

# Town of Waterville Valley, NH

## Zoning Ordinance

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## Article I – Preamble

- A) Authority - In pursuance of authority conferred by Chapters 672-677, Revised Statutes Annotated, as amended (hereinafter referred to as RSA 672-677), the following ordinance is hereby enacted by the voters of The Town of Waterville Valley, New Hampshire.
- B) Title - This Ordinance shall be known and may be cited as the "The Town of Waterville Valley Zoning Ordinance of 1973", as amended, hereinafter referred to as "this Ordinance".
- C) Purposes - This Ordinance is enacted for the following purposes:
- 1) To promote the health, safety, and general welfare of the Town.
  - 2) To assist in preventing the depreciation of property values.
  - 3) To promote the orderly development of the Town.
  - 4) To protect the natural and scenic beauty of the Town.

## Article II - Establishment of Zoning Districts

- A) Districts - For the purpose of this Ordinance, the Town of Waterville Valley is divided into the following eight Zoning Districts, hereafter referred to as "Districts":
- 1) A Lower Density Residential (LDR) district.
  - 2) A Higher Density Residential (HDR) district.
  - 3) A Village Commercial (VC) district.
  - 4) A Special Civic (SC) district.
  - 5) A Recreational (REC) district.
  - 6) A Greenbelt (GB) district.
  - 7) A White Mountain National Forest (WMNF) District.
  - 8) A Commercial 1 (C1) District.
- B) Zoning Maps - The zoning districts listed above shall be bounded as shown on two maps entitled Zoning Map A (Property Maps of Waterville Valley, NH, Map No. 1) and Zoning Map B (Village Composite Waterville Valley, NH) as annotated, which are attached hereto and made a part of this Ordinance, and are hereinafter referred to as the "Zoning Maps".
- 1) Boundaries – Where uncertainty exists as to the boundaries of districts as shown on the Zoning Maps, the following rules shall apply:
    - a) Boundaries indicated as approximately following the centerline of streets or roads shall be construed to follow such centerlines.
    - b) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines.
    - c) Boundaries indicated as approximately following the Town limits shall be construed as following Town limits.
    - d) Boundaries indicated as parallel or extensions of features indicated in subsections (1) through (3) above shall be so construed.
  - 2) Distances – Distances not specifically indicated on the Zoning Maps shall be determined by the scale of the map.
  - 3) Physical or Cultural Features – Where physical or cultural features existing on the ground are at variance with those shown on the Zoning Maps or in circumstances not covered by subsections (1)

through (5) above, the Selectmen, the Board of Adjustment, or the Planning Board, as may be appropriate in a given case, shall interpret the District boundaries.

### **Article III - Interpretation, Application, and Definitions**

- A) Interpretation - Any provision of this Ordinance shall be interpreted as being the minimum requirement for the promotion of the public health, safety, or the general welfare. Whenever any requirement of this Ordinance is at variance with the requirements of any lawfully adopted rules, regulations, or ordinances, the most restrictive or that imposing the highest standards, shall govern.
- B) Application - The provisions of this Ordinance shall apply to all uses, structures, and lots within the Town of Waterville Valley, New Hampshire, except those publicly owned by a unit of government. Whenever any existing use or structure is not in conformity with the provisions of this Ordinance, it may continue to exist subject to the provisions of Article IX. Any use not listed as permitted use shall be construed to be prohibited. No conforming use or structure shall become non-conforming or any non-conforming use or structure become further non-conforming by any manner or action whatsoever, except in accordance with the provisions of this Ordinance or by other legal action of a jurisdiction setting aside a provision of this Ordinance.
- C) Definitions - For the purpose of this Ordinance certain terms, phrases, and words shall have the meaning given herein. Words used in the present tense include the future. The singular includes the plural, and the plural includes the singular. The word "used" shall be construed as though followed by the words "or intended or designed to be used". The words "building", "lot", or "premises" shall be construed as though followed by the words "or any portion thereof". The word "shall" is always mandatory and not merely directory. The word "may" is permissive.
- 1) Abandonment - Condition resulting when the intent of the owner to discontinue the use is apparent or when the characteristic equipment and furnishings of a building have been removed from the premises and have not been replaced by similar equipment or furnishings.
  - 2) Accessory Building - A detached building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.
  - 3) Accommodation Unit - Any room without kitchen facilities in a hotel, motel, lodge, or other building, designed for or adapted to occupancy by transient guests.
  - 4) Alteration - As applied to a building, a structural rearrangement of the exterior or the interior, or an enlargement, or a moving from one location to another.
  - 5) Apartment - See "Dwelling, Multi-Family".
  - 6) Appurtenant Structure - A structure attached to a building but not used for occupancy, such as a church spire, belfry, antenna, or chimney.
  - 7) Basement - That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the distance from grade to floor is more than the vertical distance from normal grade to ceiling.
  - 8) Building - A building, or part thereof, having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel, or anything constructed or erected with a fixed location on the ground but not including poles, lines, cables or other transmission or distribution facilities of utilities, mail boxes or light fixtures.

- 9) Business Complex – A building or buildings that contain 4 or more businesses.
- 10) Business Office - An office open to the public for business transactions, except offices defined herein as Professional and service offices.
- 11) Carport - A roofed, wall-less shed, usually projecting from the side of a building, used as a shelter for an automobile.
- 12) Civic - Of, pertaining to, or belonging to a town, to a citizen, or to citizenship.
- 13) Civic Center – A building complex housing theaters for the performing arts and sometimes exhibition halls or a museum, usually constructed or maintained by municipal funds. Or, a building or building complex containing a municipality’s administrative offices, various departmental headquarters, courts and sometimes an auditorium, libraries or other community or cultural facilities. Or, a theater, meeting hall or the like for community or public use.
- 14) Clinic, Medical, Dental - A group of medical or dental offices organized as a unified facility to provide medical or dental treatment as contrasted with an unrelated group of offices.
- 15) Condominium - A form of ownership in which a property is divided into units and a unit owner has an individual fee title in the unit and undivided interest in the common area and land, as defined by the Condominium documents.
- 16) Convention Facility - A building or portion thereof designed to accommodate meetings, conferences and/or seminars.
- 17) Day Care – A setting for the supervision and care of children, or disabled and/or elderly adults during the day by a person or organization.
- 18) Directional Signs – A sign that includes the name as well as an indication of the direction to travel to arrive at said business.
- 19) Dormitory - A building or part thereof principally used, designed or adapted to provide housing for eight or more occupants and having common social and sanitary facilities, and common cooking and dining facilities, where provided.
- 20) Dwelling - A single detached principal building used primarily for residential occupancy.
- 21) Dwelling, Multi-Family - A detached principal building containing townhouses, row houses, condominiums, or apartments designed for or used by three or more families, each family living as an independent housekeeping unit, the total number of families in residence not exceeding the total number of dwelling units.
- 22) Dwelling, Single-Family - A detached principal building designed for or used as a dwelling exclusively by one family as an independent housekeeping unit.
- 23) Dwelling, Two-Family - A detached principal building designed for or used as a dwelling exclusively by two families, each living as an independent housekeeping unit.
- 24) Dwelling Unit - One or more living and/or sleeping rooms in a dwelling designed for occupancy by one or more individuals living as a single housekeeping unit with its own cooking, living, sleeping, and sanitary facilities. See also – "Two Family Residential Unit".
- 25) Easement - A right afforded a person to make limited use of another's real property, as the right-of-way.
- 26) Family – The term Family is defined as:

- a) A single individual doing his own cooking, and living upon the premises as a separate housekeeping unit, or
  - b) A collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage, or employment as a domestic servant, or
  - c) A group of unrelated persons doing their own cooking and living together on the premises as a separate housekeeping unit, pursuant to a mutual housekeeping agreement (not including a group occupying a boarding house, club, lodge, hotel, or motel).
- 27) Foundation – The masonry substructure of a building.
- 28) Foundation Line – The top line of a foundation; for building height purposes it shall be defined as the highest point at which the pre-construction exterior grade would coincide with the proposed building.
- 29) Garage – A building or indoor area for parking or storing motor vehicles.
- 30) Gazebo/Gazeebo – A pavilion like structure of decorative design used for the momentary shelter from the elements and enjoyment of the surroundings and views.
- 31) Grand Opening – The introduction, promotion, announcement of a new business, store, shopping center, or office or the introduction, promotion, announcement of an established business changing ownership.
- 32) Greenbelt – For purposes of this Ordinance, a conceptual area of undeveloped or park land as designated on Zoning Map B.
- 33) Habitable Floor Area – Those areas within the exterior walls of a building which have head room of not less than seven (7) feet measured perpendicularly from the top of the finished floor, but excluding garages.
- 34) Home Occupation – A use conducted entirely within a dwelling, except for gardening, which is incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the residential character thereof.
- 35) Home Produce – Everything of an agricultural nature grown or produced on the property of a resident, primarily for the personal use of the resident.
- 36) Hotel – A building or group of associated buildings designed for occupancy as the temporary lodging place of individuals either in accommodation units or in dwelling units, and in which all such units are operated under a single management providing the occupants thereof the usual hotel services and facilities.
- 37) Indirect Lighting – A source of external illumination located a distance away from a sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal position view.
- 38) Inn – See "Hotel".
- 39) Institute – A society or organization for carrying on particular work, as of a literary, scientific, or educational character. Or, the building occupied by such a society.
- 40) Internal Lighting – A source of illumination entirely within a sign which makes the sign content visible at night by means of the lights being transmitted through a translucent material but wherein the source of the illumination is not visible.

