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147.1 TITLE. This Ordinance shall be known and may be cited as the Zoning Ordinance of the Town of Conway, New Hampshire.

147.2 AUTHORITY. This Ordinance is enacted by the Town of Conway pursuant to the authority granted by the New Hampshire Legislature as stipulated in Section 674:16 of the Revised Statutes Annotated, 1983, as amended.

147.3 PURPOSE. The purpose of this Ordinance is:

- 147.3.1** To lessen congestion in the streets;
- 147.3.2** To secure safety from fires, panic and other dangers;
- 147.3.3** To promote health and the general welfare;
- 147.3.4** To provide adequate light and air;
- 147.3.5** To prevent the overcrowding of land;
- 147.3.6** To avoid undue concentration of population;
- 147.3.7** To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;
- 147.3.8** To assure proper use of natural resources and other public requirements;
- 147.3.9** To encourage the preservation of agricultural lands and buildings; and
- 147.3.10** To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources by the regulation of orientation of streets, lots, and buildings; establishment of maximum building height, minimum set back requirements, and limitations on type, height, and placement of vegetation; and encouragement of the use of solar skyspace easements under RSA 477.

147.4 APPLICABILITY. This Ordinance shall apply to:

- 147.4.1** All buildings or structures erected, reconstructed, altered, enlarged, or relocated after the effective date of this Ordinance or applicable amendment;
- 147.4.2** The use of any building, structure, or land which is different from its use prior to the effective date of this Ordinance or applicable amendment; and
- 147.4.3** Any land which has been subdivided after the effective date of this Ordinance or applicable amendment.

147.5 INTERPRETATION. In interpreting any provision of this Ordinance, it shall be held as the minimum requirement adopted for the promotion of the public health, safety, and general welfare of the Town. Whenever any provision of this Ordinance is at variance with any other provision of the Ordinance, or with the requirements of any other lawfully adopted rule or regulation, the most restrictive, or that imposing the highest standard, shall govern. [RSA 676:14]. This zoning ordinance is constructed as a permissive zoning ordinance; if a use is not identified as a permitted use or a use permitted by Special Exception in a zoning district, then the use is not permitted in that zoning district.

147.6 ENFORCEMENT, VIOLATIONS AND PENALTIES. It shall be the duty of the Board of Selectmen or its designated officer to:

- 147.6.1** Generally administer this chapter.
- 147.6.2** Require a building permit prior to erection, alteration or demolition of any structure and certificate of compliance upon completion and prior to use.

147.6.3 Violations and penalties.

147.6.3.1 Pursuant to RSA 676:17, any person who violates any of the provisions of NH RSA Title LXIV, "Planning and Zoning" or any Town of Conway ordinance, code or regulation adopted under said title, or any provision or specification of any application, plat, or plan approved by or any requirement or condition of a permit or decision issued by, any authorized local official or land use board:

147.6.3.1.1 Shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

147.6.3.1.2 Shall be subject to a civil penalty not to exceed the maximum allowable under RSA 676:17 for each day such violation is found to continue after the conviction date or after the date on which the violator receives written notice of the violation from the town, whichever is earlier.

147.6.3.1.3 The town may also recover it's costs and reasonable attorney's fees actually expended in pursuing the legal action, as well as seek reimbursement for the expenditure of public funds, if it is found to be a prevailing party in the action, pursuant to RSA 676:17 II and RSA 676:17 III.

147.6.3.2 Pursuant to RSA 676:17-a, "Cease and Desist Orders", the building inspector, code enforcement officer, or other designated officer of the Board of Selectmen, may issue a cease and desist order against any violation set forth in paragraph (1) above.

147.6.3.3 Pursuant to RSA 676:17-b "Local Land Use Citations" the building inspector, code enforcement officer or other designated officer of the Board of Selectmen may choose to charge the offense as a violation and issue a Local Land Use Citation and seek a civil penalty as set forth in RSA 676:17, I(b). The prosecuting official may also serve additional local land use citations, without giving additional written notice or appeal opportunity, if the facts or circumstances constituting the violation continue beyond the date or dates of any prior citation, pursuant to RSA 676:17-b VII.

147.6.3.4 For trees removed in violation of this ordinance, the violation and fine shall continue daily with each day a separate violation until trees are replaced with equivalent trees.

147.7 ZONING BOARD OF ADJUSTMENT. There shall be a five-person Zoning Board of Adjustment and five (5) alternates appointed by the Selectmen, as provided by state statute, who may, upon application, review and decide on alleged error in administrative finding or grant a variance to provide relief from hardship, provided that the proposed land use is in conformance and does not constitute a nuisance or hazard to the neighborhood.

147.8 COMPLIANCE REQUIRED. All buildings and all land shall hereafter be used, laid out, constructed or altered only in conformity with the permitted uses and density requirements for the districts in which they are located.

147.9 SEVERABILITY. If any section or portion of this Zoning Chapter is found by a court of competent jurisdiction to be invalid, it shall not affect the validity of the remainder of this chapter.

147.10 LOTS IN MULTIPLE DISTRICTS. If an existing lot of record falls into more than one (1) zoning district and if sixty percent (60%) or more of that lot lies within a commercial district (CCVC, CVC, NCVC, HC), the regulation of that commercial district may, at the owner's option,

apply to the entire lot. This amendment reaffirms that an existing lot of record is one, which existed prior to the adoption of this chapter.

147.11 HELICOPTERS. No helicopter or other rotary wing aircraft capable of vertical take-off and landing profile, may land or take-off in the Town of Conway, except for properly licensed helicopters providing medical and related evacuation services and emergency services essential to the public health and safety, such as: search and rescue, fire fighting, law enforcement and other related services. No landing or take-off of commercial scenic helicopter tours or chartered flights shall be allowed in the Town of Conway.

The following may be allowed by Special Exception: The Zoning Board of Adjustment (ZBA) may approve helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception under this amendment shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to the town residents and their property.

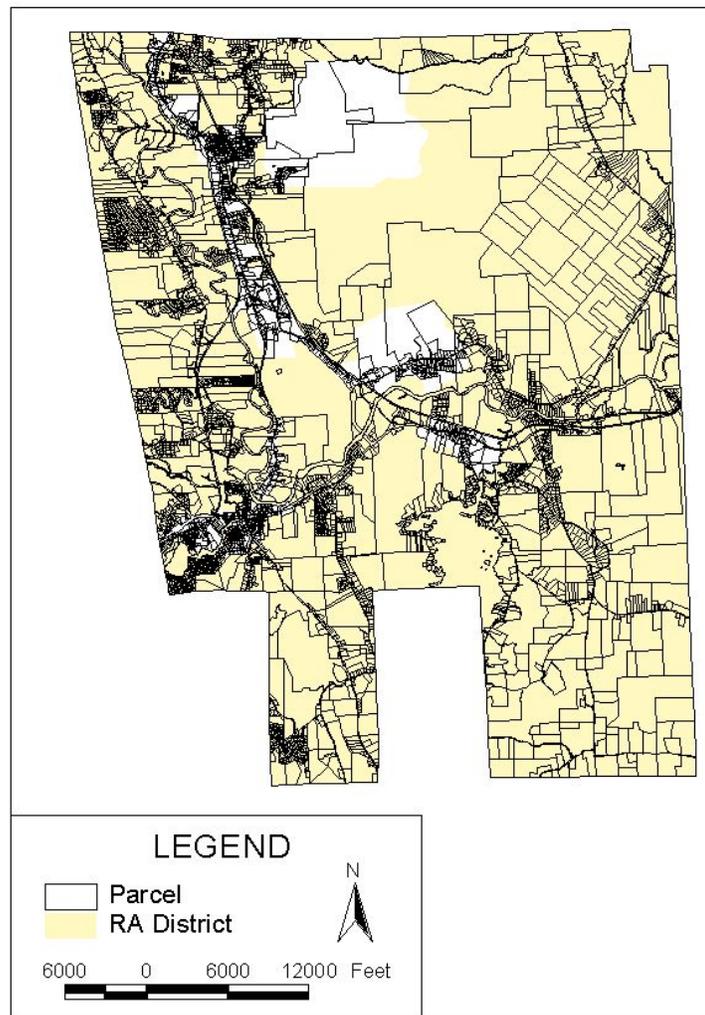
147.12 UTILITIES. All utility systems shall be placed underground in conformity with the terms and specifications of the utility company involved.

147.13 DISTRICTS, REGULATIONS AND PERMITTED USES. The following restrictions and provisions are applicable for each district as indicated.

147.13.1 RESIDENTIAL AGRICULTURAL (RA) DISTRICT. The RA District is primarily designed to accommodate a compatible mixture of residential and agricultural uses at lower densities of approximately one unit or less per acre. These areas are generally without municipal sewer service and are not yet appropriate for development at higher densities. Land Uses permitted in this district are represented in §147.16 Table of Uses.

147.13.1.1 DISTRICT BOUNDARIES. All areas not designated otherwise herein as: the Center Conway Village Residential District, the Conway Village Residential District, the North Conway Village Residential District, the Center Conway Village Commercial District, the Conway Village Commercial District, the North Conway Village Commercial District, the Highway Commercial District, the Regional Commercial, the Industrial-1 District, the Industrial-2 District or the Recreation Resort District.

147.13.1.1.1 DISTRICT MAP.



147.13.1.2 LOT SIZE AND DENSITY.

147.13.1.2.1 Lots serviced by municipal water system and municipal sewerage system shall have at least one-half (1/2) acre for the first unit that may be located thereon and at least ten thousand (10,000) square feet for each additional unit on the same lot.

147.13.1.2.2 Lots serviced by a municipal water system shall have at least one-half (1/2) acre for each unit that may be located thereon.

147.13.1.2.3 All other lots shall have at least one (1) acre for each unit that may be located thereon.

147.13.1.2.4 SPECIAL EXCEPTIONS.

147.13.1.2.4.1 In order to preserve and safeguard Conway's older homes, but also allow for their conversion to multifamily dwellings, the Zoning Board of Adjustment may grant special exceptions for residential structures and accessory structures on the same conforming lot, provided that:

147.13.1.2.4.1.1 Substantially all of the structure is at least fifty (50) years old.

147.13.1.2.4.1.2 Modification of the interior does not exceed four (4) units.

147.13.1.2.4.1.3 No significant changes to the exterior lines or architectural detail are made, which would diminish the historical or architectural heritage of the structure.

147.13.1.2.4.1.4 Adequate area is available for parking and sewage disposal.

147.13.1.2.4.1.5 Accessory structures must have at least ~~five~~ **three** hundred (~~500~~ **300**) square feet of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.

147.13.1.2.4.2 In order to help provide year round rental housing, the Zoning Board of Adjustment may grant a special exception for one accessory apartment as an accessory use to an owner-occupied single family dwelling, on any size lot subject to the following conditions:

147.13.1.2.4.2.1 The subject property is serviced by precinct water and sewer or that the New Hampshire Department of Environmental Services has issued a permit for construction for sewerage or waste disposal system.

147.13.1.2.4.2.2 The accessory apartment is designed to ensure architectural compatibility with the neighborhood.

147.13.1.2.4.2.3 Sufficient parking is located on site.

147.13.1.2.4.2.4 An Accessory Apartment Application is submitted for the ZBA review.

147.13.1.3 FRONTAGE. All lots must front on a state or town highway with a Class I, II, III, IV or V classification, a private road constructed to town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be:

147.13.1.3.1 One hundred fifty (150) feet.

147.13.1.3.2 One hundred (100) feet for lots which front entirely on cul-de-sacs, which meet the design requirements set forth in §131, and approved by the Planning Board.

147.13.1.4 SETBACKS. The minimum front setback shall be 25 feet from a platted right-of-way, or 100 feet from the platted right-of-way of the North/South Road between the extension of the centerline of Barnes Road and the centerline of Depot Road and the minimum side or back setback shall be 15 feet.

147.13.1.5 STRUCTURE AND BUILDING HEIGHT. Structure height is restricted to achieve several purposes. The town is economically dependent upon tourism and attracts visitors with its rural character and mountainous setting. Maintaining the traditional scale and style of structures aids in preserving the character of the town. Peaked roofs are encouraged because it is the traditional roof style here. (Care has been taken to prepare language, which does not unduly encourage the use of flat-roof buildings). The height restriction keeps structures and buildings below tree-top level, which is typically from sixty (60) to one hundred (100) feet for mature maple, beech, birch and pine trees. Structure height below treetop level helps maintain the rural atmosphere and preserve the view sheds throughout

town. In addition, the height limit minimizes difficulty in providing fire protection. The following shall apply throughout town:

147.13.1.5.1 Structure height shall not exceed fifty-five (55) feet for any structure.

147.13.1.5.2 Building height shall not exceed forty-five (45) feet.

147.13.1.5.3 Wireless Communication Facilities may be allowed to exceed fifty-five (55) feet in height by Special Exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that the height is necessary to fulfill its function.

147.13.1.5.4 Church steeples may be allowed to exceed fifty-five (55) feet in height by Special Exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that:

147.13.1.5.4.1 The space enclosed in the steeple is not usable floor space other than for maintenance and structural purposes of the steeple;

147.13.1.5.4.2 The height of the steeple is appropriate to the design and size of the Church.

147.13.1.6 SIGNS.

147.13.1.6.1 SIGN SETBACKS. Signs shall be set back a minimum of five (5) feet from a platted right-of-way, and signs shall be set back a minimum of fifteen (15) feet from all other property boundaries.

147.13.1.6.2 There shall be no more than one (1) freestanding sign per lot.

147.13.1.6.3 Maximum sign height shall be eight (8) feet.

147.13.1.6.4 Maximum sign width shall be six (6) feet.

147.13.1.6.5 Message area shall not exceed three square feet for professional or home occupations, nor shall message area exceed twelve (12) square feet for identification of any nonresidential use.

147.13.1.6.6 SIGN CONTENT. The Town has no intention of restricting individual free speech, but the Town does recognize its right to place reasonable restrictions upon commercial speech. Further, the Town wishes to prevent excessive or unnecessary signage along road corridors. In keeping with this reasoning, off-site commercial signs shall be prohibited.

147.13.1.6.7 SIGNS IN PLATTED ROW. Except as otherwise permitted below, no signs shall be permitted within any platted right-of-way:

147.13.1.6.7.1 Special promotional banner, with a message area of 200 square feet or less, for public or institutional events that cross a public or private road.

147.13.1.6.7.2 One directional sign to identify the entrance to a particular subdivision or development, not to exceed twelve (12) square feet, and not to exceed eight (8) feet in height nor six (6) feet in width. For subdivisions which are approved by the Planning Board and which have nonresidential uses, this sign may identify businesses located within the subdivision.

147.13.1.6.8 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.1.6.8.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.1.6.8.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

147.13.1.6.8.3 Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.

147.13.1.6.8.4 Business name and directional signs with a message area of three square feet or less which are located over doorways.

147.13.1.6.8.5 Flags.

147.13.1.6.8.6 Window signs which are affixed to the interior of the window, not to cover more than 50% of any window.

147.13.1.6.8.7 One (1) sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and to be erected not more than two days prior to the event and removed within one day of the end of the event.

147.13.1.6.8.8 Sign for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

147.13.1.6.8.9 Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all Districts.

147.13.1.6.8.10 Special promotional signs for public or institutional events, with a message area of 40 square feet or less.

147.13.1.6.8.11 Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1999

147.13.1.6.8.12 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.1.6.9 SIGNS SUBJECT TO PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.1.6.9.1 For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.

147.13.1.6.9.2 For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.

147.13.1.6.9.3 Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

147.13.1.6.9.4 For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.

147.13.1.6.9.5 Signs, which convey only a non-commercial message, including but not limited to ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less.

147.13.1.6.10 PERMIT REQUIRED FOR ALL OTHER SIGNS.

147.13.1.6.10.1 SIGN APPLICATION PROCESS. Any action requiring a sign permit shall be permitted only upon the application to, and approval of the Zoning Officer. Applications shall use the following process:

147.13.1.6.10.1.1 An application form for each sign shall be completed and signed by the owner of the property.

147.13.1.6.10.1.2 A complete application shall also include the following:

147.13.1.6.10.1.2.1 fee of \$35;

147.13.1.6.10.1.2.2 written description of the proposed type, size, height, setback, sign and supporting structure materials, and illumination of the sign.

147.13.1.6.10.1.2.3 statement specifically addressing compliance with offsite commercial sign restriction, and

147.13.1.6.10.1.2.4 analysis regarding impact of safety, specifically addressing lighting/glare and line-of-sight blockage for vehicles and pedestrians.

147.13.1.6.10.1.3 Upon receipt of a complete application, the Zoning Officer shall have up to 14 days to either approve or deny the application.

147.13.1.6.10.1.4 If the application is denied, the Zoning Officer shall issue a written decision stating the reason(s) for denial.

147.13.1.6.10.1.5 If the application is approved, the Zoning Officer shall issue an approval for the erection of a sign. The sign permit is valid for one (1) year from date of approval. If the sign is not erected within one (1) year, the permit shall expire.

147.13.1.6.11 DESIGN STANDARDS. The following design standards shall be required to ensure compliance with the intent of these regulations:

147.13.1.6.11.1 Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. Lighting sources shall be metal halide or halogen and located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they in any way be distracting to vehicular traffic.

147.13.1.6.11.2 Neon. Neon lighting shall be prohibited.

147.13.1.6.11.3 Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.

147.13.1.6.11.4 Flashing/Blinking. Flashing, blinking, alternating type or digital type lighting such as a digital message board shall be prohibited.

147.13.1.6.11.5 Structural Supports and Base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest

surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be increased to 100 percent of the maximum permitted message area of the sign. The top of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.

147.13.1.6.11.6 No sign shall project over a street or sidewalk, except for projecting signs as permitted herein.

147.13.1.6.11.7 No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.

147.13.1.6.12 MOVABLE SIGNS. Movable signs shall be prohibited. No vehicle, including parts thereof, trailers, and other accessories, shall be used as a means of circumventing the purpose and intent of this ordinance. A vehicle displaying a commercial message which is licensed, registered and inspected shall be exempt from these sign regulations if it is regularly and customarily used to transport persons or property for the business.

147.13.1.6.13 FLAGS, BANNERS, PENNANTS, ETC:

147.13.1.6.13.1 In addition to the signs otherwise permitted by this Chapter, there may be displayed, on any lot, up to three flags displaying any otherwise legal symbol, message or information, commercial or non-commercial; except that off-site commercial flags shall be restricted as set forth in of this Chapter. No such flag shall exceed 24 square feet measured by one face of the flag only. Any such flag shall be mounted directly to one flag pole. A "flag pole" is a pole intended and placed solely for the support and display of a flag or flags, and does not include utility poles, light poles, trees or other sign structures. All flag poles shall be erected vertically, or within 45 degrees of the vertical. No portion of any flag pole shall be sited within 10 feet of a property line. No flag pole shall extend more than 35 feet in height above grade, or, if mounted on a building, 55 feet above the average finished grade of the building.

147.13.1.6.13.2 Banners, pennants, search lights, twirling signs, balloons or other gas-filled figures, and other such materials shall be prohibited, except as specified herein.

147.13.1.6.13.3 This Section shall not be construed to prevent any sign otherwise permitted by this Chapter, and which conforms to all sign requirements of this chapter, from taking the form of a flag or other fabric. Banners may be used to cover part or all of an existing freestanding, projecting or wall sign to advertise temporary events. The net effect of this activity shall not increase the message area of any permitted sign or signs.

147.13.1.6.14 MAINTENANCE. All surfaces and supporting structures of signs, whether erected prior to the effective date of this chapter or not, shall be maintained in a safe and sightly condition to the satisfaction of the Board of Selectmen or its authorized agent. A permit is required for any maintenance except the following: repainting; other surface renewal; or change of message on the same surface.

147.13.1.7 RESTRICTIONS REGARDING HOME OCCUPATIONS. A home occupation is considered accessory to a residential use and shall not occupy an area greater

than fifty percent (50%) of the total floor area of the residential unit or 1,500 square feet, whichever is less. Home occupations are subject to the following provisions and restrictions:

147.13.1.7.1 The home occupation shall be carried on by persons who live in the principal residential unit full time. Two (2) employees living off-premises are permitted.

147.13.1.7.2 The home occupation shall be carried on within the principal residential unit or approved accessory structure.

147.13.1.7.3 Exterior storage of commercial vehicles, equipment or materials or variation from the residential character of the principal residential unit shall not be permitted.

147.13.1.7.4 The home occupation shall create no unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or other nuisance or threat to the health of the abutters.

147.13.1.7.5 Adequate off-street parking shall be provided.

147.13.1.7.6 A home occupation shall not generate excessive traffic or traffic in greater volumes than would normally be expected in a residential neighborhood.

147.13.1.7.7 A change of use permit to operate a home occupation is required before startup of operation.

147.13.1.7.8 Retail or wholesale sales are only permitted for those items raised or made on the premises.

147.13.1.7.9 A home occupation shall not be offensive to the character of the neighborhood, or decrease abutting property values.

147.13.1.8 FARM AND NURSERY STANDS. Farm and nursery stands for selling indigenous produce or plants are considered temporary structures and are permitted, provided that:

147.13.1.8.1 Farm stands shall not exceed 1,200 square feet of gross floor area unless granted Site Plan Review Approval by the Planning Board.

147.13.1.8.2 Three (3) off-street parking spaces shall be required to be provided for structures up to 100 square feet in size. Additional parking shall be required at the rate of 1 space per 200 square feet over 100.

147.13.1.8.3 Wall signs shall not exceed 10 square feet in size. One portable a-frame sign per lot, not to exceed six square feet shall be allowed to be displayed during business hours only.

147.13.1.8.4 All structures, parking areas and signs shall meet the setback requirements established herein.

147.13.1.9 YARD SALES. Yard Sales shall be permitted, provided that no one household holds sales for longer than six days per calendar year.

147.13.1.10 MOBILE HOMES, TRAVEL TRAILERS AND RECREATIONAL VEHICLES.

147.13.1.10.1 One (1) mobile home used as a residential unit is permitted on a lot in the Residential/Agricultural District.

147.13.1.10.2 A mobile home, travel trailer or recreational vehicle may be permitted on the site of a construction project for one (1) year, provided that it is a necessary

convenience for the construction project and that no public safety or health hazards shall be created.

147.13.1.10.3 One (1) travel trailer or recreational vehicle may be stored on a lot, provided that it is not utilized for dwelling purposes.

147.13.1.10.4 All mobile homes permitted under this section must be connected to a sewerage system and water source, both meeting minimum local and State of New Hampshire standards, as applicable and then promulgated; such systems shall be approved by the Selectmen or their designated agent and be maintained so as not to cause a health or sanitation hazard.

147.13.1.11 SPECIAL EXCEPTIONS. The following land use(s) shall be allowed if granted a special exception by the Zoning Board of Adjustment:

147.13.1.11.1 NURSING HOMES. In order to protect existing property owners in the Residential/Agricultural District against a new use nearby which may be incompatible or undesirable but also allow for nursing homes with acceptable accessory commercial uses such as gift shops, flower shops and candy shops, which are restricted to on-premises facilities, the Zoning Board of Adjustment may grant a special exception for nursing homes in the Residential/Agricultural District, provided that:

147.13.1.11.1.1 The nursing home development is architecturally compatible with the surrounding neighborhood;

147.13.1.11.1.2 Traffic access to and from the development will not alter the character of the neighborhood;

147.13.1.11.1.3 Lighting will be of such design as not to disturb the tranquility of the neighborhood;

147.13.1.11.1.4 Outpatient and day-care facilities operate during reasonable hours;

147.13.1.11.1.5 The facility will not operate as a crisis center for drug addiction, alcoholism or the mentally disturbed;

147.13.1.11.1.6 Accessory commercial space on premise for the sole purpose of the nursing home occupants and employees will be operated and managed by the nursing home owners and same space will not be leased to outside businesses;

147.13.1.11.1.7 On-premise facilities will not house competing professional services already in existence in the community;

147.13.1.11.1.8 The nursing home structure shall not exceed two (2) stories in height above grade;

147.13.1.11.1.9 The maximum density allowed is sixteen (16) beds per acre, and

147.13.1.11.1.10 The land to be developed for such use contains no less than five (5) acres.

147.13.1.11.2 CHARITABLE FUNDRAISING EVENTS. A special exception may be granted for charitable fundraising events operated by or on behalf of nonprofit organizations having a federal tax exemption, provided that:

147.13.1.11.2.1 The event is not offensive to the character of the neighborhood;

147.13.1.11.2.2 The event is for a brief predetermined length or duration not to exceed three (3) consecutive days, and

147.13.1.11.2.3 The event complies with the guidelines and procedures for review of license applications for special events in the Town of Conway, as prescribed by the Conway Board of Selectmen.

147.13.1.11.3 PRIVATE EDUCATIONAL FACILITIES. A Special Exception may be granted to permit private educational facilities, with or without accessory uses, provided that:

147.13.1.11.3.1 Traffic access to and from the facility will not alter the character of the abutting residential neighborhood;

147.13.1.11.3.2 The development is architecturally compatible with the height, scale, color and detail of the surrounding residential neighborhood; and

147.13.1.11.3.3 The proposed facility will not adversely affect abutting properties by reason of undue light, noise, density of use, or other nuisance.

147.13.1.11.4 DAY CARE CENTERS. A special exception may be granted to home-BASED day-care centers serving seven (7) to fifteen (15) people and other nonhome-based centers, regardless of the number of people served, provided that:

147.13.1.11.4.1 Traffic access to and from the development will not alter the character of the abutting residential neighborhood;

147.13.1.11.4.2 The development is architecturally compatible with the height, scale, color and detail of the surrounding residential neighborhood;

147.13.1.11.4.3 Site plan approval or site plan exemption is granted by the Planning Board, and

147.13.1.11.4.4 The size of the lot is appropriate to provide green space and play areas.

147.13.1.11.5 COMMERCIAL GOLF FACILITIES. A special exception may be granted for traditionally full-sized golf courses and those accessory uses traditionally associated with this primary use, such as a clubhouse with a lounge and restaurant facility, professional shop, golf practice range, tennis courts and swimming pools but not to include miniature golf, provided that:

147.13.1.11.5.1 The specific site is an appropriate location for such use, not only in context with the land to be dedicated to such use but in context with the surrounding land uses as well. The applicant shall dedicate a specific parcel(s) to the proposed facility, which shall not be used for residential density. In order to determine this, the following criteria shall be evaluated:

147.13.1.11.5.1.1 PROPERTY VALUES. The applicant shall present information by a certified appraiser indicating that there will be no negative impact on abutting properties as a result of the proposed special exception;

147.13.1.11.5.1.2 TRAFFIC. No traffic hazard will be created and traffic access will not alter the character of the neighborhood. The main access point shall be from an arterial or collector and not from neighborhood streets. The Zoning Board of Adjustment may consider the comments of the town Planner in evaluating the traffic study. A traffic study shall be completed that shows the impact of the proposed development in its entirety on the nearest signalized intersection(s). For intersections that are of an overall level of service (herein "LOS") C or better, the

LOS at the nearest signalized intersection(s) shall not fall below LOS C during the a.m. and p.m. peak hours as a result of the development. If LOS C cannot be maintained, the applicant shall make such changes that are necessary to bring the intersection to LOC C, provided that such improvements are acceptable to the Zoning Board of Adjustment. The applicant may choose to reduce the development so as to produce an acceptable LOS. If the LOS is already below C (D, E or F), the project shall only be approved if the LOS is brought up to D. The applicant may choose to reduce the development so as to produce an acceptable LOS;

147.13.1.11.5.1.3 NUISANCE/HAZARDS. The Zoning Board of Adjustment shall review the operation of the development, including noise, odors and any hazards associated with the use and location. If the Zoning Board of Adjustment determines that any hazards or nuisances cannot be overcome and are not customarily found in a residential neighborhood, the proposed use shall be denied;

147.13.1.11.5.1.4 ADEQUACY OF PRIVATE/MUNICIPAL FACILITIES. The Zoning Board of Adjustment shall review the proposed facilities, including drainage, sewer/septic, water, electric and other utilities to ensure adequate provisions to meet the needs of the proposed development. They may consider the opinion of the Town Engineer in making this determination;

147.13.1.11.5.1.5 DESIGN AND ARCHITECTURE. The design and architecture of the proposed structure shall be reviewed by the Zoning Board of Adjustment to determine its compatibility with abutting residential structures. The scale, height, color and detail shall be similar to and/or aesthetically compatible with residential structures;

147.13.1.11.5.1.6 LIGHTING. The lighting plan shall be submitted to the Zoning Board of Adjustment for approval. No direct glare shall be permitted. Parking areas and walkways may be illuminated by luminaries so hooded or shielded to not extend significantly beyond the parking and walkway areas;

147.13.1.11.5.1.7 HOURS OF OPERATION. Hours of operation will be appropriate so as to not interfere with the abutting residential neighborhood by means of excess traffic in off-peak hours, unscreened lighting that disturbs residential uses and other factors that make the facility different from a residential neighborhood, and

147.13.1.11.5.1.8 BUFFER. A perimeter buffer area adjacent to all abutting properties shall be left undistributed if wooded and, if open, shall be planted with dense evergreen plantings. It shall be one hundred (100) feet in depth at a minimum unless a greater buffer is required by the Zoning Board of Adjustment due to the intensity of the use and interference with adjacent properties.

147.13.1.11.5.1.9 SITE PLAN A Site Plan approval by the Planning Board is also required.

147.13.1.11.6 RESORT HOTEL. A special exception may be granted for a resort hotel and those uses traditionally associated with this use provided that:

147.13.1.11.6.1 The resort hotel is constructed on and in conjunction with a commercial golf facility or with another recreational/resort use on the supporting acreage;

147.13.1.11.6.2 The minimum lot size for the lot supporting the combined commercial golf course and resort hotel shall be two hundred (200) acres, exclusive of that acreage that falls within the Wetlands Conservation District;

147.13.1.11.6.3 To the extent not previously satisfied in an approval for a commercial golf facility, the resort hotel and its site will comply with all of the conditions required for a commercial golf facility;

147.13.1.11.6.4 In addition to the buffer area required for commercial golf courses, the resort hotel building(s) shall be setback no closer than one thousand (1,000) feet from the boundary line of any other unaffiliated lot and any unaffiliated lot or roadway is a lot or roadway not owned or controlled by the applicant or its principals, and

147.13.1.11.6.5 The number of guest rooms in the resort hotel will be dependent upon the acreage allocated to the combined facility/resort hotel lot, on a ratio of two acres per guest room.

147.13.1.11.7 POST OFFICES. A Special Exception may be granted to permit a publicly or privately owned Post Office, provided that:

147.13.1.11.7.1 Traffic access to and from the site will not alter the character of the abutting residential neighborhood;

147.13.1.11.7.2 The Post Office is architecturally compatible with the surrounding residential district;

147.13.1.11.7.3 The proposed facility will not adversely affect abutting properties by reason of undue light, noise, density of use or decreased property values;

147.13.1.11.7.4 No portion of the building may be used for any purpose other than a Post Office;

147.13.1.11.7.5 At such time as the facility ceases to be used as a Post Office, the building and improvements shall either be razed or converted to a use allowed in the District, and

147.13.1.11.7.6 The minimum dimensional lot requirements (lot size, setbacks, frontage...) may be increased by either the Zoning Board of Adjustment or the Planning Board if it is found that the aforementioned criteria cannot be met using minimum dimensional requirements.

147.13.1.11.8 HELIPORTS. A special exception may be granted to permit private/non-commercial heliports, as accessory to any approved use. The requirement for a special exception to be granted under this section shall not be applied to the use of helicopters, or any other type of aircraft, being used on a temporary basis for such purposes as emergency response, medical necessity, ongoing construction projects that have been permitted by the Town of Conway, or temporary (less than 7 days) news media coverage. Before a special exception for a heliport can be granted by the Zoning Board the following conditions must be met:

147.13.1.11.8.1 The use of the site for a heliport shall not be offensive to the character of the neighborhood;

147.13.1.11.8.2 The use of the site for a heliport shall not decrease abutting property values. Evidence supporting property values must be submitted by any party with an interest in the granting of the special exception from a creditable source that is knowledgeable of land evaluation and property values.

147.13.1.11.8.3 Any site being considered to contain a heliport must be, at a minimum, five (5) acres in size;

147.13.1.11.8.4 Other site dimensions, above and beyond the overall acreage requirement listed above, shall be sufficient to provide safety areas suitable to meet all FAA suggested dimensions and requirements;

147.13.1.11.8.5 Previous to zoning board considering any application for a special exception for this land use, all Federal and State approvals, which are required must be obtained by the applicant with copies of these approvals submitted as part of the request for special exception, and

147.13.1.11.8.6 A major site plan approval shall be required of the applicant from the Planning Board for the heliport, which is accessory to an approved business. As a condition for the granting of the special exception, no use of the heliport may be engaged by the applicant until all conditions of the special exception, including a major site plan approval, have been satisfied by the applicant.

147.13.1.11.9 A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

147.13.1.11.10 BUSINESS DEVELOPMENT PARKS: A special exception may be granted for a business development park that provides education and technical assistance as well as incubation space and infrastructure for new and existing business development, including roads, buildings, and other necessary infrastructure within the Residential/Agricultural District, provided the following conditions are satisfied:

147.13.1.11.10.1 PROXIMITY TO BUSINESS DISTRICT. The subject property must have some of its boundary within or contiguous with the boundary of a Highway or Village Commercial District.

147.13.1.11.10.2 ARTERIAL ROAD. The business development park must front on and access an existing arterial road.

147.13.1.11.10.3 SETBACKS. The minimum front, side and rear setback from all adjacent properties and roads shall be one (100) feet.

147.13.1.11.10.4 PARKING LOTS. Parking lots shall not exceed 20,000 square feet in gross area.

147.13.1.11.10.5 NUISANCE/HAZARDS. The applicant must demonstrate that the operations of the business development park, including noise, odors and any other

expected hazards associated with the development are consistent with that of a residential neighborhood.

147.13.1.11.10.6 PROPERTY VALUES. The applicant shall provide a comprehensive report, by an appraiser licensed by the State of New Hampshire, which demonstrates that there will be no negative impact on abutting properties. This report shall be reviewed and comments will be provided by the Town Assessor.

147.13.1.11.10.7 TRAFFIC STUDY. The applicant must provide a traffic study, certified by a qualified engineer licensed by the State of New Hampshire, which clearly indicates the traffic impacts that would result from the project and improvements to the existing transportation infrastructure that would be necessary to ensure appropriate access and level of service. This report shall be reviewed and comments will be provided by the Town Engineer.

147.13.1.11.10.8 BUFFER. A perimeter buffer area adjacent to all abutting properties and streets shall be left in its undisturbed natural state or if disturbed shall be replanted with indigenous species. The minimum buffer depth shall be 100 feet.

147.13.1.11.10.9 RECREATION USE. The business development park will construct a passive and active recreation trail system within the project for use by tenants of the business development park and the public. The trail system shall provide links to other existing or future publicly accessible trails adjacent to the property. The rate of trail system construction shall be, at least, consistent with the rate of development of the business development park. The recreation trails may cross the buffer only to connect with existing or future publicly accessible trails on adjacent properties and if they do not impair the effectiveness of the buffer.

147.13.1.11.10.10 GREEN SPACE. Green space shall comprise not less than thirty-five (35) percent of the total lot area, exclusive of wetlands, water bodies, the 100-year floodplain and slopes over 25%.

147.13.1.11.11 KENNELS. A special exception may be granted to permit kennels for transient (less than 30 days) housing of domestic animals or commercial breeding facilities for domestic animals provided that:

147.13.1.11.11.1 Minimum lot size is two acres.

147.13.1.11.11.2 Animal housing areas, if indoors, shall be setback 40 feet from side and rear property lines and 60 feet from rights of ways. Pastures/ outdoor exercise areas shall be set back 15 feet from any property line.

147.13.1.11.11.3 A written plan for the disposal/removal of animal waste must be submitted along with the application requesting the special exception from the Zoning Board. This plan must be approved by the board as a condition of the special exception approval, if granted.

147.13.1.11.11.4 All animals shall be kept in an indoor area between the hours of 6:00 p.m. and 8:00 a.m.

147.13.1.11.12 WIRELESS COMMUNICATION FACILITIES. Wireless communication facilities may be allowed by Special Exception in the Residential/ Agricultural District, on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that:

147.13.1.11.12.1 Since the visual impact of wireless communication facilities can transcend town lines, communities that may be visually affected shall be formally notified of applications for such proposed facilities as projects having regional impact.

147.13.1.11.12.2 The applicant must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the town at large, including demonstration of realistic analysis of multiple sites, the need for the proposed height, and any impact on significant roadside view points.

147.13.1.11.12.3 Any wireless communication facility shall be designed to accommodate multiple providers of communication services and will only be approved under the condition that the primary developer of the facility will make the facility available upon reasonable terms by lease or other legal instruments to other wireless communication services.

147.13.1.11.12.4 The Board of Adjustment may request detailed plans from the applicant and may, at the expense of the applicant, engage the services of professional consultants to review and comment on the proposal, and testimony of the applicants or their agents relating thereto.

147.13.1.11.12.5 Major Site Plan Approval must be obtained from the Planning Board.

147.13.1.11.13 MOBILE HOMES. The Zoning Board of Adjustment may grant a special exception for a mobile home on a lot on which a single-family residential structure exists if the following conditions are met:

147.13.1.11.13.1 The mobile home shall be occupied only as the usual residence of the immediate family, including grandparents, parents and children of the owner and/or spouse of the primary single-family residential structure on the lot; and the lot shall be at least one (1) acre if served by municipal water and sewerage and at least two (2) acres in all other cases or the mobile home shall be occupied as the usual residence of a full-time agricultural employee and his immediate family and the single-family residence shall be part of an owner-operated farm of twenty-five acres or more.

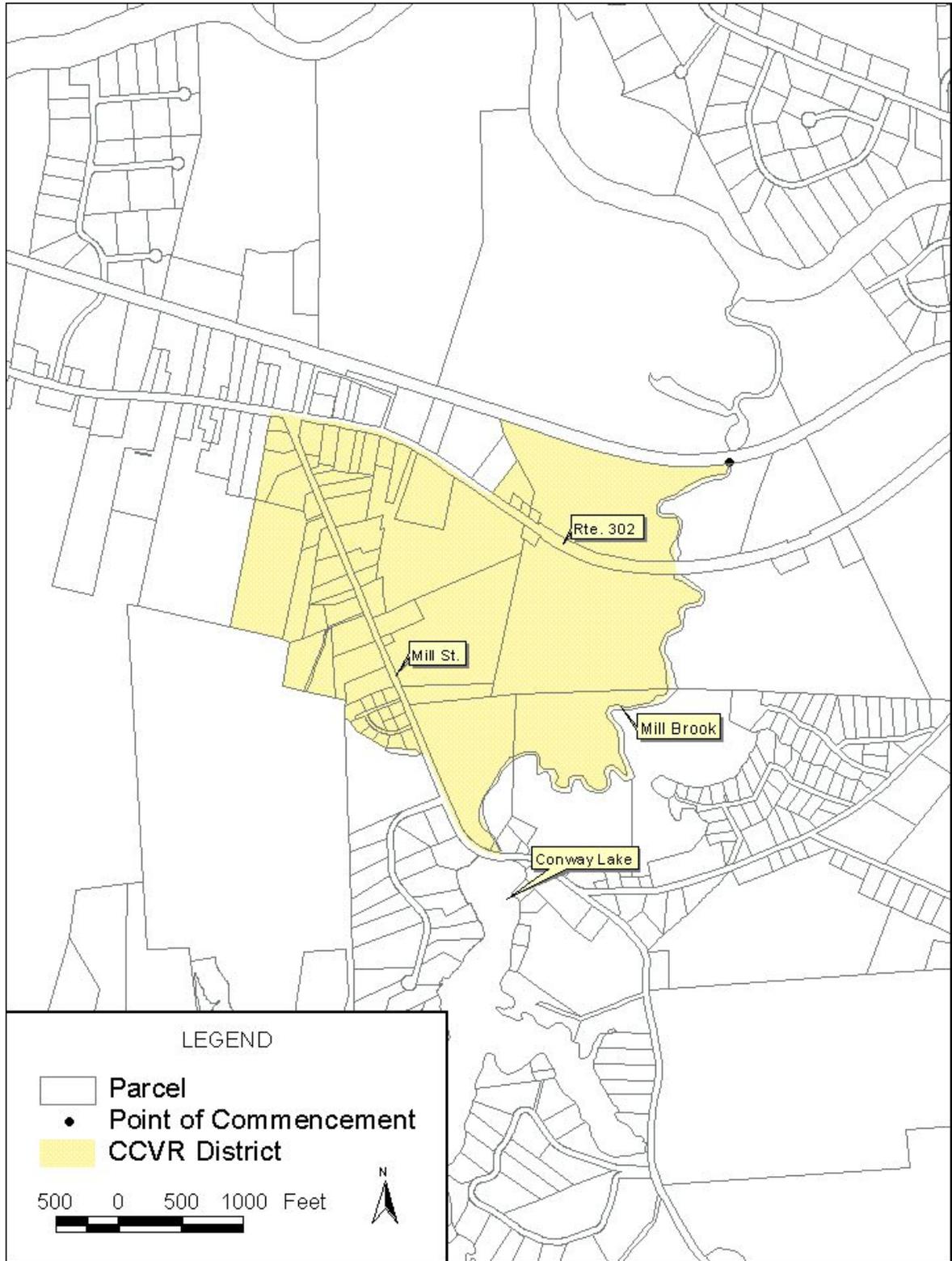
147.13.1.11.13.2 The special exception shall terminate on a change of ownership or occupancy of either the mobile home or the primary residential structure.

147.13.1.11.13.3 permit shall be obtained from the Selectmen or their agent, which shall be renewed yearly to ensure compliance with the above conditions.

147.13.2 CENTER CONWAY VILLAGE RESIDENTIAL (CCVR) DISTRICT. The CCVR District is primarily designed to accommodate a compatible mixture of residential and agricultural uses at lower densities of approximately one unit or less per acre. These areas are generally without municipal sewer service and are not yet appropriate for development at higher densities. Uses permitted in this district are represented in §147.16 Table of Uses

147.13.2.1 DISTRICT BOUNDARIES. The CCVR District shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps): commencing at the point where the southern boundary of the former Maine Central Railroad ROW (Map 219, Parcel 211) intersects Mill Brook (the outlet of Conway Lake); running southwesterly along the thread of the brook to the center line of Mill Street; then running northerly along the center line of Mill Street to the northeast corner of Map 268, Parcel 163; then running westerly along the northern boundary of Tax Map 268, Parcel 163 to the boundary of Map 267, Parcel 14; then running northerly and westerly along the boundary of Map 267, Parcel 14 to the southwest corner of Map 260, Parcel 34; then running northerly along the western boundary of Map 260, Parcel 34 to the southeast corner of Map 260, Parcel 40; then running northerly along the eastern boundary of Map 260, Parcel 40 to the center line of Route 302; then running easterly along the center line of Route 302 to the southeastern corner of Map 259, Parcel 14; then running northeasterly along the boundary of Map 259, Parcel 14 to the western boundary of Map 259, Parcel 19; then running northwesterly along the boundary of Map 259, Parcel 19 to the southern boundary of the former Maine Central Railroad ROW (Map 219, Parcel 211); then easterly along the southern boundary of the ROW (Map 219, Parcel 211) back to the point of commencement.

147.13.2.1.1 DISTRICT MAP.



147.13.2.2 LOT SIZE AND DENSITY.

147.13.2.2.1 Lots serviced by municipal water system and municipal sewerage system shall have at least one-half (1/2) acre for the first unit that may be located thereon and at least ten thousand (10,000) square feet for each additional unit on the same lot.

147.13.2.2.2 Lots serviced by a municipal water system shall have at least one-half (1/2) acre for each unit that may be located thereon.

147.13.2.2.3 All other lots shall have at least one (1) acre for each unit that may be located thereon.

147.13.2.2.4 Special Exceptions.

147.13.2.2.4.1 In order to preserve and safeguard Conway's older homes, but also allow for their conversion to multifamily dwellings, the Zoning Board of Adjustment may grant special exceptions for residential structures and accessory structures on the same conforming lot, provided that:

147.13.2.2.4.1.1 Substantially all of the structure is at least fifty (50) years old.

147.13.2.2.4.1.2 Modification of the interior does not exceed four (4) units.

147.13.2.2.4.1.3 No significant changes to the exterior lines or architectural detail are made, which would diminish the historical or architectural heritage of the structure.

147.13.2.2.4.1.4 Adequate area is available for parking and sewage disposal.

147.13.2.2.4.1.5 Accessory structures must have at least ~~five~~ ~~three~~ hundred (~~500~~ ~~300~~) square feet of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.

147.13.2.2.4.2 In order to help provide year round rental housing, the Zoning Board of Adjustment may grant a special exception for one accessory apartment as an accessory use to an owner-occupied single family dwelling, on any size lot subject to the following conditions:

147.13.2.2.4.2.1 The subject property is serviced by precinct water and sewer or that the New Hampshire Department of Environmental Services has issued a permit for construction for sewerage or waste disposal system.

147.13.2.2.4.2.2 The accessory apartment is designed to ensure architectural compatibility with the neighborhood.

147.13.2.2.4.2.3 Sufficient parking is located on site.

147.13.2.2.4.2.4 An Accessory Apartment Application is submitted for the ZBA review.

147.13.2.3 FRONTAGE. All lots must front on a state or town highway with a Class I, II, III, IV or V classification, a private road constructed to town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be:

147.13.2.3.1 One hundred fifty (150) feet.

147.13.2.3.2 One hundred (100) feet for lots which front entirely on cul-de-sacs, which meet the design requirements set forth in §131-Article X, Detail #4, and approved by the Planning Board.

147.13.2.4 SETBACKS. The minimum front setback shall be 25 feet and the minimum side or back setback shall be 15 feet.

147.13.2.5 STRUCTURE AND BUILDING HEIGHT. Structure height is restricted to achieve several purposes. The town is economically dependent upon tourism and attracts visitors with its rural character and mountainous setting. Maintaining the traditional scale and style of structures aids in preserving the character of the town. Peaked roofs are encouraged because it is the traditional roof style here. (Care has been taken to prepare language, which does not unduly encourage the use of flat-roof buildings). The height restriction keeps structures and buildings below tree-top level, which is typically from sixty (60) to one hundred (100) feet for mature maple, beech, birch and pine trees. Structure height below treetop level helps maintain the rural atmosphere and preserve the view sheds throughout town. In addition, the height limit minimizes difficulty in providing fire protection. The following shall apply throughout town:

147.13.2.5.1 Structure height shall not exceed fifty-five (55) feet for any structure.

147.13.2.5.2 Building height shall not exceed forty-five (45) feet.

147.13.2.5.3 Wireless Communication Facilities may be allowed to exceed fifty-five (55) feet in height by Special Exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that the height is necessary to fulfill its function.

147.13.2.5.4 Church steeples may be allowed to exceed fifty-five (55) feet in height by Special Exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that:

147.13.2.5.4.1 The space enclosed in the steeple is not usable floor space other than for maintenance and structural purposes of the steeple;

147.13.2.5.4.2 The height of the steeple is appropriate to the design and size of the Church.

147.13.2.6 SIGNS.

147.13.2.6.1 SIGN SETBACKS. Signs shall be set back a minimum of five (5) feet from a platted right-of-way, and signs shall be set back a minimum of fifteen (15) feet from all other property boundaries.

147.13.2.6.2 There shall be no more than one (1) freestanding sign per lot.

147.13.2.6.3 Maximum sign height shall be eight (8) feet.

147.13.2.6.4 Maximum sign width shall be six (6) feet.

147.13.2.6.5 Message area shall not exceed three square feet for professional or home occupations, nor shall message area exceed twelve (12) square feet for identification of any nonresidential use.

147.13.2.6.6 SIGN CONTENT. The Town has no intention of restricting individual free speech, but the Town does recognize its right to place reasonable restrictions upon commercial speech. Further, the Town wishes to prevent excessive or unnecessary

signage along road corridors. In keeping with this reasoning, off-site commercial signs shall be prohibited.

147.13.2.6.7 SIGNS IN PLATTED ROW. Except as otherwise permitted below, no signs shall be permitted within any platted right-of-way:

147.13.2.6.7.1 Special promotional banner, with a message area of 200 square feet or less, for public or institutional events that cross a public or private road.

147.13.2.6.7.2 One directional sign to identify the entrance to a particular subdivision or development, not to exceed twelve (12) square feet, and not to exceed eight (8) feet in height nor six (6) feet in width. For subdivisions which are approved by the Planning Board and which have nonresidential uses, this sign may identify businesses located within the subdivision.

147.13.2.6.8 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.2.6.8.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.2.6.8.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

147.13.2.6.8.3 Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.

147.13.2.6.8.4 Business name and directional signs with a message area of three square feet or less which are located over doorways.

147.13.2.6.8.5 Flags.

147.13.2.6.8.6 Window signs which are affixed to the interior of the window, not to cover more than 50% of any window.

147.13.2.6.8.7 One (1) sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and to be erected not more than two days prior to the event and removed within one day of the end of the event.

147.13.2.6.8.8 Sign for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

147.13.2.6.8.9 Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all Districts.

147.13.2.6.8.10 Special promotional signs for public or institutional events, with a message area of 40 square feet or less.

147.13.2.6.8.11 Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1999

147.13.2.6.8.12 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.2.6.9 SIGNS SUBJECT TO PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.2.6.9.1 For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.

147.13.2.6.9.2 For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.

147.13.2.6.9.3 Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

147.13.2.6.9.4 For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.

147.13.2.6.9.5 Signs, which convey only a non-commercial message, including but not limited to ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less.

147.13.2.6.10 PERMIT REQUIRED FOR ALL OTHER SIGNS.

147.13.2.6.10.1 SIGN APPLICATION PROCESS. Any action requiring a sign permit shall be permitted only upon the application to, and approval of the Zoning Officer. Applications shall use the following process:

147.13.2.6.10.1.1 An application form for each sign shall be completed and signed by the owner of the property.

147.13.2.6.10.1.2 A complete application shall also include the following:

147.13.2.6.10.1.2.1 fee of \$35;

147.13.2.6.10.1.2.2 written description of the proposed type, size, height, setback, sign and supporting structure materials, and illumination of the sign.

147.13.2.6.10.1.2.3 statement specifically addressing compliance with offsite commercial sign restriction, and

147.13.2.6.10.1.2.4 analysis regarding impact of safety, specifically addressing lighting/glare and line-of-sight blockage for vehicles and pedestrians.

147.13.2.6.10.1.3 Upon receipt of a complete application, the Zoning Officer shall have up to 14 days to either approve or deny the application.

147.13.2.6.10.1.4 If the application is denied, the Zoning Officer shall issue a written decision stating the reason(s) for denial.

147.13.2.6.10.1.5 If the application is approved, the Zoning Officer shall issue an approval for the erection of a sign. The sign permit is valid for one (1) year from date of approval. If the sign is not erected within one (1) year, the permit shall expire.

147.13.2.6.11 DESIGN STANDARDS. The following design standards shall be required to ensure compliance with the intent of these regulations:

147.13.2.6.11.1 Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional

purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. Lighting sources shall be metal halide or halogen and located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they in any way be distracting to vehicular traffic.

147.13.2.6.11.2 Neon. Neon lighting shall be prohibited.

147.13.2.6.11.3 Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.

147.13.2.6.11.4 Flashing/Blinking. Flashing, blinking, alternating type or digital type lighting such as a digital message board shall be prohibited.

147.13.2.6.11.5 Structural Supports and Base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be increased to 100 percent of the maximum permitted message area of the sign. The top of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.

147.13.2.6.11.6 No sign shall project over a street or sidewalk, except for projecting signs as permitted herein.

147.13.2.6.11.7 No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.

147.13.2.6.12 MOVABLE SIGNS. Movable signs shall be prohibited. No vehicle, including parts thereof, trailers, and other accessories, shall be used as a means of circumventing the purpose and intent of this ordinance. A vehicle displaying a commercial message which is licensed, registered and inspected shall be exempt from these sign regulations if it is regularly and customarily used to transport persons or property for the business.

147.13.2.6.13 FLAGS, BANNERS, PENNANTS, ETC:

147.13.2.6.13.1 In addition to the signs otherwise permitted by this Chapter, there may be displayed, on any lot, up to three flags displaying any otherwise legal symbol, message or information, commercial or non-commercial; except that off-site commercial flags shall be restricted as set forth in of this Chapter. No such flag shall exceed 24 square feet measured by one face of the flag only. Any such flag shall be mounted directly to one flag pole. A "flag pole" is a pole intended and placed solely for the support and display of a flag or flags, and does not include utility poles, light poles, trees or other sign structures. All flag poles shall be erected vertically, or within 45 degrees of the vertical. No portion of any flag pole shall be sited within 10 feet of a property line. No flag pole shall extend more than 35 feet in height above grade, or, if mounted on a building, 55 feet above the average finished grade of the building.

147.13.2.6.13.2 Banners, pennants, search lights, twirling signs, balloons or other gas-filled figures, and other such materials shall be prohibited, except as specified herein.

147.13.2.6.13.3 This Section shall not be construed to prevent any sign otherwise permitted by this Chapter, and which conforms to all sign requirements of this chapter, from taking the form of a flag or other fabric. Banners may be used to cover part or all of an existing freestanding, projecting or wall sign to advertise temporary events. The net effect of this activity shall not increase the message area of any permitted sign or signs.

147.13.2.6.14 MAINTENANCE. All surfaces and supporting structures of signs, whether erected prior to the effective date of this chapter or not, shall be maintained in a safe and sightly condition to the satisfaction of the Board of Selectmen or its authorized agent. A permit is required for any maintenance except the following: repainting; other surface renewal; or change of message on the same surface.

147.13.2.7 RESTRICTIONS REGARDING HOME OCCUPATIONS. A home occupation is considered accessory to a residential use and shall not occupy an area greater than fifty percent (50%) of the total floor area of the residential unit or 1,500 square feet, whichever is less. Home occupations are subject to the following provisions and restrictions:

147.13.2.7.1 The home occupation shall be carried on by persons who live in the principal residential unit full time. Two (2) employees living off-premises are permitted.

147.13.2.7.2 The home occupation shall be carried on within the principal residential unit or approved accessory structure.

147.13.2.7.3 Exterior storage of commercial vehicles, equipment or materials or variation from the residential character of the principal residential unit shall not be permitted.

147.13.2.7.4 The home occupation shall create no unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or other nuisance or threat to the health of the abutters.

147.13.2.7.5 Adequate off-street parking shall be provided.

147.13.2.7.6 A home occupation shall not generate excessive traffic or traffic in greater volumes than would normally be expected in a residential neighborhood.

147.13.2.7.7 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.2.7.8 A change of use permit to operate a home occupation is required before startup of operation.

147.13.2.7.9 Retail or wholesale sales are only permitted for those items raised or made on the premises.

147.13.2.7.10 A home occupation shall not be offensive to the character of the neighborhood, or decrease abutting property values.

147.13.2.8 FARM AND NURSERY STANDS. Farm and nursery stands for selling indigenous produce or plants are considered temporary structures and are permitted, provided that:

147.13.2.8.1 Farm stands shall not exceed 1,200 square feet of gross floor area unless granted Site Plan Review Approval by the Planning Board.

147.13.2.8.2 Three (3) off-street parking spaces shall be required to be provided for structures up to 100 square feet in size. Additional parking shall be required at the rate of 1 space per 200 square feet over 100.

147.13.2.8.3 Wall signs shall not exceed 10 square feet in size. One portable a-frame sign per lot, not to exceed six square feet shall be allowed to be displayed during business hours only.

147.13.2.8.4 All structures, parking areas and signs shall meet the setback requirements established herein.

147.13.2.9 YARD SALES. Yard Sales shall be permitted, provided that no one household holds sales for longer than six days per calendar year.

147.13.2.10 TRAVEL TRAILERS AND RECREATIONAL VEHICLES.

147.13.2.10.1 A travel trailer or recreational vehicle may be permitted on the site of a construction project for one (1) year, provided that it is a necessary convenience for the construction project and that no public safety or health hazards shall be created.

147.13.2.10.2 One (1) travel trailer or recreational vehicle may be stored on a lot, provided that it is not utilized for dwelling purposes.

