

THE VILLAGE DISTRICT OF
LITTLE BOAR'S HEAD



ZONING ORDINANCE

201~~8~~⁶ REVISION

TABLE OF CONTENTS

Section		Page
I	Title of Ordinance	3
II	Structure of Zoning Ordinance	3
III	Establishment of Zoning Districts	4
IV	Business Zoning District Uses	5
V	Bathhouse Zoning District Uses	5
VI	Residential Zoning District Uses	6
VI-A	Fish House Zoning District Uses	7
VII	Signs, Billboards, and Outdoor Advertisements	8
VIII	Area Regulations	9
	A. Residential Zoning District - Setbacks	9
	B. Business Zoning District - Setbacks	9
	C. Bathhouse Zoning District - Setbacks	10
	D. Demolition Review	10
	E. Lot size	13
	F. Conversion into dwelling	13
	G. Appurtenant open space	13
	H. Acts of God or Public Enemies	13
	I. Size and height of dwelling	13
	J. Dogs and household pets	14
	K. Wetland Setbacks	14
	L. Fill	14
IX	Non-Conforming Uses	15
X	Motor Homes/Travel Trailers, Manufactured Housing, Open Storage & Aircrafts	16
XI	Sewage	18
XII	Water, Excavations	18
XII.1	Floodplain Management Ordinance	18
XIII	Definitions	29
XIV	Administration	30
XV	Amendments	32
XVI	Saving Clause	32
XVII	Town of North Hampton Tax Map 001	33

**LITTLE BOAR'S HEAD DISTRICT
NORTH HAMPTON, NEW HAMPSHIRE**

By special act of the New Hampshire Legislature (Chapter 26 of the Laws of 1937), approved by the Governor and taking effect on February 17, 1937, this village district was granted the power to enact and enforce zoning regulations. The Zoning Ordinance for Little Boar's Head District was enacted in September of 1937 pursuant to this legislative authority. Subsequently, the ordinance has been amended thirteen times: on September 6, 1949, September 6, 1955, September 4, 1956, September 2, 1958, September 6, 1960, September 5, 1961, September 4, 1962, September 5, 1972, September 5, 1978, September 4, 1990, September 7, 1999, September 5, 2000 September 2, 2003 and October 6, 2015. Some of these amendments have been abrogated in whole or in part by later ones. This printing gives the Zoning Ordinance its present form, giving full effect to all the amendments to date.

~~In the fall of 2014~~ During the winter of 2017/2018, this Ordinance was reviewed and amended ~~worked~~ in its entirety, the goal of which was only to update and bring clarity to the Ordinance, but NOT to change the meaning or intent. While the appearance and wording have been updated, the regulatory requirements have not. ~~Additional changes and the adoption of a Fish House District & FEMA regulations were adopted at the District meeting in 2016.~~

Commissioners:

Leon Asadoorian
Richard "Dickie" Garnett
Brian Goode

Planning Board Members:

~~Bob Schoenberger~~ Robert Southworth, Jr., Chair
~~Michael Megna~~
~~Kathy Megna~~
~~Robert Southworth~~ Janet Gorman, Vice Chair
Chris Goode, Secretary
Richard "Dickie" Garnett

ZONING ORDINANCE FOR LITTLE BOAR'S HEAD DISTRICT

In pursuance of authority conferred by New Hampshire Revised Statutes Annotated, §674, Section 16, for the purpose of promoting the health, safety, morals, and the general welfare of the community, the following ordinance is hereby enacted by the legislative body of Little Boar's Head District (a village district in the Town of North Hampton, County of Rockingham, and State of New Hampshire).

SECTION I TITLE OF ORDINANCE

This ordinance shall be known as the "Zoning Ordinance for Little Boar's Head District."

SECTION II STRUCTURE OF ZONING ORDINANCE

Zoning Ordinances in New Hampshire are either "Permissive" or "Prohibitory". The Little Boar's Head Zoning Ordinance which pre-dated the 2015 Ordinance was a combination of both, and resulted in confusing, unclear Ordinances. This Ordinance is Permissive; that is, in the absence of a variance or special exception, this ordinance prohibits uses of land unless they are expressly permitted. There are cases where the ordinance also includes language to specifically not allow certain land uses which might otherwise be considered accessory or permitted uses. This language has been maintained in most cases to ensure that the intent of the Ordinance is not lost, except where NH Statutes mandated modification.

**SECTION III
ESTABLISHMENT OF ZONING DISTRICTS**

Little Boar's Head District is hereby divided into the following zoning districts:

- A. **BUSINESS ZONING DISTRICT:** The Business Zoning District shall comprise all land within the area bound southerly by the Hampton town line, westerly by Ocean Boulevard and northerly by the Northern lot line of Lot 010 on the Town of North Hampton Tax Map 001.

- B. **BATHHOUSE ZONING DISTRICT:** The Bathhouse Zoning District shall comprise all land within the area bounded westerly by the Ocean Boulevard, northerly by the southerly edge of the concrete sidewalk at the south end of the State parking area at the bathing beach, easterly by the sea, and southerly by the 10-foot wide strip of land in 1972 of Lillian Kosky, formerly of Felix Viano.

- C. **RESIDENTIAL ZONING DISTRICT:** The Residential Zoning District shall include all land in Little Boar's Head District that is not herein classified as part of the Business Zoning District or Bathhouse Zoning District.

- D. **FISH HOUSE ZONING DISTRICT:** The Fish House District shall include all land and buildings within the area bounded westerly by Ocean Boulevard, northerly by the stone wall, southerly by the northerly edge of the state beach parking area and easterly by the ocean.

**SECTION IV
BUSINESS ZONING DISTRICT USES**

In the Business Zoning District, permitted uses include those uses permitted in the Residential Zoning District and Bathhouse Zoning District; and

One or more of the following specific uses provided that no merchandise is displayed outdoors and provided that the Little Boar's Head Zoning Board of Adjustment shall rule that such use in the given case and location and under conditions specified in the permit therefor is not detrimental, injurious, or offensive to the neighborhood:

- A. Retail store or personal service shop;
- B. Luncheon establishment or restaurant;
- C. Hotel or motel.

**SECTION V
BATHHOUSE ZONING DISTRICT USES**

In the Bathhouse Zoning District, the following uses are permitted:

- 1. Bathhouse;
- 2. Boathouse;
- 3. Accessory use customarily incidental to any of the above permitted uses, provided that they are not detrimental, offensive, or injurious to the neighborhood.

