

LAND USE ORDINANCES  
AND  
REGULATIONS

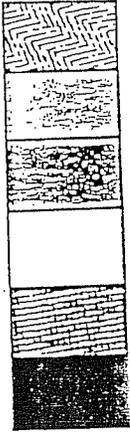
TOWN OF LISBON, NEW HAMPSHIRE

LISBON ZONING ORDINANCE

LISBON SUBDIVISION REGULATIONS

LISBON SITE PLAN REVIEW





DISTRICT A

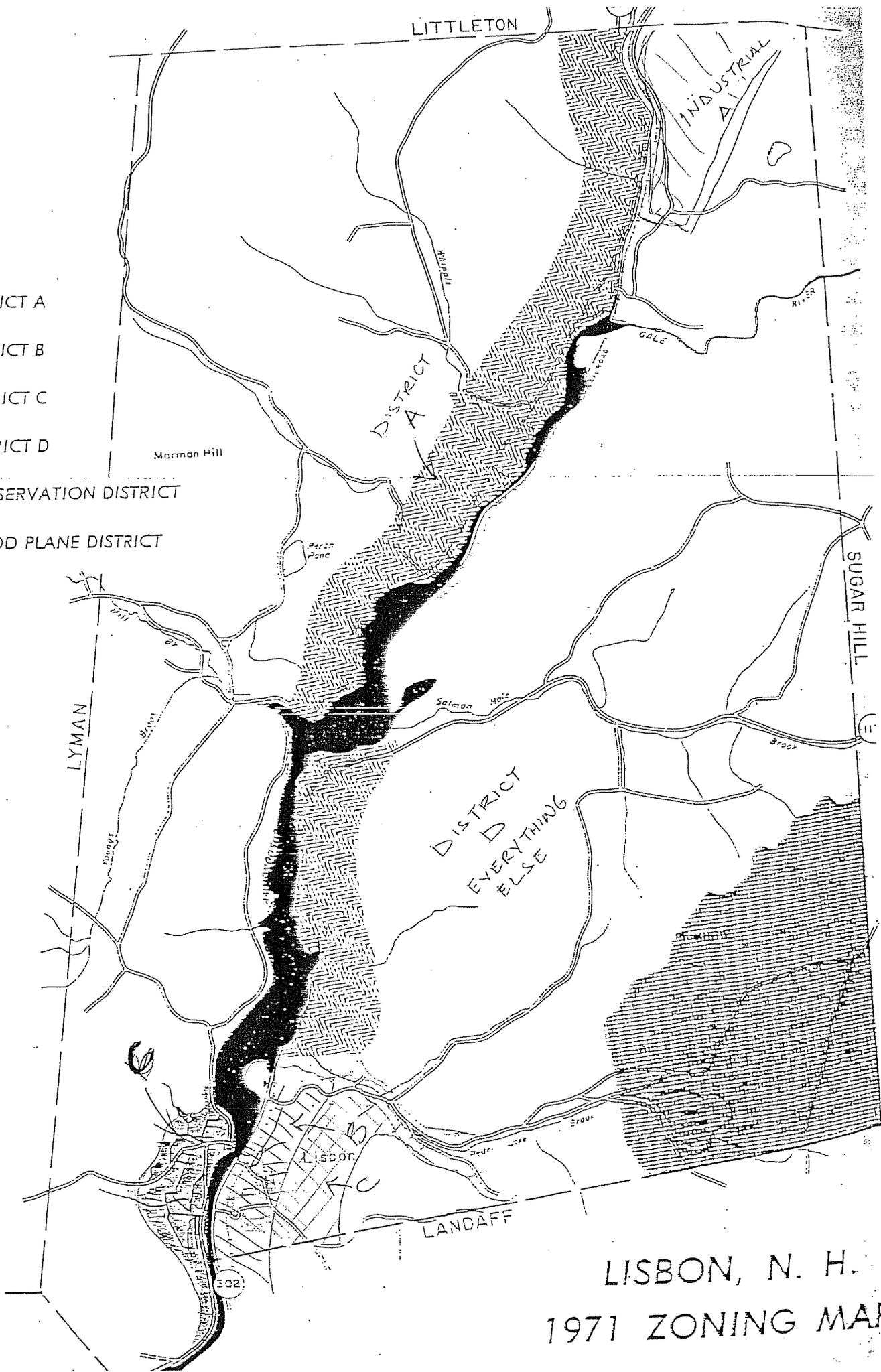
DISTRICT B

DISTRICT C

DISTRICT D

CONSERVATION DISTRICT

FLOOD PLANE DISTRICT



LISBON, N. H.  
1971 ZONING MAP



## CHAPTER 1 – LISBON ZONING ORDINANCE

Purpose	1-01
Article I – Definitions	1-01
Article II – Present Uses	1-02
Article III – Future Uses	1-02
Article IV – Special Districts	1-03
Land Use Limitations	1-03
Floodplain Development	1-04
Article V – Permitted Uses	1-12
Residential	1-13
Commercial	1-13
Agricultural	1-14
Industrial	1-14
Civic	1-14
Other	1-14
Table of Minimum Requirements	1-15
Article VI – General Provisions	1-15
Article VII – Mobile Home Parks, Camping Areas & Cluster Development	1-16
Mobile Home Parks	1-16
Camping Areas	1-16
Cluster Development	1-17
Article VIII – Board of Adjustment	1-18
Article IX – Administration and Enforcement	1-19
Article X – Amendment	1-20
Article XI – Validity	1-20
Article XII – Effective Date	1-20

## PURPOSE

This ordinance, adopted in the year 1972, is designed to promote the health, safety and general welfare of the inhabitants of Lisbon and to protect the value of property, to prevent overcrowding of land, to provide adequate air and light, and to facilitate the adequate provision of the other public requirements.

The environment of the Town of Lisbon is of such diversified nature that residential, agricultural, commercial, industrial, recreational, and conservation-based developments are involved. This ordinance therefore is designed to protect, to preserve and to encourage these many developments.

## ARTICLE I

**DEFINITIONS:** For the purpose of this ordinance, the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word shall is mandatory, the word may is permissive, the words used or occupied include the words intended, designed, or arranged to be used or occupied, and certain terms or words shall be interpreted as follows:

- 1.01 Building:** Any structure for the shelter or enclosure of persons, animals or property of any kind.
- 1.02 Dwelling:** A structure designed for residential occupancy.
- 1.03 Frontage:** The Length of the Lot bordering on an approved public or improved private road that meets at least minimum state and/or local standards. (March 1985)
- 1.04 Height:** The vertical distance between the mean finished grade at the structure and the highest point of the roof of the structure.
- 1.05 Junk Yard:** Any place of storage or deposit, whether in connection with another business or not, where two (2) or more unregistered, old or second-hand motor vehicles, not longer intended or in condition for legal use of the public highway are held.
- 1.06 Lot:** A parcel of land of at least sufficient size to meet the requirements of this ordinance.
- 1.07 Lot Area:** The area in square feet enclosed by the lot lines of a single lot.