- 41) Junk – Any discarded metals, discarded bottles, textiles or wood mill wastes, discarded products of natural or synthetic origin, old paper products, old rubber products, one or more unregistered motor vehicle or pieces of farm machinery which are unfit for use on highways, used parts and materials for motor vehicles or farm machinery and other second-hand articles.
- 42) Lodge – See "Hotel".
- 43) Loading Berth – A space generally within or in close proximity to a building which space is designed to accommodate a parked motor vehicle truck during transfer of goods or materials from such truck to the building and having access from a public street.
- 44) Lot – A plot of land, generally a subdivision of a city, town, or village block, or some other distinct tract, represented and identified by a recorded plat or deed.
- 45) Lot Coverage – The proportion of the lot area, expressed as a percent that is covered by the horizontal cross-section of all buildings located on the lot.
- 46) Lot Line – Boundary line of a lot.
- 47) Lot, Zoning – A portion or parcel of land occupied or intended to be occupied by a use, building, or unit group of buildings and accessory buildings, together with such open spaces as are required under the provisions of this Ordinance and meeting any other requirements of this Ordinance for a lot in the District in which such land is situated. Such zoning lot shall have frontage upon a public street or a private easement or way determined by the Selectmen to be adequate for the purpose of access, and may consist of:
  - a) A single lot of record.
  - b) A portion of a lot of record
  - c) A combination of complete lots of record, and portion of lots of record.
  - d) A parcel of land, or the air rights over a parcel of land, described by metes and bounds.
- 48) Lounge – Generally, a cocktail lounge, which is a public room, where cocktails and other drinks are served, and service may include snacks and light meals.
- 49) Motel – See "Hotel".
- 50) Noxious Influences – Noise, glare, odor, air pollution, water pollution, smoke, fumes, particulate matter, heat or vibration produced by and emanating from a use or activity, and potentially detrimental to adjacent uses.
- 51) Open Space – Land not used by buildings, parking or roads but permitted to be used for parks or outdoor recreation.
- 52) Park – An open space devoted to leisure, pastime or recreational uses.
- 53) Parking Space – An off-road space, whether outside or inside a building, to be used exclusively as a parking stall for one motor vehicle.
- 54) Parking Space, Off-Street – The area on a lot designed to accommodate a parked motor vehicle as an accessory service to the use of the lot with adequate access to the lot from a street.
- 55) Paved – Covered with a material (hot bituminous paving, oil penetration, brick, cobblestone, or similar) to form a firm, smooth surface.
- 56) Person – Any individual, firm, partnership, joint venture, association, club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this and any other municipality, district or other political subdivision.

- 57) Planned Unit Development (PUD) – A comprehensive and flexible planning and design approach for a zoning lot of two (2) acres or more.
- 58) Plate Line – The point at which any part of the roof structure touches or bears upon an external wall.
- 59) Playground – An open space equipped for particular leisure, pastime, and recreational uses such as tennis, basketball, swimming, sliding, climbing, soccer, baseball, skating, etc.
- 60) Pre-kindergarten – An institution providing education to children prior to kindergarten.
- 61) Premises – A tract of land including its buildings, or a building together with its grounds or other appurtenances (accessories or improvements).
- 62) Primary Business – The business which occupies the majority of the square footage of the building.
- 63) Primary Floor Area – The floor area of a building for purposes of determining required parking ratios, which shall include only that portion of the total floor area devoted to customer service, sales and office space, or in a hospital, clinic or medical center, that portion of the total floor area devoted to rooms, waiting rooms, treatment rooms and business offices, and shall not include storage, utility, hallway or other accessory space which does not generate parking demand.
- 64) Principal Building – Any major building(s) on a zoning lot.
- 65) Professional Building – An office for the practice of professions, such as offices of physicians, dentists, lawyers, architects, engineers, musicians, teachers, accountants, and others who through training are qualified to perform services of a professional nature, where there is a limited storage, sale or display of merchandise on the premises.
- 66) Public – Of, pertaining to, or affecting a population or a community as a whole. Open to all persons. Of, pertaining to, or being in the service of a community or nation, especially as a government officer. Maintained at the public expense and under public control. Waterville example: post office.
- 67) Recreation Center – A facility offering pastimes, diversions, exercise, or other leisure time activities affording relaxation and enjoyment.
- 68) Religious Facility – Something that is built, installed or established to provide spaces for worship, spiritual care, individual meditation, religious education, and/or pastoral counseling.
- 69) Retail – A business enterprise consisting primarily of selling merchandise and/or rendering services directed to ultimate consumers where each sale or service transaction is in relatively small quantity or volume, as distinguished from a wholesale business.
- 70) Right-of-Way – The right to pass over property owned by another party; the path or thoroughfare on which such passage is made; the strip of land over which facilities such as highways or power lines are built.
- 71) Road Right-of-Way – Any local, collector, or arterial road and a specified amount of land on either side of same as designated in the Waterville Valley Subdivision Regulations.
- 72) RSA – Revised Statutes Annotated - i.e., the laws of the State of New Hampshire and amendments thereto.
- 73) School – Any building whose principal use is designed, constructed or used for education or instruction.
- 74) Service Office – An office in which are offered services by real estate agents, insurance agents, public stenographers, brokers, or others who through training are duly qualified to perform services

of an executive nature, and where there is limited storage, sale or display of merchandise on the premises, as distinguished from a professional office.

- 75) Setback – The horizontal distance between the established lot line and the nearest point of any building measured at right angles to the lot line. See also Article V Supplemental Regulations.
- 76) Shopping Center - A commercial development whereupon there are located a number of separate commercial activities, in which there are appurtenant shared facilities, such as parking and pedestrian mall, and which is designed to provide a single area in which the public can obtain varied products and services. Distinguished characteristics of a shopping center may, but need not, include common ownership of the real property upon which the center is located, common-wall construction, and multiple-occupant commercial use of a single structure.
- 77) Sign – Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization, and further, not including any item of merchandise normally displayed within a show window of a merchant.
  - a) The term "sign" shall mean and include any display of any letter, numeral, figure, emblem, picture, outline, character, spectacle delineation, announcement or anything in part or in combination by any means whereby the same are made visible to the eye and for the purpose of attracting attention outdoors to make anything known, whether such display be made on, attached to or as part of any other building, surface, or thing, including but not limited to the ground or any rock, tree or other natural object, which display is visible beyond the boundaries of the lot or parcel of property on or over which the same is made.
- 78) Sign Action – The movement of the sign body or any segment thereof such as rotating, revolving, moving up or down, or any other type of action involving a change of position of the sign body or segment thereof, whether caused by mechanical or any other means.
- 79) Sign Animated – The movement of any light used in connection with any sign such as blinking, traveling, flaring, changing degree of intensity of any light movement other than burning continuously.
- 80) Sign, Change-Panel – A sign designed to permit immediate change of copy, which may be other than the name of the business but subject to specific regulations by the foregoing provisions of this Ordinance.
- 81) Sign, Free Standing – A sign that is self supporting, permanently, in a fixed location and not attached to a building.
- 82) Sign, Informational – A sign that pertains to no specific business, building, or direction; presents either current or historical facts to the public regarding the town or resort.
- 83) Sign, Non-Conforming – Any sign which is not allowed under this Ordinance but which was constructed prior to the passage of this Ordinance.
- 84) Sign, Off Premises – A sign that announces businesses located elsewhere than the lot where the sign is located.

- 85) Sign, Permanent – Any sign which is intended to be or so constructed as be lasting and enduring, remaining unchanged in character, condition (beyond normal wear) and position, provided the sign is listed as a permanent sign in the Ordinance.
- 86) Sign, Political – As in RSA 664:2 "Political advertising" means any communication.... which expressly or implicitly advocates the success or defeat of any party, measure or person at any election.
- 87) Sign, Temporary – Any sign, banner, pennant, variance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other like materials, with or without frames, intended to be displayed for a short period of time only.
- 88) Ski Trail – Trail or slope prepared for skiing.
- 89) Sports-Academic Institute – A sports-academic institute is one which provides for the coaching and training of athletes and their academic development. It is an institution dedicated to both the athletic and academic development of student athletes. The institute must be located within the special zoning area at Snow's Mountain.
- 90) Sports Facility – An indoor or outdoor enclosed area such as a court, field, ring, area or the like, used for sports, which may be surrounded by seats for spectators. Or, the building housing such an area. May include support elements such as dressing, fitting, and locker rooms; team or player seating areas; exercise equipment and machines; saunas and steam rooms; bowling lanes; shooting facilities.
- 91) Sports Institute Athletic Training Programs – Formal multiday programs dedicated to the development of individuals seeking the highest level of performance in sports. The institute must be located within the special zoning area at Snow's Mountain.
- 92) Storage Facilities, Commercial – A building or portion thereof providing to the public at large storage space on a rental basis.
- 93) Studio – A building or portion of a building used as a place of work by an artist, photographer, or an artisan in the field of light handicrafts.
- 94) Theater – A building, part of a building or outdoor area for housing dramatic presentations, stage entertainments, lectures, demonstrations or motion-picture shows.
- 95) Two-Family Residential Unit – A single-family residential dwelling which incorporates a primary dwelling unit with a secondary dwelling unit with the two units being maintained in the same ownership entity.
- a) One dwelling unit shall be identified as the primary dwelling unit and the other as the secondary dwelling unit.
  - b) Either the primary dwelling unit or the secondary dwelling unit, or both, may be rented.
  - c) The two-family residential unit shall be maintained in the same ownership entity, and neither dwelling unit can be conveyed separately.
  - d) The ownership entity shall not enter into any lease agreement for a term greater than one (1) year.
- 96) Use – Use of property allowed under this Ordinance in a particular district. It includes construction, establishment, maintenance, alteration, moving onto, enlargement, and occupation.
- a) Special Exception – Use by permit approved by the Zoning Board of Adjustment.

- b) Use, Accessory – A use customarily incidental and accessory to the principal use located on the same lot.
  - c) Use By Right – Use of land, buildings, or both, expressly authorized within a particular zoning district.
  - d) Use, Non-Conforming – A legal use of a building or lot at the time this Ordinance became effective and which does not conform with the use regulations of the district in which it is located.
  - e) Use, Substantially Different - A use not permitted within the district in which the principal and the accessory use in question are located.
- 97) Water Park – An amusement park featuring swimming pools, waterslides, wave pools, fountains or other attractions involving water.

## Article IV - Zoning Districts and Regulations

The following Districts shall be established for the following purposes and shall be subject to the following provisions:

### A) Section A. – Lower Density Residential (LDR) District

- 1) Uses Permitted - A person shall not use any lot in a Lower Density Residential District, except as hereinafter specifically permitted.
- 2) Uses By Right
  - a) Single-family residential dwelling
  - b) Alpine ski lifts and trails, hiking or Nordic ski/bicycle trails
  - c) Planned Unit Developments
  - d) Two-family Residential Unit
  - e) All agricultural uses except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- 3) Accessory Uses By Right
  - a) Private: greenhouses, tool sheds, playhouses, home produce from a garden, garages and carports, studios, swimming pools, patios, dog kennels and gazebos.
  - b) Home Occupations (subject to Article V, Section A, 2).
  - c) Any other building or use on the same site with the principal use, incidental and accessory thereto, and necessary for the operation of the principal use.
  - d) Parks, playgrounds, and playing fields.
- 4) Special Exception
  - a) Public utilities and public service installations
  - b) Public buildings and grounds
  - c) Raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- 5) Development Regulations
  - a) Zoning Lot Size
    - (i) The minimum lot size shall be one-half of an acre (21,780 SQ. FT) for all development except as provided below.

