fill, by excavation or by dredging.

410.6 Special Exceptions. for Driveways, Roadways, Parking Areas, and Other Access Ways; Pipelines and Other Transmission Lines.

Upon application to the Board of Adjustment, a ***special exception*** may be requested to permit driveways, roadways, ***parking areas*** and other ***access ways***; pipelines, powerlines and other transmission lines within the Riverbank Protection District, provided that all of the following conditions are found to exist, in lieu of the findings required by Section 801.3:

A. The use for which the exception is sought, after consideration of all alternatives and taking into consideration the particular characteristics, setting and environment of the property, cannot be carried out on a portion or portions of the ***lot*** which are outside the Riverbank Protection District without a ***special exception*** under this section;

B. The design and construction of the proposed use is consistent with the purpose and intent of Section 410.1, A. through I. of this Ordinance, and with all applicable State of New Hampshire regulations including applicable ***best management practices*** as referenced in Appendix A of this Ordinance, and adequate conservation measures are taken to mitigate the detrimental effects of the

proposed use upon the river or stream, its banks, and adjacent vegetated buffers.

C. The proposed construction and design shall include provisions for restoration of the site as closely as possible to its original grade and conditions; and

D. The proposed use will not create a hazard to individual or public health, safety and welfare due to the impact upon the Riverbank Protection District.

410.7 Special Provisions.

A. The Riverbank Protection District is an Overlay District. Where the provisions of this Section conflict with those of any underlying zoning district such as the Wetland Conservation District, the more restrictive standards shall apply.

B. Existing Cleared Areas: Cleared areas in existence at the time of the Riverbank Overlay adoption, such as but not limited to existing lawns, are not required to be replanted or restored. Owners may continue to maintain these areas as they have in the past; however, no such cleared areas shall be enlarged.

C. Driveways, roadways, ***parking areas***, and other ***access ways***, in existence prior to the adoption of the Riverbank Protection District, shall be considered legal ***non-conforming uses*** under Article VII, Non-Conformities, of this Ordinance. The repair or replacement, in-kind, of such areas is allowed provided the work is performed so as to minimize any detrimental impacts to the river or stream, its banks and adjacent vegetated buffers by following all applicable ***best management practices*** in Appendix A of this Ordinance.

D. Culverts and pipelines, in existence prior to the adoption of the Riverbank Protection District, shall be considered legal ***non-conforming uses*** under Article VII, Non-Conformities, of this Ordinance, and may be replaced or repaired either in-kind or of a larger diameter and capacity as recommended by the State of NH Department of Environmental Services Stream Rules Env-Wt Chapter 900, as amended. All work shall be performed so as minimize any detrimental impacts to the river or stream, its banks and adjacent vegetated buffers by following all applicable ***best management practices*** in Appendix A of this Ordinance.

E. No chemicals, including pesticides or herbicides of any kind, shall be applied to ground, turf, or established vegetation, except if applied by horticultural professionals who have a pesticide application license issued by the Department of Agriculture or as allowed under special permit issued by the Division of Pesticide Control under rules adopted by the Pesticide Control Board under RSA 541-A.

F. No fertilizer shall be applied to vegetation or soils located within 25 feet of the ***ordinary high water mark***. Beyond 25 feet, slow or controlled release fertilizer, as defined by rules adopted by the NH Department of Environmental Services, may be used.

G. No chemical or fuel storage tanks having a storage capacity of more than 10 gallons shall be permitted within one hundred and twenty five (125) horizontal feet of the ***ordinary high water mark***, with the exception of propane tanks, and home heating fuel tanks located within an existing ***principal structure***.

H. The use, storage, or handling of any other Regulated Substances as defined by the New Hampshire Department of Environmental Services in Chapter Env-Wq 400 Groundwater Protection, shall occur in compliance with ***best management practices*** for Groundwater Protection (see Appendix A – Definitions).

I. Septic Tanks and Leach Fields:

1. Within all areas extending to 125 horizontal feet from the ***ordinary high water mark***, new septic tanks and leach fields are prohibited.

2. Replacement septic tanks and leach fields: all replacement septic tanks and leach fields, in addition to requiring approval by the N.H. DES, shall be set back from the ***ordinary high water mark*** of designated rivers and streams, based on the dominant characteristics of the receiving soil next to a designated river or stream as classified by the USDA Soil Conservation drainage classes, as follows:

a. As close to one hundred and twenty five (125) feet from the ***ordinary high water mark*** as technically feasible, where the receiving soil down-gradient of the leaching portions of the ***septic system*** is a porous sand and gravel material with a percolation rate greater than or equal to 2 minutes per inch (highly permeable);

b. At least one hundred (100) feet from the ***ordinary high water mark*** for soils with restrictive layers within eighteen (18) inches of the natural soil surface (impervious); and

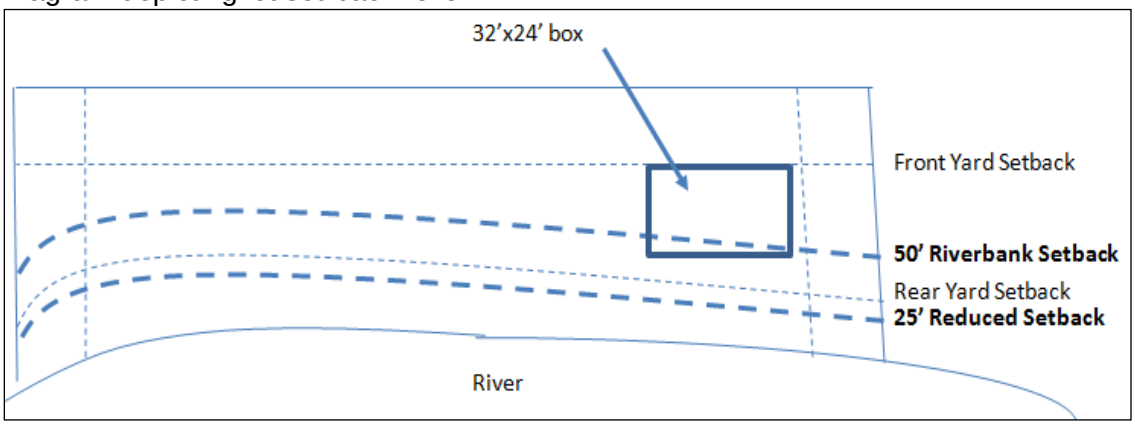
c. At least seventy-five (75) feet from the ***ordinary high water mark*** for all other soil conditions, unless approved by the State of New Hampshire.

J. Existing Legal Lot of Record:

A vacant legal ***lot of record***, that existed prior to the adoption of the Riverbank Protection District, but upon which the construction of a ***principal building*** is inhibited only as a result of the adoption of the fifty (50) foot ***setback*** provision, shall be reduced to not less than twenty-five (25) feet for a ***principal building*** only. To demonstrate this inhibition, it must be shown that a land area of thirty-two (32) feet by twenty-four (24) feet is precluded as a result of the addition of this riverbank ***setback*** provision alone (see diagram). This determination is made by the Zoning Administrator, and is subject to appeal under Section 801.1, Administrative Appeals, of this Ordinance.

All other required dimensional setbacks for the respective zoning district, in the absence of a ***variance*** or a ***special exception***, as the case may be, shall be met.

Diagram depicting lot set-back relief:



410.8 Applications to Board of Adjustment.

A. In any appeal to the Board of Adjustment from a determination of the district boundary under this section, the Board of Adjustment may require the owner of the land in question, or such owner's representative, to submit a map produced by a ***water resource professional*** depicting the ***ordinary high water mark***, and any additional information the Board reasonably requires in order to reach a decision.

B. Interested Parties: The Lebanon Conservation Commission is hereby determined to be an interested party to any Board of Adjustment proceeding under this section. Upon receipt of an application, the Board of Adjustment shall immediately forward a copy of the complete application to the Conservation Commission. The Conservation Commission shall receive notice of all proceedings of the Board of Adjustment, and the Board of Adjustment shall give due weight to all evidence submitted to it by the Conservation Commission.

ARTICLE V SUBDIVISIONS AND PLANNED DEVELOPMENTS

SECTION 500 GENERAL.

A. ***Traditional subdivisions*** are permitted in all zoning districts, except when a Planned Unit Residential Development (PURD) is required in the R-3, RL-1, RL-2, and RL-3 Districts per Section 501.2.B.1.

B. Planned developments are those uses of land which normally involve more than one ***building*** and/or more than one ***parcel***. Careful preparation of a comprehensive plan for the entire land development is required, and the review process must be particularly thorough and deliberate.

Planned developments shall be permitted in accordance with the following table:

District	PURD per Section 501.2	PRec per Section 501.3	Industrial PUD per Section 501.4	Commercial PUD per Section 501.4	Manufactured Home Park per Section 503 and Manufactured Home Subdivision per Section 504	Recreational Camping Parks per Section 505	Medical Center Complexes per Section 506	Planned Business Park per Section 508
IND-L			P					P
IND-RA			P					P
GC				P				
GC-1				P				
CB				P				
LD								
R-1	P				P			
R-2	P							
R-3	P*							
R-O	P							
R-O-1	P							
PB						SE		
RL-1	P*	P			P	SE		
RL-2	P*	P			P	SE		
RL-3	P*	P						
MC				P			P	

P = permitted
SE = ***special exception*** required
*Subject to Section 501.2.B.1.

SECTION 501 PLANNED UNIT DEVELOPMENT (PUD).

501.1 Section 501.1 shall apply to all Planned Unit Developments (PUDs) which include Planned Unit Residential Developments (PURDs) per Section 501.2, Planned Unit Recreational Developments (PRecs) per Section 501.3, Commercial PUDs per Section 501.4, and Industrial PUDs per Section 501.4.

A. Purpose. PUDs should occur only after the characteristics of a property are studied and described, in order to best ensure that impacts on natural resources are minimized, through a process of building site selection in areas of lowest natural resource value. Land planning is not an exercise in geometry, but a rational process of site assessment and intelligent design.

B. Required Approvals. All PUDs shall obtain a ***conditional use*** permit (CUP) from the Planning Board. A PUD shall also obtain Site Plan and/or Subdivision approval from the Planning Board, as applicable.

C. Staff Review. As a preliminary step, the applicant is encouraged to meet with Planning Department Staff to review the applicants' plans for the proposed PUD in light of the requirements of Section 501. This recommended meeting will also give staff an opportunity to explain and answer questions with respect to the approval process and the applicable regulations of the Zoning Ordinance, Subdivision Regulations, and Site Plan Review Regulations.

D. Conceptual Review. Prior to submitting a formal application for CUP approval, applicants are strongly encouraged to request a conceptual review with the Planning Board pursuant to Section 4.3 of the Site Plan Review Regulations. For purposes of this conceptual review, the applicant should have a draft plan prepared in accordance with the steps set forth in Section 501.1.E.1 below.

E. Application Requirements. An application for a CUP shall include:

1. Subdivision and/or Site Plan. A subdivision and/or site plan, as applicable depending on the nature of the proposed PUD, prepared in accordance with all applicable standards contained within the Subdivision Regulations and/or Site Plan Review Regulations. In addition, the plan shall be prepared in accordance with the following four steps:

a. **Delineation of Site Resources and Required Open Space**:

i. Show the location of all environmentally sensitive areas of high resource value which shall include:

- floodplains as defined in Section 402.1;
- ***wetlands*** and buffers as defined in Section 401.2;
- perennial stream courses and adjacent buffers as defined in Section 410.3;
- slopes in excess of 25%;
- Significant Ecological Areas (SEAs) and Co-Occurrence areas as identified in *Natural Lebanon* the 2010 natural resources inventory prepared for the City of Lebanon, available on the City of Lebanon website;
- vernal pools;
- wildlife corridors; and
- species or habitat of significance known or found to occur on or in close proximity to the subject property.

ii. Indicate areas of moderate resource value which shall include:
- areas with agricultural soils of national and statewide significance as defined by the Grafton County Natural Resources and Conservation Service;
- aquifers; intermittent streams; and
- historic and cultural structures or features including stonewalls and cellar holes.

Areas of high resource value and areas of moderate resource value as defined above are collectively referred to herein as "Site Resources".

Note: the Planning Department can serve as a resource in providing the aforementioned natural resource information directly or directing as to where it may be obtained.

iii. Propose a prioritization of the Site Resources in terms of their highest to least suitability for inclusion in the Open Space for the proposed development. The proposed prioritization should reflect the value of each Site Resource relative to one another. This determination may be refined in consultation with the Planning Board during conceptual review and/or as part of the Board's review of the CUP application.

iv. Identify and delineate between proposed Open Space area(s) as defined in Section 501.1.F below and the area(s) suitable for development taking into account:
- the location of the Site Resources;
- the tract's context in relation to natural, historic, and cultural areas on adjoining and nearby properties;
- the minimum percentage and acreage of required Open Space areas; and
- the Open Space public benefit criteria set forth in Section 501.1.J.1.a.ii below.

b. **<u>Location of Building Sites</u>:**
Potential building sites (e.g. building footprints or building envelopes) shall be tentatively located, using the proposed Open Space/development areas as a base map. ***Accessory buildings*** and building ***setback lines*** shall also be indicated. Building sites shall be located with careful consideration given to:
- Relevant property data such as topography and soils;
- Potential impacts, both positive and negative on the Site Resources. Measures to mitigate adverse impacts on the Site Resources shall be provided;
- Providing attractive views and visual settings for residences to the maximum extent practicable; and
- Providing adequate solar orientation to the maximum extent practicable.

c. **<u>Alignment of Roads, Driveways and Trails</u>:**
A road and driveway plan shall be designed to provide vehicular access to each ***building***, complying with the standards in the Subdivision Regulations and bearing a logical relationship to topographic conditions. Impacts of the road plan on proposed Open Space areas and the Site Resources shall be minimized, particularly with respect to crossing environmentally sensitive areas such as ***wetlands*** and traversing slopes exceeding 15%. Road connections shall be required to the maximum extent practicable in order to minimize the number of new cul-de-sacs and to facilitate access to and from homes in different parts of the tract and adjoining lots.

d. **<u>Drawing in the Lot Lines</u>:**
When Steps 1 through 3 are completed, lines shall be drawn to delineate the lots for development and the Open Space lot(s).

2. <u>Impact Statement</u>. An impact statement which clearly sets forth the impact of the proposal. The impact statement shall include:

a. Statement of impact of the proposed development on natural resources and environmental quality including but not limited to water quality, air quality, ***wetlands***, soil erosion and agricultural lands and a statement of pollution control and environmental impact mitigation measures.
b. Statement of impact of the proposed development on ***abutters***.
c. Statement of sufficiency of proposed parking for the use intended.
d. Statement of impact on roads, streets and highways and on pedestrian and vehicular traffic.
e. Statement of sufficiency of utility systems for the provisions of water service, fire protection, sewer service, and storm drainage.
f. Statement of suitability of the proposed drainage system and effect on ***abutters***.
g. Statement of noise control methods and procedures.
h. Statement of effect on the public school system.
i. Statement of effect on the municipal solid waste disposal facility.
j. Fiscal impact statement which categorizes and analyzes the impact of the PUD on municipal, school and county revenues and expenditures.
k. Statement of impact on police and fire protection and public safety.

The Planning Board may require the applicant to pay for an independent consultant(s) retained by the Board for the purposes of reviewing and verifying the conclusions of the impact statement. The Planning Board shall inform an applicant of the cost of any such consultant services and shall obtain an applicant's commitment to pay for such services, prior to the City incurring any obligations to pay for such services.

F. Open Space.

1. Definition. Open Space is the land used to offset increased density in the developed area of the property, to protect natural resources, and to provide recreation opportunities to residents of the development and the general benefit of the community at large.

2. Design. Open Space areas will be identified on the proposed plan applying the four step process set forth in Section 501.1.E.1 above, and shall be reviewed by the Planning Board as part of the application process. The Open Space shall be arranged to meet as many of the Open Space public benefit criteria, set forth in Section 501.1.J.1.a.ii below, as possible.

3. Uses. At the discretion of the Planning Board, Open Space may include, trails, ***agriculture***, the required perimeter buffer, recreation (both active and passive), stormwater management design features, wells, shared ***septic system***(s), ***centralized sewer systems***, and underground utilities, so long as such features do not adversely impact the integrity of the Site Resources. Streets, ***parking areas***, residential or non-residential structures are not permitted.

4. Minimum Required Open Space.

   a. PURD. The minimum amount of Open Space in a PURD shall be 50% of the property utilized for the PURD within the RL-1, RL-2, RL-3, and R-3 districts; and 30% within the R-O, R-O-1, R-1 and R-2 districts.

   b. PRec. See Section 501.3 for requirements.

   c. Commercial or Industrial PUD. At least ten (10) percent of the property utilized for a Commercial or Industrial PUD shall be preserved as Open Space. None of the ***curtilage*** of a ***principal building*** shall be used to meet the 10 percent criteria.

5. Ownership of Open Space. The Open Space or any portion of it shall be held, managed, and maintained by the developer until the Open Space is owned in one or more of the following ways:

   a. In common, by an owner's association for the control and maintenance of the Open Space, established by the applicant for the benefit and enjoyment of the residents and/or users of the development.

   b. By the City of Lebanon which may at any time accept dedication of any Open Space for perpetual public use and maintenance if accepted by the City Council.

   c. By a qualified land trust organization or other suitable private non-profit organization registered in the State of New Hampshire which

shall ensure that the Open Space will be held in perpetuity as Open Space.

d. By an individual, conditional upon the Open Space being protected in perpetuity by a conservation easement to be held by a registered New Hampshire Land Trust organization.

e. Other ownership structure deemed by the City Attorney to be legally adequate to carry out the intent of Section 501 and the decision of the Planning Board.

The Planning Board may impose reasonable conditions with respect to when ownership shall be transferred from the developer in accordance with the above.

No portion of the Open Space land shall be conveyed in a manner which would result in non-compliance with this section.

6. Protection of Open Space. Adequate provisions shall be made to assure that the Open Space remains undeveloped and that any environmentally sensitive Site Resources identified by the Planning Board are protected and preserved. In addition to the protection afforded by the requirements of the CUP approval and applicable state statutes, the Planning Board may require one or more of the following:

a. Granting development rights to the City, the Conservation Commission or other similar entity.

b. Deeding of the land to an owners' association or similar entity.

c. Encumbrance of a conservation easement that protects the land in perpetuity, which will be held by either a Conservation Trust organization registered in the State of New Hampshire, or by the City of Lebanon.

7. Additional Requirements.

a. All agreements, deed restrictions, easements, organizational provisions for an owners' association, and any other method of ownership, management, and protection of the Open Space shall be approved by the Planning Board, subject to review by the City Attorney. Said documentation shall be recorded at the Grafton County Registry of Deeds and a copy of the recorded documents shall be placed on file with the Planning Department.

b. If lot lines are not required and are not proposed, the application shall set forth in detail how the Open Space is to be physically delineated and distinguished from other areas of the development. In all cases the boundaries of all Open Space areas shall be clearly marked on the plans.

G. Design Guidelines. To the maximum extent practicable, as determined by the Planning Board, the development shall adhere to the following design requirements:

1. The PUD shall be integrated into the surrounding neighborhood in such a way that the overall visual qualities between existing land use and the PUD is complementary.

2. The scale and size of buildings shall be related to and shall harmonize with existing buildings in the immediate vicinity of the PUD property.

3. The design of the PUD shall be directed toward establishing a sense of place, such as providing inward oriented placement of buildings, streets, and recreational facilities.

4. Adverse visual impact to ridgelines shall be minimized.

5. A convenient system of paths designed to provide access to and between all buildings, ***parking areas***, recreation facilities, Open Space and adjacent streets.

6. Each ***dwelling unit*** shall have reasonable access to the Open Space provided, but need not front directly on such land.

7. Bicycle use shall be accommodated on all streets within the development. Covered bicycle storage shall be provided for all multi-family structures.

8. Multi-family buildings are unusual in rural landscapes. For this reason, the design of multi-family buildings visible from existing streets must be one which is harmoniously integrated with the surrounding landscape.

9. Streets shall be designed for consistency with overall City plans for vehicular circulation improvements, if such plans exist.

H. Dimensional Requirements.

1. Height. All buildings in a PUD shall comply with the height regulations of the applicable zoning district on which the ***building*** is being considered.

2. Special Setbacks. No ***building*** or ***structure*** shall be located closer than 50 feet to the side and rear lines of the PUD property. Front yard setbacks shall be dictated by the underlying zoning district. Stormwater management design features and ***septic systems*** may be located in these setbacks at the discretion of the Planning Board, considering impacts on any vegetative screen required to minimize impact to adjacent existing properties.

   Whenever the PUD abuts a residential ***lot*** less than 40,000 square feet in area this ***setback*** shall be increased to 75 feet.

Side and rear setbacks for an accessory structure or ***accessory building*** that meets the requirements of Section 201.8 shall be as set forth in Section 201.8, except that in no case shall such structure or ***building*** be located closer than 50 feet to the side and rear lines of the PUD property.

3. Lots. For developments proposed to be in a condominium or other form of ownership which does not involve the creation of individual lot lines, the applicant shall nonetheless provide a layout of hypothetical lot lines for regulatory purposes only, to which the requirements of this Ordinance pertaining to lots may be applied. The lot size, ***lot width***, and ***yard*** requirements of the applicable zoning district shall apply but may be modified by the Planning Board, provided the Board finds: (1) that such reductions do not result in overcrowding of the land; (2) that the layout pattern is orderly and harmonious; and (3) that the reductions are appropriate to the PUD proposal. In all cases the boundaries of all Open Space areas shall be clearly designated on the final plans, consistent with the ownership requirements of Subsection F of this section.

I. Water and Sewer. For PURDs and PRecs, the Planning Board may require that the development connect to municipal water and sewer systems. Commercial or Industrial PUDs shall be connected to municipal water and sewer systems.

J. Approval of CUP Application.

1. A ***conditional use*** permit shall be issued only if the Planning Board determines that:

a. The subdivision and/or site plan prepared pursuant to Section 501.1.E.1 above meets the purpose statement set forth in Section 501.1.A above and the following standards:

i. The Planning Board must find that, in consideration of the Site Resources, the portions of the property most suitable for Open Space preservation and those portions most appropriate for development have been designated on the plans for those purposes.

ii. Public Benefit of Open Space. The Planning Board must determine that the layout of the designated Open Space area provides the greatest feasible public benefit which is compatible with the applicant's permissible development goals. The Board shall not approve such layout if it finds that there is a feasible alternative layout which would yield a significantly improved Open Space public benefit while still fulfilling the applicant's otherwise permissible development objectives.

"Public benefit" means that the Open Space fulfills as many of the following criteria as are feasible:

- the Open Space is larger and contiguous, rather than smaller and fragmented. In achieving characteristics of

larger and contiguous, the location of the Open Space will factor in off-site, adjacent open space natural areas;

- the Open Space conserves Site Resources located on the property;
- the Open Space is realistically capable of management for economically viable ***agriculture*** or forestry activities;
- the Open Space conserves natural habitat for animals or plants, especially those which are locally rare or unusual;
- the Open Space contributes to the ecological viability of natural systems, or natural areas, or of nearby recreation areas;
- the Open Space conserves historical and archeological resources;
- the Open Space provides opportunities for passive and/or active public indoor or outdoor recreation;
- the Open Space provides scenic enjoyment by the public from the vantage point of public lands, highways, or waters; and/or
- the Open Space provides some other open space public benefit explicitly identified by the Planning Board in its decision.

iii. To the maximum extent practicable, the plan adheres to the design guidelines set forth in Section 501.1.G above.

b. All applicable requirements of Section 501.1.E, Section 501.1.F, Section 501.1.H, Section 501.2, Section 501.3, and Section 501.4 have been met.

c. The types of housing units and/or other buildings proposed within the PUD shall not adversely impact the character of the area.

d. The PUD will not have any substantial or undue impact on the environment or on transportation systems, community facilities, utilities and services and/or the applicant will contribute impact fees, in amounts acceptable to the Planning Board, in order to mitigate the impact of the PUD on transportation systems, public facilities, utilities and services.

e. The PUD complies with all requirements of the Site Plan Review Regulations and Subdivision Regulations, as applicable.

f. For developments proposing condominium ownership, the PUD is capable of complying with all applicable state statutes regulating the condominium form of ownership.

2. The Planning Board may condition its approval of the PUD on reasonable conditions necessary to accomplish the objectives set forth in Section 501.2.A, 501.3.A, or 501.4.A, as applicable, including a reduction in allowed density if necessary to accomplish said objectives.

3. Phasing of Development. The Planning Board may establish a reasonable timetable for phasing the development of a PUD in order to mitigate the impact of the development on community facilities, services and/or utilities.

501.2 Planned Unit Residential Development (PURD).

A. Objectives. The objectives of the PURD provisions of this ordinance are as follows:

1. To encourage conservation of Open Space to effect appropriate density and protect important natural resources such as agricultural soils, forested land, wildlife habitat, water resources, other natural resources, including geologic and scenic, and historical and archeological resources.

2. To establish a connected network of conservation lands, trails, and working farm and forest land throughout the City by linking the Open Spaces and trails within the development, to conservation lands, important natural resources and trails on adjoining lands wherever possible, and as particularly found in the Lebanon *Master Plan* and *Natural Lebanon*.

3. To preserve those areas of the property that have the highest ecological value, including, for example, wildlife habitat, large un-fragmented blocks of undeveloped land, and areas of co-occurring resources as shown in *Natural Lebanon*, and water resources, such as drinking water supply areas, ***wetlands***, streams and rivers.

4. To encourage the development of environmentally sensitive outdoor recreation land uses.

5. To allow flexibility in residential development to provide for a diversity of housing types, densities, and styles.

6. To provide opportunities for the development of workforce or affordable housing.

7. To locate buildings and structures on those portions of the property which 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.

8. To encourage a more suitable form of development by facilitating the design, construction, and maintenance of housing, streets, utilities and public services in a more economic and efficient manner and by integrating the new development into the existing built and natural environment.

9. To promote the reduction of impervious surface areas and sustainable stormwater management.

B. Applicability.

1. Required. PURDs shall be required for any major subdivision, as defined in the Subdivision Regulations, in the R-3, RL-1, RL-2, and RL-3 Districts, where the property to be subdivided equals or exceeds the following sizes:

District	Property Size
R-3	10 acres
RL-1, RL-2	20 acres
RL-3	40 acres

In the RL-1, RL-2, and RL-3 Districts, a PRec may be proposed in accordance with Section 501.3 in lieu of a required PURD.

2. Permitted. PURDs are permitted for any major subdivision, as defined in the Subdivision Regulations, in the R-1, R-2, R-3, R-O, and R-O-1 Districts where the property to be subdivided is 5 acres or more, and in the RL-1 and RL-2 Districts where the property to be subdivided is 10 acres or more.

3. Property Size. Land within the Wetlands Conservation District and land having slopes in excess of 25 percent shall be included in determining the minimum property size. Land within the Flood Plain District shall not be included in determining the minimum property size.

C. Uses Allowed in a PURD.

1. Residential Uses. A PURD may include ***dwelling units*** in ***one-family***, ***two-family*** and ***multi-family dwellings***. A mix of ***dwelling*** types may be permitted at the reasonable discretion of the Planning Board. In a manufactured home PURD only manufactured homes are permitted and shall be on individual lots.

2. Non-Residential Uses. Certain non-residential uses may be established within a PURD, subject to the following provisions:

a. Non-residential uses designed principally to service the residents of a PURD are permitted. Examples of such uses are:
   i. Indoor and outdoor recreation facilities.
   ii. Sales office for the sale or rental of property in the PURD.
   iii. Medical care uses.
   iv. Day-care facilities.

b. Neighborhood commercial uses such as: (1) neighborhood convenience stores, neighborhood drug stores; (2) personal convenience services including but not limited to barber shops, beauty shops, tailors, dry cleaning shops, and laundromats; (3) sandwich shops and delicatessens having fewer than 17 seats; provided that:

   i. The Planning Board finds that such uses are appropriate to the area;

ii. A single commercial use shall occupy no more than 4000 square feet of ***gross floor area***; and

iii. Space allocated for neighborhood commercial uses shall not exceed ten percent of the gross residential floor area of the PURD.

c. Non-residential uses and ***multi-family dwellings*** shall not be permitted for PURDs developed in the R-3 District where the property to be subdivided is less than ten (10) acres.