SECTION VI
RESIDENTIAL ZONING DISTRICT USES

In the Residential Zoning District, the following uses are permitted:

1. Single-family detached dwelling;
2. Dwelling for the use of two families if it existed at the time this ordinance was adopted in 1937, provided that the Board of Adjustment shall rule as a special exception that the same in such location and under such conditions as are specified in the permit therefor will not be detrimental, injurious, or offensive to the neighborhood;
3. Educational or other cultural use of a temporary nature and not detrimental or offensive to the neighborhood;
4. Farming or agricultural use, including the sale and display of products grown or raised by the occupant on the premises, and provided that such use is neither injurious, offensive, nor detrimental to the neighborhood;
5. Municipal use;
6. Private bathhouse or boathouse;
7. Sale of fish or lobsters caught by occupant of premises where sold;
8. Accessory use as defined in Section XIII,

Uses allowed by Special Exception:

1. Any of the following uses, permitted by Special Exception, which must be granted by the Little Boar's Head Zoning Board of Adjustment, provided that the location of the proposed use, and the conditions under which the use is proposed, is not detrimental, injurious, or offensive to the neighborhood:
 - A. Church;
 - B. Cemetery;
 - C. Educational or other cultural use not of a temporary nature;
 - D. Accessory use customarily incidental to any of the above uses;
 - E. Home Occupation. A business which is carried out from a residence, where no more than one occupant of the home is engaged in the home occupation and no more than one (1) employee may be engaged in the home occupation, working within the home. The home occupation must be clearly incidental and secondary to the use of the dwelling

for dwelling purposes, and shall not change the character thereof. A home occupation is allowed (without the issuance of a permit) or any other action hereunder, in an existing dwelling or accessory structure on the part of an occupant of the dwelling, PROVIDED that the home occupation will involve no more than one exterior sign not to exceed one square foot in area, and will involve no exterior displays, no customers that come to the house to conduct business, products or sales on the premises, no increase in automobile traffic or parking, and no noise, vibration, smoke, dust, odors, heat, glare, or electrical or other disturbance, and the home occupation will not be injurious, offensive, or detrimental to the neighborhood or its residential character, and will be in accordance with the spirit of this Ordinance. In no case shall more than one (1) home occupation be permitted in one home including all accessory buildings on site.

SECTION VI - A FISH HOUSE ZONING DISTRICT USES

Purpose:

To preserve the historic nature of the existing buildings and to ensure that members of the public will be able to continue to pass over the walking trail free from any interference caused by improvements created by the occupants of the existing buildings or from any use which such occupants make of the walking trail.

In the Fish House District, the following uses are permitted:

1. Single-family seasonal detached dwelling.
2. Private Bathhouse.
3. Private Boathouse.
4. Accessory use customarily incidental to any of the permitted uses, provided that they are not detrimental, offensive, or injurious to the neighborhood.
5. All exterior construction requires a permit pursuant to Section XIV of this Ordinance.

SECTION VII
SIGNS, BILLBOARDS, AND OUTDOOR ADVERTISEMENTS

- A. **LIMITATION OF SIGNS:** All forms of signs, billboards, banners, and similar outdoor advertising media, whether illuminated or not, are prohibited, except the following:
1. Signs pertaining to the lease, sale, or use of a lot or building on which placed;
 2. Political advocacy signs and small contractor's signs, none to be over 9 square feet in size. The contractor's sign is to be limited to one per residence, allowed only where the contractor is performing work on the residence, and no such signs to remain for a period longer than the expiration of fifteen months or completion of construction, whichever occurs first.
- B. **SIZE AND NUMBER OF SIGNS:** No sign shall be larger than twelve square feet or project within the limits of a public highway right-of-way. On a lot occupied by a dwelling in the Residential Zoning District there shall not be more than one such sign pertaining to the use of such dwelling or bearing the name or occupation of any occupant or occupants, and no such sign shall be larger than two square feet. In no case shall any sign be internally lit, contain electronic changing copy or flashing lights of any kind.
- C. **LIGHTS AND LIGHTED SIGNS:** No electric or other light, sign, or other object capable of reflecting light, shall be made to throw light across any highway, sidewalk, or neighboring property in such manner as to constitute a glare or traffic hazard.

**SECTION VIII
AREA REGULATIONS**

Building setbacks shall be measured from the property line to the closest building element; roofline, stairway, window projection, cornice, or other ornamental feature.

A. RESIDENTIAL ZONING DISTRICT – SETBACKS

1. **SIDE AND REAR:** Structures shall be located no closer than thirty (30) feet from ANY property line.
2. **FRONT:** Structures shall be located no closer than thirty-five (35) feet from a road surface, however, no building shall be required to be set back more than the average of setbacks of the buildings on the lots directly abutting the lot on either side (a vacant lot or a lot occupied by a building set back more than thirty-five feet being measured at 35'); and provided further that the Little Boar's Head Zoning Board of Adjustment may grant permission for the erection or placing of any building, or part thereof, at such distance less than thirty-five feet from a highway as will not, in the opinion of the Board, cause injury or offense to the neighborhood in circumstances where environmental factors or geographical conditions such as a slope or embankment make it desirable in the opinion of the Board to place such building closer than the requisite thirty-five (35) feet from the highway Right-of-Way.
3. **SHORELAND:** No building, pier, terrace, or other structure in the Residential Zoning District shall be built, placed, or made to extend at any time nearer to mean high water mark on the shore of the Atlantic Ocean than is allowed in the Bathhouse Zoning District.
4. **ACCESSORY USE BUILDING:** A one story building or structure of accessory use, having a footprint of not more than 576 square feet, rising to an interior ceiling height of no more than eight feet, and rising to an exterior height (measured from the average of the unaltered grade prior to any construction to the top of the ridge pole or other topping off structure) of no more than fourteen feet, and not intended for human habitation and not having a septic (waste disposal) system, may be placed within thirty, but not closer than fifteen, feet of a lot line, if following a hearing, it obtains a special exception.

5. COVERAGE: No building or structure shall occupy more than fifteen percent (15%) of its total lot. Every dwelling unit shall have a minimum ground floor area of 960 square feet, except that dwellings having living quarters on more than one floor above the basement may be reduced in ground floor area to 720 square feet, provided that a minimum living space of 960 square feet be provided therein. Open porches, garages, carports, barns, sheds, hardscapes and un-walled covered areas shall not be included as ground floor area or living space, but their additional area, together with the dwelling, shall occupy no more than fifteen percent (15%) of its lot.

