1.2 RULES OF INTERPRETATION

1.2.1 Definitions

Terms that are not specifically defined in this LDC shall be accorded their commonly accepted meanings, unless the context in which they are used clearly indicates to the contrary.

A. For the purposes of determining the commonly accepted meaning of any term, reference may be made to the latest edition of Webster's Dictionary.

B. Terms not otherwise defined in this LDC that are defined in NH Revised Statutes Annotated (RSAs) may take on the statutory definition.

C. The definitions of this LDC shall take precedence over any conflicting definitions, if such conflict arises.

D. **For the purpose of amendments to this LDC, any modifications to one or more definitions that would have the effect of modifying the Zoning Regulations shall be treated as a zoning text amendment. These terms shall include, but not be limited to, "Family," "Frontage," and "Public Right-of-Way."**

1.2.2 Lists & Examples

Unless otherwise expressly indicated, lists of items or examples that use "including," "such as," or similar terms are intended to provide examples only, and shall not be construed as being limited to the items or examples listed.

1.2.3 Time Computation

In computing any period of time prescribed or allowed by these rules, except as may be required by order of a court or by applicable law, the day of the act, event, or default after which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, legal holiday, or other day upon which the City is closed, in which event the period shall extend until the end of the next day that is not a Saturday, Sunday, legal holiday, or other day upon which the City is closed.

1.2.4 Conjunctions

A. "And" indicates that all connected words or provisions apply.

B. "Or" indicates that the connected words or provisions may apply singly or in any combination.

C. "Either [...] or" indicates that the connected words or provisions apply singly, but not in combination.

1.2.5 Mandatory, Prohibitory, & Permissive Terms

A. "Must," "will," and "shall" are mandatory terms that express a requirement.

B. "Must not," "will not," "shall not," and "may not" are terms that express a prohibition.

C. "Should" is a term that expresses a suggestion or recommendation.

D. "May" is permissive term.

1.2.6 Current Versions & Citations

All references to other regulations or manuals in this LDC refer to the most current version and citation for those regulations or manuals, unless indicated otherwise. When the referenced regulations or manuals have been repealed and not replaced by other regulations or manuals, the requirements for compliance as specified in this LDC are no longer in effect.

1.2.7 Graphics, Illustrations, & Flowcharts

Graphics, illustrations, diagrams, and flowcharts are included in this LDC to visually explain the intent and requirements of the text. In the case of a conflict between the text and any graphic, illustration, diagram, or flowchart, the text controls.

1.2.8 Common Abbreviations

A. "ft" is an abbreviation for "feet."

B. "in" is an abbreviation for "inch."

C. "Max" is an abbreviation for "maximum."

D. "Min" is an abbreviation for "minimum."

26.4 LAND DEVELOPMENT CODE AMENDMENTS

26.4.1 Description

The standards and requirements set forth in the City of Keene Land Development Code (also referred to as "this LDC") may be amended from time to time. The process for amending this LDC varies depending upon which article or articles are proposed to change. The process for amending the Zoning Regulations, which are contained in Articles 2 through 19 of this LDC, shall be as described in Section 26.3.

25.4.2 Authority

The City Council, after receiving a recommendation from the Planning Licenses and Development Committee, and from the Planning Board with respect to Articles 20, 21 and Sections 26.10 through 26.14 of Article 26, and from the Historic District Commission with respect to amendments to Article 22 and Section 26.15 of Article 26, shall take action on proposed amendments to this LDC.

26.4.3 Procedure

In addition to the common application and review procedures of this Article, the following procedures shall apply with respect to proposed amendments to this LDC.

A. Articles 1 through 19 and Article 29. For amendments proposed to Articles 1 through 19 of this LDC **or for amendments to definitions in Article 29 that affect the Zoning Regulations**, the same application and review procedures shall be followed as those described in Section 26.3 of this LDC, with respect to amendments to the Zoning Regulations and Zoning Map.

