

ARTICLE 12
(Amended to Town Meeting 2007)
DEFINITIONS

ABANDONMENT: The visible or otherwise apparent intention of an owner to discontinue the use of a building or premise, or the removal of characteristic equipment or furnishings used in the performance of any non-conforming use without its replacement by similar equipment or furnishings. The replacement of any non-conforming use or building by a conforming use or building.

ABUTTER: Any person whose property is located in New Hampshire and adjoins, or is directly across a street, or a river from 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.

ACCESSORY DWELLING UNIT: An "In-Law" apartment style unit occupying not more than one-third (1/3rd) of the living space in the principal structure.

ACCESSORY USE OR STRUCTURE: A building structure or use subordinate and customarily incidental to the principal building, structure, or use on the same lot.

ADULT USES/SEXUALLY ORIENTATED BUSINESSES: See Article 18, Section 2.

APARTMENT: An individual dwelling unit offered for rental occupancy within an apartment house or other structure.

AUTO DEALERSHIPS: a retail automobile dealership that is primarily housed in a structure and characterized by a mixture of secondary supporting uses; however, the principal use of the site shall be the marketing and display of new or used automobiles, whether by sale, rental, lease or other commercial or financial means. Secondary supporting uses may include an inventory of vehicles for sale or lease on-site and on-site facilities for the repair and service of automobiles previously sold, rented, or leased by the dealership as defined under "Service Stations". No abandoned vehicles shall be stored on the premises.

BED & BREAKFAST ESTABLISHMENT: Owner occupied building. Also used by owner for rental of eight (8) or fewer rooms to transient guests, the owner and owner's family.

BOARD OF ADJUSTMENT: The Zoning Board of Adjustment for the Town of Epping.

BORDERING: "To touch at the edge of boundary" - (Webster).

BUFFER ZONE - Strip of land established to protect one type of land use from another which is incompatible.

BUILDING HEIGHT: The vertical distance measured from the mean level of the ground surrounding the building to the highest point of the building, but not including chimneys, spires, towers, silos, tanks or similar projections.

BUILDING - PRINCIPAL: A structure in which is conducted the original use of the site on which it is situated. In any residential district/zone a dwelling shall be deemed to be a principal building on the lot on which the same is located.

CAMPGROUND: A plot of ground upon which two (2) or more campsites are located, established or maintained for occupancy by camping units of the general public as temporary living quarters for recreation, education or vacation purposes. A campground shall be designed for seasonal occupancy, as

opposed to permanent year round occupancy and shall not be constructed to mean a Manufactured Housing (Mobile Home) Park.

CHURCH: Buildings used or intended for use as places of worship, or for other religious uses such as meetings, training or instruction.

CODE ENFORCEMENT OFFICER (BUILDING INSPECTOR): The administrative officer charged with the duty of enforcing the provisions of the ordinances.

COMMERCIAL PLANNED UNIT DEVELOPMENT: A structure or group of structures used for commercial purposes. Developed and designed to be maintained and operated as a unit in single ownership or control, by an individual, partnership, co-operative, condominium or corporation and which has certain facilities “in common”, such as yards, parking areas and utilities.

COMMERCIAL USE: Activity involving the sale of goods or services carried out for profit. *(Adopted March 8, 1994).*

COMMON OPEN AREA: Open space land set aside for the benefit and enjoyment of the residents of a subdivision/site plan. Development of the land may be restricted by deed or other legal arrangements.

COMMUNITY BUILDING: A building used by members of the community for social, cultural or recreational purposes.

CONVENIENCE STORE: A store not exceeding one thousand, five hundred (1,500) square feet of floor area, including grocery, drug and variety stores.

COVERAGE: That percentage of the plot of land area covered by; the principal and accessory building area.

DAY CARE FACILITIES: A private establishment enrolling four (4) or more unrelated children between two (2) and five (5) years of age, where tuition fees, or other forms of compensation for the care of the children is charged and which is state licensed or state approved to operate as a Child Care Facility.