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B. BUSINESS ZONING DISTRICT – SETBACKS

1. **SIDE AND REAR:** Structures shall be located no closer than thirty (30) feet from ANY property line, unless there is a commonly owned (party) wall erected on a property boundary which provides common support to the structures on both sides of the boundary.
2. **FRONT:** Structures shall be located no closer than thirty-five (35) feet from a road surface, however, no building shall be required to be set back more than the average of setbacks of the buildings on the lots directly abutting the lot on either side (a vacant lot or a lot occupied by a building set back more than thirty-five feet being measured at 35'); and provided further that the Little Boar's Head Zoning Board of Adjustment may grant permission for the erection or placing of any building, or part thereof, at such distance less than thirty-five feet from a highway as will not, in the opinion of the Board, cause injury or offense to the neighborhood in circumstances where environmental factors or geographical conditions such as a slope or embankment make it desirable in the opinion of the Board to place such building closer than the requisite thirty-five (35) feet from the highway Right-of-Way.
3. **SHORELAND:** No building, pier, terrace, or other structure in the Residential Zoning District shall be built, placed, or made to extend at any time nearer to mean high water mark on the shore of the Atlantic Ocean than is allowed in the Bathhouse Zoning District.
4. **ACCESSORY USE BUILDING:** A one story building or structure of accessory use, having a footprint of not more than 576 square feet, rising to an interior ceiling height of no more than eight feet, and rising to an exterior height (measured from the average of the unaltered grade prior to any construction to the top of the ridge pole or other topping off structure) of no more than fourteen feet, and not intended for human habitation and not having a septic (waste disposal) system, may be placed within thirty, but not closer than fifteen, feet of a lot line, if following a hearing, it obtains a special exception.
5. **COVERAGE:** No building or structure shall occupy more than fifteen percent (15%) of its total lot. Every dwelling unit shall have a minimum ground floor area of 960 square feet, except that dwellings having living quarters on more than one floor above the basement may be reduced in ground floor area to 720 square feet, provided that a minimum living space of 960 square feet be provided therein. Open porches, garages, carports, barns, sheds, hardscapes and un-walled covered areas shall not be included as ground floor area or living space, but their additional area, together with the dwelling, shall occupy no more than fifteen percent (15%) of its lot.

~~B. BUSINESS ZONING DISTRICT – SETBACKS~~

1. **~~SIDE AND REAR:~~** Structures shall be located no closer than five (5) feet from ANY property line, unless there is a commonly owned (party) wall erected on a property boundary which provides common support to the structures on both sides of the boundary.

~~2. **FRONT:** Structures shall be located no closer than ten (10) feet from a road Right-of-Way.~~

C. BATHHOUSE ZONING DISTRICT – SETBACKS

1. In the Bathhouse Zoning District, no building or part thereof shall be built or placed within thirty feet of the center line of the paved portion of the Ocean Boulevard or at any time any nearer to mean high water mark on the shore of the Atlantic Ocean than the distance to mean high water mark at that time from the northwest face of the existing granite breakwater at its end nearest said Bathhouse Zoning District, or within six feet of any other building; and no pier, terrace, or any other structure shall be placed or made to extend more than twenty feet nearer to high water mark than any building may be built or placed.

D. DEMOLITION REVIEW

1. **PURPOSE:** To support identification, preservation, and documentation of Little Boar's Head historically significant structures, as well as to clarify and formalize landowners' demolition rights. This ordinance therefore establishes time limits for the demolition permitting process, and encourages open dialogue for documenting and potentially preserving buildings deemed historically significant. Participation in the demolition review process defined hereunder is voluntary on the part of any property owner seeking a demolition permit.
2. **DEFINITIONS:** As used in this section, the following words or phrases shall have the meanings set forth below, except when the context in which they are used requires a different meaning.
 - i. **BUILDING:** Building is defined as in the International Building Code and the International Residential Code, "any structure used or intended for supporting or sheltering any use or occupancy."
 - ii. **DEMOLITION REVIEW COMMITTEE:** A subcommittee of the Little Boar's Head Commissioners comprised of the three (3) members of the Commission and two (2) alternates appointed by the Chair of the Commissioners.
 - iii. **DEMOLITION:** The act of pulling down, destroying, removing, or razing a building or commencing the work of total or substantial destruction with the intent of completing the same. It is not the intent of this article to include interior destruction which does not alter the exterior appearance of the building or structure.
 - iv. **ZONING COMPLIANCE OFFICER:** For the purposes of this article, this refers to the Zoning Compliance Officer who is authorized to interpret and administer the building and/or zoning codes in the District.
 - v. **APPURTENANCES:** Any element or feature of local historical or cultural significance.

3. **CRITERION:** Any building or part of a building in the Village District will fall under the terms of this article where:
- i. The building or substantial appurtenances to it are found by the Zoning Compliance Officer to have been constructed more than fifty (50) years before the date of application for a demolition permit.
4. **PROCEDURE:** When an application for a demolition permit, or a building permit involving demolition, or a site plan review involving demolition is made, or a formal written application is submitted to the Zoning Compliance Officer for a determination under this article, the Zoning Compliance Officer will determine whether the building, or section of the building, meets the above criterion. If it does, the Zoning Compliance Officer shall:
- i. Notify the applicant in writing within five (5) business days of the filing that the demolition must be reviewed before proceeding and that the delay will not exceed 30 business days from the date of filing to the date on which demolition may begin.
 - ii. Forward a copy of the application to each member of the Demolition Review Committee within five (5) business days of the date of filing. Demolition Review Committee must plan their review to be completed within 30 business days from the original date of filing.
 - iii. Within five (5) business days of the Demolition Review Committee's receipt of a copy of the demolition application, the Committee shall issue a preliminary recommendation regarding granting a demolition permit.
 1. If the Committee issues a recommendation, in writing, in favor of granting a demolition permit, a demolition permit may be issued without further action by the Committee.
 2. If the Committee issues a recommendation, in writing, against granting a permit for demolition, no permit shall be issued until a more thorough investigation is undertaken and a final written recommendation is provided by the Committee to the Zoning Compliance Officer -- except that in no event shall a permit be delayed more than 30 business days from the original date of filing outlined in Section D.1 above.
 - iv. During the review period, the Committee shall meet with the property owner, if the property owner has elected to participate, and conduct such public meeting(s) and investigation(s) as it may determine to be necessary in the formulation of its written recommendation regarding granting a demolition permit. The Committee shall consider the following criteria in its deliberation:
 1. The building, or part of a building, is of such interest or quality that it would meet national, state, or local criteria for designation as a historic, cultural, or architectural landmark.
 2. The building, or part of a building, is of such unusual or uncommon design, texture, or materials that it could not be reproduced or, if it

could be reproduced, could be reproduced only with great difficulty and expense.