- 1.08 Mobile Home:** A detached residential unit designed for transportation after fabrication on its own wheels or other trailer and which will be used as a dwelling. A travel trailer is not to be considered a mobile home.
- 1.09 Nonconforming Structure:** A structure which is lawfully maintained at the time this ordinance becomes effective but which does not conform with the regulations for the district in which it is located.

- 1.10 Nonconforming Use:** A use which lawfully exists at the time this ordinance becomes effective but which does not conform with the regulations for the district in which it is located.
- 1.11 Parking Space:** An off-street space whether inside or outside of a structure, to be used primarily as a parking area for a vehicle.
- 1.12 Service Stations:** Buildings where gasoline, oil, grease, batteries, tires, and automobile accessories are sold at retail; servicing and repairs are made; and cold drinks, candy, tobacco and similar goods may be sold.
- 1.13 Setback:** The distance between a lot line and the closest point of the nearest building.
- 1.14 Setback-Front:** A setback with a lot line which coincides with a line of a street or public right-of-way.
- 1.15 Travel Trailer:** A vehicular portable structure designed to be used as a temporary dwelling whose floor area is not greater than 168 square feet.
- 1.16 Variance:** A variance is a relaxation of the terms of this ordinance.
- 1.17 Use by Right:** A use which may expand without the approval of the Board of Adjustment and which conforms to the ordinance. (March 1984)
- 1.18 Appurtenant Uses:** Any normal residential uses such as but not limited to garages, utility sheds, and swimming pools. (March 1988)
- 1.19 Personal/Commercial Wireless Communication Facilities:** Shall mean any facility including the antenna, equipment shelter, fall zone, tower and any other facility accessory that provides commercial mobile wireless service, unlicensed wireless services and common carrier wireless exchange services, as described by Section 332 of the Telecommunications Act of 1996. (March 2002)

## ARTICLE II

### **PRESENT USES**

- 2.01** Every use being made of land, dwellings or buildings in the Town of Lisbon, on the effective date of this ordinance may be continued.
- 2.02** A nonconforming use may be expanded only upon approval of the Board of Adjustment which shall first find such expansion or extension does not create a greater nuisance or detriment.
- 2.03** Any nonconforming use, which has been discontinued for a period of the two (2) years shall not thereafter be resumed.
- 2.04** A nonconforming use, which has been damaged or destroyed by fire, accident, or other causes may be repaired or reconstructed, provided such work is undertaken and completed within one (1) year after such damage or destruction unless extended by special exception being granted by the Lisbon Zoning Board of Adjustment.