- (ii) The minimum lot size shall be five (5) acres for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- (iii) There is no minimum lot size for any agricultural use except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- b) Lot Coverage - The maximum lot coverage shall be 25% by all buildings.
- c) Building Height
  - (i) The maximum principal building height shall be 3 stories but not to exceed a maximum of 35 feet measured from the highest point on the foundation line.
  - (ii) Accessory buildings and improvements shall be subject to the setback to height ratio required for principal buildings.
- d) Floor Area
  - (i) The minimum habitable floor area at grade level of the principal building shall be 900 sq. ft.
  - (ii) The minimum floor area of a single-family dwelling shall be 1,500 sq. ft.
  - (iii) The minimum habitable floor area of a two-family residential unit shall be 2,000 sq. ft.
  - (iv) In a two-family residential unit, the floor area of the secondary dwelling shall be no more than 50% of the floor area of the principal dwelling unit.
  - (v) The floor area of interior garages is excluded from each minimum.
- e) Setbacks
  - (i) There shall be between any building and the right-of-way of any street a minimum of 35 feet; with the exception of Stone Tower Lane, Boulder Way, West Branch Road (east of West Branch Bridge), and Lower Greeley Hill Road where there shall be between any building and the traveled way of any street a minimum of 35 feet.
  - (ii) No principal building shall be located within 20 feet of any other lot line, and no accessory building within 10 feet of any other lot line.
  - (iii) There shall be a 5 foot setback between any building and the lot line of land belonging to the United States Government.

**B) Section B. – Higher Density Residential (HDR) District**

- 1) Uses Permitted - A person shall not use any lot in a Higher Density Residential District except as hereinafter specifically permitted.
- 2) Uses By Right
  - a) Multi-family dwellings.
  - b) Single-family dwelling, a two-family dwelling or one two-family residential unit.
  - c) Parks, playgrounds, and playing fields.
  - d) Convention facilities
  - e) Alpine ski lifts and trails, hiking or Nordic ski/bicycle trails
  - f) Religious facilities
  - g) All agricultural uses except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- 3) Accessory Uses By Right
  - a) Restaurants, retail services, and office space when located in or adjacent to the principal use.

- b) Golf courses.
  - c) Private or Public swimming pools, ice rinks, courts, gazebos, water parks and building accessory thereto.
  - d) Parking spaces in addition to the minimum off-street spaces required by this Ordinance.
  - e) Day care, pre-kindergarten and schools.
  - f) Recreation centers
  - g) Any other building, or use on the same site with the principal use, incidental and accessory thereto and necessary for the operation of the principal use.
- 4) Special Exception
- a) Public utility and public service installations.
  - b) Public buildings and grounds.
  - c) Commercial parking facilities, including buildings.
  - d) Raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- 5) Development Regulations
- a) Zoning Lot Size
    - (i) The minimum zoning lot size for multi-family dwellings shall be one acre (43,560 sq. ft.).
    - (ii) The minimum zoning lot size for single family dwelling, a two family residential unit, or a two family dwelling shall be one-half of an acre (21,780 sq. ft.).
    - (iii) The minimum lot size shall be five (5) acres for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
    - (iv) There is no minimum lot size for any agricultural use except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
  - b) Lot Coverage - The maximum lot coverage for such single-family or two-family dwelling shall be 25% by all buildings.
  - c) Building Height
    - (i) For multi-family dwelling buildings, and agricultural use buildings, the maximum building height from the highest point on the building foundation line shall be 45 feet.
    - (ii) To achieve greater architectural variety, up to 25% of roof lines in a building may be one (1) story higher, provided that a corresponding percentage are one (1) story lower.
    - (iii) Accessory buildings and improvements shall be subject to the setback to height ratio required for principal buildings.
    - (iv) For Single Family, Two Family Dwellings and Two Family Residential Units – the building height shall be three stories but not to exceed 35 feet measured from the highest point on the foundation line. Accessory buildings and improvements shall be subject to the setback to height ratio required for principal buildings.
  - d) Open Space - For multi-family dwellings, a minimum of one-third of any lot shall be open space.
  - e) Setbacks
    - (i) There shall be a minimum of 35 feet between any building and the right-of-way of any street. Buildings shall not be closer than 20 feet to the paved edge of any internal road.

- (ii) No principal building shall be located within 20 feet of any other lot line, and no accessory building within 6 feet of any other lot line. In cases where HDR property abuts LDR property, there shall be no building on HDR property within 35 feet of the HDR lot line.
  - (iii) There shall be a 5 foot setback between any building and the lot line of land belonging to the United States Government.
- f) Proximity of Buildings - Separate buildings shall not be closer than 30 feet at their closest point.

**C) Section C. – Village Commercial (VC) District**

- 1) Uses Permitted - A person shall not use any lot in a Village Commercial District except as hereinafter specifically permitted.
- 2) Uses by Right
  - a) Hotels, motels, inns, and public lodging.
  - b) Restaurants and lounges.
  - c) Multi-family dwellings.
  - d) Professional, service, and business offices, and studios.
  - e) Single-family dwelling, a two-family dwelling or two-family residential unit.
  - f) Alpine ski lifts and trails, hiking or Nordic ski/bicycle trails.
  - g) Dormitories.
  - h) Recreational centers
  - i) Arts and crafts shops and centers.
  - j) Public transportation terminals and information centers.
  - k) Retail stores
  - l) Public utility and public service installations.
  - m) Parking facilities, including buildings and lots.
  - n) Theaters
  - o) Day care, pre-kindergarten and schools.
  - p) Facilities for construction equipment, motor freight terminals, contractor's yards, maintenance facilities, rental car services, and building supply yards.
  - q) Public buildings and grounds.
  - r) Sports Arenas and convention facilities.
  - s) Religious facilities
  - t) Swimming pools and water parks.
  - u) All agricultural uses except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- 3) Accessory Uses By Right
  - a) Playing fields, courts, ice rinks, parks, playgrounds, gazebos, and buildings accessory thereto.
  - b) Parking spaces in addition to the minimum off-street parking spaces required by these regulations.
  - c) Storage Facilities
  - d) Any other building or use on the same site with the principal use, incidental and accessory thereto, and necessary for the operation of the principal use.

- 4) Special Exception
  - a) Raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- 5) Development Regulations
  - a) Zoning Lot Size
    - (i) The minimum zoning lot size for single-family dwelling, a two-family residential unit or a two-family dwelling shall be one-half of an acre (21,780 sq. ft.).
    - (ii) The minimum lot size shall be five (5) acres for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
    - (iii) There is no minimum lot size for any agricultural use except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
  - b) Lot Coverage - the maximum lot coverage for a single-family dwelling or two-family dwelling or a two family residential unit shall be 25% by all buildings.
  - c) Building Height
    - (i) For single-family, two-family dwellings and two family residential dwelling units, the building height shall be 3 stories but not to exceed a maximum 35 feet measured from the highest point on the foundation line.
    - (ii) For all other buildings, the maximum building height from the highest point on the building foundation line shall be 45 feet.
    - (iii) To achieve greater architectural variety, up to 25% of the rooflines in a building may be one (1) story higher, provided that a corresponding percentage is one (1) story lower.
    - (iv) Steeples or bell towers or similar structures in this zone are exempt from height requirements.
    - (v) Accessory buildings and improvements shall be subject to the setback to height ratio required for principal buildings.
    - (vi) Deviation From Building Height Requirements
      - (1) Upon written application and after public hearing, the Planning Board shall have the authority to grant a conditional use permit to allow deviation from the foregoing height limitations provided that the Board finds on the record presented that:
        - (i) The added height makes the building or structure more aesthetically attractive; and
        - (ii) The added height does not unreasonably detract from the views of abutting properties.
      - (2) This authority is granted to the Planning Board as an innovative land use control pursuant to RSA 674:16, II and RSA 674:21, II.
  - d) Open Space - For multi-family dwellings a minimum of one-third of any lot shall be open space. For all other buildings, the minimum open space shall be one-fifth.
- 6) Setbacks
  - a) There shall be a minimum of 35 feet between any building and the right-of-way of any street. There shall be a 5-foot setback between any parking and any street. Buildings shall not be closer than 20 feet to the paved edge of any internal road.

- b) No principal building shall be located within 20 feet of any other lot line, and no accessory building within 6 feet of any other lot line. In cases where VC property abuts LDR property, there shall be no building on VC property within 35 feet of the VC lot line.
- c) There shall be a 5-foot setback between any building and the lot line of land belonging to the United States Government.
- 7) Proximity of Buildings – Separate buildings shall be no closer than 30 feet at their closest point.
- 8) Retail Exceptions – Commercial buildings that are primarily retail shall be exempt from setback, open space, and building proximity restrictions, provided that the Selectmen approve the adequacy of pedestrian circulation, including full provision for fire hazards and public safety.
- 9) Multi-Family Dwellings on Upper Floors – Buildings that include retail stores, restaurants, and offices are specifically permitted to provide multi-family dwelling on upper floors.

**D) Section D. – Special Civic (SC) District.**

- 1) General – This district shall be a specifically zoned area for multiple usage, which may or may not be town owned, to allow facility or service development beneficial to the community as a whole. Any development proposed must be approved by submitting plans to the Planning Board for final approval by the Selectmen.
- 2) Uses Permitted - A person shall not use any lot in a Special Civic District except as hereinafter specifically permitted.
- 3) Uses By Right
  - a) Day care, pre-kindergarten and schools
  - b) Cemeteries.
  - c) Institutes
  - d) Theaters
  - e) Public buildings and grounds.
  - f) Skating rinks and tennis courts.
  - g) Civic Centers.
  - h) Parking facilities, including buildings and lots.
  - i) Parks, playgrounds, and playing fields.
  - j) Recreational centers
  - k) Alpine ski lifts and trails, hiking or Nordic ski/bicycle trails.
  - l) Swimming pools and water parks.
  - m) All agricultural uses except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- 4) Accessory Uses By Right
  - a) Any other buildings or use on the same site with the principal use, incidental and accessory thereto and necessary for the operation of the principal use.
  - b) Public utility and public service installations.
  - c) Gazebos
- 5) Special Exception
  - a) Raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.

6) Development Regulations

a) Zoning Lot Size

- (i) The minimum lot size shall be five (5) acres for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- (ii) There is no minimum lot size for any agricultural use except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- (iii) There is no minimum lot size for any development in this zoning district other than as detailed above.

7) Lot Coverage – Not applicable.

8) Building Height

- a) The maximum building height from the highest point on the building foundation line shall be 45 feet.
- b) To achieve greater architectural variety, up to 25% of roof lines in a building may be one (1) story higher, provided that a corresponding percentage is one (1) story lower.
- c) Accessory buildings and improvements shall be subject to the setback to height ratio required for principal buildings.

9) Open Space - A minimum of 50% of any lot shall be open space.