3. The building, or part of a building, is of such architectural or historic interest that its removal would be to the detriment of the public interest.
4. Retention of the building, or part of a building, would help preserve and protect a historic place or area of historic interest in the town.

5. DEMOLITION REVIEW COMMITTEE RESPONSIBILITIES: It is the responsibility of the Demolition Review Committee to:

- i. Make a decision within five (5) business days of receipt of the demolition application as to whether the building might be of historical or architectural significance.
- ii. Notify the District's Zoning Compliance Officer in writing within two (2) business days of decision if the building is found to be not significant and demolition can proceed.
- iii. Notify the District's Zoning Compliance Officer in writing within two (2) business days of decision if the building is found to be potentially historically or architecturally significant.
- iv. Establish a date and location for a public meeting to occur within twelve (12) business days of determination of potential significance. A notice of public meeting shall be posted outside Union Chapel (Willow Avenue) and at the Town of North Hampton's Tax Assessor's office within two (2) business days of decision. A public meeting, if deemed necessary, shall be properly posted and completed within 30 business days from the original date of filing established in Section D.1 above.
- v. Hold the public meeting to hear all public testimony regarding demolition of the building. The applicant or representative of the applicant proposing the demolition shall be invited to attend the public meeting to hear the concerns or alternatives that are proposed by members of the public. Applicant shall be notified by certified mail, return receipt requested.
- vi. Notify the applicant and the Zoning Compliance Officer within two (2) business days following the public meeting that the demolition may proceed if the building is found not to be significant.
- vii. If after the public meeting the Committee determines that the building is significant and its loss potentially detrimental to the community, a meeting shall be held between the Demolition Review Committee and the applicant (or applicant's representative) to discuss alternatives to the demolition. This meeting shall be scheduled within 30 business days from the original date of filing established in D.1 above, unless the applicant agrees in writing to extend the deadline.

6. DEMOLITION:

- i. If no alternatives to demolition have been identified and agreed to by the applicant after the meeting provided for in the preceding Section E.7, the applicant is free to proceed with demolition provided a permit is issued. Prior

to demolition, the Demolition Review Committee shall make a good faith effort to photographically document the exterior and, if permitted by the applicant, the interior of the building. The Committee shall also encourage the applicant to salvage significant architectural materials, components, and appurtenances of the building.

- ii. Nothing in this article shall be construed to prevent immediate demolition where the public safety is at stake and the building has been determined by the Zoning Compliance Officer to be a public hazard and demolition is the only viable recourse.

E. LOT SIZE: The minimum Lot Size is 2 acres with 175 feet continuous road frontage on a Class V Highway or better. No dwelling, including its accessory buildings, in any zoning district shall hereafter be built or placed on any lot having less than two (2) acres of land and 175 feet of frontage reserved for use of such dwelling or other structure, its accessory buildings, and the occupants thereof (exclusive of land reserved or used for any building not accessory to such dwelling), provided that one dwelling may be erected or placed on a lot containing less than two acres but not less than 15,000 square feet of land, or having a frontage of less than 175 but not less than 100 feet, if prior to 1978 there was no existing lawful building occupying over thirty percent of the area of such lot, and the lot was then under single or joint ownership or was then shown on a plan recorded in the Rockingham Registry of Deeds, which plan showed the lot in question as complying with the zoning laws in effect at the time of such recording; and provided further that a lot of less area and/or frontage may be set off or conveyed for the use of an existing dwelling and its accessory buildings located thereon, if the lot in question is shown on a plan recorded in the Rockingham Registry of Deeds and complying with the zoning laws in effect when such plan was recorded.

F. CONVERSION INTO DWELLING: No building not in existing use for dwelling purposes shall be converted into or used as a dwelling or as a portion of a dwelling unless it complies with setbacks and is located on a lot having a minimum area of 10,000 square feet of land and a minimum frontage of 80 feet reserved for use of such dwelling, its accessory buildings, and the occupants thereof, exclusive of land reserved or used for any building not accessory to such dwelling. ~~provided that this paragraph shall not apply to the accessory use for dwelling purposes of any existing building located in the same lot with a dwelling.~~

G. APPURTENANT OPEN SPACE: No yard or other open space required for a building by this ordinance shall during the life of such building be occupied or counted as open space for another building.

H. ACTS OF GOD OR PUBLIC ENEMIES: Nothing herein shall prevent any existing building or structure that may be removed from its location by an act of God or public enemies from being moved back to its original location.

I. SIZE AND HEIGHT OF DWELLING:

1. **SIZE:** NO dwelling in any zoning district shall hereafter be built or located on any lot unless such dwelling has a ground area of at least eight hundred (800) square feet in the

case of a dwelling of two or more stories, or a ground area of at least one thousand (1,000) square feet in the case of a one-story dwelling, provided that the Board of Adjustment may authorize the building or location of a seasonal dwelling of smaller size if in the opinion of the Board the same will not be injurious, offensive, or detrimental to the neighborhood.

2. **HEIGHT:** No building or other structure shall exceed 30 feet in height, measured from the average of the unaltered grade prior to any construction to the top of the roofline; chimneys and antennas not included, with the following exception:
 - i. Up to an additional five feet of height may be allowed as long as the total height, measured in the same manner as described above, shall not exceed 35 feet, and further provided that after a hearing by the Zoning Board of Adjustment it shall be determined by said Board that any such additional height shall not materially and unreasonably block the view from any residence.

J. DOGS AND HOUSEHOLD PETS: Dogs and other household pets are permitted within the District as long as their actions and activities conform to the requirements of this section:

1. Dogs shall be confined within the owner's premises except when on a leash.
2. Owners shall not permit protracted or offensive barking by their dogs. Abutters must be protected from such injurious action.
3. Owners whose animals violate these requirements will be subject to fines for each day of violation in accordance with Section XIII G hereof.