DUAL USE: A use of land where a single parcel, site, or property is used for two distinct uses, both of which are permitted uses in the zone and meet all other town and zoning requirements. A dual use designation cannot be used to expand a non-conforming or non-permitted use or be acquired through the variance process. *(Adopted 3/18/97).*

DUPLEX: A single residential structure so designed to contain two (2) separate dwelling units.

DWELLING: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one (1) or more persons.

ESSENTIAL SERVICES: The erection, construction, alteration or maintenance by public utility companies, town or other governmental agencies of underground or overhead gas, electrical, water transmission or distribution systems, to include 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 and reasonably necessary for the furnishing of adequate services by such public utilities, town or other governmental agencies for the public health, safety and general welfare, but not including buildings.

EXPANSION OF NON-CONFORMING USES OR STRUCTURES: When the expansion is a natural activity, closely related to the manner in which a piece of property is used at the time of the enactment of this ordinance.

EXCAVATION - which shall mean:

1. The land area from which the earth materials are excavated; or
2. The act of removing earth materials for commercial taking, sale or use on other premises for the purpose of enhancing the value of the land to which earth materials are transported.

FARM: A parcel of land used principally in the raising or production of agricultural products, and/or keeping livestock, the necessary or usual dwellings, farm structures, storage and equipment.

FLOOD HAZARD AREA: The areas designated by the Federal Emergency Management Agency, through the Federal Flood Insurance Program as those subject to inundation during the one hundred (100) year flood.

FORESTRY: (See Silviculture).

FRONTAGE: Frontage is the width of the lot at the boundary on town approved streets.

GARAGE - PRIVATE RESIDENTIAL: A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned and operated by the residents thereof and that is not a separate commercial enterprise available to the general public. *(Adopted March 14, 1995)*

GASOLINE STATION: A building, other structure or tract of land used exclusively for the storage and sale of gasoline or other motor fuels and any other uses accessory thereto.

HEALTH CARE FACILITY: An establishment for the care of human health including hospitals, clinics, nursing homes and convalescent homes.

HOME OCCUPATION: A Home Occupation is a professional or service occupation, or business carried out from the home which is clearly accessory and subordinate to the residential use of the property. *(Adopted March 8, 1994)*.

INDOOR RECREATION: A permanent structure containing facilities for recreational activities, such as movies, tennis, platform games, swimming, exercise rooms, handball and similar activities. *(Adopted March 14, 1995)*.

INDUSTRY: An area for scientific research, development and training. Offices, manufacturing and assembly of products and related supply activities. It is designed to accommodate a broad spectrum of clean industries operating under high performance standards.

JUNK YARD: Any business and place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer intended, or in condition for legal use on public highways. Used parts of motor vehicles, old iron, metal, glass, paper, cordage, other waste, discarded or secondhand material which has been a part, or intended to be a part of any motor vehicle, the sum of which parts or material shall be equal in bulk to two (2) or more motor vehicles. Junk yard shall also include any place of business, storage or deposit of motor vehicles for parts or for use of the metal for scrap where it is intended to burn material(s) which are parts of a motor vehicle or to cut up the parts thereof.

KENNEL: Any structure or premise in which animals are kept, boarded, bred or trained for commercial use.

LANDSCAPE BUFFER: A buffer required to provide adequate transition between the development and abutting land uses or existing town roads.

LOT: A piece or parcel of land occupied or intended to be occupied by a principal building, or group of such buildings and accessory buildings. Utilized for a single operation thereof together with such open spaces as required by this ordinance and having frontage on a road, street, or Right-of-Way:

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

2. LOT - Depth: The mean horizontal distance between the front and rear lot lines.

3. LOT - Line: A line dividing one lot from another, as road, street, or Right-of-Way.

4. LOT - Width: The distance between the two (2) side lot lines measured at the required setback line, or along the lot line at the road, street, or Right-of-Way.