3. All Other Uses in Underlying Zoning District. Any use permitted in the zoning district in which the PURD is located may be permitted within the PURD. Uses allowed by ***special exception*** or by ***conditional use*** permit in the underlying zoning district where the PURD is located may also be permitted within the PURD, and shall not require a ***special exception*** from the Zoning Board or a separate ***conditional use*** permit from the Planning Board.

D. Density.

1. General. The PUD provisions of this Ordinance provide applicants with a development approach intended to promote flexibility and innovation in land planning. Within this context, the density regulations that are established are intended to be maximum allowable densities. Each tract of land possesses different, unique development characteristics and limitations, and the density allowed on any particular tract will be a function of innovative land planning and building design interacting with the special characteristics and limitations of the property. The density regulations set forth below are intended to support development on areas most suitable for development, while conserving the Site Resources.

2. Gross Density. In determining the number of ***dwelling units*** allowed by the applicable zoning district, an applicant for a PURD may use either of the following two methods:

a. Formula Method. Subtract some of the area covered by ***wetlands*** and/or slopes in excess of 25 percent from the total area of the property, pursuant to the following table:

% of property covered by ***wetlands*** and/ or steep slopes	% of ***wetlands*** and / or steep slopes to be subtracted
< 15%	0
15% - 25%	20%
25% - 35%	40%
35% - 55%	60%
55% - 70%	80%
> 70%	100%

Reduce the result by ten percent for the area that would be allocated to roads and streets. Apply the density of the applicable zoning district to the area resulting from the foregoing calculations to determine the number of ***dwelling units*** allowed.

Example: A 500-acre property with 30 acres of ***wetland*** and 70 acres of slopes greater than 25% located in the RL-3 District. (1) Since 20% of the property is covered by ***wetlands*** or steep slopes, the above table requires that 20% of the 100 acres so covered must be deducted, i.e., 500 acres - (20% of 100 acres) = 480 acres. (2) Deduct 10% of 480 for streets, i.e. 480 -(10% of 480) = 432. (3) 432 acres at RL-3 density of 10 acres per ***dwelling units*** = 43 ***dwelling units*** allowed in PURD.

b. Traditional Subdivision Yield Plan Method. A yield plan for a ***traditional subdivision*** is prepared containing proposed lots that conform to the minimum ***lot*** dimension standards set forth in the ARTICLE III, and which depicts roads, rights of way, and other pertinent features designed in conformance with the Subdivision Regulations, as applicable. Although it must be drawn to scale, it need not be based on a field survey. However, it must be a realistic, reasonable, regular and ordinary layout reflecting a development pattern that could be expected to be implemented, taking into account the presence of lakes, rivers, streams, ***wetlands***, ***wetland buffers***, floodplains, steep slopes, existing easements and encumbrances, well placement and hydrologic yield and, if not served by public sewer, the suitability of soils for subsurface sewage disposal. The Planning Board may require test pits to demonstrate the suitability for on-site sewage disposal.

Planning Department staff shall review the yield plan and determine:

(1) whether it represents a feasible development concept for the property; and,

(2) whether it is likely to be approved by all government agencies from which permits would be required.

If the determinations are positive, then the number of ***dwelling units*** shown on the yield plan may be used as the number of ***dwelling units*** allowed in the PURD. Applicants choosing this method shall be required to accept the decisions of the City administrative staff as final.

c. Density Bonus. For a PURD, the number of ***dwelling units*** resulting from the above calculations may be increased by up to 12 percent at the discretion of the Planning Board, per Section 507.

3. Property Located in Multiple Zoning Districts. Where a property is located in more than one zoning district, the total number of ***dwelling units*** allowed pursuant to Section 501.2.D.2 shall be determined separately for each zoning district. However, the increments may be aggregated to determine the total number of ***dwelling units*** allowed, and ***dwellings*** may be located on the property, irrespective of the zoning boundary location(s).

501.3 Planned Unit Recreational Developments.

A. Objectives. The purposes of the Planned Unit Recreational Development provisions of this Ordinance are (1) to permit well planned land developments that integrate outdoor recreational use of a ***parcel*** as the principal land use with residences as a secondary land use: (2) to encourage the preservation of valuable open spaces and/or natural features; (3) to encourage the development of environmentally sensitive outdoor recreation land uses; and (4) to provide for the efficient utilization of land and community facilities, services and utilities.

B. Location. Planned Unit Recreational Development (PRecs) are permitted uses in the RL-1, RL-2, and RL-3 Districts, in accordance with the provisions of this section.

C. Tract Size. All PRecs shall have a minimum tract size of 150 acres. Land within the Wetlands Conservation District and land having slopes in excess of 25 percent shall be included in determining the minimum tract size. Land within the Flood Plain District shall not be included in determining the minimum tract size.

D. Uses Allowed in a PRec.

1. Residential Uses. A PRec shall provide a minimum of 15 ***dwelling units***. A PRec may include ***dwelling units*** in ***one-family***, ***two-family*** and ***multi-family dwellings*** or appropriate mixes thereof, at the discretion of the Planning Board. In a PRec at least 75 percent of the land area used for building development shall be devoted to residential uses.

2. Active Outdoor Recreational Uses. A PRec may include the following active outdoor recreational uses:

   A. ***Golf courses***.
   B. Skiing facilities.
   C. Tennis facilities.
   D. Swimming pools, beaches and bathhouses.
   E. Athletic fields, playgrounds.

3. Accessory Uses. Uses customarily accessory to permitted outdoor-recreational uses such as ***restaurants***; lounges; stables; clubhouses; maintenance facilities; locker rooms; ski lodges; pro-shops, etc.

4. Other Non-Residential Uses. In a PRec, other non-residential uses permitted in PURDs pursuant to Section 501.2.C.2 may be permitted.

E. Density. The gross and net densities of PRecs shall be as permitted for PURDs by Section 501.2.D.

F. Minimum Open Space Preservation. In a PRec a minimum of 50 percent of the tract shall be allocated to outdoor recreation use and/or common open space. None of the area used to meet the 50 percent criteria shall be located within 50 feet of a ***building***, ***structure*** or ***parking lot*** that is part of the PRec.

G. Common Use Requirements. In a PRec, it is not necessary that land used for outdoor recreation and/or open spaces be held for common use. However, all approved PRecs shall contain adequate protection assuring that such land will always be used in accordance with the approved plan.

1. The approved plans and the ***conditional use*** permit shall clearly state that approval is only for the outdoor recreation uses as portrayed in the approved plans and supporting documents; that any changes thereto must be approved by the Planning Board as amendments to the ***conditional use*** permit; and the any application for amendment shall fully comply with the provisions of this section, as amended (i.e. Section 501).

2. Adequate provisions shall be made to assure that in the event of discontinuance of the approved outdoor recreation use all land used for outdoor recreation uses and/or open spaces shall become compliant with the common use requirements of Section 501.2.1.F.

501.4 Commercial or Industrial Planned Unit Developments.

A. Objectives. The purposes of the Commercial or Industrial Planned Unit Development provisions of this Ordinance are (1) to allow flexibility in the site design and development of large-scale commercial and/or industrial development; (2) to encourage the preservation of valuable open spaces and/or natural features; and (3) to provide for the efficient utilization of land and community facilities, services and utilities.

B. Location. Commercial or Industrial Planned Unit Developments are permitted uses in the Industrial, CB, GC, and GC-1 Districts, in accordance with the provisions of this section.

C. Tract Size. All Commercial and Industrial PUDs shall have a minimum tract size as follows:

District	Minimum Tract Size
Industrial	10 acres
CB	10 acres
GC	10 acres
GC-1	10 acres

Land within the Wetlands Conservation District and land having slopes in excess of 25 percent shall be included in determining the minimum tract size. Land within the Flood Plan District shall not be included in determining the minimum tract size.

D. Uses Allowed in a Commercial or Industrial PUD. Any non-residential use permitted in the Industrial, CB, GC, or GC-1 Districts may be allowed in a Commercial PUD.

Any non-residential use permitted or allowed by ***special exception*** or ***conditional use*** permit in the IND-L District may be allowed in an Industrial PUD. Additionally, no more than 25 percent of the ***gross floor area*** in an Industrial PUD may be

allocated to ***hotels***, ***restaurants***, ***personal services*** and retail sales necessary to serve the needs of the other businesses in the PUD (or of their employees).

Dwelling units in ***one-family***, ***two-family*** and ***multi-family dwellings*** or appropriate mixes thereof may be allowed in Commercial or Industrial PUDs, at the discretion of the Planning Board, provided that the Board determines that such residential uses are compatible within the proposed PUD. The density of residential uses allowed pursuant to this section shall be determined based on a maximum of 25% of the net land area of the PUD not planned for open space, roads, or utilities and calculated at a density of 13 ***dwelling units*** per acre. Where allowed, such ***dwelling units*** may be clustered together and/or distributed within the Commercial or Industrial PUD in mixed-use buildings at the discretion of the Planning Board.

SECTION 502 (RESERVED).

SECTION 503 MANUFACTURED HOME PARKS.

503.1 Area.

A manufactured home park shall have an area not less than 10 acres nor more than 50 acres.

503.2 Layout.

A. A manufactured home park shall provide:

1. Individually designated spaces for each manufactured home.

2. Interior access streets for all spaces. Such streets shall have a right-of-way at least 40 feet in width and a surface travel way at least 20 feet in width built on 12 inches of compacted gravel.

3. All-weather walkways along streets.

4. At least 20 percent of the total area for common open space or recreation, exclusive of ***wetlands*** and slopes of 25% or more. This area shall not include roads, streets, ***parking areas***, ***service areas***, non-recreation ***accessory buildings*** or similar facilities.

5. A buffer at least 50 feet in width maintained as a landscape area abutting all manufactured home property lines.

6. Adequate facilities for recreation and/or playgrounds.

B. A manufactured home park shall have Site Plan Review approval from the Planning Board.

503.3 Manufactured Home Spaces.

A. Each manufactured home space shall be at least 10,000 sq. ft. in area and shall front on an interior access street.

B. Each space shall have a separate driveway.

C. Each space shall include a ***parking area*** built on 12 inches of compacted gravel. Said ***parking area*** shall be large enough to accommodate two parking spaces, each 10 feet wide by 22 feet long.

D. At least 100 sq. ft. of indoor storage.

E. Manufactured home spaces shall not be located on slopes having a natural grade of 15% or greater.

503.4 Utilities and Services.

A. An attachment for water supply. The water supply source must meet all local and state regulations.

B. An attachment for sewage disposal. The method of sewage disposal must be in compliance with all local and state regulations. It shall not be located on the manufactured home space or any adjacent manufactured home space unless the manufactured home space is at least 1-1/2 acres in size.

C. An electrical source supplying at least 60 amps, 120/240 volts. The installation shall comply with all applicable state and city electrical laws and regulations. Such electrical outlets shall be weatherproof. All electrical, television and other wired services shall be installed underground.

D. Provisions for disposal of household garbage and rubbish.

503.5 Siting Manufactured Homes.

A. A nonporous pad shall be provided for each manufactured home.

B. No manufactured home shall be closer than 50 feet to a public street right-of-way or to a property line of the manufactured home park.

C. A manufactured home shall be located so that it is at least 20 feet from the right-of-way of the interior road and ten feet from any other manufactured home space.

SECTION 504 MANUFACTURED HOME SUBDIVISIONS.

Manufactured home subdivisions shall be at least 20 acres in size and shall have at least six (6) lots. Each ***lot*** shall have at least two (2) parking spaces. Manufactured Home PURDs are allowed, in accordance with Section 501.2.

SECTION 505 RECREATIONAL CAMPING PARKS.

505.1 Area.

A recreational camping park shall have an area of not less than ten (10) acres.

505.2 Layout.

A. Recreational camping parks shall provide:

1. Individually designated spaces for recreational vehicles (RV) and/or tenting sites for campers.

2. Interior access roads for all RV spaces/tent sites. Such roads must be at least 30 feet in width and have a compacted gravel surface at least 20 feet in width.

3. Solid waste disposal facilities.

4. A buffer at least 50 feet in width shall be maintained as a landscaped area or naturally vegetative buffer abutting all recreational camping park property lines except when the recreational camping park boundary is adjacent to residential uses, where the buffer shall be at least 50 feet in width.

5. Fifty percent (50%) of its area as open space, which shall not be used for camping, active recreational facilities, RV spaces or tent sites and which can include space between campsites in calculation.

6. Neither the buffer, nor the open space (as referenced in #4 and #5 above) shall include any portion of the RV spaces or tent sites required by Section 505.2.1.A.

B. A recreational camping park shall have Site Plan Review approval from the Planning Board.

505.3 Camping Spaces.

A. Each RV space or tent site shall be at least 1000 sq. ft. in area and at least 30 feet wide.

B. RV spaces shall have a compacted gravel surface at least 10 feet wide by 20 feet long.

C. No RV space or tent site, shall be closer than 50 feet to a public street right-of-way or a property line.

D. Each RV space shall have water available. The water supply source must meet all local and state regulations.

E. Each RV space shall have an electrical source supplying at least 30 amps, 120 volts with weatherproof electrical outlets. The installation shall comply with all applicable state and city electrical laws and regulations.

505.4 Service Building.

Each recreational camping park shall provide one or more service buildings in accordance with the following specifications. Such ***building*** shall meet all applicable state and local regulations.

A. Toilets of any type shall be placed in a ***building*** that is not more than 500 feet from any RV space nor less than 50 feet from any RV space. No service ***building*** shall be located within 80 feet of any public street or highway.

B. Interior Lighting Requirements. The service ***building*** shall be lighted with a light intensity of five foot-candles measured at the darkest corner of the room.

C. Toilet Requirements. Separate toilet areas shall be provided for males and females in accordance with all applicable state and local laws.

D. Lavatory Requirements. Toilet rooms shall contain one lavatory with hot and cold running water for each two toilets, but in no case shall any toilet room be without at least one lavatory with hot and cold running water.

E. Heating Requirements. Each service ***building*** shall have heating facilities capable of maintaining a minimum temperature of 70 degrees Fahrenheit.

F. Shower Requirements. Each service ***building*** shall have shower facilities with hot and cold running water.

SECTION 506 MEDICAL CENTER COMPLEXES.

506.1 Lot Area, Dimensions.

A. A medical center complex shall be one or more contiguous lots containing a total of not less than 50 acres as designated on an approved site plan filed with the Lebanon Planning Board. The boundaries of a medical center complex may be amended from time to time, but in no case shall the total area within the complex be less than 50 acres.

B. Area and dimension requirements for the Medical Center Zone shall not apply within the medical center complex boundaries.

C. A minimum ***yard*** of 40 feet shall be maintained along all outside boundaries of a medical center complex.

506.2 Building Height, Coverage.

Notwithstanding the provisions of Section 315.3, the following shall apply:

- Maximum ***building coverage*** = 40%
- Maximum ***building height*** = 100 feet

506.3 Allowed Uses

In addition to a hospital, the following uses are allowed within the Medical Center Complex:

1. Medical School - A medical school is an educational facility for the furnishing of undergraduate and graduate medical education and the conduct of scientific investigation and research.

2. Medical Aviation Use - Any area of land, used for helicopters used to transport patients, medical supplies, and personnel in the event of a medical emergency, and ***accessory uses*** necessary to the operation of helicopter service, including on-call crew quarters, communications and operation center, helicopter storage maintenance, and fueling facilities.

3. Congregate Living Facilities/Dormitory - A congregate living facility or dormitory is a housing facility provided by the Medical Center Complex which provides housing for ten or more of their adult health care students and/or staff in single or double living quarters.

4. Sanatorium, ***nursing home***, or convalescent home.

5. Any of the following uses, as defined in this Ordinance, when all or substantially all of the business will be with and for the patients, and the visitors of those patients, the employees and the staff of the building and facilities located within the medical center complex.
   a. ***Personal service***.
   b. ***Retail store***.
   c. ***Restaurant***.
   d. ***Financial institution***.
   e. ***Indoor/outdoor recreational facilities***.
   f. ***Group day care facility***.

SECTION 507 BONUSES FOR CERTAIN PLANNED DEVELOPMENT.

PUD's and manufactured home parks and subdivisions may receive an increased density bonus pursuant to Table 507.1 and the provisions of this section.

507.1 Increased Density Bonuses.

Maximum Amount of Bonus Available

Type of Development	**For Use of Technique**	**For Sensitivity to Environment**	**For Creating Affordable Housing**	**For Reducing Fiscal Impact**	**For Energy Efficient Design**	**For Renewable Energy Facilities**
PURD or PRec	12%	----	----	----		
MH Park (or subdivision)	NONE	----	----	----		
Subdivision	NONE	----	----	----		

507.2 Criteria for Award of Bonus.

The Planning Board may allow a gross density of development greater than allowed under Article III of this Ordinance for PURD's (or PRec's) manufactured home parks (or subdivisions) or ***traditional subdivisions*** up to a maximum bonus allowed by Table 507.1. The following guidelines shall be used in determining whether a bonus shall be awarded.

A. Use of Technique. An applicant may receive a bonus not exceeding 12% for using either the PURD or PRec form of development.

B. Sensitivity to Environment. **(Reserved)**

C. Affordable Housing. **(Reserved)**

D. Reduced Fiscal Impact. **(Reserved)**

The decision of the Planning Board in awarding such a bonus and the amount thereof is hereby declared to be a discretionary administrative decision of the Planning Board. In no case shall the Planning Board award a bonus if it determines that the limitations of a site cannot accommodate the increase.

SECTION 508 PLANNED BUSINESS PARKS.

508.1 Purpose.

The purpose of this Section is to encourage and promote well planned, suitable and appropriate industrial development with office, residential and commercial components. The purpose of ***planned business parks*** are to:

A. Provide for the diverse needs of the residents of the City and to allow developers the flexibility to accomplish such goals without sacrificing the existing image and character of the surrounding neighborhood.

B. Encourage efficient land use by facilitating compact, high-density development and minimizing the amount of land needed for surface parking by utilizing ***parking structures***.

C. Facilitate safe, compatible and attractive development for residents, employers, employees, patrons and pedestrians.

508.2 General Requirement. A ***planned business park*** is a use permitted in the Light Industrial District and the Industrial Rail Access District.

508.3 Lot Area. A ***planned business park*** shall include a minimum of twenty (20) contiguous acres with at least four (4) lots.

508.4 Sectors, Allowed Uses.

A. The ***planned business park*** shall be shown on an approved Subdivision Plan and Use Allocation Plan. The Subdivision Plan and Use Allocation Plan approved by the Planning Board shall designate the allocation of the Industrial/ Office, Commercial and Residential Uses within the Park.

B. No more than 20% of the net land area not planned for open space, roads, or utilities shall be used for the Commercial Sector.

C. Unless limited by the Planning Board at the time of subdivision approval, the following uses shall be permitted.

1. The following uses shall be permitted by right for any ***planned business park*** Industrial/Office Sector: light industry; ***warehouse***; trucking terminal; publishing/printing; plumbing, electrical or carpentry shop; research laboratory; local government use; essential service; outdoor storage per Section 303.4 (less than 20%); ***group day care facility*** per Section 604; general business offices, research facilities, medical office buildings; ***health clubs***, Educational Facility, College/University; Educational Facility, Vocational School; and ***accessory uses*** to a permitted use. Retail showrooms per Sections 303.5 and 303A.5 shall be allowed by ***conditional use*** permit.

2. The following uses shall be permitted by right for any ***planned business park*** Commercial Sector: ***retail store(s)*** up to a cumulative maximum of 20,000 sq. ft. of ***gross floor area***; ***personal service***; bank, branch bank; ***restaurant***, sandwich shop/deli; refreshment stand; office; ***motel***; ***hotel***; movie theater; ***membership club***; ***amusements (indoor)***; printing (i.e. retail copy store); radio or TV studio; ***group day care facility*** per Section 604; local government use; and ***health clubs***.

D. ***Dwelling units*** in ***one-family***, ***two-family*** and ***multi-family dwellings*** or appropriate mixes thereof at the discretion of the Planning Board, shall be provided for in all ***planned business parks***. The maximum number of ***dwelling units*** allowed pursuant to this section shall be based on a minimum of 15% and a maximum of 25% of the net land area of the park not planned for open space, roads, or utilities and calculated at a density of 13 ***dwelling units*** per acre. Such ***dwelling units*** may be clustered together and/or distributed within the Park at the discretion of the Planning Board.

E. There shall be no more than one ***group day care facility*** and one ***health club*** in the ***planned business park*** for service to the general public. However, said facilities are allowed as exclusive adjuncts to a business company or corporation.

508.5 Dimensional Requirements.

A. The minimum ***lot*** requirements and maximum limitations for the ***planned business park*** shall be those set forth in the Table of Area, Dimensions and Coverage for the zone in which the Park is located.

508.6 Application Procedures.

A. Conditional Use Permit. All ***planned business parks*** shall obtain a ***conditional use*** permit from the Planning Board:

The ***conditional use*** permit shall clearly set forth all conditions of approval including the dimensional requirements and uses allowed by the Zoning Ordinance in effect at the time of such approval and any additional restrictions on the uses allowed within the Sectors by Section 508.4.C above which are judged by the Planning Board to be necessary to accomplish the objectives of the Lebanon Master Plan and of this section; and shall clearly list all plans, drawings and other submittals that are part of the approved development. Everything shown or otherwise indicated on a plan or submittal that is listed on the ***conditional use*** permit shall be considered to be a condition of approval unless otherwise waived by the Planning Board.

B. Application Procedure. Applications for ***conditional use*** permits for ***planned business parks*** shall be made in accordance with the procedures set forth in the Subdivision Regulations of the Planning Board. Applications shall comply with all requirements of the Subdivision Regulations, as applicable. Subsequent development of individual lots shall be made in accordance with the procedure set forth in the Site Plan Review Regulations.

C. Approval of Applications. A ***conditional use*** permit shall be issued only if a ***planned business park*** complies with all of the requirements of this section.

D. Phasing of Development. The Planning Board may establish a reasonable timetable for phasing the development of an approved ***planned business park*** in order to mitigate the impact of a development on community facilities, services or utilities.

E. Applicable Requirements. In order to encourage long-range planning and the consistent development of the project as a whole, the dimensional requirements set forth in the ***planned business park***'s ***conditional use*** permit as evidenced by the Notice of Action of approval shall continue to apply to the Park while it is being developed, in spite of any subsequent revisions of our amendments to this Ordinance. In the event the dimensional requirements are not defined in the Notice of Action, the dimensional requirements contained in the Zoning Ordinance in effect on the date the approval was granted shall govern.

ARTICLE VI ADDITIONAL STANDARDS FOR SPECIFIC USES

SECTION 600 HOME BUSINESSES.

600.1 Performance Criteria.

A home business shall not materially disturb the total residential environment and shall comply with the criteria listed herein. When a home business grows beyond these limits, it shall be required to seek facilities other than the home. If more than one business is conducted on the premises, all of the businesses together shall not exceed these criteria.

A. A home business is any activity carried out for financial or material gain by a resident conducted as an ***accessory use*** in the resident's ***dwelling unit*** or accessory structure. Examples of home businesses include but are not limited to: woodwork, massage, attorney, engineer, and tailor.

B. The business shall be carried on by a person only within the ***dwelling*** used by him or her as his or her private residence, or within an accessory structure.

C. The business shall not occupy an area greater than 25% of the finished floor area of the ***dwelling***.

D. The business shall employ no more than two persons working on the premises other than family members living in the ***dwelling***.

E. The business shall not have window displays, window ***advertising*** or any other ***advertising***, except an identification sign complying with Section 608.4.B.

F. The business shall not detract from the residential character of the neighborhood. It shall not:

1. Generate non-residential levels of noise, vibration, glare, smoke, dust, fumes, odors, or heat.

2. Generate more than an average of two (2) vehicular trips per hour to the premises for each hour the business is open or peak of six (6) vehicles per hour.

3. Require the use of on-street parking.

4. Require more than two (2) ***off-street parking spaces*** beyond those required by the ***dwelling*** (see Section 607, Table of Minimum Off-Street Parking).

5. Generate ***non-residential truck deliveries*** more than twice per week.

6. Utilize the exterior spaces of the residential structure or ***yard*** for storage, display or occupational activities that deviate from typical residential use.

7. Involve the overnight parking of more than one business car or other business vehicle on the premises.

G. The following uses, by nature of the investment or operation, have a potential to rapidly increase beyond the limits specified and impair the use, value and quiet enjoyment of adjacent residential properties: ***retail stores***, ***vehicular sales***, ***vehicular repair***, ***restaurants***, sandwich shops, and on-site commercial recreation. By their nature these uses are more appropriate in zoning districts that allow them and, therefore, are not permitted as home businesses.

Retail sales of products that are generated by or incidental to an approved home business shall be permitted. Examples include but are not limited to the sale of hair care products as part of a hair salon home business, and the sale of items created as part of a woodworking home business.

600.2 Permits.

Every home business shall require a permit from the Zoning Administrator. The permit shall completely describe the type of business activity being carried on; the parts of the ***dwelling*** devoted to residential use; and any limitations thereon. The applicant shall provide evidence to the satisfaction of the Zoning Administrator that the criteria of Section 600.1 are met.

The use of a room in a ***dwelling*** as a home office by a resident/occupant shall be exempt from this section, provided that the use does not generate any traffic such as (i) deliveries or pickup of supplies or materials in excess of normal residential use, or (ii) clients/customers coming to the property.

SECTION 600A HOME-BASED CONTRACTOR'S YARD.

600A.1 Purpose.

The purpose of this section is to permit ***home-based contractor's yards*** where the operation of such uses will not materially disturb the total residential neighborhood environment.

600A.2 Special Exception Required.

A. Where permitted under Article III, a ***home-based contractor's yard*** shall require a ***special exception***.

B. A ***special exception*** shall be granted upon demonstration of compliance with the following standards, in addition to the general ***special exception*** criteria set forth in Section 801.3:

1. The property at which the ***home-based contractor's yard*** is proposed to be located is a minimum of one (1) acre in size.

2. The operator of the ***home-based contractor's yard*** shall be a resident of the property on which the contractor's yard is located.

3. Other than the operator, no more than two (2) persons may work on the property at one time. This restriction shall not apply to members of the operator's ***family*** who also reside on the property.

4. The operator's business shall not have window displays, window ***advertising*** or any other ***advertising***, except an identification sign complying with Section 608.4.B.

5. A minimum of one (1) ***off-street parking space*** shall be provided plus one (1) ***off-street parking space*** per each non-resident employee who parks at the property. No more than two (2) parking spaces may be used for non-resident employee parking. Parking spaces shall meet the requirements of Section 201.7 and all applicable requirements of Section 607.

6. The operation and presence of the contractor's yard shall not detract from the total residential character of the neighborhood. It shall not:

    a. Generate non-residential levels of noise, vibration, glare, smoke, dust, fumes, odors, or heat.

    b. Use on-street parking.

    c. Generate ***non-residential truck deliveries*** more than twice per week.

7. No more than three (3) motor vehicles used in connection with the ***home-based contractor's yard*** may be parked on the property at any one time. Motor vehicles must be 26,000 lbs GVWR or less. The parking of an employees' personal motor vehicle shall not count towards the maximum.