K. WETLAND SETBACKS:

1. On undeveloped lots of record existing as of March 2003 or created subsequently, no septic system, leach field, dwelling, accessory building, structural addition or impermeable surface shall be located within 100 feet of wetlands, as defined in Section XIII; provided that, with respect to any developed or undeveloped lot of record existing prior to March 2003, if the imposition of such 100 foot buffer setback would cause the buildable upland area (i.e., land not within the buffer area) to be less than 16,000 square feet, the buffer zone setback for such lot shall be reduced to 75 feet.
2. Notwithstanding the provisions of subsection 1 above, the construction of additions to and/ or extensions of buildings or other structures shall be allowed within the aforesaid 100 foot wetlands buffer setback if all of the following criteria are satisfied:
 - i. The building or structure to be expanded existed lawfully prior to March 2003 or was constructed subject to a building permit validly issued prior to March 2003;
 - ii. The proposed building or structure conforms to all other applicable ordinance provisions;
 - iii. The footprint of any new addition or extension shall not exceed the greater of 1200 square feet or 25% of the area of the footprint of the heated portion of the existing structure; and such new addition or extension shall not intrude any further into the wetland setback than the heated portion of the existing structure.

- L. **FILL:** In order that the District may protect its ecology, water supply and natural aesthetics, the Planning Board shall use discretion in giving permits to fill any land. No land shall be filled without the consent of the Planning Board if the total amount of fill to be added is more than One-Thousand (1,000) cubic yards in volume. No fill of any kind shall be placed closer than 75 feet from wetlands as defined in Section XIII "Definitions".

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SECTION IX NON-CONFORMING USES

- A. **NON-CONFORMING USES:** Any lawful building or use of a building or land or part thereof existing at the time of the adoption of this ordinance or any amendment thereto or within one year prior thereto may be continued although such building or use does not conform to the provisions hereof, but no use of any building or land not in conformity with the provisions of this ordinance shall, after having been discontinued for a period of ~~eighteen months~~ one year (twelve months) or more, be resumed or re-established except in conformity with this ordinance.
- B. **NON-CONFORMING STRUCTURES:** Non-conforming structures may be expanded or enlarged pursuant to a special exception provided that the expansion will not increase the non conforming aspect of the structure, for example a structure which is non-conforming as to the side yard setback can not encroach further into the side yard setback. If the proposed expansion or enlargement will increase the non conforming aspect of the structure, then a variance shall be required.
- C. **LIMITATION ON RESTORATION OF NON-CONFORMING BUILDING AFTER SUBSTANTIAL DESTRUCTION:** No building or other structure that has been damaged by fire or other causes to the extent of more than three-quarters of its value shall be repaired or rebuilt except in conformity with this ordinance unless so authorized by written permit to be issued as a special exception by the Board of Adjustment; provided that the Board of Adjustment shall not withhold permission to repair or rebuild in the old location and in a manner not repugnant to the spirit of this ordinance any non-conforming building or structure so destroyed or damaged, within a period of one year thereafter, to be put to the same use as, or a use no more injurious or detrimental to the neighborhood than, before.

SECTION X

ACCESSORY DWELLING UNITS

Authority: This section is enacted in accordance with the provisions of RSA 674:71 – 73 and RSA 674:21.

- A. Definition: As used in this article, the following term shall have the meaning indicated:
An “Accessory Dwelling Unit” (ADU) means a residential living unit that is within or attached to a single family dwelling and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.
- B. An Accessory Dwelling Unit is permitted only by Special Exception, provided the following criteria are met, and provided that the location of the ADU, and conditions under which its use is proposed, are not detrimental, injurious, or offensive to the neighborhood.
- C. Criteria:
1. An ADU application shall be required addressing all the criteria of an approved ADU.
 2. A building permit shall be required for an ADU.
 3. A maximum of one (1) ADU per lot may be permitted in zoning districts that allow single-family dwellings.
 4. The ADU must provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking, and sanitation.
 5. The ADU shall be attached to the principal dwelling unit. In order to be considered an attached ADU, there must be a common wall between the principal dwelling unit and the ADU. Detached accessory dwelling units are prohibited.
 6. An interior door shall be provided between the principal dwelling unit and the ADU.
 7. The ADU shall have an independent means of ingress and egress.
 8. The ADU shall make provision for adequate water supply and sewage disposal service in compliance with RSA 485-A:38, and regulations adopted by the New Hampshire Department of Environmental Services.
 9. The ADU shall be provided two (2) off-street parking spaces which are not visible from the road and which do not require a curb cut.
 10. Either the ADU or the principal dwelling unit shall be the principal residence and legal domicile of the owner of the property. The owner must demonstrate that one of the units is the owner’s legal, principal dwelling unit.
 11. The ADU shall not exceed 750 square feet in habitable floor area.

12. The ADU shall have no more than two (2) bedrooms, with a maximum occupancy of two (2) persons per bedroom.
13. The ADU shall maintain an aesthetic continuity with the principal dwelling unit.
14. The ADU shall not be converted to a condominium.
15. The ADU must comply with the same lot setback requirements and lot coverage standards that apply to the principal dwelling unit.
16. The ADU shall not be used for short-term daily or weekly vacation rental space.
17. No more than two (2) persons unrelated by a familial relationship may occupy the ADU at any given time. In cases where the ADU is occupied by the legal owner of the property, then no more than two (2) persons unrelated by a familial relationship may occupy the principal dwelling unit at any given time.
18. An occupancy permit is required before an ADU can be occupied.

SECTION XI

MOTOR HOMES / TRAVEL TRAILERS, MANUFACTURED HOUSING, OPEN STORAGE, AND AIRCRAFT

- A. MOTOR HOMES, TRAVEL TRAILERS:** No motor home or travel trailer shall be used as a dwelling unit, nor shall be parked on any property unless approved in writing by the Village District Zoning Inspectors for up to ten (10) days in a temporary location and for a temporary purpose found by said Village District Zoning Inspectors to be neither injurious, detrimental, nor offensive to the neighborhood.
- B. MANUFACTURED HOUSING:** Pursuant to NHRSA §674:32, there shall be no prohibition against the siting of a manufactured home on any lot in the District, provided, however, that all local, State and Federal Building Codes are complied with.
- C. OPEN STORAGE:**
1. Except as provided in subsections 2 and 3 below, no open storage for a period exceeding five (5) days of any man-made material except for lobster pots, fishing nets, and their accessory buoys, ropes, and similar necessary gear and except for the parking or open storage for a period exceeding five (5) days, of any boat, mobile or motor home, bus, camper, travel trailer or other trailer, for use on land, water, or in the air, other than licensed passenger motor vehicles (excluding buses) and/or not more than one (1) licensed light truck (of not more than 8,100 pounds GVW) per house lot, shall be permitted in any location in this village district that is:
 - i. Any closer to the highway Right of Way (or in the case of a vacant lot, the setback from such highway required for buildings or structures other than ones of accessory use) than the lesser of (1) such setback so required, and (2) the distance from such highway of the nearest existing dwelling or other structure on the lot on which any man-made material or other object is stored, parked, or placed; or
 - ii. Any nearer the limits of any lot line (in the case of a vacant lot, the setback from such lot line required for buildings or structures of accessory use) than the lesser of the requisite setback or the distance from the lot line of the