## ARTICLE III

### **FUTURE USE**

**3.01 Boundaries, Zoning Map, and District Definitions:** The locations and boundaries of the zoning districts are shown on "The Zoning Map of the Town of Lisbon, NH" which is a part of this ordinance and are defined as follows:

**3.01.01 District A:** All property North of the railroad crossing adjacent to Clark's Garage on existing 302 bounded on one side by the Ammonoosuc River and on the other side by a parallel line 1250 feet from Route 302 as indicated on Overlay No. 1 to the Official Zoning Map of the Town of Lisbon, NH.

**3.01.02 District B:** All property south of the railroad crossing adjacent to Clark's Garage on existing Route 302 bounded on one side by the Ammonoosuc River and on the other side by the top of the terrace bank formed by the Ammonoosuc River as indicated on Overlay No. 1 of the Official Zoning Map of the Town of Lisbon, NH.

**3.01.03 District C:** All property not included in District B serviced by Public Water as indicated on Overlay No. 1 to the Official Zoning Map of the Town of Lisbon, NH.

**3.01.04 District D:** All other property not included in Districts A, B, or C as indicated on Overlay No. 1 to the Official Zoning Map of the Town of Lisbon, NH.

#### **3.01.05 Special Districts**

**3.01.05.1 Conservation Districts:** All property surrounding Pearl Lake and defined as the Pearl Lake Watershed as indicated on Overlay No. 2 to the Official Zoning Map of the Town of Lisbon, NH.

**3.01.05.2 Flood Hazard Conservation District:** All property shown on Overlay No. 1 to the Official Zoning Map of the Town of Lisbon, NH, along the Ammonoosuc River Titled "Flood Hazard Area".

**3.01.05.3 Flood Hazard Areas:** All lands designated as flood hazard areas 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 are declared to be a part of this ordinance and are hereby incorporated by reference. (February 2008)

**3.01.05.4 Special Industrial District A:** All property located along Mt. Eustis Road from the Littleton/Lisbon town line to Streeter Pond Road located within 3000' south of the high water mark of the south bank of the Ammonoosuc River. Said district shall not include any property fronting on Streeter Pond Road. Minimum lot size: 200,000 sq. ft.

**Permitted Uses:**

Factory retail establishments,  
Mail order business,  
Manufacturing,  
Office building.

**Allowed by Special Exception:**

Open storage of building materials for the individual's use on site,  
Open storage of timber and lumber for individual's use on site,  
Sawmills and lumber treatment facilities,  
Warehouse,  
Wholesale,  
Commercial removal of loam, clay, sand, gravel and ledges,  
Day care services,  
Growth and harvesting of forest products (orchards, Etc.)  
Planned unit development,  
Raising agricultural crops (including the raising of farm animals or livestock where the use is incidental to the primary use of the property),  
Storage of volatile fuels for resale,  
Temporary dumping and filing as a means for eventual use by a conforming and permitted use. (March 2002)

**ARTICLE IV**

**SPECIAL DISTRICTS**

**4.01 Land Use Limitations:** Where uses are planned on land of such character as shown on the overlays referred to in Article III, Paragraph 3.01.05 as to be detrimental to the health and welfare of the general public due to inherent natural use limitations, plans shall be submitted in sufficient detail to enable the Board of Adjustment to consider such usage as a Special Exception use as covered by the provisions of Article VIII as well as the objectives outlined below. In reviewing proposed uses in Hazardous Flood Areas, or in wet lands where water tables are at or near ground level for extended periods of time or on slopes in excess of 25%, the following shall be given due consideration: Pollution of ground water, creation of erosion or sediment producing areas, diversion of water.

**4.02.01 Definition of Terms:** The following definitions shall apply only to this Floodplain Development Ordinance, and shall not be affected by the provisions of any other ordinance of the Town of Lisbon.

**Area of Shallow Flooding** means a designated AO, AH, or VO zone on the Flood Insurance Rate Map (FIRM) with a one-percent or greater annual possibility of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet-flow.