8. In order to further ensure that a ***home-based contractor's yard*** will not materially disturb the total residential neighborhood environment, the outdoor storage of business equipment, the overnight outdoor parking of motor vehicles used in connection with the ***home-based contractor's yard***, and outdoor work areas:

    a. shall be permitted in the side and rear yards only;
    b. shall not be permitted within minimum required yards;
    c. shall occupy no more than 10% of the total acreage of the property nor exceed one (1) acre whichever is less, exclusive of areas covered by buildings; and
    d. shall be screened from view from abutting residential properties and public streets.

The Zoning Board of Adjustment may waive any of the requirements in this subsection (Section 600A.2.B.8) when it determines that the purpose of the requirement can be reasonably and adequately addressed by alternative means.

Notwithstanding the foregoing, one motor vehicle used in connection with the ***home-based contractor's yard*** may be stored overnight within the front yard in accordance with Section 201.7 and Section 600A.2.B.4.b, without required screening from abutting residential properties.

SECTION 600B HOME-BASED AGRICULTURAL BUSINESS.

600B.1 Purpose.

To allow limited agricultural business activities in the R-1, R-2, and R-3 Districts.

600B.2 Chickens, Bees, and Products Grown On-Site.

For ***lots*** of 5 acres or more in the R-1, R-2, and R-3 Districts, activities allowed include the sale of products associated with raising chickens (per Section 611), bees (per Section 611A), and the harvesting of products resulting from activities identified in Section 200. Products must be grown on-site and may be sold in either raw or value-added forms. Educational programs directly related to the on-site agricultural activities are permitted. For ***lots*** of less than 5 acres, a ***special exception*** is required.

600B.3 Poultry and Livestock.

A. In the R-3 District, on ***lots*** between 5 and 10 acres in size, the keeping of poultry other than chickens is allowed as part of an agricultural business.

B. In the R-3 District, on ***lots*** greater than 10 acres, the keeping of poultry other than chickens and the keeping of livestock is allowed as part of an agricultural business.

C. For purposes of this section, "poultry other than chickens" shall mean ducks, turkey, geese, and guinea fowl, and "livestock" shall mean horses, cattle, goats, sheep, llamas, and alpacas.

600B.4 Operational Standards.

A. The operator of the homebased agricultural business shall be a resident of the property on which the business is located.

B. All agricultural activities associated with a homebased agricultural business must be conducted in accordance with the Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire (available on-line at https://www.agriculture.nh.gov/divisions/regulatory-services/nutrient-management.htm), and shall comply with all applicable New Hampshire statutes and regulations including but not limited to NH RSA 644:8 (Cruelty to Animals).

C. Table 600B.4 establishes the minimum required area requirements for various species. The minimum ***secure enclosure*** area shall not include any areas within 20 feet of a ***dwelling unit*** on the same ***lot***.

D. Livestock shall be kept such that no nuisance results.

E. Animal waste shall not be stored within one hundred (100) feet of any property line.

F. All livestock and poultry must be kept within a ***secure enclosure*** which meets or exceeds the recommendations of the UNH Cooperative Extension.

G. All livestock and poultry shall have available shelter which meets or exceeds the recommendations of the UNH Cooperative Extension. No shelter or enclosure, including pastures, shall be located closer than 100 feet to a property line.

H. The home-based agricultural business shall not:

1. Employ more than two persons working on the premises other than ***family*** members living in the ***dwelling***.

2. Have window displays, window ***advertising*** or any other ***advertising***, except an identification sign complying with Section 608.4.B.

3. Detract from the residential character of the neighborhood by creating levels of noise beyond those normal to the agricultural activities being conducted, vibration, glare, smoke, dust, fumes, odors, or heat.

4. Generate more than an average of two (2) vehicular trips per hour to the premises for each hour the business is open or peak of six (6) vehicles per hour.

5. Require the use of on-street parking.

6. Require more than two (2) ***off-street parking spaces*** beyond those required by the ***dwelling*** and the employees of the business (see Section 607, Table of Minimum Off-Street Parking).

7. Generate ***non-residential truck deliveries*** or pick-ups more than twice per week.

Table 600B.4 Maximum Number of Animals and Minimum Secure Enclosure and Shelter Requirements.

	Maximum Animals	Minimum ***Secure Enclosure*** / Minimum Pasture	Minimum Shelter
Horses/cattle	First 10 acres, 1 animal; each additional 2 acres, 1 additional animal	500 sq. ft. per animal / 1 acre per animal	120 sq. ft. per animal, 3 sided
Goats, sheep, llamas, alpacas	First 10 acres, 6 animals; each additional acre, 1 additional animals	50 sq. ft. per animal / 1 acre per animal	20 sq. ft. per animal, 4 sided
Poultry other than chickens	More than 5 acres, up to 2 birds per acre	20 sq. ft. per bird	6 sq. ft. per animal, 4 sided

600B.4 Zoning Permit Required.

A home-based agricultural business requires a zoning permit from the Zoning Administrator which must be applied for and issued prior to the operation of the business. The applicant shall provide evidence to the satisfaction of the Zoning Administrator that the applicable criteria of Section 600B are met.

The zoning permit shall describe the type of business activity that is approved and any limitations thereon, and shall be issued to the applicant together with a copy of the Manual of Best Management Practices (BMPs) for Agriculture in New Hampshire and the UNH Cooperative Extension guidelines referenced above.

SECTION 601 SPECIAL DESIGN STANDARDS.

The remodeling of a residential structure and other ***buildings*** existent as of the 2013 amendment to this section for certain uses identified in the R-2, R-O, and R-O-1 District Tables of Uses, and the construction of new ***buildings*** for certain uses identified in the R-O-1 District Table of Uses, shall comply with the following provisions:

601.1 Architecture.

Remodeling for conversions shall not alter the appearance of the exterior of the structure in a manner that is not compatible with the architectural character of the existing ***building***; of abutting properties; or of the neighborhood. New construction shall be compatible with the architectural character or the abutting properties and neighborhoods.

For the purpose of this subsection only, the term "compatible" shall mean having architectural style or design; scale; exterior finish and treatment; site work; and landscaping consistent with that which exists in the neighborhood, on abutting properties and on the structure being remodeled, as applicable.

601.2 Parking & Access.

Adequate off-street parking shall be provided on the lot, unless off-premise parking is approved pursuant to Section 607.4. Such parking:

A. Shall not occupy the front yard except within ***parking areas*** existent as of the 2013 amendment to this section; and

B. Shall be screened from abutting properties.

601.3 Coverage.

Impermeable coverage plus unpaved parking and driveway areas shall not exceed 65 percent of the ***lot area***.

601.4 Density.

The conversion or new construction of multi-family shall comply with the zoning district requirement for "Additional Area Per Dwelling Unit After Two."

601.5 Additions To Existing Buildings.

Such remodeling may include expansion of the ***building*** by ***special exception*** provided that:

A. The architectural compatibility requirements of Section 601.1 are complied with.

B. Such addition shall not materially diminish the air and light available to abutting structures or materially reduce the openness of the neighborhood.

601.6 Accessory Buildings.

In zoning districts where such conversions are allowed, an ***accessory building*** existent as of the 2013 amendment to this section, may be converted to multi-family ***dwelling unit(s)*** or an office use by ***special exception***.

601.7 (Reserved).

601.8 Replacements of Destroyed Structures.

In the R-2, R-O and R-O-1 Districts, a ***building*** erected as a replacement of a ***dwelling*** which existed as of the 2013 amendment to this section, may be converted to an office use by ***special exception***, provided all requirements of Section 601 and Section 801.3 are met. This includes the requirement of Section 601.1--i.e., that the new ***building*** be architecturally compatible with the abutting properties and neighborhood.

601.9 Site Plan Review.

All such remodelings and changes or expansions of use shall be required to have Site Plan Review by the Planning Board.

SECTION 602 NON-COMMERCIAL SWIMMING POOLS AND HOT TUBS.

602.1 General.

A non-commercial swimming pool or hot tub which is designed to contain water depth of 24 inches or more shall not be located, constructed or maintained on any ***lot*** or land areas, except in conformity with the requirements of this Ordinance. Any existing pool not in conformance with these regulations shall be discontinued.*

*Note: Section 603.3 of the July 19, 1978 zoning Ordinance required that all non-complaint swimming pools be discontinued by July 18, 1983.

602.2 Siting Criteria.

A. Such a pool or tub shall be located in a rear or side yard unless the Board of Adjustment, by ***special exception***, allows the pool/tub to be located in the front yard.

B. Such pool or tub shall be not less than 15 feet from side and rear lot lines.

602.3 Fencing.

A. In-Ground: Every in-ground non-commercial swimming pool or hot tub shall be entirely enclosed with a chain link, stockade type, or other equivalent fence of not less than four (4) feet in height measured from the ground level, unless a ***special exception*** is granted.

B. Above-Ground:

1. Every above-ground pool or hot tub with sides less than 4 feet above the finished grade shall be fenced in accordance with the requirements for in-ground pools.

2. Above-ground pools with sides at or greater than 4 feet above the finished grade shall be secured with a locking gate, locking/ removable ladder, or the like, unless in conformance with Section 602.3.B.1.

602.4 Water Supply.

A. If the water for such pool/tub is supplied from a private well, there shall be no cross-connection with the public water supply system.

B. If the water for such pool/tub is supplied from the public water supply system, the inlet shall be above the overflow level of said pool. Backflow prevention devices shall be installed when determined to be required by the City.

602.5 Lighting.

No lighting or spot lighting shall be permitted which will shine directly beyond the bounds of the property or ***lot*** where such pool is located.

602.6 Permits.

A. Every non-commercial swimming pool or hot tub shall have a permit from the Zoning Administrator.

B. No permit shall be granted for the installation or construction of such swimming pool unless the plans shall meet the minimum construction requirements of the City has determined that the drainage of such pool is adequate and will not interfere with the public water supply system, with existing sanitary facilities or with the public streets.

SECTION 603 SENIOR HOUSING COMPLEXES.

The Board of Adjustment may grant a ***special exception*** to allow a senior housing complex to have a greater density than that specified for the applicable zoning district. Senior housing complexes may include congregate living facilities, subject to granting of a ***special exception*** by the Board of Adjustment.

SECTION 604 GROUP DAY CARE FACILITIES.

604.1 Play Area.

A. There shall be a fenced outside play area which shall be free from hazards such as hidden corners; unprotected pools, wells, and steps; poisonous plants such as poison ivy, foxglove, and rhubarb; farm or lawn machinery or implements.

B. It shall contain at least 50 square feet of usable play space per child using it, and the average width shall not be less than eight feet. Play areas shall not be permitted in front yards.

C. By ***special exception***, the Board of Adjustment may waive the requirement for a fence or the requirement that the play area not be in the front yard.

604.2 Other Requirements.

A. A suitable loading and unloading area shall be provided for those children for whom the facility provides transportation. This area shall be in addition to required ***parking areas***.

B. Group day care facilities shall comply with all applicable state and federal regulations.

C. Parking: One (1) parking space for each employee and one (1) parking space for every eight (8) clients shall be provided on site.

604.3 Family Day Care Home.

The care in the home of six (6) or fewer children (inclusive of children under 6 years old who live in the home) is permitted in any residential use district, and no zoning permit is required, provided that persons living off the premises are not employed. If persons living off the premises are employed, such child care is a home business subject to the requirements of Section 600 (home business permits).

The care in the home of more than six (6) children (inclusive of any children under 6 years old who live in the home) is a ***group day care facility*** under this Ordinance.

SECTION 605 JUNKYARDS.

Junkyards are allowed only in the Industrial Heavy (IND-H) zoning district, and only as a ***special exception***.

605.1 Lot Area.

The minimum ***lot area*** shall be the greater of 150,000 square feet or the minimum ***lot area*** requirement for the applicable zoning district.

605.2 Location.

No ***junkyard*** shall be located within 250 feet of any stream, lake, pond, marsh, swamp or ***wetland*** or other body of water.

605.3 Buffer.

Every ***junkyard*** shall have a minimum100-foot-wide buffer.

605.4 Fencing Requirements.

A. For Safety: There must be erected and maintained an eight (8) foot high fence adequate to prohibit the entrance of children and others into the area of the activity or business and to contain within such fence the materials dealt with by the operator of the ***junkyard***. All the materials dealt with by the operator of the ***junkyard*** shall be kept within such fence at all times. Whenever the ***junkyard*** is not open for business, or temporarily not supervised, this fence, and any gate thereto, shall be secured or locked to prevent entry. Through Site Plan Review, the Planning Board may waive the requirement for such a fence where topography or other natural conditions effectively prevent the entrance of children and others.

B. For Screening: Where a ***junkyard*** is or would be visible from a public highway or from neighboring properties the fence shall be of wood or other material sufficient to totally screen the ***junkyard*** from view. As an alternative, the Planning Board,

through Site Plan Review, may permit screening by adequate plantings of evergreens.

605.5 Operation.

The ***junkyard*** shall be operated so as to minimize the fire hazard therefrom and to prevent improper trespass thereon by children and others. Adequate means of fire protection shall be maintained on the premises at all times. The ***junkyard*** shall comply with all applicable federal, state and local laws and regulations.

605.6 Discontinuance.

All ***junkyard*** not in conformance with this Ordinance shall be discontinued. The owner of the property shall insure that the land is clear of all hazardous material on and within the soil and that said property is safe for future use.*

*Note: Section 603.1 of the July 19, 1978 zoning Ordinance required that all non-compliant ***junkyard*** be discontinued by July 18, 1983.

SECTION 606 EXCAVATION OF NATURAL EARTH MATERIAL.

Excavation of "earth" as defined by RSA 155-E:1 shall comply with RSA 155-E. RSA 155-E:1 states that in cities, the planning board is the regulator of local excavations. Hence, any ***special exception*** for the removal of earth material which is granted by the Board of Adjustment shall be conditioned upon the receipt of an excavation permit from the Planning Board, per RSA 155-E.

SECTION 607 PARKING.

607.1 General.

Minimum off-street parking shall be provided as set forth in the following "Table of Minimum Off-Street Parking Requirements." The Planning Board, during site plan review of new uses or expansions of use, may allow a reduction of up to 30% in the number of required built parking spaces, provided an area is reserved on the approved site plan to accommodate the minimum number of required ***off-street parking spaces*** should they become necessary in the future. The construction of any unbuilt parking spaces shall be reviewed and approved by the Planning Board as a modification of the approved site plan.

607.2 Table of Minimum Off-Street Parking Requirements.

A. For developments having multiple separate business uses, for ***mixed use buildings***, and for any development approved under Section 501.4 ("Commercial or Industrial Planned Unit Developments") or Section 508 ("Planned Business Parks"), the total minimum parking requirement shall be determined as per Section 607.6 ("Shared Parking").

B. For uses not listed in the table, the minimum requirement shall be that of the closest similar use as determined by the administrative official (or board) who is applying this section.

607.3 Maximum Off-Street Parking Requirement.

A. The maximum off-street parking allowed is 120% of the minimum requirement set forth in Section 607.2. (For example, if a use or development is required to have 100 ***off-street parking spaces***, then the maximum allowed for that use or development is 120 ***off-street parking spaces***.) The maximum parking requirement shall not apply to ***one-family*** and ***two-family dwellings***.

B. Off-street parking in excess of 120% but not more than 150% of the minimum requirement set forth in Section 607.2 may be permitted as set forth below.

1) The following categories of parking spaces shall not be counted towards the 120% maximum set forth in subsection A, but shall be subject to the 150% cap set forth in subsection B:

a. Spaces provided within a ***parking structure***.
b. Spaces dedicated for vehicles participating in a carpool, vanpool, or car-share program. Such spaces shall be reserved and used only for carpool, vanpool, or car-share program parking, and shall be signed or marked accordingly.
c. Parking spaces dedicated for vehicles operating on primarily alternative fuels including but not limited to electric, natural gas, and hydrogen. Such spaces shall be reserved and used only for alternative fueled vehicles and shall be signed accordingly and/or the spaces shall be painted with the words “Alternative Fueled Vehicles Only.”

2) For spaces other than those described in subsection B.1), the Planning Board may approve parking in excess of the 120% maximum set forth in subsection A by ***conditional use*** permit provided that the following criteria are met:

a. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;
b. The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity; and,
c. The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.
d. In no case shall the Planning Board approve parking for any use or development that exceeds 150% of the minimum requirement as set forth in Section 607.2.

C. Exception. The maximum parking requirements set forth in subsections A and B shall not apply to any change of use within an existing ***building*** which does not require Site Plan review or where no additional parking spaces are proposed or required per Section 607.1.

607.4 CB, LD and PB Parking.

Uses in the CB District, LD District, and the PB District are exempt from these requirements because of the availability of public parking. However, parking requirements in these districts shall be as required by the Planning Board through its Site Plan Review of new uses or changes or expansion of use.

607.5 Location and Layout of Required Parking.

Required parking shall be provided on the same ***lot*** as the use for which parking is required, except as follows:

A. In the IND-L, IND-H, IND-RA, GC, GC-1, CBD, LD, RO, RO-1, PB, and MC Districts, the Planning Board may approve private off-lot parking as a ***conditional use***, during the Site Plan Review process, provided that:

1. Such off-street parking is in an appropriate location for the use served by the parking.
2. Such parking arrangements are either permanently deeded and recorded or conveyed by an irrevocable 99-year lease or some other legal instrument, acceptable to an attorney representing the City, that will ensure that such parking arrangement will remain as long as the need exists.
3. Such shared parking arrangements do not constitute a hazard to traffic or pedestrians.

B. For conversions of residences to ***multi-family dwellings***, the Planning Board may approve private off-lot parking, as a ***conditional use*** permit. Instead of the findings required by Section 302.4, the Board shall determine that:

1. The off-lot parking is on a lot adjacent to the ***dwelling*** involved; and,
2. The off-lot parking is appropriately screened from abutting properties; and,
3. The off-lot parking will not be detrimental to abutting properties.
4. Such parking arrangements are permanently and irrevocably deeded by easement and recorded.
5. The off-lot parking will not constitute a hazard to traffic or pedestrians.
6. The adjacent lot shall not be in the same ownership.

607.6 Shared Parking.

A. For developments having multiple separate business uses, for ***mixed use buildings***, and for any development approved under Section 501.4 ("Commercial or Industrial Planned Unit Developments") or Section 508 ("Planned Business Parks"), the amount of required parking shall be reduced in accordance with the following methodology:

1. Determine the minimum parking requirements in accordance with the "Table of Minimum Off-Street Parking Requirements" for each use as if it were a separate use.
2. Multiply each amount by the corresponding percentages for each of the five time periods set forth in the "Table of Shared Parking Ratio Reduction Factors".
3. Calculate the total for each time period.
4. Select the total with the highest value as the required minimum number of parking spaces.

TABLE 607.6. SHARED PARKING RATIO REDUCTION FACTORS

	Weekday		Weekend		
(A)	(B)	(C)	(D)	(E)	(F)
Land Use	**Daytime (9:00 am to 4:00 pm)**	**Evening (6:00 pm to midnight)**	**Daytime (9:00 am to 4:00 pm)**	**Evening (6:00 pm to midnight)**	**Nighttime (midnight to 6:00 am)**
Office/Industrial	100%	10%	10%	5%	5%
Retail/***Personal service***	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Residential	50%	75%	100%	80%	100%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Recreational	40%	100%	80%	100%	10%
All other uses	100%	100%	100%	100%	10%

B. Alternative Procedure. For those developments and uses subject to the shared parking requirements in subsection A, a greater reduction in the minimum number of required parking spaces may be approved upon submission of a parking study, prepared by a qualified parking or traffic consultant, which:

1. Provides a detailed description of the proposed uses, hours of operation, anticipated peak parking demand, and anticipated hours that such peak parking demand will occur;
2. Demonstrates that the Table 607.6 Shared Parking Ratio Reduction Factors do not adequately account for circumstances unique to the development; and
3. Demonstrates the peak parking demand for the proposed uses will not coincide.

Minimum required parking calculations using this alternative procedure shall be subject to ***conditional use*** permit approval by the Planning Board when the

development or use requires Site Plan approval. Where Site Plan approval is not required, minimum required parking calculations using this alternative procedure shall be administered by the Zoning Administrator. Decisions of the Zoning Administrator may be appealed in accordance with ARTICLE IX. The Planning Board or Zoning Administrator may impose reasonable conditions to mitigate potential negative impacts.

607.7 Off-Street Loading.

Off-street loading facilities shall be located so that delivery vehicles are parked completely outside of the ***street*** right-of-way, and shall comply with the requirements of the Site Plan Review Regulations as applicable.

TABLE OF MINIMUM OFF-STREET PARKING REQUIREMENTS
(Rounded up to the nearest whole - See Section 607.2)

TYPE OF USE	**UNITS OF MEASUREMENT**	**PARKING SPACES PER UNIT (I.E. RATIO)**
RESIDENTIAL		
Dwelling, ***One-family***/***Two-family*** detached and attached	***Dwelling units***	2.0
Dwelling, Studio Apartment	***Dwelling units***	1.0
Dwelling, Apartment, One-bedroom and up	***Dwelling units***	1.5
Senior Housing	***Dwelling units***	1.0
Group residence	Residents	0.33
Lodging house	Rental units	2.0 base + 1.0/bed
Dormitory	Beds	1.0
INSTITUTIONAL, ETC.		
Medical Center Complex	***Gross floor area***	1.0/425 sq. ft.
Hospital, ***nursing home***	Beds & Employees on largest shift	0.33/bed & 0.33/employee
Houses of worship and other places of public assembly (i.e. theaters, auditoriums, recreational facilities, conference or meeting facilities and the like.)	Seats or ***gross floor area*** of assembly area if no seats	0.33/seat or 1/20 sq. ft.
Group day care	Employees and clients	1.0/employee & 1.0/8 clients
Membership club	***Gross floor area***	1/300 sq. ft.
SCHOOLS		
Elementary, Jr. High	Classrooms	3.0
Senior High	Classrooms	5.0
Post secondary and Voc-Ed	***Gross floor area***	1/300 sq. ft.

TYPE OF USE	**UNITS OF MEASUREMENT**	**PARKING SPACES PER UNIT (I.E. RATIO)**
COMMERCIAL		
Motel, ***hotel***	Rental Units	1.2 plus ***restaurant*** component, if applicable.
Tourist home, bed and breakfast	Rental units	2.0 (base) + 1.0 per unit plus ***restaurant*** component, if applicable.
Restaurant	Seats	0.33
Bowling alleys	Lane	4.0
Office, to include medical	***Gross floor area***	1.0/250 sq. ft.
Retail	***Gross floor area***	1.0/200 sq. ft.
Retail- e.g. convenience store, bakery, take-out food establishments	***Gross floor area***	1.0/200 sq. ft.
Personal service	***Gross floor area***	1.0/250 sq. ft.
Banks	***Gross floor area***	1.0/250 sq. ft.
Furniture store, major appliance store, carpet store, ***vehicular sales***, nursery, greenhouses	***Gross floor area***	1.0/600 sq. ft.
Automotive services (i.e. repair facilities, tire sales and mounting)	Service bays	4.0/Bay
Funeral home	***Gross floor area*** in assembly rooms	1.0/75 sq. ft.
Other commercial	***Gross floor area***	1.0/600 sq. ft.
Alternative Treatment Center	***Gross Floor Area***	1.0/250 sq. ft.
Alternative Treatment Center (Cultivation Location Only)	***Gross Floor Area***	1.0/600 sq. ft.
INDUSTRIAL		
Warehouse (includes self-storage**)** and truck/***bus terminal***	***Gross floor area***	1.0/1,000 sq. ft.
Light industry & Research lab	***Gross floor area***	1.0/600 sq. ft. or 1.0/employees for the largest shift (whichever is larger)
Outdoor storage and sales	Gross area of storage/sales	1.0/2,000 sq. ft.

SECTION 608 SIGNS.

608.1 Purpose and Intent.

The purpose of this Section is to create the legal framework for a comprehensive and balanced system of ***signs*** in order to:

- further the goals of the Lebanon Master Plan;
- preserve the right of free speech and expression;
- provide easy and pleasant communication between people and their environment;
- avoid excessive levels of visual clutter or distraction that are potentially harmful to property values, business opportunities, and community appearance;
- assure that public benefits derived from expenditures of public funds for the improvement and beautification of streets, and other public structures and spaces, are protected by exercising reasonable controls over the character and design of ***sign*** structures;
- help to allow the free flow of traffic and protect pedestrians, bicyclists, and motorists from injury and property damage caused by, or which may be fully or partially attributable to cluttered, distracting, or illegible signage; and
- promote the use of ***signs*** which are aesthetically pleasing, of appropriate scale, and integrated with surrounding ***building***s and landscape, in order to meet the community's expressed desire for quality development.

With these purposes in mind, it is the intent of this Section to authorize the use of ***signs*** that are:

- compatible with their surroundings;
- appropriate to the activity that displays them;
- expressive of the identity of individual activities and the community as a whole;
- legible in the circumstances in which they are seen;
- unlikely to distract drivers to a dangerous degree; and
- able to preserve the right of free speech and expression.

608.2 General Provisions.

A. Signs Prohibited. ***Signs*** are prohibited in all zoning districts unless the ***sign*** is:

1. Constructed pursuant to a valid building permit when required under this Section; and

2. Authorized under this Section or the City of Lebanon Code Ch. 152, Article IV and in compliance with all applicable regulations of this Section.

B. Building Permit Required. A building permit from the Planning Department is required prior to the display and erection of any ***sign***, except as provided in Section 608.7 ("Signs Allowed Without a Building Permit"). Every building permit application shall include:

1. A photograph of any existing ***signs*** to be replaced, and the ***sign area*** and dimensions of each ***sign*** to be replaced.

2. A drawing to scale of each proposed ***sign***. Each rendering shall identify:
    a. the total ***sign area*** in square feet;
    b. the dimensions of the ***sign*** in feet and inches;
    c. the height of the ***sign***;
    d. the proposed location of the ***sign*** on the ***building***, if applicable;
    e. construction materials; and
    f. landscaping specifications, if applicable.

3. A scaled plot plan of the ***lot*** depicting the proposed location of any ***freestanding sign***.

4. Specifications for the construction or display of the ***sign*** and for its illumination and mechanical movement, if any.

5. Where ***internal illumination*** is proposed, documentation necessary to demonstrate compliance with Section 608.4.A.6 ("Illumination").

C. Enforcement. Any ***sign*** displayed or erected which is not authorized by this Section and/or is not in compliance with all applicable regulations set forth herein shall be removed, and shall be subject to all available enforcement options pursuant to NH RSA Chapter 676.

D. Clear Vision & Movement. No ***sign*** may obstruct visibility or movement of vehicles or pedestrians, or otherwise cause any hazard to any person or property, and all ***signs*** are subject to the requirements of Article II, Section 206, "Sight Distance at Street Intersections".

E. Maintenance. All ***signs*** shall be maintained in good condition and repair at all times. Such maintenance shall not require a building permit unless the repairs include electrical work.

F. Sign Setback. The requirements of ARTICLE II, "General Provisions," shall not prohibit the location of a ***sign*** in a ***front***, ***side*** or ***rear yard***, nor shall those minimum setbacks apply to ***signs***.

G. No Discrimination Against Non-Commercial Signs or Speech. The owner of any ***sign*** which is otherwise allowed under this Section and which has obtained a building permit may substitute non-commercial copy in lieu of any other commercial or non-commercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision prevails over any more specific provision to the contrary. This provision does not create a right to increase the total amount of ***sign area*** permitted on a ***lot***.

H. Outdoor Recreational Facilities. ***Outdoor recreational facilities*** are exempt from this Section except that:

1. any ***sign*** erected on the ***lot*** of an ***outdoor recreation facility*** shall be subject to the prohibition of ***non-static signs*** set forth in Section 608.3.D,

the requirements of Section 608.2.D ("Clear Vision & Movement"), and the requirements of Section 608.2.E ("Maintenance");

2. all ***signs*** shall be principally oriented towards the playing field or seating areas, except that one (1) sign having a ***sign area*** of no greater than thirty (30) square feet may be permitted without such restriction; and

3. one (1) ***digital sign*** is allowed per ***outdoor recreation facility*** provided that the ***digital sign*** is principally oriented towards the play field or seating area, and provided that a building permit is obtained in accordance with Section 608.2.B ("Building Permit Required"). Such ***sign*** shall be illuminated only during an activity or event taking place on the field, and shall have no greater than 102 square feet of ***sign area*** and, if ***freestanding***, a height of no greater than twelve (12) feet.