B. Articles 20, 21, 25 and **Sections 26.10-25.14** and **26.19 of Article 26 - "Subdivision Regulations," "Site Development Standards,"** and **"Earth Excavation Regulations"** and Planning Board Application Procedures. For amendments proposed to Articles 20, 21, 25, and Sections 26.10 through 26.14 and 26.19 of Article 26 of this LDC, the following procedures shall apply.

1. ***Planning Board Public Hearing.*** In accordance with NH RSA 675:6, the Planning Board shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Planning Board denies the proposed amendments, the process shall come to an end.

   a. Notice for this public hearing shall be provided pursuant to NH RSA 675:7.

2. ***Introduction to and Review by City Council.*** Following either approval or approval with amendments by the Planning Board, the proposed amendments shall be submitted to City Council as a draft ordinance. Such ordinance shall be referred to the Planning, Licenses, and Development Committee for a recommendation to City Council. Upon receipt of such recommendation, the City Council shall vote to approve or disapprove the ordinance.

3. ***Filing.*** Following approval by City Council, the amended regulations shall be certified by a majority of the Planning Board, and shall be placed on file with the City Clerk in accordance with NH RSA 675:8. A copy of the amended regulations shall be sent to the NH Office of Planning and Development (OPD) for filing pursuant to NH RSA 675:9; provided, however, that failure to file the amended regulations with OPD shall not affect their validity.

C. Article 22 and Section 26.15 of Article 26 - "Historic District Regulations" and "Historic District Certificate of Appropriateness." For amendments proposed to Article 22 of this LDC, the following procedures shall apply.

1. ***Historic District Commission Public Hearing.*** In accordance with NH RSA 675:6, the Historic District Commission shall hold a public hearing on the proposed amendments, and shall decide on whether they should be approved, approved with amendments, or denied. If the Historic District Commission denies the proposed

Driveway - The travel surface for vehicles that connects an off-street parking space(s), or a parking area of a parking lot to the street access.

Drug Treatment Clinic - A non-residential facility authorized by the state to provide treatment and licensed drugs to natural persons, including, but not limited to, methadone or suboxone, to manage and treat drug dependencies.

Dwelling - A structure, or portion thereof, designed or used exclusively for human habitation, including single-family dwellings, two-family dwellings, and multi-family dwellings. Dwellings may be either attached or detached.

Dwelling, Above Ground Floor - A dwelling unit that is located on the second story or higher of a building that is above ground.

Dwelling, Manufactured Housing - Any structure, transportable in one or more sections, which in the traveling mode is 8-body feet or more in width and 40-body feet or more in length or when erected on site is 320-sf or more, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein. Manufactured housing is regulated by the U.S. Department of Housing and Urban Development via the National Manufactured Housing Construction and Safety Standards and is so labeled. Manufactured housing as defined in this section does not include campers or recreation vehicles as defined in NH RSA 216-I:1 or NH RSA 259:84-a; presite built housing as defined in NH RSA 674:31-a; or modular buildings as defined in NH RSA 205-C:1, XI.

Dwelling, Multi-family - A structure containing 3 or more dwelling units located on a single lot, with dwelling units either stacked or attached horizontally, which is designed, occupied, or intended for occupancy by 3 or more separate families.

Dwelling, Single-Family - A free-standing building containing only 1 dwelling unit on a single lot, which is designed, occupied, or intended for occupancy by 1 family.

Dwelling, Two-Family / Duplex - One building on a single lot containing 2 independent dwelling units, which is designed, occupied or intended for occupancy by 2 separate families.

Dwelling Unit - A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. **This use shall not be deemed to include such transient occupancies as hotel/motel or bed and breakfast.**

Earth - Sand, gravel, rock, soil, or construction aggregate produced by quarrying, crushing, or any other mining activity or such other naturally occurring unconsolidated materials that normally mask the bedrock.