**Area of Special Flood Hazard** is the land in the floodplain within the Town of Lisbon subject to a one-percent or greater possibility of flooding in any given year. The area is designated as zone A on the FHBM and is designated on the FIRM as zones A, AO, AH, A1-30, AE, A99, VO, or V1-30, VE or V.

**Base Flood** means the flood having a one-percent possibility of being equaled or exceeded in any given year.

**Basement** means any area of a building having its floor sub-grade on all sides.

**Building** – see **Structure**.

**Breakaway Wall** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.

**Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operation.

**FEMA** means the Federal Emergency Management Agency.

**Flood** or **Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or run-off of surface waters from any source.

**Flood Elevation Study** means an examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood – related erosion hazards.

**Flood Insurance Rate Map (FIRM)** means an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the Risk premium zones applicable to the Town of Lisbon.

**Flood Insurance Study** – see **Flood Elevation Study**.

**Floodplain** or **Flood prone area** means any land area susceptible to being inundated by water from any source (see definition of **Flooding**).

**Flood proofing** means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improve real property, water and sanitation facilities, structures and their contents.

**Floodway** – see **Regulatory Floodway**.

**Functionally dependent use** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

**Highest adjacent grade** means the highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure.

**Historic Structure** means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- 1) By an approved state program as determined by the Secretary of the Interior, or
- 2) Directly by the Secretary of the Interior in states without approved programs.

**Lowest Floor** means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such an enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**Manufactured Home** means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term **manufactured home** includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days.

**Mean sea level** means the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.

**100-year flood** - see **base flood**

**Regulatory floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without increasing the water surface elevation. These areas are designated as floodways on the Flood Boundary and Floodway Map.

**Special flood hazard area** means an area having flood, mudslide, and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E. (See - **Area of Special Flood Hazard**)

**Structure** means for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

**Start of Construction** includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site,

such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal: (1) the appraised value prior to the start of the initial repair or improvement; or (2) in the case of damage, the value of the structure prior to the damage occurring. For the purposes of the definition, **substantial improvement** is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a **historic structure**, provided that the alteration will not preclude the structure's continued designation as a **historic structure**.

**Water surface elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

**Recreational vehicle** means a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. (March 1994)

**4.02.02** All proposed development in any special flood hazard areas shall require a permit.

**4.02.03** The Board of Selectmen (or their designate) shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:

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

**4.02.04** Where new or replacement water and sewer systems (including on-site systems) are proposed in a special flood hazard area the applicant shall provide the Board of Selectmen (or their designate) with assurance that these systems will be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

**4.02.05** For all new substantially improved structures located in Zones A and AE (February 2008), the applicant shall furnish the following information to the Building Inspector:

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

The Board of Selectmen (or their designate) shall maintain for public inspection, and shall furnish such information upon request.

#### 4.02.08 Flood elevation determination:

1. In special flood hazard areas the Board of Selectmen (or their designate) shall determine the 100 year flood elevation in the following order of precedence according to the date available:
  - a. In zone AE refer to the elevation date provided in the community's Flood Insurance Study and accompanying FIRM or FHBM.
  - b. In unnumbered A zones the Board of Selectmen (or their designate) shall obtain, review, and reasonably utilize any 100 year flood elevation data available from any federal, state, or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).
2. The Board of Selectmen's (or their designate) 100 year flood elevation determination will be used as criteria for requiring in zones A and AE that:
  - a. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100 year flood elevation;
  - b. That all new construction or substantial improvements of non-residential structures have the lowest floor (including Basement) elevated to or above the 100 year flood level; or together with attendant utility and sanitary facilities, shall:
    - (i) Be flood proofed so that below the 100 year flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
    - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
    - (iii) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section;

**4.02.06** The Board of Selectmen (or their designate) shall not grant a building permit until the applicant certifies that all necessary permits have been received from those government agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

**4.02.07** Additional requirements:

1. In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the Wetlands Board of the New Hampshire Department of Environmental Services and submit copies of such notification to the Board of Selectmen (or their designate), in addition to the copies required by the RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Board of Selectmen (or their designate), including notice of all scheduled hearings before the Wetlands Board. (February 2008)
2. The applicant shall submit to the Board of Selectmen (or their designate), certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
3. The Board of Selectmen (or their designate) shall obtain, review, and reasonably utilize any floodway data available from federal, state, or other sources as criteria for requiring that all development located in zone A meet the following floodway requirement:

“No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.”
4. Along watercourses that have not had a Regulatory Floodway designated or determined by federal, state, or other source; no new construction, substantial improvements, or other development (including fill) shall be permitted within zone A1-30 and AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point in the community.