608.3 Prohibited Signs.

The following are prohibited:

A. ***Off-premise signs***, except as may be permitted per Sections 608.6.A.1 and 2.

B. ***Signs*** located within ***public streets*** and public sidewalks, except as set forth in Section 608.4.A.5.b (projecting signs in the CB and LD Districts) and Section 608.6.A.6 (***sandwich board sign*** regulations) and as may otherwise be allowed pursuant to Chapter 152 ("Streets and Sidewalks") of the Code of the City of Lebanon.

B. ***Illumination*** of ***signs*** except as may be permitted by and in accordance with Section 608.4.A.6 ("Illumination").

C. ***Non-static signs***, except ***digital signs*** as may permitted according to Section 608.2.H.3.

D. ***Portable signs***, except ***temporary signs*** as may permitted by Section 608.6 ("Temporary Signs").

E. Feather flags, balloons, inflatables, pennants, ribbons, streamers, and spinners or other similar devices which may move or swing as a result of wind pressure, whether part of a ***sign*** or not, except as may be permitted by Section 608.6 ("Temporary Signs").

F. ***Signs*** of a size, location, movement, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street ***sign*** or signal.

G. ***Roof signs***.

H. Laser displays.

608.4 Non-Residential Uses.

A. Non-Residential Uses in Commercial and Industrial Districts. Signage for non-residential uses in the ***commercial*** and ***industrial districts*** shall be subject to the following requirements:

1. Maximum Permitted Sign Area.

a. Sign Area for a Principal Building. The maximum ***sign area*** permitted for a ***principal building*** is the greater of either:

i. the product of the following formula: [linear width, or ***frontage***, of the ***principal facade*** in feet] multiplied by 0.8 = [x] square feet; or

ii. the product of the following formula: [total area of the ***principal façade***] multiplied by .05 = [x] square feet.

There is no limit on the number of individual ***signs*** that may be affixed or attached to a ***principal building*** provided that the total ***sign area*** of all such ***signs*** combined does not exceed the maximum permitted ***sign area*** determined pursuant to the above formula.

b. Sign Area for Freestanding Signs. ***Sign area*** for ***freestanding signs*** shall be determined pursuant to Section 608.4.A.4 and shall be allowed in addition to the maximum permitted ***sign area*** for a ***principal building*** determined pursuant to Section 608.4.A.1.a.

c. Sign Area for Lots Having No Buildings. A ***lot*** without ***buildings*** may display up to 15 square feet of ***sign area***.

d. Strip Plazas. For purposes of calculating maximum permitted ***sign area*** pursuant to Section 608.4.A.1.a, a ***façade*** of a ***strip plaza*** that faces interior to the ***lot*** may be considered the ***principal façade*** in place of any other ***principal façade***.

e. Multi-Tenant Buildings. The maximum ***sign area*** permitted for a ***multi-tenant building*** in existence as of January 20, 2021 is the greater of either:

i. the total ***sign area*** allowed pursuant to Section 608.4.A.1.a; or

ii. the total ***sign area*** of all existing legal ***signs*** on the ***building*** as of January 20, 2021. For any vacant tenant spaces as of January 20, 2021, the ***sign area*** utilized by the immediate prior tenant may be included in the calculation of permitted ***sign area*** under this subsection.

2. Sign Types Permitted. The following ***sign*** types are permitted in the ***commercial*** and ***industrial districts***:

a. ***wall signs***;

b. ***freestanding signs***; and

c. ***projecting signs***.

3. Wall Signs. ***Wall signs*** in the ***commercial*** and ***industrial districts*** shall be subject to the following regulations:

a. One or more ***wall signs*** may be displayed on any wall of any principal ***building*** on a ***lot***, provided that the total ***sign area*** displayed on any single ***building*** wall is limited to the total ***sign area*** that would be permitted for that wall based on the formula set forth in Section 608.4.A.1.a, whether or not it is a ***principal façade***.

b. The ***sign area*** of a ***wall sign*** may not exceed 100 square feet.

c. ***Wall signs*** shall not extend above the highest point of the main roof or ***parapet*** of the ***building*** or be affixed to a ***parapet*** more than four feet above the roof of the ***building***.

4. Freestanding Signs. A ***lot*** in the ***commercial*** and ***industrial districts*** may display one ***freestanding sign*** subject to the following regulations:

a. Sign Area and Height Regulations.

i. ***Freestanding signs*** must comply with the dimensions set forth in the following table:

	Zoning District					
Maximum	GC & GC-1	CB	LD	IND-L	IND-RA	IND-H
height	25 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
sign area	64 sq. ft.	32 sq. ft.	24 sq. ft.	64 sq. ft.	64 sq. ft.	64 sq. ft.

The size of any ***freestanding sign*** shall be deducted from the maximum ***sign area*** permitted on a ***lot*** under Section 608.4.A.1.a ("Maximum Sign Area"), except as set forth in Section 608.4.A.4.a.ii below.

ii. Strip Plazas and Multi-Tenant Buildings. ***Freestanding signs*** for a ***strip plaza*** or ***multi-tenant building*** may exceed the maximum ***sign area*** set forth in Section 608.4.A.4.a.i by up to 50 percent, except in the CB and LD Districts. Such additional ***sign area*** shall not be deducted from the maximum ***sign area*** permitted on a ***lot*** under Section 608.4.A.1.a ("Maximum Sign Area").

iii. Height. For purposes of measuring the height of a ***freestanding sign***, height shall mean the vertical distance measured from grade at the edge of the adjacent right-of-way to the highest point of the ***sign*** structure.

b. Design Standards.

i. Landscaping. A landscaped area located around the base of a ***freestanding sign*** equal to two and one-half square feet for each square foot of ***sign area***, is required for all ***freestanding signs***. The landscaped area shall contain living landscape material consisting of native shrubs and/or annual or native perennial ***ground cover*** plants placed throughout the required landscape area and having a spacing of not greater than three (3) feet on center. Where appropriate, the planting of required deciduous or evergreen ***trees*** installed in a manner which frames or accents the ***freestanding signs*** structure is encouraged.

ii. Spacing. ***Freestanding signs*** must be spaced at least 150 feet apart on ***public streets*** with posted travel speeds under 40 miles per hour, and at least 300 feet apart on ***public street***s with posted travel speeds of 40 miles per hour and over.

c. A PUD or ***planned business park*** may have a ***freestanding sign***, which ***sign*** shall have a maximum size and height as set forth above and shall be subject to all other applicable regulations herein.

5. Projecting Signs.

a. GC District, GC-1 District, and Industrial Districts. Projecting signs in the GC District and the ***industrial districts*** shall be subject to the following regulations:

i. One or more ***projecting signs*** may be displayed on any wall of any ***principal building*** on a ***lot*** provided that the total ***sign area*** displayed on any single ***building*** wall is limited to the total ***sign area*** that would be permitted for that wall based on the formula set forth in Section 608.4.A.1.a, whether or not it is a ***principal façade***.

ii. The ***sign area*** of a ***projecting sign*** shall not exceed sixteen (16) square feet.

iii. ***Projecting signs*** shall project from the wall at an angle of ninety (90) degrees.

iv. ***Projecting signs*** shall not extend above the highest point of the main roof or ***parapet*** of the ***building*** nor be affixed to a ***parapet*** more than four (4) feet above the roof of the ***building***.

b. CB and LD Districts. Because of ***building coverage*** and development density in the CB and LD Districts, businesses located therein may not be able to erect ***freestanding signs*** or ***projecting signs*** which do not hang over a public sidewalk. Thus, within the CB and LD Districts

projecting signs may hang over a public sidewalk, subject to the following limitations:

v. A ***building*** may have no more than one such ***projecting sign*** for each ***building*** entrance which accesses a business located at sidewalk level.

vi. No such ***projecting sign*** shall be larger in size than twelve (12) square feet if used to advertise only one business or sixteen (16) square feet if used to advertise more than one business.

vii. No part of any such ***projecting sign*** or the fixture to which it is attached shall be lower in height than eight feet six inches (8 feet 6 inches) above the sidewalk nor higher than fifteen (15) feet from the sidewalk. However, in no case shall any part of such a ***sign*** or fixture be located above the bottom of the second floor window sill.

viii. No part of any such ***projecting sign*** or fixture to which it is attached shall project over a public sidewalk more than the greater of three (3) feet or fifty percent (50%) of the width of the public sidewalk, but in no case shall it extend more than six (6) feet over the sidewalk.

ix. Such ***projecting signs*** shall not have ***internal illumination***.

6. Illumination. ***Signs*** may have either ***external illumination*** or ***internal illumination***, subject to the following:

a. External Illumination. The use of floodlights or spotlights used for the ***external illumination*** of ***signs*** shall be mounted above the ***sign*** targeted for lighting, and illumination shall be properly focused upon and confined to the area of the ***sign***.

b. Internal Illumination. ***Internal illumination*** of ***signs*** shall be designed with an opaque background so that only the lettering, symbols (i.e. logos), or design shall appear to be lighted. An applicant for a permit to illuminate a ***sign*** must submit a plan to the Planning Department showing the illumination plan including the effect of the illumination on any other property that might be affected by the light.

c. Maximum Luminance. Luminance shall measure no more than 0.3 fc above ambient light conditions.

d. Glare. Fixtures used to illuminate ***signs*** shall be located, aimed, and shielded so as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Glare shall not be perceptible to drivers, pedestrians, bicyclists, and other passers-by within adjacent streets or rights-of-way.

e. Shielding. Any lighting fixture on a ***sign*** that is located within ten (10)

feet of a ***residential district*** or an existing residential use shall be (i) aimed away from the ***residential district*** or existing residential use; and (ii) shielded on the side closest to the ***residential district*** or existing residential use.

f. Hours of illumination. ***Signs*** may be illuminated any time between 6:00 a.m. and 9:00 p.m. Between 9:00 p.m. and 6:00 a.m. a sign may only be illuminated if and when the business is open to the public.

B. Non-Residential Uses in Residential and Mixed Use Districts. For legally existing non-residential uses and for ***home businesses*** in the ***residential*** and ***mixed use districts***, one ***sign*** is permitted per ***lot*** which may be either a ***freestanding sign****,* ***projecting sign****, or* ***wall sign***. If located in a ***mixed use district***, the ***sign*** may have ***external illumination*** in accordance with Section 608.4.A.6.c ("External Illumination").

1. Freestanding Signs. ***Freestanding signs*** shall:

a. Comply with the landscaping requirements set forth in Section 608.4.A.4.c.i ("Landscaping").

b. Have a height of no greater than eight (8) feet.

2. Sign Area. ***Sign area*** is limited to four (4) square feet if a single non-residential use is located on the ***lot***. For each additional non-residential use on the ***lot***, an additional two (2) square feet of ***sign area*** may be added to the single ***sign*** permitted on the ***lot***. The total ***sign area*** for each ***lot*** shall not exceed sixteen (16) square feet.

608.5 Residential Uses.

For residential development projects including a PURD, PRec, or a ***multi-family*** development with greater than five (5) ***dwelling units***, the development as a whole may have one ***sign***, not to exceed sixteen (16) square feet in ***sign area***, in addition to any other ***signs*** permitted by this Section.

608.6 Temporary signs.

A. Permitted Temporary Signs. The following ***temporary signs*** are permitted in addition to any other signs permitted under this Ordinance:

1. Two (2) ***temporary signs*** per ***lot*** in the ***residential*** and ***mixed use districts***, containing a non-commercial message and not exceeding twelve (12) square feet total. ***Off-premise signs*** are permitted.

2. One (1) ***temporary sign*** not exceeding twenty-four (24) square feet per ***lot*** in the ***commercial*** and ***industrial districts***. ***Off-premise signs*** are permitted if they contain a non-commercial message.

3. One (1) ***temporary sign*** not exceeding twenty-four (24) square feet per ***lot*** for a period of not more than 60 days prior to an election involving or related

to ballot initiatives and/or candidates for a federal, state or local office. This is permitted in all districts.

4. A new business in the ***commercial*** or ***industrial districts*** is permitted to display pennants, banners, and flag ***signs*** for a period not to exceed two (2) weeks when the enterprise first opens for business or permanently closes so long as these ***temporary signs*** do not create a safety hazard.

5. ***Sandwich board signs*** are permitted in the ***commercial*** and ***industrial districts***, subject to the following limitations:

   a. ***Sandwich board signs*** may not exceed three and one-half (3.5) feet in height or seven (7) square feet in area.

   b. Only one ***sandwich board sign*** shall be allowed per ***lot***, except for ***multi-tenant buildings*** and ***strip plazas***, where not more than three such ***signs*** shall be displayed at any one time, and only during the hours that the business is open. It shall be the sole responsibility of the property owner to: 1) allow the use of such signs; and 2) regulate and monitor said use in conformance with these standards.

   c. In the CB and LD Districts, sandwich board signs may be placed on a public sidewalk provided that a minimum of five (5) feet of clearance is maintained.

B. Additional Requirements. The following requirements shall apply to any ***temporary sign*** permitted under Section 608.6.A:

1. The ***sign*** shall not be located within any ***public street*** or public sidewalk, except as otherwise permitted per Section 608.6.A.5.c.

2. The ***sign*** may not obstruct visibility or movement of vehicles or pedestrians, or otherwise cause any hazard to any person or property.

608.7 Signs Allowed Without a Building Permit.

The following ***signs*** (1) are allowed in addition to any other ***sign*** permitted by this Section, (2) do not require a building permit, and (3) are exempt from the requirements of this Section except for the prohibition of ***non-static signs*** set forth in Section 608.3.C, the requirements of Section 608.2.D ("Clear Vision & Movement"), and the requirements of Section 608.2.E ("Maintenance"):

A. ***Temporary signs*** allowed pursuant to Section 608.6.

B. ***Any sign*** erected and maintained by the federal government, the State of New Hampshire, the Lebanon School District or the City of Lebanon in order to effectuate a substantial government interest.

C. ***Signs*** that are an important component of measures necessary to protect the public safety and serve the compelling governmental interest of protecting traffic and pedestrian safety, complying with legal requirements, serving the

requirements of emergency response, and protecting property rights or the rights of persons on property; specifically, the following:

1. Traffic control devices and pavement markings installed and maintained to comply with the Manual on Uniform Traffic Control Devices or other transportation management guidelines adopted by the New Hampshire Department of Transportation.

2. A ***lot*** with multiple driveways may display one directional ***sign*** at each entrance or exit in order to ensure safe and efficient vehicular movement. Such signs may not be more than two (2) square feet on two-lane ***streets*** or rights-of-way and on any ***street*** with a posted travel speed under 35 miles per hour, and not more than four (4) square feet on multi-lane ***streets*** or on any ***street*** with a posted travel speed over 35 miles per hour.

3. Numerals identifying the address of the property to help ensure that public safety responders can easily identify the address from the ***street***. The size and location of the identifying numerals and letters if any must be proportional to the size of the ***building*** and the distance from the ***street*** to the ***building*** and in no case larger than 24 inches in height in the ***commercial*** and ***industrial districts*** and 12 inches in height in the ***mixed use*** and ***residential districts***.

4. ***Signs*** erected by property owners or business owners as required by governmental authorities pursuant to federal, state, or local law or regulation. If the law or regulation describes the form and dimensions of the ***sign***, the property owner must comply with those requirements; otherwise, when not defined, the ***sign*** shall be no larger than two (2) square feet.

5. ***Signs*** of up to two (2) sq. ft. in size to warn trespassers or to warn of hazards on the property.

D. Flags.

1. Flags no greater than four (4) feet by six (6) feet containing a non-commercial message in all districts.

2. Flags containing a commercial message in the ***commercial*** and ***industrial districts***, in accordance with the following:

   a. Only one (1) flag is permitted per business.

   b. The size of the flag shall be no greater than three (3) feet by five (5) feet.

   c. The flag may be displayed only during hours when the business is open.

   d. The support for such flag shall be mounted or affixed to the principal ***building***.

E. Bulletin Boards. An on-premise exterior bulletin board not exceeding 32 square feet is permitted in connection with any house of worship, ***educational facility***, ***community center***, ***local government use***, ***public recreation facility***, or ***public safety facility***.

F. Awnings. ***Signs*** on ***awnings*** if the copy does not exceed six (6) inches in height. If the copy is more than six (6) inches in height, then such ***signs*** shall be considered ***wall signs*** and shall comply with all applicable requirements for ***signs*** and ***sign area***.

G. Signs Inside Buildings. ***Signs*** located inside a ***building***, except that in the ***residential districts***, ***non-static signs*** and ***signs*** with commercial messages are prohibited.

H. Sales Devices. ***Signs*** on gasoline pumps and on similar machines and devices used for the sale or dispensing of products if they are either not legible from any ***street*** or any property other than the ***lot*** on which the ***sign*** is located; or they consist entirely of letters, numerals or symbols that are less than four inches in height.

I. Drive-Through Facilities. In districts where a ***drive-through facility*** is allowed, up to two (2) ***signs*** related to the drive-through component of the ***drive-through facility***, provided that each ***sign*** is less than 12 square feet in size, and the content is not legible from any ***street*** or any property other than the ***lot*** on which the ***sign*** is located.

608.8 Non-Conforming Signs.

Except as set forth in Section 608.8.C, any ***sign*** located within the City as of August 15, 2018 which does not conform with this Ordinance, is a "legal non-conforming sign" if the ***sign*** was in compliance with applicable laws at the time it was installed. Notwithstanding, legal non-conforming ***signs*** are subject to the requirements of Section 608.2.D ("Clear Vision & Movement") and Section 608.2.E ("Maintenance"); and the illumination aspects of the existing sign shall not be considered lawfully nonconforming, and any new or replacement sign structures must comply with the current illumination requirements of Section 608.4.A.6 of this Section.

A. Loss of Legal Non-Conforming Status. A legal non-conforming ***sign*** shall lose its legal non-conforming status if it is altered, reconstructed, replaced, or expanded. A mere change in copy is not an alteration or replacement for purposes of this Section.

B. Maintenance. Maintenance of legal non-conforming ***signs*** as required by Section 608.2.E includes repainting, cleaning, and replacing or repairing worn or damaged parts of a ***sign*** in order to return it to its original state. Such maintenance shall not result in a loss of non-conforming status under Section 608.8.A.

C. Removal. Removal of a legal non-conforming ***sign*** by the property owner and/or ***sign*** owner is required when:

1. The ***sign*** has lost legal non-conforming status per Section 608.8.A; or

2. The ***sign***, or a substantial part of the ***sign***, is blown down, destroyed, or for any reason or by any means taken down. As used in this subsection, "substantial" means 50 percent or more of the entire street graphic structure; or

3. The use of the ***sign*** or the ***lot*** on which it is located, has ceased, become vacant, or been unoccupied for a period of 180 consecutive days or more.

D. Separation. No ***sign*** that is non-conforming solely because it violates a requirement for the spacing of ***freestanding signs*** shall be required to eliminate that nonconformity if compliance with the spacing regulation on the ***lot*** is not possible.

E. Temporary Signs. ***Temporary signs*** that are non-compliant with the requirements of Section 608.6 as of August 15, 2018 shall not be considered legal non-conforming and shall be removed.

SECTION 609 SEXUALLY ORIENTED BUSINESS.

609.1 Purpose and Findings.

A. Purpose. The purpose of this section is to establish reasonable regulations for Sexually Oriented Business in order to protect the health, safety and welfare of the Patrons of such businesses, and of the citizens of the City, and to prevent the deleterious siting of, and/or concentration of, Sexually Oriented Businesses within the City. It is not the intent of this section to limit the content of, or to restrict or deny adult access to, sexually oriented books, films or other materials protected by the First Amendment, or to deny access by distributors of such materials to their markets. Neither does this section condone or legitimize the distribution of obscene material.

B. Findings. Evidence concerning the adverse secondary effects of sexually oriented businesses upon a community, including the findings incorporated in the U.S. Supreme Court cases of *Young v. American Mini Theatres,* 426 U.S. 50 (1976), *City of Renton v. Playtime Theatres, Inc.,* 475 U.S. 41 (1986)*, Barnes v. Glen Theatre, Inc*., 501 U.S. 560 (1991)*,* and *City of Erie v. Pap's A.M.,* 120 S.Ct. 1382 (2000)*,* studies from communities throughout the United States, and evidence made available to the Planning Board and Council, all support the following findings:

1. Sexually Oriented Businesses have a deleterious effect on the area around them, causing downgrading of property values and blight.

2. Patrons and Employees of Sexually Oriented Businesses – especially those with closed booths or other semiprivate areas, and those with live entertainment – engage in a statistically high incidence of sexually risky,

unhealthy and unsanitary behavior, which increases the spread of sexually-transmitted and other communicable disease.

3. Sexually Oriented Businesses cause an increase, in their vicinity, in the incidence of ancillary criminal behavior such as drug offenses, prostitution, sexual assaults, and criminal offenses involving children.

4. In order to limit and control these adverse secondary effects, it is desirable to establish both location and operational criteria for such businesses, and to require supervision by the City by means of a special operational permit.

609.2 Setback Standards.

In addition to the other dimension requirements of this Ordinance, a Sexually Oriented Business shall meet the following setbacks with respect to any listed use, with distances to be measured in a straight line from the property line of any listed use to the closest exterior wall of the Sexually Oriented Business, without regard to intervening structures or other features:

A. No Sexually Oriented Business shall be permitted within 1000 feet of another Sexually Oriented Business. No Sexually Oriented Business shall be permitted within a ***building*** or Business Center that contains another Sexually Oriented Business.

B. No Sexually Oriented Business shall be permitted within 750 feet of any house of worship or other property used principally for religious purposes, as set forth in RSA 72:23, III, or within 750 feet of any public, private or religious school (pre-school through high school levels), or of any licensed day care or day nursery, YMCA, youth center, City Hall, public park, public sports or recreation field, or similar publicly-owned facility.

C. No Sexually Oriented Business shall be located within 500 feet of any residence or residential zoning district boundary.

D. Compliance with these setbacks shall be determined based on the uses which exist, or for which a building permit has been applied, as of the time of submission of a complete application for a special operational permit under Section 609.4, including any new permit sought by an Operator following a prior revocation; provided, however, that compliance need not be re-established in the case of a renewal under 609.5(C).

609.3 Operational Standards.

A. No Operator or Employee of any Sexually Oriented Business shall allow or permit any Employee or Patron to engage in any Specified Sexual Activity on the premises of the business, including ***parking lots*** or streets adjacent to the business which are used by Patrons of the business.

B. No Sexually Oriented Business shall allow or permit upon the premises any person under the age of 18, either as Patron or Employee.

C. A Sexually Oriented Business which features any booth, room or other area used for the viewing of live performances, films, still or motion pictures, tapes, computer displays or other visual representations depicting Specified Anatomical Areas or Specified Sexual Activity – excluding adult motels, and adult cabarets or theaters designed to seat at least 15 persons –shall comply with the following,

1. The business shall be laid out so that there is always a direct view – unobstructed by doors, partitions, curtains, walls, display racks or otherwise – of the interior of all booths, rooms or other areas to which Patrons are given access for any purpose, from a manager's station at which an Employee shall be on duty at all times during which any Patron is on the premises. Restrooms are excluded from this requirement only if they contain no images, pictures, or video reproduction equipment.

2. The entire premises shall be lighted with fixtures of sufficient intensity to light all areas to which Patrons are given access at an illumination of at least one foot-candle, measured at floor level.

3. No such booth or viewing room may at any time be occupied by more than one person.

4. Any such booth or viewing room shall have floors and walls of non-porous, easily cleanable surfaces, and shall be maintained at all times in a clean and sanitary condition. No such booth or viewing room shall contain any type of waste receptacle. No apertures or openings of any kind shall exist in the floor or walls of any such booth or room, or between any two such booths or rooms. An Operator shall inspect regularly enough to assure continued compliance with this paragraph.

D. No sign for a Sexually Oriented Business shall include any image or depiction of, or linguistic reference to, nudity, Specified Anatomical Areas, Specified Sexual Activity, or any device or paraphernalia designed for use in connection with Specified Sexual Activity.

E. No Specified Anatomical Areas, Specified Sexual Activity, or any device or paraphernalia designed for use in connection with Specified Sexual Activity, or any image or depiction of any of these, shall be visible in any way whatsoever from the exterior of any ***building*** where a Sexually Oriented Business is located.

F. No Sexually Oriented Business, except an Adult Motel, shall remain open at any time between the hours of midnight and eight o'clock A. M.

G. No Employee in a state of dress exposing Specified Anatomical Areas shall be closer than 10 feet from any Patron, shall touch a Patron or his or her clothing, or shall solicit or accept any pay or gratuity from a Patron.

609.4 Special Operational Permit Required.

No person shall operate a Sexually Oriented Business within the City unless the business has a currently-valid special operational permit issued by the Zoning Administrator.

Application must be on a form provided by the City. The following information shall be provided:

A. The names and signatures of all Operators and, if one or more Operators is a business entity, the legal business name of such Operator entity, and the name of every officer of such Operator entity, and of every person with more than a 20 percent interest in such Operator entity.

B. Every Operator's age, mailing address, driver's license number, Social Security number and/or tax identification number, any alias, and proof that he or she is more than 18 years of age.

C. The tax map number, street address and telephone number(s) of the proposed Sexually Oriented Business, the name(s) under which it will be operated, and a detailed diagram, drawn to scale and accurate to plus or minus six inches, of the entire premises, clearly labeling all areas and their uses, a statement of total floor space, the location of one or more manager's stations if required by 609.3(C), the location and intensity of all lighting fixtures, and designation of any areas where Patrons will not be admitted.

D. A statement, with respect to each Operator, of whether that person, or any business entity in which that person has an interest, holds any license or land use or zoning permit to operate a Sexually Oriented Business in any other municipality or county, and if so the names and locations of any such other businesses.

E. A statement of whether any Operator, or business entity in which any Operator has an interest, has ever had a license or permit to operate a Sexually Oriented Business denied, suspended or revoked, in this or any other municipality or county, including the name and location of the business for which the permit was denied, suspended or revoked, and the date or dates of such denial, suspension or revocation.

F. A drawing, accurate to plus or minus 10 feet, prepared within 30 days prior to the application by a licensed land surveyor, and depicting the property lines and structures of any existing Sexually Oriented Business within 1100 feet of the proposed business, and showing the location of all uses listed in Section 609.2(B) and (C), and the property lines of such uses, any part of which is within 800 feet of the proposed business.

609.5 Issuance, Suspension And Revocation.

A. The Zoning Administrator shall issue a special operational permit within 15 days after submission of a complete application if the applicant has provided all information required by this Section, the application is consistent with this Ordinance, and the fee under 609.6 is paid, unless

1. Any of the information provided with the application is found to be materially false, or

2. The ***building*** or premises proposed to be used for the business is not in compliance with applicable laws, Ordinances or codes, or

3. Any Operator of the proposed business, or business entity in which any such Operator has an interest has had a license or permit to operate a Sexually Oriented Business revoked within two years of the date of the current application, or such license or permit is currently under suspension, either in this City or any other municipality or county.

B. A permit shall not be transferable to any other Operator or Operators, nor to any other location.

C. A permit shall expire within one year of issuance, subject to renewal upon updating of the information required by 609.4, and payment of the fee under 609.6.

D. A permit shall be suspended for thirty days if, regardless of fault, the Sexually Oriented Business, or any Operator or Employee, violates or is out of compliance with any provision of this Section, including any refusal to allow an inspection.