147.13.2.11 SPECIAL EXCEPTIONS. The following land use(s) shall be allowed if granted a special exception by the Zoning Board of Adjustment:

147.13.2.11.1 NURSING HOMES. In order to protect existing property owners in the Residential/Agricultural District against a new use nearby which may be incompatible or undesirable but also allow for nursing homes with acceptable accessory commercial uses such as gift shops, flower shops and candy shops, which are restricted to on-premises facilities, the Zoning Board of Adjustment may grant a special exception for nursing homes in the Residential/Agricultural District, provided that:

147.13.2.11.1.1 The nursing home development is architecturally compatible with the surrounding neighborhood;

147.13.2.11.1.2 Traffic access to and from the development will not alter the character of the neighborhood;

147.13.2.11.1.3 Lighting will be of such design as not to disturb the tranquility of the neighborhood;

147.13.2.11.1.4 Outpatient and day-care facilities operate during reasonable hours;

147.13.2.11.1.5 The facility will not operate as a crisis center for drug addiction, alcoholism or the mentally disturbed;

147.13.2.11.1.6 Accessory commercial space on premise for the sole purpose of the nursing home occupants and employees will be operated and managed by the nursing home owners and same space will not be leased to outside businesses;

147.13.2.11.1.7 On-premise facilities will not house competing professional services already in existence in the community;

147.13.2.11.1.8 The nursing home structure shall not exceed two (2) stories in height above grade;

147.13.2.11.1.9 The maximum density allowed is sixteen (16) beds per acre, and

147.13.2.11.1.10 The land to be developed for such use contains no less than five (5) acres.

147.13.2.11.2 CHARITABLE FUNDRAISING EVENTS. A special exception may be granted for charitable fundraising events operated by or on behalf of nonprofit organizations having a federal tax exemption, provided that:

147.13.2.11.2.1 The event is not offensive to the character of the neighborhood;

147.13.2.11.2.2 The event is for a brief predetermined length or duration not to exceed three (3) consecutive days, and

147.13.2.11.2.3 The event complies with the guidelines and procedures for review of license applications for special events in the Town of Conway, as prescribed by the Conway Board of Selectmen.

147.13.2.11.3 PRIVATE EDUCATIONAL FACILITIES. A Special Exception may be granted to permit private educational facilities, with or without accessory uses, provided that:

147.13.2.11.3.1 Traffic access to and from the facility will not alter the character of the abutting residential neighborhood;

147.13.2.11.3.2 The development is architecturally compatible with the height, scale, color and detail of the surrounding residential neighborhood; and

147.13.2.11.3.3 The proposed facility will not adversely affect abutting properties by reason of undue light, noise, density of use, or other nuisance.

147.13.2.11.4 DAY CARE CENTERS. A special exception may be granted to home-based day-care centers serving seven (7) to fifteen (15) people and other nonhome-based centers, regardless of the number of people served, provided that:

147.13.2.11.4.1 Traffic access to and from the development will not alter the character of the abutting residential neighborhood;

147.13.2.11.4.2 The development is architecturally compatible with the height, scale, color and detail of the surrounding residential neighborhood;

147.13.2.11.4.3 Site plan approval or site plan exemption is granted by the Planning Board, and

147.13.2.11.4.4 The size of the lot is appropriate to provide green space and play areas.

147.13.2.11.5 COMMERCIAL GOLF FACILITIES. A special exception may be granted for traditionally full-sized golf courses and those accessory uses traditionally associated with this primary use, such as a clubhouse with a lounge and restaurant facility, professional shop, golf practice range, tennis courts and swimming pools but not to include miniature golf, provided that:

147.13.2.11.5.1 The specific site is an appropriate location for such use, not only in context with the land to be dedicated to such use but in context with the surrounding land uses as well. The applicant shall dedicate a specific parcel(s) to the proposed facility, which shall not be used for residential density. In order to determine this, the following criteria shall be evaluated:

147.13.2.11.5.1.1 PROPERTY VALUES. The applicant shall present information by a certified appraiser indicating that there will be no negative impact on abutting properties as a result of the proposed special exception;

147.13.2.11.5.1.2 TRAFFIC. No traffic hazard will be created and traffic access will not alter the character of the neighborhood. The main access point shall be from an arterial or collector and not from neighborhood streets. The Zoning Board of Adjustment may consider the comments of the town Planner in evaluating the traffic study. A traffic study shall be completed that shows the impact of the proposed development in its entirety on the nearest signalized intersection(s). For intersections that are of an overall level of service (herein "LOS") C or better, the LOS at the nearest signalized intersection(s) shall not fall below LOS C during the a.m. and p.m. peak hours as a result of the development. If LOS C cannot be maintained, the applicant shall make such changes that are necessary to bring the intersection to LOC C, provided that such improvements are acceptable to the Zoning Board of Adjustment. The applicant may choose to reduce the development so as to produce an acceptable LOS. If the LOS is already below C (D, E or F), the project shall only be approved if the LOS is brought up to D. The applicant may choose to reduce the development so as to produce an acceptable LOS;

147.13.2.11.5.1.3 NUISANCE/HAZARDS. The Zoning Board of Adjustment shall review the operation of the development, including noise, odors and any hazards associated with the use and location. If the Zoning Board of Adjustment determines that any hazards or nuisances cannot be overcome and are not customarily found in a residential neighborhood, the proposed use shall be denied;

147.13.2.11.5.1.4 ADEQUACY OF PRIVATE/MUNICIPAL FACILITIES. The Zoning Board of Adjustment shall review the proposed facilities, including drainage, sewer/septic, water, electric and other utilities to ensure adequate provisions to meet the needs of the proposed development. They may consider the opinion of the Town Engineer in making this determination;

147.13.2.11.5.1.5 DESIGN AND ARCHITECTURE. The design and architecture of the proposed structure shall be reviewed by the Zoning Board of Adjustment to determine its compatibility with abutting residential structures. The scale, height, color and detail shall be similar to and/or aesthetically compatible with residential structures;

147.13.2.11.5.1.6 LIGHTING. The lighting plan shall be submitted to the Zoning Board of Adjustment for approval. No direct glare shall be permitted. Parking areas and walkways may be illuminated by luminaries so hooded or shielded to not extend significantly beyond the parking and walkway areas;

147.13.2.11.5.1.7 HOURS OF OPERATION. Hours of operation will be appropriate so as to not interfere with the abutting residential neighborhood by means of excess traffic in off-peak hours, unscreened lighting that disturbs residential uses and other factors that make the facility different from a residential neighborhood, and

147.13.2.11.5.1.8 BUFFER. A perimeter buffer area adjacent to all abutting properties shall be left undistributed if wooded and, if open, shall be planted with

dense evergreen plantings. It shall be one hundred (100) feet in depth at a minimum unless a greater buffer is required by the Zoning Board of Adjustment due to the intensity of the use and interference with adjacent properties.

147.13.2.11.5.1.9 SITE PLAN A Site Plan approval by the Planning Board is also required.

147.13.2.11.6 RESORT HOTEL. A special exception may be granted for a resort hotel and those uses traditionally associated with this use provided that:

147.13.2.11.6.1 The resort hotel is constructed on and in conjunction with a commercial golf facility or with another recreational/resort use on the supporting acreage;

147.13.2.11.6.2 The minimum lot size for the lot supporting the combined commercial golf course and resort hotel shall be two hundred (200) acres, exclusive of that acreage that falls within the Wetlands Conservation District;

147.13.2.11.6.3 To the extent not previously satisfied in an approval for a commercial golf facility, the resort hotel and its site will comply with all of the conditions required for a commercial golf facility;

147.13.2.11.6.4 In addition to the buffer area required for commercial golf courses, the resort hotel building(s) shall be setback no closer than one thousand (1,000) feet from the boundary line of any other unaffiliated lot and any unaffiliated lot or roadway is a lot or roadway not owned or controlled by the applicant or its principals, and

147.13.2.11.6.5 The number of guest rooms in the resort hotel will be dependent upon the acreage allocated to the combined facility/resort hotel lot, on a ratio of two acres per guest room.

147.13.2.11.7 POST OFFICES. A Special Exception may be granted to permit a publicly or privately owned Post Office, provided that:

147.13.2.11.7.1 Traffic access to and from the site will not alter the character of the abutting residential neighborhood;

147.13.2.11.7.2 The Post Office is architecturally compatible with the surrounding residential district;

147.13.2.11.7.3 The proposed facility will not adversely affect abutting properties by reason of undue light, noise, density of use or decreased property values;

147.13.2.11.7.4 No portion of the building may be used for any purpose other than a Post Office;

147.13.2.11.7.5 At such time as the facility ceases to be used as a Post Office, the building and improvements shall either be razed or converted to a use allowed in the District, and

147.13.2.11.7.6 The minimum dimensional lot requirements (lot size, setbacks, frontage...) may be increased by either the Zoning Board of Adjustment or the Planning Board if it is found that the aforementioned criteria cannot be met using minimum dimensional requirements.

147.13.2.11.8 HELIPORTS. A special exception may be granted to permit private/non-commercial heliports, as accessory to any approved use. The requirement for a special

exception to be granted under this section shall not be applied to the use of helicopters, or any other type of aircraft, being used on a temporary basis for such purposes as emergency response, medical necessity, ongoing construction projects that have been permitted by the Town of Conway, or temporary (less than 7 days) news media coverage. Before a special exception for a heliport can be granted by the Zoning Board the following conditions must be met:

147.13.2.11.8.1 The use of the site for a heliport shall not be offensive to the character of the neighborhood;

147.13.2.11.8.2 The use of the site for a heliport shall not decrease abutting property values. Evidence supporting property values must be submitted by any party with an interest in the granting of the special exception from a creditable source that is knowledgeable of land evaluation and property values.

147.13.2.11.8.3 Any site being considered to contain a heliport must be, at a minimum, five (5) acres in size;

147.13.2.11.8.4 Other site dimensions, above and beyond the overall acreage requirement listed above, shall be sufficient to provide safety areas suitable to meet all FAA suggested dimensions and requirements;

147.13.2.11.8.5 Previous to zoning board considering any application for a special exception for this land use, all Federal and State approvals, which are required must be obtained by the applicant with copies of these approvals submitted as part of the request for special exception, and

147.13.2.11.8.6 A major site plan approval shall be required of the applicant from the Planning Board for the heliport, which is accessory to an approved business. As a condition for the granting of the special exception, no use of the heliport may be engaged by the applicant until all conditions of the special exception, including a major site plan approval, have been satisfied by the applicant.

147.13.2.11.9 A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

147.13.2.11.10 BUSINESS DEVELOPMENT PARKS: A special exception may be granted for a business development park that provides education and technical assistance as well as incubation space and infrastructure for new and existing business development, including roads, buildings, and other necessary infrastructure within the CCVR District, provided the following conditions are satisfied:

147.13.2.11.10.1 PROXIMITY TO BUSINESS DISTRICT. The subject property must have some of its boundary within or contiguous with the boundary of a Highway or Village Commercial District.

147.13.2.11.10.2 ARTERIAL ROAD. The business development park must front on and access an existing arterial road.

147.13.2.11.10.3 SETBACKS. The minimum front, side and rear setback from all adjacent properties and roads shall be one (100) feet.

147.13.2.11.10.4 PARKING LOTS. Parking lots shall not exceed 20,000 square feet in gross area.

147.13.2.11.10.5 NUISANCE/HAZARDS. The applicant must demonstrate that the operations of the business development park, including noise, odors and any other expected hazards associated with the development are consistent with that of a residential neighborhood.

147.13.2.11.10.6 PROPERTY VALUES. The applicant shall provide a comprehensive report, by an appraiser licensed by the State of New Hampshire, which demonstrates that there will be no negative impact on abutting properties. This report shall be reviewed and comments will be provided by the Town Assessor.

147.13.2.11.10.7 TRAFFIC STUDY. The applicant must provide a traffic study, certified by a qualified engineer licensed by the State of New Hampshire, which clearly indicates the traffic impacts that would result from the project and improvements to the existing transportation infrastructure that would be necessary to ensure appropriate access and level of service. This report shall be reviewed and comments will be provided by the Town Engineer.

147.13.2.11.10.8 BUFFER. A perimeter buffer area adjacent to all abutting properties and streets shall be left in its undisturbed natural state or if disturbed shall be replanted with indigenous species. The minimum buffer depth shall be 100 feet.

147.13.2.11.10.9 RECREATION USE. The business development park will construct a passive and active recreation trail system within the project for use by tenants of the business development park and the public. The trail system shall provide links to other existing or future publicly accessible trails adjacent to the property. The rate of trail system construction shall be, at least, consistent with the rate of development of the business development park. The recreation trails may cross the buffer only to connect with existing or future publicly accessible trails on adjacent properties and if they do not impair the effectiveness of the buffer.

147.13.2.11.10.10 GREEN SPACE. Green space shall comprise not less than thirty-five (35) percent of the total lot area, exclusive of wetlands, water bodies, the 100-year floodplain and slopes over 25%.

147.13.2.11.11 KENNELS. A special exception may be granted to permit kennels for transient (less than 30 days) housing of domestic animals or commercial breeding facilities for domestic animals provided that:

147.13.2.11.11.1 Minimum lot size is two acres.

147.13.2.11.11.2 Animal housing areas, if indoors, shall be setback 40 feet from side and rear property lines and 60 feet from rights of ways. Pastures/ outdoor exercise areas shall be set back 15 feet from any property line.

147.13.2.11.11.3 A written plan for the disposal/removal of animal waste must be submitted along with the application requesting the special exception from the Zoning Board. This plan must be approved by the board as a condition of the special exception approval, if granted.

147.13.2.11.11.4 All animals shall be kept in an indoor area between the hours of 6:00 p.m. and 8:00 a.m.

147.13.2.11.12 WIRELESS COMMUNICATION FACILITIES. Wireless communication facilities may be allowed by Special Exception in the CCVR District, on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that:

147.13.2.11.12.1 Since the visual impact of wireless communication facilities can transcend town lines, communities that may be visually affected shall be formally notified of applications for such proposed facilities as projects having regional impact.

147.13.2.11.12.2 The applicant must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the town at large, including demonstration of realistic analysis of multiple sites, the need for the proposed height, and any impact on significant roadside view points.

147.13.2.11.12.3 Any wireless communication facility shall be designed to accommodate multiple providers of communication services and will only be approved under the condition that the primary developer of the facility will make the facility available upon reasonable terms by lease or other legal instruments to other wireless communication services.

147.13.2.11.12.4 The Board of Adjustment may request detailed plans from the applicant and may, at the expense of the applicant, engage the services of professional consultants to review and comment on the proposal, and testimony of the applicants or their agents relating thereto.

147.13.2.11.12.5 Major Site Plan Approval must be obtained from the Planning Board.

147.13.3 CONWAY VILLAGE RESIDENTIAL DISTRICT (CVR). The CVR District is primarily designed to accommodate a mix of uses that complement the Village's residential neighborhoods. This area is generally serviced by municipal water and sewer services. Thereby accommodating higher densities in the order of two to four units per acre. Helicopters and domestic farm animals are specifically prohibited in this district. Land Uses permitted in this district are represented in §147.16 Table of Uses.

147.13.3.1 DISTRICT BOUNDARIES. The CVR District shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps): commencing at a point being the northeast corner of Map 265, Parcel 202; thence southerly along the eastern boundary of Map 265, Parcel 202 to the southeastern corner of Map 265, Parcel 202; thence traversing Route 113 (East Main Street) in a straight line to the northeast corner of Map 265, Parcel 9; thence southerly along the eastern boundary of Map 265, Parcel 9 to the southeast corner of Map 265, Parcel 9;

thence westerly along the southern boundary of Map 265, Parcel 9 to the southwest corner of Map 265, Parcel 9; thence northerly along the western boundary of Map 265, Parcel 9 to the northeast corner of Map 265, Parcel 11; thence westerly along the northern boundary of Map 265, Parcel 11 to the southwest corner of Map 265, Parcel 18; thence traversing Map 276, Parcel 86 in a straight line to the northeast corner of Map 276, Parcel 3; thence westerly along the northern boundary of Map 276, Parcel 3 to the northwest corner of Map 276, Parcel 3; thence southerly along the western boundary of Map 276, Parcels 3 and 2 to the southwest corner of Map 276, Parcel 2; thence southerly along the western boundary of Map 276, Parcel 16 to the southeast corner of Map 276, Parcel 16; thence westerly along the southern boundary of Map 276, Parcel 16 and continuing in a straight line to the centerline of Pollard Street;

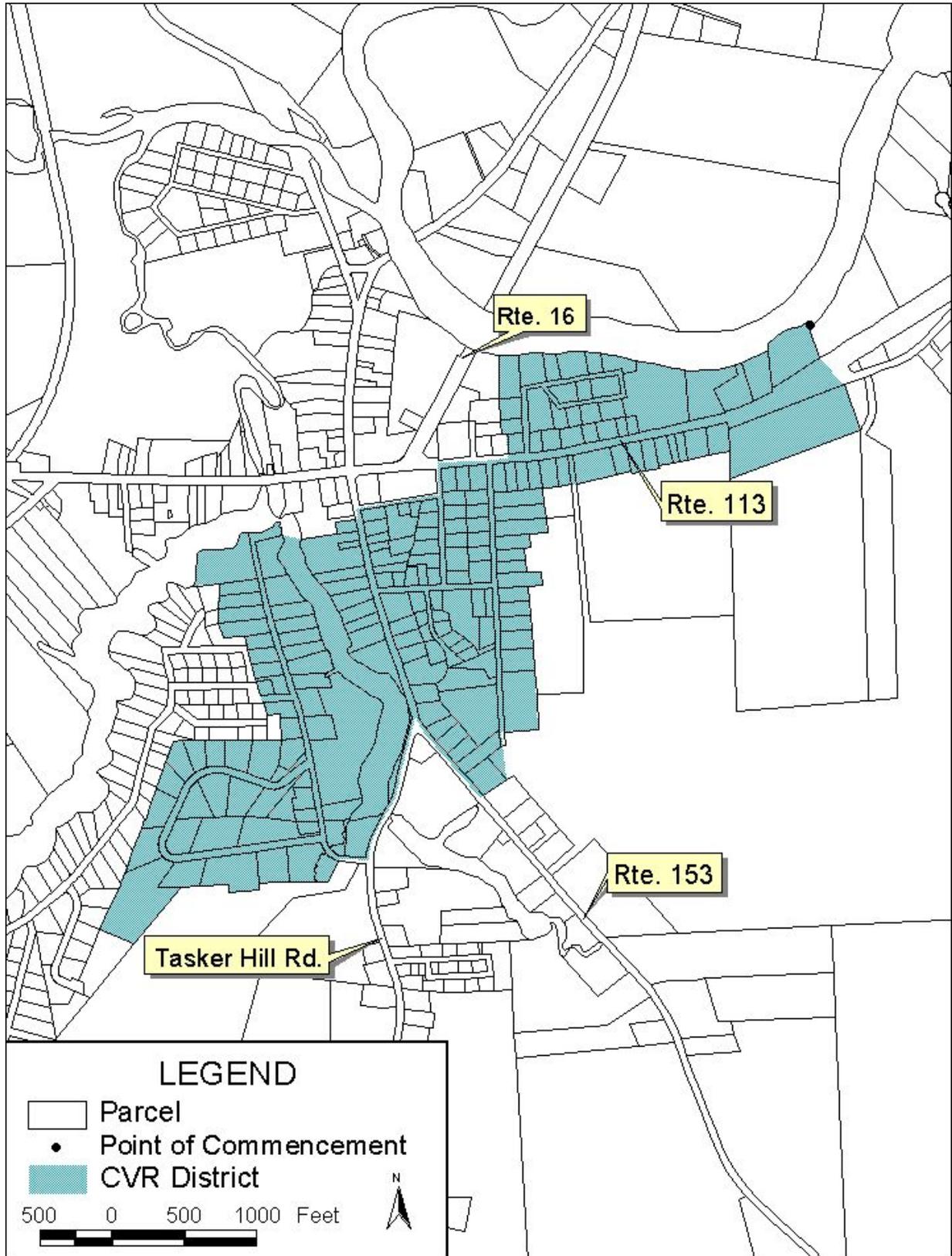
thence southerly along the centerline of Pollard Street and continuing in a straight line traversing Map 276, Parcel 86 to the southeast corner of Map 276, Parcel 79; thence southwesterly along the southern boundary of Map 276, Parcel 79 and continuing in a straight line to the centerline of Route 153 (Eaton Road); thence northerly along the centerline of Route 153 (Eaton Road) to the intersection of the centerline of Tasker Hill Road; thence southerly along the centerline of Tasker Hill Road to the intersection of the centerline of Quint Street;

thence westerly along the centerline of Quint Street to a point adjacent to the northeast corner of Map 276, Parcel 140; thence southwesterly through the northeast corner of Map 276, Parcel 140 and along the eastern boundary of Map 276, Parcel 140 to the southeast corner of Map 276, Parcel 140; thence westerly and southerly along the northern boundary of Map 276, Parcels 139 to the southeast corner of Map 276, Parcel 145; thence westerly along the southern boundary of Map 276, Parcels 145 to the southwest corner of Map 276, Parcel 145; thence northerly along the western boundary of Map 276, Parcels 145, 146, 147, 148 and 149 to the northwest corner of Map 276, Parcel 149; thence easterly along the northern boundary of Map 276, Parcels 149, 150, 151, 152 and 153 to the southwest corner of Map 276, Parcel 167;

thence northerly to the northwest corner of Map 276, Parcel 167; thence northerly and westerly along the southern boundary of Map 276, Parcel 168 to the southwest corner of Map 276, Parcel 168; thence northerly, along the western boundary of Map 276, Parcel 168 to the northwest corner of Map 276, Parcel 168; thence northerly in a straight line to the southwest

corner of Map 276, Parcel 239; thence northerly along the western boundary of Map 276, Parcels 239, 240, 241, 242 and 243 to the southern boundary of Map 276, Parcel 244; thence westerly along the southern boundary of Map 276, Parcel 244 to the southwest corner of Map 276, Parcel 244; thence northerly along the western boundary of Map 276, Parcels 244, 245, 246 and 247 to the southern boundary of Map 276, Parcel 248; thence westerly along the southern boundary of Map 276, Parcel 248 to the eastern shore of Pequawket pond; thence easterly along the shore of Pequawket pond to the northeast corner of Map 276, Parcel 249; thence traversing Page Randall Brook in a straight line to the northwest corner of Map 276, Parcel 271; thence easterly along the northern boundary of Map 276, Parcel 271 to the southwest corner of Map 276, Parcel 273; thence northerly to the northwest corner of Map 276, Parcel 273; thence easterly along the northern boundary of Map 276, Parcel 273 and continuing in a straight line to the centerline of Route 153 (Pleasant Street); thence northerly along the centerline of Route 153 (Pleasant Street) to the intersection with the centerline of Greenwood Street; thence easterly along the centerline of Greenwood Street to the intersection with the centerline of Wilder Street; thence northerly along the centerline of Wilder Street to the intersection with the centerline of Route 113 (East Main Street); thence easterly along the centerline of Route 113 (East Main Street) to a point adjacent to the southwest corner of Map 265, Parcel 174; thence northerly through the southwest corner of Map 265, Parcel 174 and along the western boundary of Map 265, Parcel 174 to the southern boundary of Map 265, Parcel 175; thence westerly along the southern boundary of Map 265, Parcel 175 to the southwest corner of Map 265, Parcel 175; thence northerly along the western boundary of Map 265, Parcels 175, 176 and 177 to the southern shore of the Saco River, and thence easterly along the southern shore of the Saco River back to the point of commencement.

147.13.3.1.1 DISTRICT MAP.



147.13.3.2 LOT SIZE AND DENSITY.

147.13.3.2.1 Lots serviced by municipal water system and municipal sewerage system shall have at least one-half (1/2) acre for the first unit that may be located thereon and at least ten thousand (10,000) square feet for each additional unit on the same lot.

147.13.3.2.2 Lots serviced by a municipal water system shall have at least one-half (1/2) acre for each unit that may be located thereon.

147.13.3.2.3 All other lots shall have at least one (1) acre for each unit that may be located thereon.

147.13.3.2.4 Special Exceptions.

147.13.3.2.4.1 In order to preserve and safeguard Conway's older homes, but also allow for their conversion to multifamily dwellings, the Zoning Board of Adjustment may grant special exceptions for residential structures and accessory structures on the same conforming lot, provided that:

147.13.3.2.4.1.1 Substantially all of the structure is at least fifty (50) years old.

147.13.3.2.4.1.2 Modification of the interior does not exceed four (4) units.

147.13.3.2.4.1.3 No significant changes to the exterior lines or architectural detail are made, which would diminish the historical or architectural heritage of the structure.

147.13.3.2.4.1.4 Adequate area is available for parking and sewage disposal.

147.13.3.2.4.1.5 Accessory structures must have at least ~~five~~ three hundred (~~500~~ 300) square feet of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.

147.13.3.2.4.2 In order to help provide year round rental housing, the Zoning Board of Adjustment may grant a special exception for one accessory apartment as an accessory use to an owner-occupied single family dwelling, on any size lot subject to the following conditions:

147.13.3.2.4.2.1 The subject property is serviced by precinct water and sewer or that the New Hampshire Department of Environmental Services has issued a permit for construction for sewerage or waste disposal system.

147.13.3.2.4.2.2 The accessory apartment is designed to ensure architectural compatibility with the neighborhood.

147.13.3.2.4.2.3 Sufficient parking is located on site.

147.13.3.2.4.2.4 An Accessory Apartment Application is submitted for the ZBA review.

147.13.3.3 FRONTAGE. All lots must front on a state or town highway with a Class I, II, III, IV or V classification, a private road constructed to town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be:

147.13.3.3.1 One hundred fifty (150) feet.

147.13.3.3.2 One hundred (100) feet for lots which front entirely on cul-de-sacs, which meet the design requirements set forth in §131-Article X, Detail #4, and approved by the Planning Board.

147.13.3.4 SETBACKS. The minimum front setback shall be 25 feet and the minimum side or back setback shall be 15 feet.

147.13.3.5 STRUCTURE AND BUILDING HEIGHT. Structure height is restricted to achieve several purposes. The town is economically dependent upon tourism and attracts visitors with its rural character and mountainous setting. Maintaining the traditional scale and style of structures aids in preserving the character of the town. Peaked roofs are encouraged because it is the traditional roof style here. (Care has been taken to prepare language, which does not unduly encourage the use of flat-roof buildings). The height restriction keeps structures and buildings below tree-top level, which is typically from sixty (60) to one hundred (100) feet for mature maple, beech, birch and pine trees. Structure height below treetop level helps maintain the rural atmosphere and preserve the view sheds throughout town. In addition, the height limit minimizes difficulty in providing fire protection. The following shall apply throughout town:

147.13.3.5.1 Structure height shall not exceed fifty-five (55) feet for any structure.

147.13.3.5.2 Building height shall not exceed forty-five (45) feet.

147.13.3.5.3 Church steeples may be allowed to exceed fifty-five (55) feet in height by Special Exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that:

147.13.3.5.3.1 The space enclosed in the steeple is not usable floor space other than for maintenance and structural purposes of the steeple;

147.13.3.5.3.2 The height of the steeple is appropriate to the design and size of the Church.

147.13.3.6 SIGNS.

147.13.3.6.1 SIGN SETBACKS. Signs shall be set back a minimum of five (5) feet from a platted right-of-way, and signs shall be set back a minimum of fifteen (15) feet from all other property boundaries.

147.13.3.6.2 There shall be no more than one (1) freestanding sign per lot.

147.13.3.6.3 Maximum sign height shall be eight (8) feet.

147.13.3.6.4 Maximum sign width shall be six (6) feet.

147.13.3.6.5 Message area shall not exceed three square feet for professional or home occupations, nor shall message area exceed twelve (12) square feet for identification of any nonresidential use.

147.13.3.6.6 SIGN CONTENT. The Town has no intention of restricting individual free speech, but the Town does recognize its right to place reasonable restrictions upon commercial speech. Further, the Town wishes to prevent excessive or unnecessary signage along road corridors. In keeping with this reasoning, off-site commercial signs shall be prohibited.

147.13.3.6.7 SIGNS IN PLATTED ROW. Except as otherwise permitted below, no signs shall be permitted within any platted right-of-way:

147.13.3.6.7.1 Special promotional banner, with a message area of 200 square feet or less, for public or institutional events that cross a public or private road.

147.13.3.6.7.2 One directional sign to identify the entrance to a particular subdivision or development, not to exceed twelve (12) square feet, and not to exceed eight (8) feet in height nor six (6) feet in width. For subdivisions which are approved by the Planning Board and which have nonresidential uses, this sign may identify businesses located within the subdivision.

147.13.3.6.8 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.3.6.8.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.3.6.8.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

147.13.3.6.8.3 Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.

147.13.3.6.8.4 Business name and directional signs with a message area of three square feet or less which are located over doorways.

147.13.3.6.8.5 Flags.

147.13.3.6.8.6 Window signs which are affixed to the interior of the window, not to cover more than 50% of any window.

147.13.3.6.8.7 One (1) sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and to be erected not more than two days prior to the event and removed within one day of the end of the event.

147.13.3.6.8.8 Sign for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

147.13.3.6.8.9 Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all Districts.

147.13.3.6.8.10 Special promotional signs for public or institutional events, with a message area of 40 square feet or less.

147.13.3.6.8.11 Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1999

147.13.3.6.8.12 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.3.6.9 SIGNS SUBJECT TO PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.3.6.9.1 For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.

147.13.3.6.9.2 For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.

147.13.3.6.9.3 Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

147.13.3.6.9.4 For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.

147.13.3.6.9.5 Signs, which convey only a non-commercial message, including but not limited to ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less.

147.13.3.6.10 PERMIT REQUIRED FOR ALL OTHER SIGNS.

147.13.3.6.10.1 SIGN APPLICATION PROCESS. Any action requiring a sign permit shall be permitted only upon the application to, and approval of the Zoning Officer. Applications shall use the following process:

147.13.3.6.10.1.1 An application form for each sign shall be completed and signed by the owner of the property.

147.13.3.6.10.1.2 A complete application shall also include the following:

147.13.3.6.10.1.2.1 fee of \$35;

147.13.3.6.10.1.2.2 written description of the proposed type, size, height, setback, sign and supporting structure materials, and illumination of the sign.

147.13.3.6.10.1.2.3 statement specifically addressing compliance with offsite commercial sign restriction, and

147.13.3.6.10.1.2.4 analysis regarding impact of safety, specifically addressing lighting/glare and line-of-sight blockage for vehicles and pedestrians.

147.13.3.6.10.1.3 Upon receipt of a complete application, the Zoning Officer shall have up to 14 days to either approve or deny the application.

147.13.3.6.10.1.4 If the application is denied, the Zoning Officer shall issue a written decision stating the reason(s) for denial.

147.13.3.6.10.1.5 If the application is approved, the Zoning Officer shall issue an approval for the erection of a sign. The sign permit is valid for one (1) year from date of approval. If the sign is not erected within one (1) year, the permit shall expire.

147.13.3.6.11 DESIGN STANDARDS. The following design standards shall be required to ensure compliance with the intent of these regulations:

147.13.3.6.11.1 Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. Lighting sources shall be metal halide or halogen and located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they in any way be distracting to vehicular traffic.

147.13.3.6.11.2 Neon. Neon lighting shall be prohibited.

147.13.3.6.11.3 Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.

147.13.3.6.11.4 Flashing/Blinking. Flashing, blinking, alternating type or digital type lighting such as a digital message board shall be prohibited.

147.13.3.6.11.5 Structural Supports and Base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be increased to 100 percent of the maximum permitted message area of the sign. The top of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.

147.13.3.6.11.6 No sign shall project over a street or sidewalk, except for projecting signs as permitted herein.

147.13.3.6.11.7 No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.

147.13.3.6.12 MOVABLE SIGNS. Movable signs shall be prohibited. No vehicle, including parts thereof, trailers, and other accessories, shall be used as a means of circumventing the purpose and intent of this ordinance. A vehicle displaying a commercial message which is licensed, registered and inspected shall be exempt from these sign regulations if it is regularly and customarily used to transport persons or property for the business.

147.13.3.6.13 FLAGS, BANNERS, PENNANTS, ETC:

147.13.3.6.13.1 In addition to the signs otherwise permitted by this Chapter, there may be displayed, on any lot, up to three flags displaying any otherwise legal symbol, message or information, commercial or non-commercial; except that off-site commercial flags shall be restricted as set forth in of this Chapter. No such flag shall exceed 24 square feet measured by one face of the flag only. Any such flag shall be mounted directly to one flag pole. A "flag pole" is a pole intended and placed solely for the support and display of a flag or flags, and does not include utility poles, light poles, trees or other sign structures. All flag poles shall be erected vertically, or within 45 degrees of the vertical. No portion of any flag pole shall be sited within 10 feet of a property line. No flag pole shall extend more than 35 feet in height above grade, or, if mounted on a building, 55 feet above the average finished grade of the building.

147.13.3.6.13.2 Banners, pennants, search lights, twirling signs, balloons or other gas-filled figures, and other such materials shall be prohibited, except as specified herein.

147.13.3.6.13.3 This Section shall not be construed to prevent any sign otherwise permitted by this Chapter, and which conforms to all sign requirements of this chapter, from taking the form of a flag or other fabric. Banners may be used to cover part or all of an existing freestanding, projecting or wall sign to advertise temporary

events. The net effect of this activity shall not increase the message area of any permitted sign or signs.

147.13.3.6.14 MAINTENANCE. All surfaces and supporting structures of signs, whether erected prior to the effective date of this chapter or not, shall be maintained in a safe and slightly condition to the satisfaction of the Board of Selectmen or its authorized agent. A permit is required for any maintenance except the following: repainting; other surface renewal; or change of message on the same surface.

147.13.3.7 RESTRICTIONS REGARDING HOME OCCUPATIONS. A home occupation is considered accessory to a residential use and shall not occupy an area greater than fifty percent (50%) of the total floor area of the residential unit or 1,500 square feet, whichever is less. Home occupations are subject to the following provisions and restrictions:

147.13.3.7.1 The home occupation shall be carried on by persons who live in the principal residential unit full time. Two (2) employees living off-premises are permitted.

147.13.3.7.2 The home occupation shall be carried on within the principal residential unit or approved accessory structure.

147.13.3.7.3 Exterior storage of commercial vehicles, equipment or materials or variation from the residential character of the principal residential unit shall not be permitted.

147.13.3.7.4 The home occupation shall create no unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or other nuisance or threat to the health of the abutters.

147.13.3.7.5 Adequate off-street parking shall be provided.

147.13.3.7.6 A home occupation shall not generate excessive traffic or traffic in greater volumes than would normally be expected in a residential neighborhood.

147.13.3.7.7 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.3.7.8 A change of use permit to operate a home occupation is required before startup of operation.

147.13.3.7.9 Retail or wholesale sales are only permitted for those items raised or made on the premises.

147.13.3.7.10 A home occupation shall not be offensive to the character of the neighborhood, or decrease abutting property values.

147.13.3.8 YARD SALES. Yard Sales shall be permitted, provided that no one household holds sales for longer than six days per calendar year.

147.13.3.9 MOBILE HOMES, TRAVEL TRAILERS AND RECREATIONAL VEHICLES.

147.13.3.9.1 A mobile home, travel trailer or recreational vehicle may be permitted on the site of a construction project for one (1) year, provided that it is a necessary convenience for the construction project and that no public safety or health hazards shall be created.

147.13.3.9.2 One (1) travel trailer or recreational vehicle may be stored on a lot, provided that it is not utilized for dwelling purposes.

147.13.3.9.3 All mobile homes permitted under this section must be connected to a sewerage system and water source, both meeting minimum local and State of New Hampshire standards, as applicable and then promulgated; such systems shall be approved by the Selectmen or their designated agent and be maintained so as not to cause a health or sanitation hazard.

147.13.3.10 SPECIAL EXCEPTIONS. The following land use(s) shall be allowed if granted a special exception by the Zoning Board of Adjustment:

147.13.3.10.1 PRIVATE EDUCATIONAL FACILITIES. A Special Exception may be granted to permit private educational facilities, with or without accessory uses, provided that:

147.13.3.10.1.1 Traffic access to and from the facility will not alter the character of the abutting residential neighborhood;

147.13.3.10.1.2 The development is architecturally compatible with the height, scale, color and detail of the surrounding residential neighborhood; and

147.13.3.10.1.3 The proposed facility will not adversely affect abutting properties by reason of undue light, noise, density of use, or other nuisance.

147.13.3.10.2 DAY CARE CENTERS. A special exception may be granted to home-based day-care centers serving seven (7) to fifteen (15) people and other nonhome-based centers, regardless of the number of people served, provided that:

147.13.3.10.2.1 Traffic access to and from the development will not alter the character of the abutting residential neighborhood;

147.13.3.10.2.2 The development is architecturally compatible with the height, scale, color and detail of the surrounding residential neighborhood;

147.13.3.10.2.3 Site plan approval or site plan exemption is granted by the Planning Board, and

147.13.3.10.2.4 The size of the lot is appropriate to provide green space and play areas.

147.13.3.10.3 POST OFFICES. A Special Exception may be granted to permit a publicly or privately owned Post Office, provided that:

147.13.3.10.3.1 Traffic access to and from the site will not alter the character of the abutting residential neighborhood;

147.13.3.10.3.2 The Post Office is architecturally compatible with the surrounding residential district;

147.13.3.10.3.3 The proposed facility will not adversely affect abutting properties by reason of undue light, noise, density of use or decreased property values;

147.13.3.10.3.4 No portion of the building may be used for any purpose other than a Post Office;

147.13.3.10.3.5 At such time as the facility ceases to be used as a Post Office, the building and improvements shall either be razed or converted to a use allowed in the District, and

147.13.3.10.3.6 The minimum dimensional lot requirements (lot size, setbacks, frontage...) may be increased by either the Zoning Board of Adjustment or the

Planning Board if it is found that the aforementioned criteria cannot be met using minimum dimensional requirements.

147.13.3.10.4 HELICOPTERS. A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

147.13.4 NORTH CONWAY VILLAGE RESIDENTIAL DISTRICT (NCVR). The NCVR District is primarily designed to accommodate a mix of uses that complement the Village's residential neighborhoods. This area is generally serviced by municipal water and sewer services. Thereby accommodating higher densities in the order of two to four units per acre. Domestic Farm Animals are specifically prohibited in this district Land Uses permitted in this district are represented in §147.16 Table of Uses.

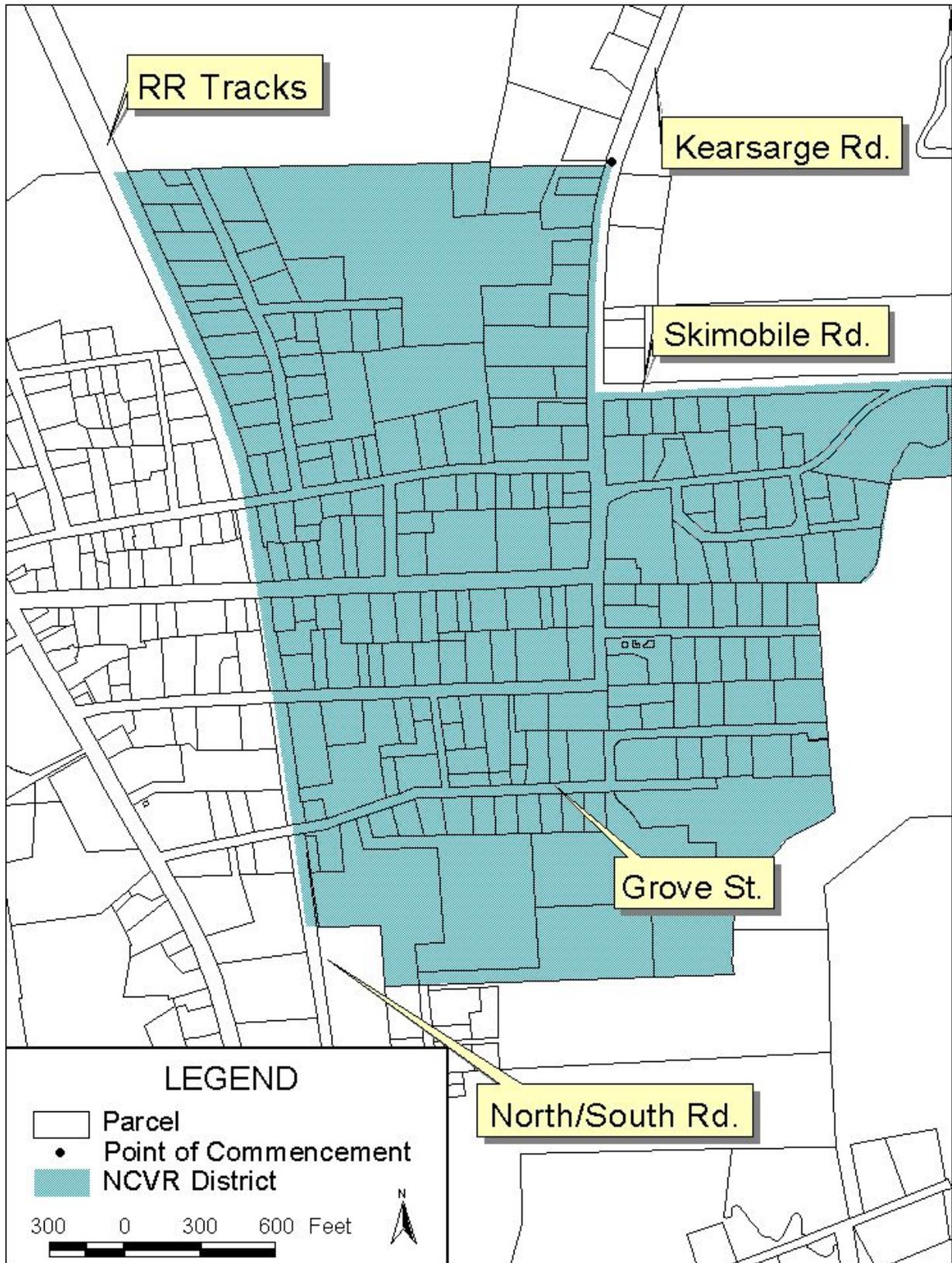
147.13.4.1 DISTRICT BOUNDARIES. The NCVR District shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps): commencing at a point on the centerline of Kearsarge Road adjacent to the northeast corner Map 214, Parcel 23.1; thence southerly along the centerline of Kearsarge Road to the intersection of the centerline of Skimobile Road;

thence easterly along the centerline of Skimobile Road to a point adjacent to the northeast corner of Map 219, Parcel 106; thence southerly in a straight line through the northeast corner of Map 219, Parcel 106 to the southeast corner of Map 219, Parcel 106; thence westerly and southerly along the western boundary of Map 219, Parcel 105 to the northeast corner of Map 219, Parcel 186; thence southerly along the eastern boundary of Map 219, Parcel 186 to the southeast corner of Map 219, Parcel 186;

thence westerly along the northern boundary of Map 219, Parcel 218 to the southeast corner of Map 219, Parcel 199; thence westerly, northerly and westerly along the southern boundary of Map 219, Parcel 199 to the southwest corner of Map 219, Parcel 199; thence westerly in a straight line traversing Map 219, Parcel 211 to the centerline of the North-South Road;

thence northerly along the centerline of the North-South Road and continuing along the centerline of Map 202, Parcel 150 (former Main Central Railroad ROW) to a point adjacent to the southwest corner of Map 214, Parcel 31; thence easterly along the southern boundary of Map 214, Parcel 31 to the northeast corner of Map 214, Parcel 23.3; thence southerly along the eastern boundary of Map 214, Parcel 23.3 to the northwest corner of Map 214, Parcel 23.2; thence easterly along the northern boundary of Map 214, Parcels 23.2 and 23.1, and continuing in a straight line to the point of commencement.

147.13.4.1.1 DISTRICT MAP.



147.13.4.2 LOT SIZE AND DENSITY.

147.13.4.2.1 Lots serviced by municipal water system and municipal sewerage system shall have at least one-half (1/2) acre for the first unit that may be located thereon and at least ten thousand (10,000) square feet for each additional unit on the same lot.

147.13.4.2.2 Lots serviced by a municipal water system shall have at least one-half (1/2) acre for each unit that may be located thereon.

147.13.4.2.3 All other lots shall have at least one (1) acre for each unit that may be located thereon.

147.13.4.2.4 Special Exceptions.

147.13.4.2.4.1 In order to preserve and safeguard Conway's older homes, but also allow for their conversion to multifamily dwellings, the Zoning Board of Adjustment may grant special exceptions for residential structures and accessory structures on the same conforming lot, provided that:

147.13.4.2.4.1.1 Substantially all of the structure is at least fifty (50) years old.

147.13.4.2.4.1.2 Modification of the interior does not exceed four (4) units.

147.13.4.2.4.1.3 No significant changes to the exterior lines or architectural detail are made, which would diminish the historical or architectural heritage of the structure.

147.13.4.2.4.1.4 Adequate area is available for parking and sewage disposal.

147.13.4.2.4.1.5 Accessory structures must have at least ~~five~~ three hundred (~~500~~ 300) square feet of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.

147.13.4.2.4.2 In order to help provide year round rental housing, the Zoning Board of Adjustment may grant a special exception for one accessory apartment as an accessory use to an owner-occupied single family dwelling, on any size lot subject to the following conditions:

147.13.4.2.4.2.1 The subject property is serviced by precinct water and sewer or that the New Hampshire Department of Environmental Services has issued a permit for construction for sewerage or waste disposal system.

147.13.4.2.4.2.2 The accessory apartment is designed to ensure architectural compatibility with the neighborhood.

147.13.4.2.4.2.3 Sufficient parking is located on site.

147.13.4.2.4.2.4 An Accessory Apartment Application is submitted for the ZBA review.

147.13.4.3 FRONTAGE. All lots must front on a state or town highway with a Class I, II, III, IV or V classification, a private road constructed to town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be:

147.13.4.3.1 One hundred fifty (150) feet.

147.13.4.3.2 One hundred (100) feet for lots which front entirely on cul-de-sacs, which meet the design requirements set forth in §131-Article X, Detail #4, and approved by the Planning Board.

147.13.4.4 SETBACKS. The minimum front setback shall be 25 feet and the minimum side or back setback shall be 15 feet.

147.13.4.5 STRUCTURE AND BUILDING HEIGHT. Structure height is restricted to achieve several purposes. The town is economically dependent upon tourism and attracts visitors with its rural character and mountainous setting. Maintaining the traditional scale and style of structures aids in preserving the character of the town. Peaked roofs are encouraged because it is the traditional roof style here. (Care has been taken to prepare language, which does not unduly encourage the use of flat-roof buildings). The height restriction keeps structures and buildings below tree-top level, which is typically from sixty (60) to one hundred (100) feet for mature maple, beech, birch and pine trees. Structure height below treetop level helps maintain the rural atmosphere and preserve the view sheds throughout town. In addition, the height limit minimizes difficulty in providing fire protection. The following shall apply throughout town:

147.13.4.5.1 Structure height shall not exceed fifty-five (55) feet for any structure.

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147.13.4.5.3.1 The space enclosed in the steeple is not usable floor space other than for maintenance and structural purposes of the steeple;

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147.13.4.6 SIGNS.

147.13.4.6.1 SIGN SETBACKS. Signs shall be set back a minimum of five (5) feet from a platted right-of-way, and signs shall be set back a minimum of fifteen (15) feet from all other property boundaries.

147.13.4.6.2 There shall be no more than one (1) freestanding sign per lot.

147.13.4.6.3 Maximum sign height shall be eight (8) feet.

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147.13.4.6.6 SIGN CONTENT. The Town has no intention of restricting individual free speech, but the Town does recognize its right to place reasonable restrictions upon commercial speech. Further, the Town wishes to prevent excessive or unnecessary signage along road corridors. In keeping with this reasoning, off-site commercial signs shall be prohibited.

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147.13.4.6.8 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.4.6.8.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.4.6.8.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

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147.13.4.6.10.1.2 A complete application shall also include the following:

147.13.4.6.10.1.2.1 fee of \$35;

147.13.4.6.10.1.2.2 written description of the proposed type, size, height, setback, sign and supporting structure materials, and illumination of the sign.

147.13.4.6.10.1.2.3 statement specifically addressing compliance with offsite commercial sign restriction, and

147.13.4.6.10.1.2.4 analysis regarding impact of safety, specifically addressing lighting/glare and line-of-sight blockage for vehicles and pedestrians.

147.13.4.6.10.1.3 Upon receipt of a complete application, the Zoning Officer shall have up to 14 days to either approve or deny the application.

147.13.4.6.10.1.4 If the application is denied, the Zoning Officer shall issue a written decision stating the reason(s) for denial.

147.13.4.6.10.1.5 If the application is approved, the Zoning Officer shall issue an approval for the erection of a sign. The sign permit is valid for one (1) year from date of approval. If the sign is not erected within one (1) year, the permit shall expire.

147.13.4.6.11 DESIGN STANDARDS. The following design standards shall be required to ensure compliance with the intent of these regulations:

147.13.4.6.11.1 Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. Lighting sources shall be metal halide or halogen and located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they in any way be distracting to vehicular traffic.

147.13.4.6.11.2 Neon. Neon lighting shall be prohibited.

147.13.4.6.11.3 Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.

147.13.4.6.11.4 Flashing/Blinking. Flashing, blinking, alternating type or digital type lighting such as a digital message board shall be prohibited.

147.13.4.6.11.5 Structural Supports and Base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be increased to 100 percent of the maximum permitted message area of the sign. The top of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.

147.13.4.6.11.6 No sign shall project over a street or sidewalk, except for projecting signs as permitted herein.

147.13.4.6.11.7 No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.

147.13.4.6.12 MOVABLE SIGNS. Movable signs shall be prohibited. No vehicle, including parts thereof, trailers, and other accessories, shall be used as a means of circumventing the purpose and intent of this ordinance. A vehicle displaying a commercial message which is licensed, registered and inspected shall be exempt from these sign regulations if it is regularly and customarily used to transport persons or property for the business.

147.13.4.6.13 FLAGS, BANNERS, PENNANTS, ETC:

147.13.4.6.13.1 In addition to the signs otherwise permitted by this Chapter, there may be displayed, on any lot, up to three flags displaying any otherwise legal symbol, message or information, commercial or non-commercial; except that off-site commercial flags shall be restricted as set forth in of this Chapter. No such flag shall exceed 24 square feet measured by one face of the flag only. Any such flag shall be mounted directly to one flag pole. A "flag pole" is a pole intended and placed solely for the support and display of a flag or flags, and does not include utility poles, light poles, trees or other sign structures. All flag poles shall be erected vertically, or within 45 degrees of the vertical. No portion of any flag pole shall be sited within 10 feet of a property line. No flag pole shall extend more than 35 feet in height above grade, or, if mounted on a building, 55 feet above the average finished grade of the building.

147.13.4.6.13.2 Banners, pennants, search lights, twirling signs, balloons or other gas-filled figures, and other such materials shall be prohibited, except as specified herein.

147.13.4.6.14 This Section shall not be construed to prevent any sign otherwise permitted by this Chapter, and which conforms to all sign requirements of this chapter, from taking the form of a flag or other fabric. Banners may be used to cover part or all of an existing freestanding, projecting or wall sign to advertise temporary events. The net effect of this activity shall not increase the message area of any permitted sign or signs.

147.13.4.6.15 MAINTENANCE. All surfaces and supporting structures of signs, whether erected prior to the effective date of this chapter or not, shall be maintained in a safe and slightly condition to the satisfaction of the Board of Selectmen or its authorized agent. A permit is required for any maintenance except the following: repainting; other surface renewal; or change of message on the same surface.

147.13.4.7 RESTRICTIONS REGARDING HOME OCCUPATIONS. A home occupation is considered accessory to a residential use and shall not occupy an area greater than fifty percent (50%) of the total floor area of the residential unit or 1,500 square feet, whichever is less. Home occupations are subject to the following provisions and restrictions:

147.13.4.7.1 The home occupation shall be carried on by persons who live in the principal residential unit full time. Two (2) employees living off-premises are permitted.

147.13.4.7.2 The home occupation shall be carried on within the principal residential unit or approved accessory structure.

147.13.4.7.3 Exterior storage of commercial vehicles, equipment or materials or variation from the residential character of the principal residential unit shall not be permitted.

147.13.4.7.4 The home occupation shall create no unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or other nuisance or threat to the health of the abutters.

147.13.4.7.5 Adequate off-street parking shall be provided.

147.13.4.7.6 A home occupation shall not generate excessive traffic or traffic in greater volumes than would normally be expected in a residential neighborhood.

147.13.4.7.7 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.4.7.8 A change of use permit to operate a home occupation is required before startup of operation.

147.13.4.7.9 Retail or wholesale sales are only permitted for those items raised or made on the premises.

147.13.4.7.10 A home occupation shall not be offensive to the character of the neighborhood, or decrease abutting property values.

147.13.4.8 YARD SALES. Yard Sales shall be permitted, provided that no one household holds sales for longer than six days per calendar year.

147.13.4.9 MOBILE HOMES, TRAVEL TRAILERS AND RECREATIONAL VEHICLES.

147.13.4.9.1 A mobile home, travel trailer or recreational vehicle may be permitted on the site of a construction project for one (1) year, provided that it is a necessary convenience for the construction project and that no public safety or health hazards shall be created.

147.13.4.9.2 One (1) travel trailer or recreational vehicle may be stored on a lot, provided that it is not utilized for dwelling purposes.

147.13.4.9.3 All mobile homes permitted under this section must be connected to a sewerage system and water source, both meeting minimum local and State of New Hampshire standards, as applicable and then promulgated; such systems shall be

approved by the Selectmen or their designated agent and be maintained so as not to cause a health or sanitation hazard.

147.13.4.10 SPECIAL EXCEPTIONS. The following land use(s) shall be allowed if granted a special exception by the Zoning Board of Adjustment:

147.13.4.10.1 PRIVATE EDUCATIONAL FACILITIES. A Special Exception may be granted to permit private educational facilities, with or without accessory uses, provided that:

147.13.4.10.1.1 Traffic access to and from the facility will not alter the character of the abutting residential neighborhood;

147.13.4.10.1.2 The development is architecturally compatible with the height, scale, color and detail of the surrounding residential neighborhood; and

147.13.4.10.1.3 The proposed facility will not adversely affect abutting properties by reason of undue light, noise, density of use, or other nuisance.

147.13.4.10.2 DAY CARE CENTERS. A special exception may be granted to home-based day-care centers serving seven (7) to fifteen (15) people and other non home-based centers, regardless of the number of people served, provided that:

147.13.4.10.2.1 Traffic access to and from the development will not alter the character of the abutting residential neighborhood;

147.13.4.10.2.2 The development is architecturally compatible with the height, scale, color and detail of the surrounding residential neighborhood;

147.13.4.10.2.3 Site plan approval or site plan exemption is granted by the Planning Board, and

147.13.4.10.2.4 The size of the lot is appropriate to provide green space and play areas.

147.13.4.10.3 POST OFFICES. A Special Exception may be granted to permit a publicly or privately owned Post Office, provided that:

147.13.4.10.3.1 Traffic access to and from the site will not alter the character of the abutting residential neighborhood;

147.13.4.10.3.2 The Post Office is architecturally compatible with the surrounding residential district;

147.13.4.10.3.3 The proposed facility will not adversely affect abutting properties by reason of undue light, noise, density of use or decreased property values;

147.13.4.10.3.4 No portion of the building may be used for any purpose other than a Post Office;

147.13.4.10.3.5 At such time as the facility ceases to be used as a Post Office, the building and improvements shall either be razed or converted to a use allowed in the District, and

147.13.4.10.3.6 The minimum dimensional lot requirements (lot size, setbacks, frontage...) may be increased by either the Zoning Board of Adjustment or the Planning Board if it is found that the aforementioned criteria cannot be met using minimum dimensional requirements.

147.13.4.10.4 HELICOPTERS. A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

147.13.5 CENTER CONWAY VILLAGE COMMERCIAL (CCVC) DISTRICT. The CCVC District is primarily designed to accommodate a compatible mixture uses that complement commercial and residential uses typically associated with village centers. This district is not serviced by municipal water and sewer and are, generally, not yet appropriate for development at densities higher than one unit per acre. Uses permitted in this district are represented in §147.16 Table of Uses.