- c. All manufactured homes to be placed or substantially improved within special flood hazard areas shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood level; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
  
- d. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements: (1) The enclosed area is unfinished or flood resistant, usable solely for the parking or vehicles, building access or storage; (2) the area is not a basement; (3) shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(February 2008)

#### **4.02.09 Variances and Appeals:**

1. Any order, requirement, decision or determination of the Board of Selectmen (or their designate) made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in RSA 676:5.
  
2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I (b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:

- (a) That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
  - (b) That the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. The Zoning Board of Adjustment shall notify the applicant in writing that (i) the issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amount as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
4. The community shall (i) maintain a record of all variance actions, including their justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

**4.02.10** Recreational vehicles placed on sites in Zones A1-30, AH, and AE shall either (i) be on the site fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet all standards of Section 60.3 (b)(1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for "manufactured homes" in Paragraph (c)(6) of Section 60.3. (March 1994)

## ARTICLE V

**5.01 Permitted Uses.** Upon submission of a Notice of Intent uses are permitted as indicated in the Tables below. The Notice of Intent shall be filed with the Selectmen prior to any construction or new use (this includes Mobile Homes whether in a mobile home park or as a dwelling or any other use), and shall include a general description of the facility, proposed use of all buildings on the site, temporary or permanent, and anticipated completion date. Forms are available in the Town Clerk's office. Uses other than those listed are not allowed but may be added as provided in NH RSA Chapter 31:63A and 63B (March 1984)

### **TABLE OF DISTRICT USES**

(x) Denotes a use permitted by right.

- (s) Denotes a use permitted only by a Special Exception (See 8.03) granted by the Board of Adjustment, except as provided by 2.01  
 (-) Denoted a use that is expressly prohibited.

Type of Land Use	Zoning Districts			
	A	B	C	D
<b>5.02 Residential:</b>				
5.02.1 Single and two family dwelling	x	x	x	x
5.02.2 Three or more family dwelling(March 1988)	s	s	s	s
5.02.3 Mobile Home Parks	s	-	-	s
5.02.4 Single travel trailer, not used for living and/or business purposes stored at the rear of the owners premises.	x	x	x	x
5.02.5 Mobile Home, provided that it meets all the requirements for a dwelling and is placed on a securely fixed in place and skirted foundation and landscaped in a manner compatible with adjacent properties.	x	x	x	x

**5.03 Commercial:**

5.03.1 Outdoor sales of food, produce, or vegetables.	x	x	x	x
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	Zoning Districts			
	A	B	C	D
5.03.2 Home shop, office or occupation (such as, but not limited to, doctor, realtor, beautician, electrician, or other tradesman) operating entirely within a building but occupying not more than one-third the floor area, operated by a resident of the same premises, employing not more than two persons not members of the family, provided the use is unidentifiable from the exterior except by an identifying sign.	x	x	x	x

5.03.3 Rooming houses, boarding houses, tourist

homes, hotels, and motels, housekeeping cottages.	S	S	S	S
<b>5.03.4</b> Retail Establishments.	X	X	S	S
<b>5.03.5</b> Restaurants and indoor commercial Recreational facilities.	X	X	-	S
<b>5.03.6</b> Outdoor commercial recreation facilities.	S	-	S	S
<b>5.03.7</b> Public and private camping grounds provided the side and front setbacks are at least 50 feet and the operation is concealed by natural growth.	S	-	-	S
<b>5.03.8</b> Personal service establishment maintained as a separate building, (such as barber shops, laundry pick-up agencies, or self service laundromats).	X	X	-	S
<b>5.03.9</b> Office buildings.	X	X	-	X
<b>5.03.10</b> Service Stations.	S	S	-	S
<b>5.03.11</b> Automobile Sales.	S	X	-	-

**5.04 Agricultural:**

<b>5.04.1</b> Animal husbandry (raising or keeping of animals other than household pets). Said	<b>Zoning Districts</b>			
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
animals to be kept within the confines of the owner's property. (March 1999)	X	S	S	X
<b>5.04.2</b> Growth and harvesting of forest products, orchards and similar uses including the sale of produce grown on the premises.	X	X	X	X

**5.05 Industrial:**

**5.05.1** Home industry such as the production of pottery, furniture, jewelry, (or similar items) subject to the same considerations as Home