5. LOT - Non-Conforming: Any zone lot where the owner(s) of said lot does not own any adjoining property, the subdivision of which would create one or more non-conforming lots, which do not conform with the minimum width, depth, and area dimensions specified for the zone in which said lot is located.

6. LOT-OF-RECORD: Any lot or deed which has been recorded in the office of the Rockingham County Registry of Deeds.

LUMBERYARD: A business engaged in the sale of, or production of lumber and related products.

MANUFACTURED HOUSING - Mobile Homes or House Trailers: 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 three-hundred-and twenty (320) square feet or more, and which is built on a permanent chassis or designated to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical heating systems contained therein in conformance with state and federal regulations.

MANUFACTURED HOUSING PARKS: Any tract of land on which two (2) or more manufactured housing units are parked or placed and are occupied for living purposes, whether or not a charge is made for such accommodation. The term “Manufactured Housing Park” shall not include sales lots on which unoccupied manufactured housing, whether new or used, are parked for the purpose of inspection or sale.

MANUFACTURED HOUSING - Space Lot: A plot of ground within a manufactured housing park designed for the accommodation of one manufactured house/home.

MEETING HALL: A building used for public assembly.

MOTEL/HOTEL: A building or group of buildings which contain four (4) or more living units and which primarily constitutes the temporary abode.

MULTIPLE FAMILY - Multi-Family Dwellings: Any building or structure containing more than two (2) dwelling units.

MUNICIPALITY: To mean the Town of Epping.

NATURAL ACTIVITY: An activity which does not change the nature of the use, does not make the property proportionately less adequate, and does not have a substantially different impact on the neighborhood.

NON-CONFORMING USE: A use lawfully existing at the time of adoption of this ordinance or any subsequent amendment which does not conform to one or more provisions of this ordinance.

OFFICIAL MAP: The adopted street or base map of the Town of Epping as defined in RSA 674:9.

OUTDOOR RECREATION: Leisure time activities usually performed with others, often requiring equipment and taking place at a prescribed place, site or field.

PIGGERY: An operation for the raising and/or breeding of pigs in which six (6) or more pigs are kept simultaneously.

PLANNING BOARD: The Planning Board of the Town of Epping.

PRE-SITE BUILT HOUSING - Modular: Any structure designed primarily for residential occupancy which is wholly, or in substantial part, made, fabricated, formed or assembled in off-site manufacturing facilities in conformance with US Department of Housing and Urban Development (HUD) minimum property standards of local building codes, for installation or assembly on the building site.

PROFESSIONAL ESTABLISHMENTS: An office for an accountant, architect, attorney, chiropractor, physician, dentist, psychologist, social worker, or any other similar profession.

RECREATIONAL VEHICLE SALES ESTABLISHMENT: a retail vehicle (including ~~but~~ and limited to boats, snow mobiles, motorcycles, off highway recreational vehicles (OHRV), campers, and camper trailers) dealership that is ~~primarily~~ exclusively housed in a structure and characterized by a mixture of secondary supporting uses; however, the principal use of the site shall be the marketing and display of new vehicles, whether by sale, rental, lease or other commercial or financial means. Primary and Secondary supporting uses may include an inventory of used vehicles for sale or lease on-site and on-site facilities for the repair and service of vehicles previously sold, rented, or leased by the dealership as defined under "Service Station" and shall be carried out on the site within the structure, no outdoor storage, display or other activity shall be permitted under this definition without specific site plan approval for limited areas and activities. No abandoned vehicles shall be stored on the premises. Recreational vehicle sales establishments with outdoor storage and/or activities shall be considered "Auto Dealerships" as defined in the ordinance. (Amended Town Meeting - 3/10/2009)

RESEARCH LABORATORIES: An establishment or other facility for carrying out investigations into the natural, physical, special sciences, or engineering and development as an extension of investigation with the objective of creating end products.