- nearest existing dwelling or other structure on the lot on which the man-made material or other object is stored, parked or placed; or
- iii. Offensive, injurious, or detrimental to the neighborhood, whether by reason of the particular nature of the material or object(s) or by reason of the location thereof, in the light of circumstances peculiar to a particular location, or otherwise.
2. The provisions hereof shall not apply to boats or boat trailers drawn up on shore, or to lobster pots, nets, and accessory equipment on, or directly adjacent to, the beach.
 3. Notwithstanding the provisions of Section IX C1, the Zoning Board of Adjustment may, as a Special Exception, allow the occupant of any premises in this Village District to store a boat in the open in a location otherwise prohibited by this Section and for a period of time deemed acceptable by the Board, if it is determined by the Board, after a hearing, that the boat cannot practicably be stored on such premises in a location allowed under Section IX C 1 and if it is further determined by the Board that such storage, taking into account the size of the boat and such other factors as the Board may deem relevant, shall not unreasonably interfere with the view from any affected residence nor otherwise be offensive, injurious or detrimental to the neighborhood.

D. SANITARY FACILITIES: No motor home, camper, trailer, R/V, travel trailer, boat or other conveyance shall be connected with water or sanitary facilities, or be occupied as a dwelling while being parked or stored in this Village District, and no waste water or sewage therefrom shall be emptied into any highway, parking lot, or wetland area in this Village District.

E. AIRCRAFT LANDING AND TAKE OFFS: In accordance with NHRSA §674:16 V. except in emergency situations, aircraft shall not be permitted to take-off or land within the Little Boar's Head Village District.

SECTION XII
SEWAGE

No raw or untreated sewage, no effluent of a septic tank or system, shall be discharged into the ocean, or into a pipe leading to the ocean, or into any storm drain, or into any river, stream, marsh, bog or wetland within this Village District.

SECTION XIII
WATER, EXCAVATIONS

No water, gravel, sand, clay, loam, rocks, stones, or soil of any sort shall be removed from this Village District, whether by pipes, tanks, boats, trucks or other conveyances, and whether above or below ground level, unless:

- A. The excavation is necessary and incidental to the construction of a building for which a Building permit has been issued by the District Zoning Inspector; or
- B. The excavation is permitted by the Village District Zoning Inspectors under special circumstances making such removal desirable for the public welfare and not injurious, detrimental, or offensive to the neighborhood.
- C. Groundwater is being removed from the District via water mains owned by Aquarion Water Company (or their successors) of water derived from sources outside the District.

SECTION ~~XIV.H.1~~
FLOODPLAIN MANAGEMENT ORDINANCE

A. PURPOSE

Certain areas of the Little Boar's Head District, New Hampshire are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, the Little Boar's Head District, New Hampshire has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as detailed in this Floodplain Management Ordinance.

B. ESTABLISHMENT

This ordinance, adopted pursuant to the authority of NH RSA 674:16, shall be known as the Little Boar's Head District Floodplain Management Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Zoning Ordinance for Little Boar's Head District, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provisions of this ordinance differs or appears to conflict with any provision of the Zoning Ordinance or other ordinance or regulation, the provision imposing the greater restriction or more stringent standard shall be controlling.

The following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study Rockingham County NH dated May 17, 2005, or as amended" together with the associated Flood Insurance Rate Maps dated May 17, 2005 which are declared to be a part of this ordinance and are hereby incorporated by reference.

C. DEFINITION OF TERMS

The following definitions shall apply only to this Floodplain Development Ordinance and shall not be affected by the provisions of any other ordinance of the Little Boar's Head District.

1. **Area of Shallow Flooding** means a Zone AO on the Flood Insurance Rate Map (FIRM) with a one-percent or greater annual possibility of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet-flow.
2. **Base Flood** means the flood having a one-percent possibility of being equaled or exceeded in any given year.
3. **Basement** means any area of a building having its floor subgrade on all sides.

4. **Building** - see "structure".
5. **Breakaway wall** means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.
6. **Development** means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operation or storage of equipment or materials.
7. **FEMA** means the Federal Emergency Management Agency.
8. **Flood or Flooding** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters, or
 - b. the unusual and rapid accumulation or runoff of surface waters from any source.
9. **Flood Insurance Rate Map** (FIRM) means the 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 community.
10. **Flood Insurance Study** means an examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevations, or an examination and determination of mudslide or flood - related erosion hazards.
11. **Floodplain or Flood-prone area** means any land area susceptible to being inundated by water from any source (see definition of "Flooding").
12. **Flood proofing** means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.
13. **Floodway** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
14. **Functionally dependent use** means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking and port facilities that are necessary for the loading/unloading of cargo or passengers, and ship building/repair facilities but does not include long-term storage or related manufacturing facilities.

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

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

- a. listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - i. by an approved state program as determined by the Secretary of the Interior, or
 - ii. directly by the Secretary of the Interior in states without approved programs.

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

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

19. **Manufactured Home Park or Subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

20. **Mean sea level** means the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum to which base flood elevations shown on a community's Flood Insurance Rate Maps are referenced.

21. **New construction** means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the

start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

22. **Recreational Vehicle** is defined as:

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

23. **Special flood hazard area** is the land in the floodplain subject to a one-percent or greater possibility of flooding in any given year. The area is designated on the FIRM as Zones AE, AO, or VE.

24. **Start of Construction** includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

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

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

27. **Substantial Improvement** means any combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent of the market value of the structure. The market value of the structure should equal:

- a. the appraised value prior to the start of the initial repair or improvement, or
- b. in the case of damage, the value of the structure prior to the damage occurring.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures that have incurred substantial damage, regardless of actual repair work performed. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

28. Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under this ordinance is presumed to be in violation until such time as that documentation is provided.