E. A special operational permit shall be revoked

1. If any Operator is found to have knowingly submitted false or misleading information as part of the application process,

2. If any Operator knowingly operates the Sexually Oriented Business during a time when the permit is suspended

3. If the Sexually Oriented Business, or any Operator or Employee, regardless of fault, violates or is out of compliance with any provision of this Section, including any refusal to allow an inspection, and the permit was suspended at any time within the preceding twelve months,

4. If any Operator knowingly allows prostitution, or the sale, use or possession of any controlled drug, on the premises.

609.6 Fees and Inspections.

A. Every application for a special operational permit for a Sexually Oriented Business shall be accompanied by an annual non-refundable application and inspection fee in an amount determined by the City Council.

B. Every Operator or Employee shall permit authorized representatives of the Codes Division, Police Department, or Fire Department to inspect the premises of a Sexually Oriented Business for purposes of assuring compliance with the law, at any time it is occupied or open for business. Refusal of any Operator or Employee to permit any such inspection shall be a violation of this Section.

609.7 Decisions and Appeals.

A. Any decision of the Zoning Administrator denying, suspending or revoking a special operational permit shall be in writing, stating the reasons therefor, and shall be served by certified mail to the mailing address of the business, or by personal service upon any Operator or Employee.

B. Any administrative decision made under this Section may be appealed to the Zoning Board of Adjustment, as set forth in Section 801.1 of this Ordinance. The filing of such an appeal shall have the effect of staying any denial, suspension or revocation pending the outcome of the appeal, so long as no new ground for suspension or revocation occurs during the stay. Nothing in this Section shall be deemed to set aside any Site Plan Review requirement, or any other law, Ordinance or regulation, or to reduce or affect in any manner the City's authority to seek other enforcement remedies pursuant to Section 903 of this Ordinance, or as otherwise provided by law.

609.8 Section Definitions.

For purposes of this section:

A. "Employee" means any person who performs any service on the premises of a Sexually Oriented Business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise, and whether or not the person is paid a salary, wage or other compensation by an Operator. "Employee" does not include a person on the premises exclusively to repair or maintain the premises or equipment, or for delivery of goods.

B. "Operate" means to be an operator. "Operator" means any person who exercises discretionary authority or control over the layout, conduct or management of a Sexually Oriented Business, or who has more than a 20 percent interest in a Sexually Oriented Business, or more than a 20 percent interest in a business entity which has more than a 20 percent interest in a Sexually Oriented Business.

C. "Patron" means any person on the premises of a Sexually Oriented Business, other than an Employee or Operator,

D. "Sexually Oriented Business" means any place of business at which one or more of the following activities is conducted

1. Adult Bookstore Or Adult Video Store: A business that devotes more than 15% of the total display, shelf, rack, table, stand or floor area for the display, sale or rental of: (a) books, periodicals or other printed matter, or photographs, films, cassettes, tapes, computer disks, CDROM's or other forms of visual or audio representations, describing or depicting Specified Anatomical Areas or Specified Sexual Activity, or (b) devices or paraphernalia which are designed for use in connection with Specified Sexual Activity.

2. Adult Arcade: Any place to which the public is permitted or invited, wherein live performances by persons exposing Specified Anatomical Areas are viewed through glass or other transparent or translucent surfaces, or where coin or slug-operated or electronically or mechanically controlled still or motion picture machines, computers, projectors or other image producing devices are maintained to show images, of which a substantial portion of

the presentation time is characterized by the depiction of Specified Sexual Activity or Specified Anatomical Areas.

3. Adult Cabaret or Theater: A nightclub, bar, ***restaurant***, theater, concert hall, auditorium or similar establishment, either indoor or outdoor, which during a substantial portion of the time features Employees exposing Specified Anatomical Areas, or features live performances characterized by the exposure of Specified Anatomical Areas, or which features films, motion pictures, tapes, computer displays or other visual representations, in which a substantial portion of the presentation time is characterized by the depiction of Specified Sexual Activity or Specified Anatomical Areas.

4. Adult Motel: A ***hotel***, ***motel***, ***tourist home***, or similar business offering public sleeping accommodations for any form of consideration, and which provides patrons with closed circuit television, films, motion pictures, video cassettes, computer images or other audio or photographic reproductions, a substantial portion of the presentation time of which is characterized by the depiction of Specified Anatomical Areas or Specified Sexual Activities.

5. Sexual Encounter Center: A business or commercial enterprise that as one of its primary business activities offers for any form of consideration: (a) physical contact in the form of wrestling or tumbling between persons of the opposite sex; or (b) activities between male and female persons and/or persons of the same sex, when one or more of the persons is exposing Specified Anatomical Areas.

E. "Specified Anatomical Areas" means:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola, or

2. The human male genitals in a discernibly turgid state, even if completely and opaquely covered.

F. "Specified Sexual Activity" means:

1. Human sexual intercourse of any kind, oral sex, masturbation or sodomy, whether actual or simulated, and whether alone or between two people of either sex, or

2. Erotic touching or fondling of human genitals, pubic region, buttocks or female breast, or

3. Any act or conduct which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in RSA 571-B:1.

SECTION 610 ACCESSORY DWELLING UNIT (ADU).

Accessory dwelling units are intended as an option for homeowners to offer separate and independent living space for their extended families, or to offer small ***dwelling units*** as rentals to offset the expense of maintaining the ***dwelling***.

An ***accessory dwelling unit*** shall comply with the following criteria:

A. An ***ADU*** is only allowed on ***lots*** with a detached ***one-family dwelling***, and only one such ***ADU*** is permitted per ***lot***.

B. The appearance and character of the existing or proposed ***ADU*** shall remain single family in nature.

C. The property owner must occupy either the principal ***dwelling unit*** or the ***ADU*** as their permanent residence. A temporary leave of absence by the property owner is allowed, provided the owner-occupied unit is not rented or occupied by anyone other than the property owner during the temporary leave or absence.

Prior to the issuance of a zoning/building permit, the owner shall record in the Grafton County Registry of Deeds an acknowledgment of the above owner-occupancy requirement, in a form satisfactory to the Zoning Administrator, in order to put prospective buyers on notice of the prohibition against renting out both units.

D. The ***ADU*** must be located in the same ***building*** as the principal ***dwelling unit*** unless the ***lot*** meets or exceeds the minimum required lot size for the respective zoning district. If the ***lot*** meets or exceeds the required minimum lot size, the ***ADU*** may be located in a separate detached ***structure*** such as a garage or barn, provided the existing ***structure*** conforms with the minimum required ***yard*** requirements for the respective zoning district. An ***ADU*** may also be in a new ***structure***.

E. If the ***ADU*** is located within or by an addition to the existing ***one-family dwelling***, an interior door shall be provided between the principal ***dwelling unit*** and the ***ADU***.

F. If the ***ADU*** is located within or by an addition to the existing ***one-family dwelling***, the ***ADU*** must be connected to the same utilities (except telephone and television) as the principal ***dwelling unit***.

If applicable, the owner must seek a permit from the State of NH Dept. of Environmental Services Subsurface Systems Bureau, in accordance with NH RSA 485-A:38, for any increased load on an existing sewage disposal system as a result of the addition of an ***ADU*** to the ***lot***.

G. If the ***gross living area*** of the principal ***dwelling unit*** is 1,500 square feet or less, the ***gross living area*** of the ***ADU*** may be no greater than 50% of the ***gross living area*** of the principal ***dwelling unit***. If the ***gross living area*** of the principal ***dwelling unit*** is greater than 1,500 square feet, but less than 3,000 square feet, the ***gross living area*** of the ***ADU*** shall not exceed 750 square feet. If the principal

dwelling unit is greater than 3,000 square feet, the ***gross living area*** of the ***ADU*** can exceed 750 square feet provided the ***ADU*** is no greater than 25% of the ***gross living area*** of the principal ***dwelling unit***.

H. A detached ***ADU***, if permitted under paragraph B above, shall maintain a proportional mass, size, and height to ensure it is not taller than the ***principal building*** on the lot. Detached ADU height shall not exceed the height of the ***principal building*** as measured to the eave line, with a maximum eave height of ten (10) feet for single-story and sixteen (16) feet for two-story detached ADUs.

I. Any necessary additional entrances or exits to the ***principal building***, to serve the ***ADU***, shall be located to the side or rear of the ***building***. All new or altered ***structures***, intended to be used as an ***ADU***, must be located behind the ***building line*** of the existing ***principal building*** except by ***special exception*** if the Zoning Board finds that the placement of the ***ADU*** on the ***lot*** will not adversely affect the character of the neighborhood; traffic on roads and highways; safety of pedestrians, and will not create a hazard or nuisance to abutting property owners.

J. In addition to the two (2) on-site ***parking spaces*** required for the principal residence, one (1) additional on-site ***parking space*** for the ***ADU*** must be provided.

K. An ***ADU*** located within the ***principal building*** shall have an interconnected fire alarm system.

SECTION 611 KEEPING OF CHICKENS.

The intent and purpose of this section is to allow the keeping of a limited number of chickens, primarily for the purpose of providing fresh eggs to the occupants of the ***dwelling***.

The keeping of chickens shall be permitted for all ***one-*** and/or ***two-family dwellings***, provided the following standards are met (these standards do not apply to chickens kept in the rural lands zoning districts where ***agriculture*** is a permitted use):

A. It shall be unlawful to keep more than the following number of chickens on any ***lot***:

Up to 2 acres	up to a total of 4 ***hens***
2 to 5 acres	up to a total of 10 ***hens***
More than 5 acres	up to 2 ***hens*** per acre

B. No chickens shall be allowed on a ***lot*** with a ***multi-family dwelling***.

C. No roosters shall be allowed in the R-1 or R-2 Districts. In the R-3 District, roosters may be kept on ***lots*** larger than 5 acres at a ratio of 1 rooster per 10 ***hens***.

D. There shall be no outside slaughtering of chickens.

E. A ***coop*** shall be provided within a ***secure enclosure***. All chickens shall be kept outdoors within the ***secure enclosure*** at all times. The ***secure enclosure*** and ***coop*** shall be maintained in a humane and sanitary manner.

F. The ***secure enclosure*** and the ***coop*** shall comply with the minimum required ***yards*** for the respective zoning district, and shall not be located within the ***front yard***. For the keeping of roosters (per Section 611.C), the ***secure enclosure*** and ***coop*** must maintain a minimum ***setback*** of 150 feet from all lot lines.

G. A zoning permit must be obtained prior to the construction of the ***secure enclosure, coop***, and the keeping of chickens.

SECTION 611A BEEKEEPING.

The keeping of bees and the maintenance of apiaries shall be in accordance with all current New Hampshire Department of Agriculture regulations and the following provisions (the standards below do not apply to beekeeping in the rural lands zoning districts where ***agriculture*** is a permitted use):

A. Notwithstanding compliance with the various requirements of this section of the Zoning Ordinance, a beekeeper shall be prohibited from keeping any colony or colonies of bees in such a manner or of such disposition as to create a nuisance or menace to the public health and safety or to interfere with the normal use and enjoyment by persons and animals of any public or private property.

B. The Raising or Keeping of Bees shall be permitted for all one- and/or ***two-family dwellings*** on properties with a minimum lot size of one (1) acre as follows:

1. On properties containing between one (1) and three (3) acres, beekeeping shall be allowed by ***special exception*** upon demonstration of compliance with the criteria set forth in this section.

2. On properties containing over three (3) acres, beekeeping shall be allowed upon approval of a zoning permit.

C. Development Standards.

1. Allowed Densities. It shall be unlawful to keep more than the following number of colonies on any tract of land:

1 to 2 acres	up to 6 hives
2 to 5 acres	up to 8 hives
More than 5 acres	up to 2 hives per acre

2. Location of Hives on a Lot. Any ***structure*** used for apiculture shall comply with the following yard and ***setback*** requirements:
   a. Hives shall be located in the side or rear yard and shall not be located in the front yard.
   b. Hives shall be located at least 15 feet from any property line, subject to the requirements of sub-section (3)(c) below ("Flyway Barriers").

3. Flyway Barriers. In each instance in which a hive is situated within 30 feet of a property line, as measured from the nearest point of a hive to the property line, the beekeeper shall establish and maintain a flyway

barrier in the following manner so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the apiary:

a. Height: shall be no less than six feet in height
b. Material: shall consist of a solid wall, fence, dense vegetation or combination thereof.
c. Location: shall be parallel to the property line, within 15 feet of the colony and extending at least 10 feet beyond the colony in each direction.

4. Hive Type. All hives shall be of the movable frame type, as accepted by the State of New Hampshire Department of Agriculture, Markets and Food, Division of Plant Industry.

5. Water. A convenient and consistent source of fresh water shall be made available to the bees at all times during the year. Water shall be located within twenty (20) feet of all hives or no more than one-half (1/2) the distance to the nearest property line, whichever distance is less.

SECTION 612 RENEWABLE ENERGY SYSTEMS.

612.1 Authority and Purpose. These regulations are enacted in accordance with RSA 674:17, I(j) and RSA 674:62-66, and the purposes outlined in RSA 672:1, III-a. The purpose of this ordinance is to accommodate and encourage renewable energy systems and distributed generation resources in appropriate locations, while protecting the public's health, safety and welfare. The City of Lebanon intends to facilitate the state's goals of developing clean, safe, renewable energy resources in accordance with the enumerated polices of RSA Chapters 374-G and 362-F and the City's energy goals set forth in its Master Plan.

612.2 Accessory Renewable Energy Systems and Accessory Wind Energy Systems. ***Accessory renewable energy systems*** and ***accessory wind energy systems*** are allowed in all zoning districts.

A. General Requirements.

1. No ***accessory renewable energy system*** or ***accessory wind energy system*** shall be erected, constructed, or installed without first receiving zoning and building permits.

2. ***Accessory renewable energy systems*** are subject to the dimensional regulations for the zoning district in which the system is located, except as may be provided in Section 201.9 and 203.1. ***Accessory wind energy systems*** are subject to the dimensional regulations for the zoning district in which the system is located, except as may be provided in Section 203.3.

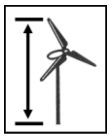
B. Accessory Wind Energy Systems. This ordinance is enacted in accordance with RSA 674:62-66.

1. Generating Capacity: The ***accessory wind energy system*** shall have a rated capacity of not more than 100 kilowatts.

2. Abutter and Regional Notification: The applicant shall supply a list of ***abutters*** to the property to the Zoning Administrator upon application for a zoning permit. The Zoning Administrator shall notify all ***abutters*** by certified mail at the applicant's expense. The public shall be afforded 30 days to submit comments prior to issuance of the building permit. If the proposal is determined to have potential regional impacts, the Zoning Administrator shall follow the procedures set forth in RSA 36:57, IV.

3. Setbacks: The minimum required ***setback*** distance, measured from the center of the tower base to the property line, shall be 110% of the system height (ground to blade tip as illustrated). For example, the ***setback*** for a 100-ft. facility would be 110 feet.

   Illustration of system height.



4. Noise Limit: The sound from the system shall not exceed 55 decibels using the A scale (dBA) measured at the property line in accordance with the methodology described in Section 303A.6.B, except during short term events such as severe wind storms or utility outages.

5. Signs: There shall be appropriate signs warning the public that unauthorized access may cause injury or death. Such signs are not to exceed two (2) square feet in size and posted five (5) feet above grade on or near the tower, and shall be oriented to not adversely impact sight lines.

6. Access: The tower shall be constructed as a tilt-down or shall not provide step bolts or ladder readily accessible to the public for a minimum height of eight (8) feet.

C. Accessory Solar Energy Systems.

1. Building-mounted or ground-mounted systems are permitted.

2. The accessory solar energy system shall be designed and located to the greatest extent practicable to avoid glare or reflection onto adjacent properties, roadways, and runways, and shall not create a safety hazard.

612.3 Non-Accessory Renewable Energy Systems.

A. Non-accessory solar energy systems, ***bio-gas energy systems***, and ***district energy systems*** shall be permitted as specified in Table 612.3.

Table 612.3 Renewable Energy System Zoning District Regulations

SYSTEM TYPE	ZONING DISTRICT	PERMITTED or CUP
Building-mounted solar energy system	All	Permitted*
Ground-mounted ***solar energy system*** with ***solar land coverage*** of 1,500 sq. ft. or less on a ***lot*** that meets or exceeds the minimum required area for the respective zoning district	All	Permitted*
Ground-mounted ***solar energy system*** with ***solar land coverage*** of greater than 1,500 sq. ft., and/or located on a ***lot*** that does not meet the minimum required area for the respective zoning district	All	***conditional use*** permit*
Bio-gas energy system	IND-L, IND-H, IND-RA, GC, GC-1	***conditional use*** permit
District energy system	All**	***conditional use*** permit*

*If located within the Historic District, a Certificate of Approval from the Heritage Commission in accordance with Section 408 shall also be required.
**Permitted in the RL-1, RL-2, and RL-3 Districts when approved as part of a PURD pursuant to Section 501.

B. General Criteria.

1. No NA renewable energy system shall be erected, constructed, or installed without first receiving a zoning and building permit.

2. Renewable energy systems shall be designed and located to the greatest extent practicable to avoid glare or reflection onto adjacent properties, roadways, and runways, and shall not create a safety hazard.

C. Conditional Use Permits. If required per Table 612.3, a renewable energy system shall obtain a ***conditional use*** permit (CUP) prior to construction and installation. The CUP shall clearly set forth all conditions of approval and shall list all plans, drawings and other submittals that are part of the approved use. Everything shown or otherwise indicated on a plan or submittal that is listed on the CUP shall be considered to be a condition of approval.

1. Procedure. An application for a renewable energy system CUP shall be filed with the Planning Board concurrently with an application for site plan review.

2. Standards of Review. Following a fully noticed public hearing on the proposed use, the Planning Board may issue a CUP, if it finds, based on the information and testimony submitted with respect to the application, that:
    a. The renewable energy system in its proposed location will comply with all requirements of the Site Plan Review Regulations;
    b. The renewable energy system will not materially endanger the public health or safety; and
    c. The renewable energy system meets the general criteria set forth in Section 612.3.B.

3. The Planning Board may require a reasonable ***setback*** from the side and front lot lines for a renewable energy system located in the CB and LD Districts.

SECTION 613 ALTERNATIVE TREATMENT CENTERS.

613.1 Purpose. The purpose of this section is to establish reasonable regulations for an ***alternative treatment center*** (including a ***cultivation location only***) in accordance with RSA 126-X and to protect the health, safety, and welfare of the patrons of such businesses, and of the citizens of the City, and to prevent the deleterious siting of an ***alternative treatment center*** within the City.

613.2 Setback Standards. In addition to meeting the minimum standards enacted by RSA 126-X, an ***alternative treatment center*** (including a ***cultivation location only***) shall meet the following ***setbacks*** with respect to any listed use, with distances to be measured in a straight line from any listed use to the nearest portion of the ***building*** or unit in which an ***alternative treatment center*** is located, without regard to intervening ***structures*** or other features:

A. An ***Alternative Treatment Center*** shall not be located within 1,000 feet of the property line of a pre-existing public or private elementary or secondary school or designated drug free school zone.
B. An ***Alternative Treatment Center*** shall not be located in or within 1,000 feet of the property line of a pre-existing public playground, public park, pool, or recreation facility.
C. An ***Alternative Treatment Center*** shall not be located in or within 1,000 feet of the nearest portion of any ***building*** containing a pre-existing place of worship or religious assembly, or any ***building*** containing a pre-existing child care center, including any enclosed or fenced-in playground area directly associated with such child care center.
D. An ***Alternative Treatment Center*** shall not be located in a residential district or within 500 feet of a district zoned: R-1, R-2, R-3, RO, RO-1, PB, RL-1, RL-2, or RL-3.
E. An ***Alternative Treatment Center*** shall not be located in a residential unit or a ***building*** which contains a residence.
F. An ***Alternative Treatment Center*** shall not be considered an Office use for purposes of this Zoning Ordinance.

ARTICLE VII NON-CONFORMITIES

SECTION 700 GENERAL.

Any ***building*** or structure, or any use of any ***building***, ***structure***, or land, which was in existence at the time of the adoption of this Ordinance, or any amendment thereto and which does not conform to the current provisions of this Ordinance, shall be considered legal non-conforming and may be continued indefinitely without complying with the provisions of this Ordinance, if such use, ***building***, or structure, at the time it came into existence, was in compliance with all applicable laws, Ordinances, and regulations then in effect, subject to the provisions of this Article. Any uncertainty over the application of this Article to particular property shall be resolved by administrative decision made by the Zoning Administrator. Such an administrative decision may be appealed to the Zoning Board of Adjustment under 801.1.

SECTION 701 NON-CONFORMING LOTS.

A new use or structure, or addition to an existing structure, *if otherwise* allowed by this Ordinance, may be established on a ***lot*** which has ***frontage*** meeting the requirements of RSA 674:41 and which was a legal ***lot of record*** as of the date of adoption or amendment of this Ordinance even though such ***lot*** fails to meet the minimum ***lot area***, ***frontage*** or ***lot width*** requirements of this Ordinance; provided, however, that such ***lots*** shall be subject to all other requirements of this Ordinance; and provided, further, that if the owner of the ***lot*** also owns contiguous land which, if merged with the ***lot*** in question would cause the legal ***lot of record*** to be either conforming or less non-conforming with respect to ***lot area***, ***frontage*** and ***lot width*** requirements, then such use, ***structure*** or addition shall not be permitted unless the ***lots*** are voluntarily merged under RSA 674:39-a.

SECTION 702 NON-CONFORMING USES.

702.1 Change of Use.

A conforming use shall not be changed to a ***non-conforming use***. A ***non-conforming use*** may, as a ***special exception***, be changed to another ***non-conforming use*** provided that the Board of Adjustment shall find that the proposed use is equally appropriate or more appropriate to the district than the existing ***non-conforming use***.

702.2 Resumption of Use.

Any ***non-conforming use*** shall not be re-established if such use has been discontinued for a period of two (2) years; provided, however, that the Zoning Board of Adjustment, upon an appeal from the Zoning Administrator's decision concerning such discontinuance, may permit the re-establishment of the same use if it finds: (a) that no action incorporating an intent to abandon the ***non-conforming use*** has been taken by the owner or occupant, including but not limited to a change to a permitted use or razing or remodeling of a ***building***; and (b) that the failure to continue or re-establish the use during the two-year

period was due to economic, regulatory or other forces beyond the control of the owner or occupant.

702.3 Restoration of Use.

Any ***non-conforming use***, except signs, may be restored after involuntary damage from any cause provided the same ***non-conforming use*** is reinstated within two years of such damage. If the reconstruction of the premises is not substantially completed within two years, the ***non-conforming use*** of such ***building*** shall be deemed to have been discontinued, unless such ***non-conforming use*** is carried on without interruption in an undamaged part of the ***building***.

702.4 (Reserved).

702.5 Expansion of Use.

A. The Zoning Board of Adjustment may, by ***special exception***, permit a legal ***non-conforming use*** pursuant to Section 700 to be expanded, provided that the following tests are met in lieu of Section 801.3:

1. The proposed expansion must reflect the nature and purpose of the existing ***non-conforming use***, and must be closely related to the manner in which the property was used at the time the restriction was enacted.

2. The proposed expansion must be merely a different manner of utilizing the same use, and shall not constitute a use which is different in character, nature, or kind.

3. The proposed expansion shall not have a substantially different effect on the neighborhood in which the property is located.

B. As part of a proposed expansion under subsection A, the Board of Adjustment may allow a legal ***non-conforming use*** to expand into an addition to an existing ***building*** occupied by the ***non-conforming use*** provided that the footprint of the addition is no greater than ten percent (10%) of the size of the footprint of the existing ***building*** measured as of January 22, 2020.

C. The Board of Adjustment may attach conditions and parameters to its decision, as set forth in Section 802.4.B, to assure that the scope of the expansion continues to meet the standards set forth in subsection A.

D. In no case shall a legal ***non-conforming use*** in whole or in part be allowed to expand into a new ***building***, or (except as allowed under subsection B) to any portion of the ***lot*** that was not occupied by the ***non-conforming use*** at the time such use became non-conforming pursuant to Section 700.

SECTION 703 NON-CONFORMING BUILDINGS AND STRUCTURES.

703.1 Expansion.

Expansion of non-conforming parts of buildings or structures, may be allowed only by ***special exception*** as set forth herein. For purposes of this section, the term "expansion" shall include any increase in the footprint and/or volume of the non-conforming part of the ***building*** or structure.

A. The Board shall make each of the following findings:

1. The reasonable use of abutting properties shall not be adversely affected by the proposed expansion.

2. The proposed expansion shall not render the lot size proportionately less adequate, i.e. any aspect of the ***building*** or ***structure*** that is currently non-conforming cannot be made more non-conforming in the absence of a ***variance***.

3. These ***special exception*** standards shall apply in addition to the standards in Section 801.3 of the Zoning Ordinance.

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

703.2 Abandonment, Discontinuance, Destruction.

Any ***non-conforming building*** or ***non-conforming structure*** which is partially or wholly destroyed by reason of any cause whatsoever, including obsolescence, fire, explosion, storm, floods, or other acts of God, may be resumed or restored and operated in its former non-conformity if same is done within two (2) years; thereafter, any ***non-conforming building*** or ***structure*** shall not be re-established if such ***building*** or ***structure*** has been discontinued for a period of two (2) years or more; provided, however, that the Zoning Board of Adjustment, upon an appeal from the Zoning Administrator's decision concerning such resumption or restoration, may permit the resumption or restoration of the same ***building*** or ***structure*** if it finds: (a) that no action incorporating an intent to abandon the ***non-conforming building*** or ***structure*** has been taken by the owner or occupant, including but not limited to a change in ***non-conforming use*** to razing or remodeling the ***building*** or structure; and (b) that the failure to resume or restore the use during the two-year period was due to economic, regulatory, or other forces beyond the control of the owner or occupant.

SECTION 704 PRE-EXISTING USES THAT ARE SPECIAL EXCEPTIONS OR CONDITIONAL USES.

Any use which existed prior to the adoption of this Ordinance or amendment thereto which is allowed as a ***special exception*** or ***conditional use*** by this Ordinance shall not be deemed a

non-conforming use, but shall, without further action be deemed a conforming use. Expansions of such uses shall be governed by Section 801.3 ("Special Exceptions") or by Section 302.4 ("Conditional Uses") rather than Section 702.5.

SECTION 705 PRIOR UNLAWFUL USES.

Nothing in this Ordinance or section shall validate any use which was declared unlawful or was prohibited by any prior zoning Ordinance of the City of Lebanon whether or not such unlawful or prohibited use had been prosecuted prior to, or at the time this Ordinance became effective, and no such unlawful or prohibited use shall be deemed conforming under the terms of this Ordinance.

ARTICLE VIII BOARD OF ADJUSTMENT

SECTION 800 ESTABLISHMENT OF BOARD OF ADJUSTMENT.

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

800.1 Membership.

The Board shall consist of five (5) members appointed by the City Council, each to be appointed for three (3) years. The terms shall be arranged so that no more than two (2) appointments occur annually.

800.2 Alternate Membership.

The City Council may appoint not more than five (5) alternate members to the Board.

800.3 Meetings.

Regular and special meetings of the Board shall be held at the call of the chairman or of a majority of the members of the Board at such time as the chairman or majority of the members of the Board may determine. The presence of three (3) members shall be necessary for a quorum.

800.4 Organization.

A. Rules of Procedure: As required by NH RSA 676:1, the Board shall adopt Rules of Procedure.

B. Minutes: The City's Recording Secretary shall keep minutes of the proceedings, showing the vote of each member upon every question or, if absent or failing to vote, indicating the fact.

C. Annual Election of Officers: The Board shall annually elect a Chairperson and Vice-Chairperson.

SECTION 801 POWERS AND DUTIES.

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

801.1 Administrative Appeals.

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by any administrative official in the enforcement of this Ordinance, as set forth in RSA 676:5. In exercising this power, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination

appealed from and may make such order or decision as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.