Shops.	x	x	x	x
5.05.2 Manufacturing, research and testing laboratories, provided no pollution results.	s	s	-	s
5.05.3 Automobile repair garage.	s	x	-	x
5.05.4 Open storage of lumber and building materials.	s	s	-	s
5.05.5 Planing mills, sawmills and lumber treatment establishments.	s	s	-	s
5.05.6 Warehouse, storage or wholesale establishment, fuel storage, fuel distribution center, and other activities involving a substantial amount of trucking.	s	s	-	s
5.05.7 Wholesale bakery, food processing plant, wholesale laundry, cleaners, dyers and similar uses.	s	s	-	-
5.05.8 Junk yard or outdoor storage of unregistered and inoperative automobiles.	-	-	-	-
5.05.9 Hydro-electric power production.(March 1983)	s	s	s	s

5.06 Civic:	Zoning Districts			
	A	B	C	D
5.06.1 Sanatoria, nursing homes, clubs lodges, and fraternal organizations.	s	s	s	s
5.06.2 Educational institutions.(March 1983)	s	s	s	s
5.06.3 Churches.(March 1983)	s	s	s	s
5.06.4 Public Utility facilities.(March 1984)	s	s	s	s

**5.07 Other:**

5.07.1 Temporary dumping on or filling of land as

	a means for eventual use by conforming or permitted use.	s	s	s	s
5.07.2	Commercial removal of soil of any type.	s	s	s	s
5.07.3	Above ground storage for volatile fuels in excess of 500 gallons.	s	s	s	s
5.07.4	Public Parks and playgrounds.	s	s	s	s
5.07.5	Cemeteries for human beings.	x	-	x	s
5.07.6	Multiple uses and/or dwellings on a single undivided lot.(March 1992)	s	s	s	s
5.07.7	Uses not specifically listed in this ordinance.(March 1992)	s	s	s	s
5.07.8	Personal/Commercial Wireless Communication facilities(March 2002)	-	-	-	s

#### 5.08 TABLE OF MINIMUM REQUIREMENTS

Dist	Usage	Lot		Setback		
		Area Sq Ft	Frontage Feet	Front Feet	Side Feet	Rear Feet
A	Commercial	80,000	150	50	10	25
	Industrial	200,000	300	50	25	50
	Agricultural	320,000	200	50	25	25
	Residential	80,000	125	50	10	25
B	Commercial	40,000	125	25	10	25
	Industrial	80,000	200	50	25	25
	Agricultural	320,000	200	50	25	25
	Residential	20,000	125	25	10	25
C	Residential	20,000	125	25	10	25
D	Agricultural	320,000	200	50	25	25
	Residential	80,000	125	25	10	25

**5.09 Height:** Maximum height of any building shall not exceed 35 feet in all districts.

**5.10 Space Between Structures:** In any district, there shall be not less than 15 feet between any two unattached buildings on the same lot.

**5.11 Average Front Yard:** When a proposed house is to be situated between two other houses fronting on the same street, each of which is not more than 200 feet from the proposed house and has less than the required front setback for the proposed house may be reduced to the average setback of the two adjoining houses.

**5.12 Adjustment to Lot Size:** Outside the area served by town water and sewerage the required minimum lot sizes may be increased according to the soil based lot size classification of the Grafton County Conservation District in order to insure adequate areas for on site sewage disposal and water supply and to prevent future environmental degradation. (March 1985)

## Article VI

### GENERAL PROVISIONS

**6.01** Land in the town shall not be used in a manner that is disorderly, unsightly, noxious, offensive, or detrimental to the public or the owners or occupants of adjacent property, or prejudicial to the welfare of the community.

**6.02** Any structure damaged by fire, wind, or other causes shall be repaired, debris completely removed and all excavations filled to ground level.

**6.03** No use, conforming or nonconforming, shall be allowed to stand in a damaged or unfinished condition more than one (1) year unless a special exception is granted by the Board of Adjustment.

**6.04** On-site temporary buildings or trailers used in conjunction with construction work shall be permitted only during the period that the construction is in progress. Residing in the foundation before completion of the building shall not be permitted in excess of a twelve-month period unless a special exception is granted by the Board of Adjustment.

**6.05** Appurtenant uses shall be allowed so long as they meet all other provisions of the ordinances. (March 1988)

**6.06** Fences: the finished side of a fence shall face outward from the property on which the fence is located. The side of a fence containing the posts or poles and other bracing appurtenances shall face inward to the property being fenced in or on which the fence is located. When erected near a property lot boundary line, all of the fence and any of its supporting structures or appurtenances shall be constructed no closer than (1) one foot to the boundary line. Any fence exceeding (8) feet in

height shall require a Special Exception by the Board of Adjustment.(March 1999)

**6.07** Personal/Commercial Wireless Communication facilities regulations purpose and intent are to avoid and mitigate adverse impacts such facilities may create, including, but not limited to the following impacts; visual, environmental, historical, flight corridors, health, safety and prosperity. Site Plan Review is required for construction and permitting of all Personal/Commercial Wireless Communication facilities in the Town of Lisbon.(March 2002)

