

## Appendix A - Definitions

### Definitions

1. Abandonment: To stop the use of property or activity without the intent to resume. When the use of a property has ceased for a period of 12 consecutive months, intent to abandon will be presumed unless the owner can show that a diligent effort has been made to sell, rent, or use the property for that use. Signs that are not in use for greater than one year will be deemed to be abandoned regardless of the intention of the owner.
2. Abutter: As defined in NH RSA §672:3, “Abutter” means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the municipality of a local land use board hearing, where an abutting property is under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in NH RSA §356-B:3, XXIII.
3. Accessory Dwelling Unit: A dwelling unit subordinate to a detached one-family dwelling, located either in the principal dwelling or its accessory structure and as delineated in **Article 4, Section 4.2 Schedule I: Permitted Uses, Note #2.**
4. Accessory Use or Structure: A use or structure subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.
5. Active Adult Community: A community or living facility designed specifically for the interests of seniors age 55 and older, which may include recreational amenities and support services for maintenance-free living for older adults who are healthy, active, and capable of living independently.
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7. Affordable Housing: **See Articles 6.1.4 and 7.7.1.B.**
8. Amateur Radio Communications Tower: A free-standing, guy supported or building-mounted structure, including appurtenances and antenna intended for two-way Amateur Radio Communications.
9. Amusement Center: A structure or structures and/or outdoor areas engaged in providing private amusements, sports and recreation activities and/or entertainment including such activities as dance halls or studios; theaters; cinemas, bowling alleys; billiard halls; video arcades, and similar types of uses for a fee or admission charge for profit. **(See Article 6.4)**
10. Animal Hospital: An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a

kennel shall be limited to short-time boarding and shall be incidental only to such hospital use.

11. Animal Boarding/Kennel: Any structure, land or combination thereof used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl, horses, or other domestic animals for profit, but exclusive of animals used for agricultural purposes.

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13. Assisted Living Facility: Housing primarily for elderly persons, who require some support services for their daily living activities including basic medical assistance. Assisted Living Facilities typically require residents to be mobile and capable of performing most routine tasks.

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19. Bed and Breakfast: The primary dwelling of an owner-operator that provides exclusively for the lodging of transient guests and whose posted rates shall include breakfast. A Bed and Breakfast shall not be used for any other hospitality or business related uses. A Bed and Breakfast shall have not more than four (4) rentable rooms and a dining area capable of accommodating the number of registered guests.

*Note: The standards above for Bed and Breakfast might work better in a brief subsection of Sec. 6 – Supplementary Use Regulations.*

20.

*Note: there are no beekeeping standards in the current working draft of the zoning ordinance. Will this be coming/added back in?*

21.

22. Board of Adjustment: The Zoning Board of Adjustment of the Town of Exeter.

23. Building Coverage: That percentage of the plot or land area covered by the principal and accessory building area.

24. Building Height: The vertical distance measured from the main level of the ground surrounding the building to the highest point of the building, but not including chimneys, spires, towers, silos, tanks, and similar projections.

25. *Note: What is envisioned for this? A Home Depot/Lowes?*

26. Building, Principal: A structure in which is conducted the principal use of the site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the lot on which the same is located.

27. Business Office: A building occupied by one or more offices for activities related to the sale or provision of goods and services to others, including; financial service provider, real estate agents, nonprofit or other community services and governmental agencies.

- 28.
29. Child Day Care: Any person or organization, either established for profit or otherwise, which regularly receives for child day care four or more children, unrelated to the operator or staff of the agency.
30. Code Enforcement Officer: The administrative officer charged with the duty of enforcing the provisions of this ordinance.
31. Community Buildings: A building or structure or group of buildings or structures, owned and operated by the Town of Exeter, or by a nonprofit organization, the primary purpose of which is to provide social and recreational services to the citizens of the community, focused on promoting their health and general welfare.
- 32.
33. Discontinuance: The visible or otherwise apparent intention of an owner to discontinue the use of a building or premises or the removal of a characteristic equipment or furnishings used in the performance of any non-conforming use without its replacement by similar equipment or furnishings. Any non-conforming use or building replaced by a conforming use or building shall be considered to be discontinued.
34. *[Note: I assume this is meant as a drive-through/fast food restaurant and not any business that happens to have a drive-through window (e.g. pharmacy). Let's discuss the intention. The term "drive through" is not otherwise used in the ordinance.]*
35. Duplex: (See Two-Family)
36. Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.
37. Dwelling Unit: One (1) or more rooms, including cooking facilities, and sanitary facilities in a dwelling structure, designed as a unit for living and sleeping purposes.
38. Elderly/Senior: For the purpose of this ordinance, elderly or senior shall be defined as persons fifty-five (55) years of age or older.
39. Elderly Congregate Health Care Facilities (ECHCF): A multi-dwelling residential facility providing various housing options to meet the spectrum of needs and interests from active adults through skilled nursing facilities. ECHCF's primary feature is the provision of "lifetime" supportive services at each stage of a senior's later life. The facility is generally intended for persons fifty-five (55) years of age or older which provides on-site nursing home facilities as licensed by the State of New Hampshire.
40. Essential Services: The erection, construction, alteration or maintenance by public utilities and telecommunication providers or Town or other governmental agencies of underground or overhead gas, electrical, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants,