An appeal under this section shall be taken within 30 days of the date of the administrative decision being appealed, or within 30 days of the time that the person filing the appeal know or had reason to know that the administrative decision had been made. The effect of an appeal shall be as set forth in RSA 676:6.

801.2 Variances.

A. To authorize, upon appeal in specific case, ***variances*** from the terms of this ordinance. No ***variance*** shall be granted unless each of the following conditions are met:

1. The ***variance*** will not be contrary to the public interest;

2. The spirit of the ordinance is observed.

3. Substantial justice is done;

4. The values of surrounding properties are not diminished; and

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

(a) In this section "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

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

(ii) The proposed use is a reasonable one.

(b) If the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformity with the ordinance, and a ***variance*** is therefore necessary to enable a reasonable use of it. The definition of "unnecessary hardship" set forth above shall apply whether the provision of the ordinance from which a ***variance*** is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

B. The above standards shall be administered in such a way as to fulfill the statement of intent of the Legislature in Chapter 307 of the N.H. Laws of 2009, and the construction placed upon the standards by the N.H. Supreme Court.

C. A ***variance*** shall expire if: (1) the use is not in place within two years of the date of

issuance of a zoning permit or approval by the Zoning Board of Adjustment for a ***variance***; or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a ***variance*** must be completed.

801.3 Special Exceptions.

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

A. That the ***special exception*** is specifically authorized by a provision of this Ordinance.

B. That all special conditions required of the ***special exception*** have been met.

C. That there are no existing violations of this Ordinance on the property that the granting of this ***special exception*** would not remedy.

D. That the character of the area shall not be adversely affected.

E. That no hazard or nuisance will be created.

F. That the capacity of existing or planned community facilities and services (including streets and highways) will not be adversely impacted.

G. That granting the ***special exception*** will not result in undue municipal expense.

H. That the proposed ***special exception*** will be developed in a manner compatible with the spirit and intent of the Ordinance.

I. That the general welfare of the City will be protected.

A ***special exception*** shall expire if: (1) the use is not in place within two years of the date of issuance of a zoning permit or approval by the Zoning Board of Adjustment for a ***special exception*** or, (2) if the use is discontinued for any reason for more than two (2) years. In such cases, a new application for a ***special exception*** must be completed.

801.4 Other Matters.

A. To hear and decide such other matters as are lawfully referred to them by other Ordinances of the City.

B. To authorize equitable waivers of dimensional requirements if the applicant satisfies the burden of proof upon all criteria set forth in RSA 674:33-a.

C. Notwithstanding Section 801.2, the Board of Adjustment may grant a ***variance*** from the terms of this Ordinance without a finding of hardship arising from the condition of the premises and without meeting the other standards of Section 801.2 when reasonable accommodations are necessary to allow a person or persons with a recognized physical disability to reside in or regularly use the premises, provided that: (I) any ***variance*** granted under this paragraph shall be in harmony

with the general purpose and intent of this Ordinance; and (ii) in granting any ***variance*** under this paragraph, the Board of Adjustment may provide, in a finding included in the ***variance***, that the ***variance*** shall survive only so long as the particular person has a continuing need to use the premises.

SECTION 802 BOARD PROCEDURES.

802.1 Applications.

Applications to the Board for an administrative appeal, ***variance***, ***special exception*** or equitable waiver shall be made on forms provided by the Board in compliance with procedures established by the Board.

A. Fees: The application shall be accompanied by whatever fees are required by the Board to defray the costs.

B. Plans and Information: The application shall be accompanied by whatever plans and other information are required by the Board.

C. In all cases, the applicant shall provide, either as part of the application or through evidence at the public hearing, information sufficient to demonstrate that the application conforms to the criteria as set forth in this Ordinance for the type of appeal or relief being requested. The decision of completeness of an application shall be made by the Board of Adjustment.

D. Environmental Impact Assessment: The Board may require the applicant to submit an environmental impact assessment when necessary to evaluate an application made under this section. The cost of this assessment shall be borne by the applicant.

E. Special Studies: The Board shall have the right to require that the Applicant pay necessary and reasonable fees to cover expenses for the costs of investigative studies, review of documents, and other matters that may be required by particular applications.

Before imposing such additional fees upon an Applicant, the Board shall determine what special investigative studies, review of documents, or other matters are required for the application. The Board, by motion, shall determine the necessity of additional review and shall provide the applicant with an estimated cost of such additional review. The Board shall require the Applicant to pay the amount of estimated fees to the City in advance. Failure to pay the additional review fee may result in disapproval of the application for lack of adequate information. If the estimate of the additional fees is less than the actual cost, then the Board shall send the Applicant a description and the reasons for the additional cost. The Applicant shall then pay the total actual costs. If the estimate of the additional fees is greater than the actual cost, the difference shall be refunded to the Applicant.

In the event that it is necessary for the City to take legal action against an Applicant to collect unpaid fees, the City shall be entitled to an award of reasonable attorney's fees incurred in collection of the unpaid amount.

802.2 Hearings and Notice.

The Board shall hold a public hearing on each application.

A. Abutters Notice: The applicant and all ***abutters*** shall be notified of the public hearing by certified mail. Such notice shall be given not less than five (5) days no more than thirty (30) days before the date of the hearing.

B. Public Notice: A public notice of the hearing shall be posted in at least two (2) public places and shall be published in a newspaper of general circulation in Lebanon not less than five (5) nor more than thirty (30) days before the date of the hearing.

802.3 Hearing Procedure.

All hearings shall be conducted in accordance with the Rules of Procedure adopted by the Board.

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

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

C. Burden of Persuasion: The applicant bears the burden of introducing sufficient evidence, through testimony or otherwise, to persuade the Board that the application should be granted.

D. Conflicts of Interest: Conflicts of interest are governed by RSA 673:14. No member of the Board shall sit upon the hearing of any question which the Board is to decide in a judicial capacity if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualifications do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties. If a member is disqualified or unable to act in any particular case pending before the Board, the chairman shall designate an alternate to act in his place.

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

802.4 Decisions of the Board.

In exercising its powers the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken.

A. Majority Vote: The concurring vote of 3 members of the Board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant or any matter on which it is required to pass.

B. Special Conditions: In granting any appeals, ***variances***, or ***special exceptions***, the Board may attach whatever conditions it deems necessary to the approval decision in order to assure compliance with the purposes of this Ordinance. Such conditions may include but are not necessarily limited to:

1. Increasing the required lot size or yard dimensions in order to protect the adjacent properties.

2. Limiting the coverage or height of building because of obstruction to view and reduction of light and air to adjacent properties.

3. Controlling the location and number of vehicular access points to the property.

4. Increasing the street width adjacent to the property.

5. Increasing the number of on-site off street parking or loading spaces required.

6. Requiring suitable on-site landscaping and screening where necessary to reduce noise and glare and to maintain the property in character and keeping with the surrounding area.

7. Specifying a time limit for initiation of construction, alteration, or enlargement of a ***structure*** to house an exception.

8. Providing for specific layout of facilities on the property such as location of the ***building***, ***parking areas***, access to the ***building*** so as to minimize effect on adjoining property.

9. Specifying standards for operation of this ***special exception*** so that it will be no more objectionable to the neighborhood by reasons of noise, odors, vibrations, flashing lights or hours of operation than will be the operation of a permitted use at that site.

10. Specifying the length of time of the ***special exception*** and time of occupancy during the year, or hours of operation.

C. Issuance of Decision.

1. Written Decisions: The Board shall issue a written decision which either approves or disapproves any application for an appeal of an administrative decision, a ***variance***, a ***special exception***, an equitable waiver, or any other relief. The decision shall provide written reasons for either an approval or disapproval, making reference to the applicable Ordinance provisions or criteria involved.

2. Filing of Decisions: Whenever the Board issues a decision, it shall be placed on file with the City Clerk and made available for public inspection within 144 hours after the decision is made.

802.5 Rehearings and Appeals.

As provided by NH RSA 677:2, as amended, within 30 days after any order or decision of the Board, any party to the action or proceeding or any person directly affected by it may apply for a rehearing.

A rehearing may be granted if in the opinion of a majority of the Board there is good reason therefor, such reasons including, but not limited to: (1) the petitioner has new, relevant evidence to submit; (2) the petitioner raises new, relevant legal issues that were not considered at the original hearing; or (3) the Board feels it may have made a prejudicial technical or legal error in its original decision.

The Board shall either grant or deny a rehearing within thirty (30) days of receiving the request or may suspend the order or decision complained of pending further consideration. Any order of suspension may be upon such terms and conditions as the Board may prescribe. Appeals to the NH Superior Court may be taken pursuant to NH RSA 677:4, as amended, within thirty (30) days after the action complained of has been recorded.

ARTICLE IX ADMINISTRATION AND ENFORCEMENT

SECTION 900 ZONING ADMINISTRATOR.

The administrative and enforcement officer for this Ordinance shall be known as the Zoning Administrator who shall be appointed by the City Manager. The Zoning Administrator shall administer the Zoning Ordinance literally and shall not have the power to permit any use of land or buildings which is not in conformance with this Ordinance. If a vacancy exists in the office of the Zoning Administrator or the Zoning Administrator is unavailable, the City Manager shall perform these duties or appoint an acting Zoning Administrator.

SECTION 901 ZONING PERMITS.

901.1 General.

Written application for a zoning permit must be filed by the owner or his agent with the City of Lebanon for any of the following. Until such a permit has been received, none of the following shall be commenced:

A. The erection or use of any new ***building***, exterior sign, or other structure.

B. The alteration, renovation, restoration, or moving of any ***building***, structure, exterior sign or part thereof, except that ordinary repairs to structures may be made without a zoning permit. Ordinary repairs shall include any renovation, upgrade, or repair to (i) a ***one-family*** or ***two-family dwelling*** that does not increase floor area or volume and where no additional ***dwelling unit*** is proposed; and (ii) a non-residential ***building*** that does not increase floor area or volume and where no change of use is proposed.

C. Any use identified in this Ordinance as requiring a zoning permit, including but not limited to yard sales (Section 207), temporary uses (Section 211), the keeping of hens (Section 611), and beekeeping (Section 611A).

D. Any other use of premises, whether or not provided for in this Ordinance, including but not limited to a change in the nature of the use of any ***building*** or premises to a ***non-conforming use*** from any lawful prior use, the expansion of any existing lawful ***non-conforming use***, or any change in lot size or shape.

901.2 Application Requirements.

Application for a zoning permit shall be upon an appropriate form to be prescribed by the City and shall be accompanied by:

A. Plans, drawn to scale, showing the actual shape, dimensions, and location of the ***lot*** to be used, of existing buildings, and of proposed new buildings or structures.

B. Information as to the existing and intended use of each ***building***, ***lot*** or part

thereof, and as to the number of families, lodgers, or other occupants which any ***building*** upon the premises is designed to accommodate.

C. A copy of the plans and information described above shall also be submitted to the City Planner or his or her designee for review in accordance with the provisions of Article III of the City of Lebanon Site Plan Review Regulations.

901.3 Approval or Denial.

The Zoning Administrator shall determine whether an application for a permit is in compliance with this Ordinance. If the Zoning Administrator determines that it is, the application shall be approved and a zoning permit issued. If the Zoning Administrator determines that it is not, the application shall be denied. The Zoning Administrator shall act upon any application within 30 days after it has been filed.

901.4 Scope of Permit.

Issuance of a zoning permit pursuant to this Ordinance constitutes approval by the City of the proposed use only under the requirements of this Zoning Ordinance. The owner shall continue to be responsible for compliance with all other applicable City Ordinances or federal or state laws, including but not limited to the Environmental Quality Act, the NH Shoreland Protection Act, and the state building code.

901.5 Building Permit.

The issuance of a zoning permit shall precede or be in conjunction with the issuance of a building permit.

901.6 Time Limit of Permit.

A zoning permit shall become void if construction is not begun thereunder within 2 years from the date of issuance of the permit or grant of a ***special exception*** or ***variance***.

901.7 Date of Issuance of Zoning Permit.

On approval by the Board of Adjustment of an administrative appeal, ***variance*** or ***special exception***, the Zoning Administrator shall issue a zoning permit as of the date of approval of the Board of Adjustment. Zoning permits shall be conditioned upon receipt of Site Plan Review approval from the Planning Board, when such approval is required. When Site Plan Review is required, the date of the zoning permit for the purposes of Section 901.6 shall be the date of receipt of Site Plan Review approval.

901.8 Revocation.

If any use or ***structure*** is begun or erected which does not conform to this Ordinance, or to the provisions of any permit, decision, ***special exception***, or ***variance*** issued under this Ordinance, the Zoning Administrator, in addition to other types of enforcement authorized by law, may revoke the zoning permit. Such a revocation may be appealed to the Zoning Board of Adjustment as an Administrative Appeal pursuant to Section 801.1; however the permit shall remain revoked pending the outcome of such appeal.

SECTION 902 OCCUPANCY.

No ***building*** or ***structure*** shall be occupied except in conformance with this Ordinance. The Building Inspector shall not issue a Certificate of Occupancy for any ***building*** or ***structure*** that has not received a zoning permit and that is not in conformity thereto.

SECTION 903 ENFORCEMENT.

903.1 Enforcing Authority.

This Ordinance shall be enforced by the Zoning Administrator. It shall be the duty of the Zoning Administrator to enforce all of the requirements set forth herein, to the fullest extent provided by the laws of the City and of the State of New Hampshire.

903.2 Notice of Violation.

The Zoning Administrator may issue a notice of violation personally, or through Municipal Counsel.

903.3 Penalties and Remedies.

The Zoning Administrator shall institute, in the name of the City, any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of this Ordinance or to prevent in or about the premises any act, conduct, or use constituting a violation, and shall have all enforcement powers provided by statute including but not limited to RSA 676:15, 676:17, 676:17-a, and 676:17-b.

903.4 Injunctive Relief.

In addition to other remedies provided by law, the Zoning Administrator acting through municipal counsel may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent or abate or remove erections, construction, alterations or reconstructions that are in violation of this Ordinance.

903.5 Recovery of Legal Costs.

As permitted by NH RSA 676:17, as amended, the Zoning Administrator shall seek to recover all costs and attorney's fees in any legal action necessary to enforce these regulations.

ARTICLE X MISCELLANEOUS PROVISIONS

SECTION 1000 ZONING ORDINANCE AMENDMENTS.

1000.1 Amendments to either the zoning map or other provisions of the zoning Ordinance may be proposed and enacted by following procedures described herein (RSA 675:2).

1000.2 Source of Proposed Amendments.

Amendments may be proposed as follows:

A. From the City Council at any time.

B. From the City Council upon request by any Board or City official when the Council decides that it is appropriate to go forward with such amendment.

C. By petition of any number of voters, provided however, that unless the petition is submitted utilizing the "Citizens Binding Initiative" procedure contained in Section 419:23a of the Lebanon City Charter, it will be within the sole discretion of the City Council as to whether or not to proceed in any way with the requested amendment.

D. A petitioned amendment submitted under Paragraph C above may be filed at any time. However, if a petition not meeting the requirements for the Citizens Binding Initiative procedure is submitted between August 1 and October 1 of any year, the Council shall put the proposed amendment on its agenda and determine, prior to December 1 of that year, whether or not to schedule the amendment for review and hearing pursuant to Section 1000.3. The purpose of this paragraph is to enable the potential filing of a Citizens Binding Initiative petition in time for the following March election, in the event the Council determines not to proceed with review and hearing.

E. The Zoning Administrator may request persons submitting an amendment for any additional information as may be necessary to put the proposal in a form consistent with the remainder of the Ordinance and capable of being acted upon.

1000.3 Amendment Procedures.

A. Council Determines Schedule for Review and Hearing: The proposed Zoning amendment shall be placed on the agenda at the City Council meeting. At that time, the Council shall set a tentative schedule that would allow for review as set forth in Paragraphs B and C below, and for a public hearing before the City Council as set forth in Paragraph D.

B. ZBA Comment and Legal Review of Amendments of Substance:

1. All Amendments shall be submitted to the Zoning Board of Adjustment for a written response within thirty (30) days from the date of receipt. The ZBA will comment on the proposed amendment as to whether it would be

inconsistent with other applicable sections of the Ordinance, does not conflict with other sections of the Ordinance, and the meaning and effect is understood. The ZBA shall not comment as to whether or not the amendment is desirable from a planning viewpoint.

2. All amendments shall be submitted to an attorney for review, comment and legal opinion. The legal review will state whether or not such a amendment is within the authority delegated to the City under State law; whether the form is appropriate; and whether, from an administrative point of view, the amendment can be administered and enforced. The written legal review shall be available prior to any consideration by the Council or the Planning Board and Conservation Commission.

C. Review and Comment by the Planning Board and the Conservation Commission of Any Proposed Amendment: All proposed amendments shall be forwarded to the Planning Board and Conservation Commission. The Planning Board and Conservation Commission shall place the proposed amendment on their agenda for discussion and comment at least thirty (30) days prior to the City Council public hearing. The Planning Board and Conservation Commission shall forward their comments and recommendations to the City Council at least seven (7) days prior to City Council public hearing.

D. City Council Public Hearing: The City Council shall hold a public hearing upon any proposed zoning amendment. Notice for the public hearing shall satisfy the requirements of RSA 675:7. In the case of amendments being submitted to the voters by referendum, the public hearing before the City Council shall be held no later than January 31st.

E. Application: The provisions of RSA 676:12 shall apply to all permit applications affected by a proposed or pending amendment to this Ordinance, provided however that the first legal notice of the proposed change shall be deemed to be the notice for the City Council's public hearing.

1000.4 Action Upon Proposed Zoning Amendments.

Any proposed zoning amendment shall be acted upon and adopted or rejected as follows:

A. Amendment of the Zoning District Boundaries Requiring Referendum Vote: Any amendment which alters the zoning map in such a way as to change the zoning district designation of any area which is within the R-1, R-2, R-3, RL-1, RL-2 or RL-3 districts, and whose size exceeds ten times the minimum lot size for a Class 3 ***lot*** for the respective district as currently zoned, or which alters the Article III Table of Uses which are permitted or allowed by ***special exception*** or ***conditional use*** permit, or which alters the Table of Area, Dimensions and Coverage, for one or more of the above-listed districts, shall be placed on the ballot at the annual City election in March. This paragraph shall not apply to textual changes in the zoning ordinance which do not alter the boundaries or districting shown on the zoning map and which do not alter the Article III Tables of Uses or alter the Table of Area, Dimensions and Coverage, applicable to those districts.

B. Action by the Council: The Council shall act on any proposed Zoning amendment not requiring a referendum vote in which case adoption of the Zoning Amendment shall require a majority vote of five members of the City Council; or alternatively, the Council may decide that such an amendment shall be submitted to the voters at the annual City election, even though such a referendum is not required.

C. Manner and Method of Voting on Proposed Zoning Amendments by Referendum: Any proposed Zoning amendment to be voted on by referendum vote shall be acted upon as follows:

1. Form of the Question on the Ballot: The following questions shall appear on the ballot:

   "Are you in favor of the adoption of Amendment #_____ (if more than one amendment) as proposed by the City Council/By Petition for the Lebanon Zoning Ordinance, as follows: (Here insert topical description of substance of amendment)?"

2. Approval/Disapprovals: The following shall be indicated on the Official Ballot:

   "The City Council approves/disapproves of this amendment."

   "The Planning Board approves/disapproves of this amendment."

   The Conservation Commission approves/disapproves of this amendment."

   In addition to each Board indicating its approval or disapproval, there shall be a brief and concise explanation of the position of the Council and each Board.

D. Information at the Polls for Proposed Changes in Zoning District Boundaries Requiring a Referendum Vote: Prior to the opening of the polls there shall be posted in the entrance areas at Wards I, II and III a large map showing the existing Zoning district boundaries and the proposed changes with color codes for the purpose of informing the voters, as well as a copy of the complete proposed textual changes to the Ordinance, if any.

SECTION 1001 CONFLICTS.

In interpreting and applying the provisions of this Ordinance, they shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare.

1001.1 Other Ordinances, Regulations

Where the provisions of this Ordinance conflict with each other or with other municipal, state or federal Ordinances, statutes, laws or regulations, the stricter provision shall govern.

1001.2 Other Permits.

Where a permit issued pursuant to this Ordinance conflicts with another municipal, state or federal permit, the strictest conditions among all permits shall govern.

1001.3 Private Requirements.

It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreement between parties, provided, however, that where this Ordinance imposes a greater restriction or higher standard upon the use of a ***building*** or premises or upon heights of buildings, or required larger streets or open spaces than are imposed by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

SECTION 1002 SEVERABILITY.

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

SECTION 1003 EFFECTIVE DATE.

1003.1 Effective Date.

This Ordinance shall take effect upon its enactment by the City Council. It shall supersede and repeal the Zoning Ordinance enacted on December 5, 1990, as amended.

APPENDIX A DEFINITIONS

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word person includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The words shall and will are mandatory, the word may is permissive.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot includes the word parcel.

ABUTTER: Abutter means any person whose property is located in New Hampshire and adjoins or is directly across the street or streams from the land under construction.

ACCESSORY BUILDING: A ***building*** subordinate and customarily incidental to the main ***building*** on the same lot. The term "accessory building", when used in connection with ***agriculture*** shall include all buildings customarily used for farm purposes.

ACCESSORY DWELLING UNIT (ADU): A separate complete housekeeping unit that is either contained within or is attached to a ***one-family dwelling***, or within a detached ***accessory building*** on the same lot, for which the title is inseparable from the primary ***dwelling***. (See Section 610)

ACCESSORY SOLAR ENERGY FACILITY: Any renewable energy facility, equipment or system utilizing solar energy to provide electricity and/or space heating or cooling, hot water heating and swimming pool heating. Such facilities shall be subordinate and incidental to the main ***building*** on the same ***lot*** and shall be used primarily to reduce on-site consumption of utility energy or other energy sources. (Section 612.2.C.)

ACCESSORY USE: A use subordinate and customarily incidental to the principal use of the premises.

ACCESSORY RENEWABLE ENERGY SYSTEM: A renewable energy system, other than an ***accessory wind energy system***, that is subordinate and incidental to the main ***building*** on the same ***lot*** and is used primarily to reduce on-site consumption of utility energy or other energy sources.

ACCESSORY WIND ENERGY SYSTEM: A small wind energy system as defined in RSA 674:62.

ACCESS WAY: A path, lane, byway, or clearing that has been sufficiently constructed to allow for the passage of motorized or non-motorized vehicles with a minimum axle width of four feet.

ADVERTISING: The term "advertising" includes goods, products, samples and models arranged for display and/or sale when such items are located where they can be seen by passers-by.

AGRICULTURE: Any area of land, including structures thereon, that is used for agricultural purposes including forestry. This includes the raising of cows, horses, pigs, poultry and other livestock; horticulture and orchards; logging of a forest, woodland or plantation; selling of products grown or raised directly on such land; and the building, altering or maintaining of wood roads, agricultural roads, skidways, landings, fences, drainage systems and farm ponds.

ALTERNATIVE TREATMENT CENTER: An “Alternative Treatment Center” as defined in RSA 126-X:1, I, and/or a “cultivation location” as defined in RSA 126-X:1, IV.

AMUSEMENTS (INDOOR): Bowling alleys, billiard parlors, dance halls, arcades, and the like.

ARCHITECTURAL DETAIL: Any projection, relief, cornice, column, change of building material, window, or door opening on any ***building***.

AWNING: A cloth, plastic, or other nonstructural covering that is permanently attached to a ***building*** or can be raised or retracted to a position against the ***building*** when not in use.

BEST MANAGEMENT PRACTICES: The structural, non-structural and managerial techniques that are recognized to be the most effective and practical means to prevent increases in and/or reduce storm water volumes and rates of flow, reduce point source and non-point source ***pollution***, and improve storm water quality, and protection of the environment.

(1) With Respect to Forestry: *Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire,* NH Department of Resources and Development, 2004 (or later edition, as may be amended or updated), *Best Management Practices for Forestry: Protecting New Hampshire=s Water Quality*, UNH Cooperative Extension, 2006 (or later edition, as may be amended or updated).

(2) With Respect to Agriculture: Best Management Wetlands Practices for Agriculture in New Hampshire, NH Department of Agriculture, July 1993 (or later edition, as may be updated or amended), the Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, July 2008 (or later edition, as may be amended or updated).

(3) With Respect to Ground Water: Best Management Practices for Ground Water Protection in New Hampshire, NH Code of Administrative Rules, Chapter Env-wq 400 Groundwater Protection, 2007 (or later edition, as may be amended or updated.)

(4) With Respect to Trails: *Best Management Practices for Erosion Control During Trail Maintenance and Construction,* NH Department of Resources and Economic Development, Division of Parks and Recreation, Bureau of Trails 1994, updated in 2004 (or later edition, as may be amended or updated).

(5) With Respect to Regulated Substances: Except as exempted by State regulation, regulated substances found in containers with a capacity of five gallons or more must be stored and/or used in a manner consistent with state administrative rule Env-Wq 401 Best Management Practices for Groundwater Protection, NH Department of Environmental Services. (See NH DES Administrative Rules-

http://des.nh.gov/organization/commissioner/legal/rules/documents/env-wq401.pdf)
Note: ENV-Wq 401 includes setbacks from surface water, storm drains and water supply wells and applies to storage and use of regulated substances.

BIO-GAS ENERGY SYSTEM: A renewable energy system for collecting, generating or utilizing biologically derived methane gas from anaerobic digestion of organic materials from such sources as yard waste, food waste, animal waste, sewage sludge, and landfill waste.

BOX TRAILER: Any trailer or similar container without motive power designed for carrying property wholly in its own structure and for being drawn by or placed upon some mode of transportation, including so-called "Sea Boxes" and the like.

BUFFER: An undeveloped area of natural or planed vegetation or both, designed and intended: (1) to reduce the visual and noise impacts between properties; and, (2) to promote privacy.

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

BUILDING COVERAGE: That percentage of the ***lot area*** covered by buildings. In determining the percentage of building coverage of a lot, all principal and ***accessory buildings*** shall be included.

BUILDING FRONT LINE: Line parallel to the front lot line transecting that point in the building face which is closest to the front lot line except for minor projections as provided for Article II.

BUILDING HEIGHT: Vertical distance measured from the average elevation of the proposed finished grade at the front of the ***building*** to the highest point of the roof or ***parapet***.

BUILDING LINE: A line parallel to a lot line transecting that point in the building facade which is closest to the lot line, except for minor projections as provided in Article II.

BUILDING-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system that is structurally mounted to the exterior of a ***building*** or structure.

BUS TERMINAL: A facility for the loading, unloading and transfer of passengers, baggage and shipments on to or off of busses, mini-busses or passenger vans for transport elsewhere. Such a facility may include parking facilities for passengers' vehicles; passenger waiting areas; dispatching facilities; taxi stands; storage space for shipments carried by busses; maintenance and storage facilities for busses, mini-busses, passenger vans and taxis; and ***accessory uses*** subordinate and customarily incidental to a ***bus terminal***.

CARE AND TREATMENT OF ANIMALS: A veterinary establishment, riding school or kennels.

CENTRALIZED SEWER SYSTEMS: A wastewater disposal system that does not connect to the municipal wastewater disposal system and that is designed to serve as the wastewater disposal system for an entire development. Such a system shall be approved by the NHWSPCD and the City of Lebanon. Such system, if approved, are permitted in the RL Districts only.

CERTIFIED WETLAND SCIENTIST: A person who, by reason of multi-disciplinary expertise in wetland science acquired by professional education and practical experience, as specified by RSA 310-A: 84(II-a), is qualified to practice wetland science, and who has been duly certified by the State Board of Natural Scientists.