## Article VII

### **MOBILE HOME PARKS, CAMPING AREAS AND CLUSTER DEVELOPMENT (SINGLE FAMILY)**

**7.01 Mobile Home Parks:** The lot on which more than two Mobile Homes is located shall be identified as a Mobile Home Park and shall meet all of the following requirements.(March 1994)

**7.01.1** Each mobile home shall have a minimum unit space of 10,000 square feet.

**7.01.2** Each unit space shall have not less than 50-foot frontage on a street or private roadway whose right-of-way shall be at least 33 feet wide, 20 feet of which shall be a well drained hard surface maintained in good condition. Each mobile home shall be located no closer than 30-feet from any other unit or property line.

**7.01.3** Before any lot may be used for a Mobile Home Park plans and specifications for the layout, access, private roadway, unit spaces, utilities to serve the unit spaces, sanitation, landscaping and the common facilities must be submitted to the Planning Board and the Selectmen for approval by each body.

**7.01.4** Any Mobile Home Park shall at least meet the requirements of the Sanitary Laws of the State of New Hampshire. No outside storage (including fuel) shall be allowed unless it is suitably screened. The Mobile Home Park as a whole shall be suitably landscaped and maintained so as to be a benefit to its neighborhood and the community.

**7.01.5** There shall be provisions for at least one on-site parking space for each unit space.

**7.01.6** A mobile home located in a Mobile Home Park shall have temporary or permanent foundations which are fully enclosed.

**7.02 Camping Areas:** The lot on which more than one tent, tent trailer, or similar shelter is used for transient housing shall be defined as a camping area subject to the following regulations:

**7.02.1** Before any lot may be used for a Camping Area, plans and specifications for the layout, access, private roadway, unit

space, utilities to serve the unit spaces, sanitation, landscaping and common facilities must be submitted to the Planning Board and the Selectmen for approval by each body.

**7.02.2** There shall be provisions for at least one on-site parking space for each unit space.

**7.02.3** Any camping area shall at least meet the requirements of the sanitary laws and regulations of the State of New Hampshire. The operator of a camping area shall provide for the periodic collection and disposal of all rubbish from each unit. The camping area as a whole shall be suitably landscaped and maintained so as to benefit its neighborhood and the community.

**7.03 Cluster Development (Single Family):** is the arrangement of single-family dwellings closer together and on smaller lots than those required by the traditional subdivision planning and zoning specifications. The resulting difference in the lot areas is then consolidated into open spaces for the common benefit of the adjacent residents. The overall density, the total number of families to the total acre in development, remains substantially the same as in a conventional layout.

**7.03.01** Cluster development is permitted by special exception in districts A and C. A subdivision plan for cluster development must be submitted to the Lisbon Planning Board in accordance with the procedures and provisions of the Board's Subdivision Regulations.

**7.03.02** The maximum number of single family lots permitted in any cluster development shall be determined by dividing the net tract area of the parcel by the minimum lot size for the particular zoning district. The net tract area of a parcel of land shall be defined as the total area of the parcel less all nonbuildable land, including all areas within the mapped flood hazard areas, all area with poorly or very poorly drained soils, and all area with a slope of thirty percent (30%) or greater.

**7.03.03** The minimum size of a parcel of land to be developed under this section shall be ten (10) acres of gross land area.

**7.03.04** Every individual lot shall have an area of at least forty thousand (40,000) square feet.

**7.03.05** Lots within the cluster developments shall not have to provide the minimum frontage and setbacks as otherwise required by this ordinance, but shall be designed and constructed so as to achieve the purpose of the zoning regulations as outlined.

**7.03.06** Where a cluster development abuts existing residential lots, a landscaped buffer sufficient to provide an adequate

division or transition between uses shall be established, but in no case shall the width of such buffer be less than the setbacks otherwise required in that district.