The Center Conway Village Commercial District shall have the same permitted uses and limitations otherwise provided in the Village Commercial District under this ordinance except the additional following limitations shall apply:

- mobile homes shall be prohibited;
- mobile home parks shall be prohibited;
- retail used in excess of 3,000 square feet shall be prohibited;
- wholesale and light industry shall be prohibited except as provided in Home Occupation 147.13.2.7;
- any size underground or above ground on site storage tanks for classified or hazardous materials are prohibited. This does not include storage tanks used for heating fuel for commercial or domestic use or an approved use; and
- garage and filling stations shall be prohibited.

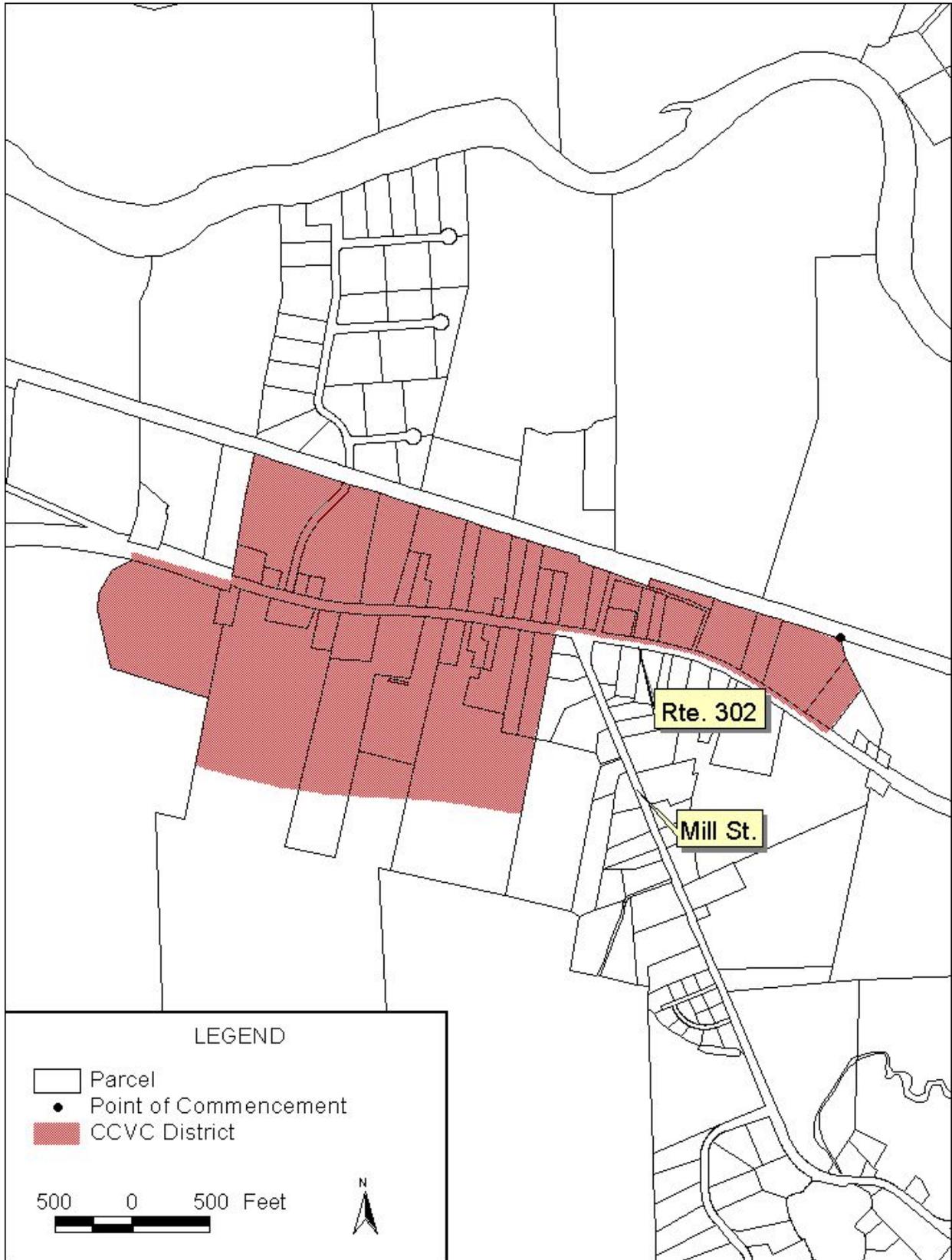
147.13.5.1 DISTRICT BOUNDARIES. The CCVC District shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps): commencing at the point on the southern boundary of Map 219, Parcel 211 (former Maine Central Railroad ROW) at the northwest corner of Map 259, Parcel 19; thence southerly along the western boundary of Map 259, Parcel 19 to the northeast corner of Map 259, Parcel 14; thence southwesterly along the eastern boundary of Map 259, Parcel 14 to the center line of Route 302; thence westerly along the center line of Route 302 to a point adjacent to the northeast corner of Map 260, Parcel 40;

thence southerly in a straight line through the northeast corner of Map 260, Parcel 40 and along the eastern boundary of Map 260, Parcels 40 and 45 to a distance of 1,200 feet from the center line of Route 302; thence westerly, maintaining the distance of 1,200 feet from the center line of Route 302, to the eastern boundary of Map 260, Parcel 58;

thence northerly along the eastern boundary of Map 260, Parcel 58 to the southeast corner of Map 260, Parcel 54; thence westerly to the southwest corner of Map 260, Parcel 54; thence northerly along the western boundary of Map 260, Parcel 54 to the northwest corner of Map 260, Parcel 54; thence north to the centerline of Route 302;

thence easterly along the centerline of Route 302 to a point adjacent to the southwest corner of Map 260, Parcel 78; thence northerly through the southwest corner of Map 260. Parcel 78 and along the western boundary of Map 260, Parcels 78 and 79 to the southern boundary of Map 219, Parcel 211 (former Maine Central Railroad ROW), and thence easterly along the southern boundary of Map 219, Parcel 211 (former Maine Central Railroad ROW) to the point of commencement.

147.13.5.1.1 DISTRICT MAP.



147.13.5.2 LOT SIZE AND DENSITY.

147.13.5.2.1 Lots serviced by municipal water system and municipal sewerage system shall have at least one-half (1/2) acre for the first unit that may be located thereon and at least ten thousand (10,000) square feet for each additional unit on the same lot.

147.13.5.2.2 Lots serviced by a municipal water system shall have at least one-half (1/2) acre for each unit that may be located thereon.

147.13.5.2.3 The minimum lot size for keeping domestic farm animals shall be one (1) acre.

147.13.5.2.4 All other lots shall have at least one (1) acre for each unit that may be located thereon.

147.13.5.2.5 SPECIAL EXCEPTIONS.

147.13.5.2.5.1 In order to preserve and safeguard Conway's older homes, but also allow for their conversion to multifamily dwellings, the Zoning Board of Adjustment may grant special exceptions for residential structures and accessory structures on the same conforming lot, provided that:

147.13.5.2.5.1.1 Substantially all of the structure is at least fifty (50) years old.

147.13.5.2.5.1.2 Modification of the interior does not exceed four (4) units.

147.13.5.2.5.1.3 No significant changes to the exterior lines or architectural detail are made, which would diminish the historical or architectural heritage of the structure.

147.13.5.2.5.1.4 Adequate area is available for parking and sewage disposal.

147.13.5.2.5.1.5 Accessory structures must have at least ~~five~~ ~~three~~ hundred (~~500~~ ~~300~~) square feet of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.

147.13.5.2.5.2 In order to help provide year round rental housing, the Zoning Board of Adjustment may grant a special exception for one accessory apartment as an accessory use to an owner-occupied single family dwelling, on any size lot subject to the following conditions:

147.13.5.2.5.2.1 The subject property is serviced by precinct water and sewer or that the New Hampshire Department of Environmental Services has issued a permit for construction for sewerage or waste disposal system.

147.13.5.2.5.2.2 The accessory apartment is designed to ensure architectural compatibility with the neighborhood.

147.13.5.2.5.2.3 Sufficient parking is located on site.

147.13.5.2.5.2.4 An Accessory Apartment Application is submitted for the ZBA review.

147.13.5.2.5.3 The Zoning Board of Adjustment may grant a special exception for up to twelve dwelling units per acre, in the village commercial and highway commercial districts under the following conditions:

147.13.5.2.5.3.1 That each structure must contain at least three dwelling units.

147.13.5.2.5.3.2 Not less than 25% of all dwelling units shall be designated as full time rental apartments. At the time of Planning Board approval, the units

designated as full time rental apartments must be shown on the plan with a condition that they are leased for twenty years from the date of Planning Board approval by the developer and a deed restriction shall be recorded in the Registry of Deeds as evidence of the same.

147.13.5.2.5.3.3 All lots must be serviced by municipal water and sewerage.

147.13.5.2.5.3.4 Rental/Deed restricted units shall be a maximum of 1,000 square feet and a minimum of 300 square feet.

147.13.5.2.5.3.5 Architectural design plans must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the zoning regulations.

147.13.5.3 FRONTAGE. All lots must front on a state or town highway with a Class I, II, III, IV or V classification, a private road constructed to town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be:

147.13.5.3.1 Fifty (50) feet.

147.13.5.3.2 One hundred (100) feet for lots which front entirely on cul-de-sacs, which meet the design requirements set forth in §131-Article X, Detail #4, and approved by the Planning Board.

147.13.5.4 SETBACKS. The minimum front setback shall be 25 feet and the minimum side or back setback shall be 10 feet.

147.13.5.5 STRUCTURE AND BUILDING HEIGHT. Structure height is restricted to achieve several purposes. The town is economically dependent upon tourism and attracts visitors with its rural character and mountainous setting. Maintaining the traditional scale and style of structures aids in preserving the character of the town. Peaked roofs are encouraged because it is the traditional roof style here. (Care has been taken to prepare language, which does not unduly encourage the use of flat-roof buildings). The height restriction keeps structures and buildings below tree-top level, which is typically from sixty (60) to one hundred (100) feet for mature maple, beech, birch and pine trees. Structure height below treetop level helps maintain the rural atmosphere and preserve the view sheds throughout town. In addition, the height limit minimizes difficulty in providing fire protection. The following shall apply throughout town:

147.13.5.5.1 Structure height shall not exceed fifty-five (55) feet for any structure.

147.13.5.5.2 Building height shall not exceed forty-five (45) feet.

147.13.5.5.3 Church steeples may be allowed to exceed fifty-five (55) feet in height by Special Exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that:

147.13.5.5.3.1 The space enclosed in the steeple is not usable floor space other than for maintenance and structural purposes of the steeple;

147.13.5.5.3.2 The height of the steeple is appropriate to the design and size of the Church.

147.13.5.6 SIGNS.

147.13.5.6.1 FREESTANDING SIGN. There shall be no more than one freestanding sign per lot, except that where a lot fronts on two or more public rights-of-way and has two entrances at least 500 feet apart, two freestanding signs shall be permitted.

147.13.5.6.1.1 The size of the message area shall not exceed 40 square feet.

147.13.5.6.1.2 The height of the message area shall not exceed 15 feet above the undisturbed ground.

147.13.5.6.1.3 The width of the message area shall not exceed 12 feet.

147.13.5.6.1.4 The minimum setback shall be 25 feet from a platted right-of-way, and five feet from all other property boundaries.

147.13.5.6.1.4.1 Freestanding sign setbacks may be reduced to 10' from a platted right-of-way, if the size of the message area is reduced to 30 square feet maximum. All of the dimensional requirements, excepting the size of the message area and the minimum front setback shall be required of these signs.

147.13.5.6.1.5 Where an existing nonconforming sign serves more than one commercial establishment each having at least 60,000 square feet or residential development each comprised of at least 20 residential units sharing common access, the size of the message area may be expanded based upon 40 square feet per commercial establishment and twenty square feet per residential development; provided, however, that the total message area shall not exceed 80 square feet in any case.

147.13.5.6.1.6 Projecting signs, including sign structure, not to exceed six (6) square feet in the Village Commercial Districts are permitted in the lieu of a freestanding sign. The sign shall be at least ten feet above the ground; the top of the sign shall be no more than fifteen feet above the ground.

147.13.5.6.1.7 The Zoning Board of Adjustment may grant the following special exceptions:

147.13.5.6.1.7.1 For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional freestanding sign may be permitted for use as a directory sign provided that the following conditions are met: the sign shall be used only to identify and locate businesses within; the message area shall not exceed 12 square feet; the height of the message area shall not exceed 20 feet above the undisturbed ground; the sign shall meet all setbacks; and the additional wall sign permitted by Special Exception under Section 147.13.5.6.2.4.2. is not used.

147.13.5.6.1.7.2 Where existing buildings are set back from the right-of-way less than the setback required for freestanding signs in Section 147.13.5.6.1., the right-of-way setback of the freestanding sign may be reduced from 25 to any lesser amount down to five feet, provided that the following conditions are met: the message area shall be reduced to not more than 20 square feet; the sign shall not obstruct vehicular or pedestrian traffic; the sign shall not obstruct the line-of-sight

for traffic entering or exiting the site; and the sign shall not unduly obstruct the visibility of other signs or property in the area.

147.13.5.6.1.8 One appendage may be attached to a freestanding or projecting sign, and the message area of this appendage shall be considered part of the total message area of the sign. No appendage shall be permitted on supports nor directional signs.

147.13.5.6.2 WALL SIGN. For lots without multiple commercial tenants, each lot shall be permitted one wall sign. For lots with multiple commercial tenants, each commercial tenant shall be permitted one wall sign. All wall signs shall be located on a wall, which is common to both the interior and exterior of the business identified by the sign. The height of the message area shall not exceed the greater of 20 feet from the undisturbed ground or a height equal to 75% of the total height of the building, nor shall it exceed the height of the wall to which it is attached. The message area of the wall sign shall be based on the following formulas, subject to increase by bonus granted per Section 147.13.5.6.12.3:

147.13.5.6.2.1 For floor areas up to and including 50,000 square feet, the maximum message area shall be calculated as follows:

147.13.5.6.2.2 $20 + (\text{total s.f. floor area} \times 0.0016)$

147.13.5.6.2.3 If the floor area of the business is greater than 50,000 square feet, the maximum wall sign message area shall be 100 square feet. A business with a floor area greater than 50,000 square feet be permitted one additional wall sign if it has two or more exterior public or customer entrances excluding emergency entrances that are at least 20 feet apart. The message area of the second wall sign shall not exceed 20 square feet.

147.13.5.6.2.4 The Zoning Board of Adjustment may grant the following special exceptions:

147.13.5.6.2.4.1 For a major business in a shopping center or mall that does not have wall frontage facing its primary parking lot, one additional wall sign may be permitted, provided that the following conditions are met: the size of the message area shall not exceed 40 square feet; the sign shall be located on a wall facing the primary parking lot; total wall sign area on the wall shall not exceed 10%; and all relevant height restrictions specified in Section 147.13.5.6.2. apply.

147.13.5.6.2.4.2 For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional wall sign may be permitted, subject to the following: the sign shall be used only to identify and locate the businesses within; the message area shall not exceed 12 square feet; the sign shall be located immediately adjacent to the common entrance; and that the additional freestanding sign permitted by Special Exception under Section 147.13.5.6.1.7.1. is not used.

147.13.5.6.3 SIGN CONTENT. The Town has no intention of restricting individual free speech, but the Town does recognize its right to place reasonable restrictions upon commercial speech. Further, the Town wishes to prevent excessive or unnecessary signage along road corridors. In keeping with this reasoning, off-site commercial signs shall be prohibited.

147.13.5.6.4 SIGNS IN PLATTED ROW. Except as otherwise permitted below, no signs shall be permitted within any platted right-of-way:

147.13.5.6.4.1 Special promotional banner, with a message area of 200 square feet or less, for public or institutional events that cross a public or private road.

147.13.5.6.4.2 One directional sign to identify the entrance to a particular subdivision or development, not to exceed twelve (12) square feet, and not to exceed eight (8) feet in height nor six (6) feet in width. For subdivisions which are approved by the Planning Board and which have nonresidential uses, this sign may identify businesses located within the subdivision.

147.13.5.6.5 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.5.6.5.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.5.6.5.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

147.13.5.6.5.3 Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.

147.13.5.6.5.4 Business name and directional signs with a message area of three square feet or less which are located over doorways.

147.13.5.6.5.5 Flags.

147.13.5.6.5.6 One (1) portable a-frame sign per lot of record is permitted in the district, it may be displayed during business hours only, it shall have a message area of six square feet or less, no illumination of the sign is permitted and no appendages to the sign are permitted.

147.13.5.6.5.7 Window signs which are affixed to the interior of the window, not to cover more than 50% of any window.

147.13.5.6.5.8 One (1) sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and to be erected not more than two days prior to the event and removed within one day of the end of the event.

147.13.5.6.5.9 Sign for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

147.13.5.6.5.10 Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all Districts.

147.13.5.6.5.11 Special promotional signs for public or institutional events, with a message area of 40 square feet or less.

147.13.5.6.5.12 Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1999

147.13.5.6.5.13 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.5.6.6 SIGNS SUBJECT TO PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.5.6.6.1 For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.

147.13.5.6.6.2 For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.

147.13.5.6.6.3 Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

147.13.5.6.6.4 For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.

147.13.5.6.6.5 Signs, which convey only a non-commercial message, including but not limited to ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less.

147.13.5.6.7 PERMIT REQUIRED FOR ALL OTHER SIGNS.

147.13.5.6.7.1 SIGN APPLICATION PROCESS. Any action requiring a sign permit shall be permitted only upon the application to, and approval of the Zoning Officer. Applications shall use the following process:

147.13.5.6.7.1.1 An application form for each sign shall be completed and signed by the owner of the property.

147.13.5.6.7.1.2 A complete application shall also include the following:

147.13.5.6.7.1.2.1 fee of \$35;

147.13.5.6.7.1.2.2 written description of the proposed type, size, height, setback, sign and supporting structure materials, and illumination of the sign.

147.13.5.6.7.1.2.3 statement specifically addressing compliance with offsite commercial sign restriction, and

147.13.5.6.7.1.2.4 analysis regarding impact of safety, specifically addressing lighting/glare and line-of-sight blockage for vehicles and pedestrians.

147.13.5.6.7.1.3 Upon receipt of a complete application, the Zoning Officer shall have up to 14 days to either approve or deny the application.

147.13.5.6.7.1.4 If the application is denied, the Zoning Officer shall issue a written decision stating the reason(s) for denial.

147.13.5.6.7.1.5 If the application is approved, the Zoning Officer shall issue an approval for the erection of a sign. The sign permit is valid for one (1) year from date of approval. If the sign is not erected within one (1) year, the permit shall expire.

147.13.5.6.8 DESIGN STANDARDS. The following design standards shall be required to ensure compliance with the intent of these regulations:

147.13.5.6.8.1 Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional

purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. Lighting sources shall be metal halide or halogen and located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they in any way be distracting to vehicular traffic.

147.13.5.6.8.2 Neon. Neon lighting shall be prohibited.

147.13.5.6.8.3 Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.

147.13.5.6.8.4 Flashing/Blinking. Flashing, blinking, alternating type or digital type lighting such as a digital message board shall be prohibited.

147.13.5.6.8.5 Structural Supports and Base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be increased to 100 percent of the maximum permitted message area of the sign. The top of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.

147.13.5.6.8.6 No sign shall project over a street or sidewalk, except for projecting signs as permitted herein.

147.13.5.6.8.7 No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.

147.13.5.6.9 **MOVABLE SIGNS.** Movable signs shall be prohibited. No vehicle, including parts thereof, trailers, and other accessories, shall be used as a means of circumventing the purpose and intent of this ordinance. A vehicle displaying a commercial message which is licensed, registered and inspected shall be exempt from these sign regulations if it is regularly and customarily used to transport persons or property for the business.

147.13.5.6.10 **FLAGS, BANNERS, PENNANTS, ETC:**

147.13.5.6.10.1 In addition to the signs otherwise permitted by this Chapter, there may be displayed, on any lot, up to three flags displaying any otherwise legal symbol, message or information, commercial or non-commercial; except that off-site commercial flags shall be restricted as set forth in of this Chapter. No such flag shall exceed 24 square feet measured by one face of the flag only. Any such flag shall be mounted directly to one flag pole. A "flag pole" is a pole intended and placed solely for the support and display of a flag or flags, and does not include utility poles, light poles, trees or other sign structures. All flag poles shall be erected vertically, or within 45 degrees of the vertical. No portion of any flag pole shall be sited within 10 feet of a property line. No flag pole shall extend more than 35 feet in height above grade, or, if mounted on a building, 55 feet above the average finished grade of the building.

147.13.5.6.10.2 Banners, pennants, search lights, twirling signs, balloons or other gas-filled figures, and other such materials shall be prohibited, except as specified herein.

147.13.5.6.10.3 This Section shall not be construed to prevent any sign otherwise permitted by this Chapter, and which conforms to all sign requirements of this chapter, from taking the form of a flag or other fabric. Banners may be used to cover part or all of an existing freestanding, projecting or wall sign to advertise temporary events. The net effect of this activity shall not increase the message area of any permitted sign or signs.

147.13.5.6.11 MAINTENANCE. All surfaces and supporting structures of signs, whether erected prior to the effective date of this chapter or not, shall be maintained in a safe and sightly condition to the satisfaction of the Board of Selectmen or its authorized agent. A permit is required for any maintenance except the following: repainting; other surface renewal; or change of message on the same surface.

147.13.5.6.12 SIGN INCENTIVES. The purpose of these sign incentives is to reduce visual clutter and distraction from the natural environment caused by signs. This system offers design and size bonuses as a means of encouraging certain site and sign designs.

147.13.5.6.12.1 Any freestanding, projecting or wall sign, which conforms, to all provisions of this chapter shall be permitted to utilize up to 20% of the maximum permitted message area for changeable copy.

147.13.5.6.12.2 A freestanding sign which conforms to all provisions of this chapter shall be permitted to increase its message area: by up to 20 square feet above that otherwise permitted under this chapter if the lot has at least 300 but less than 500 feet of frontage on a Class 5 or better road; or by up to 40 square feet above that otherwise permitted under this chapter if the lot has 500 or more feet of frontage on a Class 5 or better road. In no case, however, shall such increases cause any sign message area to exceed 80 square feet. The factory written declaration to be recorded at the Carroll County Registry of Deeds, in which the owner, its heirs, successors and assigns, agree that, if the frontage of the property is subsequently reduced below that amount required for the bonus granted, the sign shall be removed or replaced with a sign which fully conforms with the provisions of this chapter; and that no subdivision of a lot shall be permitted unless a freestanding sign erected under this provision continues to conform to this provision; and such agreement must be legally enforceable by the Town of Conway.

147.13.5.6.12.3 On a site where the freestanding sign conforms to all provisions of this chapter, the maximum wall sign message area permitted per Section 147.13.5.6.2 may be increased by 50 percent.

147.13.5.7 RESTRICTIONS REGARDING HOME OCCUPATIONS. A home occupation is considered accessory to a residential use and shall not occupy an area greater than fifty percent (50%) of the total floor area of the residential unit or 1,500 square feet, whichever is less. Home occupations are subject to the following provisions and restrictions:

147.13.5.7.1 The home occupation shall be carried on by persons who live in the principal residential unit full time. Two (2) employees living off-premises are permitted.

147.13.5.7.2 The home occupation shall be carried on within the principal residential unit or approved accessory structure.

- 147.13.5.7.3** Exterior storage of commercial vehicles, equipment or materials or variation from the residential character of the principal residential unit shall not be permitted.
- 147.13.5.7.4** The home occupation shall create no unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or other nuisance or threat to the health of the abutters.
- 147.13.5.7.5** Adequate off-street parking shall be provided.
- 147.13.5.7.6** A home occupation shall not generate excessive traffic or traffic in greater volumes than would normally be expected in a residential neighborhood.
- 147.13.5.7.7** A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.
- 147.13.5.7.8** A change of use permit to operate a home occupation is required before startup of operation.
- 147.13.5.7.9** Retail or wholesale sales are only permitted for those items raised or made on the premises.
- 147.13.5.7.10** A home occupation shall not be offensive to the character of the neighborhood, or decrease abutting property values.
- 147.13.5.8 FARM AND NURSERY STANDS.** Farm and nursery stands for selling indigenous produce or plants are considered temporary structures and are permitted, provided that:
- 147.13.5.8.1** Farm stands shall not exceed 1,200 square feet of gross floor area unless granted Site Plan Review Approval by the Planning Board.
- 147.13.5.8.2** Three (3) off-street parking spaces shall be required to be provided for structures up to 100 square feet in size. Additional parking shall be required at the rate of 1 space per 200 square feet over 100.
- 147.13.5.8.3** Wall signs shall not exceed 10 square feet in size. One portable a-frame sign per lot, not to exceed six square feet shall be allowed to be displayed during business hours only.
- 147.13.5.8.4** All structures, parking areas and signs shall meet the setback requirements established herein.
- 147.13.5.9 YARD SALES.** Yard Sales shall be permitted, provided that no one household holds sales for longer than six days per calendar year.
- 147.13.5.10 TRAVEL TRAILERS AND RECREATIONAL VEHICLES.**
- 147.13.5.10.1** A travel trailer or recreational vehicle may be permitted on the site of a construction project for one (1) year, provided that it is a necessary convenience for the construction project and that no public safety or health hazards shall be created.
- 147.13.5.10.2** One (1) travel trailer or recreational vehicle may be stored on a lot, provided that it is not utilized for dwelling purposes.
- 147.13.5.11 COMMERCIAL AMUSEMENTS.** Because the Town wishes to maintain a character, which protects the long term, high quality environment, which will ultimately protect tourism in the valley, commercial amusements are hereby regulated to prevent

adverse impacts on the Town's character and environment. All commercial amusements on a lot shall be located within an enclosed building, and the following shall apply:

147.13.5.11.1 Commercial amusements may occupy 10% or less of the floor space of a business in any Business District, by permit of the Zoning Officer and without Site Plan Review by the Planning Board.

147.13.5.11.2 Commercial amusements may occupy more than 10 percent of the floor space of a business in any Business District, subject to the condition that no noise, light or other adverse impact outside the building shall be caused by the amusements or their use. Site Plan Review approval by the Planning Board shall be required.

147.13.5.12 OUTDOOR COMMERCIAL ACTIVITIES such as drive-up windows, remote outdoor speaker systems, interactive signs, menu boards or other similar devices with speakers, any of which operate in close proximity to residential property, constitute a nuisance due to unconfined noise and light, as well as operating hours that are not compatible with the residential environment.

147.13.5.12.1 Commercial Activities that operate drive-up windows, remote outdoor speakers, interactive signs, menu boards or other similar devices with speakers that permit customers or the general public to communicate with personnel within the commercial building or other location on the commercial property shall be at least three hundred (300) feet from the closer of the Residential Zone boundary or from the nearest residential property line, and if the time of operation begins before 9:00 a.m. or ends after 5:00 p.m. the separation distance shall be at least six hundred (600) feet. Substantial effective buffering against sound and light shall be provided in either case. These setbacks may be waived by the Planning Board during the Site Plan Review process if the property abuts the Flood Plain Conservation District and it can be shown that there will be no sound or light impact on residential use.

147.13.5.13 SEXUALLY ORIENTED BUSINESSES

147.13.5.13.1 PURPOSE AND INTENT. It is the purpose of this ordinance to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Town of Conway; and, it is the intent to promote the health, safety and general welfare of the citizens of the Town of Conway; and, it is the intent of this article that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of sexually oriented businesses; and, the provisions of this amendment have neither the purpose nor the effect of imposing limitation or restriction on the context of any communicative materials, including sexually oriented materials; and, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; and, neither is it the intent nor the effect of this ordinance to condone or legitimize the distribution of obscene material.

147.13.5.13.2 RESTRICTIONS. Sexually oriented businesses shall only be permitted in the business districts. Sexually oriented businesses shall not be permitted within one thousand (1000) feet of a church or place of worship, parish house or convent, a public, parochial or private school, a state approved day care center, residence, any establishment in which minors constitute more than fifty (50) percent of the patrons, a public park, or recreation center or another sexually oriented business.

147.13.5.13.3 MEASURE OF DISTANCE. The measure of distance between any sexually oriented business and other named point of reference shall be measured in a straight line from the nearest part of the structure in which a any sexually oriented business is proposed or exists to the nearest property boundary line of the lot containing any other named point of reference.

147.13.5.13.4 Site plan approval by the Conway Planning Board shall be a prerequisite for the establishment of a sexually oriented business. The Planning Board may impose reasonable restrictions relative to buffers, outdoor lighting, signs, parking, egress and ingress, pedestrian movement, landscaping, building aesthetics and measures to insure that displays of merchandise conform with NH RSA 571-B.

147.13.5.13.5 Violation of the provisions of this ordinance is declared to be a public nuisance, which shall be abated by the Town of Conway by way of civil abatement procedures.

147.13.5.13.6 Nothing in this ordinance is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any Town of Conway ordinance or statute of the State of New Hampshire regarding public nuisance, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

147.13.5.13.7 If any section, subsection, sentence clause, phrase or any portion of this ordinance is for any reason held invalid or unconstitutional by the final decision of a court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this ordinance. The Town of Conway hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion thereof be declared invalid or unconstitutional

147.13.5.14 SPECIAL EXCEPTIONS. The following land use shall be allowed if granted a special exception by the Zoning Board of Adjustment:

147.13.5.14.1 HELICOPTERS. A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

147.13.6 CONWAY VILLAGE COMMERCIAL (CVC) DISTRICT. The CVC District is primarily designed to accommodate a compatible mixture of uses that complement commercial and residential uses typically associated with village centers. This district is serviced by municipal water and sewer and can accommodate higher development at densities. Uses permitted in this district are represented in §147.16 Table of Uses.

147.13.6.1 DISTRICT BOUNDARIES. The CVC District shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps): commencing at a point on the southern shore of the Saco River being the northeast corner of Map 265, Parcel 165; thence southerly along the eastern boundary of Map 265, Parcels 165, 170 and 171 to the northern boundary of Map 265, Parcel 173; thence easterly to the northeast corner of Map 265, Parcel 173; thence southerly along the eastern boundary of Map 265, Parcel 173 and continuing in a straight line to the centerline of Route 113 (East Main Street); thence westerly along the centerline of Route 113 (East Main Street) to the intersection of the centerline of Wilder Street;

thence southerly along the centerline of Wilder Street to the intersection of the centerline of Greenwood Avenue; thence westerly along the centerline of Greenwood Avenue to the intersection of the centerline of Route 153 (Pleasant Street); thence southerly along the centerline of Route 153 (Pleasant Street) to a point adjacent to the northeast corner of Map 276, Parcel 273; thence through the southeast corner of Map 276, Parcel 277 and continuing easterly and southerly along the southern boundary of Map 276, Parcel 277 to the eastern shore of Page Randall Brook;

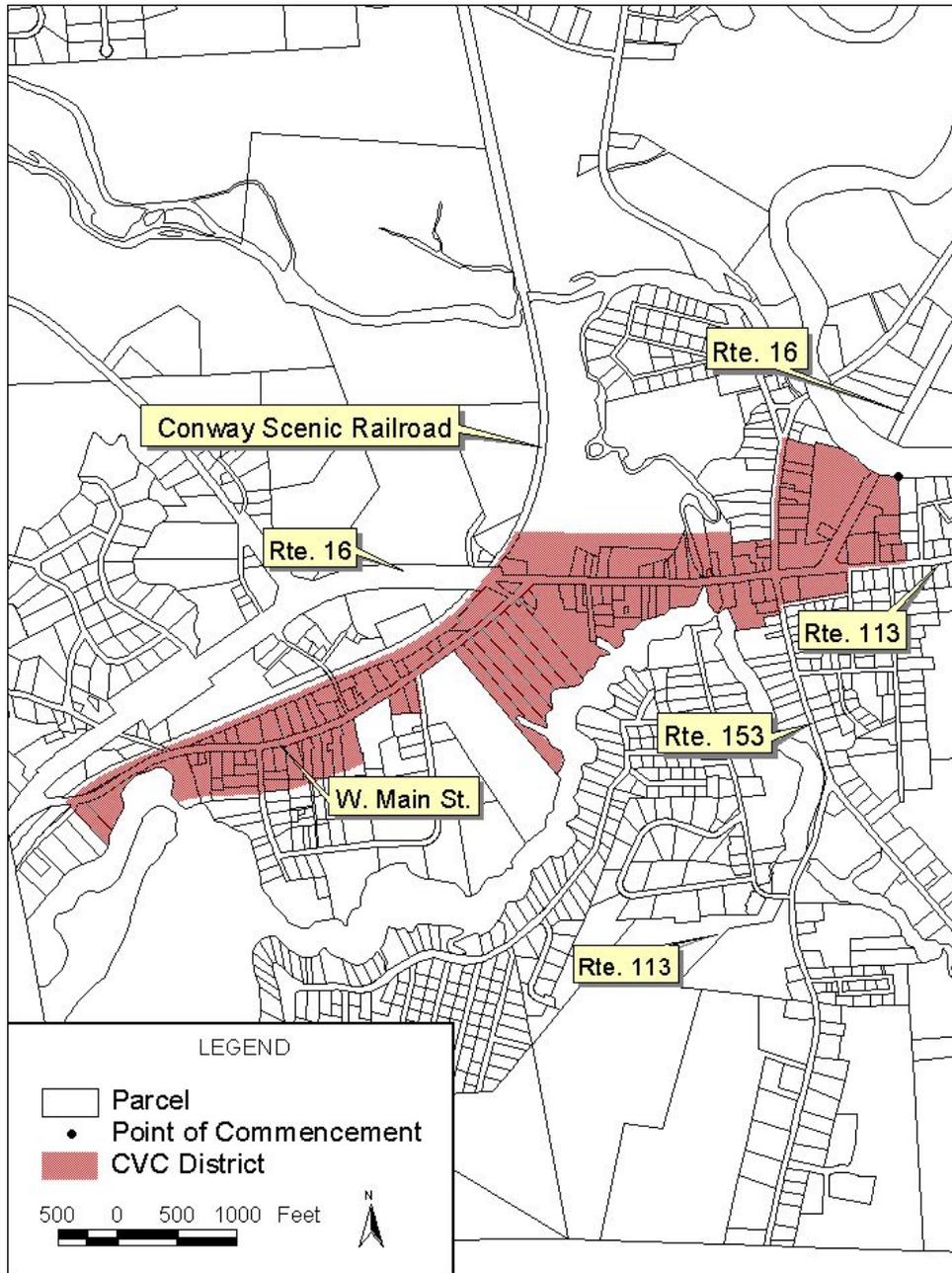
thence northerly along the eastern shore of Page Randall Brook to the southern boundary of the Route 16 (Main Street) ROW; thence westerly along the southern boundary of the Route 16 (Main Street) ROW to the northeast corner of Map 276, Parcel 280 on the northern shore of Pequawket Pond; thence southwesterly along the shore of Pequawket Pond to the southwest corner of Map 277, Parcel 135; thence northwesterly along the western boundary of Map 277, Parcel 135 to the southern boundary of the West Main Street ROW; thence southwesterly along the southern boundary of the West Main Street ROW to the intersection of the centerline of Hobbs Street;

thence southerly along the centerline of Hobbs Street to a point adjacent to the southeast corner of Map 277, Parcel 189; thence westerly through the southeast corner of Map 277, Parcel 189 along the southern boundary of Map 277, Parcels 189 and 190 to the southwest corner of Map 277, Parcel 190; thence northerly along the western boundary of Map 277, Parcel 190 to the southern boundary of the West Main Street ROW; thence southwesterly along the southern boundary of the West Main Street ROW to the northeast corner of Map 277, Parcel 192; thence southerly along the eastern boundary of Map 277, Parcel 192 to a point 400 feet from the centerline of West main Street; thence westerly maintaining a 400 foot distance from the centerline of West main Street to the shore of Pequawket Pond;

thence westerly along the shore of Pequawket pond to the southwest corner of Map 277, Parcel 211; thence northwesterly along the western boundary of Map 277, Parcel 211 and continuing in a straight line to the centerline of the Conway Scenic Railroad; thence easterly along the centerline of the Conway Scenic Railroad to a point 400 feet north of the centerline of the Route 16 (Main Street) ROW; thence easterly maintaining a 400 foot distance from the centerline Route 16 (Main Street) ROW to the eastern boundary of Map 265, Parcel 45; thence southerly along the eastern boundary of Map 265, Parcel 45 to the northwest corner of

Map 265, Parcel 47; thence easterly along the northern boundary of Map 265, Parcels 47 and 50 and continuing in a straight line to the centerline of Washington Street; thence northerly along the centerline of Washington Street to a point adjacent to the northwest corner of Map 265, Parcel 135; thence in a straight line through the northwest corner of Map 265, Parcel 135 and along the northern boundary of Map 265, Parcel 135 to the western boundary of Map 265, Parcel 146; thence northerly to the north west corner of Map 265, Parcel 146; thence easterly along the northern boundary of Map 265, Parcel 146 to the southern shore of the Saco River, and thence along the southern shore of the Saco River to the point of commencement.

147.13.6.2 DISTRICT MAP.



147.13.6.3 LOT SIZE AND DENSITY.

147.13.6.3.1 Lots serviced by municipal water system and municipal sewerage system shall have at least one-half (1/2) acre for the first unit that may be located thereon and at least ten thousand (10,000) square feet for each additional unit on the same lot.

147.13.6.3.2 Lots serviced by a municipal water system shall have at least one-half (1/2) acre for each unit that may be located thereon.

147.13.6.3.3 The minimum lot size for keeping domestic farm animals shall be one (1) acre.

147.13.6.3.4 All other lots shall have at least one (1) acre for each unit that may be located thereon.

147.13.6.3.5 SPECIAL EXCEPTIONS.

147.13.6.3.5.1 In order to preserve and safeguard Conway's older homes, but also allow for their conversion to multifamily dwellings, the Zoning Board of Adjustment may grant special exceptions for residential structures and accessory structures on the same conforming lot, provided that:

147.13.6.3.5.1.1 Substantially all of the structure is at least fifty (50) years old.

147.13.6.3.5.1.2 Modification of the interior does not exceed four (4) units.

147.13.6.3.5.1.3 No significant changes to the exterior lines or architectural detail are made, which would diminish the historical or architectural heritage of the structure.

147.13.6.3.5.1.4 Adequate area is available for parking and sewage disposal.

147.13.6.3.5.1.5 Accessory structures must have at least ~~five~~ ~~three~~ hundred (~~500~~ ~~300~~) square feet of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.

147.13.6.3.5.2 In order to help provide year round rental housing, the Zoning Board of Adjustment may grant a special exception for one accessory apartment as an accessory use to an owner-occupied single family dwelling, on any size lot subject to the following conditions:

147.13.6.3.5.2.1 The subject property is serviced by precinct water and sewer or that the New Hampshire Department of Environmental Services has issued a permit for construction for sewerage or waste disposal system.

147.13.6.3.5.2.2 The accessory apartment is designed to ensure architectural compatibility with the neighborhood.

147.13.6.3.5.2.3 Sufficient parking is located on site.

147.13.6.3.5.2.4 An Accessory Apartment Application is submitted for the ZBA review.

147.13.6.3.5.3 The Zoning Board of Adjustment may grant a special exception for up to twelve dwelling units per acre, in the village commercial and highway commercial districts under the following conditions:

147.13.6.3.5.3.1 That each structure must contain at least three dwelling units.

147.13.6.3.5.3.2 Not less than 25% of all dwelling units shall be designated as full time rental apartments. At the time of Planning Board approval, the units designated as full time rental apartments must be shown on the plan with a condition that they are leased for twenty years from the date of Planning Board approval by the developer and a deed restriction shall be recorded in the Registry of Deeds as evidence of the same.

147.13.6.3.5.3.3 All lots must be serviced by municipal water and sewerage.

147.13.6.3.5.3.4 Rental/Deed restricted units shall be a maximum of 1,000 square feet and a minimum of 300 square feet.

147.13.6.3.5.3.5 Architectural design plans must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the zoning regulations.

147.13.6.4 FRONTAGE. All lots must front on a state or town highway with a Class I, II, III, IV or V classification, a private road constructed to town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be:

147.13.6.4.1 Fifty (50) feet.

147.13.6.4.2 One hundred (100) feet for lots which front entirely on cul-de-sacs, which meet the design requirements set forth in §131-Article X, Detail #4, and approved by the Planning Board.

147.13.6.5 SETBACKS. The minimum front setback shall be 5 feet and the minimum side or back setback shall be 10 feet.

147.13.6.6 STRUCTURE AND BUILDING HEIGHT. Structure height is restricted to achieve several purposes. The town is economically dependent upon tourism and attracts visitors with its rural character and mountainous setting. Maintaining the traditional scale and style of structures aids in preserving the character of the town. Peaked roofs are encouraged because it is the traditional roof style here. (Care has been taken to prepare language, which does not unduly encourage the use of flat-roof buildings). The height restriction keeps structures and buildings below tree-top level, which is typically from sixty (60) to one hundred (100) feet for mature maple, beech, birch and pine trees. Structure height below treetop level helps maintain the rural atmosphere and preserve the view sheds throughout town. In addition, the height limit minimizes difficulty in providing fire protection. The following shall apply throughout town:

147.13.6.6.1 Structure height shall not exceed fifty-five (55) feet for any structure.

147.13.6.6.2 Building height shall not exceed forty-five (45) feet.

147.13.6.6.3 Church steeples may be allowed to exceed fifty-five (55) feet in height by Special Exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that:

147.13.6.6.3.1 The space enclosed in the steeple is not usable floor space other than for maintenance and structural purposes of the steeple;

147.13.6.6.3.2 The height of the steeple is appropriate to the design and size of the Church.

147.13.6.7 SIGNS.

147.13.6.7.1 FREESTANDING SIGN. There shall be no more than one freestanding sign per lot, except that where a lot fronts on two or more public rights-of-way and has two entrances at least 500 feet apart, two freestanding signs shall be permitted.

147.13.6.7.1.1 The size of the message area shall not exceed 40 square feet.

147.13.6.7.1.2 The height of the message area shall not exceed 15 feet above the undisturbed ground.

147.13.6.7.1.3 The width of the message area shall not exceed 12 feet.

147.13.6.7.1.4 The minimum setback shall be 25 feet from a platted right-of-way, and five feet from all other property boundaries.

147.13.6.7.1.4.1 Freestanding sign setbacks may be reduced to 10' from a platted right-of-way, if the size of the message area is reduced to 30 square feet maximum. All of the dimensional requirements, excepting the size of the message area and the minimum front setback shall be required of these signs.

147.13.6.7.1.5 Where an existing nonconforming sign serves more than one commercial establishment each having at least 60,000 square feet or residential development each comprised of at least 20 residential units sharing common access, the size of the message area may be expanded based upon 40 square feet per commercial establishment and twenty square feet per residential development; provided, however, that the total message area shall not exceed 80 square feet in any case.

147.13.6.7.1.6 Projecting signs, including sign structure, not to exceed six (6) square feet in the Village Commercial Districts are permitted in the lieu of a freestanding sign. The sign shall be at least ten feet above the ground; the top of the sign shall be no more than fifteen feet above the ground.

147.13.6.7.1.7 The Zoning Board of Adjustment may grant the following special exceptions:

147.13.6.7.1.7.1 For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional freestanding sign may be permitted for use as a directory sign provided that the following conditions are met: the sign shall be used only to identify and locate businesses within; the message area shall not exceed 12 square feet; the height of the message area shall not exceed 20 feet above the undisturbed ground; the sign shall meet all setbacks; and the additional wall sign permitted by Special Exception under Section 147.13.6.7.2.4.2.is not used.

147.13.6.7.1.7.2 Where existing buildings are set back from the right-of-way less than the setback required for freestanding signs in Section 147.13.6.7.1., the right-of-way setback of the freestanding sign may be reduced from 25 to any lesser amount down to five feet, provided that the following conditions are met: the message area shall be reduced to not more than 20 square feet; the sign shall not obstruct vehicular or pedestrian traffic; the sign shall not obstruct the line-of-sight for traffic entering or exiting the site; and the sign shall not unduly obstruct the visibility of other signs or property in the area.

147.13.6.7.1.8 One appendage may be attached to a freestanding or projecting sign, and the message area of this appendage shall be considered part of the total message area of the sign. No appendage shall be permitted on supports nor directional signs.

147.13.6.7.2 WALL SIGN. For lots without multiple commercial tenants, each lot shall be permitted one wall sign. For lots with multiple commercial tenants, each commercial tenant shall be permitted one wall sign. All wall signs shall be located on a wall, which is common to both the interior and exterior of the business identified by the sign. The height of the message area shall not exceed the greater of 20 feet from the undisturbed ground or a height equal to 75% of the total height of the building, nor shall it exceed the height of the wall to which it is attached. The message area of the wall sign shall be based on the following formulas, subject to increase by bonus granted per Section 147.13.6.7.12.3.:

147.13.6.7.2.1 For floor areas up to and including 50,000 square feet, the maximum message area shall be calculated as follows:

147.13.6.7.2.2 $20 + (\text{total s.f. floor area} \times 0.0016)$

147.13.6.7.2.3 If the floor area of the business is greater than 50,000 square feet, the maximum wall sign message area shall be 100 square feet. A business with a floor area greater than 50,000 square feet be permitted one additional wall sign if it has two or more exterior public or customer entrances excluding emergency entrances that are at least 20 feet apart. The message area of the second wall sign shall not exceed 20 square feet.

147.13.6.7.2.4 The Zoning Board of Adjustment may grant the following special exceptions:

147.13.6.7.2.4.1 For a major business in a shopping center or mall that does not have wall frontage facing its primary parking lot, one additional wall sign may be permitted, provided that the following conditions are met: the size of the message area shall not exceed 40 square feet; the sign shall be located on a wall facing the primary parking lot; total wall sign area on the wall shall not exceed 10%; and all relevant height restrictions specified in Section 147.13.6.7.2. apply.

147.13.6.7.2.4.2 For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional wall sign may be permitted, subject to the following: the sign shall be used only to identify and locate the businesses within; the message area shall not exceed 12 square feet; the sign shall be located immediately adjacent to the common entrance; and that the additional freestanding sign permitted by Special Exception under Section 147.13.6.7.1.7.1. is not used.

147.13.6.7.3 SIGN CONTENT. The Town has no intention of restricting individual free speech, but the Town does recognize its right to place reasonable restrictions upon commercial speech. Further, the Town wishes to prevent excessive or unnecessary signage along road corridors. In keeping with this reasoning, off-site commercial signs shall be prohibited.

147.13.6.7.4 SIGNS IN PLATTED ROW. Except as otherwise permitted below, no signs shall be permitted within any platted right-of-way:

147.13.6.7.4.1 Special promotional banner, with a message area of 200 square feet or less, for public or institutional events that cross a public or private road.

147.13.6.7.4.2 One directional sign to identify the entrance to a particular subdivision or development, not to exceed twelve (12) square feet, and not to exceed eight (8) feet in height nor six (6) feet in width. For subdivisions which are approved by the Planning Board and which have nonresidential uses, this sign may identify businesses located within the subdivision.

147.13.6.7.5 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.6.7.5.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.6.7.5.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

147.13.6.7.5.3 Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.

147.13.6.7.5.4 Business name and directional signs with a message area of three square feet or less which are located over doorways.

147.13.6.7.5.5 Flags.

147.13.6.7.5.6 One (1) portable a-frame sign per lot of record is permitted in the district, it may be displayed during business hours only, it shall have a message area of six square feet or less, no illumination of the sign is permitted and no appendages to the sign are permitted.

147.13.6.7.5.7 Window signs which are affixed to the interior of the window, not to cover more than 50% of any window.

147.13.6.7.5.8 One (1) sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and to be erected not more than two days prior to the event and removed within one day of the end of the event.

147.13.6.7.5.9 Sign for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

147.13.6.7.5.10 Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all Districts.

147.13.6.7.5.11 Special promotional signs for public or institutional events, with a message area of 40 square feet or less.

147.13.6.7.5.12 Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1999

147.13.6.7.5.13 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.6.7.6 SIGNS SUBJECT TO PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.6.7.6.1 For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.

147.13.6.7.6.2 For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.

147.13.6.7.6.3 Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

147.13.6.7.6.4 For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.

147.13.6.7.6.5 Signs, which convey only a non-commercial message, including but not limited to ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less.

147.13.6.7.7 PERMIT REQUIRED FOR ALL OTHER SIGNS.

147.13.6.7.7.1 SIGN APPLICATION PROCESS. Any action requiring a sign permit shall be permitted only upon the application to, and approval of the Zoning Officer. Applications shall use the following process:

147.13.6.7.7.1.1 An application form for each sign shall be completed and signed by the owner of the property.

147.13.6.7.7.1.2 A complete application shall also include the following:

147.13.6.7.7.1.2.1 fee of \$35;

147.13.6.7.7.1.2.2 written description of the proposed type, size, height, setback, sign and supporting structure materials, and illumination of the sign.

147.13.6.7.7.1.2.3 statement specifically addressing compliance with offsite commercial sign restriction, and

147.13.6.7.7.1.2.4 analysis regarding impact of safety, specifically addressing lighting/glare and line-of-sight blockage for vehicles and pedestrians.

147.13.6.7.7.1.3 Upon receipt of a complete application, the Zoning Officer shall have up to 14 days to either approve or deny the application.

147.13.6.7.7.1.4 If the application is denied, the Zoning Officer shall issue a written decision stating the reason(s) for denial.

147.13.6.7.7.1.5 If the application is approved, the Zoning Officer shall issue an approval for the erection of a sign. The sign permit is valid for one (1) year from date of approval. If the sign is not erected within one (1) year, the permit shall expire.

147.13.6.7.8 DESIGN STANDARDS. The following design standards shall be required to ensure compliance with the intent of these regulations:

147.13.6.7.8.1 Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional

purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. Lighting sources shall be metal halide or halogen and located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they in any way be distracting to vehicular traffic.

147.13.6.7.8.2 Neon. Neon lighting shall be prohibited.

147.13.6.7.8.3 Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.

147.13.6.7.8.4 Flashing/Blinking. Flashing, blinking, alternating type or digital type lighting such as a digital message board shall be prohibited.

147.13.6.7.8.5 Structural Supports and Base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be increased to 100 percent of the maximum permitted message area of the sign. The top of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.

147.13.6.7.8.6 No sign shall project over a street or sidewalk, except for projecting signs as permitted herein.

147.13.6.7.8.7 No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.

147.13.6.7.9 **MOVABLE SIGNS.** Movable signs shall be prohibited. No vehicle, including parts thereof, trailers, and other accessories, shall be used as a means of circumventing the purpose and intent of this ordinance. A vehicle displaying a commercial message which is licensed, registered and inspected shall be exempt from these sign regulations if it is regularly and customarily used to transport persons or property for the business.

147.13.6.7.10 **FLAGS, BANNERS, PENNANTS, ETC:**

147.13.6.7.10.1 In addition to the signs otherwise permitted by this Chapter, there may be displayed, on any lot, up to three flags displaying any otherwise legal symbol, message or information, commercial or non-commercial; except that off-site commercial flags shall be restricted as set forth in of this Chapter. No such flag shall exceed 24 square feet measured by one face of the flag only. Any such flag shall be mounted directly to one flag pole. A "flag pole" is a pole intended and placed solely for the support and display of a flag or flags, and does not include utility poles, light poles, trees or other sign structures. All flag poles shall be erected vertically, or within 45 degrees of the vertical. No portion of any flag pole shall be sited within 10 feet of a property line. No flag pole shall extend more than 35 feet in height above grade, or, if mounted on a building, 55 feet above the average finished grade of the building.

147.13.6.7.10.2 Banners, pennants, search lights, twirling signs, balloons or other gas-filled figures, and other such materials shall be prohibited, except as specified herein.

147.13.6.7.10.3 This Section shall not be construed to prevent any sign otherwise permitted by this Chapter, and which conforms to all sign requirements of this chapter, from taking the form of a flag or other fabric. Banners may be used to cover part or all of an existing freestanding, projecting or wall sign to advertise temporary events. The net effect of this activity shall not increase the message area of any permitted sign or signs.

147.13.6.7.11 MAINTENANCE. All surfaces and supporting structures of signs, whether erected prior to the effective date of this chapter or not, shall be maintained in a safe and sightly condition to the satisfaction of the Board of Selectmen or its authorized agent. A permit is required for any maintenance except the following: repainting; other surface renewal; or change of message on the same surface.

147.13.6.7.12 SIGN INCENTIVES. The purpose of these sign incentives is to reduce visual clutter and distraction from the natural environment caused by signs. This system offers design and size bonuses as a means of encouraging certain site and sign designs.

147.13.6.7.12.1 Any freestanding, projecting or wall sign, which conforms, to all provisions of this chapter shall be permitted to utilize up to 20% of the maximum permitted message area for changeable copy.

147.13.6.7.12.2 A freestanding sign which conforms to all provisions of this chapter shall be permitted to increase its message area: by up to 20 square feet above that otherwise permitted under this chapter if the lot has at least 300 but less than 500 feet of frontage on a Class 5 or better road; or by up to 40 square feet above that otherwise permitted under this chapter if the lot has 500 or more feet of frontage on a Class 5 or better road. In no case, however, shall such increases cause any sign message area to exceed 80 square feet. The factory written declaration to be recorded at the Carroll County Registry of Deeds, in which the owner, its heirs, successors and assigns, agree that, if the frontage of the property is subsequently reduced below that amount required for the bonus granted, the sign shall be removed or replaced with a sign which fully conforms with the provisions of this chapter; and that no subdivision of a lot shall be permitted unless a freestanding sign erected under this provision continues to conform to this provision; and such agreement must be legally enforceable by the Town of Conway.

147.13.6.7.12.3 On a site where the freestanding sign conforms to all provisions of this chapter, the maximum wall sign message area permitted per Section 147.13.6.7.2 may be increased by 50 percent.

147.13.6.8 RESTRICTIONS REGARDING HOME OCCUPATIONS. A home occupation is considered accessory to a residential use and shall not occupy an area greater than fifty percent (50%) of the total floor area of the residential unit or 1,500 square feet, whichever is less. Home occupations are subject to the following provisions and restrictions:

147.13.6.8.1 The home occupation shall be carried on by persons who live in the principal residential unit full time. Two (2) employees living off-premises are permitted.

147.13.6.8.2 The home occupation shall be carried on within the principal residential unit or approved accessory structure.

- 147.13.6.8.3** Exterior storage of commercial vehicles, equipment or materials or variation from the residential character of the principal residential unit shall not be permitted.
- 147.13.6.8.4** The home occupation shall create no unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or other nuisance or threat to the health of the abutters.
- 147.13.6.8.5** Adequate off-street parking shall be provided.
- 147.13.6.8.6** A home occupation shall not generate excessive traffic or traffic in greater volumes than would normally be expected in a residential neighborhood.
- 147.13.6.8.7** A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.
- 147.13.6.8.8** A change of use permit to operate a home occupation is required before startup of operation.
- 147.13.6.8.9** Retail or wholesale sales are only permitted for those items raised or made on the premises.
- 147.13.6.8.10** A home occupation shall not be offensive to the character of the neighborhood, or decrease abutting property values.
- 147.13.6.9 FARM AND NURSERY STANDS.** Farm and nursery stands for selling indigenous produce or plants are considered temporary structures and are permitted, provided that:
- 147.13.6.9.1** Farm stands shall not exceed 1,200 square feet of gross floor area unless granted Site Plan Review Approval by the Planning Board.
- 147.13.6.9.2** Three (3) off-street parking spaces shall be required to be provided for structures up to 100 square feet in size. Additional parking shall be required at the rate of 1 space per 200 square feet over 100.
- 147.13.6.9.3** Wall signs shall not exceed 10 square feet in size. One portable a-frame sign per lot, not to exceed six square feet shall be allowed to be displayed during business hours only.
- 147.13.6.9.4** All structures, parking areas and signs shall meet the setback requirements established herein.
- 147.13.6.10 YARD SALES.** Yard Sales shall be permitted, provided that no one household holds sales for longer than six days per calendar year.
- 147.13.6.11 TRAVEL TRAILERS AND RECREATIONAL VEHICLES.**
- 147.13.6.11.1** A travel trailer or recreational vehicle may be permitted on the site of a construction project for one (1) year, provided that it is a necessary convenience for the construction project and that no public safety or health hazards shall be created.
- 147.13.6.11.2** One (1) travel trailer or recreational vehicle may be stored on a lot, provided that it is not utilized for dwelling purposes.
- 147.13.6.12 COMMERCIAL AMUSEMENTS.** Because the Town wishes to maintain a character, which protects the long term, high quality environment, which will ultimately protect tourism in the valley, commercial amusements are hereby regulated to prevent

adverse impacts on the Town's character and environment. All commercial amusements on a lot shall be located within an enclosed building, and the following shall apply:

147.13.6.12.1 Commercial amusements may occupy 10% or less of the floor space of a business in any Business District, by permit of the Zoning Officer and without Site Plan Review by the Planning Board.