CLASSIFICATION (CLASSES) OF LOTS: Whether a ***lot*** is classified as "1", "2", or "3" depends on the provisions for water supply and sewage disposal, as follows:

CLASSIFICATION	DESCRIPTION
CLASS 1	Municipal water and municipal sewerage
CLASS 2	Municipal sewerage
CLASS 3	Water and sewerage service that is neither Class 1 or Class 2

COMMUNITY CENTER: A ***building*** used for recreational, social, educational and cultural activities, open to the public or a designated part of the public, owned and operated by a public or non-profit group or agency.

CONDITIONAL USE: A use requiring a permit from the Planning Board in accordance with the requirements explicitly set forth herein.

CONGREGATE LIVING FACILITY: An senior housing complex which provides separate ***dwelling units*** for senior persons but which also may provide certain shared living facilities, such as kitchens; shower and bathing facilities, socialization and recreation areas and/or group dining.

CONTRACTOR'S YARD: A property and / or ***building*** used by a general contractor, excavation contractor, landscaping contractor, building contractor, or similar uses where vehicles, equipment and/or materials are stored, or where a contractor performs maintenance, shop, and/or assembly work. For the purposes of this definition, this does not include wholesale or retail sales or temporary job construction site.

CONTRACTOR'S YARD, HOME-BASED: A contractor's yard operated by a resident at the property at which they reside.

COOP: A ***building*** where chickens are kept.

CRAFTSMAN'S SHOP: A facility occupied as a workplace by person(s) engaged in handicraft or artisan activities such as jewelry making, artists, weaving, wood carving, pottery, sculpture and the like, including the sales of crafts or other artisan products made on the premises.

CURTILAGE: The land within 15 feet immediately surrounding a house or ***dwelling***, including any closely associated buildings and structures, but excluding any associated "open fields beyond".

DISTRICT ENERGY SYSTEM: A system for collecting, generating, storing and distributing useful thermal energy derived primarily from renewable energy sources that are used, in the first

instance, to help heat or cool buildings or provide hot water on-site and on adjoining properties, in neighborhoods, or commercial and industrial districts and that may also generate electrical power as part of combined heat and power systems.

DISTRICTS, INDUSTRIAL: The IND-L, IND-H, and IND-RA Districts.

DISTRICTS, COMMERCIAL: The GC, GC-1, CB, LD, and MC Districts.

DISTRICTS, MIXED USE: The PB, R-O, and R-O-1 Districts.

DISTRICTS, RESIDENTIAL: The R-1, R-2, R-3, RL-1, RL-2, and RL-3 Districts.

DRIVE-IN RESTAURANT OR REFRESHMENT STAND: Any place or premises used for sale, dispensing or servicing of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.

DRIVE-THROUGH FACILITY: Any facility where retail sales, food sales or services are provided to customers who drive up to a window or to an automated device to receive the sales or services, provided that such sales or services are allowed in the zoning district.

DRIVEWAY: A private off-street travelway used to provide vehicular access to lots, buildings, structures and/or ***parking areas***. A driveway shall not be used for parking more than two vehicles unless it contains enough area to allow any vehicle to be parked without moving another. See also definitions of "Parking Area" and "Parking Spaces."

DWELLING: A ***building*** designed for and used primarily by one or more families for living quarters, but not including manufactured homes, trailers of any kind, ***hotels***, ***motels***, ***group residences***, ***lodging houses***, institutional homes, residential clubs, or other commercial accommodations offered for occupancy.

DWELLING, ONE-FAMILY: A ***dwelling*** with one (1) ***dwelling unit***.

DWELLING, TWO-FAMILY: A ***dwelling*** with two (2) ***dwelling units***.

DWELLING, MULTI-FAMILY: A ***dwelling*** with three (3) or more ***dwelling units***.

DWELLING UNIT: One or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, rental or lease, and physically separated from any other rooms or ***dwelling units*** which may be in the same structure, and containing independent cooking, sanitary and sleeping facilities. The term includes sectional homes and modular units but does not include manufactured home, ***motel***, ***hotel***, ***lodging house*** or similar structures.

EDUCATIONAL FACILITY, COLLEGE/UNIVERSITY: An educational institution authorized by the state of New Hampshire to award associate, baccalaureate, or higher degrees.

EDUCATIONAL FACILITY, PRIMARY/SECONDARY: A public or private school offering instruction at the primary and/or secondary school levels in the branches of learning and study

required to be taught in the public schools of the state of New Hampshire. This term shall include preparatory schools.

EDUCATIONAL FACILITY, VOCATIONAL SCHOOL: A school established to provide for the teaching of industrial, clerical, managerial, or artistic skills. This definition applies to schools that are owned and operated privately for profit and that do not offer a complete educational curriculum (e.g., beauty school, modeling school).

ECOLOGICAL INTEGRITY: The condition of being unimpaired, sound, or complete relative to the structure, composition, and function of an ecosystem as compared to reference ecosystems operating within the bounds of natural or historic disturbance regimes.

ESSENTIAL SERVICE: The erection, construction or major alteration by governmental agencies and public utility companies of underground or overhead gas, electrical, sewer, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, and similar equipment and accessories in connection therewith, and including buildings reasonably necessary for the furnishing of such services by public utility companies. The term includes minor relocation or minor additions such as street lights, hydrants, wire, fire alarm boxes or pipes and the replacement of facilities except for buildings. The term does not include off-premise hazard indicators and navigational aids associated with the Lebanon Municipal Airport nor any utility located in a public way.

EXCAVATION OF NATURAL EARTH MATERIAL: The removal of natural material is the removal of loam, sand, gravel, stone or other fill material for sale in commercial quantities, or for use in another location.

FAÇADE: The entire area of a ***building*** face or ***building*** side extending from the roof or ***parapet*** to the ground and from one corner of the ***building*** to another but does not include any structural or nonstructural elements which extend beyond the roof of a ***building***.

FAÇADE, PRINCIPAL: The ***façade*** of a ***building*** which is adjacent to or fronts on a ***public street***. If a ***lot*** does not have ***frontage*** on a ***public street***, then the private road, ***driveway***, or right-of-way that provides vehicular access to the ***lot*** shall be considered a ***public street*** for purposes of applying Section 608 (“Signs”) to the ***lot***. For ***buildings*** with more than one ***façade*** adjacent to or fronting on a ***public street***, the largest of such ***façades*** shall be considered the ***principal façade***.

FAMILY: Any number of persons related to each other by blood, adoption, marriage, or civil union, or by a guardianship arrangement, such as foster care, along with not more than three (3) unrelated individuals, living together as a single housekeeping unit; or, not more than four (4) persons not related to each other by blood, adoption, marriage, or by civil union, living together as a single housekeeping unit. A single housekeeping unit means that all such persons have common access to, and common use of, living, cooking, and eating areas within the ***dwelling unit***; provided, however, that an owner or landlord may designate some living areas in the ***dwelling unit*** as private. This term shall not include any ***group residence***, ***lodging house***, ***hotel***, or ***motel*** as defined herein.

FINANCIAL INSTITUTION: An establishment where the principal business is the receipt, disbursement or exchange of funds and currencies, such as: banks, savings and loans, or credit

unions. This term shall not include pawn shops, payday lending establishments, brokerage firms, and stand-alone ATMs.

FRONTAGE: The width of a ***lot*** measured along its common boundary with the ***street line***.

FRONTAGE, PRINCIPAL: The side of the ***lot*** that abuts the ***street*** that generally functions as the primary orientation of residences, businesses, or other uses along the block. When a ***lot*** abuts more than one ***street***, the ***principal frontage*** is situated along the ***street*** that carries the greatest volume of pedestrian and vehicle traffic.

GOLF COURSE: A tract of land for playing golf, including tees, greens, fairways, and hazards. The same tract of land may also include a variety of golf uses such as driving ranges, miniature golf, and putting greens.

GROSS FLOOR AREA: The total square footage of all floors of a building as measured using exterior building dimensions. For purposes of calculating minimum parking requirements per Section 607.2.A, “gross floor area” shall mean the total square footage of all floors devoted to the use, or accessory to that use, as measured using exterior building dimensions.

GROSS LIVING AREA: The total area of above-grade residential space of a ***dwelling unit***, excluding unheated areas such as porches and balconies. Gross living area does not include the area within a garage, deck or other unenclosed area.

GROUND COVER: Any herbaceous plant which normally grows to a mature height of 4 feet or less.

GROUND-MOUNTED SOLAR ENERGY SYSTEM: A solar energy system of any size that is either permanently or temporarily mounted to the ground.

GROUP DAY CARE FACILITY: A group day care facility is either a child day care facility or an adult day care facility.

A. **CHILD DAY CARE FACILITY**: A day care center, a day nursery, a private nursery school or kindergarten, a child development center, a play group, a head start center, progressive school or any other facility which cares for seven (7) or more children under the age of 16 for a part but not all of a 24 hour day.

   Such facilities may be privately operated or sponsored by a house of worship, social agency, cooperative group or a community or by a public agency other than public schools.

B. **ADULT DAY CARE FACILITY**: A public or privately operated day care center, therapeutic program, or other facility which provides daily restorative care to adults who either live alone or with others and who need, due to aging process and/or disease progression, on-going consistent stimulation, reinforcement, and reality orientation to continue to actively participate in activities of daily living in order to prevent progressive deterioration, reliance on other for care, or ***nursing home*** placement.

GROUP RESIDENCE: A shared home for seniors, an orphanage, children's home or similar type of group living accommodations. All such facilities shall be licensed by the State of New

Hampshire and shall serve a maximum of 12 residents. A group residence may consist of multiple buildings per Section 205.3.

HAWKER: The terms "***hawker***" and "***peddler***" shall mean and include any person, either principal or agent, who travels from town to town or from place to place in the same town selling or bartering, or carrying for sale or barter to exposing therefore, any goods, wares, or merchandise, either on food or from any animal, cart, or vehicle.

HEALTH CLUB: An establishment that provides indoor and/or outdoor exercise facilities, programs, instruction and training related to fitness, wellness, aerobics, weight lifting, court sports, and swimming, as well as locker rooms, showers, massage rooms, saunas, and related ***accessory uses***. This shall not include any ***local government use***.

HEN: A female chicken.

HIS: High Intensity Soils Mapping as defined according to the standards of the Society of Soils Scientists of Northern New England. See SSSNENE Publication No. 1 and Appendix B.

HOME BUSINESS: Any business carried on in the home which complies with Section 600.

HOSPICE: A ***building*** having architectural style similar to a ***dwelling***, ***lodging house*** or small ***motel***/ ***hotel*** which provides temporary lodging for those who receive care or treatment at nearby medical facilities and their families.

HOSPITAL: A place for the diagnosis, treatment or care of human ailments, licensed for inpatient care by the State of New Hampshire, and its subsidiary structures located on the same ***lot*** as the primary facility, including, but not limited to: clinics, medical offices, laboratories and support buildings.

HOTEL: A ***building*** designed for or used commercially as more or less temporary living quarters for persons who are lodged with or without meals in which are ten or more sleeping rooms usually occupied singularly or by families of transients.

ILLUMINATION: A source of any artificial or reflected light, either directly from a source of light incorporated in or indirectly from an artificial source, so shielded that no direct illumination from it is visible elsewhere than on and in the immediate vicinity of the ***sign***.

ILLUMINATION, EXTERNAL: Illumination of a ***sign*** that is affected by an artificial source of light not contained within the ***sign*** itself.

ILLUMINATION, INTERNAL: A light source that is concealed or contained within the ***sign*** and becomes visible in darkness through a translucent surface.

INSTREAM FLOW: The amount of water flowing in a natural streambed or channel on an average annual basis.

INVASIVE SPECIES: Plant species that have been identified by the NH Department of Agriculture as being so pervasive and noxious as to cause detriment to native flora and fauna, these listed

by the Department of Agriculture=s Market and Foods Program at the following website, http://www.nh.gov/agric/divisions/plant_industry/documents/invasive-species.pdf as amended.

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

INPATIENT REHABILITATION FACILITY: A medical facility licensed by the State of New Hampshire to provide intensive rehabilitative services to patients with complex conditions requiring daily therapy and, in some instances, overnight stays. Such facilities must be primarily focused on providing hospital-level care and intensive rehabilitation after an illness, injury or surgery. The term “inpatient rehabilitation facility” shall not include a hospital or ***nursing home***. The term “inpatient rehabilitation facility” shall also not include a drug and/or alcohol rehabilitation facility unless such drug and/or alcohol rehabilitative services are incidental and secondary to the primary rehabilitative services provided to a patient after an illness, injury or surgery.

ITINERANT VENDOR: Any person, either principal or agent, who engages in a temporary or transient business either traveling from place to place, selling goods, wares and merchandise from stock or by sample for future delivery, and who, for the purpose of carrying on such business, hires or occupies a temporary place of business. A "temporary place of business" means any public or quasi-public place including, but not limited to, a ***hotel***, ***motel***, rooming house, storeroom, ***building***, part of a ***building***, tent, vacant lot, railroad car, or trailer temporarily occupied for the purpose of making retail sales of goods to the public.

JUNKYARD: This term shall have the meaning as set out in RSA 236:112 as amended.

KENNEL: An establishment in which more than six dogs or cats more than one year old are housed, groomed, bred, boarded, trained, or sold.

LIGHT INDUSTRY: The assembly, manufacture, processing, packaging or other industrial operations conducted in such manner that all resulting cinders, dust, fumes, gas, odors, smoke and vapor are effectively confined to the premises or disposed of so as to avoid any air pollution and conducted in such a manner that noise, flashing lights and vibrations will not be a nuisance or otherwise detrimental to abutting properties. Light industry includes the development and production of computer software and hardware and its associated equipment.

LOCAL GOVERNMENT USE: Any use of land or ***structure*** by the City of Lebanon or any other political subdivision of the State of New Hampshire.

LODGING HOUSE: Any ***dwelling*** in which living accommodations without individual kitchen facilities are rented to five (5) or more nontransient guests. A boarding or rooming house shall be deemed a lodging house.

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

LOT AREA: The horizontal area of the ***lot*** lying within the lot lines, exclusive of any area in a street right-of-way.

LOT OF RECORD: (1) A ***lot*** which is shown as a separate ***lot***, tract or ***parcel*** of land on a subdivision plat lawfully recorded in the office of the County Register of Deeds, as long as subdivision approval has not been revoked under RSA 676:4-a, nor the ***lot*** merged with any adjoining ***lot*** under RSA 674:39-a; or (2) A ***lot*** or ***parcel*** whose separate metes and bounds description has been lawfully so recorded, which had, at some point in its chain of title, ownership separate from that of any contiguous land described in the same document, and which has not been merged with any contiguous land under RSA 674:39-a, nor used or developed conjointly with any commonly-owned contiguous ***parcel*** in a manner implying abandonment of the common lot line.

LOT WIDTH: The distance measured across the rear line of the required ***front yard*** providing that at least 20 feet exist along the ***street line***.

MANUFACTURED HOME PARK: Any tract of land on which two or more manufactured homes are parked and occupied for living purposes.

MANUFACTURED HOME PURD: A manufactured home subdivision which meets all applicable requirements of Section 501.

MANUFACTURED HOME SUBDIVISION: A subdivision of land which allows individual ownership of lots on which can be located only a manufactured home.

MANUFACTURED HOUSING: This term shall have the meaning as set out in RSA 674:31, as may be amended.

MEDICAL CENTER COMPLEX: A medical center complex having as its primary facility a hospital as defined in this Ordinance. It may also include subsidiary uses located within the boundaries of the medical center complex.

MEDICAL RESEARCH FACILITY: A medically related research laboratory, which may as a subsidiary function, engage in the manufacture of products within the following Standard Industrial Classifications: biological products; medicinal chemicals; pharmaceutical preparations; optical instruments and lenses; and surgical and medical instruments.

MEMBERSHIP CLUB: ***Building*** or use catering to club members and their guests for recreational and social purposes, and not operated primarily for profit.

MIXED USE: A development or ***principal building*** having two (2) or more of the uses allowed within the Zoning District in which it is located.

MOTEL: A ***building*** or group of buildings containing rooms or living quarters in separate units, designed for or used principally for providing temporary living accommodations for automobile travelers on a rental basis, and generally providing nearby automobile parking space serving such rooms or units.

MULTI-TENANT BUILDING: A ***building*** containing four (4) or more separate commercial uses.

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

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

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

NON-RESIDENTIAL TRUCK DELIVERIES: See "Truck Deliveries, Non-Residential."

NURSING HOME: As defined by RSA 151-C:2, a place providing, for two (2) or more persons, basic domiciliary services (room, board and laundry), continuing health supervision under competent professional medical and nursing direction and continuous nursing care as may be individually required. The term "nursing home" includes a "skilled nursing facility," as defined by RSA 151-C:2, but it does not include a "rehabilitation facility" as defined by RSA 151-C:2.

OFFICE: A room or group of rooms used for the carrying on, conducting or managing of a business or for the practice of a profession. This term includes, but is not limited to: offices for lawyers, engineers, architects, attorneys, accountants, insurance, real estate, or investment agencies, or any similar type of profession, as well as medical offices including offices of a physician, dentist, psychologist, optometrist or other licensed health care provider, which does not include any hospital or ambulatory surgical care facilities.

ORDINARY HIGH WATER MARK: The line on the shore, running parallel to the main stem of the river, established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the immediate bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

OUTDOOR STORAGE: Storage not in a structure, provided that any storage material other than new equipment, new building material or other new products displayed for sale is fenced or screened.

PARAPET: That portion of a building wall that rises above the roof level.

PARKING AREA: Any part of a ***lot*** that is used for parking, other than driveways and areas necessary for vehicles to maneuver into or out of parking spaces. If a driveway is wide enough to provide both parking spaces and a circulation/ access land adjacent to the parking spaces, the part of the driveway used for parking spaces shall be considered a parking area.

PARKING FACILITY: A paved parking area or ***parking structure*** available to the public, with or without payment of a fee.

PARKING LOT: Any ***parking area*** (as defined above) other than a ***parking area*** that is part of a driveway.

PARKING SPACES, OFF-STREET: For the purpose of these regulations, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Except for a ***two-family dwelling*** or a ***one-family dwelling*** with an ***ADU***, required off-street ***parking areas*** for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked without moving another.

PARKING STRUCTURE: A ***structure*** designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a ***building***. A parking structure includes parking garages, deck parking, and underground or under-building areas for parking.

PEDDLER: See "***hawker***."

PERSONAL SERVICE: Establishments providing frequent or recurrent services related to personal needs, and including accessory retail sales of products related to the services offered. Examples include beauty and barber shops, nail salons, tanning salons, massage services, clothing rental, tailors, garment and shoe repair shops, photographic studios, and similar businesses. The term shall not include laundromats and dry cleaning establishments.

PLANNED BUSINESS PARK: A development approved by the Planning Board for a tract of land at least 50 acres in size which provides for a designated mix of office, commercial and light industrial uses. (See Section 508)

POLLUTION: The contamination or alteration of the physical, biological, or chemical properties of ***wetland*** or water resources from the discharge or deposition of any waste or other materials. This includes, but is not limited to, sewage and sediment.

PRINCIPAL BUILDING (OR STRUCTURE): The ***building*** (or structure) which houses the principal use of a lot.

PRINCIPAL USE: The primary purpose for which a ***lot*** or ***structure*** is used.

PRODUCE STAND: Sale of flowers, garden supplies, or agricultural produce designed to serve highway customers.

PUBLIC RECREATION FACILITY: A recreational facility owned by federal, state or local government.

PUBLIC RIVER: All year round flowing rivers or streams, as shown on the current version of the US Geological Survey 7.5 topographic maps.

PUBLIC SAFETY FACILITY: A ***building***, structure, or use of land built or installed by a public agency for the protection of the public from injury and dangers.

RECREATIONAL FACILITY, INDOOR: An indoor recreational facility including, but not limited to, tennis courts, swimming pools, ice or roller skating, track and field facilities, squash or handball courts, other than those accessory to a ***dwelling***.

RECREATIONAL FACILITY, OUTDOOR: Outdoor recreational activities, including such facilities as outdoor tennis courts, swimming pool, ***golf courses***, play fields, and similar uses. No buildings shall be allowed except for the necessary related uses such as restrooms and maintenance facilities, other than those accessory to a ***dwelling***.

RECREATIONAL VEHICLE (RV): Any of the following vehicles: (1) Motorhome or van, which is a portable, temporary ***dwelling*** to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle. (2) Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary ***dwelling*** for travel, recreation, and vacation. (3) Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed but windows by not the roof overhang. It shall be designed primarily not for use as a permanent ***dwelling***, but as a temporary ***dwelling*** for recreational, camping, travel or seasonal use. (4) Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes.

RENEWABLE ENERGY SYSTEM: A system for collecting, generating, or storing useful thermal, electrical, chemical, or mechanical energy from renewable energy as that term is defined in RSA 125-O:2, VIII, or a renewable source as that term is defined in RSA 362-F:2, XV.

RESTAURANT: The term includes diners, cafes, and cafeterias and does not include drive-in restaurants. It shall be an eating establishment which is primarily designed for its patrons to eat at tables, booths or a counter. Take-out refreshments are only incidental to the main purpose of the establishment.

RETAIL PRODUCT PICK UP: A location, whether used permanently, intermittently, or temporarily, for the delivery and pickup of retail goods or products purchased off-site.

RETAIL STORE: The term includes shops and stores for the sale of retail goods and department store; and does not include any drive-in service, free-standing retail stand, gasoline service and motor vehicle repair service, new and used car sales and service, trailer and manufactured home sales and service and ***personal services***.

RIPARIAN: Belonging or relating to the bank of a river or stream.

SAPLING: Any woody plant which normally grows to a mature height greater than 20 feet and has a diameter less than 6 inches at a point 4 2 feet above the ground.

SAWMILL: Sawmill operations or forest produce manufacture in structures.

SECURE ENCLOSURE: A fence or other form of secure enclosure that will prevent animals from walking, jumping or flying out.

SENIOR HOUSING COMPLEX: A housing complex exclusively occupied by persons who are at least 55 years old. Such a complex may include one or more ***dwellings*** of single, two or multi-family type. It may also include congregate living facilities by ***special exception*** (see Section 603).

SEPTIC SYSTEM: Any ***structure*** or series of structures that are designed to store, treat, and purify waters that contain human waste.

SERVICE AREA: The area adjacent to a ***building*** entrance, usually in the rear, through which supplies are received and waste materials are moved.

SERVICE STATION: A business primarily concerned with the retail sale of fuel, oil, grease, related automotive products and/or minor mechanical repairs and services to automobiles.

SETBACK: See "Yard."

SETBACK LINE: A line paralleling the boundary line of a ***lot*** located at a distance from the boundary line that is equal to the applicable minimum yard requirement.

SIGN: A structure or an image, display, or illustration which is affixed to, painted or represented directly or indirectly upon a ***building***, ***structure*** or ***parcel*** of land, which is (a) visible from a ***public street***, private street, or an adjoining property, and (b) designed to communicate a non-artistic message.

SIGN AREA: ***Sign area*** means the entire area within a geometric form enclosing the extreme limits of writing, representation, emblem or any other figure of similar character, together with any frame, structure, or other material or color forming an integral part of the display or used to differentiate the ***sign*** from the background against which it is placed; excluding the necessary supports or uprights on which such ***sign*** is placed. The geometric form shall be limited to a circle, triangle or parallelogram.

Where a ***sign*** has two or more faces, the area of all faces shall be included in determining the area of the ***sign***, except where two such faces are placed back to back and are at no point more than two feet from one another, the area of the ***sign*** shall be taken either as the area of one face - if the two faces are of equal area, or the area of the larger face - if the two faces are of unequal area.

SIGN, DIGITAL: A ***non-static sign*** or portion of a ***sign*** that changes appearance by any electronic process or remote control.

SIGN, COMMERCIAL: A sign that names, advertises, or calls attention to a business, product, service, or other commercial activity.

SIGN, FREESTANDING: A sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a ***building***.

SIGN, NON-COMMERCIAL: A sign that does not name, advertise, or call attention to a business, product, service, or other commercial activity.

SIGN, NON-STATIC: Any sign that incorporates a technology or method allowing the sign or any component of the sign to change appearance without having to replace the sign or any component of the sign either physically or mechanically. This definition also includes a sign or any component of a sign that rotates, revolves, moves, blinks, flashes, and/or incorporates LED lights manipulated through digital input; any illuminated sign or component of a sign which changes the intensity or

color of illumination; and digital signs.

SIGN, OFF-PREMISE: A ***sign*** which pertains to a use or activity occurring on a ***lot*** other than the ***lot*** on which the ***sign*** is located.

SIGN, PORTABLE: Any ***sign*** that is designed to be transported, including but not limited to the following:

1. ***Signs*** with wheels removed.
2. ***Signs*** with chassis or support constructed without wheels.
3. ***Signs*** designed to be transported by trailer or wheels.
4. ***Temporary signs***.

SIGN, PROJECTING: A ***sign*** attached perpendicularly to a ***building*** wall.

SIGN, ROOF: A ***sign*** painted, erected, constructed or maintained on the roof of a ***building***.

SIGN, SANDWICH BOARD: A free standing, temporary a-frame ***freestanding sign*** having a message on both sides.

SIGN, TEMPORARY: Any ***sign*** which (a) is intended to be displayed for a reasonably short and definite period; (b) has the overall appearance of being intended to be displayed for a short and definite period; and (c) is made of paper, cloth, canvas, plastic sheet, cardboard or similar impermanent materials. No such ***temporary sign*** shall be erected for a period of greater than six (6) months cumulatively within a twelve (12) month period.

SIGN, WALL: A ***sign*** painted on or attached to a wall of a ***building*** and in the same plane as the wall.

SOCIAL SERVICE CENTER: An establishment providing assistance and aid to those persons who may need or benefit from counseling for psychological problems, employment, learning disabilities, and/or physical disabilities. Said establishments may include temporary lodging facilities.

SOLAR ENERGY SYSTEM: A device or system designed to collect, store, and distribute solar energy for space heating or cooling, electricity generation, or water heating.

SOLAR LAND COVERAGE: The sum total area (length times width) of the solar panels for the ***solar energy system*** to be installed on the property. This definition does not include components of the ***solar energy system*** including but not limited to mounting equipment and ancillary components of the system; nor does it include access roads or fencing. This definition is not to be interpreted as a measurement of impervious surface.

SPECIAL EXCEPTION: A use of a ***building*** or ***lot*** which may be permitted under this Ordinance only upon application to the Board of Adjustment and subject to the approval of the Board in accordance with provisions explicitly set forth herein.

STORY: The complete horizontal division of a ***building***, comprising the usable space or room(s) on one level. Each such division is considered one full story.

STORY, STREET LEVEL: The ***story*** having its floor elevation closest to the elevation of the

adjacent ***street*** or any ***story*** partially below the elevation of the adjacent ***street*** and having six (6) feet or more of its height above the elevation of the ***street***.

STREET LINE: Right-of-way line of a street as dedicated by subdivision plat or a deed of record. Where the width of the street is not established, the street line shall be considered to be 25 feet from the centerline of the street pavement.

STREET OR PUBLIC STREET: A public right-of-way which the town or state has the duty to maintain regularly or a right-of-way shown on a subdivision plat approved by the Planning Board and recorded with the County Registry of Deeds which provides the principal means of access to abutting property.

STRIP PLAZA: A linear group of commercial uses under unified control consisting of four (4) or more separate commercial establishments sharing a common ***building***, or which are in separate ***building***s that share a common entranceway or ***parking area***.

STRUCTURE: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. The term includes, but is not limited to, buildings, swimming pools, tennis courts, manufactured homes, billboards, poster panels, wind and solar energy facilities, satellite dishes and antenna. The term does not include minor installations such as fences less than three and a half feet high, agricultural and safety fences, mail boxes, flagpoles and children's play equipment, nor does it include subsurface waste disposal systems.

TELECOMMUNICATION FACILITIES: A personal wireless service facility, as defined in the federal Telecommunications Act of 1996, as amended. Such facilities generally include, but are not limited to, a tower, mount, antenna, equipment shelter, fencing and other related equipment. A telecommunication facility is not a commercial broadcast radio or television station antenna or tower.

