

## **Article PREAMBLE II: DEFINITIONS**

(Amended March 10, 2015, 03/14/2017, 03/12/2019, 03/10/2020, 03/08/2022)

### **A. INTERPRETATIONS**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the ordinance. Words used in the present tense include the future; the singular number shall include the plural, and the plural, the singular; the word “structure” shall include the word “building”; the word “building” shall include the word “structure”; the word “used” shall include “arranged”, “designed”, “constructed”, “altered”, “converted”, “rented”, “leased”, or “intended to be used”, and the word “shall” is mandatory and not optional.

### **B. DEFINITIONS**

- 1. Agriculture:** For the Town of Kingston agriculture, farm and farming are defined as found in RSA 21:34-a Farm, Agriculture, Farming, and as amended. This definition is as follows:

**I.** The word "farm" means any land, buildings, or structures on or in which agriculture and farming activities are carried out or conducted and shall include the residence or residences of owners, occupants, or employees located on such land. Structures shall include all farm outbuildings used in the care of livestock, and in the production and storage of fruit, vegetables, or nursery stock; in the production of maple syrup; greenhouses for the production of annual or perennial plants; and any other structures used in operations named in paragraph II of this section.

**II.** The words "agriculture" and "farming" mean all operations of a farm, including:

- (a): (1) The cultivation, conservation, and tillage of the soil.
- (2) The storage, use of, and spreading of commercial fertilizer, lime, wood ash, sawdust, compost, animal manure, septage, and, where permitted by municipal and state rules and regulations, other lawful soil amendments.
- (3) The use of and application of agricultural chemicals.
- (4) The raising and sale of livestock which shall include but not be limited to all beef and dairy cattle, steer, oxen, goats, sheep, swine, horses, mules or other equidae, as well as domesticated strains of buffalo, bison, llamas, alpacas, emus, ostriches, poultry, rabbits, yaks, elk (*Cervus canadensis*), fallow deer (*Dama dama*), red deer (*Cervus elephus*), and reindeer (*Rangifer tarandus*).
- (5) The breeding, boarding, raising, training, riding instruction, and selling of equines.
- (6) The commercial raising, harvesting, and sale of fresh water fish or other aquaculture products.

(7) The raising, breeding, or sale of poultry or game birds.

(8) The raising of bees.

(9) The raising, breeding, or sale of domesticated strains of fur-bearing animals.

(10) The production of greenhouse crops.

(11) The production, cultivation, growing, harvesting, and sale of any agricultural, floricultural, viticultural, forestry, or horticultural crops including, but not limited to, berries, herbs, honey, maple syrup, fruit, vegetables, tree fruit, grapes, flowers, seeds, grasses, nursery stock, sod, trees and tree products, Christmas trees grown as part of a commercial Christmas tree operation, trees grown for short rotation tree fiber, compost, or any other plant that can be legally grown and harvested extensively for profit or subsistence.

(b) Any practice on the farm incident to, or in conjunction with such farming operations, including, but not necessarily restricted to:

(1) Preparation for market, delivery to storage or to market, or to carriers for transportation to market of any products or materials from the farm.

(2) The transportation to the farm of supplies and materials.

(3) The transportation of farm workers.

(4) Forestry or lumbering operations.

(5) The marketing or selling at wholesale or retail, of any products from the farm, on-site and off-site, where not prohibited by local regulations. Marketing includes agritourism, which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a meal, making overnight stays, enjoyment of the farm environment, education about farm operations, or active involvement in the activity of the farm.

(6) Irrigation of growing crops from private water supplies or public water supplies where not prohibited by state or local rule or regulation.

(7) The use of dogs for herding, working, or guarding livestock, as defined in RSA 21:34-a, II(a)(4).

(8) The production and storage of compost and the materials necessary to produce compost, whether such materials originate, in whole or in part, from operations of the farm.

**III.** A farm roadside stand shall remain an agricultural operation and not be considered commercial, provided that at least 35 percent of the product sales in dollar volume is attributable to products produced on the farm or farms of the stand owner.

**IV.** Practices on the farm shall include technologies recommended from time to time by the university of New Hampshire cooperative extension, the New Hampshire department of agriculture, markets, and food, and appropriate agencies of the United States Department of Agriculture.

**V.** The term "farmers' market" means an event or series of events at which 2 or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture, as defined in paragraphs I-IV.