and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or Town or other governmental agencies or for the public health or safety or general welfare, but not including buildings. (See **Article 6.6**)

41. Farm/Farm Uses: A parcel of land used principally for the raising, keeping or production of agricultural products or animals, including the necessary or usual dwellings, buildings and facilities related to such activity.

42.

43. Farm, Roadside Stands: Structure in connection with a farm operation, for the purpose of display and sale of farm products raised by the owner on the premises.

44. Fertilizer: (deleted 3/12/19 – added to Section 9.2 Aquifer and 9.3 Shoreland Districts)

45. Floor Area: For the purposes of determining requirements for off-street parking and off-street loading, it shall mean the gross sum of the area of the several floors of a building or portion thereof, including the basement, if any, as measured from the interior faces of the exterior wall of such buildings.

46.

*Note: The size limitation in the UC1 and UC2 districts is up for discussion. If it's kept, it may fit best under Sec. 6 – Supplementary Use Regulations.*

47. Frontage: The horizontal distance measured along a lot line dividing a lot from a street. Such measurement shall refer to a continuous line except where otherwise specified.

48. Garden Supply Establishment: An establishment where retail and wholesale garden products and produce are sold to the consumer. The establishment imports most of the items sold, but may include a nursery and/or greenhouses, and may include plants, nursery products and stock, potting soil, hardware, other garden and farm variety tools and outdoor furniture.

49. Gasoline and/or Automotive Service Station: A building or other structure or tract of land used principally for the storage and sale of gasoline or motor fuels, lubricants, automotive parts or supplies, and for the working, servicing, washing and repair of motor vehicles.

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52.

*Note: For grocery stores, the only real difference is what size to allow in the UC1 vs. other commercial or mixed-use districts. 10,000 SF is somewhat arbitrary, but for comparison, the average Trader Joe's is between 8,000 and 15,000 SF. If the preference is really for a corner store as opposed to a full scale (but small) grocery store, this could be reduced to 5,000 SF.*

53. Hazardous Storage: Facilities intended for the storage of flammable, explosive

or toxic chemicals, liquids or gases for the primary purpose of transmission or distribution off-site by pipeline, tank vessel, tank car, tank vehicle, portable tank or container, etc. (See Article 6.14)

54. Heliports: (See Article 6.15)

55. Home Occupation: An occupation conducted on the premises of a dwelling unit which is principally operated by an occupant and which is clearly incidental and secondary to the use of the principal structure as a dwelling unit and does not change the residential character thereof. (See Article 6.10)

56.

57. Hotel/Motel: A building in which living/sleeping accommodations are provided for transient occupancy. A hotel may also be combined with uses related to the needs of short-term visitors such as restaurant, gift store, or conference rooms. These uses may be incorporated within the same building or within the hotel complex.

58. Impervious Surface: A modified surface, that cannot effectively absorb or infiltrate water including roofs, decks, patios, paved gravel or crushed stone driveways and parking areas and walkways unless designed to absorb or infiltrate water.

59. Independent Living Facilities: Similar to the Active Adult Community but provides some support services such as cleaning, laundry, food, transportation, and other services. Group facilities may be provided on premises for recreation and social interaction.

60. Junkyard: An area of land, with or without buildings, primarily used for the storage outside of a completely enclosed building, of used and discarded materials, including but not limited to waste paper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use of disposition of the same. Junkyard also means any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicle or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts shall be equal in bulk to two or more motor vehicles. Junkyards shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal. (See Article 6.2)

Laboratories: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

*Note: Laboratories has been combined with Research and*

*Development.*

Landscape Services: An establishment for the sale and service of landscape materials. The establishment stocks and delivers most of the items sold. Stock may include paving materials, fencing, plants, nursery products and stock, potting soil, mulch, hardware, power equipment and machinery, garden and farm variety tools and utensils and outdoor furniture.

*Note: Landscape services has been combined with Garden*

*Supply.*

61.

Light Industry: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging incidental storage, sales and distribution of such products; but excluding basic industrial processing such as casting and forging.