TOURIST HOME (OR BED & BREAKFAST FACILITY): Any ***dwelling*** (other than a ***hotel*** or ***motel***) in which living accommodations without kitchen facilities are rented to ten or fewer transient guests for more than 12 days per year.

TRADITIONAL SUBDIVISION: Any subdivision of land which meets all applicable dimensional requirements of the zoning district in which it is located and is not approved as either a PUD per Section 501, a manufactured home subdivision per Section 504, or a ***planned business park*** per Section 508.

TREE: Any woody plant which normally grows to a mature height greater than 20 feet and which has a diameter of 6 inches or more at a point 4 ½ feet above the ground.

TRUCK DELIVERIES, NON-RESIDENTIAL: Deliveries by vehicles representing businesses such as Federal Express, United Parcel Service, courier services and the like.

TRUCK TERMINAL: A truck terminal shall be allowed to have facilities for transfer of merchandise, repair, maintenance, and servicing of trucks and trailers and indoor and outdoor storage of equipment including tractors, trucks, and trailers. Any outdoor storage shall be fenced or screened.

VARIANCE: Such departure from the terms of this Ordinance as the Board of Adjustment, upon appeal in specific cases, is empowered to authorize under the terms of Section 801.2 and applicable statutes of the State of New Hampshire.

VEHICULAR REPAIR: The repair or maintenance of motor vehicles, motorcycles, recreational vehicles, manufactured homes, boats, heavy equipment and farm machinery. No retail sale of gasoline or oil is permitted.

VEHICULAR SALES: The display and sales of new or used motor vehicles, motorcycles, recreational vehicles, manufactured homes, boats, heavy equipment and farm machinery. No retail sale of gasoline or oil is permitted. Vehicular sales shall include facilities for the short term leasing of automobiles and trucks to the end consumer.

WAREHOUSE: Includes warehouse (and self-storage warehouse) wholesale establishment, bulk storage and bulk sales outlet.

WATER RESOURCE PROFESSIONAL: A person who has been formally trained and who has experience in the management, treatment, and/or planning relative to water resources such as streams, rivers, ponds, lakes, and ***wetlands***.

WAY: Any pubic highway, street, avenue, road, alley, park or parkway, or any private way laid out under authority of statute, and ways provided and maintained by public institutions to which state funds are appropriated for public use, to any public or private ***parking lot*** which is maintained primarily for the benefit of paying customers.

WETLAND BUFFER: An area adjacent to ***wetlands*** that in its undisturbed and natural condition, is integral to the performance and protection of ***wetland*** functions and values.

WETLANDS: All areas within the Wetlands Conservation District as defined by Section 401.2, 401.3.

WIND ENERGY SYSTEM: A wind energy conversion system consisting of a wind turbine, a tower or pole, and associated mechanical and electrical conversion components.

YARD (OR SETBACK): That portion of a ***lot*** not occupied by a ***building*** or structure. Porches, whether enclosed or unenclosed, shall be considered as part of the main ***building*** and shall not project into a required yard.

YARD, FRONT (OR SETBACK): Yard between the front lot line and the front of a ***building*** extended to the side lot lines of the lot. The depth of the front yard shall be measured from the ***street line*** to the front line of the ***building***. Notwithstanding provisions for front yards elsewhere in these regulations, on streets with less than 50 foot right-of-way, the front yard requirement shall be measured from the center line of the existing right-of-way and 25 feet shall be added to the front yard requirement.

YARD, REAR (OR SETBACK): Yard between the rear lot line and the rear line of a ***building*** extended to the side lot lines of the lot. The depth of the rear yard shall be measured from the rear lot line to the rear line of the main ***building***.

YARD SALE: The sale of excess items by a ***family*** from its residence to customers coming to the residence to view and purchase the items. It shall include garage, lawn, attic, tag and porch sale, and similar expression intending to convey such type of sales.

YARD, SIDE (OR SETBACK): Yard between the ***principal building*** or ***accessory building*** and a side lot line, and extending through from the front yard to the rear yard.

APPENDIX B KEY TO HIS SOIL TYPES

Source: Society of Soil Scientists off Northern New England, High Intensity Soils Maps for New Hampshire - Standards and Origins, January, 1987, p. 8, p. 9.

This key is used in determining soil types that are utilized in high intensity soil surveys for administration of lot size by soil type and ***wetlands*** regulations. The soil types are defined as soils having the same soil characteristics of drainage class, parent material, restrictive features, and slope; and are designated by a five-part symbol, the parts being A, B, C, D, E.

SYMBOL A - DRAINAGE CLASS

1 - excessively drained

2 - well drained

3 - moderately well drained

4 - somewhat poorly drained

5 - poorly drained

6 - very poorly drained

7 - not determinable (to be used only with Symbol B-6)

SYMBOL B - PARENT MATERIAL

1 - Glaciofluvial Deposits (outwash/terraces)

2 - Glacial Till Material

Marine or Glaciolacustrine Deposits

3 - Very fine sand and silt deposits

4 - Loamy/sandy over silt/clay deposits

5 - Silt and clay deposits

6 - Excavated, regraded or filled

7 - Alluvial Deposits

8 - Organic Materials - Fresh Water

9 - Organic Materials - Tidal Water

SYMBOL C - RESTRICTIVE FEATURE (If more than one applies, list the most restrictive)

1 - None.

2 - bouldery, with more than 15% of the surface covered with boulders (larger than 12 inches in diameter).

3 - mineral restrictive layer(s) are present in the soil profile less than 40 inches below the soil surface - such as hard pan, platy structure, clayey texture. For examples of soil characteristics that qualify for restrictive layer, see Soil Manual for Site Evaluations in New Hampshire, page 2-22, figure 2-8.

4 - bedrock present in the soil profile 0 to 40 inches below the soil surface (bedrock is either a lithic or paralithic contact - see Soil Taxonomy p. 48-49).

5 - subject to flooding.

6 - does not meet fill standards (see addendum - Standards For Fill Material) (only to be used with Symbol B-6).

X - Areas where depth to bedrock is so variable that a single soil type cannot be applied will be mapped as a complex of soil types and will have a Symbol C of X.

SYMBOL D - SLOPE CLASS

B - 0 TO 8%

C - 8 TO 15%

D - 15 TO 25%

E - 25% +

SYMBOL E - HIGH INTENSITY SOIL MAP IDENTIFIER - H.

The H is placed at the end of the soil type to identify the area mapped as meeting the standards for high intensity soil maps. If, as a preliminary planning tool, a soil map is made that does not meet the standards, but the soil scientist still prefers to use the connotative legend to identify the soils, a P (signifying a preliminary map) will be sued in place of the H, i.e. 111CP. Maps made with soil types ending with P do not meet the standards for high intensity soil maps and are not intended to be used for wetland Ordinance, lot size by soil type regulations, etc.

SOME EXAMPLES

1. An excessively drained sand and gravel soil with on restrictive features on a 9% slope would be identified as: 111CH

2. A moderately well drained glacial till soil with a hard pan, on a 4% slope would be identified as: 323BH

3. A somewhat poorly drained clayey soil with firm consistence and high clay content in the substratum, on a 1% slope, would be identified as: 453BH

4. A very poorly drained organic soil located on the tidal marsh would be identified as: 691BH

5. An area of well drained glacial till where bedrock is present, and the shallow soils are so intermixed with deep soils that they cannot be separated, on a 16% slope, would be identified as: 22XDH

SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE
111BH	40000	212BH	75000	23XCH	100000
111CH	45000	212CH	80000	23XDH	140000
111DH	60000	212DH	95000	23XEH	NA
111EH	NA	212EH	NA	241BH	50000
112BH	75000	213BH	50000	241CH	75000
112CH	80000	213CH	75000	214DH	100000
112DH	95000	213DH3	100000	241EH	NA
112EH	NA	213EH	NA	243BH	50000
114*H	NA	214*H	NA	243CG	75000
11XBH	80000	21XBH	80000	243DH	100000
111XCH	100000	21XCH	100000	243EH	NA
11XDH	140000	21XDH	140000	244*H	NA
11XEH	NA	21XEH	NA	24XBH	90000
121BH	40000	221BH	40000	24XCH	130000
121CH	45000	221CH	45000	24XDH	180000
121DH	60000	221DH	60000	24XEH	NA
121EH	NA	221EH	NA	251BH	90000
122BH	75000	222BH	75000	251CH	135000
122CH	80000	222CH	80000	251DH	160000
122DH	95000	222DH	95000	251EH	NA
122EH	NA	222EH	NA	253BH	90000
124*H	NA	223BH	50000	253CH	135000
12XBH	80000	223CH	75000	253DH	160000
12XCH	100000	223DH	100000	253EH	NA
12XDH	140000	223EH	NA	254*H	NA

SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE
12XEH	NA	224*H	NA	25XBH	130000
161BH	50000	22XBH	80000	25XCH	190000
161CH	55000	22XCH	100000	25XDH	240000
161DH	70000	22XDH	140000	25XEH	NA
161EH	NA	22XEH	NA	261BH	50000
164*H	NA	231BH	40000	261CH	55000
166*H	NA	231CH	45000	261DH	70000
16XBH	90000	231DH	60000	261EH	NA
16XCH	110000	231EH	NA	263BH	60000
16XDH	150000	233BH	50000	263CH	85000
16XEH	NA	233CH	75000	263DH	110000
211BH	40000	233DH	100000	263EH	NA
211CH	45000	233EH	NA	264*H	NA
211DH	60000	234*H	NA	266*H	NA
211EH	NA	23XBH	80000	26XBH	90000
26XCH	110000	33XBH	115000	412BH	145000
26XDH	150000	33XCH	155000	412CH	190000
26XEH	NA	33XDH	205000	413BH	90000
275*H	NA	33XEH	NA	413CH	135000
311BH	60000	341BH	75000	414*H	NA
311CH	90000	341CH	100000	41XBH	150000
311DH	120000	341DH	125000	41XCH	180000
311EH	NA	341EH	NA	421BH	75000
312BH	95000	343BH	75000	421CH	115000
312CH	125000	343CH	100000	422BH	130000
312DH	155000	343DH	125000	422CH	165000
312EH	NA	343EH	NA	423BH	90000
313BH	60000	344*H	NA	423CH	135000

SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE
313CH	90000	34XBH	115000	424*H	NA
313DH	120000	34XCH	155000	42XBH	150000
313EH	NA	34XDH	205000	42XCH	180000
314*H	NA	34XEH	NA	431BH	115000
31XBH	100000	351BH	90000	431CH	150000
31XCH	120000	351CH	135000	433BH	115000
31XDH	160000	351DH	160000	433CH	150000
31XEH	NA	351EH	NA	434*H	NA
321BH	50000	353BH	90000	43XBH	175000
321CH	75000	353CH	135000	43XCH	235000
321DH	100000	353DH	160000	441BH	115000
321EH	NA	353EH	NA	441CH	150000
322BH	85000	354*H	NA	433BH	115000
322CH	100000	35XBH	130000	443CH	150000
322DH	135000	35XCH	190000	444*H	NA
322EH	NA	35XDH	240000	22XBH	175000
323BH	60000	35XEH	NA	44XCH	235000
323CH	90000	361BH	70000	451BH	135000
323DH	120000	361CH	100000	451CH	205000
323EH	NA	361DH	130000	453BH	135000
324*H	NA	361EH	NA	453CH	205000
32XBH	100000	363BH	70000	454*H	NA
32XCH	120000	363CH	100000	45XBH	195000
32XDH	160000	363DH	130000	45XCH	285000
32XEH	NA	363EH	NA	461BH	105000
331BH	75000	364*H	NA	461CH	150000
331CH	100000	366*H	NA	463BH	105000
331DH	125000	36XBH	110000	463CH	150000

SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE	SOIL TYPE	LOT SIZE
331EH	NA	36XCH	130000	464*H	NA
333BH	75000	36XDH	170000	466*H	NA
333CH	100000	36XEH	NA	46XBH	165000
333DH	125000	375*H	NA	46XCH	195000
333EH	NA	411BH	90000		
334*H	NA	411CH	135000		

The soil types listed below have one or more limiting characteristics that make the soil type "NA" or require on-site investigation, no matter what other characteristics of the soil may be present.

SOIL TYPE	MINIMUM LOT SIZE
5***H	NA, poorly drained soil
6***H	NA, very poorly drained soil
*75*H	NA, floodplain soil
*66*H	NA, fill does not meet the Standards for Fill Material (see Key to Soil Types)
76**H	On-Site evaluation needed

The Soil Type symbols are explained in the Key to Soil Types.

"NA" means not allowed
"*" means any slope or any number

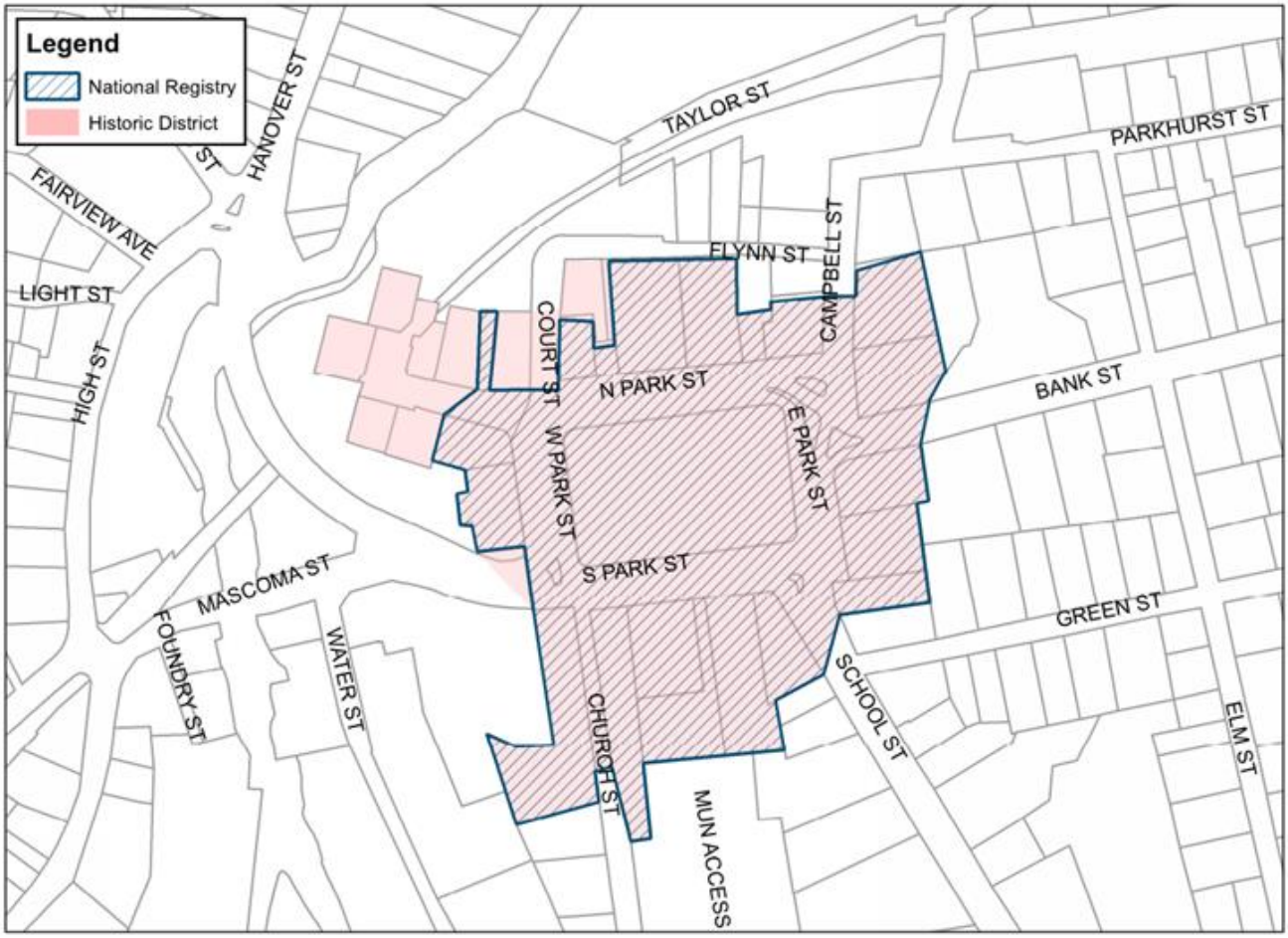
NOTE:

1) The lot size requirements in the preceding table do not apply to lots having municipal sewerage.

2) The lot size requirements in the preceding tables may be reduced by 1/3 for lots having municipal water and no municipal sewerage.

APPENDIX C HISTORIC DISTRICT MAP

Lebanon Historic District



****

ADOPTED:	**January 16, 2013**	(Sections 102 & 104 Purpose Statement) (Sections 305.2 & 305.5 General Commercial- added multi-family, mixed use, and Section 305.5 for PB density). (Section 507.1 Density Bonuses for energy efficient design and renewable energy - for future use.) Section 608, Signs- definition of sign and sign area; 608.5 temp signs; 608.8.F. sign illumination & 618.10 non-conforming sign illumination.)
Revised:	**March 13, 2013**	(amendments submitted to the voters by referendum: Sections 201, 201.8 &9, 203, 203.3, 204, 215,401, 410, 601, 610, 611, 612, Article III and Appendix A)
Revised:	**May 15, 2013**	**(**Impact Fee, Article II, Section 213 only)
Revised:	**February 19, 2014**	(Accessory Dwelling Units, Section 610 D. only)
Revised:	**March 11, 2014**	(amendments submitted to the voters by referendum: Sections 501, 502, 610)
Revised:	**August 6, 2014**	(amendment Professional Business District Section 311.B)
Revised:	**March 10, 2015**	(amendments submitted to the voters by referendum: Sections 203.4, 203.5, 1000.2, 1000.4, Appendix A)
Revised:	**May 20, 2015**	(amendments “Alternative Treatment Centers”: Article III, Section 305.2, General Commercial District, Table of Uses; Article VI, Section 607.2, Appendix A)
Revised:	**May 4, 2016**	(amendments to Article II, Section 201 “Yard Requirements”; added Article III, Section 302.1 “Mixed Use Buildings; amendments to IND-L, IND-RA, GC, CB, NC, R-O, R-O-1, PB, and MC districts (Article III); amendments to Article V, Section 508.4 (“Planned Business Parks Sector, Allowed Uses”); amendments to Article VI, Section 600 (“Home Businesses”) and Section 607 (“Parking”); added Article VI, Section 611A (“Beekeeping”); amendments to Article VII, Section 703 (“Non-Conforming Buildings and Structures”); amendments to Article VIII, Section 802.5 (“Board Procedures, Rehearings and Appeals”); amendments to Appendix A (“Definitions”)

Revised:	**January 18, 2017**	Amendments to Sections 201 “Yard Requirements”; 201.9 “Accessory Renewable Energy Systems”; 203 “Height Requirements”; 209 “Manufactured Homes”; Article III Tables for the IND-L, IND-RA, IND-H, GC, CB, NC, R-1, R-2, R-3, R-O, R-O-1, PB, RL-1, RL-2, RL-3, and MC Districts; 401 “Wetlands Conservation District”; 407 “Airport Protection District”; 409 “Landfill Reclamation District”; 410 “Riverbank Protection District”; 500 “General (re: Article V provisions); 501 “Planned Unit Development (PUD); 504 “Manufactured Home Subdivisions”; 507 “Bonuses for Certain Planned Development”; 607 “Parking”; 608 “Signs”; 610 “Accessory Dwelling Unit (ADU)”; 611 “The Keeping of Hens”; 612 “Renewable Energy Systems”; and Appendix A “Definitions”. Removed Section 502 “Cluster Subdivision”.
Revised:	**March 14, 2017**	Amendments to Article III Tables for the R-1, R-2, R-3, RL-1, RL-2, and RL-3 Districts; Section 612 “Renewable Energy Systems”; and Appendix A “Definitions”. Added Section 600A “Home-Based Contractor’s Yard”.
Revised:	**April 19, 2017**	Amendments to Section 608 “Signs”; and Appendix A “Definitions” (definition of “sign”).
Revised:	**January 17, 2018**	Amendments to Section 205 “One Principal Structure Per Residential Lot”; Section 213.5 “Impact Fees – Standards and Basis of Assessment”; Section 302 “Uses” (“Accessory Uses” and “Enhanced Performance Standards”); Article III Tables of Use (adding uses permitted by conditional use permit); Sections 303.4 and 5 (IND-L outdoor storage and retail showroom requirements); Section 307 (eliminating Neighborhood Commercial district); Section 311.2 (adjusting R-O District table of uses); Section 601.2 (parking requirements for conversions); Section 610 “Accessory Dwelling Units”; and Appendix A “Definitions”.
Revised:	**March 13, 2018**	Amendments to Article III Tables for the R-1, R-2, R-3, RL-1, RL-2, and RL-3 Districts.
Revised:	**August 15, 2018**	New Section 608 (“Signs”) and related amendments to Appendix A.

Revised:	**January 16, 2019**	Amendments to Section 306.3 (CBD building height); Sections 311.2, 311A.2, 500.B, and 501.2.B (adding PURD as a permitted use in the R-O and R-O-1 Districts); Sections 608.4.A.1 & 4 (amending maximum sign area calculation and freestanding sign regulations); Sections 612.2.C, 612.3.A & Appendix A (amending accessory and non-accessory solar energy system regulations).
Revised:	**March 6, 2019**	Amendment to Appendix A (definition of "family").
Revised:	**January 22, 2020**	Amendments to Sections 200 (expanding exempt land cultivation activities), 302.4 (adjusting CUP procedures & standards), 303 & 305 (adding health club, car wash, & retail product pickup), 303A & 306 (adding health club), 305A (new GC-1 District), 307 (new Lebanon Downtown District), 311 & 311A (adding health club and adjustments to multi-family uses), 315 (adding health club & retail product pickup), 402.1 (updated flood map references), 408.3 (adding historic district map), 601 (clarifying standards may apply to new construction), 608.4 & 608.7 (adjustments to sign regulations), 610 (adjustments per statute), 611 (allowing roosters in R-3), 702.4 & 702.5 (clarifying standards for non-conforming use expansions), 802.4 (clarifying ZBA decision procedure), and 901.1 (clarifying uses requiring a zoning permit), and Appendix A (misc adjustments and new definitions related to Lebanon Downtown District).
Revised:	**March 10, 2020**	Amendment to Article III Tables eliminating "enhanced" setback along state highways in the R-1, R-2, R-3, R-O, R-O-1, and PB Districts, and eliminating Section 201.2 (front yard reduction by Special Exception); amendment to Article III Tables modifying multi-family dwelling use categories in the R-1 and R-2 Districts; amendment to Article III Tables allowing accessory dwelling unit by right in the R-3, RL-1, and RL-2 Districts; adding Section 501.2.C.3 clarifying uses permitted in a PURD; Adding Section 600B and amending the Article III Tables to allow home-based agriculture in the R-1, R-2, and R-3 Districts; and changing "church" to "house of worship" throughout.
Revised:	**January 20, 2021**	Amendments to Sections 201 & 203 (clarifying language in 201, 201.4, 201.7, 203.1, 203.3, 203.4 & 203.5); 204 (clarifying language); 206 (adding driveways); 208 & new 607.7 (relocating off-street

		loading requirements); 213 & 301 (clarifying language); 303 (adding inpatient rehabilitation facility as a use by CUP, changing retail product pickup to a permitted use, and removing provision for flex buildings); 303A (clarifying use names and clarifying that setbacks may be relaxed by CUP); 304 (clarifying use name); 305 (clarifying use names, and changing retail product pickup and indoor recreational facility to permitted uses); 305A (adding inpatient rehabilitation facility as a use by CUP); 306 (removing vehicular sales and clarifying other use names, and allowed reduction of rear yard by CUP); 307 (clarifying language in 307.6 and allowing waiver of minimum story height and front yard parking prohibition by CUP); 311B.4 (clarifying language); 313 (clarifying use name); 314 (clarifying purpose statement); 315 (adding inpatient rehabilitation facility as a use by CUP); 402, 409, and 501.2 & 3; 501.4 (expanding residential options); 506 (clarifying language); 508.4 (expanding residential options); 601.7 & 602 (clarifying language); 608 (adding additional method for calculating permitted sign area); 610 & 611 (clarifying language); and Appendix A (misc. edits including adding definition for inpatient rehabilitation facility).
Revised:	**March 9, 2021**	Amendments to Sections 308.3 & new 308.4 (building height in the R-1 District); 310.2 (house of worship in the R-3 District); and new 310.4 (density requirements in the R-3 District).

HISTORY OF AMENDMENTS FROM DEC. 5, 1990 ADOPTION TO JANUARY 16, 2013 ADOPTION

ADOPTED:	**December 5, 1990**	**By Lebanon City Council**
REVISED:	August 27, 1991	(Section 703.1 "Expansion")
REVISED:	October 16, 1991	(Section 1000 "Amendments")
REVISED:	July 15, 1992	(Added CHURCH to GC Zone)
REVISED:	September 2, 1992	(Section 211 "Box Trailers")
REVISED:	January 6, 1993	(Sections 608.8. I.8 & 608.4E "Open flags")

REVISED:	June 16, 1993	(Sections 308, 309, 310 & 311 added "Cemetery" as a special exception) & (Section 608.5 & 608.8G "Sandwich Board Sign" added to temporary signs - Appendix A)
REVISED:	August 4, 1993	(Definition of "Planned Business Park" - Appendix A)(Note: Revised again on 4/19/95)
REVISED:	May 4, 1994	(Section 311.A - RO-1 District Table of Uses)
REVISED:	June 15, 1994	(Section 608.4F - "Projecting Signs in CBD" - new section & Section 608.8.D)
REVISED:	July 20, 1994	(Definition of "Medical Aviation Use" - Appendix A)
REVISED:	January 18, 1995	(New Section 311.B - PB District Table of Uses, 607.3 Parking and definition "Mixed Use.")
REVISED:	April 19, 1995	(New Section 508 - "Planned Business Park", definition of same and Section 303.2 - added PBP as permitted use.) -AND- (Section 311.B.6 "Reconstruction" & definition of "Professional Office.")
REVISED:	July 17, 1996	(Appendix “A” added definition “Bus Terminal” & Sections 303.2 Table of Uses - added “bus terminal” as a permitted use - Section 305.2 Table of Uses -added “bus terminal” as a special exception.)
REVISED:	August 30, 1996	(Historic District - NEW Section 408.)
REVISED:	January 21, 1998	(Section 303A - Industrial Rail Access Zoning District)
REVISED:	June 17, 1998	(Section 508.3.C.2 to include “Private Post Secondary Education.” Sections 303.2, 305.2, and 306.2 added “Private Post Secondary Education” as a special exception. Appendix “A” added definition “Private Post Secondary Education.”)
REVISED:	February 21, 2001	(Section 213 - Impact Fees)
REVISED:	May 19, 2001	(Section 609 - Sexually Oriented Businesses)
REVISED:	April 17,2002	(Section 409 - Landfill Reclamation District)

REVISED:	May 7, 2003	(Section 203 Exceptions to Height Requirements) (New section 203.2 Radio & TV Antenna/Tower)
REVISED:	March 4, 2009	(Section 401, Section 607, Section 801.2, Article IX, Article X (Added and deleted language) and Appendix A - New definition for lot of record)
REVISED:	May 20, 2009	(Article V, Section 501.4.D - Added new paragraph to allow a residential component in commercial/industrial PUDs.
REVISED:	July 15, 2009	(Section 213 Impact Fees: deleted existing and replaced. Eliminated definition of “impact fee” from appendix A.)
REVISED:	October 21, 2009	(Updated various sections not needing referendum vote. See City Council updates of ZO, dated August 19, 2009 as revised by Council motion on Oct. 21, 2009.)
REVISED:	July 21, 2010	(Section 508, Planned Business Parks & Section 801.2 Variances were amended.)