- 7.03.07** Depending on the size and design of the development, it may be necessary that a common open space be permanently reserved and maintained as either a natural, recreational or park area in order to serve the homeowners within the development. Such land shall be usable for recreation and other related activities and accessible to all lots within the development, or if any land is to be dedicated to the Town, accessible to the public.
- 7.03.08** The excess open space (the land area created through reduced lot sizes) shall be deeded to the property owners and the common open space devoted, as described above in section 7.03.07, shall be appropriately protected through an easement or other suitable measure given to the homeowners' association, the Town of Lisbon or to an other organization approved by the Planning Board.
- 7.03.09** The developer (original or subsequent) or the homeowners' association of any cluster development shall have the responsibility to repair, maintain, and develop all utilities, streets, drives, recreation areas and other facilities and amenities until and unless the Town of Lisbon has properly received responsibility.
- 7.03.10** With respect to the front external boundary of the entire cluster development parcel, no building or parking area shall be within one hundred (100) feet of an existing public or private right-of-way. No building or parking area shall be within fifty (50) feet of the side and rear boundaries of the entire development parcel.
- 7.03.11** With respect to internal setback requirements, no structure shall be closer than twenty (20) feet from an abutting residential structure; however, garages or storage sheds for two (2) adjacent lots may be attached to each other.

## ARTICLE VIII

### **BOARD OF ADJUSTMENT**

**8.01 Creation:** There is hereby created a Board of Adjustment (in this article referred to as the Board) and its five (5) members shall be appointed by the Selectmen in accordance with and shall have the terms and powers conferred by Chapter 31, NH-RSA as it has been or may be amended.

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**8.02 Appeals:** The Board shall hear and decide any case in which it is alleged there is an error in any order, requirements, decision, or determinations made by any official in the enforcement of this ordinance.

**8.03 Uses permitted by special exception:** The board may grant special exceptions as provided in the Table of Use Regulations. Before reaching a decision, at least two members shall have viewed jointly the subject area and said viewing shall be noted in their records. The board shall (by mail) notify abutters, and any others known to have direct interest in the proposed use to determine their opinions on the proposal prior to the Board's decision, as required by Chapter 31, H.H.R.S.A. covering public hearings. The Board in acting on the applications for a special exception, shall take into consideration the following conditions.

**8.03.01** The specific site is an appropriate location for the use.

**8.03.02** Property values in the district will not be reduced by the use.

**8.03.03** The use will not adversely affect the adjacent area and there are not reasonable objections by the owners of the abutting land.

**8.03.04** No nuisance or unreasonable hazard will result.

**8.03.05** Adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use.

**8.04 Time Limit:** Prior to granting a special exception, the Board may refer the appeal to the Planning Board for a report and recommendation which the Planning Board shall return within 45 days, otherwise, the Board shall rule on all appeals and notify the appellant of their ruling in writing 60 days from the date of application.

**8.05 Variance:** The Board may authorize a variance from the terms of this ordinance where the Board finds that all of the following conditions apply:

**8.05.01** There are special circumstances or conditions applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the property in question, or exceptional topographical conditions), which are peculiar to such requirements of this ordinance as will deprive an owner of such property a reasonable use of it, and will impose upon such owner a hardship not shared by the owners of other property.

**8.05.02** The granting of the variance will be in harmony with the general purposes and intent of this ordinance, and with the convenience, welfare, and character of the area within which it is approved, and will not be injurious or otherwise detrimental to the public welfare.

**8.05.03** The use proposed is a permitted or allowed use.

**8.05.04** The specific variance is the minimum variance necessary to provide for a reasonable use of the land or structure.

- 8.05.05** Not to grant the variance would result in an injustice.
- 8.05.06** Owners of land requesting a special exception, or variance, or appealing an executive decision shall bear the expenses of the necessary hearings (such as cost of newspaper and legal notices and required notices by mail). (Adopted 1984)

## ARTICLE IX

### **ADMINISTRATION AND ENFORCEMENT**

**9.01 Administration Official:** This ordinance shall be administered and enforced by the Board of Selectmen who may delegate authority.

**9.02 Violations:** The Board of Selectmen is hereby authorized to institute or cause to be instituted, in the name of the Town, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ordinance: this authorization, however, shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance.

**9.03 Penalties:** Any violation of this ordinance may be punishable, as determined by the Board of Selectmen, by a civil fine of not more than \$100 for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator received written notice from the municipality that he is in violation of this ordinance, whichever date is earlier. (March 1985)

## ARTICLE X

### **AMENDMENT**

The ordinance may be amended in accordance with the provisions of Chapter 31 NH-RSA, as have been or may be amended.

**10.01 Procedure:** Any person may submit a request for an amendment or repeal of any provision of this ordinance, or any boundary shown on the Planning Map to the Planning Board. The Planning Board shall hold two public hearings on the request and then determine the final form of the request and submit it to the Town Clerk for action by the voters of the Town.

## ARTICLE XI

### **VALIDITY**

**11.01** The validity of any provisions of this ordinance shall not affect the validity of any other provision.

## ARTICLE XII

**EFFECTIVE DATE**

**12.01** This ordinance shall take effect immediately upon its passage.