147.13.6.12.2 Commercial amusements may occupy more than 10 percent of the floor space of a business in any Business District, subject to the condition that no noise, light or other adverse impact outside the building shall be caused by the amusements or their use. Site Plan Review approval by the Planning Board shall be required.

147.13.6.13 OUTDOOR COMMERCIAL ACTIVITIES such as drive-up windows, remote outdoor speaker systems, interactive signs, menu boards or other similar devices with speakers, any of which operate in close proximity to residential property, constitute a nuisance due to unconfined noise and light, as well as operating hours that are not compatible with the residential environment.

147.13.6.13.1 Commercial Activities that operate drive-up windows, remote outdoor speakers, interactive signs, menu boards or other similar devices with speakers that permit customers or the general public to communicate with personnel within the commercial building or other location on the commercial property shall be at least three hundred (300) feet from the closer of the Residential Zone boundary or from the nearest residential property line, and if the time of operation begins before 9:00 a.m. or ends after 5:00 p.m. the separation distance shall be at least six hundred (600) feet. Substantial effective buffering against sound and light shall be provided in either case. These setbacks may be waived by the Planning Board during the Site Plan Review process if the property abuts the Flood Plain Conservation District and it can be shown that there will be no sound or light impact on residential use.

147.13.6.14 SEXUALLY ORIENTED BUSINESSES

147.13.6.14.1 PURPOSE AND INTENT. It is the purpose of this ordinance to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Town of Conway; and, it is the intent to promote the health, safety and general welfare of the citizens of the Town of Conway; and, it is the intent of this article that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of sexually oriented businesses; and, the provisions of this amendment have neither the purpose nor the effect of imposing limitation or restriction on the context of any communicative materials, including sexually oriented materials; and, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; and, neither is it the intent nor the effect of this ordinance to condone or legitimize the distribution of obscene material.

147.13.6.14.2 RESTRICTIONS. Sexually oriented businesses shall only be permitted in the business districts. Sexually oriented businesses shall not be permitted within one thousand (1000) feet of a church or place of worship, parish house or convent, a public, parochial or private school, a state approved day care center, residence, any establishment in which minors constitute more than fifty (50) percent of the patrons, a public park, or recreation center or another sexually oriented business.

147.13.6.14.3 MEASURE OF DISTANCE. The measure of distance between any sexually oriented business and other named point of reference shall be measured in a straight line from the nearest part of the structure in which a any sexually oriented business is proposed or exists to the nearest property boundary line of the lot containing any other named point of reference.

147.13.6.14.4 Site plan approval by the Conway Planning Board shall be a prerequisite for the establishment of a sexually oriented business. The Planning Board may impose reasonable restrictions relative to buffers, outdoor lighting, signs, parking, egress and ingress, pedestrian movement, landscaping, building aesthetics and measures to insure that displays of merchandise conform with NH RSA 571-B.

147.13.6.14.5 Violation of the provisions of this ordinance is declared to be a public nuisance, which shall be abated by the Town of Conway by way of civil abatement procedures.

147.13.6.14.6 Nothing in this ordinance is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any Town of Conway ordinance or statute of the State of New Hampshire regarding public nuisance, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

147.13.6.14.7 If any section, subsection, sentence clause, phrase or any portion of this ordinance is for any reason held invalid or unconstitutional by the final decision of a court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this ordinance. The Town of Conway hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion thereof be declared invalid or unconstitutional

147.13.6.15 MOBILE HOMES, TRAVEL TRAILERS AND RECREATIONAL VEHICLES. One (1) mobile home used as a residential unit is permitted on a lot in the Residential/Agricultural District.

147.13.6.15.1 A mobile home, travel trailer or recreational vehicle may be permitted on the site of a construction project for one (1) year, provided that it is a necessary convenience for the construction project and that no public safety or health hazards shall be created.

147.13.6.15.2 One (1) travel trailer or recreational vehicle may be stored on a lot, provided that it is not utilized for dwelling purposes.

147.13.6.15.3 All mobile homes permitted under this section must be connected to a sewerage system and water source, both meeting minimum local and State of New Hampshire standards, as applicable and then promulgated; such systems shall be approved by the Selectmen or their designated agent and be maintained so as not to cause a health or sanitation hazard.

147.13.6.16 MOBILE HOME PARKS are allowed in the CVC District, provided that they meet the following minimum requirements:

147.13.6.16.1 A mobile home park shall contain a minimum of ten (10) acres and shall have a minimum frontage of sixty (60) feet on or a sixty-foot right-of-way to a public street.

147.13.6.16.2 There shall be at least ten (10) mobile home spaces available at first occupancy.

147.13.6.16.3 A minimum of ten thousand (10,000) square feet shall be provided for each mobile home space.

147.13.6.16.4 Each mobile home shall be provided with a mobile home stand, surfaced with a material providing suitable stability to bear the weight of a mobile home at all times of the year and having adequate gradient or crown to provide for proper surface drainage.

147.13.6.16.5 All State of New Hampshire requirements for mobile home parks shall be met.

147.13.6.16.6 All mobile homes permitted under this section must be connected to a sewerage system and water source, both meeting minimum local and State of New Hampshire standards, as applicable and then promulgated; such systems shall be approved by the Selectmen or their designated agent and be maintained so as not to cause a health or sanitation hazard.

147.13.6.17 SPECIAL EXCEPTIONS. The following land use(s) shall be allowed if granted a special exception by the Zoning Board of Adjustment:

147.13.6.17.1 MOBILE HOMES. The Zoning Board of Adjustment may grant a special exception for a mobile home on a lot on which a single-family residential structure exists if the following conditions are met:

147.13.6.17.1.1 The mobile home shall be occupied only as the usual residence of the immediate family, including grandparents, parents and children of the owner and/or spouse of the primary single-family residential structure on the lot; and the lot shall be at least one (1) acre if served by municipal water and sewerage and at least two (2) acres in all other cases or the mobile home shall be occupied as the usual residence of a full-time agricultural employee and his immediate family and the single-family residence shall be part of an owner-operated farm of twenty-five acres or more.

147.13.6.17.1.2 The special exception shall terminate on a change of ownership or occupancy of either the mobile home or the primary residential structure.

147.13.6.17.1.3 A permit shall be obtained from the Selectmen or their agent, which shall be renewed yearly to ensure compliance with the above conditions.

147.13.6.17.2 HELICOPTERS. A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

147.13.7 NORTH CONWAY VILLAGE COMMERCIAL (NCVC) DISTRICT. The NCVC District is primarily designed to accommodate a compatible mixture of uses that complement commercial and residential uses typically associated with village centers. This district is serviced by municipal water and sewer and can accommodate higher development at densities. Uses permitted in this district are represented in §147.16 Table of Uses.

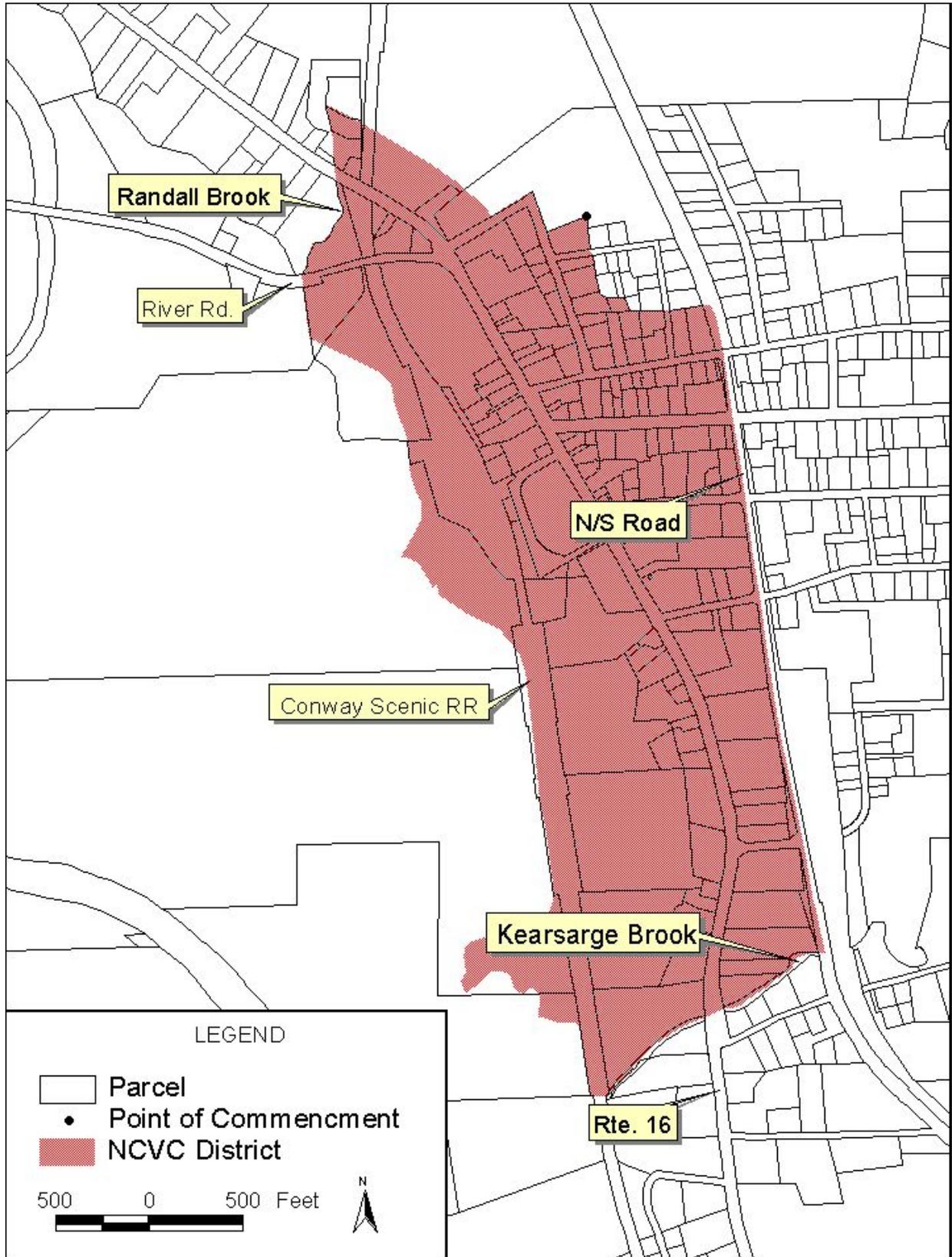
147.13.7.1 DISTRICT BOUNDARIES. The NCVC District shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps): commencing at the northeast corner of Map 215, Parcel 88; thence southerly along the eastern boundary of Map 215, Parcel 88 to the southeast corner of Map 215, Parcel 88; thence southerly in a straight line to the northeast corner of Map 215, Parcel 97; thence southerly along the eastern boundary of Map 215, Parcel 97 and Map 218, Parcel 68 to the northeast corner of Map 218, Parcel 69;

thence southeasterly along the eastern boundary of Map 218, Parcel 69 to the northwest corner of Map 218, Parcel 70; thence easterly along the northern boundary of Map 218, Parcel 70 to the northeast corner of Map 218, Parcel 70; thence southerly along the eastern boundary of Map 218, Parcel 70 to the southeast corner of Map 218, Parcel 70; thence easterly along the northern boundary of Map 218, Parcels 77 and 79 to the northeast corner of Map 218, Parcel 79; thence easterly in a straight line to the northwest corner of Map 218, Parcel 87, thence easterly along the northern boundary of Map 218, Parcels 87 and 88 and continuing in a straight line to the centerline of Map 202, Parcel 150 (former Main Central Railroad ROW);

thence southerly along the centerline of Map 202, Parcel 150 (former Main Central Railroad ROW) and continuing along to the centerline of the North-South Road to the thread of the Kearsarge Brook; then southwesterly along the thread of the Kearsarge Brook to the western boundary of Map 218, Parcel 35 (Conway Scenic Railroad); thence northerly along the one-hundred year floodplain to the thread of Randall Brook;

thence northerly along the thread of Randall Brook to a point 300 feet north of the centerline of Route 16; thence southeasterly maintaining a 300 foot distance from the centerline of Route 16 to the southern boundary of Map 215, Parcel 84; thence easterly and southerly along the southern boundary of Map 215, Parcel 84 to the northwest corner of Map 215, Parcel 88, and thence easterly along the northern boundary of Map 215, Parcel 88 to the point of commencement.

147.13.7.1.1 DISTRICT MAP.



147.13.7.2 LOT SIZE AND DENSITY.

147.13.7.2.1 Lots serviced by municipal water system and municipal sewerage system shall have at least one-half (1/2) acre for the first unit that may be located thereon and at least ten thousand (10,000) square feet for each additional unit on the same lot.

147.13.7.2.2 Lots serviced by a municipal water system shall have at least one-half (1/2) acre for each unit that may be located thereon.

147.13.7.2.3 The minimum lot size for keeping domestic farm animals shall be one (1) acre.

147.13.7.2.4 All other lots shall have at least one (1) acre for each unit that may be located thereon.

147.13.7.2.5 SPECIAL EXCEPTIONS.

147.13.7.2.5.1 In order to preserve and safeguard Conway's older homes, but also allow for their conversion to multifamily dwellings, the Zoning Board of Adjustment may grant special exceptions for residential structures and accessory structures on the same conforming lot, provided that:

147.13.7.2.5.1.1 Substantially all of the structure is at least fifty (50) years old.

147.13.7.2.5.1.2 Modification of the interior does not exceed four (4) units.

147.13.7.2.5.1.3 No significant changes to the exterior lines or architectural detail are made, which would diminish the historical or architectural heritage of the structure.

147.13.7.2.5.1.4 Adequate area is available for parking and sewage disposal.

147.13.7.2.5.1.5 Accessory structures must have at least ~~five~~ ~~three~~ hundred (~~500~~ 300) square feet of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.

147.13.7.2.5.2 In order to help provide year round rental housing, the Zoning Board of Adjustment may grant a special exception for one accessory apartment as an accessory use to an owner-occupied single family dwelling, on any size lot subject to the following conditions:

147.13.7.2.5.2.1 The subject property is serviced by precinct water and sewer or that the New Hampshire Department of Environmental Services has issued a permit for construction for sewerage or waste disposal system.

147.13.7.2.5.2.2 The accessory apartment is designed to ensure architectural compatibility with the neighborhood.

147.13.7.2.5.2.3 Sufficient parking is located on site.

147.13.7.2.5.2.4 An Accessory Apartment Application is submitted for the ZBA review.

147.13.7.2.5.3 The Zoning Board of Adjustment may grant a special exception for up to twelve dwelling units per acre, in the village commercial and highway commercial districts under the following conditions:

147.13.7.2.5.3.1 That each structure must contain at least three dwelling units.

147.13.7.2.5.3.2 Not less than 25% of all dwelling units shall be designated as full time rental apartments. At the time of Planning Board approval, the units

designated as full time rental apartments must be shown on the plan with a condition that they are leased for twenty years from the date of Planning Board approval by the developer and a deed restriction shall be recorded in the Registry of Deeds as evidence of the same.

147.13.7.2.5.3.3 All lots must be serviced by municipal water and sewerage.

147.13.7.2.5.3.4 Rental/Deed restricted units shall be a maximum of 1,000 square feet and a minimum of 300 square feet.

147.13.7.2.5.3.5 Architectural design plans must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the zoning regulations.

147.13.7.3 FRONTAGE. All lots must front on a state or town highway with a Class I, II, III, IV or V classification, a private road constructed to town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be:

147.13.7.3.1 Fifty (50) feet.

147.13.7.3.2 One hundred (100) feet for lots which front entirely on cul-de-sacs, which meet the design requirements set forth in §131-Article X, Detail #4, and approved by the Planning Board.

147.13.7.4 SETBACKS. The minimum front setback shall be 5 feet and the minimum side or back setback shall be 10 feet.

147.13.7.5 STRUCTURE AND BUILDING HEIGHT. Structure height is restricted to achieve several purposes. The town is economically dependent upon tourism and attracts visitors with its rural character and mountainous setting. Maintaining the traditional scale and style of structures aids in preserving the character of the town. Peaked roofs are encouraged because it is the traditional roof style here. (Care has been taken to prepare language, which does not unduly encourage the use of flat-roof buildings). The height restriction keeps structures and buildings below tree-top level, which is typically from sixty (60) to one hundred (100) feet for mature maple, beech, birch and pine trees. Structure height below treetop level helps maintain the rural atmosphere and preserve the view sheds throughout town. In addition, the height limit minimizes difficulty in providing fire protection. The following shall apply throughout town:

147.13.7.5.1 Structure height shall not exceed fifty-five (55) feet for any structure.

147.13.7.5.2 Building height shall not exceed forty-five (45) feet.

147.13.7.5.3 Church steeples may be allowed to exceed fifty-five (55) feet in height by Special Exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that:

147.13.7.5.3.1 The space enclosed in the steeple is not usable floor space other than for maintenance and structural purposes of the steeple;

147.13.7.5.3.2 The height of the steeple is appropriate to the design and size of the Church.

147.13.7.6 SIGNS.

147.13.7.6.1 FREESTANDING SIGN. There shall be no more than one freestanding sign per lot, except that where a lot fronts on two or more public rights-of-way and has two entrances at least 500 feet apart, two freestanding signs shall be permitted.

147.13.7.6.1.1 The size of the message area shall not exceed 40 square feet.

147.13.7.6.1.2 The height of the message area shall not exceed 15 feet above the undisturbed ground.

147.13.7.6.1.3 The width of the message area shall not exceed 12 feet.

147.13.7.6.1.4 The minimum setback shall be 25 feet from a platted right-of-way, and five feet from all other property boundaries.

147.13.7.6.1.4.1 Freestanding sign setbacks may be reduced to 10' from a platted right-of-way, if the size of the message area is reduced to 30 square feet maximum. All of the dimensional requirements, excepting the size of the message area and the minimum front setback shall be required of these signs.

147.13.7.6.1.5 Where an existing nonconforming sign serves more than one commercial establishment each having at least 60,000 square feet or residential development each comprised of at least 20 residential units sharing common access, the size of the message area may be expanded based upon 40 square feet per commercial establishment and twenty square feet per residential development; provided, however, that the total message area shall not exceed 80 square feet in any case.

147.13.7.6.1.6 Projecting signs, including sign structure, not to exceed six (6) square feet in the Village Commercial Districts are permitted in the lieu of a freestanding sign. The sign shall be at least ten feet above the ground; the top of the sign shall be no more than fifteen feet above the ground.

147.13.7.6.1.7 The Zoning Board of Adjustment may grant the following special exceptions:

147.13.7.6.1.7.1 For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional freestanding sign may be permitted for use as a directory sign provided that the following conditions are met: the sign shall be used only to identify and locate businesses within; the message area shall not exceed 12 square feet; the height of the message area shall not exceed 20 feet above the undisturbed ground; the sign shall meet all setbacks; and the additional wall sign permitted by Special Exception under Section 147.13.7.6.2.4.2. is not used.

147.13.7.6.1.7.2 Where existing buildings are set back from the right-of-way less than the setback required for freestanding signs in Section 147.13.7.6.1., the right-of-way setback of the freestanding sign may be reduced from 25 to any lesser amount down to five feet, provided that the following conditions are met: the message area shall be reduced to not more than 20 square feet; the sign shall not obstruct vehicular or pedestrian traffic; the sign shall not obstruct the line-of-sight for traffic entering or exiting the site; and the sign shall not unduly obstruct the visibility of other signs or property in the area.

147.13.7.6.1.8 One appendage may be attached to a freestanding or projecting sign, and the message area of this appendage shall be considered part of the total message area of the sign. No appendage shall be permitted on supports nor directional signs.

147.13.7.6.2 WALL SIGN. For lots without multiple commercial tenants, each lot shall be permitted one wall sign. For lots with multiple commercial tenants, each commercial tenant shall be permitted one wall sign. All wall signs shall be located on a wall, which is common to both the interior and exterior of the business identified by the sign. The height of the message area shall not exceed the greater of 20 feet from the undisturbed ground or a height equal to 75% of the total height of the building, nor shall it exceed the height of the wall to which it is attached. The message area of the wall sign shall be based on the following formulas, subject to increase by bonus granted per Section 147.13.7.6.12.3.:

147.13.7.6.2.1 For floor areas up to and including 50,000 square feet, the maximum message area shall be calculated as follows:

147.13.7.6.2.2 $20 + (\text{total s.f. floor area} \times 0.0016)$

147.13.7.6.2.3 If the floor area of the business is greater than 50,000 square feet, the maximum wall sign message area shall be 100 square feet. A business with a floor area greater than 50,000 square feet be permitted one additional wall sign if it has two or more exterior public or customer entrances excluding emergency entrances that are at least 20 feet apart. The message area of the second wall sign shall not exceed 20 square feet.

147.13.7.6.2.4 The Zoning Board of Adjustment may grant the following special exceptions:

147.13.7.6.2.4.1 For a major business in a shopping center or mall that does not have wall frontage facing its primary parking lot, one additional wall sign may be permitted, provided that the following conditions are met: the size of the message area shall not exceed 40 square feet; the sign shall be located on a wall facing the primary parking lot; total wall sign area on the wall shall not exceed 10%; and all relevant height restrictions specified in Section 147.13.7.6.2. apply.

147.13.7.6.2.4.2 For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional wall sign may be permitted, subject to the following: the sign shall be used only to identify and locate the businesses within; the message area shall not exceed 12 square feet; the sign shall be located immediately adjacent to the common entrance; and that the additional freestanding sign permitted by Special Exception under Section 147.13.7.6.1.7.1. is not used.

147.13.7.6.3 SIGN CONTENT. The Town has no intention of restricting individual free speech, but the Town does recognize its right to place reasonable restrictions upon commercial speech. Further, the Town wishes to prevent excessive or unnecessary signage along road corridors. In keeping with this reasoning, off-site commercial signs shall be prohibited, except as follows:

147.13.7.6.3.1 Pedestrian-oriented off-site commercial signs (POOC signs) to encourage pedestrian activity (as opposed to vehicular traffic) in North Conway Village Commercial District shall be permitted as follows:

- 147.13.7.6.3.1.1 the POOC sign shall be posted in, and refer only to a business located in, the North Conway Village Commercial District;
- 147.13.7.6.3.1.2 the POOC sign shall be located on private property;
- 147.13.7.6.3.1.3 the POOC sign shall not be subject to setbacks;
- 147.13.7.6.3.1.4 the POOC sign shall be mounted either on a freestanding pole or a wall, and when mounted on a freestanding pole there shall be no backing board of any kind;
- 147.13.7.6.3.1.5 the POOC sign shall be located and oriented to direct and inform pedestrians, and visibility to vehicles on roads shall be minimized where reasonable;
- 147.13.7.6.3.1.6 the POOC sign shall be a one- or two-sided sign with dimensions being 4" tall by 18" long;
- 147.13.7.6.3.1.7 a business utilizing any other type of off-site commercial sign(s) within the Town shall be prohibited from using the POOC sign;
- 147.13.7.6.3.1.8 a business shall be permitted to utilize no more than two POOC signs;
- 147.13.7.6.3.1.9 no more than 10 POOC signs shall be located on a lot;
- 147.13.7.6.3.1.10 a permit is required for the establishment of a new POOC sign, as well as for the change of message if the business identified by the POOC sign changes;
- 147.13.7.6.3.1.11 both the property owner of the lot on which the sign is located and the owner of the business to which the sign refers shall be co-applicants and must both sign the application and abide by the conditions of approval; and
- 147.13.7.6.3.1.12 the POOC sign shall provide a directional message only, and shall refer only to an off-site business.
- 147.13.7.6.3.1.13 the POOC sign shall be located within 400 feet of the lot to which it provides direction, and further shall be on the same side of Route 16/302.

147.13.7.6.4 SIGNS IN PLATTED ROW. Except as otherwise permitted below, no signs shall be permitted within any platted right-of-way:

- 147.13.7.6.4.1 Special promotional banner, with a message area of 200 square feet or less, for public or institutional events that cross a public or private road.
- 147.13.7.6.4.2 One directional sign to identify the entrance to a particular subdivision or development, not to exceed twelve (12) square feet, and not to exceed eight (8) feet in height nor six (6) feet in width. For subdivisions which are approved by the Planning Board and which have nonresidential uses, this sign may identify businesses located within the subdivision.

147.13.7.6.5 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

- 147.13.7.6.5.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.7.6.5.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

147.13.7.6.5.3 Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.

147.13.7.6.5.4 Business name and directional signs with a message area of three square feet or less which are located over doorways.

147.13.7.6.5.5 Flags.

147.13.7.6.5.6 One (1) portable a-frame sign per lot of record is permitted in the district, it may be displayed during business hours only, it shall have a message area of six square feet or less, no illumination of the sign is permitted and no appendages to the sign are permitted.

147.13.7.6.5.7 Window signs which are affixed to the interior of the window, not to cover more than 50% of any window.

147.13.7.6.5.8 One (1) sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and to be erected not more than two days prior to the event and removed within one day of the end of the event.

147.13.7.6.5.9 Sign for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

147.13.7.6.5.10 Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all Districts.

147.13.7.6.5.11 Special promotional signs for public or institutional events, with a message area of 40 square feet or less.

147.13.7.6.5.12 Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1999

147.13.7.6.5.13 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.7.6.6 SIGNS SUBJECT TO PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.7.6.6.1 For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.

147.13.7.6.6.2 For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.

147.13.7.6.6.3 Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

147.13.7.6.6.4 For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.

147.13.7.6.6.5 Signs, which convey only a non-commercial message, including but not limited to ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less.

147.13.7.6.7 PERMIT REQUIRED FOR ALL OTHER SIGNS.

147.13.7.6.7.1 SIGN APPLICATION PROCESS. Any action requiring a sign permit shall be permitted only upon the application to, and approval of the Zoning Officer. Applications shall use the following process:

147.13.7.6.7.1.1 An application form for each sign shall be completed and signed by the owner of the property.

147.13.7.6.7.1.2 A complete application shall also include the following:

147.13.7.6.7.1.2.1 fee of \$35;

147.13.7.6.7.1.2.2 written description of the proposed type, size, height, setback, sign and supporting structure materials, and illumination of the sign.

147.13.7.6.7.1.2.3 statement specifically addressing compliance with offsite commercial sign restriction, and

147.13.7.6.7.1.2.4 analysis regarding impact of safety, specifically addressing lighting/glare and line-of-sight blockage for vehicles and pedestrians.

147.13.7.6.7.1.3 Upon receipt of a complete application, the Zoning Officer shall have up to 14 days to either approve or deny the application.

147.13.7.6.7.1.4 If the application is denied, the Zoning Officer shall issue a written decision stating the reason(s) for denial.

147.13.7.6.7.1.5 If the application is approved, the Zoning Officer shall issue an approval for the erection of a sign. The sign permit is valid for one (1) year from date of approval. If the sign is not erected within one (1) year, the permit shall expire.

147.13.7.6.8 DESIGN STANDARDS. The following design standards shall be required to ensure compliance with the intent of these regulations:

147.13.7.6.8.1 Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. Lighting sources shall be metal halide or halogen and located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they in any way be distracting to vehicular traffic.

147.13.7.6.8.2 Neon. Neon lighting shall be prohibited.

147.13.7.6.8.3 Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.

147.13.7.6.8.4 Flashing/Blinking. Flashing, blinking, alternating type or digital type lighting such as a digital message board shall be prohibited.

147.13.7.6.8.5 Structural Supports and Base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest

surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be increased to 100 percent of the maximum permitted message area of the sign. The top of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.

147.13.7.6.8.6 No sign shall project over a street or sidewalk, except for projecting signs as permitted herein.

147.13.7.6.8.7 No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.

147.13.7.6.9 MOVABLE SIGNS. Movable signs shall be prohibited. No vehicle, including parts thereof, trailers, and other accessories, shall be used as a means of circumventing the purpose and intent of this ordinance. A vehicle displaying a commercial message which is licensed, registered and inspected shall be exempt from these sign regulations if it is regularly and customarily used to transport persons or property for the business.

147.13.7.6.10 FLAGS, BANNERS, PENNANTS, ETC:

147.13.7.6.10.1 In addition to the signs otherwise permitted by this Chapter, there may be displayed, on any lot, up to three flags displaying any otherwise legal symbol, message or information, commercial or non-commercial; except that off-site commercial flags shall be restricted as set forth in of this Chapter. No such flag shall exceed 24 square feet measured by one face of the flag only. Any such flag shall be mounted directly to one flag pole. A "flag pole" is a pole intended and placed solely for the support and display of a flag or flags, and does not include utility poles, light poles, trees or other sign structures. All flag poles shall be erected vertically, or within 45 degrees of the vertical. No portion of any flag pole shall be sited within 10 feet of a property line. No flag pole shall extend more than 35 feet in height above grade, or, if mounted on a building, 55 feet above the average finished grade of the building.

147.13.7.6.10.2 Banners, pennants, search lights, twirling signs, balloons or other gas-filled figures, and other such materials shall be prohibited, except as specified herein.

147.13.7.6.10.3 This Section shall not be construed to prevent any sign otherwise permitted by this Chapter, and which conforms to all sign requirements of this chapter, from taking the form of a flag or other fabric. Banners may be used to cover part or all of an existing freestanding, projecting or wall sign to advertise temporary events. The net effect of this activity shall not increase the message area of any permitted sign or signs.

147.13.7.6.11 MAINTENANCE. All surfaces and supporting structures of signs, whether erected prior to the effective date of this chapter or not, shall be maintained in a safe and sightly condition to the satisfaction of the Board of Selectmen or its authorized agent. A permit is required for any maintenance except the following: repainting; other surface renewal; or change of message on the same surface.

147.13.7.6.12 SIGN INCENTIVES. The purpose of these sign incentives is to reduce visual clutter and distraction from the natural environment caused by signs. This system offers design and size bonuses as a means of encouraging certain site and sign designs.

147.13.7.6.12.1 Any freestanding, projecting or wall sign, which conforms, to all provisions of this chapter shall be permitted to utilize up to 20% of the maximum permitted message area for changeable copy.

147.13.7.6.12.2 A freestanding sign which conforms to all provisions of this chapter shall be permitted to increase its message area: by up to 20 square feet above that otherwise permitted under this chapter if the lot has at least 300 but less than 500 feet of frontage on a Class 5 or better road; or by up to 40 square feet above that otherwise permitted under this chapter if the lot has 500 or more feet of frontage on a Class 5 or better road. In no case, however, shall such increases cause any sign message area to exceed 80 square feet. The factory written declaration to be recorded at the Carroll County Registry of Deeds, in which the owner, its heirs, successors and assigns, agree that, if the frontage of the property is subsequently reduced below that amount required for the bonus granted, the sign shall be removed or replaced with a sign which fully conforms with the provisions of this chapter; and that no subdivision of a lot shall be permitted unless a freestanding sign erected under this provision continues to conform to this provision; and such agreement must be legally enforceable by the Town of Conway.

147.13.7.6.12.3 On a site where the freestanding sign conforms to all provisions of this chapter, the maximum wall sign message area permitted per Section 147.13.7.6.2 may be increased by 50 percent.

147.13.7.7 RESTRICTIONS REGARDING HOME OCCUPATIONS. A home occupation is considered accessory to a residential use and shall not occupy an area greater than fifty percent (50%) of the total floor area of the residential unit or 1,500 square feet, whichever is less. Home occupations are subject to the following provisions and restrictions:

147.13.7.7.1 The home occupation shall be carried on by persons who live in the principal residential unit full time. Two (2) employees living off-premises are permitted.

147.13.7.7.2 The home occupation shall be carried on within the principal residential unit or approved accessory structure.

147.13.7.7.3 Exterior storage of commercial vehicles, equipment or materials or variation from the residential character of the principal residential unit shall not be permitted.

147.13.7.7.4 The home occupation shall create no unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or other nuisance or threat to the health of the abutters.

147.13.7.7.5 Adequate off-street parking shall be provided.

147.13.7.7.6 A home occupation shall not generate excessive traffic or traffic in greater volumes than would normally be expected in a residential neighborhood.

147.13.7.7.7 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.7.7.8 A change of use permit to operate a home occupation is required before startup of operation.

147.13.7.7.9 Retail or wholesale sales are only permitted for those items raised or made on the premises.

147.13.7.7.10 A home occupation shall not be offensive to the character of the neighborhood, or decrease abutting property values.

147.13.7.8 FARM AND NURSERY STANDS. Farm and nursery stands for selling indigenous produce or plants are considered temporary structures and are permitted, provided that:

147.13.7.8.1 Farm stands shall not exceed 1,200 square feet of gross floor area unless granted Site Plan Review Approval by the Planning Board.

147.13.7.8.2 Three (3) off-street parking spaces shall be required to be provided for structures up to 100 square feet in size. Additional parking shall be required at the rate of 1 space per 200 square feet over 100.

147.13.7.8.3 Wall signs shall not exceed 10 square feet in size. One portable a-frame sign per lot, not to exceed six square feet shall be allowed to be displayed during business hours only.

147.13.7.8.4 All structures, parking areas and signs shall meet the setback requirements established herein.

147.13.7.9 YARD SALES. Yard Sales shall be permitted, provided that no one household holds sales for longer than six days per calendar year.

147.13.7.10 TRAVEL TRAILERS AND RECREATIONAL VEHICLES.

147.13.7.10.1 A travel trailer or recreational vehicle may be permitted on the site of a construction project for one (1) year, provided that it is a necessary convenience for the construction project and that no public safety or health hazards shall be created.

147.13.7.10.2 One (1) travel trailer or recreational vehicle may be stored on a lot, provided that it is not utilized for dwelling purposes.

147.13.7.11 COMMERCIAL AMUSEMENTS. Because the Town wishes to maintain a character, which protects the long term, high quality environment, which will ultimately protect tourism in the valley, commercial amusements are hereby regulated to prevent adverse impacts on the Town's character and environment. All commercial amusements on a lot shall be located within an enclosed building, and the following shall apply:

147.13.7.11.1 Commercial amusements may occupy 10% or less of the floor space of a business in any Business District, by permit of the Zoning Officer and without Site Plan Review by the Planning Board.

147.13.7.11.2 Commercial amusements may occupy more than 10 percent of the floor space of a business in any Business District, subject to the condition that no noise, light or other adverse impact outside the building shall be caused by the amusements or their use. Site Plan Review approval by the Planning Board shall be required.

147.13.7.12 OUTDOOR COMMERCIAL ACTIVITIES such as drive-up windows, remote outdoor speaker systems, interactive signs, menu boards or other similar devices with speakers, any of which operate in close proximity to residential property, constitute a

nuisance due to unconfined noise and light, as well as operating hours that are not compatible with the residential environment.

147.13.7.12.1 Commercial Activities that operate drive-up windows, remote outdoor speakers, interactive signs, menu boards or other similar devices with speakers that permit customers or the general public to communicate with personnel within the commercial building or other location on the commercial property shall be at least three hundred (300) feet from the closer of the Residential Zone boundary or from the nearest residential property line, and if the time of operation begins before 9:00 a.m. or ends after 5:00 p.m. the separation distance shall be at least six hundred (600) feet. Substantial effective buffering against sound and light shall be provided in either case. These setbacks may be waived by the Planning Board during the Site Plan Review process if the property abuts the Flood Plain Conservation District and it can be shown that there will be no sound or light impact on residential use.

147.13.7.13 SEXUALLY ORIENTED BUSINESSES

147.13.7.13.1 PURPOSE AND INTENT. It is the purpose of this ordinance to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Town of Conway; and, it is the intent to promote the health, safety and general welfare of the citizens of the Town of Conway; and, it is the intent of this article that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of sexually oriented businesses; and, the provisions of this amendment have neither the purpose nor the effect of imposing limitation or restriction on the context of any communicative materials, including sexually oriented materials; and, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; and, neither is it the intent nor the effect of this ordinance to condone or legitimize the distribution of obscene material.

147.13.7.13.2 RESTRICTIONS. Sexually oriented businesses shall only be permitted in the business districts. Sexually oriented businesses shall not be permitted within one thousand (1000) feet of a church or place of worship, parish house or convent, a public, parochial or private school, a state approved day care center, residence, any establishment in which minors constitute more than fifty (50) percent of the patrons, a public park, or recreation center or another sexually oriented business.

147.13.7.13.3 MEASURE OF DISTANCE. The measure of distance between any sexually oriented business and other named point of reference shall be measured in a straight line from the nearest part of the structure in which a any sexually oriented business is proposed or exists to the nearest property boundary line of the lot containing any other named point of reference.

147.13.7.13.4 Site plan approval by the Conway Planning Board shall be a prerequisite for the establishment of a sexually oriented business. The Planning Board may impose reasonable restrictions relative to buffers, outdoor lighting, signs, parking, egress and ingress, pedestrian movement, landscaping, building aesthetics and measures to insure that displays of merchandise conform with NH RSA 571-B.

147.13.7.13.5 Violation of the provisions of this ordinance is declared to be a public nuisance, which shall be abated by the Town of Conway by way of civil abatement procedures.

147.13.7.13.6 Nothing in this ordinance is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any Town of Conway ordinance or statute of the State of New Hampshire regarding public nuisance, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

147.13.7.13.7 If any section, subsection, sentence clause, phrase or any portion of this ordinance is for any reason held invalid or unconstitutional by the final decision of a court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this ordinance. The Town of Conway hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion thereof be declared invalid or unconstitutional

147.13.7.14 MOBILE HOMES, TRAVEL TRAILERS AND RECREATIONAL VEHICLES. One (1) mobile home used as a residential unit is permitted on a lot in the Residential/Agricultural District.

147.13.7.14.1 A mobile home, travel trailer or recreational vehicle may be permitted on the site of a construction project for one (1) year, provided that it is a necessary convenience for the construction project and that no public safety or health hazards shall be created.

147.13.7.14.2 One (1) travel trailer or recreational vehicle may be stored on a lot, provided that it is not utilized for dwelling purposes.

147.13.7.14.3 All mobile homes permitted under this section must be connected to a sewerage system and water source, both meeting minimum local and State of New Hampshire standards, as applicable and then promulgated; such systems shall be approved by the Selectmen or their designated agent and be maintained so as not to cause a health or sanitation hazard.

147.13.7.15 MOBILE HOME PARKS are allowed in the NCVC District, provided that they meet the following minimum requirements:

147.13.7.15.1 A mobile home park shall contain a minimum of ten (10) acres and shall have a minimum frontage of sixty (60) feet on or a sixty-foot right-of-way to a public street.

147.13.7.15.2 There shall be at least ten (10) mobile home spaces available at first occupancy.

147.13.7.15.3 A minimum of ten thousand (10,000) square feet shall be provided for each mobile home space.

147.13.7.15.4 Each mobile home shall be provided with a mobile home stand, surfaced with a material providing suitable stability to bear the weight of a mobile home at all times of the year and having adequate gradient or crown to provide for proper surface drainage.

147.13.7.15.5 All State of New Hampshire requirements for mobile home parks shall be met.

147.13.7.15.6 All mobile homes permitted under this section must be connected to a sewerage system and water source, both meeting minimum local and State of New Hampshire standards, as applicable and then promulgated; such systems shall be approved by the Selectmen or their designated agent and be maintained so as not to cause a health or sanitation hazard.

147.13.7.16 SPECIAL EXCEPTIONS. The following land use shall be allowed if granted a special exception by the Zoning Board of Adjustment:

147.13.7.16.1 MOBILE HOMES. The Zoning Board of Adjustment may grant a special exception for a mobile home on a lot on which a single-family residential structure exists if the following conditions are met:

147.13.7.16.1.1 The mobile home shall be occupied only as the usual residence of the immediate family, including grandparents, parents and children of the owner and/or spouse of the primary single-family residential structure on the lot; and the lot shall be at least one (1) acre if served by municipal water and sewerage and at least two (2) acres in all other cases or the mobile home shall be occupied as the usual residence of a full-time agricultural employee and his immediate family and the single-family residence shall be part of an owner-operated farm of twenty-five acres or more.

147.13.7.16.1.2 The special exception shall terminate on a change of ownership or occupancy of either the mobile home or the primary residential structure.

147.13.7.16.1.3 A permit shall be obtained from the Selectmen or their agent, which shall be renewed yearly to ensure compliance with the above conditions.

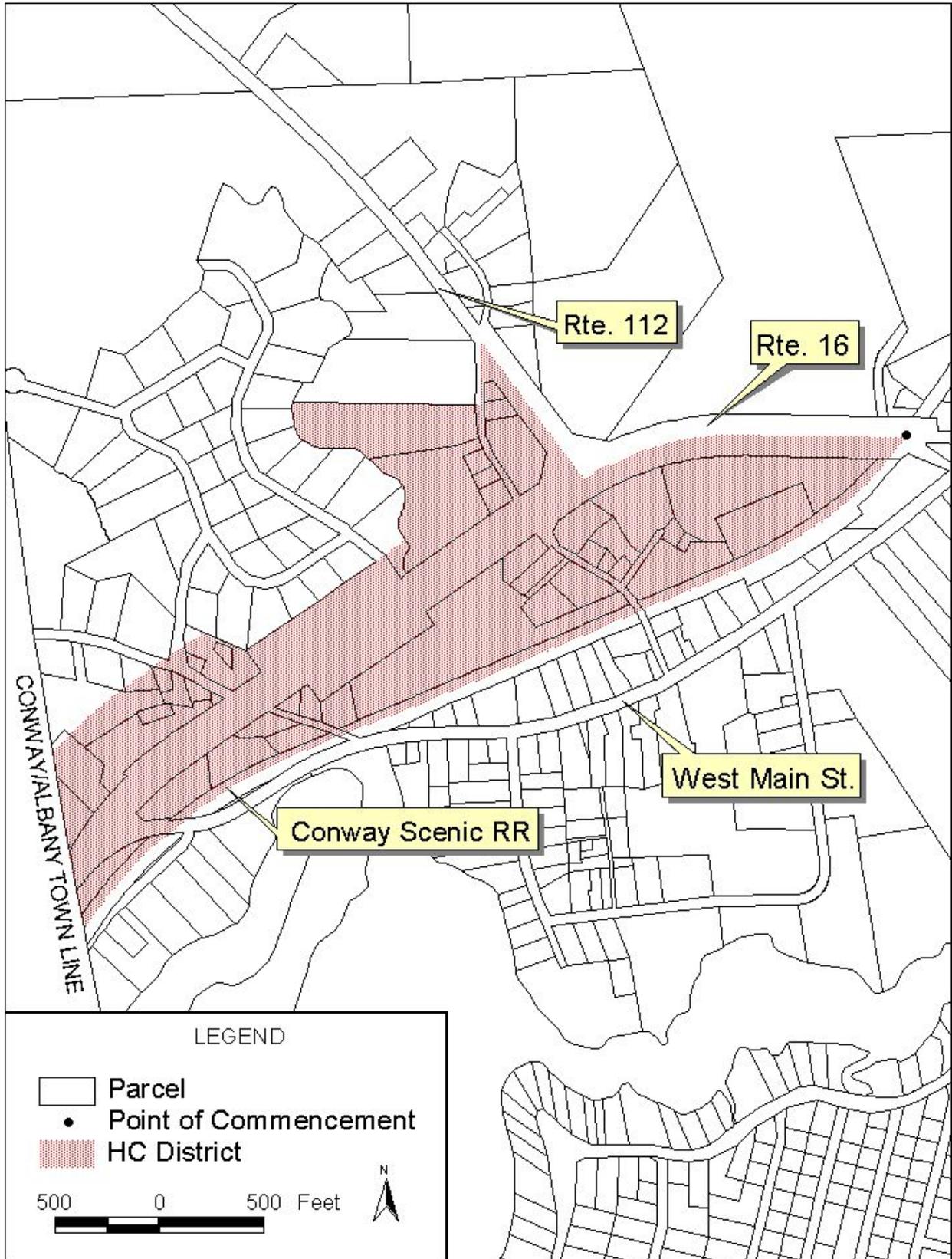
147.13.7.16.2 HELICOPTERS. A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

147.13.8 HIGHWAY COMMERCIAL (HC) DISTRICT. The HC District is primarily designed to accommodate a compatible mixture of uses that complement commercial and residential uses typically associated with transportation corridors, large traffic flows and convenient access. The areas of this that district that are serviced by municipal water and sewer can accommodated development at higher densities. Uses permitted in this district are represented in §147.16 Table of Uses.

147.13.8.1 DISTRICT BOUNDARIES. The HC District shall have the following bounds:

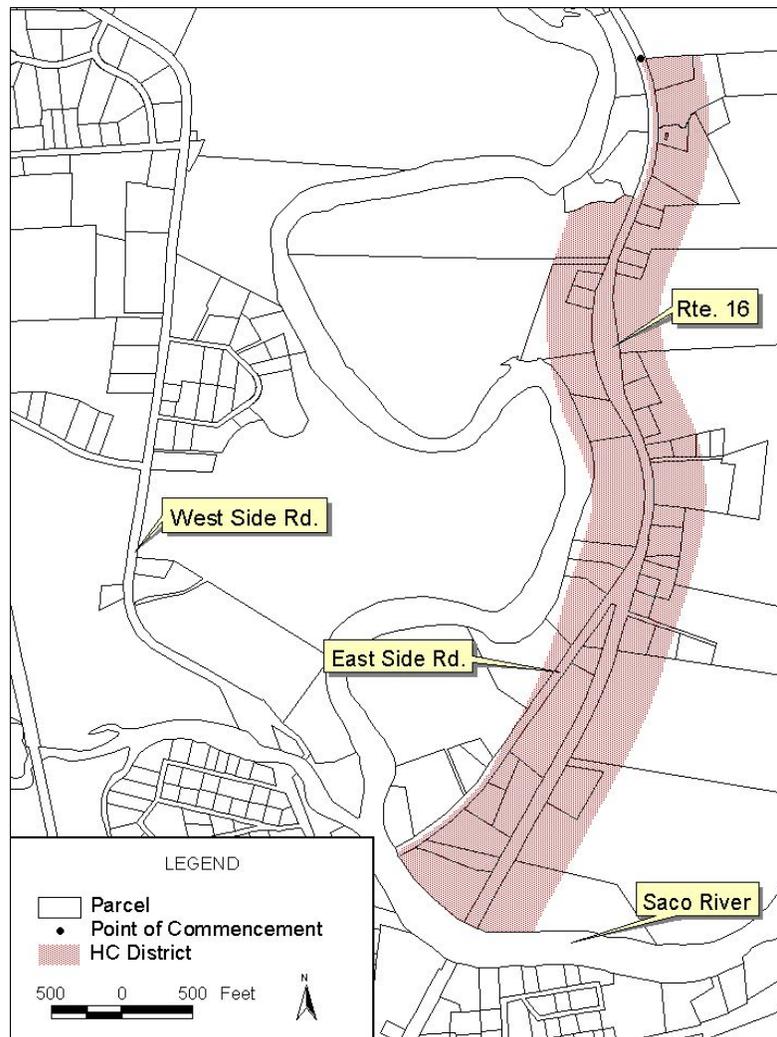
147.13.8.1.1 CONWAY VILLAGE AREA SOUTH OF THE SACO RIVER. The HC District in the Conway Village area south of the Saco River shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps): commencing at the point of intersection of the centerlines of Route 16 and Map 277, Parcel 322 (Conway Scenic Railroad); thence southwesterly along the centerline of Map 277, Parcel 322 (Conway Scenic Railroad) to the Albany Town Line; thence northerly along the Albany Town Line to a point 400 feet northwesterly of the centerline of Route 16; thence northeasterly parallel with and 400 feet from the center line of Route 16 to the eastern boundary of Map 277, Parcel 265; thence southeasterly along the eastern boundary of Map 277, Parcel 265 to the northern boundary of the Route 16 ROW; thence northeasterly along the northern boundary of the Route 16 ROW and continuing on the same bearing to the western boundary of Map 277, Parcel 271; thence northerly along the western boundary of Map 277, Parcel 271 and Map 264, Parcel 23 to the northwest corner of Map 264, Parcel 23; thence easterly along the northern boundary of Map 264, Parcel 23 and continuing on the same bearing to the centerline of Towle Road; thence northerly along the centerline of Towle Road to the centerline of Route 112 (Kancamagus Highway); thence southerly along the centerline of Route 112 (Kancamagus Highway) to the centerline of Route 16, and thence easterly along the centerline of Route 16 to the point of commencement.

147.13.8.1.1.1 DISTRICT MAP.



147.13.8.1.2 CONWAY VILLAGE AREA NORTH OF THE SACO RIVER. The HC District in the Conway Village area north of the Saco River shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps): commencing at a point on the centerline of Route 16 adjacent to the northwest corner of Map 262, Parcel 72; thence easterly through the northwest corner of Map 262, Parcel 72, along the northern boundary of Map 262, Parcel 72 and continuing on the same bearing to a point 400 feet from the centerline of Route 16; thence southerly parallel with and 400 feet from the center line of Route 16 to the northern shore of the Saco River; thence westerly along the northern shore of the Saco River to the centerline of East Side Road; thence northerly along the centerline of East Side Road to a point 400 feet northwest of the centerline of Route 16; thence northerly parallel with and 400 feet from the center line of Route 16 to the southern boundary of Map 262, Parcel 64.01; thence easterly along the southern boundary of Map 262, Parcel 64.01 to the southern boundary of Map 262, Parcel 65; thence easterly along the southern boundary of Map 262, Parcel 65 and continuing on the same bearing to the centerline of Route 16, and thence northerly along the centerline of Route 16 to the point of commencement.

147.13.8.1.2.1 DISTRICT MAP.



147.13.8.1.3 NORTH CONWAY AREA SOUTH OF NORTH CONWAY

VILLAGE. The HC District in the North Conway area south of North Conway Village shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps): commencing at the point on the thread of Kearsarge Brook 500 feet easterly of the centerline of Route 16; thence southerly parallel with and 500 feet from the centerline of Route 16 to the centerline of Locust Lane; thence easterly along the centerline of Locust Lane and continuing on the same bearing to the centerline of the North/South Road; thence southerly along the centerline of the North/South Road to a point adjacent to the southeast corner of Map 230, Parcel 51;

thence westerly through the southeast corner of Map 230, Parcel 51 and continuing along the southern boundary of Map 230, Parcel 51 to a point 500 feet from the centerline of Route 16; thence southerly parallel with and 500 feet from the centerline of Route 16 to the northern boundary of Map 235, Parcel 35; thence easterly along the northern boundary of Map 235, Parcel 35 to the centerline of the North-South Road; thence southerly along the centerline of the North-South Road to a point adjacent to the southeast corner of Map 235, Parcel 35; thence westerly through the southeast corner of Map 235, Parcel 35 and continuing along the southern boundary of Map 235, Parcel 35 to a point 500 feet from the centerline of Route 16;

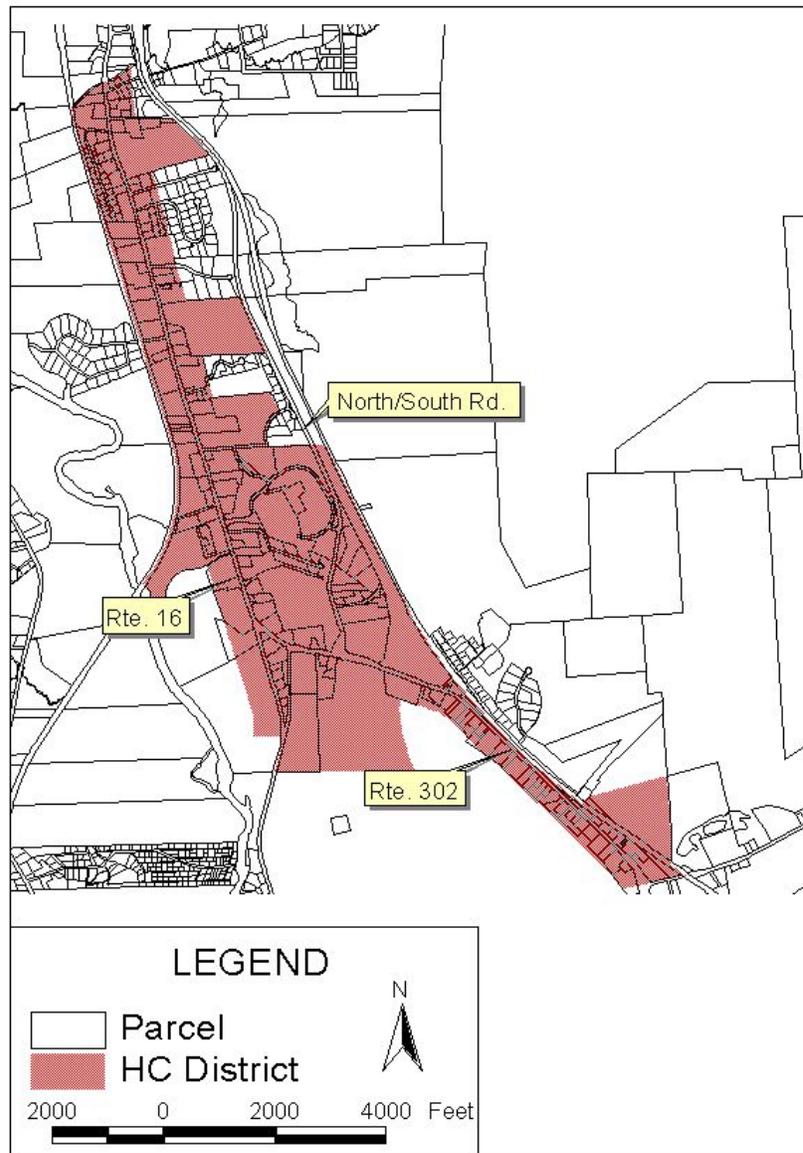
thence southerly parallel with and 500 feet from the centerline of Route 16 to the northerly boundary of Map 235, Parcel 78; thence easterly along the northerly boundary of Map 235, Parcel 78 to its easterly boundary, common with the westerly boundary of Map 235, Parcel 70; thence southerly along the easterly boundary of Map 235, Parcel 78 and continuing to the southerly boundary of the Puddin' Pond Drive ROW; thence in general westerly, then southerly direction along the southerly boundary of the Puddin' Pond Drive ROW to the southern boundary of the Barnes Road ROW at the southwest corner of Map 235, Parcel 82; thence easterly and following the same bearing as the southern boundary of the Barnes Road ROW to the centerline of Map 219, Parcel 211 (former Maine Central Railroad); thence southerly along the centerline of Map 219, Parcel 211 (former Maine Central Railroad) to a point adjacent to the southwest corner of Map 252, Parcel 31;

thence northeasterly through the southwest corner Map 252, Parcel 31 to the southwest corner of Map 252, Parcel 42; thence traversing Map 252, Parcel 42 easterly in a straight line to the northwest corner of Map 252, Parcel 47; thence southerly along the western boundary of Map 252, Parcel 47 and continuing on the same bearing to the centerline of Map 219, Parcel 211 (former Maine Central Railroad); thence southeasterly along the centerline of Map 219, Parcel 211 (former Maine Central Railroad) to the centerline of East Conway Road; thence westerly along the centerline of East Conway Road and continuing on the same bearing to a point 400 feet west of the centerline of Route 302;

thence northerly parallel with and 400 feet from the centerline of Route 302 to the western boundary of the proposed 9A Bypass ROW; thence southerly along the western boundary of the proposed 9A Bypass ROW to a point where an extension of the southern boundary line of Map 246, Parcel 17 intersects with the western boundary of the proposed 9A Bypass ROW; thence westerly in a straight line to the southeast corner of Map 246, Parcel 17; thence westerly along the southern boundary line of Map 246, Parcel

17 and continuing on the same bearing to the centerline of Route 16; thence northerly along the centerline of Route 16 to the intersection of the centerline of Shaws Way; thence west to a point 500 feet from the centerline of Route 16; thence northerly parallel with and 500 feet from the centerline of Route 16 to the southern boundary of the Map 246, parcel 23; thence westerly along the southern boundary of the Map 246, parcel 23 to the eastern shore of the Saco River; thence northerly along eastern shore of the Saco River to the centerline of Map 218, parcel 35 (Conway Scenic Railroad); thence northerly along the centerline of Map 218, parcel 35 (Conway Scenic Railroad) to the thread of Kearsarge Brook, and thence easterly along the thread of Kearsarge Brook to the point of commencement.