D. PERMITS

1. All proposed development in any special flood hazard area shall require a permit from the Zoning Inspector. Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operation or storage of equipment or materials.
2. The Zoning Inspector shall not grant a building permit until the applicant certifies that all necessary permits have been received from those governmental agencies from which approval is required by federal or state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.

E. CONSTRUCTION REQUIREMENTS

1. The Zoning Inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in a special flood hazard area, all new construction or substantial improvements shall:
 - a. be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. be constructed with materials resistant to flood damage;
 - c. be constructed by methods and practices that minimize flood damages; and

- d. be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

F. WATER AND SEWER SYSTEMS

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

G. CERTIFICATION

- 1. For all new construction or substantially improved structures located in Zones AE and AO the application shall furnish the following information to the Zoning Inspector:
 - a. The as-built elevation (in relation to mean sea level) of the lowest floor (including basement) and include whether or not the structure contains a basement.
 - b. If the non-residential structure has been flood proofed, the as-built elevation (in relation to mean sea level) to which the structure was flood proofed and any certification of flood proofing.
- 2. For all new construction or substantially improved structures located in Zone VE, the applicant shall furnish the following information to the Zoning Inspector:
 - a. The as-built elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns), and include whether or not the structure contains a basement.
- 3. The Zoning Inspector shall maintain the above information for public inspection, and shall furnish it upon request.

H. WATERCOURSES

- 1. In riverine situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the Wetlands Bureau of the New Hampshire Department of

Environmental Services and submit copies of such notification to the Zoning Inspector, in addition to the copies required by the RSA 482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Zoning Inspector, including notice of all scheduled hearings before the Wetlands Board.

2. The applicant shall submit to the Zoning Inspector, certification provided by a registered professional engineer, assuring that the flood carrying capacity of an altered or relocated watercourse can and will be maintained.
3. Along watercourses that have not had a Regulatory Floodway designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone 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.

I. BASE FLOOD ELEVATION DETERMINATION

1. In special flood hazard areas the Zoning Inspector shall determine the base flood elevation in the following order of precedence according to the data available:
 - a. In Zones AE and VE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM.
 - b. In Zone AO the 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 2 feet.

J. STRUCTURES

1. The Zoning Inspector's base flood elevation determination will be used as criteria for requiring in Zones AE and AO that:
 - a. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the base flood elevation.
 - b. That all new construction or substantial improvements of non-residential structures have the lowest floor (including basement) elevated to or above the base flood elevation; or together with attendant utility and sanitary facilities, shall:
 - i. be flood proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

- iii. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section.
2. Proposed structures to be located on slopes in Zone AO shall include adequate drainage paths to guide floodwaters around and away from the proposed structures.

K. MANUFACTURED HOMES AND RECREATIONAL VEHICLES

1. All manufactured homes to be placed or substantially improved within Zones AE and AO shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
2. Recreational vehicles placed on sites within Zone AE shall either:
 - a. be on the site for fewer than 180 days;
 - b. be fully licensed and ready for highway use; or
 - c. meet all standards of this ordinance and the elevation and anchoring requirements for "manufactured homes" in this ordinance.

L. ENCLOSURES BELOW BASE FLOOD ELEVATION

1. For all new construction and substantial improvements in Zones AE and AO, fully enclosed areas below the lowest floor that are subject to flooding are permitted provided they meet the following requirements:
 - a. The enclosed area is unfinished or flood resistant, usable solely for the parking of vehicles, building access or storage.
 - b. The area is not a basement.
 - c. The area shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louver, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

M. COASTAL HIGH HAZARD AREAS

The following regulations shall apply to all new construction and substantial improvements to structures including all manufactured homes placed or substantially improved and recreational vehicles located in coastal high hazard areas, designated as Zone VE.

1. All new construction or substantial improvements are to be elevated on pilings and columns so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood elevation;
 - b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
2. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of this section.
3. The space below the lowest floor must be free of obstructions or constructed with non-supporting breakaway walls, open lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Such enclosed space shall be usable solely for the parking of vehicles, building access, or storage.
4. The use of fill for the structural support of buildings is prohibited.
5. Man-made alterations of sand dunes which would increase potential flood damage is prohibited.
6. All new construction or substantial improvements within Zone VE shall be located landward of the reach of mean high tide.
7. All recreational vehicles placed on sites within Zone VE shall either:
 - a. be on the site for fewer than 180 days;

- b. be fully licensed and ready for highway use; or
- c. meet all standards of this ordinance and the elevation and anchoring requirements for "manufactured homes" in this ordinance.

N. VARIANCES AND APPEALS

1. Any order, requirement, decision or determination of the Zoning Inspector made under this ordinance may be appealed to the Board of Adjustment as set forth in RSA 676:5.
2. If the applicant, upon appeal, requests a variance as authorized by RSA 674:33, I(b), the applicant shall have the burden of showing in addition to the usual variance standards under state law that:
 - a. The variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.
 - b. If the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief.
3. The Board of Adjustment shall notify the applicant in writing that:
 - a. The issuance of a variance to construct below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage.
 - b. Such construction below the base flood elevation increases risks to life and property.

Such notification shall be maintained with a record of all variance actions.

4. The community shall:
 - a. maintain a record of all variance actions, including their justification for their issuance, and
 - b. report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

O. ENFORCEMENT

It shall be the duty of the Zoning Officer (or their designee) to enforce and administer the provisions of this Ordinance in accordance with RSA 676.

SECTION ~~XXXV~~
DEFINITIONS

1. **ACCESSORY USE:** A use customarily incidental and subordinate to the principal use, and located on the same lot as the principal use, such as, but not limited to, a private garage, storage shed, swimming pool, or tennis court, and neither injurious, offensive nor detrimental to the neighborhood. ~~An Accessory Use may not be the same as or an extension of a principal use except, where the principal use is that of residential occupancy, for temporary or occasional guest quarters, or by special exception granted by the Zoning Board of Adjustment.~~

~~4-2. BUILDING:~~ Any structure, either temporary or permanent, having a roof and designed or used for the shelter or enclosure of any person and animal.

3. **CAMPER and/or TRAVEL TRAILER:** An easily maneuverable licensed mobile or motor home, as below defined, that can be attached to or superimposed on a licensed pick-up type of truck, or is in a small licensed trailer easily attachable to a private automobile or light truck for towing at normal automobile speeds on public highways.

2. ~~DWELLING:~~ A detached building designed for or used primarily by one family for living quarters, but not including mobile homes, trailers of any kind, hotels, motels, lodging houses, institutional homes, residential clubs, tourist camps, cabins, or other commercial accommodations offered for occupancy.