Earth-Disturbing Activity / Earth-Disturbing Events - Actions taken to alter the existing vegetation and/or underlying soil of a site, such as timber harvesting, clearing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

Economic Hardship - Quantifiable or verifiable expenditures or fiscal loss that is unreasonable for the property owner to bear under the circumstances. Demonstration of economic hardship shall not be based on or include any of the following circumstances: willful or negligent acts by the owner; purchase of the property for substantially more than market value; failure to perform normal maintenance and repairs; failure to diligently solicit and retain tenants; or failure to provide normal tenant improvements.

Elevation (Building) - (1) A wall of a building; (2) An architectural drawing showing vertical elements, generally exterior, of a building.

Equipment Shelter - For the purposes of Article 13 "Telecommunications Overlay District", equipment shelter shall mean an enclosed structure, cabinet, shed, vault, or box near the base of the mount within which is housed equipment for telecommunication facilities such as batteries and electrical equipment. Equipment shelters are sometimes referred to as "base transceiver structures."

Erect - To construct, reconstruct, excavate, fill, drain or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

Event Venue - A facility that provides hosting and rental services of a banquet hall or similar facility for private events (e.g. wedding receptions, holiday parties, fundraisers, etc.) with on-site or catered food service to invited guests during intermittent dates and hours of operation. Live entertainment may occur as part of an event. An event venue is not operated as a restaurant with regular hours of operation.

Excavation Activity/Excavation Operations/ Processing Activities - For the purposes of Article 24 - "Earth Excavation Regulations," excavation activity/excavation operations/processing activities shall mean the act of moving or removing earth, including but not limited to, all activities associated with the commercial taking of earth, production and processing of construction aggregate, transportation of earth and site restoration. Associated excavation and processing activities also include, but are not limited to: digging, drilling, blasting, bulldozing, crushing, washing, screening, sorting, scaling, weighing, stockpiling, loading, and transporting earth.

Excavation Area - For the purposes of Article 24 - "Earth Excavation Regulations," excavation area shall mean the surface area within an excavation site where excavation has occurred or is eligible to occur under the provisions of this LDC, and NH RSA 155-E. This area may be also referred to as the "pit surface area."

Excavation Perimeter - For the purposes of Article 24 - "Earth Excavation Regulations," excavation perimeter shall mean the land within an excavation site, which includes the excavation area, areas where excavation operations and processing activities are performed, stockpiling areas, and any areas where earth materials are or will be loaded or unloaded for purposes of transport.

Excavation Project - For the purposes of Article 24 - "Earth Excavation Regulations," excavation project shall mean a timeframe that includes all excavation activities to be conducted on an excavation site, including all excavation phases.

Excavation Site - For the purposes of Article 24 - "Earth Excavation Regulations," excavation site shall mean any area of contiguous land in common ownership upon which excavation takes place.

Façade - The front of a building or structure or any of its sides that faces a public right-of-way.

Fall Zone - The area within which there is a potential hazard from falling debris, such as ice, which encompasses a circle with a diameter equal to twice the height of a telecommunication facility as measured on the ground from the base of the facility.

Family - **Family shall mean a natural person living alone or a group of natural persons living together as a single housekeeping unit that is primarily non-transient. For the purposes of this definition, “transient” shall mean occupancy of a room or dwelling unit for less than 30 consecutive days or rental of a room or dwelling unit for a term of less than one month.**

Farming - Any land, buildings or structures on or in which agriculture and farming operations or activities are carried out or conducted as defined by NH RSA 21:34-A. Such operations include, but are not limited to, animal husbandry, the cultivation, production, harvesting and sale of any agricultural, floricultural, viticultural, forestry, or horticultural crops as well as ancillary activities integral to the operation of a farm.

Feather Sign (also known as Blade Sail Sign) - A sign made of flexible material that is generally, but not always, rectangular in shape and attached to a pole on one side so the sign can move with the wind.

Fenestration - The arrangement of windows, exterior doors and other exterior openings on a building.

Fire Line - Any pipe, including appurtenant valves or fittings, conveying water from a water main to private fire apparatus, and conveying water at no