147.13.8.1.3.1 DISTRICT MAP.



147.13.8.1.4 NORTH CONWAY AREA NORTH OF NORTH CONWAY

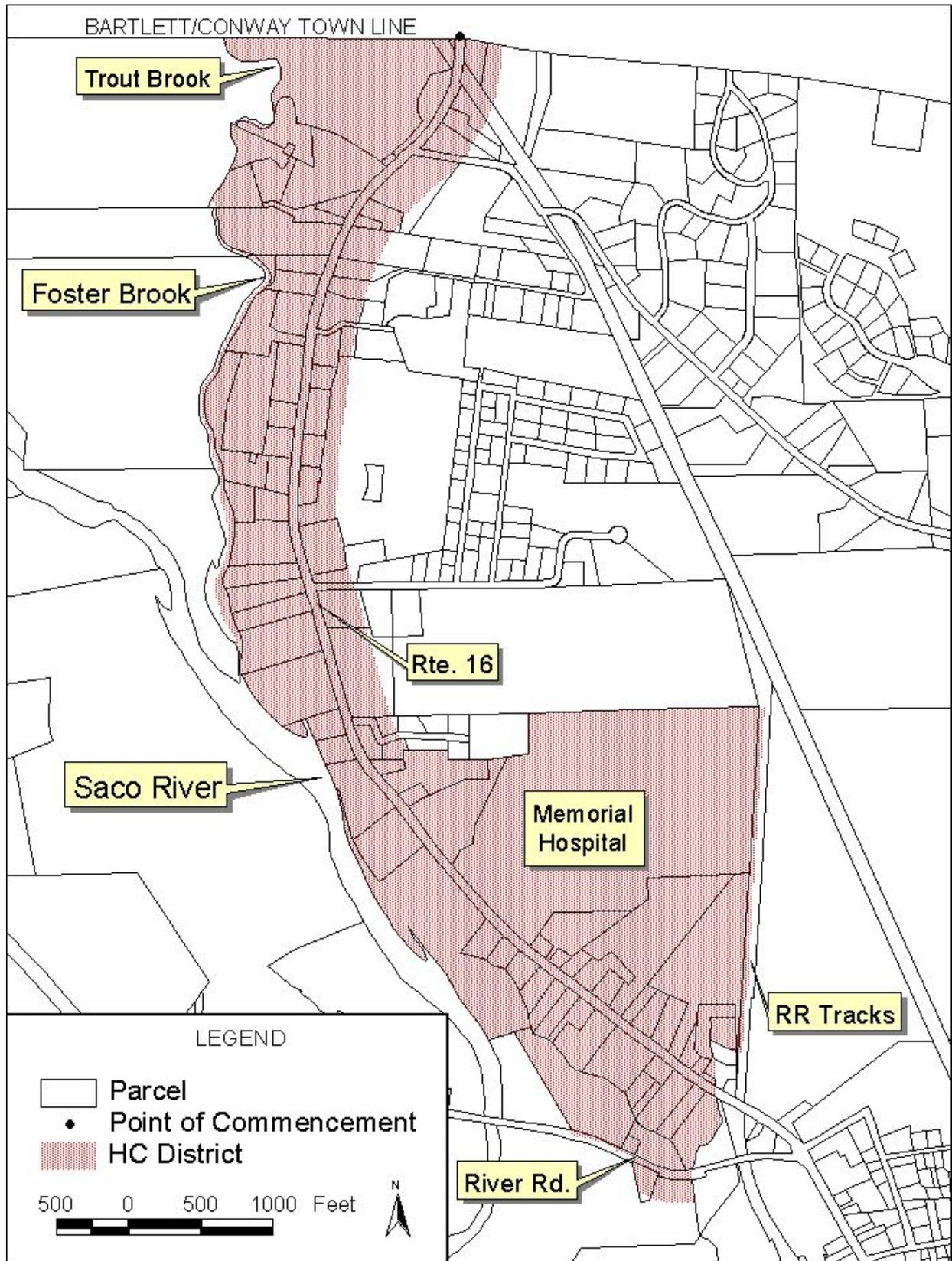
VILLAGE. The HC District in the North Conway area north of North Conway Village shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps): commencing at the intersection of the centerline of Route 16 and the Bartlett Town Line; thence easterly along the Bartlett Town Line to a point 300 feet from centerline of Route 16; thence southerly parallel with and 300 feet from the centerline of Route 16 to the northern boundary of the Map 215, Parcel 58; thence easterly along the northern boundary of the Map 215, Parcel 58 and the southern boundary of Map 215, Parcel 51 to the southeast corner of Map 215, Parcel 51; thence northerly to the northeast corner of Map 215, Parcel 51;

thence easterly along the northern boundary of Map 215, Parcel 61 to the centerline of Map 215, Parcel 81 (Conway Scenic Railroad); thence southerly along the centerline of Map 215, Parcel 81 (Conway Scenic Railroad) to a point 300 feet from the centerline of Route 16; thence northerly parallel with and 300 feet from the centerline of Route 16 to the thread of Randall Brook; thence southerly along the thread of Randall Brook to the centerline of River Road; thence southerly in a straight line to the northwest corner of Map 218, Parcel 52; thence southerly along the western boundary of Map 218, Parcel 52 to a point 200 feet from the centerline of River Road;

thence westerly parallel with and 200 feet from the centerline of River Road to the western boundary line of Map 218, Parcel 53; thence northerly along the western boundary line of Map 218, Parcel 53 and continuing on the same bearing to centerline of River Road; thence westerly along the centerline of River Road to a point adjacent to the southeast corner of Map 215, Parcel 8; thence northerly in a straight line to the southeast corner of Map 215, Parcel 8;

thence northerly along the eastern boundary of Map 215, Parcel 8 to the southern boundary of Map 215, Parcel 33; thence westerly along the southern boundary of Map 215, Parcel 33 to the eastern shore of the Saco River; thence northerly along the eastern shore of the Saco River to the thread of Foster Brook; thence northerly along the thread of Foster Brook to the thread of Trout Brook; thence northerly along thread of Trout Brook to the Bartlett Town Line, and thence easterly along the Bartlett Town Line to the point of commencement.

147.13.8.1.4.1 DISTRICT MAP.



147.13.8.2 LOT SIZE AND DENSITY.

147.13.8.2.1 Lots serviced by municipal water system and municipal sewerage system shall have at least one-half (1/2) acre for the first unit that may be located thereon and at least ten thousand (10,000) square feet for each additional unit on the same lot.

147.13.8.2.2 Lots serviced by a municipal water system shall have at least one-half (1/2) acre for each unit that may be located thereon.

147.13.8.2.3 The minimum lot size for keeping domestic farm animals shall be one (1) acre.

147.13.8.2.4 All other lots shall have at least one (1) acre for each unit that may be located thereon.

147.13.8.2.5 SPECIAL EXCEPTIONS.

147.13.8.2.5.1 In order to preserve and safeguard Conway's older homes, but also allow for their conversion to multifamily dwellings, the Zoning Board of Adjustment may grant special exceptions for residential structures and accessory structures on the same conforming lot, provided that:

147.13.8.2.5.1.1 Substantially all of the structure is at least fifty (50) years old.

147.13.8.2.5.1.2 Modification of the interior does not exceed four (4) units.

147.13.8.2.5.1.3 No significant changes to the exterior lines or architectural detail are made, which would diminish the historical or architectural heritage of the structure.

147.13.8.2.5.1.4 Adequate area is available for parking and sewage disposal.

147.13.8.2.5.1.5 Accessory structures must have at least ~~five~~ ~~three~~ hundred (~~500~~ ~~300~~) square feet of living space per unit suitable for conversion to a dwelling unit and not conflict with the purpose and intent of this section.

147.13.8.2.5.2 In order to help provide year round rental housing, the Zoning Board of Adjustment may grant a special exception for one accessory apartment as an accessory use to an owner-occupied single family dwelling, on any size lot subject to the following conditions:

147.13.8.2.5.2.1 The subject property is serviced by precinct water and sewer or that the New Hampshire Department of Environmental Services has issued a permit for construction for sewerage or waste disposal system.

147.13.8.2.5.2.2 The accessory apartment is designed to ensure architectural compatibility with the neighborhood.

147.13.8.2.5.2.3 Sufficient parking is located on site.

147.13.8.2.5.2.4 An Accessory Apartment Application is submitted for the ZBA review.

147.13.8.2.5.3 The Zoning Board of Adjustment may grant a special exception for up to twelve dwelling units per acre, in the village commercial and highway commercial districts under the following conditions:

147.13.8.2.5.3.1 That each structure must contain at least three dwelling units.

147.13.8.2.5.3.2 Not less than 25% of all dwelling units shall be designated as full time rental apartments. At the time of Planning Board approval, the units

designated as full time rental apartments must be shown on the plan with a condition that they are leased for twenty years from the date of Planning Board approval by the developer and a deed restriction shall be recorded in the Registry of Deeds as evidence of the same.

147.13.8.2.5.3.3 All lots must be serviced by municipal water and sewerage.

147.13.8.2.5.3.4 Rental/Deed restricted units shall be a maximum of 1,000 square feet and a minimum of 300 square feet.

147.13.8.2.5.3.5 Architectural design plans must be submitted to the Zoning Board of Adjustment at the time of application to ensure compliance with the zoning regulations.

147.13.8.3 FRONTAGE. All lots must front on a state or town highway with a Class I, II, III, IV or V classification, a private road constructed to town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be:

147.13.8.3.1 One hundred fifty (150) feet.

147.13.8.3.2 One hundred (100) feet for lots which front entirely on cul-de-sacs, which meet the design requirements set forth in §131-Article X, Detail #4, and approved by the Planning Board.

147.13.8.4 SETBACKS. The minimum front setback shall be 25 feet from a platted right-of-way, or 100 feet from the platted right-of-way of the North/South Road between the extension of the centerline of Barnes Road and the centerline of Depot Road and the minimum side or back setback shall be 10 feet.

147.13.8.5 STRUCTURE AND BUILDING HEIGHT. Structure height is restricted to achieve several purposes. The town is economically dependent upon tourism and attracts visitors with its rural character and mountainous setting. Maintaining the traditional scale and style of structures aids in preserving the character of the town. Peaked roofs are encouraged because it is the traditional roof style here. (Care has been taken to prepare language, which does not unduly encourage the use of flat-roof buildings). The height restriction keeps structures and buildings below tree-top level, which is typically from sixty (60) to one hundred (100) feet for mature maple, beech, birch and pine trees. Structure height below treetop level helps maintain the rural atmosphere and preserve the view sheds throughout town. In addition, the height limit minimizes difficulty in providing fire protection. The following shall apply throughout town:

147.13.8.5.1 Structure height shall not exceed fifty-five (55) feet for any structure.

147.13.8.5.2 Building height shall not exceed forty-five (45) feet.

147.13.8.5.3 Church steeples may be allowed to exceed fifty-five (55) feet in height by Special Exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that:

147.13.8.5.3.1 The space enclosed in the steeple is not usable floor space other than for maintenance and structural purposes of the steeple;

147.13.8.5.3.2 The height of the steeple is appropriate to the design and size of the Church.

147.13.8.6 SIGNS.

147.13.8.6.1 FREESTANDING SIGN. There shall be no more than one freestanding sign per lot, except that where a lot fronts on two or more public rights-of-way and has two entrances at least 500 feet apart, two freestanding signs shall be permitted.

147.13.8.6.1.1 The size of the message area shall not exceed 40 square feet.

147.13.8.6.1.2 The height of the message area shall not exceed 15 feet above the undisturbed ground.

147.13.8.6.1.3 The width of the message area shall not exceed 12 feet.

147.13.8.6.1.4 The minimum setback shall be 25 feet from a platted right-of-way, or 100 feet from the platted right of way of the North/South Road between the extension of the centerline of Barnes Road and the centerline of Depot Road and five feet from all other property boundaries.

147.13.8.6.1.4.1 Freestanding sign setbacks may be reduced to 10' from a platted right-of-way, if the size of the message area is reduced to 30 square feet maximum. All of the dimensional requirements, excepting the size of the message area and the minimum front setback shall be required of these signs.

147.13.8.6.1.5 Where an existing nonconforming sign serves more than one commercial establishment each having at least 60,000 square feet or residential development each comprised of at least 20 residential units sharing common access, the size of the message area may be expanded based upon 40 square feet per commercial establishment and twenty square feet per residential development; provided, however, that the total message area shall not exceed 80 square feet in any case.

147.13.8.6.1.6 Projecting signs, including sign structure, not to exceed twenty (20) square feet in the Highway Commercial Districts, and six (6) square feet in the Village Commercial Districts are permitted in the lieu of a freestanding sign. The sign shall be at least ten feet above the ground; the top of the sign shall be no more than fifteen feet above the ground.

147.13.8.6.1.7 The Zoning Board of Adjustment may grant the following special exceptions:

147.13.8.6.1.7.1 For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional freestanding sign may be permitted for use as a directory sign provided that the following conditions are met: the sign shall be used only to identify and locate businesses within; the message area shall not exceed 12 square feet; the height of the message area shall not exceed 20 feet above the undisturbed ground; the sign shall meet all setbacks; and the additional wall sign permitted by Special Exception under Section 147.13.8.6.2.4.2. is not used.

147.13.8.6.1.7.2 Where existing buildings are set back from the right-of-way less than the setback required for freestanding signs in Section 147.13.8.6.1., the right-of-way setback of the freestanding sign may be reduced from 25 to any lesser amount down to five feet, provided that the following conditions are met: the message area shall be reduced to not more than 20 square feet; the sign shall not

obstruct vehicular or pedestrian traffic; the sign shall not obstruct the line-of-sight for traffic entering or exiting the site; and the sign shall not unduly obstruct the visibility of other signs or property in the area.

147.13.8.6.1.8 One appendage may be attached to a freestanding or projecting sign, and the message area of this appendage shall be considered part of the total message area of the sign. No appendage shall be permitted on supports nor directional signs.

147.13.8.6.2 WALL SIGN. For lots without multiple commercial tenants, each lot shall be permitted one wall sign. For lots with multiple commercial tenants, each commercial tenant shall be permitted one wall sign. All wall signs shall be located on a wall, which is common to both the interior and exterior of the business identified by the sign. The height of the message area shall not exceed the greater of 20 feet from the undisturbed ground or a height equal to 75% of the total height of the building, nor shall it exceed the height of the wall to which it is attached. The message area of the wall sign shall be based on the following formulas, subject to increase by bonus granted per Section 147.13.8.6.12.3.

147.13.8.6.2.1 For floor areas up to and including 50,000 square feet, the maximum message area shall be calculated as follows:

147.13.8.6.2.2 $20 + (\text{total s.f. floor area} \times 0.0016)$

147.13.8.6.2.3 If the floor area of the business is greater than 50,000 square feet, the maximum wall sign message area shall be 100 square feet. A business with a floor area greater than 50,000 square feet be permitted one additional wall sign if it has two or more exterior public or customer entrances excluding emergency entrances that are at least 20 feet apart. The message area of the second wall sign shall not exceed 20 square feet.

147.13.8.6.2.4 The Zoning Board of Adjustment may grant the following special exceptions:

147.13.8.6.2.4.1 For a major business in a shopping center or mall that does not have wall frontage facing its primary parking lot, one additional wall sign may be permitted, provided that the following conditions are met: the size of the message area shall not exceed 40 square feet; the sign shall be located on a wall facing the primary parking lot; total wall sign area on the wall shall not exceed 10%; and all relevant height restrictions specified in Section 147.13.8.6.2. apply.

147.13.8.6.2.4.2 For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional wall sign may be permitted, subject to the following: the sign shall be used only to identify and locate the businesses within; the message area shall not exceed 12 square feet; the sign shall be located immediately adjacent to the common entrance; and that the additional freestanding sign permitted by Special Exception under Section 147.13.8.6.1.7.1. is not used.

147.13.8.6.3 SIGN CONTENT. The Town has no intention of restricting individual free speech, but the Town does recognize its right to place reasonable restrictions upon commercial speech. Further, the Town wishes to prevent excessive or unnecessary signage along road corridors. In keeping with this reasoning, off-site commercial signs shall be prohibited.

147.13.8.6.4 SIGNS IN PLATTED ROW. Except as otherwise permitted below, no signs shall be permitted within any platted right-of-way:

147.13.8.6.4.1 Special promotional banner, with a message area of 200 square feet or less, for public or institutional events that cross a public or private road.

147.13.8.6.4.2 One directional sign to identify the entrance to a particular subdivision or development, not to exceed twelve (12) square feet, and not to exceed eight (8) feet in height nor six (6) feet in width. For subdivisions which are approved by the Planning Board and which have nonresidential uses, this sign may identify businesses located within the subdivision.

147.13.8.6.5 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.8.6.5.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.8.6.5.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

147.13.8.6.5.3 Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.

147.13.8.6.5.4 Business name and directional signs with a message area of three square feet or less which are located over doorways.

147.13.8.6.5.5 Flags.

147.13.8.6.5.6 One (1) portable a-frame sign per lot of record is permitted in the district, it may be displayed during business hours only, it shall have a message area of six square feet or less, no illumination of the sign is permitted and no appendages to the sign are permitted.

147.13.8.6.5.7 Window signs which are affixed to the interior of the window, not to cover more than 50% of any window.

147.13.8.6.5.8 One (1) sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and to be erected not more than two days prior to the event and removed within one day of the end of the event.

147.13.8.6.5.9 Sign for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

147.13.8.6.5.10 Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all Districts.

147.13.8.6.5.11 Special promotional signs for public or institutional events, with a message area of 40 square feet or less.

147.13.8.6.5.12 Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1999

147.13.8.6.5.13 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.8.6.6 SIGNS SUBJECT TO PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.8.6.6.1 For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.

147.13.8.6.6.2 For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.

147.13.8.6.6.3 Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

147.13.8.6.6.4 For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.

147.13.8.6.6.5 Signs, which convey only a non-commercial message, including but not limited to ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less.

147.13.8.6.7 PERMIT REQUIRED FOR ALL OTHER SIGNS.

147.13.8.6.7.1 SIGN APPLICATION PROCESS. Any action requiring a sign permit shall be permitted only upon the application to, and approval of the Zoning Officer. Applications shall use the following process:

147.13.8.6.7.1.1 An application form for each sign shall be completed and signed by the owner of the property.

147.13.8.6.7.1.2 A complete application shall also include the following:

147.13.8.6.7.1.2.1 fee of \$35;

147.13.8.6.7.1.2.2 written description of the proposed type, size, height, setback, sign and supporting structure materials, and illumination of the sign.

147.13.8.6.7.1.2.3 statement specifically addressing compliance with offsite commercial sign restriction, and

147.13.8.6.7.1.2.4 analysis regarding impact of safety, specifically addressing lighting/glare and line-of-sight blockage for vehicles and pedestrians.

147.13.8.6.7.1.3 Upon receipt of a complete application, the Zoning Officer shall have up to 14 days to either approve or deny the application.

147.13.8.6.7.1.4 If the application is denied, the Zoning Officer shall issue a written decision stating the reason(s) for denial.

147.13.8.6.7.1.5 If the application is approved, the Zoning Officer shall issue an approval for the erection of a sign. The sign permit is valid for one (1) year from date of approval. If the sign is not erected within one (1) year, the permit shall expire.

147.13.8.6.8 DESIGN STANDARDS. The following design standards shall be required to ensure compliance with the intent of these regulations:

147.13.8.6.8.1 Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional

purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. Lighting sources shall be metal halide or halogen and located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they in any way be distracting to vehicular traffic.

147.13.8.6.8.2 Neon. Neon lighting shall be prohibited.

147.13.8.6.8.3 Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.

147.13.8.6.8.4 Flashing/Blinking. Flashing, blinking, alternating type or digital type lighting such as a digital message board shall be prohibited.

147.13.8.6.8.5 Structural Supports and Base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be increased to 100 percent of the maximum permitted message area of the sign. The top of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.

147.13.8.6.8.6 No sign shall project over a street or sidewalk, except for projecting signs as permitted herein.

147.13.8.6.8.7 No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.

147.13.8.6.9 **MOVABLE SIGNS.** Movable signs shall be prohibited. No vehicle, including parts thereof, trailers, and other accessories, shall be used as a means of circumventing the purpose and intent of this ordinance. A vehicle displaying a commercial message which is licensed, registered and inspected shall be exempt from these sign regulations if it is regularly and customarily used to transport persons or property for the business.

147.13.8.6.10 **FLAGS, BANNERS, PENNANTS, ETC:**

147.13.8.6.10.1 In addition to the signs otherwise permitted by this Chapter, there may be displayed, on any lot, up to three flags displaying any otherwise legal symbol, message or information, commercial or non-commercial; except that off-site commercial flags shall be restricted as set forth in of this Chapter. No such flag shall exceed 24 square feet measured by one face of the flag only. Any such flag shall be mounted directly to one flag pole. A "flag pole" is a pole intended and placed solely for the support and display of a flag or flags, and does not include utility poles, light poles, trees or other sign structures. All flag poles shall be erected vertically, or within 45 degrees of the vertical. No portion of any flag pole shall be sited within 10 feet of a property line. No flag pole shall extend more than 35 feet in height above grade, or, if mounted on a building, 55 feet above the average finished grade of the building.

147.13.8.6.10.2 Banners, pennants, search lights, twirling signs, balloons or other gas-filled figures, and other such materials shall be prohibited, except as specified herein.

147.13.8.6.10.3 This Section shall not be construed to prevent any sign otherwise permitted by this Chapter, and which conforms to all sign requirements of this chapter, from taking the form of a flag or other fabric. Banners may be used to cover part or all of an existing freestanding, projecting or wall sign to advertise temporary events. The net effect of this activity shall not increase the message area of any permitted sign or signs.

147.13.8.6.11 MAINTENANCE. All surfaces and supporting structures of signs, whether erected prior to the effective date of this chapter or not, shall be maintained in a safe and sightly condition to the satisfaction of the Board of Selectmen or its authorized agent. A permit is required for any maintenance except the following: repainting; other surface renewal; or change of message on the same surface.

147.13.8.6.12 SIGN INCENTIVES. The purpose of these sign incentives is to reduce visual clutter and distraction from the natural environment caused by signs. This system offers design and size bonuses as a means of encouraging certain site and sign designs.

147.13.8.6.12.1 Any freestanding, projecting or wall sign, which conforms, to all provisions of this chapter shall be permitted to utilize up to 20% of the maximum permitted message area for changeable copy.

147.13.8.6.12.2 A freestanding sign which conforms to all provisions of this chapter shall be permitted to increase its message area: by up to 20 square feet above that otherwise permitted under this chapter if the lot has at least 300 but less than 500 feet of frontage on a Class 5 or better road; or by up to 40 square feet above that otherwise permitted under this chapter if the lot has 500 or more feet of frontage on a Class 5 or better road. In no case, however, shall such increases cause any sign message area to exceed 80 square feet. The factory written declaration to be recorded at the Carroll County Registry of Deeds, in which the owner, its heirs, successors and assigns, agree that, if the frontage of the property is subsequently reduced below that amount required for the bonus granted, the sign shall be removed or replaced with a sign which fully conforms with the provisions of this chapter; and that no subdivision of a lot shall be permitted unless a freestanding sign erected under this provision continues to conform to this provision; and such agreement must be legally enforceable by the Town of Conway.

147.13.8.6.12.3 On a site where the freestanding sign conforms to all provisions of this chapter, the maximum wall sign message area permitted per Section 147.13.8.6.2 may be increased by 50 percent.

147.13.8.7 RESTRICTIONS REGARDING HOME OCCUPATIONS. A home occupation is considered accessory to a residential use and shall not occupy an area greater than fifty percent (50%) of the total floor area of the residential unit or 1,500 square feet, whichever is less. Home occupations are subject to the following provisions and restrictions:

147.13.8.7.1 The home occupation shall be carried on by persons who live in the principal residential unit full time. Two (2) employees living off-premises are permitted.

147.13.8.7.2 The home occupation shall be carried on within the principal residential unit or approved accessory structure.

- 147.13.8.7.3** Exterior storage of commercial vehicles, equipment or materials or variation from the residential character of the principal residential unit shall not be permitted.
- 147.13.8.7.4** The home occupation shall create no unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or other nuisance or threat to the health of the abutters.
- 147.13.8.7.5** Adequate off-street parking shall be provided.
- 147.13.8.7.6** A home occupation shall not generate excessive traffic or traffic in greater volumes than would normally be expected in a residential neighborhood.
- 147.13.8.7.7** A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.
- 147.13.8.7.8** A change of use permit to operate a home occupation is required before startup of operation.
- 147.13.8.7.9** Retail or wholesale sales are only permitted for those items raised or made on the premises.
- 147.13.8.7.10** A home occupation shall not be offensive to the character of the neighborhood, or decrease abutting property values.
- 147.13.8.8 FARM AND NURSERY STANDS.** Farm and nursery stands for selling indigenous produce or plants are considered temporary structures and are permitted, provided that:
- 147.13.8.8.1** Farm stands shall not exceed 1,200 square feet of gross floor area unless granted Site Plan Review Approval by the Planning Board.
- 147.13.8.8.2** Three (3) off-street parking spaces shall be required to be provided for structures up to 100 square feet in size. Additional parking shall be required at the rate of 1 space per 200 square feet over 100.
- 147.13.8.8.3** Wall signs shall not exceed 10 square feet in size. One portable a-frame sign per lot, not to exceed six square feet shall be allowed to be displayed during business hours only.
- 147.13.8.8.4** All structures, parking areas and signs shall meet the setback requirements established herein.
- 147.13.8.9 YARD SALES.** Yard Sales shall be permitted, provided that no one household holds sales for longer than six days per calendar year.
- 147.13.8.10 MOBILE HOMES, TRAVEL TRAILERS AND RECREATIONAL VEHICLES.** One (1) mobile home used as a residential unit is permitted on a lot in the Residential/Agricultural District.
- 147.13.8.10.1** A mobile home, travel trailer or recreational vehicle may be permitted on the site of a construction project for one (1) year, provided that it is a necessary convenience for the construction project and that no public safety or health hazards shall be created.
- 147.13.8.10.2** One (1) travel trailer or recreational vehicle may be stored on a lot, provided that it is not utilized for dwelling purposes.

147.13.8.10.3 All mobile homes permitted under this section must be connected to a sewerage system and water source, both meeting minimum local and State of New Hampshire standards, as applicable and then promulgated; such systems shall be approved by the Selectmen or their designated agent and be maintained so as not to cause a health or sanitation hazard.

147.13.8.11 MOBILE HOME PARKS are allowed in the NCVV District, provided that they meet the following minimum requirements:

147.13.8.11.1 A mobile home park shall contain a minimum of ten (10) acres and shall have a minimum frontage of sixty (60) feet on or a sixty-foot right-of-way to a public street.

147.13.8.11.2 There shall be at least ten (10) mobile home spaces available at first occupancy.

147.13.8.11.3 A minimum of ten thousand (10,000) square feet shall be provided for each mobile home space.

147.13.8.11.4 Each mobile home shall be provided with a mobile home stand, surfaced with a material providing suitable stability to bear the weight of a mobile home at all times of the year and having adequate gradient or crown to provide for proper surface drainage.

147.13.8.11.5 All State of New Hampshire requirements for mobile home parks shall be met.

147.13.8.11.6 All mobile homes permitted under this section must be connected to a sewerage system and water source, both meeting minimum local and State of New Hampshire standards, as applicable and then promulgated; such systems shall be approved by the Selectmen or their designated agent and be maintained so as not to cause a health or sanitation hazard.

147.13.8.12 COMMERCIAL AMUSEMENTS. Because the Town wishes to maintain a character, which protects the long term, high quality environment, which will ultimately protect tourism in the valley, commercial amusements are hereby regulated to prevent adverse impacts on the Town's character and environment. All commercial amusements on a lot shall be located within an enclosed building, and the following shall apply:

147.13.8.12.1 Commercial amusements may occupy 10% or less of the floor space of a business in any Business District, by permit of the Zoning Officer and without Site Plan Review by the Planning Board.

147.13.8.12.2 Commercial amusements may occupy more than 10 percent of the floor space of a business in any Business District, subject to the condition that no noise, light or other adverse impact outside the building shall be caused by the amusements or their use. Site Plan Review approval by the Planning Board shall be required.

147.13.8.13 OUTDOOR COMMERCIAL ACTIVITIES such as Commercial Amusements Facilities, drive-up windows, remote outdoor speaker systems, interactive signs, menu boards or other similar devices with speakers, any of which operate in close proximity to residential property, constitute a nuisance due to unconfined noise and light, as well as operating hours that are not compatible with the residential environment.

147.13.8.13.1 A Commercial Amusement Facility, as defined herein that operates outdoor amusements and that seeks to expand that use under Section 147.14. Nonconformity, shall locate said amusements at least three hundred (300) feet from the closer of the Residential Zone boundary or from the nearest residential property line, and if the time of operation begins before 9:00 a.m. or ends after 5:00 p.m. the distance shall be at least six hundred (600) feet. Substantial effective buffering against sound and light shall be provided in either case. These setbacks may be waived by the Planning Board during the Site Plan Review process if the property abuts the Flood Plain Conservation District and it can be shown that there will be no sound or light impact on residential use.

147.13.8.13.2 Commercial Activities that operate drive-up windows, remote outdoor speakers, interactive signs, menu boards or other similar devices with speakers that permit customers or the general public to communicate with personnel within the commercial building or other location on the commercial property shall be at least three hundred (300) feet from the closer of the Residential Zone boundary or from the nearest residential property line, and if the time of operation begins before 9:00 a.m. or ends after 5:00 p.m. the separation distance shall be at least six hundred (600) feet. Substantial effective buffering against sound and light shall be provided in either case. These setbacks may be waived by the Planning Board during the Site Plan Review process if the property abuts the Flood Plain Conservation District and it can be shown that there will be no sound or light impact on residential use.

147.13.8.14 SEXUALLY ORIENTED BUSINESSES

147.13.8.14.1 PURPOSE AND INTENT. It is the purpose of this ordinance to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses within the Town of Conway; and, it is the intent to promote the health, safety and general welfare of the citizens of the Town of Conway; and, it is the intent of this article that the regulations be utilized to prevent problems of blight and deterioration which accompany and are brought about by the concentration of sexually oriented businesses; and, the provisions of this amendment have neither the purpose nor the effect of imposing limitation or restriction on the context of any communicative materials, including sexually oriented materials; and, it is not the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market; and, neither is it the intent nor the effect of this ordinance to condone or legitimize the distribution of obscene material.

147.13.8.14.2 RESTRICTIONS. Sexually oriented businesses shall only be permitted in the business districts. Sexually oriented businesses shall not be permitted within one thousand (1000) feet of a church or place of worship, parish house or convent, a public, parochial or private school, a state approved day care center, residence, any establishment in which minors constitute more than fifty (50) percent of the patrons, a public park, or recreation center or another sexually oriented business.

147.13.8.14.3 MEASURE OF DISTANCE. The measure of distance between any sexually oriented business and other named point of reference shall be measured in a straight line from the nearest part of the structure in which a any sexually oriented business is proposed or exists to the nearest property boundary line of the lot containing any other named point of reference.

147.13.8.14.4 Site plan approval by the Conway Planning Board shall be a prerequisite for the establishment of a sexually oriented business. The Planning Board may impose reasonable restrictions relative to buffers, outdoor lighting, signs, parking, egress and ingress, pedestrian movement, landscaping, building aesthetics and measures to insure that displays of merchandise conform with NH RSA 571-B.

147.13.8.14.5 Violation of the provisions of this ordinance is declared to be a public nuisance, which shall be abated by the Town of Conway by way of civil abatement procedures.

147.13.8.14.6 Nothing in this ordinance is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any Town of Conway ordinance or statute of the State of New Hampshire regarding public nuisance, sexual conduct, lewdness, or obscene or harmful matter or the exhibition or public display thereof.

147.13.8.14.7 If any section, subsection, sentence clause, phrase or any portion of this ordinance is for any reason held invalid or unconstitutional by the final decision of a court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this ordinance. The Town of Conway hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion thereof be declared invalid or unconstitutional

147.13.8.15 SPECIAL EXCEPTIONS.

147.13.8.15.1 The following land use shall be allowed if granted a special exception by the Zoning Board of Adjustment:

147.13.8.15.1.1 MOBILE HOMES. The Zoning Board of Adjustment may grant a special exception for a mobile home on a lot on which a single-family residential structure exists if the following conditions are met:

147.13.8.15.1.1.1 The mobile home shall be occupied only as the usual residence of the immediate family, including grandparents, parents and children of the owner and/or spouse of the primary single-family residential structure on the lot; and the lot shall be at least one (1) acre if served by municipal water and sewerage and at least two (2) acres in all other cases or the mobile home shall be occupied as the usual residence of a full-time agricultural employee and his immediate family and the single-family residence shall be part of an owner-operated farm of twenty-five acres or more.

147.13.8.15.1.1.2 The special exception shall terminate on a change of ownership or occupancy of either the mobile home or the primary residential structure.

147.13.8.15.1.1.3 A permit shall be obtained from the Selectmen or their agent, which shall be renewed yearly to ensure compliance with the above conditions.

147.13.8.15.1.2 HELICOPTERS. A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the

ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

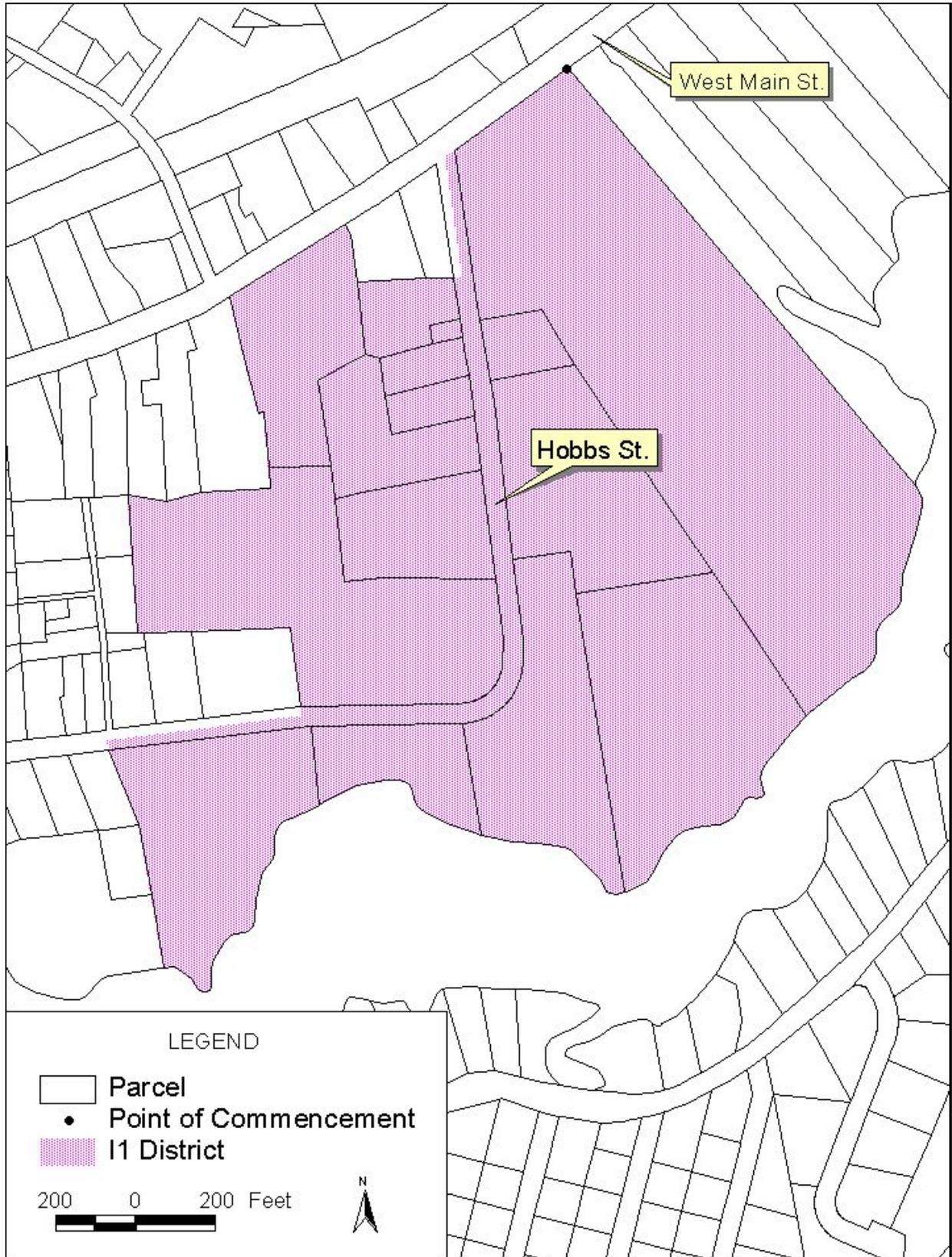
147.13.9 REGIONAL COMMERCIAL (RC) DISTRICT...RESERVED

147.13.10 INDUSTRIAL-1 (I1) DISTRICT. The I1 District is primarily designed to accommodate a compatible mixture of uses that complement commercial and light industrial uses. Helicopters, residential uses, hotels and motels are specifically prohibited in this district. This district is serviced by municipal water and sewer and can accommodate higher development at densities. Uses permitted in this district are represented in §147.16 Table of Uses.

147.13.10.1 DISTRICT BOUNDARIES. The I1 District shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps): commencing at a point being the northeast corner of Map 277, Parcel 136; thence southerly along the eastern boundary of Map 277, Parcel 136 to the northern shore of Pequawket Pond; thence southwesterly along the shore of Pequawket Pond to the southwest corner of Map 277, Parcel 144; thence northerly along the western boundary of Map 277, Parcel 144 and continuing through the northwest corner of Map 277, Parcel 144 to a point on the centerline of Hobbs Street; thence easterly along the centerline of Hobbs Street to a point adjacent to the southwest corner of Map 277, Parcel 182;

thence northerly to the southwest corner of Map 277, Parcel 182, thence northerly along the western boundary of Map 277, Parcel 182 to the southwest corner of Map 277, Parcel 191; thence northerly along the western boundary of Map 277, Parcel 191 to the southern boundary of the West Main Street ROW; thence easterly along the southern boundary of the West Main Street ROW to the northeast corner of Map 277, Parcel 191; thence southerly along the eastern boundary of Map 277, Parcel 191 to the northwest corner of Map 277, Parcel 188; thence easterly along the northern boundary of Map 277, Parcel 188 and continuing through the northeast corner of Map 277, Parcel 188 to the centerline of Hobbs Street; thence northerly along the centerline of Hobbs Street to the southern boundary of the West Main Street ROW; thence easterly along the southern boundary of the West Main Street ROW to the point of commencement.

147.13.10.1.1 DISTRICT MAP.



147.13.10.2 LOT SIZE AND DENSITY.

147.13.10.2.1 All lots shall have at least one-half (1/2) acre for the first unit that may be located thereon and at least ten thousand (10,000) square feet for each additional unit on the same lot.

147.13.10.3 FRONTAGE. All lots must front on a state or town highway with a Class I, II, III, IV or V classification, a private road constructed to town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be:

147.13.10.3.1 One hundred fifty (150) feet.

147.13.10.3.2 One hundred (100) feet for lots which front entirely on cul-de-sacs, which meet the design requirements set forth in §131-Article X, Detail #4, and approved by the Planning Board.

147.13.10.4 SETBACKS. The minimum front setback shall be 25 feet and the minimum side or back setback shall be 10 feet. Where the I1 District borders the RA District, a 25-foot setback shall be required for that portion of the I1 lot abutting the RA lot.

147.13.10.5 STRUCTURE AND BUILDING HEIGHT. Structure height is restricted to achieve several purposes. The town is economically dependent upon tourism and attracts visitors with its rural character and mountainous setting. Maintaining the traditional scale and style of structures aids in preserving the character of the town. Peaked roofs are encouraged because it is the traditional roof style here. (Care has been taken to prepare language, which does not unduly encourage the use of flat-roof buildings). The height restriction keeps structures and buildings below tree-top level, which is typically from sixty (60) to one hundred (100) feet for mature maple, beech, birch and pine trees. Structure height below treetop level helps maintain the rural atmosphere and preserve the view sheds throughout town. In addition, the height limit minimizes difficulty in providing fire protection. The following shall apply throughout town:

147.13.10.5.1 Structure height shall not exceed fifty-five (55) feet for any structure.

147.13.10.5.2 Building height shall not exceed forty-five (45) feet.

147.13.10.5.3 Church steeples may be allowed to exceed fifty-five (55) feet in height by Special Exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that:

147.13.10.5.3.1 The space enclosed in the steeple is not usable floor space other than for maintenance and structural purposes of the steeple;

147.13.10.5.3.2 The height of the steeple is appropriate to the design and size of the Church.

147.13.10.6 SIGNS.

147.13.10.6.1 FREESTANDING SIGN. There shall be no more than one freestanding sign per lot, except that where a lot fronts on two or more public rights-of-way and has two entrances at least 500 feet apart, two freestanding signs shall be permitted.

147.13.10.6.1.1 The size of the message area shall not exceed 40 square feet.

147.13.10.6.1.2 The height of the message area shall not exceed 15 feet above the undisturbed ground.

147.13.10.6.1.3 The width of the message area shall not exceed 12 feet.

147.13.10.6.1.4 The minimum setback shall be 25 feet from a platted right-of-way, and five feet from all other property boundaries.

147.13.10.6.1.4.1 Freestanding sign setbacks may be reduced to 10' from a platted right-of-way, if the size of the message area is reduced to 30 square feet maximum. All of the dimensional requirements, excepting the size of the message area and the minimum front setback shall be required of these signs.

147.13.10.6.1.5 Where an existing nonconforming sign serves more than one commercial establishment each having at least 60,000 square feet, the size of the message area may be expanded based upon 40 square feet per commercial establishment; provided, however, that the total message area shall not exceed 80 square feet in any case.

147.13.10.6.1.6 Projecting signs are not permitted in the I1 District.

147.13.10.6.1.7 The Zoning Board of Adjustment may grant the following special exceptions:

147.13.10.6.1.7.1 For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional freestanding sign may be permitted for use as a directory sign provided that the following conditions are met: the sign shall be used only to identify and locate businesses within; the message area shall not exceed 12 square feet; the height of the message area shall not exceed 20 feet above the undisturbed ground; the sign shall meet all setbacks; and the additional wall sign permitted by Special Exception under Section 147.13.10.6.2.4.2. is not used.

147.13.10.6.1.7.2 Where existing buildings are set back from the right-of-way less than the setback required for freestanding signs in Section 147.10.6.1., the right-of-way setback of the freestanding sign may be reduced from 25 to any lesser amount down to five feet, provided that the following conditions are met: the message area shall be reduced to not more than 20 square feet; the sign shall not obstruct vehicular or pedestrian traffic; the sign shall not obstruct the line-of-sight for traffic entering or exiting the site; and the sign shall not unduly obstruct the visibility of other signs or property in the area.

147.13.10.6.1.8 One appendage may be attached to a freestanding or projecting sign, and the message area of this appendage shall be considered part of the total message area of the sign. No appendage shall be permitted on supports nor directional signs.

147.13.10.6.2 WALL SIGN. For lots without multiple commercial tenants, each lot shall be permitted one wall sign. For lots with multiple commercial tenants, each commercial tenant shall be permitted one wall sign. All wall signs shall be located on a wall, which is common to both the interior and exterior of the business identified by the sign. The height of the message area shall not exceed the greater of 20 feet from the undisturbed ground or a height equal to 75% of the total height of the building, nor shall it exceed the height of the wall to which it is attached. The message area of the wall sign shall be based on the following formulas, subject to increase by bonus granted per Section 147.13.10.6.12.3.:

147.13.10.6.2.1 For floor areas up to and including 50,000 square feet, the maximum message area shall be calculated as follows:

147.13.10.6.2.2 $20 + (\text{total s.f. floor area} \times 0.0016)$

147.13.10.6.2.3 If the floor area of the business is greater than 50,000 square feet, the maximum wall sign message area shall be 100 square feet. A business with a floor area greater than 50,000 square feet be permitted one additional wall sign if it has two or more exterior public or customer entrances excluding emergency entrances that are at least 20 feet apart. The message area of the second wall sign shall not exceed 20 square feet.

147.13.10.6.2.4 The Zoning Board of Adjustment may grant the following special exceptions:

147.13.10.6.2.4.1 For a major business in a shopping center or mall that does not have wall frontage facing its primary parking lot, one additional wall sign may be permitted, provided that the following conditions are met: the size of the message area shall not exceed 40 square feet; the sign shall be located on a wall facing the primary parking lot; total wall sign area on the wall shall not exceed 10%; and all relevant height restrictions specified in Section 147.13.10.6.2. apply.

147.13.10.6.2.4.2 For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional wall sign may be permitted, subject to the following: the sign shall be used only to identify and locate the businesses within; the message area shall not exceed 12 square feet; the sign shall be located immediately adjacent to the common entrance; and that the additional freestanding sign permitted by Special Exception under Section 147.13.10.6.1.7.1. is not used.

147.13.10.6.3 SIGN CONTENT. The Town has no intention of restricting individual free speech, but the Town does recognize its right to place reasonable restrictions upon commercial speech. Further, the Town wishes to prevent excessive or unnecessary signage along road corridors. In keeping with this reasoning, off-site commercial signs shall be prohibited.

147.13.10.6.4 SIGNS IN PLATTED ROW. Except as otherwise permitted below, no signs shall be permitted within any platted right-of-way:

147.13.10.6.4.1 Special promotional banner, with a message area of 200 square feet or less, for public or institutional events that cross a public or private road.

147.13.10.6.4.2 One directional sign to identify the entrance to a particular subdivision or development, not to exceed twelve (12) square feet, and not to exceed eight (8) feet in height nor six (6) feet in width. For subdivisions which are approved by the Planning Board and which have nonresidential uses, this sign may identify businesses located within the subdivision.

147.13.10.6.5 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.10.6.5.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.10.6.5.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

147.13.10.6.5.3 Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.

147.13.10.6.5.4 Business name and directional signs with a message area of three square feet or less which are located over doorways.

147.13.10.6.5.5 Flags.

147.13.10.6.5.6 Window signs which are affixed to the interior of the window, not to cover more than 50% of any window.

147.13.10.6.5.7 One (1) sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and to be erected not more than two days prior to the event and removed within one day of the end of the event.

147.13.10.6.5.8 Sign for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

147.13.10.6.5.9 Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all Districts.

147.13.10.6.5.10 Special promotional signs for public or institutional events, with a message area of 40 square feet or less.

147.13.10.6.5.11 Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1999

147.13.10.6.5.12 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.10.6.6 SIGNS SUBJECT TO PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.10.6.6.1 For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.

147.13.10.6.6.2 For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.

147.13.10.6.6.3 Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

147.13.10.6.6.4 For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.

147.13.10.6.6.5 Signs, which convey only a non-commercial message, including but not limited to ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less.

147.13.10.6.7 PERMIT REQUIRED FOR ALL OTHER SIGNS.

147.13.10.6.7.1 SIGN APPLICATION PROCESS. Any action requiring a sign permit shall be permitted only upon the application to, and approval of the Zoning Officer. Applications shall use the following process:

147.13.10.6.7.1.1 An application form for each sign shall be completed and signed by the owner of the property.

147.13.10.6.7.1.2 A complete application shall also include the following:

147.13.10.6.7.1.2.1 fee of \$35;

147.13.10.6.7.1.2.2 written description of the proposed type, size, height, setback, sign and supporting structure materials, and illumination of the sign.

147.13.10.6.7.1.2.3 statement specifically addressing compliance with offsite commercial sign restriction, and

147.13.10.6.7.1.2.4 analysis regarding impact of safety, specifically addressing lighting/glare and line-of-sight blockage for vehicles and pedestrians.

147.13.10.6.7.1.3 Upon receipt of a complete application, the Zoning Officer shall have up to 14 days to either approve or deny the application.

147.13.10.6.7.1.4 If the application is denied, the Zoning Officer shall issue a written decision stating the reason(s) for denial.

147.13.10.6.7.1.5 If the application is approved, the Zoning Officer shall issue an approval for the erection of a sign. The sign permit is valid for one (1) year from date of approval. If the sign is not erected within one (1) year, the permit shall expire.

147.13.10.6.8 DESIGN STANDARDS. The following design standards shall be required to ensure compliance with the intent of these regulations:

147.13.10.6.8.1 Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. Lighting sources shall be metal halide or halogen and located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they in any way be distracting to vehicular traffic.

147.13.10.6.8.2 Neon. Neon lighting shall be prohibited.

147.13.10.6.8.3 Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.

147.13.10.6.8.4 Flashing/Blinking. Flashing, blinking, alternating type or digital type lighting such as a digital message board shall be prohibited.

147.13.10.6.8.5 Structural Supports and Base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be increased to 100 percent of the maximum permitted message area of the sign. The top

of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.

147.13.10.6.8.6 No sign shall project over a street or sidewalk.

147.13.10.6.8.7 No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.

147.13.10.6.9 MOVABLE SIGNS. Movable signs shall be prohibited. No vehicle, including parts thereof, trailers, and other accessories, shall be used as a means of circumventing the purpose and intent of this ordinance. A vehicle displaying a commercial message which is licensed, registered and inspected shall be exempt from these sign regulations if it is regularly and customarily used to transport persons or property for the business.

147.13.10.6.10 FLAGS, BANNERS, PENNANTS, ETC:

147.13.10.6.10.1 In addition to the signs otherwise permitted by this Chapter, there may be displayed, on any lot, up to three flags displaying any otherwise legal symbol, message or information, commercial or non-commercial; except that off-site commercial flags shall be restricted as set forth in of this Chapter. No such flag shall exceed 24 square feet measured by one face of the flag only. Any such flag shall be mounted directly to one flag pole. A "flag pole" is a pole intended and placed solely for the support and display of a flag or flags, and does not include utility poles, light poles, trees or other sign structures. All flag poles shall be erected vertically, or within 45 degrees of the vertical. No portion of any flag pole shall be sited within 10 feet of a property line. No flag pole shall extend more than 35 feet in height above grade, or, if mounted on a building, 55 feet above the average finished grade of the building.

147.13.10.6.10.2 Banners, pennants, search lights, twirling signs, balloons or other gas-filled figures, and other such materials shall be prohibited, except as specified herein.

147.13.10.6.10.3 This Section shall not be construed to prevent any sign otherwise permitted by this Chapter, and which conforms to all sign requirements of this chapter, from taking the form of a flag or other fabric. Banners may be used to cover part or all of an existing freestanding, projecting or wall sign to advertise temporary events. The net effect of this activity shall not increase the message area of any permitted sign or signs.

147.13.10.6.11 MAINTENANCE. All surfaces and supporting structures of signs, whether erected prior to the effective date of this chapter or not, shall be maintained in a safe and sightly condition to the satisfaction of the Board of Selectmen or its authorized agent. A permit is required for any maintenance except the following: repainting; other surface renewal; or change of message on the same surface.

147.13.10.6.12 SIGN INCENTIVES. The purpose of these sign incentives is to reduce visual clutter and distraction from the natural environment caused by signs. This system offers design and size bonuses as a means of encouraging certain site and sign designs.

147.13.10.6.12.1 Any freestanding, projecting or wall sign, which conforms, to all provisions of this chapter shall be permitted to utilize up to 20% of the maximum permitted message area for changeable copy.

147.13.10.6.12.2 A freestanding sign which conforms to all provisions of this chapter shall be permitted to increase its message area: by up to 20 square feet above that otherwise permitted under this chapter if the lot has at least 300 but less than 500 feet of frontage on a Class 5 or better road; or by up to 40 square feet above that otherwise permitted under this chapter if the lot has 500 or more feet of frontage on a Class 5 or better road. In no case, however, shall such increases cause any sign message area to exceed 80 square feet. The factory written declaration to be recorded at the Carroll County Registry of Deeds, in which the owner, its heirs, successors and assigns, agree that, if the frontage of the property is subsequently reduced below that amount required for the bonus granted, the sign shall be removed or replaced with a sign which fully conforms with the provisions of this chapter; and that no subdivision of a lot shall be permitted unless a freestanding sign erected under this provision continues to conform to this provision; and such agreement must be legally enforceable by the Town of Conway.

147.13.10.6.12.3 On a site where the freestanding sign conforms to all provisions of this chapter, the maximum wall sign message area permitted per Section 147.13.8.6.2 may be increased by 50 percent.

147.13.10.7 RESTRICTIONS REGARDING HOME OCCUPATIONS. A home occupation is considered accessory to a residential use and shall not occupy an area greater than fifty percent (50%) of the total floor area of the residential unit or 1,500 square feet, whichever is less. Home occupations are subject to the following provisions and restrictions:

147.13.10.7.1 The home occupation shall be carried on by persons who live in the principal residential unit full time. Two (2) employees living off-premises are permitted.

147.13.10.7.2 The home occupation shall be carried on within the principal residential unit or approved accessory structure.

147.13.10.7.3 Exterior storage of commercial vehicles, equipment or materials or variation from the residential character of the principal residential unit shall not be permitted.

147.13.10.7.4 The home occupation shall create no unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or other nuisance or threat to the health of the abutters.

147.13.10.7.5 Adequate off-street parking shall be provided.

147.13.10.7.6 A home occupation shall not generate excessive traffic or traffic in greater volumes than would normally be expected in a residential neighborhood.

147.13.10.7.7 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.10.7.8 A change of use permit to operate a home occupation is required before startup of operation.

147.13.10.7.9 Retail or wholesale sales are only permitted for those items raised or made on the premises.

147.13.10.7.10 A home occupation shall not be offensive to the character of the neighborhood, or decrease abutting property values.

147.13.10.8 FARM AND NURSERY STANDS. Farm and nursery stands for selling indigenous produce or plants are considered temporary structures and are permitted, provided that:

147.13.10.8.1 Farm stands shall not exceed 1,200 square feet of gross floor area unless granted Site Plan Review Approval by the Planning Board.

147.13.10.8.2 Three (3) off-street parking spaces shall be required to be provided for structures up to 100 square feet in size. Additional parking shall be required at the rate of 1 space per 200 square feet over 100.

147.13.10.8.3 Wall signs shall not exceed 10 square feet in size. One portable a-frame sign per lot, not to exceed six square feet shall be allowed to be displayed during business hours only.

147.13.10.8.4 All structures, parking areas and signs shall meet the setback requirements established herein.

147.13.10.9 YARD SALES. Yard Sales shall be permitted, provided that no one household holds sales for longer than six days per calendar year.

147.13.10.10 MOBILE HOMES, TRAVEL TRAILERS AND RECREATIONAL VEHICLES.

147.13.10.10.1 A mobile home, travel trailer or recreational vehicle may be permitted on the site of a construction project for one (1) year, provided that it is a necessary convenience for the construction project and that no public safety or health hazards shall be created.

147.13.10.10.2 One (1) travel trailer or recreational vehicle may be stored on a lot, provided that it is not utilized for dwelling purposes.

147.13.10.10.3 All mobile homes permitted under this section must be connected to a sewerage system and water source, both meeting minimum local and State of New Hampshire standards, as applicable and then promulgated; such systems shall be approved by the Selectmen or their designated agent and be maintained so as not to cause a health or sanitation hazard.

147.13.10.11 COMMERCIAL AMUSEMENTS. Because the Town wishes to maintain a character, which protects the long term, high quality environment, which will ultimately protect tourism in the valley, commercial amusements are hereby regulated to prevent adverse impacts on the Town's character and environment. All commercial amusements on a lot shall be located within an enclosed building, and the following shall apply:

147.13.10.11.1 Commercial amusements may occupy 10% or less of the floor space of a business in any Business District, by permit of the Zoning Officer and without Site Plan Review by the Planning Board.

147.13.10.11.2 Commercial amusements may occupy more than 10 percent of the floor space of a business in any Business District, subject to the condition that no noise, light or other adverse impact outside the building shall be caused by the amusements or their use. Site Plan Review approval by the Planning Board shall be required.