10) Setbacks

- a) There shall be a minimum of 25 feet between any building and the right-of-way of any street; with the exception of Boulder Way and West Branch Road (east of West Branch Bridge) where there shall be a minimum of 25 feet between any building and the traveled way of any street. There shall also be a 5 foot setback between any parking and any street. Buildings shall not be closer than 20 feet to the paved edge of any internal road.
- b) No building shall be located within 20 feet of any other lot line, and no accessory building within 6 feet of any other lot line. In cases where SC property abuts LDR property, there shall be no building within 35 feet of the SC lot line.
- c) There shall be a 5 foot setback between any building and the lot line of land belonging to the United States Government.

11) Proximity of Building - Separate buildings shall not be closer than 30 feet at their closest point.

**E) Section E. - Recreational (REC) District**

1) Uses Permitted - All uses in the Recreational District shall be directly related to recreational activities. A person shall not use any premises in a Recreation District except as hereinafter specifically permitted.

2) Uses By Right

- a) Alpine ski lifts and trails, hiking or Nordic ski/bicycle trails.
- b) Golf courses.
- c) Parks, playgrounds and playing fields.
- d) Skating rinks and tennis courts.
- e) Sports facilities
- f) Golf clubhouses and pro-shop.

- g) Theaters
  - h) Recreational Centers
  - i) Swimming pools and water parks
  - j) All agricultural uses except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- 3) Accessory Uses By Right
- a) Restaurants, retail services, and office space when located in or adjacent to the principal use related to recreational facilities.
  - b) Parking spaces in addition to the minimum off-street spaces required by this Ordinance.
  - c) Day care, pre-kindergarten, schools and camps for recreational instruction.
  - d) Commercial parking facilities, including buildings and lots.
  - e) Any other buildings or uses on the same site with the principal use, incidental and accessory thereto and necessary for the operation of the principal use.
  - f) Public utility and public service installations.
  - g) Public buildings and grounds.
  - h) Detention Area(s) to control increased runoff of water due to development but only when such Detention Area (s) is/are accessory to and required to serve a principal use of land that is also within the Recreation District itself.
  - i) Gazebos
- 4) Special Exception – Raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- 5) Development Regulations.
- a) Zoning Lot Size
    - (i) The minimum lot size shall be five (5) acres for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
    - (ii) There is no minimum lot size for any agricultural use except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
    - (iii) There is no minimum lot size for any development in this zoning district other than as detailed above.
  - b) Lot Coverage – Not applicable.
  - c) Building Height
    - (i) The maximum building height from the highest point on the building foundation line shall be 45 feet.
    - (ii) To achieve greater architectural variety, up to 25% of roof lines in a building may be one (1) story higher, provided that a corresponding percentage is one (1) story lower.
    - (iii) Accessory buildings and improvements shall be subject to the setback to height ratio required for principal buildings.
- 6) Open Spaces – A minimum of 50% of any lot shall be open space.
- 7) Setbacks
- (i) There shall be a minimum of 25 feet between any building and the right-of-way of any street; with the exception of Boulder Way, Stone Tower Lane, and West Branch Road (east of West Branch Bridge) where there shall be a minimum of 25 feet between any building and the

traveled way of any street. There shall also be a 5 foot setback between any parking and any street.

(ii) No principal building shall be located within 20 feet of any other lot line, and no accessory building within 6 feet of any other lot line. In cases where REC property abuts LDR property, there shall be no building on REC property within 35 feet of the REC lot line.

(iii) There shall be a 5 foot setback between any building and the lot line of land belonging to the United States Government.

8) Proximity of Buildings

(i) Separate buildings shall not be closer than 30 feet at their closest point.

9) Multi-Family Dwellings on Upper Floors – Buildings that include retail stores, restaurants, and offices are specifically permitted to provide multi-family dwelling on upper floors.

**F) Section F. - Greenbelt (GB) District**

1) General – The Greenbelt Zones are areas of Town devoted to open spaces and recreational uses such as hiking trails and picnic areas.

2) Uses Permitted – A person shall not use any lot in a Greenbelt District except as hereinafter specifically permitted.

3) Uses By Right

a) Alpine ski lifts and trails, hiking or Nordic ski/bicycle trails.

b) Parks

c) All agricultural uses except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.

4) Accessory Uses By Right

a) Gazebos

5) Special Exception – Raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.

6) Development Regulations

a) Zoning Lot Size

(i) The minimum lot size shall be five (5) acres for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.

(ii) There is no minimum lot size for any agricultural use except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.

(iii) There is no minimum lot size for any development in this zoning district other than as detailed above.

b) Lot Coverage – Not applicable

c) Gazebo Height – The maximum gazebo height from the highest point on the gazebo foundation line shall be eighteen (18) feet.

d) Open Spaces – A minimum of 95% of any lot shall be open space.

7) Setbacks

a) There shall be a minimum of twenty (20) feet between any gazebo and the right-of-way of any street.

b) No gazebo shall be located within five (5) feet of any lot line.

- 8) Proximity of Gazebos – Separate gazebos in the GREENBELT shall not be closer than two hundred (200) feet at their closest point.

**G) Section G. – White Mountain National Forest (WMNF) District**

- 1) General – Those areas of land in the Town of Waterville Valley controlled by the Federal Government and designated by the Federal Government as the White Mountain National Forest.

**H) Section H. - Commercial 1 (C1) District**

- 1) Uses Permitted – A person shall not use any lot in a Commercial 1 District except as hereinafter specifically permitted.
- 2) Uses By Right
  - a) Hotels, motels, inns, and public lodging
  - b) Restaurants and lounges
  - c) Multi-family dwellings
  - d) Professional, service and business offices and studios
  - e) Alpine ski lifts and trails, hiking or Nordic ski/bicycle trails.
  - f) Public transportation terminals and information centers
  - g) Public utility and public service installations
  - h) Parking facilities, including buildings and lots
  - i) Theaters
  - j) Recreational centers
  - k) Public Buildings and grounds
  - l) Retail stores
  - m) Sports arena and facilities
  - n) All agricultural uses except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- 3) Accessory Uses
  - a) Private or public swimming pools, playing fields and courts, ice rinks, parks, playgrounds, water parks and buildings accessory thereto.
  - b) Gazebos
  - c) Parking spaces in addition to the minimum off-street parking spaces required by these regulations
  - d) Buildings that include retail stores, restaurants and offices are specifically permitted to provide dwellings on the upper floors
  - e) Any other building or use on the same site with the principal use, incidental and accessory thereto, and necessary for the operation of the principal use.
- 4) Special Exception – Raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.
- 5) Development Regulations
  - a) Zoning Lot Size
    - (i) The minimum lot size shall be five (5) acres for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.

There is no minimum lot size for any agricultural use except for the raising and keeping of animals as an agricultural use pursuant to RSA 21:34-a.

(ii) There is no minimum lot size for any development in this zoning district other than as detailed above.

6) Lot Coverage – Not Applicable

7) Building Height

- a) For all buildings, the maximum building height from the highest point on the building foundation line shall be 45 feet.
- b) To achieve greater architectural variety, up to 25% of the rooflines in a building may be one (1) story higher, provided that a corresponding percentage is one (1) story lower.
- c) Steeples, or bell towers or similar buildings in this zone are exempt from height requirements.
- d) Accessory buildings and improvements shall be subject to the setback to height ratio required for principle buildings.

e) Deviation From Building Height Requirements

- (i) Upon written application and after public hearing, the Planning Board shall have the authority to grant a conditional use permit to allow deviation from the foregoing height limitations provided that the Board finds on the record presented that:
  - (1) the added height makes the building or structure more aesthetically attractive; and
  - (2) the added height does not unreasonably detract from the views of abutting properties.

f) This authority is granted to the Planning Board as an innovative land use control pursuant to RSA 674:16, II and RSA 674:21, II

8) Open Space – For all buildings, the minimum open space shall be one-fifth (20%).

9) Setbacks

- a) There shall be a minimum of thirty-five (35) feet between any building and the right-of-way of any street. There shall be a five (5) foot setback between any parking and any street. Buildings shall not be closer than twenty (20) feet to the paved edge of any internal road.
- b) No principal building shall be located within twenty (20) feet of any other lot line, and no accessory building within six (6) feet of any other lot line. In cases where C1 property abuts LDR property, there shall be no building on C1 property within thirty-five (35) feet of the LDR lot line.
- c) There shall be a five (5) foot setback between any building on C1 property and the lot line of land belonging to the United States Government.

10) Proximity of Buildings – Separate buildings shall be no closer than thirty (30) feet at their closest point.

11) Retail Exceptions – Commercial buildings that are primarily retail shall be exempt from setback, open space and building proximity restrictions, provided that the Selectmen approve the adequacy of pedestrian circulation, including full provision for fire hazards and public safety.

12) Corcoran's Pond – a special zoning area is hereby created along the northerly edge of Corcoran's Pond, beginning at a point which is 175 feet from the northwest corner of the dam and continuing along the edge of the pond and then along the boundary of the town's property to the intersection

of said boundary with Valley Road. Within this special zoning area the following dimensional regulations shall apply:

- a) No more than six (6) buildable lots may be created with frontage along the boundary of Corcoran's Pond, and each such lot shall have a minimum of one hundred fifty feet (150') of such frontage.
- b) As to any lot, which has frontage along the boundary of Corcoran's Pond, there shall be no required setback for structures from the boundary for a continuous distance, which is equal to no more than fifty percent (50%) of the total amount of such frontage.
- c) With the exception of the foregoing, all other provisions of the zoning ordinance otherwise applicable to the special zoning area shall remain in full force and effect.

#### **I) Section I. – Snow's Mountain Special Zoning Area**

- 1) Creation of a Special Zoning Area – A special zoning area is hereby created on the portion of the parcel of recreation zoned land at Snows Mountain consisting of the flat lot at the base of Snows Mountain bordered by Cascade Ridge, the road, tennis courts and Snows Mountain ski hill. The ski hill itself is not part of this zone. The purpose of this special zoning area is to allow for buildings, training facilities and/or fields to support an on-site sports-academic institute and sports institute training program. Within this special zoning area the following regulations shall apply:
- 2) Uses by Right – Uses by Right in the Special Zoning Area are limited to:
  - a) Classrooms
  - b) Dormitories
  - c) Cafeterias
  - d) Administrative space
  - e) Training facilities
  - f) Ski lifts and trails
  - g) Parks
  - h) Pools and
  - i) Playing fields associated with a sports-academic institute or sports training program.
- 3) Dormitory Facilities – Dormitory facilities will be used only to house tuition students who are enrolled in a sports institute athletic training program or sports-academic institute. In addition to student occupants, coaches and/or chaperones of the students housed for currently active program may also occupy up to 15% of the dormitory rooms / beds. The facility can be used to house one full-time caretaker. Ninety-nine persons is the maximum number to be housed.
- 4) Special Exception
  - a) By Special Exception, other uses of the dormitory may be temporarily authorized by the ZBA if (1) it supports the mission of the institute, (2) such use is not contrary to the public interest or detrimental to the business of the commercial inns and lodges and (3) the proposed use will not adversely affect the adjacent area or results in the diminution of property value.