*Note: The former definition of Light Industry, above, has been transferred to Manufacturing, Light to be consistent with the terminology in the Use Table.*

62.

63. Lot: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by the ordinance, and having frontage on a public street, private way or right-of-way.

64. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty- five (135°) degrees. The point of intersection of the street lot lines is the "corner".

65. Lot Depth: The mean horizontal distance between the front and rear lot lines.

66. Lot Lines: The property lines bounding the lot.

67. Lot Line, Front: The lot line separating the lot from a street, private way or right-of-way.

68. Lot Line, Rear: The lot line opposite and most distant from the front lot line.

69. Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street, private way or right-of-way is called a side street lot line.

70. Lot Width: The distance between the two side lot lines measured at the minimum front yard setback line required in the district.

71. Lot Coverage: All impervious and pervious paved surfaces on a given lot including: paved, bricked or gravel areas, buildings or other structures, decks and patios, and recreational facilities such as tennis courts, in-ground pools or similar amenities.

72. Lot Coverage, Shoreland Protection District: All impervious and pervious paved

surfaces on a given lot including: paved, bricked or gravel areas, buildings or other structures, decks and patios, and recreational facilities such as tennis courts, in-ground pools or similar amenities, lawns or other manicured groundcovers.

73. Lot, Non-Conforming: Any lot, which does not conform with the minimum width, depth, area or required setback dimensions specified for the district(s) in which it is located.
74. Lot of Record: Any lot a deed to which has been recorded in the office of the Rockingham County Registry of Deeds.
75. Manufacturing: Manufacturing, storing, assembling, packing or treating of articles or merchandise from previously prepared materials.
- 76.
77. Medical Offices: A structure or group of structures occupied by one or more medical or health-care practitioners for the purpose of providing health services to people on an outpatient basis including doctors, dentists, physical therapists, massage therapist and chiropractors.
78. Medical Rehabilitation Facility: A building or group of buildings devoted to extended medical treatment and/or physical rehabilitative care.
79. Mini-Storage Buildings: A building or group of buildings containing storerooms or containers which are leased to customers for storage of personal household goods or products outside of their home or place of business.
80. Multi-Use: A single building containing one or more uses permitted within the zoning district in which it is located. In addition to the permitted uses allowed, residential uses (one or more dwelling units) are allowed on any level except the street level.
81. Manufactured Housing: Any structure transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein.
82. Manufactured Housing Park: A parcel of land under single ownership which has been planned for the placement of manufactured housing, appurtenant structures or additions.
83. Manufactured Housing Subdivision: A subdivision designated by the applicant for the exclusive use of manufactured housing on individually deeded lots and consisting of a minimum of four (4) lots, each lot conforming to the density and dimensional regulations of the R-1 zoning district.
84. Multi-Family; Multi-Family dwellings: Any building or structure containing more than two (2) dwelling units.

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87. Municipality: To mean the Town of Exeter.

88. Museum: An organized and permanent nonprofit institution, essentially educational or aesthetic in purpose, with professional staff, which owns and utilizes tangible objects, cares for them and exhibits them to the public on some regular basis.

89. Non-Conforming Use: Any use of land, building or premise lawfully existing at the time of adoption of this Zoning Ordinance or any subsequent amendment thereto which does not conform to one or more provisions of this ordinance.

90. Nursing Home: A long-term care facility licensed by the state that offers 24-hour room and board and health care services, including basic and skilled nursing care, rehabilitation, and may also offer a full range of other therapies, treatments, and programs. Nursing homes may or may not cater exclusively to seniors.

91.

92. Open Space: Is defined as land area vertically open to the sky, free of all impervious surfaces as described under 2.2.39 and 2.2.40. Open Space may include wetlands, stream systems, or other bodies of water unless specifically precluded.

93. Open Space Development: A residential development consisting of either single family and /or multi-family dwelling units, located on one or more parcels, which is subject to the overall density requirements for the zone in which the development is located, but which may be located, grouped, or dispersed in any fashion, subject to the requirements of Article 7 - Open Space Development of this ordinance.

94. Owner: For the purposes of this provision, "Owner" is defined as any person, corporation, partnership, trust, association or other entity holding, as of December 1, 1980, record title to, or pursuant to contract or other agreement having an expectancy of same in, or in any other manner directly or indirectly holding any right, title, or in interest in, either the "non-conforming lot" or "adjoining vacant land" as terms are herein used.

95.

*Note: Are there other conditions that should be applied to this use in residential districts? Or is the special exception enough to manage this?*

96.

97. Planning Board: The Planning Board of the Town of Exeter.

98. Professional Offices: A building occupied by one or more offices in which there is no display of unrelated stock or wares in trade commodity sold, nor any commercial use conducted other than the professional offices of a lawyer, architect, engineer, insurance agent or other similar professional services.