147.13.10.12 OUTDOOR COMMERCIAL ACTIVITIES such as drive-up windows, remote outdoor speaker systems, interactive signs, menu boards or other similar devices with speakers, any of which operate in close proximity to residential property, constitute a nuisance due to unconfined noise and light, as well as operating hours that are not compatible with the residential environment.

147.13.10.12.1 Commercial Activities that operate drive-up windows, remote outdoor speakers, interactive signs, menu boards or other similar devices with speakers that permit customers or the general public to communicate with personnel within the commercial building or other location on the commercial property shall be at least three hundred (300) feet from the closer of the Residential Zone boundary or from the nearest residential property line, and if the time of operation begins before 9:00 a.m. or ends after 5:00 p.m. the separation distance shall be at least six hundred (600) feet. Substantial effective buffering against sound and light shall be provided in either case. These setbacks may be waived by the Planning Board during the Site Plan Review process if the property abuts the Flood Plain Conservation District and it can be shown that there will be no sound or light impact on residential use.

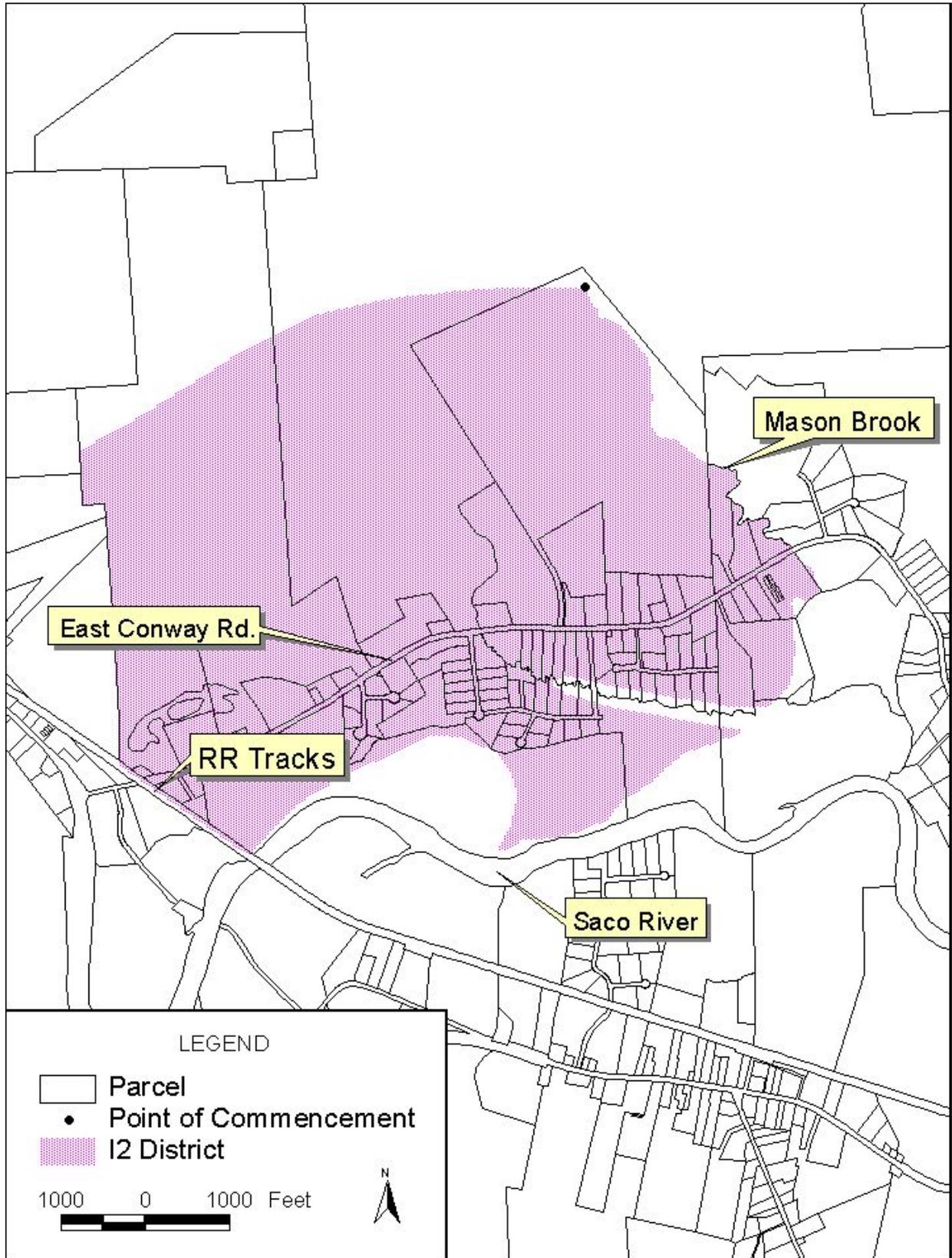
147.13.10.13 SPECIAL EXCEPTIONS. The following land use shall be allowed if granted a special exception by the Zoning Board of Adjustment:

147.13.10.13.1 HELICOPTERS. A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

147.13.11 INDUSTRIAL-2 (I2) DISTRICT. The I2 District is primarily designed to accommodate a compatible mixture of uses that complement light industrial and limited commercial uses. Helicopters, hotels, motels and large retail uses are specifically prohibited in this district. Except for lots identified as 1997 Tax Map 5-10, Lots 39-1 through 12-39-32 and caretakers residences, residential uses are prohibited in this district. This district is not currently serviced by municipal water and sewer and can not accommodate higher development densities. Uses permitted in this district are represented in §147.16 Table of Uses.

147.13.11.1 DISTRICT BOUNDARIES. The I2 District shall have the following bounds (Map and Parcel numbers refer to 2003 Town of Conway Tax Maps): commencing at a point on the thread of Mason Brook 4000' northerly of the centerline of East Conway Road; thence running southerly along the thread of Mason Brook to the one-hundred year floodplain; thence running westerly along the one-hundred year floodplain to the centerline of Map 219, Parcel 211 (formerly the Maine Central Railroad); thence northwesterly along the centerline of Map 219, Parcel 211 (formerly the Maine Central Railroad) to a point adjacent to the southeast corner of Map 252, Parcel 42; thence northerly along the eastern boundary of Map 252, Parcel 42 to the northwest corner of Map 252, Parcel 47; thence northerly along the western boundary of Map 252, Parcel 48 to a point 4000' from the centerline of East Conway Road; thence running generally easterly parallel with and 4000' from the East Conway Road to the point of commencement.

147.13.11.1.1 DISTRICT MAP.



147.13.11.2 LOT SIZE AND DENSITY.

147.13.11.2.1 Minimum lot size in this district is 2 acres.

147.13.11.2.2 Lots serviced by municipal water system and municipal sewerage system shall have at least one-half (1/2) acre for the first unit that may be located thereon and at least ten thousand (10,000) square feet for each additional unit on the same lot.

147.13.11.2.3 Lots serviced by a municipal water system shall have at least one-half (1/2) acre for each unit that may be located thereon.

147.13.11.3 FRONTAGE. All lots must front on a state or town highway with a Class I, II, III, IV or V classification, a private road constructed to town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be:

147.13.11.3.1 One hundred fifty (150) feet.

147.13.11.3.2 One hundred (100) feet for lots which front entirely on cul-de-sacs, which meet the design requirements set forth in §131-Article X, Detail #4, and approved by the Planning Board.

147.13.11.4 SETBACKS. Within the I2 District, the minimum front setback shall be 50' and the minimum side or rear setback shall be 30'. Where the Industrial-2 District borders the RA District, or an Industrial lot borders an existing residential use or borders an approved residential subdivision, a 50' setback shall be required for that portion of the Industrial lot.

147.13.11.5 STRUCTURE AND BUILDING HEIGHT. Structure height is restricted to achieve several purposes. The town is economically dependent upon tourism and attracts visitors with its rural character and mountainous setting. Maintaining the traditional scale and style of structures aids in preserving the character of the town. Peaked roofs are encouraged because it is the traditional roof style here. (Care has been taken to prepare language, which does not unduly encourage the use of flat-roof buildings). The height restriction keeps structures and buildings below tree-top level, which is typically from sixty (60) to one hundred (100) feet for mature maple, beech, birch and pine trees. Structure height below treetop level helps maintain the rural atmosphere and preserve the view sheds throughout town. In addition, the height limit minimizes difficulty in providing fire protection. The following shall apply throughout town:

147.13.11.5.1 Structure height shall not exceed fifty-five (55) feet for any structure.

147.13.11.5.2 Building height shall not exceed forty-five (45) feet.

147.13.11.5.3 Church steeples may be allowed to exceed fifty-five (55) feet in height by Special Exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that:

147.13.11.5.3.1 The space enclosed in the steeple is not usable floor space other than for maintenance and structural purposes of the steeple;

147.13.11.5.3.2 The height of the steeple is appropriate to the design and size of the Church.

147.13.11.6 SIGNS.

147.13.11.6.1 FREESTANDING SIGN. There shall be no more than one freestanding sign per lot, except that where a lot fronts on two or more public rights-of-way and has two entrances at least 500 feet apart, two freestanding signs shall be permitted.

147.13.11.6.1.1 The size of the message area shall not exceed 40 square feet.

147.13.11.6.1.2 The height of the message area shall not exceed 15 feet above the undisturbed ground.

147.13.11.6.1.3 The width of the message area shall not exceed 12 feet.

147.13.11.6.1.4 The minimum setback shall be 25 feet from a platted right-of-way, and five feet from all other property boundaries.

147.13.11.6.1.4.1 Freestanding sign setbacks may be reduced to 10' from a platted right-of-way, if the size of the message area is reduced to 30 square feet maximum. All of the dimensional requirements, excepting the size of the message area and the minimum front setback shall be required of these signs.

147.13.11.6.1.5 Where an existing nonconforming sign serves more than one commercial establishment each having at least 60,000 square feet, the size of the message area may be expanded based upon 40 square feet per commercial establishment; provided, however, that the total message area shall not exceed 80 square feet in any case.

147.13.11.6.1.6 Projecting signs are not permitted in the I2 District.

147.13.11.6.1.7 The Zoning Board of Adjustment may grant the following special exceptions:

147.13.11.6.1.7.1 For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional freestanding sign may be permitted for use as a directory sign provided that the following conditions are met: the sign shall be used only to identify and locate businesses within; the message area shall not exceed 12 square feet; the height of the message area shall not exceed 20 feet above the undisturbed ground; the sign shall meet all setbacks; and the additional wall sign permitted by Special Exception under Section 147.13.11.6.2.4.2. is not used.

147.13.11.6.1.7.2 Where existing buildings are set back from the right-of-way less than the setback required for freestanding signs in Section 147.13.11.6.1, the right-of-way setback of the freestanding sign may be reduced from 25 to any lesser amount down to five feet, provided that the following conditions are met: the message area shall be reduced to not more than 20 square feet; the sign shall not obstruct vehicular or pedestrian traffic; the sign shall not obstruct the line-of-sight for traffic entering or exiting the site; and the sign shall not unduly obstruct the visibility of other signs or property in the area.

147.13.11.6.1.8 One appendage may be attached to a freestanding or projecting sign, and the message area of this appendage shall be considered part of the total message area of the sign. No appendage shall be permitted on supports nor directional signs.

147.13.11.6.2 WALL SIGN. For lots without multiple commercial tenants, each lot shall be permitted one wall sign. For lots with multiple commercial tenants, each

commercial tenant shall be permitted one wall sign. All wall signs shall be located on a wall, which is common to both the interior and exterior of the business identified by the sign. The height of the message area shall not exceed the greater of 20 feet from the undisturbed ground or a height equal to 75% of the total height of the building, nor shall it exceed the height of the wall to which it is attached. The message area of the wall sign shall be based on the following formulas, subject to increase by bonus granted per Section 147.13.11.6.12.3. :

147.13.11.6.2.1 For floor areas up to and including 50,000 square feet, the maximum message area shall be calculated as follows:

147.13.11.6.2.2 $20 + (\text{total s.f. floor area} \times 0.0016)$

147.13.11.6.2.3 If the floor area of the business is greater than 50,000 square feet, the maximum wall sign message area shall be 100 square feet. A business with a floor area greater than 50,000 square feet be permitted one additional wall sign if it has two or more exterior public or customer entrances excluding emergency entrances that are at least 20 feet apart. The message area of the second wall sign shall not exceed 20 square feet.

147.13.11.6.2.4 The Zoning Board of Adjustment may grant the following special exceptions:

147.13.11.6.2.4.1 For a major business in a shopping center or mall that does not have wall frontage facing its primary parking lot, one additional wall sign may be permitted, provided that the following conditions are met: the size of the message area shall not exceed 40 square feet; the sign shall be located on a wall facing the primary parking lot; total wall sign area on the wall shall not exceed 10%; and all relevant height restrictions specified in Section 147.13.11.36.2. apply.

147.13.11.6.2.4.2 For two or more businesses located in a single building or within attached buildings and where the businesses share a common pedestrian entrance, an additional wall sign may be permitted, subject to the following: the sign shall be used only to identify and locate the businesses within; the message area shall not exceed 12 square feet; the sign shall be located immediately adjacent to the common entrance; and that the additional freestanding sign permitted by Special Exception under Section 147.13.11.6.1.7.1. is not used.

147.13.11.6.3 SIGN CONTENT. The Town has no intention of restricting individual free speech, but the Town does recognize its right to place reasonable restrictions upon commercial speech. Further, the Town wishes to prevent excessive or unnecessary signage along road corridors. In keeping with this reasoning, off-site commercial signs shall be prohibited.

147.13.11.6.4 SIGNS IN PLATTED ROW. Except as otherwise permitted below, no signs shall be permitted within any platted right-of-way:

147.13.11.6.4.1 Special promotional banner, with a message area of 200 square feet or less, for public or institutional events that cross a public or private road.

147.13.11.6.4.2 One directional sign to identify the entrance to a particular subdivision or development, not to exceed twelve (12) square feet, and not to exceed eight (8) feet in height nor six (6) feet in width. For subdivisions which are approved by the

Planning Board and which have nonresidential uses, this sign may identify businesses located within the subdivision.

147.13.11.6.5 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.11.6.5.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.11.6.5.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

147.13.11.6.5.3 Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.

147.13.11.6.5.4 Business name and directional signs with a message area of three square feet or less which are located over doorways.

147.13.11.6.5.5 Flags.

147.13.11.6.5.6 Window signs which are affixed to the interior of the window, not to cover more than 50% of any window.

147.13.11.6.5.7 One (1) sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and to be erected not more than two days prior to the event and removed within one day of the end of the event.

147.13.11.6.5.8 Sign for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

147.13.11.6.5.9 Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all Districts.

147.13.11.6.5.10 Special promotional signs for public or institutional events, with a message area of 40 square feet or less.

147.13.11.6.5.11 Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1999

147.13.11.6.5.12 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.11.6.6 SIGNS SUBJECT TO PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.11.6.6.1 For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.

147.13.11.6.6.2 For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.

147.13.11.6.6.3 Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

147.13.11.6.6.4 For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.

147.13.11.6.6.5 Signs, which convey only a non-commercial message, including but not limited to ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less..

147.13.11.6.7 PERMIT REQUIRED FOR ALL OTHER SIGNS.

147.13.11.6.7.1 SIGN APPLICATION PROCESS. Any action requiring a sign permit shall be permitted only upon the application to, and approval of the Zoning Officer. Applications shall use the following process:

147.13.11.6.7.1.1 An application form for each sign shall be completed and signed by the owner of the property.

147.13.11.6.7.1.2 A complete application shall also include the following:

147.13.11.6.7.1.2.1 fee of \$35;

147.13.11.6.7.1.2.2 written description of the proposed type, size, height, setback, sign and supporting structure materials, and illumination of the sign.

147.13.11.6.7.1.2.3 statement specifically addressing compliance with offsite commercial sign restriction, and

147.13.11.6.7.1.2.4 analysis regarding impact of safety, specifically addressing lighting/glare and line-of-sight blockage for vehicles and pedestrians.

147.13.11.6.7.1.3 Upon receipt of a complete application, the Zoning Officer shall have up to 14 days to either approve or deny the application.

147.13.11.6.7.1.4 If the application is denied, the Zoning Officer shall issue a written decision stating the reason(s) for denial.

147.13.11.6.7.1.5 If the application is approved, the Zoning Officer shall issue an approval for the erection of a sign. The sign permit is valid for one (1) year from date of approval. If the sign is not erected within one (1) year, the permit shall expire.

147.13.11.6.8 DESIGN STANDARDS. The following design standards shall be required to ensure compliance with the intent of these regulations:

147.13.11.6.8.1 Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. Lighting sources shall be metal halide or halogen and located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they in any way be distracting to vehicular traffic.

147.13.11.6.8.2 Neon. Neon lighting shall be prohibited.

147.13.11.6.8.3 Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.

147.13.11.6.8.4 Flashing/Blinking. Flashing, blinking, alternating type or digital type lighting such as a digital message board shall be prohibited.

147.13.11.6.8.5 Structural Supports and Base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be increased to 100 percent of the maximum permitted message area of the sign. The top of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.

147.13.11.6.8.6 No sign shall project over a street or sidewalk.

147.13.11.6.8.7 No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.

147.13.11.6.9 MOVABLE SIGNS. Movable signs shall be prohibited. No vehicle, including parts thereof, trailers, and other accessories, shall be used as a means of circumventing the purpose and intent of this ordinance. A vehicle displaying a commercial message which is licensed, registered and inspected shall be exempt from these sign regulations if it is regularly and customarily used to transport persons or property for the business.

147.13.11.6.10 FLAGS, BANNERS, PENNANTS, ETC:

147.13.11.6.10.1 In addition to the signs otherwise permitted by this Chapter, there may be displayed, on any lot, up to three flags displaying any otherwise legal symbol, message or information, commercial or non-commercial; except that off-site commercial flags shall be restricted as set forth in of this Chapter. No such flag shall exceed 24 square feet measured by one face of the flag only. Any such flag shall be mounted directly to one flag pole. A "flag pole" is a pole intended and placed solely for the support and display of a flag or flags, and does not include utility poles, light poles, trees or other sign structures. All flag poles shall be erected vertically, or within 45 degrees of the vertical. No portion of any flag pole shall be sited within 10 feet of a property line. No flag pole shall extend more than 35 feet in height above grade, or, if mounted on a building, 55 feet above the average finished grade of the building.

147.13.11.6.10.2 Banners, pennants, search lights, twirling signs, balloons or other gas-filled figures, and other such materials shall be prohibited, except as specified herein.

147.13.11.6.10.3 This Section shall not be construed to prevent any sign otherwise permitted by this Chapter, and which conforms to all sign requirements of this chapter, from taking the form of a flag or other fabric. Banners may be used to cover part or all of an existing freestanding, projecting or wall sign to advertise temporary events. The net effect of this activity shall not increase the message area of any permitted sign or signs.

147.13.11.6.11 MAINTENANCE. All surfaces and supporting structures of signs, whether erected prior to the effective date of this chapter or not, shall be maintained in a safe and slightly condition to the satisfaction of the Board of Selectmen or its authorized

agent. A permit is required for any maintenance except the following: repainting; other surface renewal; or change of message on the same surface.

147.13.11.6.12 SIGN INCENTIVES. The purpose of these sign incentives is to reduce visual clutter and distraction from the natural environment caused by signs. This system offers design and size bonuses as a means of encouraging certain site and sign designs.

147.13.11.6.12.1 Any freestanding, projecting or wall sign, which conforms, to all provisions of this chapter shall be permitted to utilize up to 20% of the maximum permitted message area for changeable copy.

147.13.11.6.12.2 A freestanding sign which conforms to all provisions of this chapter shall be permitted to increase its message area: by up to 20 square feet above that otherwise permitted under this chapter if the lot has at least 300 but less than 500 feet of frontage on a Class 5 or better road; or by up to 40 square feet above that otherwise permitted under this chapter if the lot has 500 or more feet of frontage on a Class 5 or better road. In no case, however, shall such increases cause any sign message area to exceed 80 square feet. The factory written declaration to be recorded at the Carroll County Registry of Deeds, in which the owner, its heirs, successors and assigns, agree that, if the frontage of the property is subsequently reduced below that amount required for the bonus granted, the sign shall be removed or replaced with a sign which fully conforms with the provisions of this chapter; and that no subdivision of a lot shall be permitted unless a freestanding sign erected under this provision continues to conform to this provision; and such agreement must be legally enforceable by the Town of Conway.

147.13.11.6.12.3 On a site where the freestanding sign conforms to all provisions of this chapter, the maximum wall sign message area permitted per Section 147.13.11.6.2 may be increased by 50 percent.

147.13.11.7 RESTRICTIONS REGARDING HOME OCCUPATIONS. A home occupation is considered accessory to a residential use and shall not occupy an area greater than fifty percent (50%) of the total floor area of the residential unit or 1,500 square feet, whichever is less. Home occupations are subject to the following provisions and restrictions:

147.13.11.7.1 The home occupation shall be carried on by persons who live in the principal residential unit full time. Two (2) employees living off-premises are permitted.

147.13.11.7.2 The home occupation shall be carried on within the principal residential unit or approved accessory structure.

147.13.11.7.3 Exterior storage of commercial vehicles, equipment or materials or variation from the residential character of the principal residential unit shall not be permitted.

147.13.11.7.4 The home occupation shall create no unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or other nuisance or threat to the health of the abutters.

147.13.11.7.5 Adequate off-street parking shall be provided.

147.13.11.7.6 A home occupation shall not generate excessive traffic or traffic in greater volumes than would normally be expected in a residential neighborhood.

147.13.11.7.7 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.11.7.8 A change of use permit to operate a home occupation is required before startup of operation.

147.13.11.7.9 Retail or wholesale sales are only permitted for those items raised or made on the premises.

147.13.11.7.10 A home occupation shall not be offensive to the character of the neighborhood, or decrease abutting property values.

147.13.11.8 FARM AND NURSERY STANDS. Farm and nursery stands for selling indigenous produce or plants are considered temporary structures and are permitted, provided that:

147.13.11.8.1 Farm stands shall not exceed 1,200 square feet of gross floor area unless granted Site Plan Review Approval by the Planning Board.

147.13.11.8.2 Three (3) off-street parking spaces shall be required to be provided for structures up to 100 square feet in size. Additional parking shall be required at the rate of 1 space per 200 square feet over 100.

147.13.11.8.3 Wall signs shall not exceed 10 square feet in size. One portable a-frame sign per lot, not to exceed six square feet shall be allowed to be displayed during business hours only.

147.13.11.8.4 All structures, parking areas and signs shall meet the setback requirements established herein.

147.13.11.9 YARD SALES. Yard Sales shall be permitted, provided that no one household holds sales for longer than six days per calendar year.

147.13.11.10 MOBILE HOMES, TRAVEL TRAILERS AND RECREATIONAL VEHICLES.

147.13.11.10.1 A mobile home, travel trailer or recreational vehicle may be permitted on the site of a construction project for one (1) year, provided that it is a necessary convenience for the construction project and that no public safety or health hazards shall be created.

147.13.11.10.2 One (1) travel trailer or recreational vehicle may be stored on a lot, provided that it is not utilized for dwelling purposes.

147.13.11.10.3 All mobile homes permitted under this section must be connected to a sewerage system and water source, both meeting minimum local and State of New Hampshire standards, as applicable and then promulgated; such systems shall be approved by the Selectmen or their designated agent and be maintained so as not to cause a health or sanitation hazard.

147.13.11.11 COMMERCIAL AMUSEMENTS. Because the Town wishes to maintain a character, which protects the long term, high quality environment, which will ultimately protect tourism in the valley, commercial amusements are hereby regulated to prevent adverse impacts on the Town's character and environment. All commercial amusements on a lot shall be located within an enclosed building, and the following shall apply:

147.13.11.11.1 Commercial amusements may occupy 10% or less of the floor space of a business in any Business District, by permit of the Zoning Officer and without Site Plan Review by the Planning Board.

147.13.11.11.2 Commercial amusements may occupy more than 10 percent of the floor space of a business in any Business District, subject to the condition that no noise, light or other adverse impact outside the building shall be caused by the amusements or their use. Site Plan Review approval by the Planning Board shall be required.

147.13.11.12 OUTDOOR COMMERCIAL ACTIVITIES such as drive-up windows, remote outdoor speaker systems, interactive signs, menu boards or other similar devices with speakers, any of which operate in close proximity to residential property, constitute a nuisance due to unconfined noise and light, as well as operating hours that are not compatible with the residential environment.

147.13.11.12.1 Commercial Activities that operate drive-up windows, remote outdoor speakers, interactive signs, menu boards or other similar devices with speakers that permit customers or the general public to communicate with personnel within the commercial building or other location on the commercial property shall be at least three hundred (300) feet from the closer of the Residential Zone boundary or from the nearest residential property line, and if the time of operation begins before 9:00 a.m. or ends after 5:00 p.m. the separation distance shall be at least six hundred (600) feet. Substantial effective buffering against sound and light shall be provided in either case. These setbacks may be waived by the Planning Board during the Site Plan Review process if the property abuts the Flood Plain Conservation District and it can be shown that there will be no sound or light impact on residential use.

147.13.11.13 SPECIAL EXCEPTIONS. The following land use shall be allowed if granted a special exception by the Zoning Board of Adjustment:

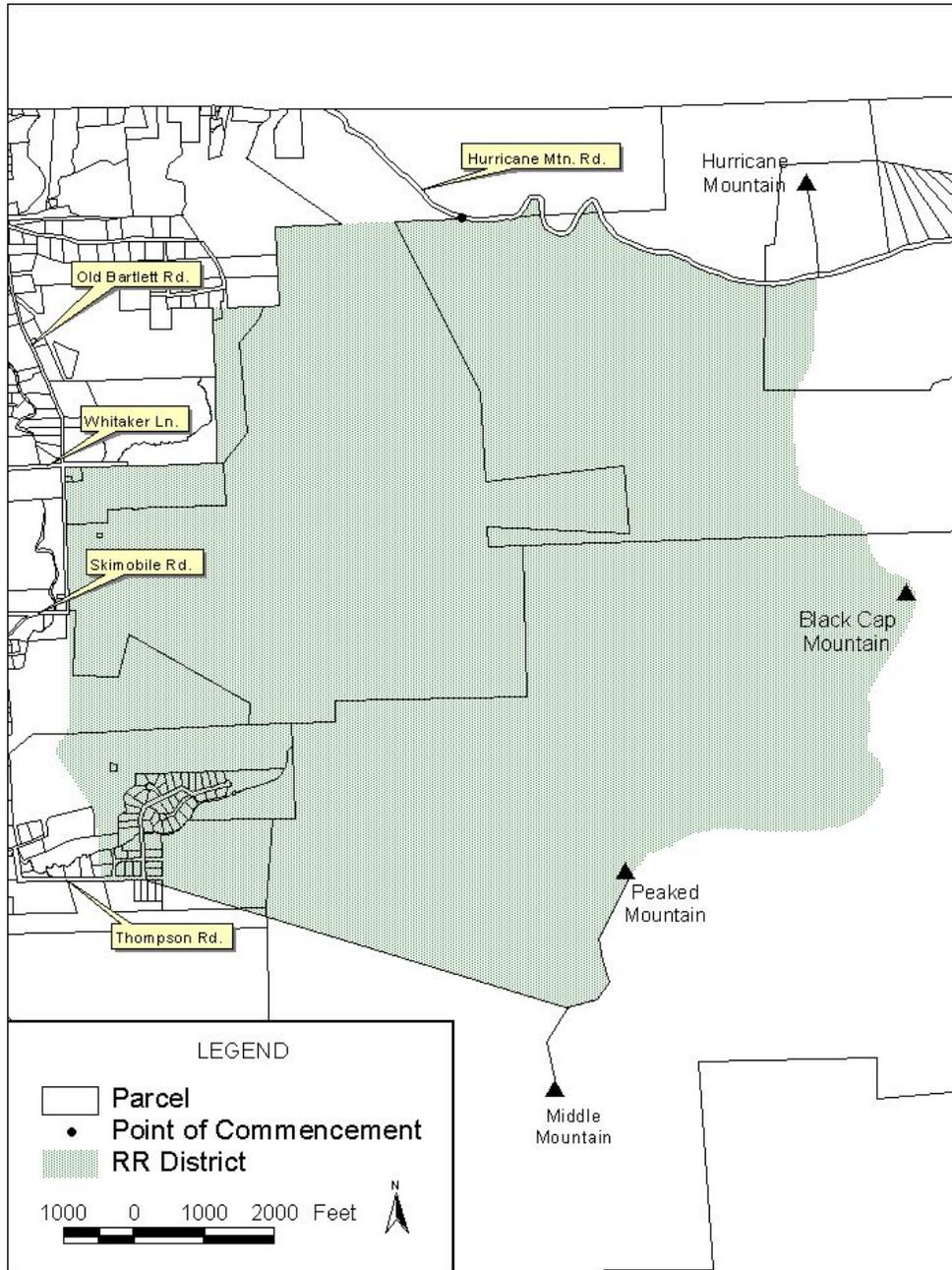
147.13.11.13.1 Helicopters. A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

147.13.12 RECREATIONAL RESORT (RR) DISTRICT. The RR District is primarily designed facilitate convention centers, sports and athletic facilities, visual and performing arts, residential and agricultural uses. Excavations are prohibited in this district. The district is generally without municipal sewer service and is not yet appropriate for development at higher densities. Land Uses permitted in this district are represented in §147.16 Table of Uses.

147.13.12.1 DISTRICT BOUNDARIES. Beginning at a point on the southerly side line of the Hurricane Mountain Road, where the same is intersected by the easterly line of the Kearsarge Lighting Precinct; and from said beginning point running thence southerly and westerly along the Kearsarge Lighting Precinct boundary to a point where the same is intersected by the easterly line of Old Bartlett Road; thence southerly along the easterly line of Old Bartlett Road to a point on the southerly side of Skimobile Road; thence southerly on the same course as the easterly line of Old Bartlett Road to the easterly line of the power transmission-line right-of-way;

thence southerly along the easterly line of said power-transmission-line right-of-way to the southerly side of Thompson Road; thence S 72 50' E along the southerly side of Thompson Road to Thompson Road right-of-way monument No.9; thence continuing S 72 50' E to a point one hundred (100) feet easterly of the height of land which extends between Middle Mountain, Black Cap and Hurricane Mountain; thence in a general northerly direction, parallel with said height of land and one hundred (100) feet easterly thereof to southerly side of Hurricane Mountain Road; thence westerly along the southerly side of Hurricane Mountain Road to the point and place of beginning.

147.13.12.2 DISTRICT MAP.



147.13.12.3 LOT SIZE AND DENSITY.

147.13.12.3.1 Lots serviced by municipal water system and municipal sewerage system shall have at least one-half (1/2) acre for the first unit that may be located thereon and at least ten thousand (10,000) square feet for each additional unit on the same lot.

147.13.12.3.2 Lots serviced by a municipal water system shall have at least one-half (1/2) acre for each unit that may be located thereon.

147.13.12.3.3 All other lots shall have at least one (1) acre for each unit that may be located thereon.

147.13.12.3.4 SPECIAL EXCEPTIONS.

147.13.12.3.4.1 In order to help provide year round rental housing, the Zoning Board of Adjustment may grant a special exception for one accessory apartment as an accessory use to an owner-occupied single family dwelling, on any size lot subject to the following conditions:

147.13.12.3.4.1.1 The subject property is serviced by precinct water and sewer or that the New Hampshire Department of Environmental Services has issued a permit for construction for sewerage or waste disposal system.

147.13.12.3.4.1.2 The accessory apartment is designed to ensure architectural compatibility with the neighborhood.

147.13.12.3.4.1.3 Sufficient parking is located on site.

147.13.12.3.4.1.4 An Accessory Apartment Application is submitted for the ZBA review.

147.13.12.4 FRONTAGE. All lots must front on a state or town highway with a Class I, II, III, IV or V classification, a private road constructed to town standards as required by the Planning Board or a Class VI road proposed to be improved as stipulated by the Planning Board. To qualify as frontage the lot must have access rights to the subject highway or road. The minimum distance for frontage on a road shall be:

147.13.12.4.1 One hundred fifty (150) feet.

147.13.12.4.2 One hundred (100) feet for lots which front entirely on cul-de-sacs, which meet the design requirements set forth in §131-Article X, Detail #4, and approved by the Planning Board.

147.13.12.5 SETBACKS. The minimum front setback shall be 25 feet and the minimum side or back setback shall be 15 feet.

147.13.12.6 STRUCTURE AND BUILDING HEIGHT. Structure height is restricted to achieve several purposes. The town is economically dependent upon tourism and attracts visitors with its rural character and mountainous setting. Maintaining the traditional scale and style of structures aids in preserving the character of the town. Peaked roofs are encouraged because it is the traditional roof style here. (Care has been taken to prepare language, which does not unduly encourage the use of flat-roof buildings). The height restriction keeps structures and buildings below tree-top level, which is typically from sixty (60) to one hundred (100) feet for mature maple, beech, birch and pine trees. Structure height below treetop level helps maintain the rural atmosphere and preserve the view sheds throughout town. In addition, the height limit minimizes difficulty in providing fire protection. The following shall apply throughout town:

147.13.12.6.1 Structure height shall not exceed fifty-five (55) feet for any structure.

147.13.12.6.2 Building height shall not exceed forty-five (45) feet.

147.13.12.6.3 Wireless Communication Facilities may be allowed to exceed fifty-five (55) feet in height by Special Exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that the height is necessary to fulfill its function.

147.13.12.6.4 Church steeples may be allowed to exceed fifty-five (55) feet in height by Special Exception on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that:

147.13.12.6.4.1 The space enclosed in the steeple is not usable floor space other than for maintenance and structural purposes of the steeple;

147.13.12.6.4.2 The height of the steeple is appropriate to the design and size of the Church.

147.13.12.7 SIGNS.

147.13.12.7.1 SIGN SETBACKS. Signs shall be set back a minimum of five (5) feet from a platted right-of-way, and signs shall be set back a minimum of fifteen (15) feet from all other property boundaries.

147.13.12.7.2 There shall be no more than one (1) freestanding sign per lot.

147.13.12.7.3 Maximum sign height shall be eight (8) feet.

147.13.12.7.4 Maximum sign width shall be six (6) feet.

147.13.12.7.5 Message area shall not exceed three square feet for professional or home occupations, nor shall message area exceed twelve (12) square feet for identification of any nonresidential use.

147.13.12.7.6 SIGN CONTENT. The Town has no intention of restricting individual free speech, but the Town does recognize its right to place reasonable restrictions upon commercial speech. Further, the Town wishes to prevent excessive or unnecessary signage along road corridors. In keeping with this reasoning, off-site commercial signs shall be prohibited.

147.13.12.7.7 SIGNS IN PLATTED ROW. Except as otherwise permitted below, no signs shall be permitted within any platted right-of-way:

147.13.12.7.7.1 Special promotional banner, with a message area of 200 square feet or less, for public or institutional events that cross a public or private road.

147.13.12.7.7.2 One directional sign to identify the entrance to a particular subdivision or development, not to exceed twelve (12) square feet, and not to exceed eight (8) feet in height nor six (6) feet in width. For subdivisions which are approved by the Planning Board and which have nonresidential uses, this sign may identify businesses located within the subdivision.

147.13.12.7.8 SIGNS EXEMPT FROM PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.12.7.8.1 Signs with a message area of one square foot or less, which bear only property numbers, post office numbers, names of occupants of the premises, other noncommercial identification, or with one of the following messages: "open"; "closed"; "vacancy"; or "no vacancy".

147.13.12.7.8.2 Directional signs with a message area of four square feet or less, to indicate entrance and/or exit driveways.

147.13.12.7.8.3 Legal notices, such as "no trespassing" signs, with a message area of 12 square feet or less.

147.13.12.7.8.4 Business name and directional signs with a message area of three square feet or less which are located over doorways.

147.13.12.7.8.5 Flags.

147.13.12.7.8.6 Window signs which are affixed to the interior of the window, not to cover more than 50% of any window.

147.13.12.7.8.7 One (1) sign identifying lawn, garage or barn sales, with a message area of 12 square feet or less, and to be erected not more than two days prior to the event and removed within one day of the end of the event.

147.13.12.7.8.8 Sign for a government election, with time limits as specified in State law, or if no State law applies, then erected no more than 12 weeks prior to the election and removed within two weeks following the election.

147.13.12.7.8.9 Non-illuminated sign advertising the sale or lease of the premises upon which the sign is located, with a message area of 16 square feet or less in all Districts.

147.13.12.7.8.10 Special promotional signs for public or institutional events, with a message area of 40 square feet or less.

147.13.12.7.8.11 Directional signs to help locate facilities for disabled persons, with message area not to exceed four square feet, as required for compliance with the Americans with Disabilities Act of 1999

147.13.12.7.8.12 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.12.7.9 SIGNS SUBJECT TO PROPERTY LINE SETBACKS AND NO PERMIT REQUIRED:

147.13.12.7.9.1 For a religious institution, nonprofit organization, public service agency, public school or municipal building, one announcement board, with a message area of 12 square feet or less.

147.13.12.7.9.2 For fraternal or social clubs, local service and philanthropic organizations to identify meeting locations, one sign with a message area of three square feet or less.

147.13.12.7.9.3 Signs in parking lots to identify aisles, handicapped spaces, and reserved spaces.

147.13.12.7.9.4 For construction in progress, one sign identifying the owner, architect, contractor and/or developer, to be removed within one month of completion of the project, with a message area of 12 square feet or less.

147.13.12.7.9.5 Signs, which convey only a non-commercial message, including but not limited to ideological, political, social, cultural, or religious message, with a message area of 12 square feet or less.

147.13.12.7.10 PERMIT REQUIRED FOR ALL OTHER SIGNS.

147.13.12.7.10.1 SIGN APPLICATION PROCESS. Any action requiring a sign permit shall be permitted only upon the application to, and approval of the Zoning Officer. Applications shall use the following process:

147.13.12.7.10.1.1 An application form for each sign shall be completed and signed by the owner of the property.

147.13.12.7.10.1.2 A complete application shall also include the following:

147.13.12.7.10.1.2.1 fee of \$35;

147.13.12.7.10.1.2.2 written description of the proposed type, size, height, setback, sign and supporting structure materials, and illumination of the sign.

147.13.12.7.10.1.2.3 statement specifically addressing compliance with offsite commercial sign restriction, and

147.13.12.7.10.1.2.4 analysis regarding impact of safety, specifically addressing lighting/glare and line-of-sight blockage for vehicles and pedestrians.

147.13.12.7.10.1.3 Upon receipt of a complete application, the Zoning Officer shall have up to 14 days to either approve or deny the application.

147.13.12.7.10.1.4 If the application is denied, the Zoning Officer shall issue a written decision stating the reason(s) for denial.

147.13.12.7.10.1.5 If the application is approved, the Zoning Officer shall issue an approval for the erection of a sign. The sign permit is valid for one (1) year from date of approval. If the sign is not erected within one (1) year, the permit shall expire.

147.13.12.7.11 DESIGN STANDARDS. The following design standards shall be required to ensure compliance with the intent of these regulations:

147.13.12.7.11.1 Illumination. Signs shall not be illuminated from within; signs may be illuminated only by external light. Lighting shall be affixed to and, for dimensional purposes, considered part of the sign structure. Lighting shall be located, directed and/or shielded such that it only sheds light downward and is limited to the message display area. Lighting sources shall be metal halide or halogen and located, directed and/or shielded such that no direct light emissions are visible at any point along the property boundary, nor shall they in any way be distracting to vehicular traffic.

147.13.12.7.11.2 Neon. Neon lighting shall be prohibited.

147.13.12.7.11.3 Motion. Moving signs, or signs which give the appearance of motion, shall be prohibited.

147.13.12.7.11.4 Flashing/Blinking. Flashing, blinking, alternating type or digital type lighting such as a digital message board shall be prohibited.

147.13.12.7.11.5 Structural Supports and Base. The support and base structure of a sign shall not exceed 50% of the maximum permitted message area of the sign. Such supports and base shall be measured on the single side or face having the greatest surface area. If the sign structural supports and base are made of wood, brick and/or stone, with only incidental use of other materials, the structure/base size limit shall be

increased to 100 percent of the maximum permitted message area of the sign. The top of the supporting structure of a freestanding sign shall extend no farther above the top of the message area than 1/3 of the maximum permitted height of the message area.

147.13.12.7.11.6 No sign shall project over a street or sidewalk, except for projecting signs as permitted herein.

147.13.12.7.11.7 No sign shall be placed in such a position as to endanger vehicular or pedestrian traffic by obstructing a clear view, by causing confusion with government signs and signals, or by any other means.

147.13.12.7.12 MOVABLE SIGNS. Movable signs shall be prohibited. No vehicle, including parts thereof, trailers, and other accessories, shall be used as a means of circumventing the purpose and intent of this ordinance. A vehicle displaying a commercial message which is licensed, registered and inspected shall be exempt from these sign regulations if it is regularly and customarily used to transport persons or property for the business.

147.13.12.7.13 FLAGS, BANNERS, PENNANTS, ETC:

147.13.12.7.13.1 In addition to the signs otherwise permitted by this Chapter, there may be displayed, on any lot, up to three flags displaying any otherwise legal symbol, message or information, commercial or non-commercial; except that off-site commercial flags shall be restricted as set forth in of this Chapter. No such flag shall exceed 24 square feet measured by one face of the flag only. Any such flag shall be mounted directly to one flag pole. A "flag pole" is a pole intended and placed solely for the support and display of a flag or flags, and does not include utility poles, light poles, trees or other sign structures. All flag poles shall be erected vertically, or within 45 degrees of the vertical. No portion of any flag pole shall be sited within 10 feet of a property line. No flag pole shall extend more than 35 feet in height above grade, or, if mounted on a building, 55 feet above the average finished grade of the building.

147.13.12.7.13.2 Banners, pennants, search lights, twirling signs, balloons or other gas-filled figures, and other such materials shall be prohibited, except as specified herein.

147.13.12.7.13.3 This Section shall not be construed to prevent any sign otherwise permitted by this Chapter, and which conforms to all sign requirements of this chapter, from taking the form of a flag or other fabric. Banners may be used to cover part or all of an existing freestanding, projecting or wall sign to advertise temporary events. The net effect of this activity shall not increase the message area of any permitted sign or signs.

147.13.12.7.14 MAINTENANCE. All surfaces and supporting structures of signs, whether erected prior to the effective date of this chapter or not, shall be maintained in a safe and sightly condition to the satisfaction of the Board of Selectmen or its authorized agent. A permit is required for any maintenance except the following: repainting; other surface renewal; or change of message on the same surface.

147.13.12.8 RESTRICTIONS REGARDING HOME OCCUPATIONS. A home occupation is considered accessory to a residential use and shall not occupy an area greater

than fifty percent (50%) of the total floor area of the residential unit or 1,500 square feet, whichever is less. Home occupations are subject to the following provisions and restrictions:

147.13.12.8.1 The home occupation shall be carried on by persons who live in the principal residential unit full time. Two (2) employees living off-premises are permitted.

147.13.12.8.2 The home occupation shall be carried on within the principal residential unit or approved accessory structure.

147.13.12.8.3 Exterior storage of commercial vehicles, equipment or materials or variation from the residential character of the principal residential unit shall not be permitted.

147.13.12.8.4 The home occupation shall create no unreasonable noise, vibration, smoke, dust, electrical disturbance, odors, heat, glare or other nuisance or threat to the health of the abutters.

147.13.12.8.5 Adequate off-street parking shall be provided.

147.13.12.8.6 A home occupation shall not generate excessive traffic or traffic in greater volumes than would normally be expected in a residential neighborhood.

147.13.12.8.7 A home occupation may display a non-illuminated outdoor sign not exceeding three (3) square feet in size.

147.13.12.8.8 A change of use permit to operate a home occupation is required before startup of operation.

147.13.12.8.9 Retail or wholesale sales are only permitted for those items raised or made on the premises.

147.13.12.8.10 A home occupation shall not be offensive to the character of the neighborhood, or decrease abutting property values.

147.13.12.9 FARM AND NURSERY STANDS. Farm and nursery stands for selling indigenous produce or plants are considered temporary structures and are permitted, provided that:

147.13.12.9.1 Farm stands shall not exceed 1,200 square feet of gross floor area unless granted Site Plan Review Approval by the Planning Board.

147.13.12.9.2 Three (3) off-street parking spaces shall be required to be provided for structures up to 100 square feet in size. Additional parking shall be required at the rate of 1 space per 200 square feet over 100.

147.13.12.9.3 Wall signs shall not exceed 10 square feet in size. One portable a-frame sign per lot, not to exceed six square feet shall be allowed to be displayed during business hours only.

147.13.12.9.4 All structures, parking areas and signs shall meet the setback requirements established herein.

147.13.12.10 YARD SALES. Yard Sales shall be permitted, provided that no one household holds sales for longer than six days per calendar year.

147.13.12.11 MOBILE HOMES, TRAVEL TRAILERS AND RECREATIONAL VEHICLES. One (1) mobile home used as a residential unit is permitted on a lot in the Residential/Agricultural District.

147.13.12.11.1 A mobile home, travel trailer or recreational vehicle may be permitted on the site of a construction project for one (1) year, provided that it is a necessary convenience for the construction project and that no public safety or health hazards shall be created.

147.13.12.11.2 One (1) travel trailer or recreational vehicle may be stored on a lot, provided that it is not utilized for dwelling purposes.

147.13.12.11.3 All mobile homes permitted under this section must be connected to a sewerage system and water source, both meeting minimum local and State of New Hampshire standards, as applicable and then promulgated; such systems shall be approved by the Selectmen or their designated agent and be maintained so as not to cause a health or sanitation hazard.

147.13.12.12 SPECIAL EXCEPTIONS. The following land use(s) shall be allowed if granted a special exception by the Zoning Board of Adjustment:

147.13.12.12.1 NURSING HOMES. In order to protect existing property owners in the Residential/Agricultural District against a new use nearby which may be incompatible or undesirable but also allow for nursing homes with acceptable accessory commercial uses such as gift shops, flower shops and candy shops, which are restricted to on-premises facilities, the Zoning Board of Adjustment may grant a special exception for nursing homes in the Residential/Agricultural District, provided that:

147.13.12.12.1.1 The nursing home development is architecturally compatible with the surrounding neighborhood;

147.13.12.12.1.2 Traffic access to and from the development will not alter the character of the neighborhood;

147.13.12.12.1.3 Lighting will be of such design as not to disturb the tranquility of the neighborhood;

147.13.12.12.1.4 Outpatient and day-care facilities operate during reasonable hours;

147.13.12.12.1.5 The facility will not operate as a crisis center for drug addiction, alcoholism or the mentally disturbed;

147.13.12.12.1.6 Accessory commercial space on premise for the sole purpose of the nursing home occupants and employees will be operated and managed by the nursing home owners and same space will not be leased to outside businesses;

147.13.12.12.1.7 On-premise facilities will not house competing professional services already in existence in the community;

147.13.12.12.1.8 The nursing home structure shall not exceed two (2) stories in height above grade;

147.13.12.12.1.9 The maximum density allowed is sixteen (16) beds per acre, and

147.13.12.12.1.10 The land to be developed for such use contains no less than five (5) acres.

147.13.12.12.2 CHARITABLE FUNDRAISING EVENTS. A special exception may be granted for charitable fundraising events operated by or on behalf of nonprofit organizations having a federal tax exemption, provided that:

147.13.12.12.2.1 The event is not offensive to the character of the neighborhood;

147.13.12.12.2.2 The event is for a brief predetermined length or duration not to exceed three (3) consecutive days, and

147.13.12.12.2.3 The event complies with the guidelines and procedures for review of license applications for special events in the Town of Conway, as prescribed by the Conway Board of Selectmen.

147.13.12.12.3 PRIVATE EDUCATIONAL FACILITIES. A Special Exception may be granted to permit private educational facilities, with or without accessory uses, provided that:

147.13.12.12.3.1 Traffic access to and from the facility will not alter the character of the abutting residential neighborhood;

147.13.12.12.3.2 The development is architecturally compatible with the height, scale, color and detail of the surrounding residential neighborhood; and

147.13.12.12.3.3 The proposed facility will not adversely affect abutting properties by reason of undue light, noise, density of use, or other nuisance.

147.13.12.12.4 DAY CARE CENTERS. A special exception may be granted to home-BASED day-care centers serving seven (7) to fifteen (15) people and other non home-based centers, regardless of the number of people served, provided that:

147.13.12.12.4.1 Traffic access to and from the development will not alter the character of the abutting residential neighborhood;

147.13.12.12.4.2 The development is architecturally compatible with the height, scale, color and detail of the surrounding residential neighborhood;

147.13.12.12.4.3 Site plan approval or site plan exemption is granted by the Planning Board, and

147.13.12.12.4.4 The size of the lot is appropriate to provide green space and play areas.

147.13.12.12.5 COMMERCIAL GOLF FACILITIES. A special exception may be granted for traditionally full-sized golf courses and those accessory uses traditionally associated with this primary use, such as a clubhouse with a lounge and restaurant facility, professional shop, golf practice range, tennis courts and swimming pools but not to include miniature golf, provided that:

147.13.12.12.5.1 The specific site is an appropriate location for such use, not only in context with the land to be dedicated to such use but in context with the surrounding land uses as well. The applicant shall dedicate a specific parcel(s) to the proposed facility, which shall not be used for residential density. In order to determine this, the following criteria shall be evaluated:

147.13.12.12.5.1.1 PROPERTY VALUES. The applicant shall present information by a certified appraiser indicating that there will be no negative impact on abutting properties as a result of the proposed special exception;

147.13.12.12.5.1.2 TRAFFIC. No traffic hazard will be created and traffic access will not alter the character of the neighborhood. The main access point shall be from an arterial or collector and not from neighborhood streets. The Zoning Board of Adjustment may consider the comments of the town Planner in evaluating the traffic study. A traffic study shall be completed that shows the impact of the

proposed development in its entirety on the nearest signalized intersection(s). For intersections that are of an overall level of service (herein "LOS") C or better, the LOS at the nearest signalized intersection(s) shall not fall below LOS C during the a.m. and p.m. peak hours as a result of the development. If LOS C cannot be maintained, the applicant shall make such changes that are necessary to bring the intersection to LOC C, provided that such improvements are acceptable to the Zoning Board of Adjustment. The applicant may choose to reduce the development so as to produce an acceptable LOS. If the LOS is already below C (D, E or F), the project shall only be approved if the LOS is brought up to D. The applicant may choose to reduce the development so as to produce an acceptable LOS;

147.13.12.12.5.1.3 NUISANCE/HAZARDS. The Zoning Board of Adjustment shall review the operation of the development, including noise, odors and any hazards associated with the use and location. If the Zoning Board of Adjustment determines that any hazards or nuisances cannot be overcome and are not customarily found in a residential neighborhood, the proposed use shall be denied;

147.13.12.12.5.1.4 ADEQUACY OF PRIVATE/MUNICIPAL FACILITIES. The Zoning Board of Adjustment shall review the proposed facilities, including drainage, sewer/septic, water, electric and other utilities to ensure adequate provisions to meet the needs of the proposed development. They may consider the opinion of the Town Engineer in making this determination;

147.13.12.12.5.1.5 DESIGN AND ARCHITECTURE. The design and architecture of the proposed structure shall be reviewed by the Zoning Board of Adjustment to determine its compatibility with abutting residential structures. The scale, height, color and detail shall be similar to and/or aesthetically compatible with residential structures;

147.13.12.12.5.1.6 LIGHTING. The lighting plan shall be submitted to the Zoning Board of Adjustment for approval. No direct glare shall be permitted. Parking areas and walkways may be illuminated by luminaries so hooded or shielded to not extend significantly beyond the parking and walkway areas;

147.13.12.12.5.1.7 HOURS OF OPERATION. Hours of operation will be appropriate so as to not interfere with the abutting residential neighborhood by means of excess traffic in off-peak hours, unscreened lighting that disturbs residential uses and other factors that make the facility different from a residential neighborhood, and

147.13.12.12.5.1.8 BUFFER. A perimeter buffer area adjacent to all abutting properties shall be left undistributed if wooded and, if open, shall be planted with dense evergreen plantings. It shall be one hundred (100) feet in depth at a minimum unless a greater buffer is required by the Zoning Board of Adjustment due to the intensity of the use and interference with adjacent properties.

147.13.12.12.5.1.9 SITE PLAN A Site Plan approval by the Planning Board is also required.

147.13.12.12.6 RESORT HOTEL. A special exception may be granted for a resort hotel and those uses traditionally associated with this use provided that:

147.13.12.12.6.1 The resort hotel is constructed on and in conjunction with a commercial golf facility or with another recreational/resort use on the supporting acreage;

147.13.12.12.6.2 The minimum lot size for the lot supporting the combined commercial golf course and resort hotel shall be two hundred (200) acres, exclusive of that acreage that falls within the Wetlands Conservation District;

147.13.12.12.6.3 To the extent not previously satisfied in an approval for a commercial golf facility, the resort hotel and its site will comply with all of the conditions required for a commercial golf facility;

147.13.12.12.6.4 In addition to the buffer area required for commercial golf courses, the resort hotel building(s) shall be setback no closer than one thousand (1,000) feet from the boundary line of any other unaffiliated lot and any unaffiliated lot or roadway is a lot or roadway not owned or controlled by the applicant or its principals, and

147.13.12.12.6.5 The number of guest rooms in the resort hotel will be dependent upon the acreage allocated to the combined facility/resort hotel lot, on a ratio of two acres per guest room.

147.13.12.12.7 POST OFFICES. A Special Exception may be granted to permit a publicly or privately owned Post Office, provided that:

147.13.12.12.7.1 Traffic access to and from the site will not alter the character of the abutting residential neighborhood;

147.13.12.12.7.2 The Post Office is architecturally compatible with the surrounding residential district;

147.13.12.12.7.3 The proposed facility will not adversely affect abutting properties by reason of undue light, noise, density of use or decreased property values;

147.13.12.12.7.4 No portion of the building may be used for any purpose other than a Post Office;

147.13.12.12.7.5 At such time as the facility ceases to be used as a Post Office, the building and improvements shall either be razed or converted to a use allowed in the District, and

147.13.12.12.7.6 The minimum dimensional lot requirements (lot size, setbacks, frontage...) may be increased by either the Zoning Board of Adjustment or the Planning Board if it is found that the aforementioned criteria cannot be met using minimum dimensional requirements.

147.13.12.12.8 HELIPORTS. A special exception may be granted to permit heliports, as a private/business accessory use. The requirement for a special exception to be granted under this section shall not be applied to the use of helicopters, or any other type of aircraft, being used on a temporary basis for such purposes as emergency response, medical necessity, ongoing construction projects that have been permitted by the Town of Conway, or temporary (less than 7 days) news media coverage. Before a special exception for a heliport can be granted by the Zoning Board the following conditions must be met:

147.13.12.12.8.1 The use of the site for a heliport shall not be offensive to the character of the neighborhood;

147.13.12.12.8.2 The use of the site for a heliport shall not decrease abutting property values. Evidence supporting property values must be submitted by any party with an interest in the granting of the special exception from a creditable source that is knowledgeable of land evaluation and property values.

147.13.12.12.8.3 Any site being considered to contain a heliport must be, at a minimum, five (5) acres in size;

147.13.12.12.8.4 Other site dimensions, above and beyond the overall acreage requirement listed above, shall be sufficient to provide safety areas suitable to meet all FAA suggested dimensions and requirements;

147.13.12.12.8.5 Previous to zoning board considering any application for a special exception for this land use, all Federal and State approvals, which are required must be obtained by the applicant with copies of these approvals submitted as part of the request for special exception, and

147.13.12.12.8.6 A major site plan approval shall be required of the applicant from the Planning Board for the heliport, which is accessory to an approved business. As a condition for the granting of the special exception, no use of the heliport may be engaged by the applicant until all conditions of the special exception, including a major site plan approval, have been satisfied by the applicant.

147.13.12.12.9 A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

147.13.12.12.10 BUSINESS DEVELOPMENT PARKS: A special exception may be granted for a business development park that provides education and technical assistance as well as incubation space and infrastructure for new and existing business development, including roads, buildings, and other necessary infrastructure within the Residential/Agricultural District, provided the following conditions are satisfied:

147.13.12.12.10.1 PROXIMITY TO BUSINESS DISTRICT. The subject property must have some of its boundary within or contiguous with the boundary of a Highway or Village Commercial District.