- b) Commercial offices are permitted as an accessory use by special exception of the ZBA if they directly support the permitted use.
- 5) Prohibited Accessory Uses By Right – Restaurants, lounges, and retail are prohibited as accessory uses by right.
- 6) With the exception of the foregoing, all other provisions of the zoning ordinance otherwise applicable to recreation zoned land shall remain in full force and effect.

## Article V - Supplemental Regulations

### A) Section A. - Accessory Uses

- 1) Location - All accessory uses and buildings must lie inside the minimum setback line.
- 2) Fences, Hedges, Walls - For the purpose of minimizing hazards at town or state road intersections by improving visibility for converging vehicles, no fence, hedge, wall or retaining wall over 36 inches above the adjacent street elevation shall be permitted to be placed, planted, or erected on any corner lot within the triangular portion of such lot measured from the point of intersection of the lot lines abutting the streets a distance of 30 feet along each such lot line. No barbed wire or electrically charged fence shall be erected or maintained. Any fence, wall, retaining wall or similar type of improvement over 3 feet high shall be subject to the 10 foot setback and otherwise shall be subject to the setback to height ratio required for principal buildings.
- 3) Antenna/Satellite Dishes - All antennas/satellite dishes shall be considered as accessory uses and shall be subject to Site Plan Review Regulations (regardless of zone), for the purpose of protecting public safety, preserving natural features, and considering aesthetic values.
- 4) Home Occupations
  - a) In any district where home occupations are permitted as an accessory use, the establishment and continuance of a home occupation shall be subject to the following requirements:
  - b) Such use shall be conducted entirely within a dwelling, except for gardening, and carried on principally by the inhabitants thereof.
  - c) Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character thereof.
  - d) The only advertising, display, or other indications of home occupation on the premises may be an un-illuminated sign no larger than 3 square feet mounted at the point of access on the premises which sign shall be of stained wood routed with white letters.
  - e) Incidental retail sales may be made in connection with permitted home occupations; however, the business of selling merchandise supplies, or products shall not be conducted on the premises.
  - f) There shall be no exterior storage on the premises of material used in the home occupation.
  - g) There shall be no offensive noise, vibration, smoke, dust, odor, heat, or glare noticeable at or beyond the property line, as a result of the home occupation.
  - h) A home occupation shall provide additional off-street parking area reasonably adequate to accommodate needs created by the home occupation of not less than one parking space for each 200 square feet of floor area devoted to the home occupation.
  - i) For purposes of this section, provided all requirements contained herein are met, the following by way of example shall be considered home occupations:
- 5) Professional Offices
  - a) Art studios.
  - b) Teaching, with musical instruction limited to two pupils at a time.
  - c) Dressmaking or millinery.

- d) Nursery or nursery school.
- e) A home occupation shall not include the following: Clinic, funeral home, nursing home, tea room, restaurant, antique shop, veterinarian's office or use similar to any of the foregoing excluded uses.
- f) The maximum number of employees in a home occupation shall be the resident plus the equivalent of one full-time, non-resident employee.

**B) Section B. – Off-Street Parking and Loading Requirements**

- 1) General – Off-street vehicle parking and loading spaces shall be provided for buildings and uses as specified by the following requirements:
- 2) Application to Existing Uses
  - a) Parking spaces and loading berths shall be required for uses and buildings in existence as of the date of the enactment of this Ordinance, only if such uses or buildings are expanded, and only to the extent that the expanded portion of such use or buildings generates a parking or loading space requirement; such requirement resulting from the expansion of an existing use or building shall be met in accordance with the schedule set forth in ARTICLE V, Section C, Schedule of Parking and Loading Requirements.
- 3) Determination of Space Requirements
  - a) The number of parking spaces or loading berths required shall be based upon anticipated parking demand or operational need and shall be designated for specific uses and situations in ARTICLE V, Section C, Schedule of Parking and Loading Requirements.
- 4) Requirements Not Specified
  - a) In any case where the parking or loading requirements for a use are not enumerated in the schedule, ARTICLE V, Section C, the Selectmen shall have authority to determine such requirements in accordance with anticipated parking demand. In such cases, provisions of parking and loading facilities shall be subject to approval by the Selectmen pending review of site and operational plans by the Planning Board.
- 5) General Parking and Loading Requirements
  - a) Off-Street Loading
    - (i) Location - All off-street loading berths or areas shall be located on the same lot as the use for which they are permitted or required. Off-street loading berths or areas shall be provided in addition to required off-street parking and shall not be located within access ways.
    - (ii) Size - Each required loading berth may be open or closed and shall have the following minimum dimensions, 25 feet long, 12 feet wide, and 14 feet high. Reasonably adequate turning and maneuvering space shall be provided in addition to said minimum size requirements.
    - (iii) Access Ways – Access ways at least 10 feet in width shall connect all loading berths or areas to a street or parking area.
  - b) Off-Street Parking
    - (i) Location of Parking Areas - Parking areas, whether open or enclosed, shall be provided upon the same lot containing the use for which they are required, or on separate lots within a 300 foot radius of such lot containing such use, provided such separate lots or the right to use such separate lots for the purposes herein required shall be held under unified ownership or control. All parking aisles and parking spaces shall be entirely within the lot lines, and not on a public right-of-way. Parking spaces shall be arranged so that no part of any vehicle over hangs the public right-of-way.

- (ii) Size of Space - Each off-street parking space shall not be less than 10 feet wide by 20 feet long if uncovered, or 9 feet wide by 19 feet long if covered or enclosed; and if so, the enclosure or cover shall not be less than 8 feet high.
- 6) Access Ways - Unobstructed and direct access ways shall be provided from off-street parking to a street, or access way, which access way shall have a minimum width of at least 10 feet.
  - a) Private Driveways – An access to a single residence needs no approval, but shall be subject to Fire Lane requirements and driveway permit regulations.
  - b) Common Driveways – Can access up to 4 multiple buildings or lots and requires the approval of the Public Safety Department. An access way which provides unobstructed and direct access to 5 or more buildings or lots and or from off street parking to a street shall have a minimum width of at least 18 feet.
- 7) Entrances and Exits - No entrance or exit shall exceed 30 feet in width.
- 8) Aisles- Aisles shall be provided affording unobstructed vehicular passageway between each parking space and one or more access ways.
- 9) Surfacing - All open parking areas required by this Ordinance shall be paved except parking areas for one or two-family dwellings.
- 10) Garages - Parking spaces inside dwelling units qualify for off-street parking space requirements of this Section.

**C) Section C. – Schedule of Off-Street Parking and Loading Requirements**

- 1) Minimum Off-Street Spaces – The minimum number of off-street spaces required of every new or substantially reconstructed building shall be as follows:

USE PARKING REQUIREMENTS	2 spaces per dwelling unit.
Single-family and two-family dwellings and two family residential units	
Multi-family dwellings (townhouses, apartments).	1 ½ spaces per dwelling unit for 2 bedroom units or smaller, 2 spaces for 3 bedroom units or larger.
Public accommodation hotels, motels, and lodges.	1-1 1/8 spaces for each rental unit.
Churches, theaters, auditoriums, and other public assembly facilities housing seated audiences.	1 space for every 8 seats (provided however, that spaces required by other uses on the same lot, may be applied as a credit to the space required by a church, theater, etc., use if such other uses and such church, theater, etc., uses occur at different hours, no two of which coincide).
Elementary school and nursery.	2 spaces for every classroom.
Medical and dental clinics.	1 space for every 200 sq. ft. of Primary Floor Area.
Retail floor space.	5 spaces for every 1,000 sq. ft. of Primary Floor Area.
Public, commercial or professional offices and banks.	2 ½ spaces for every 1,000 sq. ft. of Primary Floor Area.
Restaurants and bars.	
The above-defined parking spaces may be increased or decreased by the Planning Board if public safety is not adversely affected. Anything not defined in Section C.1 above may be subject to an engineering study.	

- 2) New and Substantially Reconstructed Buildings – Minimum off-street loading facilities required of new or substantially reconstructed buildings shall be required as deemed necessary in the interest of

public safety and of aesthetic considerations.

**D) Section D. – Junkyards**

- 1) No junk yards or place for the outside storage of discarded machinery, vehicles, or other scrap materials shall be permitted in any district unless specifically approved as a Town Dump by the Selectmen, who shall have full authority to locate and regulate any such use.
- 2) Except for areas pursuant to Paragraph. 1 of this section and temporary permits granted by the Board of Selectmen, no inoperative or unregistered motor vehicle or parts thereof may be kept on any property within sight of any residence for more than seven consecutive days, or more than 30 days within any 365-day period.

**E) Section E. – Earth Removal Sites**

- 1) No removal of clay, sod, loam, sand, gravel, etc. is permitted in any District, unless permitted by the Selectmen, who shall have full authority to approve sites and regulate the earth removal process and the subsequent restoration of the land to a natural state.

**F) Section F. – Forest Products**

- 1) The cutting of forest products shall be permitted in any District provided no commercial processing or attendant operation shall be carried on and all slash is disposed of in conformity with RSA 224:44 and 45.

**G) Section G. – Flood Area**

- 1) See Floodplain Management Ordinance.

**H) Section H. – Basement Occupancy**

- 1) In any District, no person shall be permitted to live in the basement of an uncompleted building.

**I) Section I. – Sanitary Protection**

- 1) All on-site sanitary systems for buildings shall be constructed and maintained in strict accordance with the laws and regulations of New Hampshire State Department of Health, and the Rules, Regulations, Standards and Procedures of the State of New Hampshire Water Supply and Pollution Control Commission.

**J) Section J. – Open Space Occupancy**

- 1) Projection into open spaces in addition to other uses permitted in this Ordinance may be occupied by the following:
  - a) Balcony, bay window, step, terrace, stoop (not including a porch), chimney, eaves, required means of fire egress, or similar architectural feature, provided it shall not project more than two (2) feet beyond the face of the wall.
  - b) Fence, wall, retaining wall, tree, shrub, hedge, lawn, and all other vegetation.
- 2) Accessory use of a residentially used lot, such as play equipment, temporary tent, light fixture, mailbox, outdoor fireplace, in-the-ground swimming pool, and similar building normally found on such lots, provided that a swimming pool shall be completely enclosed with a woven wire or other substantial fence or gate, capable of being padlocked, both fence and gate at least five (5) feet in height.
- 3) Accessory uses of a non-residentially-used lot for a flagpole or temporary outside storage of materials other than junk.