99.

*Note: Not sure what this is meant to include. Plumbers, electricians, contractors?*



**100. Prototype Production:** A use limited to the fabrication of new or experimental products produced in quantities not exceeding those necessary for research and development or testing of the product within the corporation and not intended for sale.

**101.**

**102. Recreation Facility:** A structure or structures and/or outdoor areas engaged in providing public, non-profit amusements or entertainment, including parks, swimming pools and playgrounds.

**103. Research and Development Uses:** A use devoted to technological experimentation or the development of new products and processes, research and development laboratories and related facilities for research, development and testing.

**104. Residential Conversion:** The conversion of existing residential buildings (principal residential structure as well as accessory structures) into not more than four (4) dwelling units. **See Sec. 6.19.6.**

**105. Residential Uses:** single family, two-family or multi-family; a combination thereof or separate uses.

**106.**

**107. Retail Services:** Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including retail stores, restaurants and banks. Also, establishments primarily engaged in providing services involving the care of a person or his or her apparel (such as barbershops and beauty salons, spas, tailors and dry cleaners).

**Rooming and Boarding Houses:** A dwelling or part there-of, other than a hotel or motel, where lodging is provided for compensation without individual cooking facilities.

*Note: The above is a somewhat archaic use and is really only used now in certain districts "by conversion only" which HW proposes to eliminate. If there is a reason for this use that HW is missing, please let us know.*

**108.**

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**110.**

*Note: Is there any interest in defining and allowing post-secondary schools (college and universities)?*

**111. Sexually Oriented Business Use:** A principal use or substantial accessory use where goods and/or services are marketed, advertised or displayed of a sexually oriented or sexually explicit nature which meets the definition of either "harmful to minors" or "sexual conduct" as set forth in NH RSA §571-B:1. Such goods include, but are not limited to, sexually explicit books, videos, movies, devices, computer software, and marital aids. Examples of sexually oriented

business uses include, but are not limited to, theaters or mini-motion picture displays where sexually explicit films or videos are shown, nude modeling studios, massage parlors, escort agencies or sexual encounter centers.

**112.** Sign: See **Article 5.7.2**: Sign Regulations – Definitions.

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**115.** Special Exception: A use permitted within a District only after a determination by the Board of Adjustment that certain conditions specified in the Zoning Ordinance have been met. (See Section 5.2)

**116.** .

**117.** Street: A thoroughfare or roadway which is either (a) formally accepted by the Town, or (b) shown on a subdivision plan approved by the Planning Board and constructed to Town specifications and for which surety has been posted to guarantee construction of all improvements required by the Planning Board.

**118.** Street level: The floor level of a structure most accessible to any street.

**119.** Structure: Anything constructed, the use of which requires permanent location on or in the ground, or attachment to something having permanent location on or in the ground, including stationary and portable carports and swimming pools.

**120.** Structure Setback: The mean horizontal distance from the front lot line and the structure frontage.

**121.** Structure Frontage: The length of the structure facing a street, private way or right-of-way.

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**124.**

**125.** Transfer: Referring to the transportation activity of collection, temporary storage and re-shipment of material.

**126.**

**127.** Two-Family: Two-family home (Duplex): A building designed for residential purposes and containing two principal dwelling units separated by a common interior wall (including ceiling/floor), and supported with a common foundation.

**128.** Variance: Relief from the standards of the Zoning Ordinance allowed by the Zoning Board of Adjustment pursuant to RSA 674:33.

**129.** Veterinarian: An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel or overnight services are prohibited.

**130.** Warehousing: A use engaged in storage of manufactured products, supplies and equipment; bulk storage.

**131.** Wetlands: Those areas of land identified and delineated as consisting of poorly and very poorly drained soils as defined by the Soil Conservation

Service/National Cooperative Soil Survey, or those poorly and very poorly drained soils as identified by a high intensity soil survey prepared by a certified soil scientist, as defined in Article 9.1.3 Wetlands Conservation District – Area of Jurisdiction.

- 132. Wholesale Establishment:** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.
- 133. Yard:** Any open space that lies between the principal buildings or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward by any structure except as herein permitted.
- 134. Yard, Front:** An open space that lies between the principal building or group of buildings and the front lot line unoccupied and unobstructed from the ground upward by any structure.
- 135. Yard, Rear:** An open space extending the full width of the lot between the principal building or accessory structure and the rear lot line unoccupied and unobstructed from the ground upward by any structure.
- 136. Yard, Side:** An open space extending from the front yard to the rear yard between the principal building or accessory structure and the nearest side lot line unoccupied and unobstructed from the ground upward by any structure.