147.13.12.12.10.2 ARTERIAL ROAD. The business development park must front on and access an existing arterial road.

147.13.12.12.10.3 SETBACKS. The minimum front, side and rear setback from all adjacent properties and roads shall be one (100) feet.

147.13.12.12.10.4 PARKING LOTS. Parking lots shall not exceed 20,000 square feet in gross area.

147.13.12.12.10.5 NUISANCE/HAZARDS. The applicant must demonstrate that the operations of the business development park, including noise, odors and any other

expected hazards associated with the development are consistent with that of a residential neighborhood.

147.13.12.12.10.6 PROPERTY VALUES. The applicant shall provide a comprehensive report, by an appraiser licensed by the State of New Hampshire, which demonstrates that there will be no negative impact on abutting properties. This report shall be reviewed and comments will be provided by the Town Assessor.

147.13.12.12.10.7 TRAFFIC STUDY. The applicant must provide a traffic study, certified by a qualified engineer licensed by the State of New Hampshire, which clearly indicates the traffic impacts that would result from the project and improvements to the existing transportation infrastructure that would be necessary to ensure appropriate access and level of service. This report shall be reviewed and comments will be provided by the Town Engineer.

147.13.12.12.10.8 BUFFER. A perimeter buffer area adjacent to all abutting properties and streets shall be left in its undisturbed natural state or if disturbed shall be replanted with indigenous species. The minimum buffer depth shall be 100 feet.

147.13.12.12.10.9 RECREATION USE. The business development park will construct a passive and active recreation trail system within the project for use by tenants of the business development park and the public. The trail system shall provide links to other existing or future publicly accessible trails adjacent to the property. The rate of trail system construction shall be, at least, consistent with the rate of development of the business development park. The recreation trails may cross the buffer only to connect with existing or future publicly accessible trails on adjacent properties and if they do not impair the effectiveness of the buffer.

147.13.12.12.10.10 GREEN SPACE. Green space shall comprise not less than thirty-five (35) percent of the total lot area, exclusive of wetlands, water bodies, the 100-year floodplain and slopes over 25%.

147.13.12.12.11 KENNELS. A special exception may be granted to permit kennels for transient (less than 30 days) housing of domestic animals or commercial breeding facilities for domestic animals provided that:

147.13.12.12.11.1 Minimum lot size is two acres.

147.13.12.12.11.2 Animal housing areas, if indoors, shall be setback 40 feet from side and rear property lines and 60 feet from rights of ways. Pastures/ outdoor exercise areas shall be set back 15 feet from any property line.

147.13.12.12.11.3 A written plan for the disposal/removal of animal waste must be submitted along with the application requesting the special exception from the Zoning Board. This plan must be approved by the board as a condition of the special exception approval, if granted.

147.13.12.12.11.4 All animals shall be kept in an indoor area between the hours of 6:00 p.m. and 8:00 a.m.

147.13.12.12.12 WIRELESS COMMUNICATION FACILITIES. Wireless communication facilities may be allowed by Special Exception in the RR District, on application to the Zoning Board of Adjustment as approved after a hearing with appropriate conditions imposed thereon provided that:

147.13.12.12.12.1 Since the visual impact of wireless communication facilities can transcend town lines, communities that may be visually affected shall be formally notified of applications for such proposed facilities as projects having regional impact.

147.13.12.12.12.2 The applicant must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the town at large, including demonstration of realistic analysis of multiple sites, the need for the proposed height, and any impact on significant roadside view points.

147.13.12.12.12.3 Any wireless communication facility shall be designed to accommodate multiple providers of communication services and will only be approved under the condition that the primary developer of the facility will make the facility available upon reasonable terms by lease or other legal instruments to other wireless communication services.

147.13.12.12.12.4 The Board of Adjustment may request detailed plans from the applicant and may, at the expense of the applicant, engage the services of professional consultants to review and comment on the proposal, and testimony of the applicants or their agents relating thereto.

147.13.12.12.12.5 Major Site Plan Approval must be obtained from the Planning Board.

147.13.12.12.13 MOBILE HOMES. The Zoning Board of Adjustment may grant a special exception for a mobile home on a lot on which a single-family residential structure exists if the following conditions are met:

147.13.12.12.13.1 The mobile home shall be occupied only as the usual residence of the immediate family, including grandparents, parents and children of the owner and/or spouse of the primary single-family residential structure on the lot; and the lot shall be at least one (1) acre if served by municipal water and sewerage and at least two (2) acres in all other cases or the mobile home shall be occupied as the usual residence of a full-time agricultural employee and his immediate family and the single-family residence shall be part of an owner-operated farm of twenty-five acres or more.

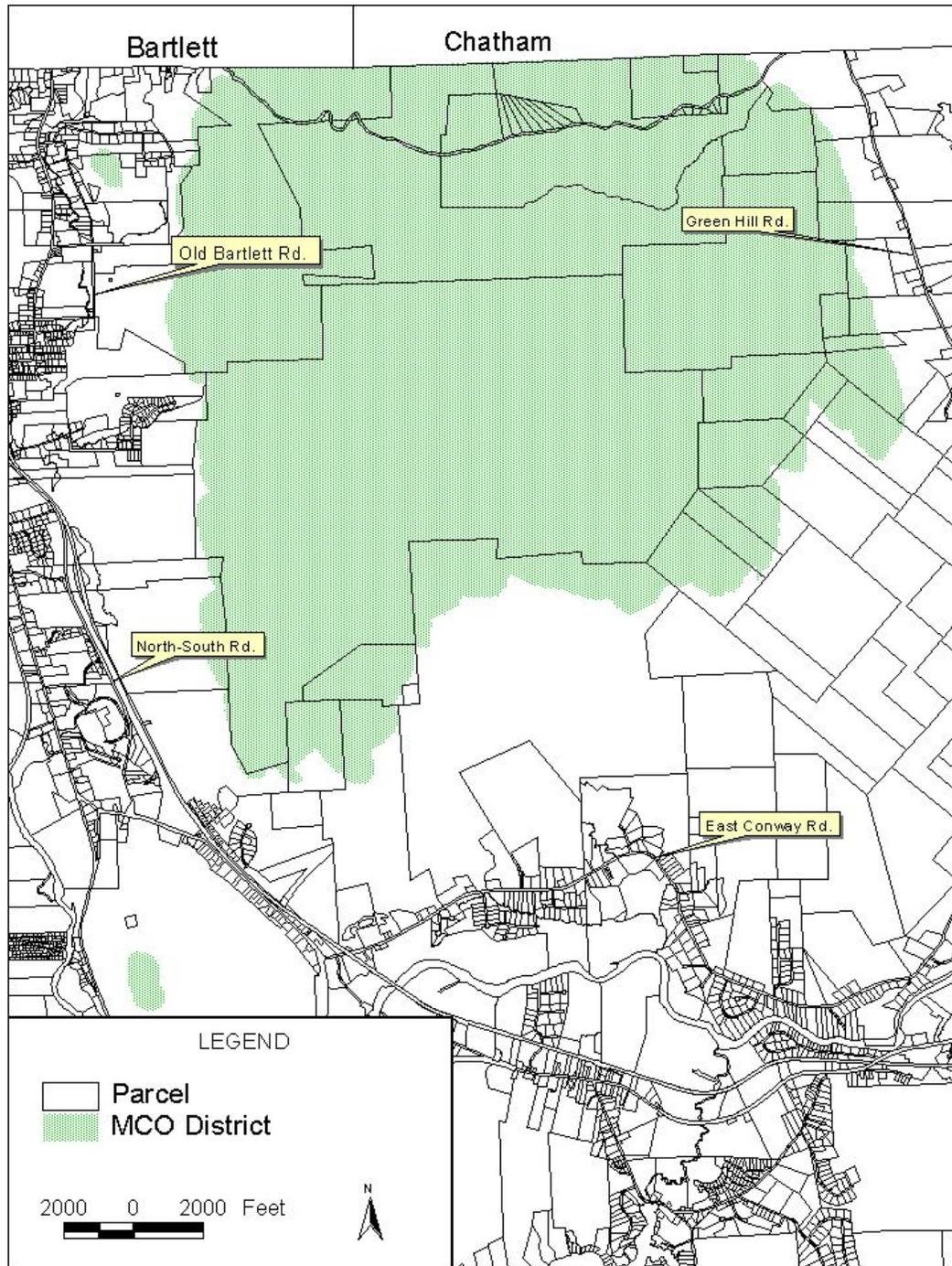
147.13.12.12.13.2 The special exception shall terminate on a change of ownership or occupancy of either the mobile home or the primary residential structure.

147.13.12.12.13.3 A permit shall be obtained from the Selectmen or their agent, which shall be renewed yearly to ensure compliance with the above conditions.

147.13.13 MOUNTAIN CONSERVATION OVERLAY (MCO) DISTRICT. The MCO District is primarily designed to preserve scenic mountain areas. Land Uses permitted in this district are represented in §147.16 Table of Uses.

147.13.13.1 DISTRICT BOUNDARIES. The Mountain Conservation District shall consist of all land north and east of the Saco River, which is above eight hundred (800) feet in elevation, referenced to the North American Vertical Datum of 1929.

147.13.13.2 DISTRICT MAP.



147.13.13.3 In areas where the MCO District overlays the Recreational Resort District, the following uses shall also be the permitted:

147.13.13.3.1 Alpine ski trails.

147.13.13.3.2 Alpine ski lifts.

147.13.13.3.3 Snowmaking equipment.

147.13.13.3.4 Night ski lighting.

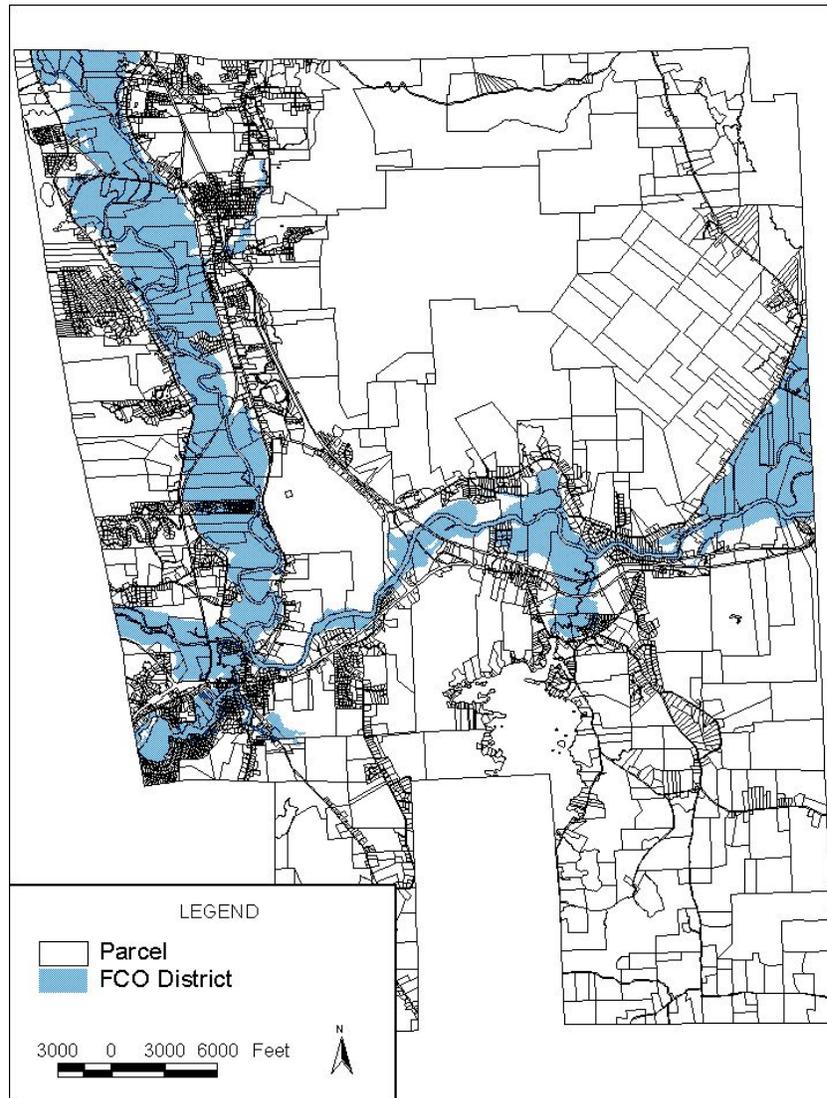
147.13.13.4 Excavation shall be prohibited in the Mountain Conservation District.

147.13.13.5 HELICOPTERS. A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

147.13.14 FLOODPLAIN CONSERVATION OVERLAY (FCO) DISTRICT. The FCO District is primarily designed to promote and protect the health, safety and general welfare of the Town by providing reasonable regulations governing development and use of the floodplain. Land Uses permitted in this district are represented in §147.16 Table of Uses.

147.13.14.1 DISTRICT BOUNDARIES. The Floodplain Conservation Overlay District is hereby determined to be those areas identified and delineated as a floodplain with a one-percent-or-greater chance of flooding in any given year, which is designated on the Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) of Conway issued by the Federal Emergency Management Administration as amended from time to time.

147.13.14.2 DISTRICT MAP.



147.13.14.3 SPECIAL EXCEPTIONS. The following land use(s) shall be allowed within the floodplain, except those areas within the floodway, unless expressly allowed in the floodway hereunder if granted a special exception by the Zoning Board of Adjustment:

147.13.14.3.1 Uses, but not structures, compatible to open space.

- 147.13.14.3.2** Limited agricultural extraction of sand, gravel and other materials for noncommercial use.
- 147.13.14.3.3** Boat landings and boat access areas within the floodway.
- 147.13.14.3.4** Railroads, streets, driveways, bridges, utility, transmission lines and pipelines.
- 147.13.14.3.5** Storage yards for equipment, machinery or materials accessory to adjacent permitted uses.
- 147.13.14.3.6** Fill or materials to be deposited in the floodplain may be allowed by special exception, provided that the purpose is consistent with the permitted uses represented in subsection §147.16 and the amount thereof is not greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill or other materials shall be protected against erosion by riprap, vegetation cover or bulkheading.
- 147.13.14.3.7** Municipal and school district facilities.
- 147.13.14.3.8** Agricultural buildings that do not require septic systems.
- 147.13.14.3.9** The construction or maintenance of farm, forest or recreational service roads.
- 147.13.14.3.10** River or floodway maintenance.
- 147.13.14.3.11** In the area around Pequawket Pond between the one-hundred-year and the ten-year-flood level [464.1 feet to 460.5 feet], as shown on the maps described herein, development, substantial improvements and building, provided that it is serviced by precinct water and sewerage and the lowest floor is above the one-hundred-year-flood level.
- 147.13.14.3.12** Signs for permitted uses and existing nonconforming uses as provided in 147.14, provided that the signs meet the minimum standards and intent for signs in the underlying district.
- 147.13.14.3.13** Accessory industrial-commercial uses limited to loading areas, parking areas and aircraft landing strips.
- 147.13.14.3.14 HELIPORTS.** A special exception may be granted to permit heliports, as a private/business accessory use. The requirement for a special exception to be granted under this section shall not be applied to the use of helicopters, or any other type of aircraft, being used on a temporary basis for such purposes as emergency response, medical necessity, ongoing construction projects that have been permitted by the Town of Conway, or temporary (less than 7 days) news media coverage. Before a special exception for a heliport can be granted by the Zoning Board the following conditions must be met:
- 147.13.14.3.14.1** The use of the site for a heliport shall not be offensive to the character of the neighborhood;
- 147.13.14.3.14.2** The use of the site for a heliport shall not decrease abutting property values. Evidence supporting property values must be submitted by any party with an interest in the granting of the special exception from a creditable source that is knowledgeable of land evaluation and property values.

147.13.14.3.14.3 Any site being considered to contain a heliport must be, at a minimum, five (5) acres in size.

147.13.14.3.14.4 Other site dimensions, above and beyond the overall acreage requirement listed above, shall be sufficient to provide safety areas suitable to meet all FAA suggested dimensions and requirements.

147.13.14.3.14.5 Previous to zoning board considering any application for a special exception for this land use, all Federal and State approvals, which are required, must be obtained by the applicant with copies of these approvals submitted as part of the request for special exception.

147.13.14.3.14.6 A major site plan approval shall be required of the applicant from the Planning Board for the heliport, which is accessory to an approved business. As a condition for the granting of the special exception, no use of the heliport may be engaged by the applicant until all conditions of the special exception, including a major site plan approval, have been satisfied by the applicant.

147.13.14.4 CONDITIONS. No special exceptions shall be granted, however, until the following conditions are met:

147.13.14.4.1 All development and substantial improvements shall comply with the minimum standards of the regulations of the National Flood Insurance Program contained in 44 CFR 60.3 and 44 CFR 60.6 (Code of Federal Regulations), as amended.

147.13.14.4.2 New and replacement water supply, replacement septic systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters.

147.13.14.4.3 All fill, new construction, substantial improvements and other development within the floodway shall be prohibited unless the applicant's New Hampshire registered engineer can show the activity would not result in any increase in flood hazard within the Town of Conway.

147.13.14.4.4 The granting of the special exception would not violate the general spirit of the ordinance nor would it create a public health or safety hazard.

147.13.14.5 A special exception may be granted for helicopter operations for construction and survey work, where no other practical method is available to do the work, and for special events such as: the visit of a dignitary, recreational events such as, ski, tennis, equine or golf events, or some other events of short term nature. No approval for a special exception shall be granted unless the ZBA makes a finding that the helicopter use will not constitute a nuisance or hazard to Town residents and their property.

147.13.14.6 SPECIAL PROVISIONS.

147.13.14.6.1 There shall be no expansion of present nonconforming buildings or pre-existing septic systems in the floodplain, provided that this shall not prohibit the maintenance, repair and/or correction of such pre-existing septic systems, which malfunction. There shall be no allowance of a new septic system in the floodplain.

147.13.14.6.2 Existing nonconforming buildings within this district, which have been substantially damaged may be repaired within one year, provided that they comply with the minimum standards of the regulations of the National Flood Insurance Program (See

definition of substantial damage in Section 147.15.107). Buildings not rebuilt to such standards shall be removed completely.

147.13.14.6.3 Changes to watercourse.

147.13.14.6.3.1 In riverine situations, prior to the alteration or relocation of a watercourse the applicant for such authorization shall notify the NHDES Wetlands Board and submit copies of such notification to the Board of Selectmen, in addition to the copies required by RSA 483-A:1b. Further the applicant shall be required to submit copies of said notification to those adjacent towns as determined by the Board of Selectmen, including notice of all scheduled hearings before the Wetlands Board.

147.13.14.6.3.2 Along watercourses with a designated Regularly Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge. In Zone A, the Building Inspector shall obtain, review and reasonably utilize any floodway data available from Federal, State or other sources as criteria for requiring that development meet the floodway requirements of this section.

147.13.14.6.3.3 Along watercourses that have not had a Regulatory Floodway designated, no new construction, substantial improvements or other development (including fill) shall be permitted within zones A1-30 and AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

147.13.14.6.4 All developments which are flood proofed shall be certified by a New Hampshire registered professional engineer or architect that the flood-proofing methods are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

147.13.14.6.5 Where the Floodplain Conservation District is superimposed over another zoning district, the more restrictive regulations shall apply.

147.13.14.6.6 Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector certification provided by a registered professional engineer assuring that the flood-carrying capacity of the watercourse has been maintained.

147.13.14.6.7 In Zone A, the Building Inspector shall obtain, review and reasonably utilize any floodway data available from a federal, state or other source as criteria for requiring that development meets the floodway requirements of this section.

147.13.14.6.7.1 In special flood hazard areas, the Building Inspector shall determine the one-hundred-year-flood elevation in the following order of precedence according to the data available:

147.13.14.6.7.1.1 In Zones AE and AH, refer to the elevation provided in the community's Flood Insurance Study and accompanying FIRM or FHAM.

147.13.14.6.7.1.2 In A Zones, the Building Inspector shall obtain, review and reasonably utilize any one-hundred-year-flood elevation data available from

federal, state, development proposals submitted to the community (for example subdivisions, site approvals, etc.) or other sources.

147.13.14.6.7.1.3 In Zone AO, the one-hundred-year-flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or, if no depth number is specified on the FIRM, at least two (2) feet.

147.13.14.6.8 Electrical, heating, ventilation, plumbing, air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

147.13.14.6.9 The Building Inspector shall maintain for public inspection and furnish upon request any certification of flood proofing and the as-built elevation (in relation to mean sea level) of the lowest floor (including the basement) of all new or substantially improved structures and include whether or not such structures contain a basement, and if the structure has been flood proofed, the as-built elevation (in relation to mean sea level) to which the structure was flood proofed. This information must be furnished by the applicant.

147.13.14.6.10 Excavation shall be prohibited in the Floodplain Conservation District.

147.13.14.7 VARIANCES. A variance is a relaxation or setting aside in a specific case, of certain specified terms of this ordinance. In accordance with RSA 674:33, I(b), the applicant shall have the burden of showing, in addition to the usual variance standards under State law:

147.13.14.7.1 That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense;

147.13.14.7.2 That, if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result; and

147.13.14.7.3 That the variance is necessary, considering the flood hazard, to afford relief.

147.13.14.7.4 The ZBA shall notify the applicant in writing that:

147.13.14.7.4.1 The issuance of a variance to construct below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

147.13.14.7.4.2 Such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

147.13.14.7.5 The community shall:

147.13.14.7.5.1 Maintain a record of all variance actions, including their justification for their issuance; and

147.13.14.7.5.2 Report such variances issued in its annual or biannual report submitted to FEMA's Federal Insurance Administrator.

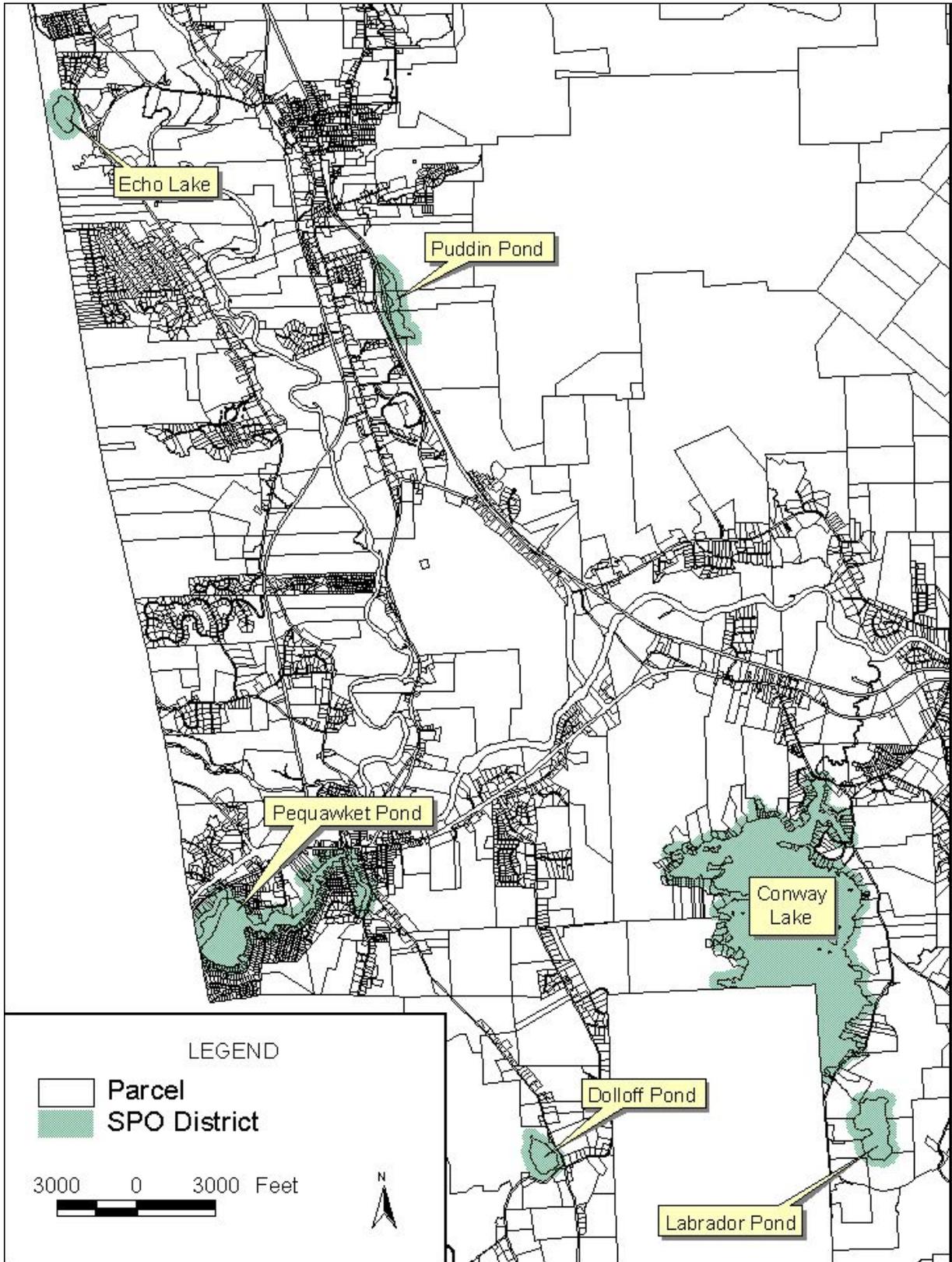
147.13.15 SHORELINE PROTECTION OVERLAY (SPO) DISTRICT. The SPO District is primarily designed to allow for use of the water and careful development of the land immediately adjacent to all Great Ponds so as to protect and enhance water quality, preserve natural beauty and aesthetic qualities, prevent overcrowding of the shore land and protect aquatic and terrestrial wildlife habitat. Excavations are specifically prohibited in this district. Multifamily residential buildings shall not be permitted if the underlying district is RA. Land Uses permitted in this district are represented in §147.16 Table of Uses.

147.13.15.1 DISTRICT BOUNDARIES. The Shoreline Protection Overlay District shall be comprised of all land within three hundred (300) feet from the edge of water of all Great Ponds, except in Conway Village, where the zone shall only extend to the center line of Route 16 or to the three-hundred-foot line from Pequawket Pond, whichever is less restrictive. In no case shall the District extend more than three hundred (300) feet inland from the edge of water. Great Ponds include the following: Conway Lake, Dolloff Pond, Echo Lake, Labrador Pond, Pequawket Pond, and Puddin Pond. For purposes of this district, "Pequawket Pond" shall include Page Randall Brook north and west of Tasker Hill Road and Pleasant Street and shall include the outlet brook entering Pequawket Pond from Upper Pequawket Pond.

147.13.15.1.1 The "edge of water" shall be considered the point where water and land meet, and this is defined by the following elevations above mean sea level:

- 147.13.15.1.1.1** Conway Lake: four hundred thirty-six (436) feet.
- 147.13.15.1.1.2** Dolloff Pond: five hundred fifty (550) feet.
- 147.13.15.1.1.3** Echo Lake: five hundred ten (510) feet.
- 147.13.15.1.1.4** Labrador Pond: five hundred fifty (550) feet.
- 147.13.15.1.1.5** Pequawket Pond: four hundred fifty-eight (458) feet.
- 147.13.15.1.1.6** Puddin Pond: five hundred thirty-seven (537) feet.

147.13.15.2 DISTRICT MAP.



147.13.15.3 WATER FRONTAGE. All lots fronting on a Great Pond shall have a minimum of one hundred fifty (150) feet of water frontage.

147.13.15.4 DEVELOPMENT DENSITY. The overall density of development on a lot shall be determined with standard zoning and subdivision criteria such as lot size and natural resource constraints. However, the density of development allowed within three hundred (300) feet of the normal high water elevation shall be restricted by the amount of water frontage. In case of conflicting results, the more restrictive regulation shall apply. Density within three hundred (300) feet of the normal high water elevation shall be as follows:

147.13.15.4.1 The first unit shall have one hundred fifty (150) feet of water frontage.

147.13.15.4.2 Each additional existing unit set back one hundred (100) feet or less from the edge of water shall have one hundred fifty (150) feet of water frontage.

147.13.15.4.3 Each additional new or existing unit set back more than one hundred (100) feet but less than or equal to two hundred (200) feet from the normal high water elevation shall have one hundred fifty (150) feet of water frontage.

147.13.15.4.4 Each additional new or existing unit set back more than two hundred (200) but less than or equal to three hundred (300) feet from the edge of water shall have fifty (50) feet of water frontage.

147.13.15.5 SHORELINE SETBACKS. Each structure shall have a one-hundred-foot minimum setback from the normal high water elevation in all underlying zoning districts, with the exception of boat storage sheds which shall be set back a minimum of fifty (50) feet from the normal high water elevation.

147.13.15.6 LOT COVERAGE. Coverage of a lot with structures and impervious surfaces, including but not limited to buildings, driveways and sidewalks, shall be restricted as follows:

147.13.15.6.1 In the commercial districts, no more than sixty-five percent (65%) of the lot may be covered.

147.13.15.6.2 In all other districts, no more than twenty-five percent (25%) of the lot may be covered.

147.13.15.7 BUFFER. There shall be a fifty-foot-wide vegetated buffer along the water frontage of each lot. This buffer serves as a natural filter to protect the lakes from contaminated surface runoff, provides habitat for terrestrial wildlife, protects aesthetic qualities of the lake environment and helps prevent erosion of the shoreline. The following restrictions shall apply to the buffer.

147.13.15.7.1 One (1) access path across the buffer, up to ten (10) feet in width (measured parallel to the shoreline), is allowed for each one hundred fifty (150) feet of water frontage. Such paths shall be designed to prevent erosion and runoff into the lake.

147.13.15.7.2 No vegetation less than four (4) inches in diameter, measured at four and one-half (4-1/2) feet above ground level, shall be cut, trimmed, pruned or removed, except to provide for permitted access paths.

147.13.15.7.3 For vegetation four (4) inches or more in diameter, measured four and one-half (4-1/2) feet above ground level (hereafter referred to as "trees"), no more than ten percent (10%) of the basal area of trees may be removed from the buffer (not including the area of permitted access paths) in any five-year period. Before any cutting

may occur, the Zoning Officer shall be provided with a plat indicating the size and location of all trees in the buffer, which indicates the total basal area before and after the proposed cutting and which indicates all measures to be taken to prevent destruction of the buffer and protect the water quality. Cutting may occur only after receipt of written authorization from the Zoning Officer.

147.13.15.7.4 No cutting or trimming of living tree limbs shall be permitted.

147.13.15.7.5 Dead trees and dead limbs may be cut down upon written authorization from the Zoning Officer.

147.13.15.7.6 For beaches permitted in Subsection J, some clearing of land within the buffer is required. In no case shall such clearing for a beach extend inland more than ten (10) feet from the normal high water elevation, and such clearing shall be no longer than the permitted beach.

147.13.15.8 DOCKS. Docks which are completely removed from the water for the winter season shall be permitted as follows:

147.13.15.8.1 Maximum number of docks shall be one (1) per one hundred fifty (150) feet of water frontage, but lots with less than one hundred fifty (150) feet of water frontage are permitted one (1) dock.

147.13.15.8.2 A dock shall not extend more than thirty (30) feet into the water.

147.13.15.8.3 A dock shall not be a wider than ten (10) feet in width.

147.13.15.9 PRIVATE BEACHES. Beaches on a Great Pond which are not owned by a unit of government shall be regulated as follows:

147.13.15.9.1 Existing beaches may be maintained without the use of any machines or motorized equipment below the high water elevation. Washed sand shall be the only material, which may be added to the beach. The amount of washed sand added shall not to exceed one (1) cubic yard per three (3) feet of beach length in any five-year period. A zoning permit and all applicable state permits shall be required before any sand is deposited, and it shall be the responsibility of the Zoning Officer to maintain records to monitor beach maintenance.

147.13.15.9.2 New beaches may be created only when the following conditions are met:

147.13.15.9.2.1 The lot shall be considered to have an area suitable for a beach if it meets each of the following criteria:

147.13.15.9.2.1.1 The slope of land from the high water elevation to a line ten (10) feet inland shall not have slopes steeper than ten percent (10%).

147.13.15.9.2.1.2 The slope of the land from the high water elevation to a line twenty (20) feet out into the water shall not have slopes steeper than ten percent (10%).

147.13.15.9.2.1.3 The proposed beach site shall be determined by an independent wildlife biologist to be of minimal importance as fish habitat and/or spawning area (written report from the wildlife biologist shall be provided to the town).

147.13.15.9.2.1.4 The area proposed for a beach above the high water elevation is not on or within ten (10) feet of poorly or very poorly drained soils, or wetlands.

147.13.15.9.2.1.5 All proposed beaches must comply with the requirements set forth in RSA 482-A and NH Code of Administrative Rules Wt 100-800 for dredge and fill applications.

147.13.15.9.2.2 A beach shall be no longer than ten percent (10%) of the length of water frontage, except that no beach shall be required to be less than fifteen (15) feet in length.

147.13.15.9.2.3 No more than one (1) cubic yard of sand per three (3) feet of beach length shall be used to create the beach. Compliance with this requirement shall be documented to the Zoning Officer by means of providing all receipts for beach construction. Only washed sand shall be used for beach construction.

147.13.15.9.2.4 Once established, the maintenance requirements listed in Subsection J(1) shall apply.

147.13.15.9.2.5 Erosion control measures shall be provided such that runoff shall not run across the beach, with a design certified by a New Hampshire licensed professional engineer and reviewed by the Carroll County Conservation District.

147.13.15.9.2.6 A New Hampshire licensed professional engineer shall inspect the site three (3) times: before construction; after grubbing but before sand is added; and when construction is completed. The professional engineer shall certify that all work is completed in accordance with the plans provided to the town and in accordance with these requirements.

147.13.15.9.2.7 All other required permits and approvals are obtained.

147.13.15.10 SHOREFRONT COMMON AREAS. Shorefront common areas are those areas used for water recreation and/or access by users living off-site. Such areas shall comply with the following:

147.13.15.10.1 Shorefront common areas shall not be located on lots smaller than two (2) acres.

147.13.15.10.2 The lot shall have, at a minimum, fifty (50) feet of water frontage per family or household having rights of use; provided, however, that no more than five hundred (500) feet of water frontage shall be required for any one (1) shorefront common area.

147.13.15.10.3 Parking lots for shorefront common areas shall be set back a minimum of two hundred (200) feet from the normal high water elevation. The parking area shall be screened from view of the water by a strip of trees and shrubs at least twenty-five (25) feet wide.

147.13.15.10.4 Creation or alteration of shorefront common areas shall be subject to site plan review.

147.13.15.11 EARTH DISTURBANCE. Prior to any work activity in which digging will occur or the ground's vegetative cover will be removed or substantially disturbed, sufficient erosion and sedimentation control measures shall be installed in accordance with RSA 485-A:17 and NH Code of Administrative Rules Env-Ws 415 for alteration of terrain and the specifications of the 1992 publication entitled "Stormwater Management and Erosion and Sedimentation Control for Urban and Developing areas in NH", DES and RCCD, April, 1992. Such measures, which may include hay bales and silt fences, shall be maintained in

proper working order until the ground surface is stabilized and no longer subject to erosion. The control measures shall be installed to protect both the lake and the buffer (in order to preserve the buffer's natural filtering capacity).

147.13.15.12 WATER QUALITY. In order to afford maximum protection to the lakes' water quality, the application of chemical fertilizer, insecticides or other chemicals shall be prohibited in the District. In addition, drainage shall be controlled and treated as best as is reasonably possible for any construction or activity, or as a result of any land use, such as access paths. Local Regulation of pesticide management is preempted by NHRSA 430:49.

147.13.15.13 SPECIAL EXCEPTIONS. The following shall be prohibited unless granted a special exception by the Zoning Board of Adjustment:

147.13.15.13.1 If granted a special exception under this section, a site plan review approval shall be required prior to construction.

147.13.15.13.2 PROTECTIVE RIPRAP. Riprap to protect shores from erosion shall be granted a special exception by the Zoning Board of Adjustment, provided that the following conditions are met:

147.13.15.13.2.1 All required state and federal permits are obtained; and

147.13.15.13.2.2 The shoreline is being eroded by action of the waters and the riprap will protect the shoreline from further erosion without enhancing erosion at another location on the shoreline.

147.13.15.13.3 BUILDING ON UNDERSIZE LOTS. Building on pre-existing lots with sufficient acreage shall be granted a special exception by the Zoning Board of Adjustment, provided that the following conditions are met:

147.13.15.13.3.1 There is a state-approved septic system or connection to a municipal sewer.

147.13.15.13.3.2 Any building to be constructed shall be configured and located on the lot to create the maximum shoreline setback practical. If appropriate, rear and sideline setbacks may be reduced by the Zoning Board of Adjustment by up to fifty percent (50%) to facilitate maximum shoreline protection.

147.13.15.13.3.3 Clearing of lots may be limited by the Zoning Board of Adjustment as a condition of approval so as to prevent erosion runoff problems.

147.13.15.13.4 MUNICIPAL AND STATE FACILITIES. Municipal and state facilities, including beaches and boat launches, shall be granted a special exception by the Zoning Board of Adjustment, provided that the following conditions are met:

147.13.15.13.4.1 All required state and federal permits are obtained.

147.13.15.13.4.2 Sand for a beach shall not be deposited in water which is deeper than four and five-tenths (4.5) feet, not farther than seventy-five (75) feet out from the high water elevation. For erosion control of the beach area, a barrier shall be constructed between water and the sand on the beach. The site shall not be normally subject to erosion by action of the water nor by the grade of the shoreline slope.

147.13.15.13.4.3 In order to shield the view of parked vehicles from the water and to protect the water from runoff from parking areas, parking shall be located behind a landscaped area of natural or planted vegetation of at least fifty (50) feet in depth.

Parking areas shall be gravel. Appropriate drainage controls shall be constructed and maintained to protect the Great Pond.

147.13.15.13.4.4 Footpaths may be cleared across the vegetated area for access to the beach. They shall be kept at a minimum width, which serves pedestrian access to the water.

147.13.16 WETLAND AND WATERSHED PROTECTION OVERLAY (WWPO)

DISTRICT. The WWPO District is primarily designed to protect the public health, safety and general welfare by protecting valuable wetland and water resources; preventing the harmful filling, draining, sedimentation, or alteration of wetlands and watercourses; protecting unique and unusual natural areas; preventing the development of structures and land uses on naturally occurring wetlands, which could contribute to pollution of surface and ground water by sewage; preventing the destruction or significant degradation of wetlands which provide flood and storm control by the hydrologic absorption and storage capacity of the wetland; protecting fish and wildlife habitats by providing breeding, nesting, and feeding grounds for many forms of plant and animal life including rare, threatened, or endangered species; protect existing and potential water supplies, aquifers and aquifer recharge areas; providing pollution treatment to maintain water quality; preventing expenditures of municipal funds for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands; providing for compatible land uses in and adjacent to wetlands or surface waters which serve to enhance, preserve, and protect wetland areas and water bodies as natural resources. Excavation shall be prohibited in statutory wetlands. Land uses permitted in this district are represented in §147.16 Table of Uses.

147.13.16.1 DISTRICT BOUNDARIES. The WWPO District shall be comprised of all land within one hundred (100) feet from the edge of:

147.13.16.1.1 All water bodies, excluding: Great Ponds, which are covered under the Shoreline Protection Overlay District and certain man-made water bodies, such as fire ponds, agricultural/ irrigation ponds, sedimentation/detention basins, and sewerage lagoons;

147.13.16.1.2 All year round watercourses;

147.13.16.1.3 All wetland areas of three (3) or more contiguous acres, excluding: constructed or legally altered wetlands that are not part of a wetland mitigation plan, and vegetated swales and roadside ditches;

147.13.16.1.4 All wetland areas as shown on the Town of Conway 1997 Wetlands Composite Map abutting a water body or year round watercourse, regardless of the wetland acreage involved;

147.13.16.1.5 All perennial water courses and hydric areas depicted as having poorly or very poorly drained soils according to the Soils Survey of Carroll County, New Hampshire (approved in 1973, and issued in 1977), and

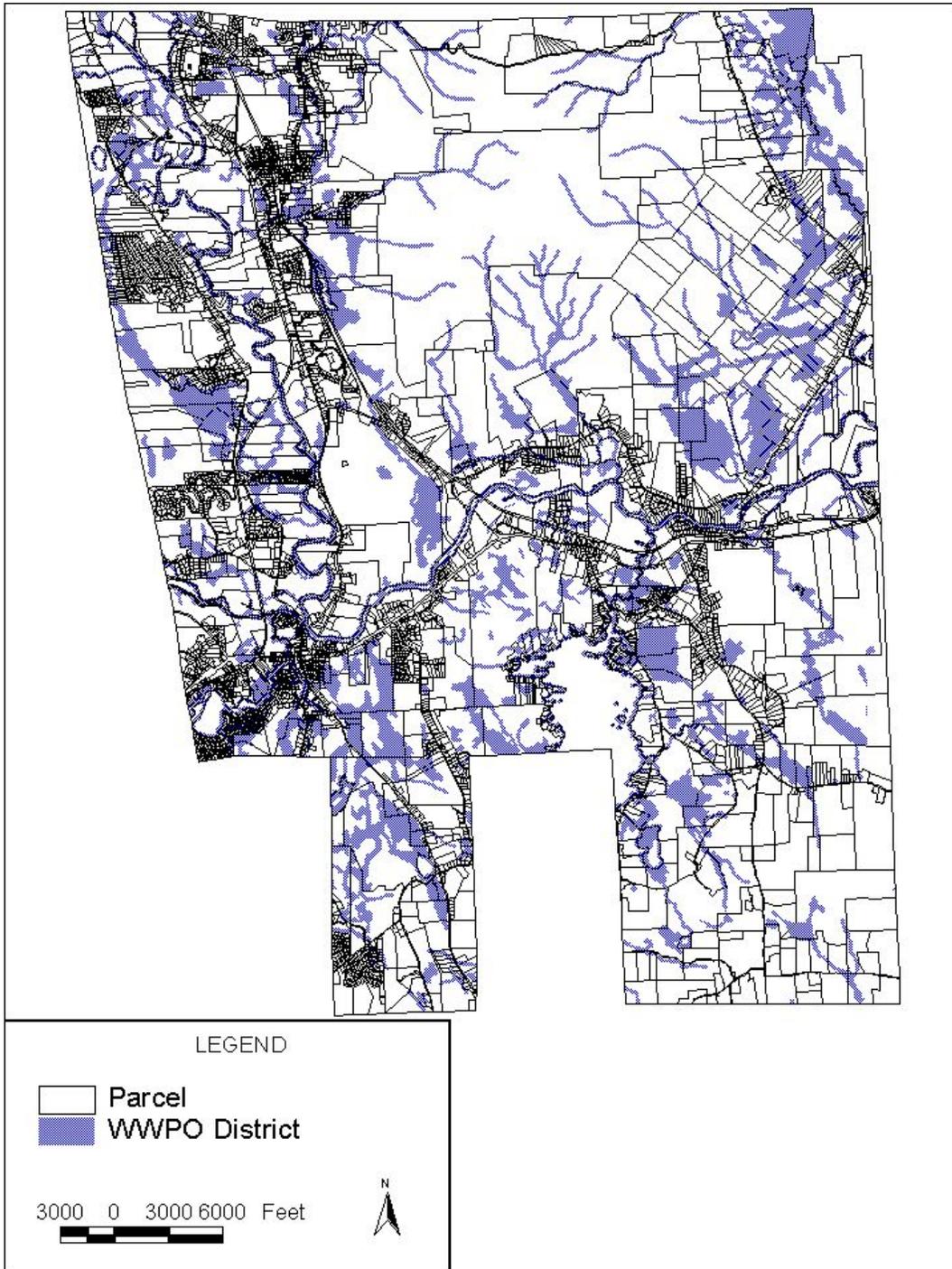
147.13.16.1.6 All wetland areas, except wet woodlands (designed as WW-1 and WW-2), identified and delineated in a report entitled "The Wetlands of Conway, New Hampshire - An Inventory and Evaluation," United States Department of Agricultural Extension Service Wetlands Project, Report No. 1, dated 1979.

147.13.16.1.7 DISPUTED OR INCORRECTLY DELINEATED WETLANDS.

When there is a dispute over the delineation of a mapped wetland, or in cases where an unmapped wetland is delineated, it may be resolved with a plan certified by a wetland or soil scientist licensed by the State of New Hampshire that delineates the wetlands in accordance with the criteria established in and defined by the Corps of Engineers Wetlands Delineation Manual Technical Report Y-87-1, Environmental Laboratory,

Department of the Army, 1987 and Regional Field Indicators for Identifying Hydric Soils in New England, New England Interstate Water Pollution Control Commission, 1998.

147.13.16.2 DISTRICT MAP.



147.13.16.3 SHORELINE AND WETLAND SETBACKS.

147.13.16.3.1 Each structure shall have a seventy five (75) foot minimum setback from the edge of the water or edge of wetland, whichever is farther landward. Boat storage sheds, however, may be set back a minimum of fifty (50) feet from the edge of the water or edge of wetland. In the residential/agricultural district, storage sheds shall be set back a minimum of fifty (50) feet from the edge of water or edge of the wetland. Only one (1) storage shed is allowed per lot within the buffer.

147.13.16.3.2 Special provisions.

147.13.16.3.2.1 No septic tank or leach field may be constructed or enlarged closer than one hundred (100) feet to any wetland.

147.13.16.4 SHORELINE AND WETLAND BUFFER. There shall be a fifty-foot-wide vegetated buffer along the edge of the water or edge of wetland, whichever is farther landward. This buffer serves as a natural filter to protect the waters and wetlands from contaminated surface runoff, provides habitat for terrestrial wildlife, protects aesthetic qualities of the water and wetland environment and helps prevent erosion of the shoreline. The following restrictions shall apply to the buffer.

147.13.16.4.1 One (1) access path across the buffer, up to ten (10) feet in width (measured parallel to the shoreline), is allowed for each one hundred fifty (150) feet of water frontage. Such paths shall be designed to prevent erosion and runoff into the water or wetland. Path installation may occur only after receipt of a Zoning Permit from the Zoning Officer.

147.13.16.4.2 Municipal trails on government lands and municipal trails across other lands (for which the Town of Conway has accepted trail easements) may be located within shoreline and wetland buffers provided that they are designed and maintained to prevent erosion and runoff into the water or wetland.

147.13.16.4.3 No vegetation less than four (4) inches in diameter, measured at four and one-half (4-1/2) feet above ground level, shall be cut, trimmed, pruned or removed, except to provide for permitted access paths.

147.13.16.4.4 For vegetation four (4) inches or more in diameter, measured four and one-half (4-1/2) feet above ground level (hereafter referred to as "trees"), no more than ten percent (10%) of the basal area of trees may be removed from the buffer (not including the area of permitted access paths) in any five-year period. Before any cutting may occur, the Zoning Officer shall be provided with a plat indicating the size and location of all trees in the buffer, which indicates the total basal area before and after the proposed cutting and which indicates all measures to be taken to prevent destruction of the buffer and protect the water quality. Cutting may occur only after receipt of a Zoning Permit from the Zoning Officer.

147.13.16.4.5 No cutting or trimming of living tree limbs shall be permitted.

147.13.16.4.6 Dead trees and dead limbs may be cut down only after receipt of a Zoning Permit from the Zoning Officer.

147.13.16.4.7 For beaches permitted herein, where some clearing of land within the buffer is required. In no case shall such clearing for a beach extend inland more than ten

(10) feet from the normal high water elevation, and such clearing shall be no longer than the permitted beach.

147.13.16.4.8 Agricultural and timber harvesting activities and operations shall be permitted uses within the buffer area, provided they conform to best management practices established by the US Department of Agriculture Natural Resources Conservation Service, Cooperative Extension and/or the New Hampshire Department of Agriculture and RSA 227J.

147.13.16.5 DOCKS. Docks which are completely removed from the water for the winter season shall be permitted as follows:

147.13.16.5.1 Maximum number of docks shall be one (1) per one hundred fifty (150) feet of water frontage, but lots with less than one hundred fifty (150) feet of water frontage are permitted one (1) dock.

147.13.16.5.2 A dock shall not extend more than thirty (30) feet into the water.

147.13.16.5.3 A dock shall not be wider than ten (10) feet in width.

147.13.16.5.4 A Zoning Permit must be obtained prior to the installation of a dock.

147.13.16.6 PRIVATE BEACHES. Beaches which are not owned by a unit of government shall be regulated as follows:

147.13.16.6.1 Existing beaches may be maintained without the use of any machines or motorized equipment below the high water elevation. Washed sand shall be the only material, which may be added to the beach. The amount of washed sand added shall not to exceed one (1) cubic yard per three (3) feet of beach length in any five-year period. A zoning permit and all applicable state permits shall be required before any sand is deposited, and it shall be the responsibility of the Zoning Officer to maintain records to monitor beach maintenance.

147.13.16.6.2 New beaches may be created only when the following conditions are met:

147.13.16.6.2.1 The lot shall be considered to have an area suitable for a beach if it meets each of the following criteria:

147.13.16.6.2.1.1 The slope of land from the high water elevation to a line ten (10) feet inland shall not have slopes steeper than ten percent (10%).

147.13.16.6.2.1.2 The slope of the land from the high water elevation to a line twenty (20) feet out into the water shall not have slopes steeper than ten percent (10%).

147.13.16.6.2.1.3 The proposed beach site shall be determined by an independent wildlife biologist to be of minimal importance as fish habitat and/or spawning area (written report from the wildlife biologist shall be provided to the town).

147.13.16.6.2.1.4 The area proposed for a beach above the high water elevation is not on or within ten (10) feet of poorly or very poorly drained soils, or wetlands.

147.13.16.6.2.1.5 All proposed beaches must comply with the requirements set forth in RSA 482-A and NH Code of Administrative Rules Wt 100-800 for dredge and fill applications.

147.13.16.6.2.2 A beach shall be no longer than ten percent (10%) of the length of water frontage, except that no beach shall be required to be less than fifteen (15) feet in length.

147.13.16.6.2.3 No more than one (1) cubic yard of sand per three (3) feet of beach length shall be used to create the beach. Compliance with this requirement shall be documented to the Zoning Officer by means of providing all receipts for beach construction. Only washed sand shall be used for beach construction.

147.13.16.6.2.4 Once established, the maintenance requirements listed in Subsection J(1) shall apply.

147.13.16.6.2.5 Erosion control measures shall be provided such that runoff shall not run across the beach, with a design certified by a New Hampshire licensed professional engineer and reviewed by the Carroll County Conservation District.

147.13.16.6.2.6 A New Hampshire licensed professional engineer shall inspect the site three (3) times: before construction; after grubbing but before sand is added; and when construction is completed. The professional engineer shall certify that all work is completed in accordance with the plans provided to the town and in accordance with these requirements.

147.13.16.6.2.7 All other required permits and approvals are obtained.

147.13.16.7 SHOREFRONT COMMON AREAS. Shorefront common areas are those areas used for water recreation and/or access by users living off-site. Such areas shall comply with the following:

147.13.16.7.1 Shorefront common areas shall not be located on lots smaller than two (2) acres.

147.13.16.7.2 The lot shall have, at a minimum, fifty (50) feet of water frontage per family or household having rights of use; provided, however, that no more than five hundred (500) feet of water frontage shall be required for any one-(1) shorefront common area.

147.13.16.7.3 Parking lots for shorefront common areas shall be set back a minimum of two hundred (200) feet from the normal high water elevation. The parking area shall be screened from view of the water by a strip, at least twenty-five (25) feet wide, of trees and shrubs.

147.13.16.7.4 Creation or alteration of shorefront common areas shall be subject to site plan review.

147.13.16.8 EARTH DISTURBANCE. Prior to any work activity in which digging will occur or the ground's vegetative cover will be removed or substantially disturbed, sufficient erosion and sedimentation control measures shall be installed in accordance with RSA 485-A:17 and NH Code of Administrative Rules Env-Ws 415 for alteration of terrain and the specifications of the 1992 publication entitled "Stormwater Management and Erosion and Sedimentation Control for Urban and Developing areas in NH", DES and RCCD, April, 1992. Such measures, which may include hay bales and silt fences, shall be maintained in proper working order until the ground surface is stabilized and no longer subject to erosion. The control measures shall be installed to protect both the water, wetland and the buffer (in order to preserve the buffer's natural filtering capacity).

147.13.16.9 WATER QUALITY. In order to afford maximum protection to water quality, the application of chemical fertilizer, insecticides or other chemicals shall be prohibited in the District. In addition, drainage shall be controlled and treated as best as is reasonably

possible for any construction or activity, or as a result of any land use, such as access paths. Local Regulation of pesticide management is preempted by NHRSA 430:49.

147.13.16.10 SPECIAL EXCEPTIONS. The following shall be prohibited unless granted a special exception by the Zoning Board of Adjustment:

147.13.16.10.1 If granted a special exception under this section, a site plan review approval shall be required prior to construction.

147.13.16.10.2 References to the "shoreline" shall be considered either the shoreline of the water body/watercourse or the edge of wetland, whichever is farther land-ward.

147.13.16.10.3 Any special exception shall be granted only after having found that there is no better feasible alternative, in keeping with State and Federal standards for the issuance of development permits in 404 jurisdictional wetlands.

147.13.16.10.4 PROTECTIVE RIPRAP. Riprap to protect shores from erosion shall be granted a special exception by the Zoning Board of Adjustment, provided that the following conditions are met:

147.13.16.10.4.1 All required state and federal permits are obtained; and

147.13.16.10.4.2 The shoreline is being eroded by action of the waters and the riprap will protect the shoreline from further erosion without enhancing erosion at another location on the shoreline.

147.13.16.10.5 BUILDING ON UNDERSIZE LOTS. Building on pre-existing lots with sufficient acreage shall be granted a special exception by the Zoning Board of Adjustment, provided that the following conditions are met:

147.13.16.10.5.1 There is a state-approved septic system or connection to a municipal sewer.

147.13.16.10.5.2 Any building to be constructed shall be configured and located on the lot to create the maximum shoreline setback practical. If appropriate, rear and sideline setbacks may be reduced by the Zoning Board of Adjustment by up to fifty percent (50%) to facilitate maximum shoreline protection.

147.13.16.10.5.3 Clearing of lots may be limited by the Zoning Board of Adjustment as a condition of approval so as to prevent erosion runoff problems.

147.13.16.10.6 MUNICIPAL AND STATE FACILITIES. Municipal and state facilities, including beaches and boat launches, shall be granted a special exception by the Zoning Board of Adjustment, provided that the following conditions are met:

147.13.16.10.6.1 All required state and federal permits are obtained.

147.13.16.10.6.2 Sand for a beach shall not be deposited in water which is deeper than four and five-tenths (4.5) feet, not farther than seventy-five (75) feet out from the high water elevation. For erosion control of the beach area, a barrier shall be constructed between water and the sand on the beach. The site shall not be normally subject to erosion by action of the water nor by the grade of the shoreline slope.

147.13.16.10.6.3 In order to shield the view of parked vehicles from the water and to protect the water from runoff from parking areas, parking shall be located behind a landscaped area of natural or planted vegetation of at least fifty (50) feet in depth. Parking areas shall be gravel. Appropriate drainage controls shall be constructed and maintained to protect the Great Pond.

147.13.16.10.6.4 Footpaths may be cleared across the vegetated area for access to the beach. They shall be kept at a minimum width, which serves pedestrian access to the water.