- 4) Uses Permitted and Descriptive Purposes - Open lot storage of material and equipment accessory to a business on the same premises may be permitted on an open lot, provided that the area is compatible with the area of development and that any material stored in unenclosed premises is fenced with suitable solid fencing or screened from view with suitable and properly maintained evergreen shrubbery.

**K) Section K. – Sign Code and Regulations**

- 1) Statement of Purpose and Intent - The principle guiding these regulations is that signing should not destroy or detract from the scenic vistas or compete unnecessarily with the natural environment which is a major asset to the Town's tourist-based economy. Therefore, recognizing that any business needs identification and that the public needs direction, the following sign regulations are written for the special needs of Waterville Valley. These regulations are to encourage the use of street graphics which are compatible with community character, readable and clear, non-distracting to vehicular traffic, and maintained in safe and good repair.
- 2) Scope and Application
  - a) The provisions of these regulations shall apply to the display, construction, erection, alteration, use, location and maintenance of all signs within Waterville Valley; and it shall be unlawful hereafter to display, construct, erect, alter, use or maintain any sign except in conformance with the provisions of these regulations. The provisions of these regulations apply to signs in a window. The provisions of these regulations do not apply to signs which are not readable beyond the boundaries of the lot or parcel of property on which they are located.
  - b) All signs shall require the filing of a permit application and approval by the Board of Selectmen or their agent prior to installation or display.
- 3) Application Permit Requirements - An application for a sign shall include site location, sign site, method of illumination, a full-color scale rendition of the sign (colors to be matched as closely as possible to the proposed sign), types of materials to be used in construction and such other information as the Selectmen or their agent may reasonably require. Permits will be issued by the Selectmen or their agent per the fee schedule adopted by the Selectmen.
- 4) Existing Uses and Non-Conforming Uses
  - a) Every sign lawfully existing at the time of the adoption of these regulations may continue in existence and be maintained, but shall not be changed in any of its dimensions, such as height, diameter, width, thickness, circumference and perimeter, or moved or replaced unless it is made to comply with the provisions of these regulations and a permit obtained.
  - b) Any sign replacing a non-conforming sign shall conform to these regulations and the non-conforming sign shall not thereafter be displayed.
- 5) General Requirements (See also Article III, Definitions)
  - a) Maintenance - Signs shall be in good order and repair at all times, so as to constitute no danger or hazard to public safety and to enhance the overall attractiveness of the Town. A permit is required for any relocation, enlargement, redesign or other similar alteration of an existing sign.
  - b) Prohibited Lighting For Signs- No exposed or similar type lighting of illumination, including open light bulbs, except indirect lighting, shall be permitted. Further, no flashing, blinking and/or rotating lights or gooseneck lighting shall be permitted.
  - c) Conditional Use Permit – Upon written application and after public hearing, the Selectmen shall have the authority to grant a conditional use permit to allow deviation from the foregoing light limitations provided that the Board finds on the record presented that: (1) the proposed sign does not detract from the natural appearance of the property; (2) the proposed sign does not create a public safety hazard; and (3) the light is not directed toward residential buildings on

adjacent property. Exceptions are also permitted if the lighting is required by state law or regulation.

- d) Planning Board Review – The Planning Board will review each application for exception under paragraph (1) above before the Board of Selectmen takes final action and provide comments back to the Selectmen in writing. If the Planning Board’s comments are not incorporated into the Selectmen’s final notice of decision, the Selectmen must notify the Planning Board in writing as to the reason for not incorporating the comments.
- e) This authority is granted to the Selectmen and Planning Board as an innovative land use control pursuant to RSA 674:16, II and RSA 674:21, II.
- 6) Prohibited Sign Features – No action or animated signs shall be permitted. Signs cannot make sounds. Exceptions to these features will be granted in those cases where the feature is required by state law or regulation.
- 7) General Sign Requirements – Each outside sign requiring a permit shall be designed to withstand a wind load of at least thirty (30) pounds per square foot. The maximum sign size, unless further restricted by these regulations is 12x24 foot. The maximum height of a stand-alone sign is 25 foot from the top of the sign to the grade. No sign attached to a building will be higher than the drip edge of the roof. Sign placed along roads may not restrict the view lines of pedestrians, bicyclists or motorists.
- 8) Real Estate Signs
  - a) Except as described below, individual, residential, commercial or condominium properties may not erect or display individual signs for the purpose of advertising for sale, lease or rent such properties.
- 9) New Development Signs
  - a) As new developments are started, developers may wish to erect signage to identify the new properties. One (1) “New Development Sign” is authorized for the entire subdivision, condominium, or other development being advertised.
  - b) A New Development Sign must be applied for and approved by the Selectmen each calendar year in accordance with paragraph K. 3. above. Permit fees will be per the fee schedule adopted by the Selectmen.
  - c) The New Development Sign will have maximum dimensions of not more than 3’ x 3’. The top of the sign will not be more than six feet (6’) above grade. A New Development may include only the project name, a graphic or design, developer name, marketing/real estate agent name and agent phone number.
  - d) A New Development Sign may be erected from approval of the project and be maintained until the issuance of an occupancy permit by the code enforcement office or the completion of the sub-divider improvement agreement. Regardless of the status of properties in the development the sign permit must be renewed annually.
- 10) Open House Signs
  - a) Open House Signs are allowed on a temporary basis to advertise properties open for marketing purposes and actively staffed by a sales agent. Open house signs are allowed on the property and four (4) off premise directional signs are allowed as long as they conform to directional sign regulations.
  - b) Each business is required to apply to the Selectmen each calendar year for open house signs regardless of how many events that business conducts during the year. Each day that an open house is held shall be considered a single event. Annual permit fees will be per the fee schedule adopted by the Selectmen.

- c) Open House Signs will be 1.5' tall x 2.0' wide or less. They will include only the words Open House, a graphic or logo, event times and directional arrows. No additions to the sign are allowed (e.g. balloons, ribbons, etc.). The top of the sign can be no more than three (3) feet above grade.
  - d) Notice of an open house event, including the location of each sign, must be given to Town Hall in writing no less than two (2) days prior to the event. Notice will be made on the form developed by the Selectmen for such a purpose.
  - e) Open House Signs will be installed in the ground with metal or wood stakes. Open House Signs may be set up no earlier than 7:00 a.m. the day of the event and must be taken down within one hour after the end of the event. A minimum number of signs will be used for each event.
- 11) Change-Panel Signs
- a) Change-panel signs shall be for the purpose of announcing special events, stating hours of operation, welcoming groups, or similar uses. Such change-panel signs shall not be used to advertise the cost of specific products or services available at the establishment displaying such signs.
  - b) Permit applications for change-panel signs shall include examples of the types of messages to be displayed on such signs. Any deviation from the approved message types shall be resubmitted to the Selectmen or their agent for approval.
  - c) Individual requests for change-panel identification signs shall be approved or disapproved by the Selectmen or their agent on the basis of need and appropriateness and they shall determine how the sign shall be administered on a continuing basis.
- 12) Temporary Signs
- a) Every temporary sign requires a permit similar to any other sign.
  - b) Temporary signs advertising contractors involved in remodeling of existing properties is prohibited.
  - c) Temporary signs for special events must be removed after the event is finished or within 90 days of the date of issue, whichever occurs first.
  - d) The maximum size is 3 ft x 3 ft.
- 13) Banners, Flags and Outdoor Decorations
- a) All for Special Events – These may be allowed, provided that they are in good repair and safe condition and are to be displayed on a temporary basis.
  - b) All event signs on public property are at the sole discretion of the Board of Selectmen.
  - c) A permit is required to display banners, flags, and outdoor decorations for special events. The maximum size is 10 sq ft. There is a maximum of one sign per event on the property at which the event is held.
- 14) Hours of Operation and/or "Open" or "Closed" Signs - Where appropriate hours of operation and/or "Open" or "Closed" signs may be attached to authorized signs for a commercial establishment or a residential subdivision or condominium, provided, however, that such signs are constructed of the same materials and in the same manner as the main portion of the sign with a similar color pattern.
- 15) Business Signs
- a) Business signs are permitted to display up to two signs on the lot on which the business is located, one of which may be free standing and the other may be a façade sign. A business sign is limited to 32 sq. feet.
  - b) Business Signs shall identify the business, not advertise products or pricing.
  - c) If there is more than one road frontage for the business the business may erect one additional freestanding sign to provide clear direction at each entrance.

- d) Business signs that are attached to buildings should not extend above the drip edge of the roof line.
  - e) In the case where two or three businesses occupy the same building, the secondary businesses should attach their signs to the primary business' free standing sign(s).
  - f) All Business Signs shall conform to the character of the town.
- 16) Off Premises Signs – Other Than Business Complexes
- a) In addition to on premises signs, local businesses not within a business complex may list their business name on shared directional signs, located at the nearest major town arterial road intersection. A business is limited to two directional signs.
  - b) Businesses should work together to create clear directional signs that conform aesthetically to current signs in Waterville Valley. To avoid sign clutter, only the primary businesses on the lots should be listed on these directional signs.
- 17) Off Premises Signs – For Business Complexes
- a) Businesses within a business complex may have signs as allowed by the landlord within the complex.
  - b) Off premises signs for business complexes are restricted to directional signs for the entire complex; these directional signs shall list the amenities in the complex, not specific business names. There is a maximum of two directional off premises signs for each business complex. The signs should be located at town arterial road intersections and provide clear information to visitors.
- 18) Off Premise Directional Signs
- a) Off premise directional signs are allowed for businesses and events.
  - b) Off premise informational signs are permitted.
  - c) Businesses should work together to create directional signs that can accommodate all businesses and events.
  - d) Off premise directional signs must be located at town arterial road intersections.
  - e) The cost of erecting an off premise sign is the responsibility of the applicant.
  - f) The board of selectmen reserves the right to establish a common look for all off premise signs and reject any application that does not conform to that standard.
  - g) Once a directional sign is established the business(es) that constructed the sign may not restrict a new business or event from attaching a sign as long as it conforms to the requirement of the regulations.
- 19) Off Premise Event Signs
- a) Off premise event signs are temporary directional signs and are permitted for events.
  - b) They should be added to existing directional signs if at all possible. In the event a directional sign cannot be added to an existing sign, the temporary sign will be less than 2ft x 1.5ft.
- 20) Informational Signs
- a) Informational signs shall be consistent with the character of the valley, and conform to rules regarding off premises signs. The content of any informational sign is by approval of the board of selectmen.
- 21) Political Advertising Signs
- a) All political advertising signs must conform to state regulations and do not require a permit.
  - b) Political advertising signs are not allowed on public property.
  - c) All political advertising signs must have the approval of the property owner.