RESIDENTIAL CONVERSION: The conversion of a single family residential building to more than two (2) dwelling units, providing that the structure was in existence prior to date of the adoption of this ordinance.

RESTAURANT: Restaurant or any other establishment where food and/or beverages are consumed on the premises.

RETAIL BUSINESS: Retail Business: Establishment engaged in providing goods and merchandise to the general public and rendering services incidental to the sale of such goods. **(Added 3/00)**

RETAIL STORE: Establishment engaged in selling goods or merchandise to the general public for personal or house hold consumption and rendering services incidental to the sale of such goods.

RETIREMENT COMMUNITY: Planned development designed to meet the needs of, and exclusively for, the residence of senior citizens.

RIGHT-of-WAY: Means and includes all present and proposed town, state and federal highways and the land on either side of same, as covered by statutes to determine the widths of Right-of-Way.

SAWMILL: An establishment, either permanent or portable, established to machine-cut timber into boards, planks, structural members or similar wood products.

SCHOOL: A public or private institution for general education, including nursery schools, kindergartens, elementary, junior high, high schools, colleges, universities, or post-graduate schools and schools for teaching technical skills, trades or arts.

SERVICE STATION: means any building, structure, improvements, or land used for the replacement of any part, or repair of any part, to an automobile including, but not limited to the general repair, adjusting, overhauling, removing, replacing, rebuilding, or reconditioning of automobiles and engines, oil change and lubrication, cooling, electrical, fuel and exhaust systems, wheel alignment and balancing, brake adjustment, relining and repairs, mufflers, batteries, tire services and sales, shock absorbers, installation of stereo equipment, car alarms or cellular phones, but excludes dismantling or salvage of automobiles, in whole or in part. No abandoned vehicles shall be stored on the premises.

SHOPPING MALL/CENTER: Two (2) or more commercial zone units on a single lot available for purchase (condominium style), rent or lease.

SIGN: See Article 19, Section 2.

SILVACULTURE - Forestry: The practice of scientifically based and sound management of forest land and cultivation of forest trees.

SITE PLAN: A site development plan for non-residential multi-family uses (rental units, condominiums and condominium conversions) and expanded home occupations drawn to adequate scale on a permanent medium, showing such information about the proposed development, including lot dimensions, size and location of facilities and site conditions, as are required in the Planning Board Site Plan Review Regulations.

SPECIAL EXCEPTION: A use permitted within a zone only after determination by the Board of Adjustment that certain conditions specified in the zoning ordinance have been met.

STREET: Shall mean a state highway, highway, boulevard, avenue or road which is lawfully existing in the two for vehicular travel. Streets shall also include the entire Right-of-Way and private roads that are built to town standards.

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 or portable carports and swimming pools:

1. **STRUCTURE - Frontage:** The length of the structure facing a road, street or Right-of-Way.

2. **STRUCTURE - Setback:** The mean horizontal distance from the lot line and the structure frontage.

SUBDIVISION: The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominiums conveyance or building development. It includes re-subdivision and when appropriate to the context, relates to the process of subdivision, or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under these regulations.

VARIANCE: A variance from the requirements of this ordinance, not otherwise permitted within a particular zone and allowable only after a public hearing and determination by the Zoning Board of Adjustment.

VETERINARY CLINICS: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

YARD: Any open space which lies between the principal building or group of buildings, and the nearest lot line, and is unoccupied by any structure, except as herein permitted:

1. **YARD - Front**: An open space which lies between the principal building or group of buildings and the front lot line occupied by any structure.
2. **YARD - Rear**: An open space extending the full width of the lot between a principal building and the rear lot line unoccupied by any structure.
3. **YARD - Side**: An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unoccupied by any structure.

ZONE: A region or area set off as distinct from surrounding or adjoining parts or created for a particular purpose.