147.13.16.10.7 WETLAND OR STREAM CROSSING. The construction of a wetland or stream crossing for purposes of streets, roads and other access ways and utility right-of-way easements, including power lines and pipelines. A special exception for these uses may be granted if the following conditions are met:

147.13.16.10.7.1 The use is essential to the productive use of land not in the District; and

147.13.16.10.7.2 The use is so located and constructed as to minimize the detrimental impact upon the wetlands.

147.13.16.10.8 WATER STORAGE OR IMPOUNDMENT. The construction of a water storage or impoundment.

147.13.16.10.9 Any use not otherwise permitted or otherwise allowed by special exception in a wetland, which may include the erection of a structure, dredging, filling, draining or otherwise altering the surface configuration of a wetland. A special exception may be granted, provided that the following conditions are met:

147.13.16.10.9.1 The proposed use will not conflict with the purpose and intent of the District. To support this claim, the applicant shall provide proper written evidence, which shall be accompanied by the finding of a review by the United States Natural Resources Conservation Service; and

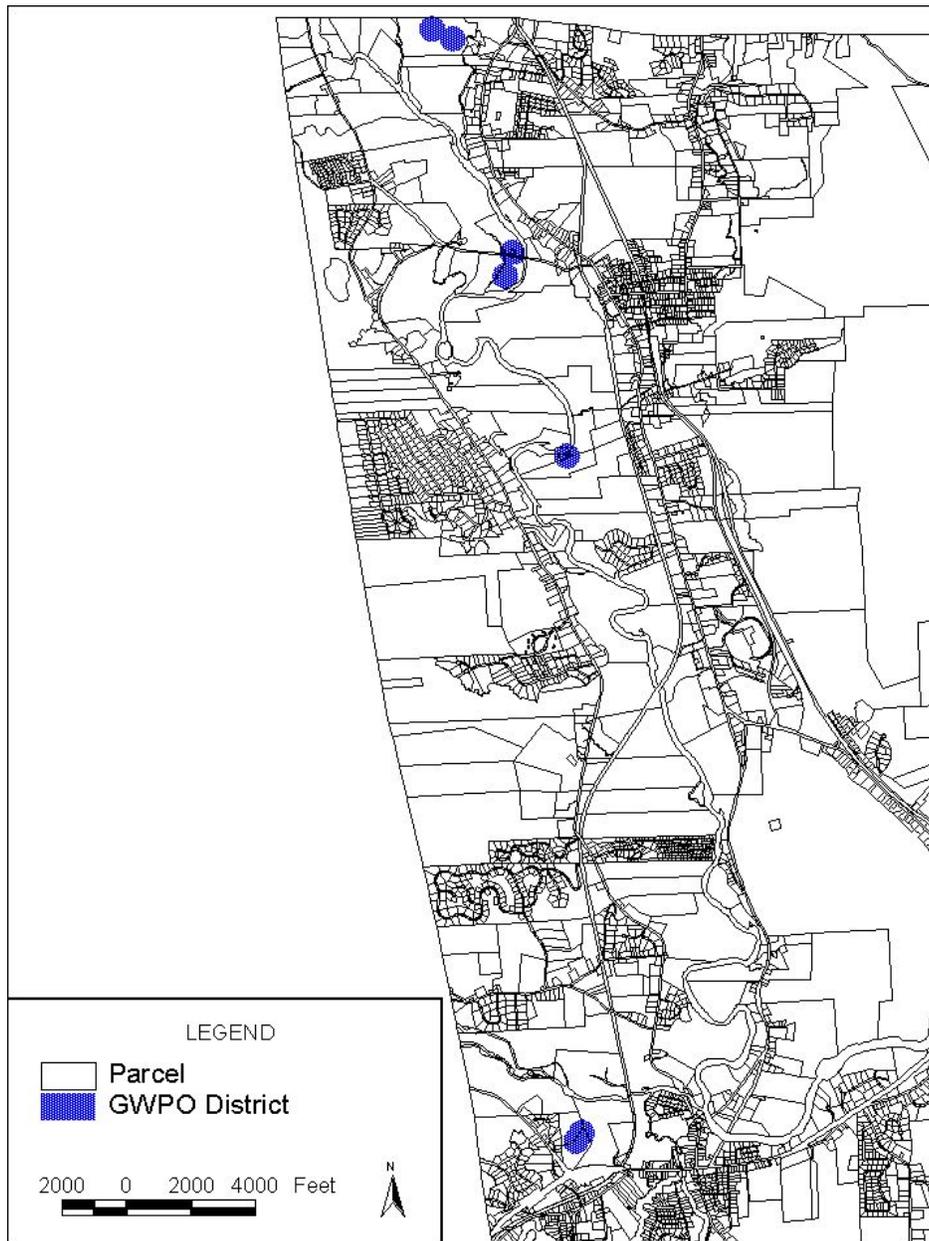
147.13.16.10.9.2 The use is permitted in the underlying zoning district.

147.13.17 RESERVED.

147.13.18 GROUNDWATER PROTECTION OVERLAY (GWPO) DISTRICT. The GWPO District is primarily designed to safeguard current and potential future groundwater sources of municipal drinking water. Initially, the policy shall only establish a protective radius around each municipal well, and shall prohibit incompatible land uses within that radius. Eventually, the policy should be expanded in scope to prevent land use/groundwater quality conflicts throughout the entire draw down/recharge area of each existing or potential municipal well. Land uses permitted in this district are represented in §147.16 Table of Uses.

147.13.18.1 DISTRICT BOUNDARIES. The WWPO District shall be comprised of A 400-foot protective radius around each well serving the Conway Village Fire District and/or the North Conway Water Precinct municipal water supply systems.

147.13.18.2 DISTRICT MAP



147.13.18.3 RESTRICTIONS. Within the protective radius, only the following land uses are permitted: open space, gravel driveway, and structures relating to the well and water distribution system.

147.13.18.4 NONCONFORMING USES. A pre-existing use, which is nonconforming with respect to the protective radius restrictions shall not be entitled to, the same rights as are established in 147.14.1. The use shall be eliminated, changed to a conforming use, or changed only in a manner, which reduces the threat to water quality of the groundwater.

147.13.18.5 PERMITS. Any change in land use within the protective radius shall require a permit from the Zoning Officer. The Zoning Officer shall require: a completed change of use application; a survey of the entire protective radius area at a scale of 1"=20' showing all natural and manmade features. The Zoning Officer shall forward a copy of the application to the municipal entity owning the well for review and comments. The municipal entity shall have one week to comment, and the Zoning Officer shall not issue an approval for the change of use until the comment period has expired.

147.13.19 SPECIAL HIGHWAY CORRIDOR OVERLAY (SHCO) DISTRICT.

147.13.19.1 PURPOSE. Realizing the importance of the Conway Bypass to the economy, quality of life, and general welfare of Conway and all of Mount Washington Valley, this Special Highway Corridor District is created as an integral part of the Town's overall effort to protect and preserve the unique features of the valley's landscape for the Town and region. At the same time, the Corridor District is designed to allow for appropriate development, compatible with the scenic, largely rural quality of the road corridor. Specifically, the purpose of the Special Highway Corridor District is to:

147.13.19.1.1 Implement the objectives and policies of the Town's Master Plan, which recognizes the critical importance of proper physical planning, community appearance and aesthetics to the short and long term economic health of the region's heavily tourism-driven economy.

147.13.19.1.2 Establish and maintain the bypass as an attractive gateway to the Mount Washington Valley.

147.13.19.1.3 Prevent adverse environmental impacts such as water, air, light, and noise pollution, flooding and clear-cutting of vegetation.

147.13.19.1.4 Prevent the destruction of important natural and scenic views and vistas.

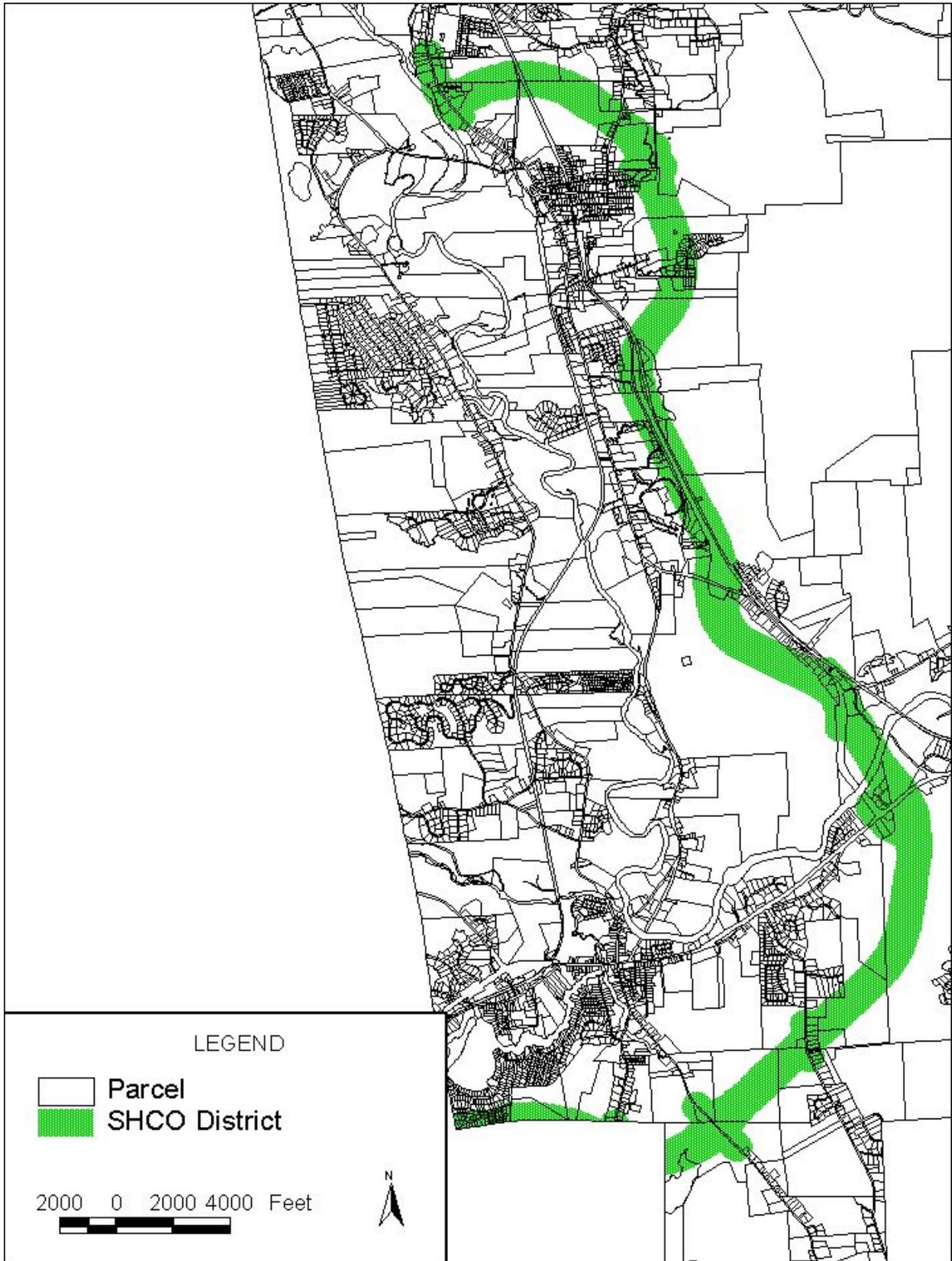
147.13.19.1.5 Encourage high quality development in keeping with the natural and rural character of the landscape.

147.13.19.1.6 Prevent uncontrolled commercialism and aesthetic degradation of the bypass corridor.

147.13.19.1.7 Preserve the function of the bypass in moving traffic and commerce efficiently through the valley to and from points north.

147.13.19.2 DISTRICT BOUNDARIES. The Special Highway Corridor Overlay District shall include all land within the corporate limits of the Town of Conway that is within five hundred (500) feet of the edge of the right of way of the Conway By Pass and its intersections up to the extent of the limited access right of way for the Conway Bypass as depicted on 1993 public hearing plans of the State of New Hampshire Department of Transportation on file at the Town of Conway.

147.13.19.3 DISTRICT MAP



147.13.19.4 APPLICABILITY.

147.13.19.4.1 The provisions set forth in this section shall apply, upon development, to all land within five hundred (500) feet of the edge of the right of way of the Conway Bypass, located within the corporate limits of the Town of Conway, and where the Special Highway Corridor District has been so applied on the Zoning Map of the Town of Conway.

147.13.19.4.2 All applications for a local building permit, septic permit, well permit subdivision approval, or site plan approval shall be subject to the provisions of this ordinance.

147.13.19.4.3 Any applicant seeking said approvals will be responsible for providing the required information before the appropriate approval will be considered.

147.13.19.4.4 The Town of Conway, through its administrative and operating departments, shall be subject to the provisions of the ordinance.

147.13.19.4.5 Any pre-existing hospital shall not be subject to the provisions of this overlay district with respect to any expansion or modification of the hospital or any of its usual and customary accessory uses.

147.13.19.5 DEVELOPMENT STANDARDS. The Special Highway Corridor District shall be an overlay district. Development standards of the Special Highway Corridor District shall be the same as for the underlying zoning district(s), except as modified herein. In particular, all development standards of the Town's Site Plan Review Regulations (Chapter 123) and the Town's regulations concerning the Subdivision of Land (Chapter 131) shall apply, except as modified herein.

147.13.19.6 PERMITTED USES. General Intent. Permitted uses shall be the same as for the underlying zoning district(s), except that developments or land uses which would require extensive tree and land clearing for development purposes shall not be permitted. Land uses, which typically fall into prohibited developments on all land uses to include, but not limited to the following examples: outdoor storage or display of automobiles and outdoor storage of bulk commodities such as salt and gravel. (Also see Section L. Lot Coverage)

147.13.19.7 LOT SIZE. Minimum lot size requirements shall be the same as for the underlying zoning district(s), except as modified herein.

147.13.19.8 REQUIRED YARD SETBACKS. Required yard setbacks shall be the same as for the underlying zoning district(s), except as modified herein.

147.13.19.9 PROTECTIVE BUFFER STRIP ABUTTING THE BYPASS:

147.13.19.9.1 Upon development, any lot abutting the Special Highway right of way shall have a protective buffer strip along the length of the right of way as follows:

147.13.19.9.1.1 For an industrial, commercial or multi-family residential use: one hundred (100) feet deep

147.13.19.9.1.2 For a single family residential use: seventy-five (75) feet deep.

147.13.19.9.2 The protective buffer strip shall be naturally vegetated and/or planted with native trees and undergrowth. The goal is to develop a continual natural woodland buffer along the bypass so that it will provide visual appeal to those using the bypass and screen from view the development that abuts the bypass. Where the required buffer strip does not contain existing trees displaying a typical woodland appearance, and where views

would be to development rather than to a scenic view or vista, the developer shall install native plant materials appropriate to the condition and soil type of the strip. As soil conditions allow, such plant materials shall include a mixture of northeastern hardwood, evergreen species, trees, saplings, shrubs and ground cover. Required plants shall be installed in a staggered, random pattern over the entire width of the buffer strip, as conditions allow. Plants shall not be installed in linear, uniform row(s). To qualify as an approved protective buffer, the minimum existing or installed planting density shall be one (1) tree for every two (2) linear feet of right of way frontage for the entire depth of the buffer strip (e.g. 50 trees planted in a 10,000 s square foot area-a 100 foot deep buffer along a 100 foot section of right of way for a commercial use). To be credited as a qualifying tree, an existing or planted tree shall have a caliper of at least one and one-half (1.5) inches at a point six (6) inches above the top of the root ball at planting. A mixture of small and larger trees at or above the minimum caliper size at planting shall be encouraged to more closely approximate a condition of natural succession.

147.13.19.9.3 All existing, planted, and volunteer vegetation shall be allowed to grow in a natural, undisturbed condition in succession toward a mature tree canopy and woodland area. However, timber within the buffer strip may be managed and harvested in accordance with RSA 227-J. No development permit issued by the Town shall be intended by the Town to exempt the land area within the protective buffer yard from the timber management standards of 227-J:9 I. Upon loss or removal of trees, whether by death, disease, harvesting, or other reasons, to a density less than the minimum required under paragraph (2) above, the property owner/developer shall be required to restore the lost or removed trees at the first appropriate planting season.

147.13.19.9.4 If the Planning Board shall determine that it is desirable to maintain or open up a scenic view or vista, the Planning Board may allow for non-forested (i.e. pastoral, farming) open space within the required protective buffer strip.

147.13.19.9.5 The Planning Board may reduce the width of the required protective buffer strip as part of its approval of the site plan or subdivision plat, taking into consideration the topography of the area, the actual location of the highway pavement within the right of way corridor, the size of land parcels affected by the protective buffer strip, and whether the buffer strip requirement would render the entire property unusable. Reduction of the required buffer strip shall not be granted without clear justification, however, and in no event shall the Planning Board reduce the required width of the buffer strip to less than thirty (30) feet.

147.13.19.9.6 The required protective buffer strip abutting the bypass right of way shall be drawn on all site plans and subdivision plats.

147.13.19.10 PROTECTIVE BUFFER STRIP ABUTTING INTERSECTION STREETS:

147.13.19.10.1 Upon development, a minimum protective buffer of twenty-five (25) feet shall be established adjacent to any street right of way, which intersects and shares common access with the Special Highway for a distance of two hundred feet from the intersection of the rights of way of the street and the Special Highway. The requirements for the buffer shall be the same as set forth in 147.13.19.9.2., 147.13.19.9.3. and 147.13.19.9.4., except the minimum planting density shall be one (1) tree per every five (5) linear feet of frontage along the intersecting street.

147.13.19.10.2 As an option, the protective buffer along the intersecting street may be installed and maintained as a designed landscape planting in accordance with the planting standards of the Town's Site Plan Review Regulations, Section 123-29.

147.13.19.10.3 Where the protective buffer adjoining the Special Highway and the protective buffer adjoining the intersecting street overlap, the dimensional and planting requirements of the Special Highway buffer shall apply.

147.13.19.11 DEVELOPMENT DENSITY. The overall density of development shall be the same as for the underlying zoning district(s).

147.13.19.12 DENSITY CREDIT FOR REQUIRED PROTECTIVE BUFFER STRIP. No lot shall be less than 1/2 acre of buildable land. In calculating the total lot yields for a subdivided property, which falls in part, or in whole within the Special Highway Corridor District, the area of land within the required protective buffer strip abutting the bypass may be included in the acreage calculations, and minimum lot sizes may be reduced accordingly. No lot size reduction, however, may supersede acreage or other standards necessary to accommodate a state-approved subsurface sewage disposal system and well radius if required.

147.13.19.13 LOT COVERAGE. Coverage of a lot or portions of a lot within the district with structures and impervious surfaces, including but not limited to buildings, driveways and sidewalks, shall be restricted as follows:

147.13.19.13.1 In the Residential/Agricultural District, no more than twenty-five (25) percent of the lot may be covered.

147.13.19.13.2 In the Business District, no more than sixty-five (65) percent of the lot may be covered.

147.13.19.14 NON-IMPERVIOUS SURFACE AREA CREDIT FOR PROTECTIVE BUFFER STRIP. In determining the maximum impervious surface area of a developed lot, the area of land within the required protective buffer strip abutting the bypass may be credited in the calculations as part of the non-impervious surface area of the lot.

147.13.19.15 SIGNS.

147.13.19.15.1 Any and all commercial, residential, or other signs, shall be placed or designed so as to be oriented or directed away from the bypass and to minimize their visibility from the bypass. This shall not apply to State approved informational and directional signs within the right of way of the Conway Bypass.

147.13.19.15.2 No signage of any kind or size shall be permitted within the required protective buffer strip abutting the bypass right of way.

147.13.19.15.3 Other sign requirements shall be as set forth in the underlying district.

147.13.19.16 LIGHTING. No outdoor lighting fixture shall be mounted higher than twenty (20) feet in all zoning districts within the Special Highway Corridor District. Parking areas and walkways may be illuminated by luminaries so hooded or shielded to not extend substantially beyond the parking and walkway areas. Lighting in excess of the minimum required to illuminate any outdoor area for the purpose intended shall be prohibited. Outdoor architectural lighting shall also be strongly discouraged in keeping with a largely rural setting.

147.13.19.17 BUILDING HEIGHT. So as to preserve the largely rural, wooded character of the Special Highway corridor, and to maintain building heights well below the height of the mature tree canopy, buildings shall not exceed thirty-five (35) feet in height. Church Steeples may exceed the thirty-five (35) foot height limit if approved as may be permitted in the underlying district. Telecommunication towers shall not be permitted within the Special Highway Corridor District.

147.13.19.18 BUILDING SIZE. So as to avoid expansive areas of tree clearing, no building with a footprint greater than 5,000 square feet inside exterior walls shall be permitted. No less than forty (40) feet shall be allowed as separation distance between buildings. When necessary to accommodate larger projects, several structures with building footprints of no more than 5,000 square feet each may be placed on the same lot, provided that all other standards are met. Efforts to save and plant native trees between and among structures shall be encouraged.

147.13.19.19 PARKING

147.13.19.19.1 Parking requirements shall be as specified in Section 123-21 of the Town's Site Plan Review Regulations, except as modified herein.

147.13.19.19.2 So as to avoid expansive areas of tree clearing and asphalt, developments requiring parking in excess of 30 spaces shall provide parking in several parking areas of no more than thirty (30) parking spaces each. Such parking areas, shall be separated by natural or planted landscaped areas or by buildings. Efforts to save and plant native trees between and among the parking areas and buildings shall be encouraged.

147.13.19.19.3 The requirement for the separation of parking areas, specified under paragraph (2) above, shall not diminish the requirements for traffic control islands and associated landscaping within each parking area, as specified in the Town's Site Plan Review Regulations (Chapter 123). Required traffic control islands, otherwise meeting the minimum requirements of Chapter 123, shall not typically qualify as a "landscaped area" as described in paragraph (2) above.

147.13.19.20 INTENT OF BUILDING AND PARKING STANDARDS. The intent of the building and parking standards set forth above, is to encourage development forms which take on the appearance of buildings and parking areas nestled under a canopy of trees.

147.13.19.21 SITE PLANNING FOR SCENIC VIEWS AND VISTAS. When setting principal structures or other land use activities within the Special Highway Corridor District, the developer is encouraged to design the site in a manner to protect, preserve and facilitate scenic views and vistas, thereby furthering the purpose of this section. Scenic views and vistas may include but not be limited to views to significant and/or unique areas of natural beauty such as lakes, ponds, marshes, rivers, mountaintops, trees, open space, and hillsides. Also included may be scenes, which depict the area's historic, cultural, rural and/or farming heritage, and natural recreation amenities such as golf courses and outdoor trails.

147.13.19.22 UTILITIES. All utility systems shall be placed underground in conformity with the terms and specifications of the utility company involved.

147.14 NONCONFORMITY. This section specifies those rights to which non-conforming uses, structures, signs and lots are entitled.

147.14.1 NONCONFORMING USES. Any lawful nonconforming use may continue indefinitely. In the event that such use is abandoned for any period of time, its re-establishment shall not be permitted. When there is a question regarding abandonment, the burden of proof shall be on the property owner rather than the town.

147.14.1.1 A lawful nonconforming use may be expanded in the normal course of business if granted approval by the Zoning Officer. The Zoning Officer shall grant the approval only if the following conditions are met:

147.14.1.1.1 The expansion is accessory to the existing non-conforming use.

147.14.1.1.2 The expansion shall be limited to the original lot of record on which the nonconforming use is located, subject to the following:

147.14.1.1.2.1 The original lot of record shall be identical in size and boundaries of the lot at the time of passage of the zoning provision, which caused nonconformity; or the lot may have been reduced in size since the date of passage of the zoning provision, which caused the nonconformity provided that the newly created lot is entirely contained within the boundaries of the original lot of record.

147.14.1.1.2.2 In no case shall the expansion render the lot proportionally less adequate, using this Zoning Ordinance, the Subdivision Regulations, and/or Site Plan Review Regulation requirements for a standard if appropriate.

147.14.1.1.2.3 The property owner shall be responsible for providing documentation defining the original lot of record.

147.14.1.2 A lawful nonconforming use may be changed to a different non-conforming use if granted a special exception. The Zoning Board of Adjustment shall grant the special exception only if the following conditions are met:

147.14.1.2.1 The proposed use shall be confined to the same lot to which the original nonconforming use would be confined [see Subsection B(2)].

147.14.1.2.2 The proposed use shall have the same or lesser impact on the neighborhood relative to the following:

147.14.1.2.2.1 Public health, safety and/or welfare.

147.14.1.2.2.2 Impact on property values of adjacent properties.

147.14.1.2.2.3 Traffic.

147.14.1.2.2.4 Nuisance to neighbors.

147.14.1.2.2.5 Noise.

147.14.1.2.2.6 Nighttime lighting.

147.14.2 NONCONFORMING STRUCTURES.

147.14.2.1 The two-dimensional footprint of a lawful nonconforming structure shall not be expanded unless granted approval by the Zoning Officer. Approval may be granted only if the following conditions are met:

147.14.2.1.1 The nonconforming structure is not in the Floodplain Conservation Overlay District.

147.14.2.1.2 Sanitary septic disposal and water supply are provided if it is a primary structure.

147.14.2.1.3 The expansion shall be in a direction away from that which the setback is intended to protect or buffer.

147.14.2.2 The three-dimensional envelope of a nonconforming structure shall not be expanded unless granted approval by the Zoning Officer. Approval may be granted only if the following conditions are met:

147.14.2.2.1 If a downward expansion within a setback from a lake, pond, river or stream, it shall not extend any lower than the estimated seasonal high-water table.

147.14.2.2.2 If an upward expansion, it shall not have any adverse impact on any neighboring properties, including but not limited to blocking sunlight and/or views.

147.14.2.2.3 If any upward expansion, it shall not exceed the maximum height limitation specified in this chapter.

147.14.2.2.4 If an enclosure of a space within the existing two-dimensional footprint, it shall be permitted except in the Floodplain Conservation District.

147.14.2.2.5 No part of the nonconforming structure is in the Floodplain Conservation Overlay District.

147.14.2.2.6 The expanded nonconforming structure shall not create a greater impact on traffic, parking, noise, or nighttime lighting.

147.14.3 NON-CONFORMING SIGNS. Signs lawfully in existence before the adoption of regulations, which made them non-conforming shall be permitted to continue in existence and be maintained.

147.14.3.1 No change in type, size of message area and/or support structure, height, location, message, illumination, number, or material shall be permitted without application to and approval from the Town.

147.14.3.2 Non-conforming aspects of the sign may continue, but no additional types of non-conformity shall be created by any change.

147.14.3.3 Permitted changes may allow reduction in any one or more non-conforming aspects, but shall not allow any nonconforming aspect of the sign to become increasingly non-conforming.

147.14.3.4 If a nonconforming sign is abandoned, the grandfathered rights shall terminate and any replacement shall comply with the requirements of this chapter.

147.14.4 NONCONFORMING LOTS. The following controls nonconforming lots:

147.14.4.1 An undeveloped, nonconforming lot may continue to exist indefinitely, unless it is less than seventy percent (70%) of the applicable minimum lot size and is or becomes under the same ownership as an adjoining lot, whether or not that adjoining lot is nonconforming. When common ownership occurs, the two (2) adjoining lots shall be considered a single lot. Upon any town official or board determining that such condition exists, this official or board shall notify, in writing, the owner, Tax Assessor, Zoning Officer, Board of Selectmen and Planning Board. The act of combining the lots shall be considered a decision of the Zoning Officer, and appeals shall follow the provisions of RSA Chapter 677.

147.14.4.2 No action shall be permitted to change the boundary of the lot unless it brings the lot closer to conformance with this Zoning Ordinance and it makes no other aspect of the lot and/or all structures thereon more non-conforming.

147.14.4.3 New structures are permitted on nonconforming lots only if the following conditions are met:

147.14.4.3.1 Sanitary water supply and sewage disposal is provided for any primary structure; and

147.14.4.3.2 The proposed structure meets all setback requirements.

147.14.4.4 In the Shoreline Protection District, preexisting lots with insufficient acreage may be permitted to be built upon if granted a special exception. The Zoning Board of Adjustment shall grant a special exception only if the following conditions are met:

147.14.4.4.1 There is a state approved subsurface sewage system or connection to a municipal sewer.

147.14.4.4.2 Any building to be erected shall be configured and located on the lot to create the maximum shoreline setback practical. If appropriate, any non-shore setback may be reduced by up to fifty percent (50%) to facilitate maximum shoreline protection.

147.14.4.4.3 Clearing of lots may be limited by the Zoning Board of Adjustment as a condition of approval so as to prevent erosion and runoff into the great pond.

147.15 DEFINITIONS. As used in this chapter, the following terms shall have the meanings indicated:

147.15.1 ABANDONMENT: An intentional action to abandon or relinquish the use of a property in which some overt act or failure to act which carries the implication that the owner neither claims nor retains any interest in the use.

147.15.2 ACCESSORY APARTMENT – An apartment accessory to a single-family dwelling either attached or detached. Such accessory apartments shall be not less than 300 square feet and no greater than 800 square feet.

147.15.3 ACCESSORY BUILDING OR USE: A building or use subordinate and customarily incidental to the main building or use on the same lot.

147.15.4 AGRICULTURAL BUILDING: A building used for the storage of farm products, animal feed, stabling horses, for the housing of farm animals or farm equipment, forestry related buildings and horticultural buildings. Such buildings must be accessory to an active, ongoing agricultural operation. Garages and sheds on properties, which are used primarily residentially, are not agricultural buildings.

147.15.5 APPENDAGE: A sign, which is attached directly to or under a freestanding or projecting sign.

147.15.6 ARTERIAL: A Street that is used or will be used primarily for through-traffic flow. These streets are Route 16, Route 113, Route 153, Route 302, Kancamagus Highway, West Side Road and River Road.

147.15.7 BASE FLOOD: The flood having a one percent probability of being equaled or exceeded in any given year.

147.15.8 BED AND BREAKFAST: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public by the owner for compensation. This dwelling shall also be the full-time, permanent residence of its owner; otherwise it shall be classified as a hotel/motel. There shall be no provisions for cooking in any individual guest room.

147.15.9 BOAT STORAGE SHED: A structure used for the storage of boats, having no plumbing or heating installed, having a floor area to two hundred fifty (250) square feet or less, and being no more than fifteen (15) feet in height.

147.15.10 BUFFER: The area between the property boundaries and the front, sideline and back lot line setbacks as specified for size and use in the Conway Zoning Ordinance and Conway Site Plan Review Regulations.

147.15.11 BUFFER/SPECIAL HIGHWAY CORRIDOR DISTRICT: A protective buffer strip naturally vegetated and/or planted with native or indigenous saplings, shrubs and ground covers displaying a typical woodland appearance appropriated to the condition and said type of the landforms. The purpose of the buffer is to provide a scenic, largely rural road corridor that is screened from view of development that abuts the highway corridor.

147.15.12 BUFFER/WETLAND: A naturally occurring undeveloped area, bordering a wetland that serves to lessen the impact of disturbance. e.g. urban development and agriculture. This buffer shall consist of a natural area consisting of various species of trees, saplings, shrubs and ground cover in any combination and between any stages of growth.

147.15.13 BUILDING: An independent structure having a roof and any extensive additions thereto. It shall include a house trailer and a mobile home when used as a residential unit, but shall not include a travel trailer used as a temporary resident incidental to travel, recreation or vacation and not permanently hooked up to facilities necessary for usual year- round occupancy.

147.15.14 BUILDING, FOOTPRINT: see footprint

147.15.15 BUILDING HEIGHT: The vertical distance from the lowest point of grade around the building to the mean gable elevation of the building, or to the top of a flat roof. The lowest point of grade shall be the lowest point at which the foundation is above the proposed or existing grade, whichever is less.

147.15.16 CARETAKERS RESIDENCE - An accessory residential unit on a nonresidential premise, occupied by the person who oversees the nonresidential operation 24 hours a day, and his or her family.

147.15.17 CHANGEABLE COPY: A sign, or portion thereof, with manually changeable lettering or display. This shall not include electronic-type displays with changeable messages.

147.15.18 COLLECTOR: A Street that is used or will be used primarily for connecting local street traffic to the arterial street system. These are Mill Street (Center Conway), Old Mill Road, Brownfield Road, Tasker Hill Road, Passaconaway Road, Still Road, East Conway Road, Dolloff Hill Road, Stark Road, Rockhouse Mountain Road and West Main Street.

147.15.19 COMMERCIAL AMUSEMENT FACILITY: Any commercial use which offers for hire or to the general public access to structures, vehicles, mechanical or electrical contrivances, or other facilities which are intended primarily to provide entertainment, amusement or recreation, and in which the patron is engaged on the premises as an active

participant rather than as a spectator. This shall not include volleyball, tennis or basketball courts, baseball, football or soccer fields, other similar sporting fields, or commercial golf facilities as regulated in the underlying district, and shall exclude special events as permitted by the Board of Selectmen.

147.15.20 DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

147.15.21 DIMENSIONAL NONCONFORMITY: That aspect of a lot or structure, which does not comply, with the dimensional requirements of this Zoning Ordinance, including but not limited to height, setback, frontage or area.

147.15.22 DIRECT GLARE: Illumination beyond property lines caused by direct specularly reflected rays from incandescent, fluorescent or arc lighting.

147.15.23 DOMESTIC ANIMALS - dogs, cats, non-poultry birds, reptiles, exotics, ferrets, de-scented skunks, 9 or fewer rabbits and 9 or fewer fur-bearers other than rabbits.

147.15.24 DOMESTIC FARM ANIMALS - horses, ponies, cattle, swine, deer, bison, greater than 9 fur-bearers, sheep, goats, llamas, ratites, poultry or greater than 9 rabbits.

147.15.25 EDGE OF WATER - edge of the water shall be determined by the normal high water mark, defined herein.

147.15.26 EDGE OF WETLAND – edge of the wetland shall be determined by the criteria established in and defined by the Corps of Engineers Wetlands Delineation Manual Technical Report Y-87-1, Environmental Laboratory, Department of the Army, 1987 and Regional Field Indicators for Identifying Hydric Soils in New England, New England Interstate Water Pollution Control Commission, 1998.

147.15.27 ESTABLISHMENT OF A SEXUALLY ORIENTED BUSINESS:

147.15.27.1 The opening or commencement of any sexually orientated business as a new business;

147.15.27.2 The conversion of an existing business whether or not a sexually oriented business, to any sexually oriented business;

147.15.27.3 The relocation of any sexually oriented business, or

147.15.27.4 The substantial enlargement of a sexually oriented business, which means the increase in floor areas occupied by the business by more than 25%, as the floor area exists on the date of the adoption of this ordinance.

147.15.28 EXCAVATION: A land area, which is used for the commercial taking of earth, including all slopes.

147.15.29 FIRM: Flood Insurance Rate Map, an official map incorporated with this ordinance, on which FEMA has delineated both the special flood hazard areas and the risk premium zones applicable to the Town of Conway.

147.15.30 FLAG: A piece of flexible fabric of distinctive design which is used as a symbol of a nation, state, province, county, town or religion, or which uses color, form, graphic, symbol, or writing to communicate information of any kind to the public, whether commercial or non-commercial.

147.15.31 FLOODPLAIN: Land subject to a one-percent-or-greater chance of flooding in any given year which is designated as Zone A and/or A 1-99 on the Flood Insurance Rate Map issued by the Federal Insurance Administration for the Town of Conway and on the Flood Hazard Analysis of 1974 (SCS).

147.15.32 FLOODWAY: The channel of a watercourse and the adjacent land areas that must be reserved in order to discharge the flood having a one-percent chance of being equaled or exceeded in any given year without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary and Floodway Map issued by the Federal Insurance Administration for the Town of Conway.

147.15.33 FOOTPRINT: the portion of a lot covered by all portions of any structure, including, decks, porches, cantilevered sections and roof overhangs.

147.15.34 FREESTANDING SIGN: A self-supporting sign not attached to any building, wall or fence, but in a fixed location. This does not include movable signs.

147.15.35 FRONT SETBACK: The setback from a property line along a road right-of-way.

147.15.36 FUNCTIONALLY DEFICIENT: A septic system that fails to operate properly due to inability to handle sewage loads, improper design, construction, maintenance or operation, but shall not include a system that only fails to meet present state design standards. (See RSA 485-A, 29-44 and NH Code of Administrative Rules Env-W's 1000, requirements for subsurface waste water treatment).

147.15.37 GREAT POND: A water body of more than ten (10) acres in the natural condition.

147.15.38 HAZARDOUS MATERIALS: Those chemicals or substances which are physical hazards or health hazards as defined and classified in the BOCA National Fire Prevention Code adopted by the Town of Conway, whether the materials are in a useable or waste condition.

147.15.39 HEAVY INDUSTRY: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly treatment, packaging, incidental storage, sales, and distribution of such products.

147.15.40 HELIPORT/HELIPAD/HELISTOPS: Any landing or take-off area intended for use by helicopters or other rotary wing type aircraft capable of vertical take-off and landing profiles.

147.15.40.1 Neighborhood:

147.15.40.1.1 General: Those in the immediate vicinity of development site, i.e. abutters.

147.15.40.1.2 As it relates to aircraft activities: Area within 5,000 foot radius of development site.

147.15.40.2 Private/Business Accessory use: Available for the exclusive use of the business as an accessory for personal transportation purposes in conjunction with the operation of that business. Such uses shall not include scenic tours or chartered flight operations.

147.15.40.3 Private/Non-commercial Accessory use: Available for the exclusive use of the owner on personally owned land or other persons authorized by the owner for non-commercial use and for no financial gain.

147.15.40.4 Private/Public Commercial use: Available for use in aircraft operations for profit; that for a fee, provide air transportation for the public, and/or transport goods and

materials. This includes, but is not limited to, charter transportation, scenic tour flight operations, and other similar activities.

147.15.41 HOME OCCUPATION: An occupation or profession which is carried on in no more than 50 percent of the square footage of the total square footage, or 1,500 square feet, whichever is less, of a detached, single-family dwelling unit by the full-time, permanent occupant of the dwelling which does not change the character thereof. By way of illustration, home occupations shall include, but not be limited to: the preparation of foods such as breads, cookies and jellies; construction of birdhouses and other small scale wood products; quilting; fishing lure assembly, etc. The term "home occupation" shall include both professional and personal services, provided that they meet the other criteria set forth in this Chapter. Retail sales shall be allowed only in situations where the product sold is produced entirely on-site.

147.15.42 HOTEL/MOTEL: A commercial building or group of buildings built to accommodate for a fee, travelers and other transient guests who are staying for a limited duration with sleeping rooms, each rental unit having its own private bathroom and a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

147.15.43 INTERMEDIATE BUSINESS: Any business with between thirty thousand (30,000) and one thousand five hundred (1,500) square feet of gross floor area.

147.15.44 LEVEL OF SERVICE (also called "LOS"): A set of qualitative and quantitative criteria that describes the degree to which an intersection, roadway, weaving section or ramp efficiently serves peak hours and/or daily traffic. "Level of service" calculations shall follow the 1985 Highway Capacity manual, Chapter 9, Operational Procedure for Signalized Intersections, as amended.

Level of Service Criteria for Signalized Intersections	
Level of Service	Stopped Delay per Vehicle (seconds)
A	Less than or equal to 5
B	5.1 to 15
C	15.1 to 25
D	25.1 to 40
E	40.1 to 60
F	Greater than 60

147.15.45 LIGHT INDUSTRY: The assembly, manufacture, processing, packaging or other industrial operations conducted in such a manner that all resulting cinders, dust, fumes, gas, odors, smoke and vapor are effectively confined to the premises or disposed of so as to avoid any air, ground or water pollution and conducted in such a manner that noise, light and vibrations will not be a nuisance or otherwise detrimental to abutting properties. A use involving the manufacture of a product not requiring heavy, noisy, or otherwise objectionable machinery or transporting equipment.

147.15.46 LOCAL/NEIGHBORHOOD STREETS AND ROADS: A street used primarily for direct access to property and not used for through-traffic flow. These streets are all those not designated as arterial or collectors.

147.15.47 LOT: An area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Carroll County Registry of Deeds.

147.15.48 LOT, MINIMUM SIZE: The required lot area within a specific zoning district for a single use.

147.15.49 MAJOR BUSINESS: Any business with more than thirty thousand (30,000) square feet of gross floor area.

147.15.50 MALL: One (1) building or several attached or detached buildings on one (1) lot, including courtyards, whether or not covered, substantially surrounded by buildings in which two (2) or more businesses are located and each business does not have a separate entrance or exit for public use fronting on a street or parking lot.

147.15.51 MANUFACTURED HOME: A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes, the term "manufactured home" does not include park trailer, travel trailers and other similar vehicles.

147.15.52 MOBILE HOME: A single, complete and livable prefabricated residential unit, suitable for transport on wheels on its own chassis, regardless of whether or not left on wheels, and requiring connection to water, power and sewage disposal systems for proper occupancy.

147.15.53 MOBILE HOME PARK: A parcel of land, under single ownership, with accommodations for two (2) or more mobile homes, travel trailers or recreational vehicles in use as dwellings, regardless of whether or not a charge is made for such accommodations.

147.15.54 MOBILE HOME SPACE: An area in a mobile home park designed to accommodate one (1) mobile home stand and its related yards and other open space.

147.15.55 MOBILE HOME STAND: An area in a mobile home space upon which a mobile home is to be stationed.

147.15.56 MOVABLE SIGN: A sign capable of being readily moved or relocated, including portable signs mounted on a chassis and wheels, or supported by legs.

147.15.57 MULTIRESIDENTIAL UNITS: Units providing living quarters for two (2) or more housekeeping units, such as, but not limited to, condominiums, clustering units, common-wall or row-type housing units, such as duplex or multihousekeeping units of the same nature, time-share arrangements in any type of housekeeping unit.

147.15.58 MUNICIPAL: Of or relating to the internal affairs of a major political unit, having a chartered local self-government.

147.15.59 NONCONFORMING LOT: A lot, which does not comply with the dimensional requirements of this Zoning Ordinance.

147.15.60 NONCONFORMING STRUCTURE: That portion of a structure, which does not comply, with the requirements of this Zoning Ordinance.

147.15.61 NONCONFORMING USE: A use, which is not permitted in the zoning district in which it, is occurring.

147.15.62 NONCONFORMITY: A nonconforming use, structure or lot, which was lawfully in existence prior to the enactment of the zoning requirement, which made it nonconforming.

147.15.63 NORMAL HIGH-WATER MARK: The elevation of a body of water or watercourse as measured by the average natural high-water mark or to the average high-water mark when flowed by the artificial means, such as by a dam.

147.15.63.1 For Conway Lake, the normal high-water mark shall be four hundred thirty-six and three tenths (436.3) feet, which is the elevation of the water at the spillway of the dam.

147.15.63.2 For Pequawket Pond, the normal high-water mark shall be four hundred fifty-eight (458) feet.

147.15.63.3 For Dolloff Pond: the normal high-water mark shall be five hundred fifty (550) feet.

147.15.63.4 For Echo Lake: the normal high-water mark shall be five hundred ten (510) feet.

147.15.63.5 For Puddin Pond: the normal high-water mark shall be five hundred thirty-seven (537) feet.

147.15.63.6 For Labrador Pond: the normal high-water mark shall be five hundred fifty (550) feet.

147.15.64 OFF-SITE SIGN: A sign, which is not located on the lot to which its message refers.

147.15.65 OFF-SITE COMMERCIAL SIGN: A sign with a commercial message relating to a commercial activity not conducted on the lot.

147.15.66 ORIGINAL LOT OF RECORD: The original lot or lots of record, on which a nonconforming use is located, which existed on the date of passage of the zoning requirement which made the use nonconforming.

147.15.67 OWNER-OCCUPIED LODGING HOUSE and/or OWNER-OCCUPIED BOARDING HOUSE: Any place consisting of a room or group of rooms located on one (1) premises where regular, nontransient-type accommodations for sleeping or living purposes, together with meals, are offered for compensation, provided that the same is occupied and operated conjunctively by the owner, an individual person or persons, and shall not have more than four (4) double-occupancy sleeping units.

147.15.68 OWNER-OCCUPIED TOURIST HOME and/or OWNER OCCUPIED ROOMING HOUSE: Any place consisting of a room or a group of rooms located on one (1) premise where transient or semitransient accommodations for sleeping or living purposes are offered for compensation, provided that the same is occupied and operated conjunctively by the owner, an individual person or persons, and shall not have more than four (4) double-occupancy sleeping units.

147.15.69 PARKING SPACE: An off-street space for exclusive use as a parking area for one (1) motor vehicle, with a minimum size of nine by eighteen (9 x 18) feet to conform to the Town of Conway Site Plan Review Regulations.

147.15.70 PRIVATE EDUCATIONAL FACILITY: A non-government owned and operated facility used for purposes of teaching, studying, and learning.

147.15.71 PROJECTING SIGN: A sign which is affixed to a building and which extends more than 12 inches beyond the surface to which it is affixed.

147.15.72 PUBLIC OR INSTITUTIONAL EVENT: An event sponsored, run by, and benefiting a public or institutional entity. This shall not include any event, which is conducted primarily as a business activity.

147.15.73 RECREATIONAL VEHICLE: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pickup camper, travel trailer, tent trailer or mobile home.

147.15.74 RESIDENTIAL/DWELLING UNIT: A single unit providing complete and independent living facilities for one or more persons living as a household including provisions for living, sleeping, eating, cooking, and sanitation.

147.15.75 ROOFLINE: The profile of a roof. In the case of features extending above the "roofline", the profile shall be from whatever direction is the most restrictive.

147.15.76 SCENIC TOUR OPERATION: Any sightseeing flight conducted under visual flight rules in any type of aircraft for compensation or hire. Flights may be provided on a regular schedule or at varying frequencies based on passenger demands.

147.15.77 SCENIC VIEW OR VISTA SHED, SPECIAL HIGHWAY CORRIDOR DISTRICT: A vantage point with unique natural beauty for drivers on the highway or pedestrians in the District, which can best be appreciated by modifications to the protective buffer. Modifications to the buffer may include reducing or thinning the forested natural area, or replacing forested vegetative material with other appropriate vegetative material in order to promote the vantage point.

147.15.78 SEASONAL STREAMS: A free flowing body of water (i.e. a river, brook or tributary), which only runs for a part of the year.

147.15.79 SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water or gravity as a product of erosion.

147.15.80 SENIOR HOUSING UNIT - A dwelling, or portion thereof capable of providing living quarters limited to two (2) adults per unit, having a minimum age of sixty two (62) years old. Said dwelling unit(s) must be within a single building having at least twenty-five (25) separate units under the same roof. Said building must provide for a commercial kitchen and common dining facility as a minimum. Said "SENIOR HOUSING UNITS" shall be exempt from provisions under the existing definition of "Residential Unit", which define a unit as providing a kitchen. "SENIOR HOUSING UNITS" within such an aforementioned age restricted "Retirement Housing Complex", shall be allowed to have separate individual kitchens. For density purposes the overall building housing all said individual dwelling units within said building, under the same roof will be considered one unit.

147.15.81 SEPTIC SYSTEM: Any subsurface method of disposing of residential or commercial wastewater.

147.15.82 SETBACK: The minimum distance by which buildings and structure are required to be set back from the nearest lot line (rear or side), measured at right angles or radial thereto. "Setbacks" from a road shall be measured from the nearest edge of the right-of-way of such road in the same manner. Where the edge of the road right-of-way is not shown on a recorded plan, then such edge shall be deemed to be located thirty (30) feet from the center of the traveled portion of said road unless the right-of-way of such a road can be shown to be wider than sixty (60) feet. A road shall include either a public or a private right-of-way.

147.15.83 SEXUALLY ORIENTED BUSINESS: any place of business in which any of the following activities are conducted:

147.15.83.1 Adult Bookstore or Adult Video Store: a business that devotes more than 15% of the total display, shelf, rack, table, stand or floor area, utilized for the display and sale of the following:

147.15.83.1.1 books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, tapes, records, CD-ROMs, or other forms of visual or audio representations which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, or

147.15.83.1.2 instrument, devices, or paraphernalia which are designed for use in connection with "sexual conduct" as defined in NH RSA 571-B:1, other than birth control devices.

An adult bookstore or adult video store shall not be deemed to include a business selling or distributing books, magazines and periodicals which are a minor incidental part of its principal stock in trade (meaning its inventory) so long as said business shall devote less than 15% of its total display, shelf, rack, table, stand or floor area utilized for the sale and display of such items, including those items otherwise defined under Paragraph 1.a. and 1.b. next above. In establishing the percentages of utilization of any display, shelf, rack, table, stand or floor area hereunder, the burden of proof hereof shall rest on the business which claims an exemption from said definition above, and which proof must be established by clear and convincing evidence.

147.15.83.2 Adult Motion Picture Theater: An establishment with a capacity of five or more persons, where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, for observation by patrons. For the purposes of this ordinance, substantial portion of the total presentation time shall mean the presentation of films or shows described above for viewing on more than seven days within any 56 consecutive day period.

147.15.83.3 Adult Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other Image-producing devices are maintained to show images to five or fewer persons per machine at any one time, in which a substantial portion of the total presentation time of the images so displayed is devoted to the showing of materials, which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

147.15.83.4 Adult Drive-In Theater: An open lot or part thereof, with appurtenant facilities, devoted primarily to the presentation of motion pictures, films, theatrical productions, and other forms of visual productions, for any form of consideration to persons in motor vehicles or on outdoor seats, in which a substantial portion of the total presentation time being presented for observation by patrons is devoted to the showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

147.15.83.5 Adult Cabaret: A nightclub, bar, restaurant, or similar establishment which during a substantial portion of the total presentation time features live performances which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1, and/or feature films, motion pictures, video cassettes, slides or other photographic reproductions, a substantial portion of the total presentation time of which is devoted to showing of material which meets the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

147.15.83.6 Adult Theater: A theater, concert hall, auditorium or similar establishment, either indoor or outdoor in nature, which for any form of consideration, regularly features live performances, a substantial portion of the total presentation time of which are distinguished or characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1. For the purposes of this ordinance, substantial portion of the total presentation time shall mean the presentation of films or shows described above for viewing on more than seven days within any 56 consecutive day period.

147.15.83.7 Sexual Encounter Center: A business or commercial enterprise that as one of its primary business purposes, offers for any form of consideration:

147.15.83.7.1 physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

147.15.83.7.2 activities between male and female persons and/or persons of the same sex when one or more persons is in the state of nudity; and

147.15.83.7.3 when the activities in sections A and B above are characterized by an emphasis on activities which meet the definition of "harmful to minors" and/or "sexual conduct" as set forth in NH RSA 571-B:1.

147.15.84 SHOPPING CENTER: One (1) building or several attached or detached buildings on one (1) lot in which two (2) or more businesses are located and each business has a separate entrance and exit fronting a street or parking lot.

147.15.85 SHORELINE: The edge of water of all perennial streams and rivers, lakes and ponds not protected by the Shoreline Protection District.

147.15.86 SIDE OR BACK SETBACK: The setback from a property line other than a front setback.

147.15.87 SIDEWALK: Any public or private way or thoroughfare, paved or unpaved, intended for the use of pedestrians or foot traffic.

147.15.88 SIGN: Any device, fixture, placard, structure or attachment thereto that uses color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify

the purpose of an person or entity, or to communicate information of any kind to the public, whether commercial or non-commercial. Any portion of any awning, either freestanding or attached to a structure, decorated with any sign element either attached or part thereof, shall be considered wall signs.

147.15.89 SIGN HEIGHT: The measure from undisturbed ground directly under the sign to the top of the message area.

147.15.90 SIGN MAINTENANCE: Repainting; other surface renewal; change of message on the same surface; replacement of any sign surface, support framework or component with substantially similar construction material or component.

147.15.91 SIGN MESSAGE AREA - The total area used to display a sign's message including all lettering, designs, symbols, logos, together with but not including any support framework or bracing which is incidental to the sign and which is not designed to attract attention. Where the message area consists of letters, symbols, logos or devices affixed to the surface of a wall, building, awning or window, the message area shall be measure by a single, continuous, rectangular perimeter drawn to enclose the extreme limits of the sign elements. The message area of one side of a double-faced sign shall be regarded as the total message area of the sign. For double-faced signs, each face must be attached directly to the other.

147.15.92 SLOPE: The steepness of land surface. "Slope" is expressed in percent by dividing the change in elevation by a given horizontal distance and multiplying by one hundred percent (100%).

147.15.93 SMALL BUSINESS: Any business with less than one thousand five hundred (1,500) square feet of gross floor area.

147.15.94 SOIL TYPE: As defined by the Soil Survey of Carroll County, New Hampshire or as found by an on-site inspection by a soil scientist.

147.15.95 SPECIAL FLOOD HAZARD AREA: Any area having flood, mudslide and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, Ao, A1-30, AE, A99, AH, VO, V1-30, VE, V, M or E.

147.15.96 SPECIAL HIGHWAY - the entire layout of the public road, which travels along and within the Special Highway Corridor District as sometimes referred to as the "Conway Bypass".

147.15.97 STATE HIGHWAY: any Class I, II, III or IV road.

147.15.98 STORAGE SHED: A structure having no plumbing or heating installed, having a floor area of 125 square feet or less, being no more than fifteen (15) feet in height and used to store equipment of a residential nature owned by the occupant of the principle residential unit on the property.

147.15.99 STREET: A state highway or a highway, road, avenue, land and/or any other way which exists for vehicular travel, exclusive of a driveway serving not more than two (2) adjacent lots or sites. The word "street" shall include the entire right-of-way.

147.15.100 STRUCTURE: Anything constructed or erected, on or in the ground or in the water, or an attachment to something having a fixed location on the ground, including buildings, permanent or temporary; signs; carports; porches; and other building features, including stacks

and antennas, but not including sidewalks; fences; driveways; septic systems; utility poles; boundary markers and field or garden walls or embankment retaining walls.

147.15.101 STRUCTURE HEIGHT: The vertical distance from the lowest point of grade at the base of the structure to the highest point of the structure. The lowest point of grade shall be the lowest point at which the foundation is above the proposed or existing grade, whichever is less.

147.15.102 SUBSTANTIAL DAMAGE: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would be equal or exceed 50 percent of the market value of the structure before the damage occurred.

147.15.103 SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred.

147.15.104 TEMPORARY EVENT: An event whose occurrence is limited to not more than 14 days per calendar year.

147.15.105 TENT: Any structure with fabric or nonrigid walls or roof or both of which provides or is intended to provide temporary shelter.

147.15.106 THREE-DIMENSIONAL ENVELOPE: The volume and shape enclosed by the exterior dimensions of a building or other structure in plan and elevation views (length, width, height). All appurtenant structures, including but not limited to decks, greenhouses and bay windows, shall be included in the "three-dimensional envelope". Any increase in volume or change in the shape shall be considered expansion.

147.15.107 TRADESMAN: A workman in a skilled trade, such as a carpenter, plumber, electrician, carpet layer, shoe repairman, furniture restorer or cabinetmaker.

147.15.108 TRANSIENT ACCOMMODATIONS: Living quarters, which do not have a kitchen as defined in "Residential Unit". Such accommodations are not counted as residential units for density purposes, but rather are part of, or all of, a nonresidential use on the lot.

147.15.109 TRAVEL TRAILER: A vehicular portable structure, which may legally be moved on, its own wheels being a vehicle designed as a temporary dwelling for travel, recreation or vacation use.

147.15.110 TWO-DIMENSIONAL FOOTPRINT: The area and shape defined by the exterior dimensions of a building or other structure in plain view. All appurtenant structures, including but not limited to decks, greenhouses and bay windows, shall be included in the "two-dimensional footprint". Any increase in area or change in the shape shall be considered an expansion.

147.15.111 UNIT: A measure of land use density. Each building, excluding accessory buildings, with any nonresidential use(s) shall constitute one unit. Each residential unit shall constitute one unit. In cases where on structure facilitates both nonresidential and residential uses, the total number of units shall be equal to the sum of one for the structure plus one for each residential unit.

147.15.112 WALL SIGN: A sign affixed to the wall of a building or to an awning, provided the sign does not extend more than 12 inches beyond the surface to which it is attached.

147.15.113 WATERCOURSE: All rivers, streams, brooks or other tributaries, which flow year-round. These include all watercourses shown on the map of Conway, New Hampshire, prepared by James W. Sewell Company, Old Town, Maine, dated 1964, as revised.

147.15.114 WETLANDS: areas dominated by wetland characteristics. An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include, but are not limited to, swamps, marshes, bogs, and similar areas. (ref. NH Code of Administrative Rules, Wt 101.90)

147.15.115 WETLAND BUFFER: see buffer/wetland

147.15.116 WHOLESALE AND LIGHT INDUSTRY: Any manufacturing, research, warehousing, storage or wholesale operation which is non-polluting in terms of air, water and noise and which, in general, is not offensive to the character of the community is permitted.

147.15.117 WINDOW SIGN: A window, or portion thereof, on which sign message is displayed, whether by permanent or temporary attachment, but exclusive of merchandise display.

147.15.118 WIRELESS COMMUNICATION FACILITY - any tower, pole, antenna, access way, or other structure intended for commercial use in connection with transmission or reception of radio or television signals, or any other electromagnetic spectrum-based transmission/reception.

147.16 PERMITTED USE TABLE.