**L) Section L. – Trailers, Snowmobiles, Boats and Commercial Vehicles**

- 1) Travel trailers, tent trailers, pick-up trucks equipped with camper bodies, or other so-called recreational vehicles, shall not be parked for more than seven (7) days, nor used overnight if so parked, within sight of any residence or commercial establishment serving the public, or visible from any road within Waterville Valley, except that such vehicles may be parked under such rules as may be promulgated by the Selectmen.
- 2) Any OHRV as defined in NH RSA 259:69 or OHRV Trailer, boat or boat trailer, other than a canoe or rowboat, stored on any property shall be stored so as to be out of view from any public street or neighboring property. The Selectmen may approve permits for temporary storage where such storage would not interfere with the purposes of this paragraph.
- 3) Any vehicle registered as a commercial vehicle (other than a private passenger vehicle, a pickup truck or small van, or other similar vehicle) shall not be kept on any property unless such vehicle is regularly used by an occupant of the residence in the normal course of that person's occupation. The Selectmen may approve permits for temporary storage of such a commercial vehicle or may issue a permit for permanent storage where such storage would not interfere with the purposes of this paragraph.
- 4) Construction trailers may be permitted on site only during the construction period of a specific building and shall be promptly removed following occupancy. Efforts shall be made to screen such trailers from public view.
- 5) No OHRV shall be used in any district without approval of the Selectmen.

**M) Section M. - Appurtenant Structures**

- 1) An appurtenant structure attached to a building but not used for human occupancy, such as a church spire, belfry, antenna, chimney, or similar service feature shall not be subject to the height restrictions of this Ordinance.

**N) Section N. – Architectural Regulations**

- 2) The following architectural requirements apply to all building construction or modifications in all Zoning Districts:
- 3) Exterior architecture must be compatible with existing post-1966 construction in Waterville Valley.
- 4) All buildings must have a predominantly pitched roof; i.e., a minimum of 8:12 and a maximum of 14:12 inclination over at least sixty (60) percent of the roofing area. The Board of Selectmen shall have the authority to approve modification of the roof pitch for special purpose buildings, provided there are specific reasons for the change and that the general appearance is attractive.
- 5) Roofing material must be of colors, which are compatible with the surrounding landscape and adjacent buildings. Where used, flashing on building to prevent the formation of ice dams on roof overhangs shall be of a non-reflective material substantially the same color of the roof covering.
- 6) Acceptable finish materials for exterior walls are wood, brick, stone, stucco, glass, or architecturally treated concrete. Alternative materials providing equivalent appearance and quality require submission to and approval by the Town Code Enforcement Office. No garish color schemes are permitted on the exterior, and the preferred finish for exterior wood walls is natural or weathering stains.
- 7) All utility lines must be underground from the zoning lot lines.

**O) Section O. – Planned Unit Development (PUD)**

- 1) Intent. These regulations are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic

district regulations, and to accomplish a well-balanced, aesthetically satisfying town, and economically desirable development of building sites within a Planned Unit Development (PUD). These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this ordinance and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification; variation and imagination for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate the preservation of open lands.

- 2) Approval – PUDs shall be allowed by approval of a majority of the Board of Selectmen in any zoning district in which PUDs are allowed as a use by right or an accessory use by right. No such PUD permit shall be granted unless such development will meet the use limitations of the zoning district in which it is located and meet the density and other limitations of such districts, except as such requirements may be lawfully modified as provided by this section. Compliance with the regulations of this section in no way excuses the developer from the applicable requirements of the Town’s Subdivision Regulations and Site Plan Review Regulations, except as modifications thereof are specifically authorized in the approval of the application for the PUD. The approval process for a PUD will be as follows:
  - a) Submission – The PUD request will be submitted in writing to the Selectmen at a legally noticed public meeting.
    - (i) The Selectmen will refer the PUD request to the Planning Board at the Planning Board’s next regular meeting, in writing, for recommendation.
  - b) Planning Board Review – The Planning Board will review the PUD request at one or more regular meetings. Abutting landowners will be notified of the review via registered mail and provided an opportunity to speak on the PUD request during the meeting(s). The Planning Board may require the developer to submit design review phase information (reference Waterville Valley Subdivision Regulations, IV., B, (4)). The Planning Board may require additional information in order to make a recommendation.
  - c) Planning Board Recommendation – The Planning Board will issue a written recommendation on the PUD for approval, approval with modification, or denial, to the Selectmen within 60 days of receipt of the PUD application from the Selectmen. The Board of Selectmen in writing may grant extension of this time limit.
  - d) Selectmen Final Action – The Selectmen will consider the PUD, with Planning Board recommendation, at a legally noticed public meeting. The Selectmen will approve, approve with modification, or deny the request within 30 days of receipt of the Planning Board recommendation. The Board of Selectmen may take up to an additional 30 days to make a decision if they notice the applicant in writing before the end of the first 30 day consideration period. The Selectmen’s final decision will comment in writing on the Planning Board’s recommendations not directly incorporated into the final PUD. The Selectmen’s final decision shall be set forth in writing and provided to the applicant, each abutter and the Planning Board.
  - e) Denial of Application – Denial of a PUD application or any portion thereof, may be appealed in the same manner as Board of Adjustment appeals as outlined in RSA 677: 2-4.
- 3) Conditions
  - a) Area – On lots over two (2) acres in size in any zoning district, owners shall have the option to have their lands considered as a PUD. It shall be understood that adjacent owners may pool their lands and planning to create a lot over two (2) acres to obtain PUD consideration.

- b) Uses – The Selectmen may permit exceptions with respect to setback, open space, and building proximity, provided that the land in question is under a comprehensive development scheme that stipulates:
  - (i) That the various uses proposed are all permitted in the district.
  - (ii) That the total open space resulting from the PUD approach will exceed the minimum percentage required, although it may be concentrated.
  - (iii) That the building height requirements shall be adhered to.
  - (iv) That arrangement for internal and external circulation by vehicles and pedestrians shall be safe and attractive.
  - (v) That the scheme shall not be detrimental to adjacent properties.
- 4) Ownership – The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.
- 5) Design – The Selectmen shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected. Where feasible, the least height and density of buildings and uses shall be arranged around the boundaries of the development.
- 6) Specific Regulations – If the Selectmen approve the PUD design review process, the Planning Board shall treat the proposal generally under Subdivision Regulations and its Site Plan Review procedure.
- 7) Open Spaces – Preservation, maintenance and ownership of open spaces approved with the PUD shall be accomplished by either:
  - a) Dedication of the land as a public park or,
  - b) Creating a permanent, open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of either an owner’s association established with articles of association and bylaws which are satisfactory to the Selectmen, or the Town.
- 8) Landscaping – Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning board and board of selectmen for approval, together with other required plans for the development. A conceptual planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed. A conceptual grading and drainage plan shall also be submitted to the Selectmen with the application.
- 9) Desirability – The proposed use of the particular location shall be shown as necessary or desirable, to provide a service of facility that will contribute to the general well being of the surrounding area. It shall also be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the planned unit development.
- 10) Board of Selectmen
  - a) Considerations – In carrying out the intent of this section, the Selectmen shall consider the following principles:
    - (i) It is the intent of this section that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The Selectmen shall be permitted to require the applicant to engage such professional expertise as a qualified designer or design team.
    - (ii) It is not the intent of this section that control of the design of a PUD by the Selectmen be so rigidly exercised that individual initiative be stilled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this section.

- b) Approval – The Selectmen shall be authorized to approve, approve with modification or disapprove an application for a PUD in accordance with the procedure set out in Section 2 Approval.
- c) Conditions of Approval – In an approval, the Selectmen shall be permitted to attach such conditions as they deem necessary to secure compliance with the purposes set forth in this Chapter.

11) Required Contributions

- a) General. The Selectmen, as part of the approval of a PUD, shall be permitted to require an applicant to make reasonable contributions to include, but not limited to one or more of the following:
  - (i) Dedication of land for public park purposes.
  - (ii) Dedication of land for public school purposes.
  - (iii) Dedication of land for public road right-of-way purposes.
  - (iv) Construction of, or addition to, roads serving the proposed project when such construction or addition is reasonably related to the traffic to be generated.
  - (v) Installation of required traffic safety devices.
  - (vi) Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.

12) Approval – The Selectmen shall have the authority to require that the following conditions for a planned unit development (among others it deems appropriate) be met by the applicant:

- a) That the applicants intend to start construction within 1 year of the approval of the project and intend to complete said construction, or approved stages thereof, within 4 years from the date construction begins.
- b) That the development is planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.

13) Limitations of Application

- a) Upon approval of a PUD, construction shall proceed only in accordance with site plan review regulations and other town regulations and controls (e.g. building permit process).
- b) Amendment to conditions for a PUD shall be obtained only by following the procedures here outlined for first approval.
- c) The code enforcement officer shall not issue any permit for any proposed building, structure or use within the PUD unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

**P) Section P. – Construction Site Clean-Up**

- 2) All sites on which buildings are being constructed shall be maintained in the following manner:
- 3) The site must be kept in an orderly and sightly manner at all times.
- 4) A suitable container for solid waste must be rented from the Town of Waterville Valley and be on site at the start of structural construction. All employee food waste must be deposited in this container.
- 5) Storage of construction waste must be centralized and screened by appropriate means from public view and removed from the site on a weekly basis.

**Q) Section Q. – Landscaping and Property Maintenance**

- 2) From April 15 to November 1, substantial grading and landscaping must be completed around all buildings within ninety (90) days of the basic finish of the exterior of the building.

- 3) For all buildings constructed or completed between November 1 and April 15, grading and landscaping must be completed no later than the next July 15.
- 4) All solid waste containers and exterior mechanical/electrical equipment must be screened.
- 5) All developments, which make use of dumpsters for solid waste, must conform to specifications in the Manual of the Municipal Services Department (MSD).
- 6) The grounds and the exterior appearance of buildings and landscaping shall be maintained in conformance with the general standards of the community.
- 7) At least 20% of the area of each lot shall retain its existing plantings or be replanted with native species and/or species hardy to the local plant zone.

**R) Section R. – Submission of As-Built Plans for Utilities**

- 2) As-built plans for all utilities, public or private, shall be submitted, with certification printed thereon by the developer and/or contractor that all installations are as shown. These as-built plans will show true locations of sewer and drain manholes, culverts, headers, underground utility (telephone, electric, and TV cable) locations and depths, water mains, shut-offs and entrances, and any other pertinent information.
- 3) The above information to be posted to the approved plat, two copies of which must be submitted to the Town Office within seven days after inspection of the utilities by municipal employees.