"Farmers' market" shall not include any event held upon any premises owned, leased, or otherwise controlled by any individual vendor selling therein. *(Definition added 03/12/19)*

2. **Alternative Treatment Center:** a not-for profit entity registered under RSA 126-W:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients and alternative treatment centers.
3. **Amusement Center:** A structure or structures and/or outdoor areas engaged in providing private amusements or entertainment including such activities as dance halls or studios; theaters; cinemas; bowling alleys; video arcades; and similar types of uses for a fee or admission charge. Sexually oriented businesses are not considered a permitted use under this definition.
4. **Apartments:** One or more rooms, including cooking facilities and sanitary facilities in a dwelling designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes. A minimum living area of 600 sq. ft. per unit is required.
5. **Bed and Breakfast:** A transient lodging facility, not to exceed 10 guest rooms, which is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served is breakfast and only to in-house guests.
6. **Board of Adjustment:** The Zoning Board of Adjustment of the Town of Kingston.
7. **Building Lot:** A piece of parcel of land occupied by or intended to be occupied by a structure and having frontage on a public street.
8. **Condominium:** means real property and any interests therein. Lawfully submitted to RSA 356-B, by the recordation of condominium instruments pursuant to the provisions of RSA 356-B. No project shall be deemed a condominium within the meaning of RSA 356-B unless the undivided interests in the common area are vested in the unit owners. A condominium is the absolute ownership of a unit in a multiunit building or development, based on a legal description of the space the unit actually occupies, plus an undivided interest in the ownership of the common elements, which are owned jointly with the other condominium unit owners. Condominiums are not considered a single family dwelling. *(3/10/2020)*
9. **Conversion:** A structural change to adapt or alter an existing structure which would increase the load on a sewage disposal system.

- 10.Dwelling:** Any structure or portion thereof designed or used as the residence or sleeping place of one or more persons.
- 11. Dwelling Unit, Single Family:** A detached building designed for or occupied exclusively by one family; sole ownership of the land and building by the property owner in “fee simple” ownership. (3/10/2020)
- 12. Dwelling Unit, Duplex:** A building designed and/or used exclusively for residential purposes and containing two principal dwelling units separated by a common party wall or otherwise structurally attached. (3/10/2020)
- 13.Family:** One or more persons related by blood, adoption or marriage living and cooking together as a single housekeeping unit, or a number or persons, but not exceeding two adults, living and cooking together as a single housekeeping unit shall be deemed to constitute a family.
- 14.Food Truck:** shall mean a “mobile food unit” as defined by NH DHHS Rule HeP2300: “A food service establishment mounted on wheels or otherwise designed to be immediately movable.” These units shall be licensed by the State of NH.
- 15.Industrial Developments:** The dedication of real property to the manufacture of goods or services.
- 16.Inn:** An establishment which provides transient lodging accommodations to the general public, not to exceed 15 guest rooms, available on a daily basis, and which may also provide other services such as restaurants, meeting rooms, and recreational facilities, but does not provide in-room cooking facilities.
- 17.Mobile food unit:** as defined by NH DHHS Rule HeP2300: “A food service establishment mounted on wheels or otherwise designed to be immediately movable.” These units shall be licensed by the State of NH.
- 18.Mobile Home or House Trailer:** A prefabricated structure or dwelling unit which is designed for long term and continuous residential occupancy and which is designed to be moved on wheels as a whole or in sections which may be temporarily or permanently affixed to real estate.
- 19.Multi-Family; Multi-Family Dwellings:** Any building or structure containing more than two (2) dwelling units. (3/10/2020)
- 20.Planning Board:** The Planning Board of the Town of Kingston.

**21. Seasonal Residence:** One used or intended for use primarily from May 1 to October 15.

**22. Sign, Advertising:** Any device designed to attract attention to any business, commodity, service or entertainment.

**23. Structure:** Anything constructed, the use of which requires permanent location on or in the ground, or attachment to something having permanent location on or in the ground, including stationary and portable carports, swimming pools, tool sheds, garages, screen houses, and other accessory storage buildings.

**24. Travel Trailer:** A vehicular, portable structure designed for short-term occupancy and as a temporary dwelling for frequent and extensive travel, recreation and vacation use which:

- a. is identified on the unit by the manufacturer as a travel trailer; and
- b. is not more than eight feet in body width; and
- c. is of any weight provided its body length does not exceed thirty-two (32) feet; or
- d. is of any length provided its gross weight, factory equipped for the road, does not exceed four thousand and five hundred (4,500) pounds.

**25. Two-family Dwelling:** A single structure containing two distinct dwelling units.

**26. Wetlands:** Fresh water marshes, ponds and lakes, streams and soils classified as poorly and very poorly drained as defined by the *National Cooperative Soil Survey* conducted by the U.S. Department of Agriculture Soil Conservation Service in a publication entitled "Soil Survey of Rockingham County New Hampshire" Parts 1 and 2, issued in October 1994.

**27. Wholesale Establishment:** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