**S) Section S. – Outdoor Lighting Regulations**

- 1) Statement of Need and Purpose – The benefits of good outdoor lighting are increased safety, energy efficiency; enhancement of the Town’s evening character and improved security. New technologies have created extremely powerful lights which can inadvertently lead to excessive glare, light trespass and higher energy use. Concerns resulting from excessive glare and light trespass include safety issues, loss of privacy and increased energy costs for everyone. The goal of this lighting ordinance is to recognize the benefits of outdoor lighting and provide clear guidelines for its installation. Appropriately regulated and properly installed, outdoor lighting will maintain and complement the Town’s character and contribute to the safety and welfare of the residents of the town.
- 2) Intent – The intent of this regulation is to reduce the problems created by improperly designed and installed outdoor lighting by establishing regulations which limit the area that certain outdoor lighting luminaires can illuminate and by limiting the total allowable illumination of lots located in the Town of Waterville Valley.
- 3) Definitions – For the purposes of this section, terms used shall be defined as follows:
  - a) Direct Light – Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.
  - b) Fixture – The assembly that houses the lamp or lamps and can include all or some of the following parts: A housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
  - c) Flood or Spot Light – Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
  - d) Glare – Light emitting from a luminaire with intensity great enough to reduce a viewer’s ability to see, and in extreme cases causing momentary blindness.
  - e) Height of Luminaire – The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.
  - f) Indirect Light – Direct light that has been reflected or has scattered off of other surfaces.
  - g) Lamp – The component of a luminaire that produces the actual light.

- h) Light Trespass – The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
  - i) Lumen – (A unit of luminous flux.) One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen output values shall be the INITIAL lumen output ratings of a lamp.
  - j) Luminaire – This is a complete lighting system, and includes a lamp or lamps and a fixture.
  - k) Outdoor Lighting – The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
  - l) Temporary Outdoor Lighting – The specific illumination of an outside area or object by any manmade device located outdoors that produces light by any means for a period of less than 30 days, with at least 180 days passing before being used again.
- 4) Regulations – All public and private outdoor lighting installed in the Town of Waterville Valley shall be in conformance with the requirements established by this section.
- 5) Control of Glare – Luminaire Design Factors: Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit more than 3% direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.
- 6) Exceptions
- a) If any spot or flood luminaire is aimed, directed, or focused so as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.
  - b) Luminaires used for public roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.
  - c) All temporary lighting required for construction projects, related to road construction and repair, installation of sewer and water facilities, and other public infrastructure.
  - d) All temporary emergency lighting needed by the police or fire departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.
  - e) All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to be as close as possible to the federally required minimum lumen output requirement for the specific task.
  - f) Luminaires used primarily for sign illumination may be mounted at any height to a maximum of 25 feet, regardless of lumen rating.
- 7) Temporary Outdoor Lighting
- a) Any temporary outdoor lighting that conforms to the requirements of this section shall be allowed.
  - b) Nonconforming temporary outdoor lighting may be permitted by the Board of Selectmen after considering the following:
    - (i) the public and/or private benefits that will result from the temporary lighting
    - (ii) any annoyance or safety problems that may result from the use of the temporary lighting
    - (iii) and the duration of the temporary nonconforming lighting.
  - c) The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Board of Selectmen, who shall consider the request at a duly called meeting of the Board of Selectmen. Prior notice of the meeting of the Board of Selectmen shall be given to the applicant and to the Lighting Committee.

- d) The Board of Selectmen shall render its decision on the temporary lighting request within two weeks of the date of the meeting.
- e) A failure by the Board of Selectmen to act on a request within the time allowed shall constitute a denial of the request.
- 8) Effective Date and Grand-Fathering of Non-Conforming Luminaires
  - a) This ordinance shall take effect immediately upon approval by the voters of the Town of Waterville Valley at annual Town Meeting and shall supersede and replace all previous ordinances pertaining to outdoor lighting.
  - b) Except for those causing a public safety hazard or public or private nuisance, all luminaires lawfully in place prior to the date of the section shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this section.
- 9) Notification Requirements
  - a) The Town of Waterville Valley building permit shall include a statement asking whether the planned project will include any outdoor lighting.
  - b) Within 30 days of the enactment of this section, the Code Enforcement Officer shall send a copy of the Outdoor Lighting Regulations, with cover letter, to all local electricians and the local electric utility (including at least those in the towns of Plymouth, Campton, and Thornton, as listed in the Yellow Pages).

## **Article VI - Non-Conforming Uses and Buildings**

- A) Non-Conforming Uses – Any non-conforming use, building or sign may continue in its present use and form, except that any non-conforming use, building or sign may not undergo change in any of the following ways:
  - 1) Building Alteration – Altered for use for a purpose or in a manner substantially different from the use to which it was put before alteration.
  - 2) Sign Alteration – Altered in any way whatsoever, including renovation of an existing sign.
  - 3) Change – Changed to another non-conforming use; or, once changed to a conforming use, revert to a non-conforming use.
  - 4) Re-Establishment – Re-established after use has been abandoned for one (1) year and/or a building for two (2) years, except to a use and building conforming to the district in which it is located.
  - 5) Increase – A building enlarged and the use extended or a use of land extended.
  - 6) Restoration – Rebuilt after damage exceeding 75 percent of its gross physical valuation as determined by the local assessors, except in accordance with this Ordinance.
- B) Ruined Buildings & Calamities
  - 1) Any ruined building or foundation left after a calamity shall be removed within two (2) months of the date of the calamity.
  - 2) If the calamity occurs between April 15 and September 15, the site shall also be graded, covered with topsoil, seeded and mulched within two (2) months.
  - 3) If the calamity occurs during the period between September 15, and April 15, the site shall be graded, covered with topsoil, seeded and mulched by June 15.

## **Article VII - Administration and Enforcement**

- A) Authority - It shall be the responsibility of the Selectmen and they are hereby given power and authority to administer and enforce the provisions of this Ordinance. The Selectmen shall request and consider the advice of the Planning Board for any significant development, regardless of whether such

development involves a subdivision. The Selectmen may appoint an agent to administer, accept, and issue sign or building permits, conduct on-site inspections, and to enforce this Ordinance.

- B) Permit Required - After passage of this Ordinance, it shall be unlawful to change the nature or extent of the use of any building or lot, erect and use any building or sign, or alter any existing sign or the size of any building, or relocate any building in any district without first obtaining a permit from the Selectmen or their agent, but subject to the provisions of Article VII, A. above.
- C) Permit Issuance - The Selectmen or their agent shall establish specific review and approval procedures to carry out the provisions of this Ordinance, and shall issue any and all permits requested when such permits are in accordance with the provisions of this Ordinance. The Selectmen shall establish a fee schedule that is fair and equitable for the various permits required by this Ordinance.
- D) Remodeling/Repairing - A permit shall be required for remodeling or repairing where the value or cost of such remodeling or repairing shall exceed \$1,000.00.
- E) Enforcement - Upon well-founded information that this Ordinance is being violated, the Selectmen or their agent shall take immediate steps to enforce the provisions of this Ordinance as follows:
  - 1) They may issue a cease and desist order to the permittee directing the permittee to correct the violation.
  - 2) They may suspend the building permit until such time as the violation has been corrected. If a building permit is suspended, all work other than that which is necessary to correct the violation shall cease; however, this suspension does not affect any items under Article V, Section P of this Ordinance.
  - 3) They may subject the violator to procedures and penalties as provided by law (RSA 676: 15-19).
  - 4) They may take such other action as may be legal.

## **Article VIII - Board of Adjustment**

- A) Creation – A Board of Adjustment is hereby created and shall consist of five (5) members.
- B) Appointments
  - 1) Upon adoption of this Ordinance, the Board of Selectmen shall appoint one member to serve for five years, one member to serve for four years, one member to serve for three years, one member to serve for two years, and one member to serve for one year; and thereafter, the Board of Selectmen shall appoint members for a term of three years.

The Board of Selectmen may also appoint up to three (3) alternates to the Board of Adjustment. Each alternate shall be appointed for a term of three years.
  - 2) A member shall be removed by the Selectmen upon written charges and after a public hearing.
  - 3) Vacancies for any unexpired term shall be filled by appointment by the Selectmen.
- C) Adoption of Rules – The Board of Adjustment shall adopt rules to govern its proceedings in accordance with the provisions of this Ordinance, and the provisions of RSA 676:5 - 676:7.
- D) Powers of Board of Adjustment
  - 1) Interpretation and Appeals – The Board of Adjustment may hear and decide a case where it is alleged that there is error in any order, requirement, decision, or determination by the Selectmen or their agent in the enforcement of this Ordinance.
  - 2) Special Exception
    - a) As defined by RSA 674:33, the Board has the power to hear and decide applications for uses in any district which are substantially different from those specified in this Ordinance.

- b) Each change of use application shall be considered on its individual merits and regarded as an application for a Special Exception. The Board may, if it deems an application to be an appropriate use and subject to appropriate conditions and safeguards, as determined by the Board, authorize the Selectmen or their agent to issue a permit for such Special Exception use. Before an application is approved, the Board shall determine that:
  - c) The proposed site is an appropriate location for such use.
  - d) The proposed use will not adversely affect the adjacent area or result in a diminution of property value.
  - e) The proposed use complies with all other regulations established by this Ordinance for the District involved and for the proposed use.
  - f) There will be no nuisance or serious hazard to vehicles or pedestrians resulting from such use, and that provision has been made for the proper operation of such use.
- 3) Variance – The Board of Adjustment may authorize a variance from the terms of this Ordinance only where the Board finds that all of the following conditions apply:
  - a) That such variance from the terms of the zoning ordinance as will not be contrary to the public interest if owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of the ordinance shall be observed and substantial justice done.
  - b) The specific variance as granted is the minimum variance that will grant reasonable relief to the owner and is necessary for a reasonable use of the land or building.
- 4) Requests for Variance and Exceptions – A request for both a variance and an exception on the same application shall be allowed only when the Board of Adjustment or the Planning Board approves this action.

## **Article IX – Amendments**

- A) This ordinance may be amended in accordance with the provisions of RSA 675 (1985).

## **Article X – Penalties**

- A) Any violation of this Ordinance shall be subject to the maximum penalty, fine, or forfeiture provided by law. The Selectmen, in enforcing this Ordinance, may institute such appropriate enforcement action or compelling of penalties as they deem appropriate.

## **Article XI – Separability**

- A) Should any section, sub-section, paragraph or part of this Ordinance legally be declared invalid, it shall not affect the validity of the remainder of this Ordinance.

## **Article XII - Existing Ordinances**

- A) All existing ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

## **Article XIII - Effective Date**

- A) This Ordinance shall take effect immediately upon its passage.