4. **IMPERVIOUS COVERAGE or IMPERVIOUS:** Any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to, roofs, and unless designed to effectively absorb or infiltrate water, decks, patios, and paved, gravel, or crushed stone driveways, parking areas, and walkways, storage areas, compacted gravel including drives and parking areas, oiled or compacted earthen materials, stone, concrete or composite pavers and wood. (From NH RSA 483-B: 4 Shoreland Water Quality Protection Act).

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~~3.5~~ **LIGHT TRUCK:** A small truck, such as a van or pick-up truck, of not over 8,100 pounds gross vehicle weight rating, with enclosed front seat usable similarly to that in a private automobile.

~~4.6~~ **MANUFACTURED OR MOTOR HOME:** Any vehicle or structure (by whatever name called) used or so constructed as to permit its being operated or towed as a conveyance (whether licensed or not) on public roads and highways, and so constructed as to permit occupancy thereof as a dwelling or sleeping place for one or more persons, whether or not the same be provided with a toilet, wash basin, bathtub and/or shower, and whether or not placed on a foundation.

~~5.7~~ **ORDINARY WORD USAGE:** Unless otherwise defined hereunder, all words shall be construed according to their usual prevailing meaning and customary usage.

~~6.~~ **SINGLE-FAMILY:** One or more persons related by blood, marriage, or adoption, or not over ~~three-two~~ persons not so related, living together in a single-family dwelling, with a single food preparation area, and as distinguished from a group, club, fraternity, or other organization, whether or not religious or fraternal; and including a reasonable number of employees consonant with the family's circumstances and having regular duties connected with the household; this definition not to be construed as excluding occasional temporary guests.

~~8.~~ **STRUCTURE:** Anything constructed or erected, the use of which requires a fixed location on or in the ground or requires an attachment to something having a fixed location on the ground. "Structure" under this definition includes, but is not limited to leach fields that are, in whole or in part, constructed above grade; septic systems, buildings, billboards, carports, porches, swimming pools, tennis courts, and building features. For the purpose of this zoning ordinance leach fields that are constructed entirely below grade, sidewalks, driveways, fences, and patios are not deemed to be structures.

~~7.~~ **TEMPORARY and OCCASIONAL:** ~~In the absence of other criteria, these words shall be construed as applying to a single use for a period of not over ten (10) days.~~

~~8.9~~ **WETLANDS:** Wetlands are those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas - [taken from the EPA Regulations listed at 40 CFR 230.3(t)]. Wetlands can be coastal or inland, salt or fresh water. For purposes of Section VIII J, the term "wetlands" shall not include an inland (i.e., non-tidal) wetland which consists of a vegetated swale, roadside ditch or other drainage way; a sedimentation/ detention basin; or an agricultural/irrigation pond.

SECTION XVI ADMINISTRATION

A. ENFORCEMENT: This ordinance shall be enforced by at least one, and a maximum of three, Zoning Compliance Officers, none of whom shall be a member of the Zoning Board of

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Adjustment, but any one of whom may also be a Village District Commissioner. Such Officer or Officers shall be appointed by the Village District Commissioners following the annual meeting of the Village District for terms of from one to three years. The Village District Commissioners may also from time to time appoint up to three alternate Zoning Compliance Officers for terms of such duration.

- B. PERMITS:** Prior to the commencement of any construction, the property owner (or designee) must first contact the District Zoning Compliance Officer to determine the need for an application. If an application is required by the District, the property owner must complete and return the application with a check for the fee. The Zoning Compliance Officer will review the application and render a decision on the (zoning) compliance of the proposal. Approved Zoning Compliance Permits must then be taken to the Town of North Hampton's Building Department where a Building permit application needs to be submitted. The Town of North Hampton Building Department will not approve a building permit without a Zoning Compliance Certificate issued by the District. If the original application is NOT approved, the applicant can appeal to the Little Boar's Head Village District Zoning Board of Adjustment to seek the necessary relief. Once all certificates and permits are approved, the Town of North Hampton Building Inspector will be responsible for all building code and safety inspections and approvals thereafter. Any modifications to the scope of the project once approved shall be reviewed by the District Zoning Compliance Officer and the Town of North Hampton Building Inspector to determine if additional approvals are required.
- C. PUBLIC NOTICES:** All notices issued under this ordinance, including notices of permits, shall be posted on the Little Boar's Head Bulletin Board located on the east side of Willow Avenue, on the grounds of Union Chapel, or at such other location (or additional locations) within the Village District as shall be designated by the Village District Commissioners and announced by them at the Annual Meeting of the Village District. Notices of permits issued hereunder shall be so posted within two days of their issuance.
- D. APPEALS FROM DECISION OF VILLAGE DISTRICT ZONING INSPECTORS:** Any person aggrieved by a decision of the Village District Zoning Compliance Officer may appeal to the Board of Adjustment within thirty days from the date of posting of the statement of a permit issued by the Village District Zoning Compliance Officers hereunder.
- E. BOARD OF ADJUSTMENT:** Within thirty days after the adoption of this ordinance the Commissioners shall make appointments to a Board of Adjustment of five members to serve without compensation, such members to be appointed for staggered terms of from one to three years in such manner that (except to fill vacancies) no more than two terms shall expire in any given year and thereafter the Commissioners shall annually appoint successor members as terms expire and shall fill vacancies as they occur. The Board of Adjustment shall also include such alternate members, not over five in number at a given time, as the Village District Commissioners may from time to time appoint for terms of three years each; any one of whom may be designated by the Board chairman to act in place of an absent regular member, all as provided in RSA 31:67-a, as amended. The Village District Zoning Compliance Officers shall not be members of the Board of Adjustment, but one member of the Board of Adjustment shall be one of the Village District Commissioners. The Board of Adjustment shall conform in

membership, duties, and powers to the provisions of Sections 66 to 77 inclusive of Chapter 31 of the Revised Statutes Annotated (cited as RSA 31:66-77) and all other pertinent sections thereof, as amended from time to time, and shall elect its own chairman, secretary and such other officers as it shall, from time to time, deem appropriate to conduct its business.

The Board of Adjustment shall act always subject to the rule that it shall give due consideration to promoting the public health, safety, morals, convenience, and welfare, and conserving property values, that it shall permit no building or use injurious, noxious, offensive, or detrimental to a neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case.

- F. CONDITIONS ON VARIANCES AND SPECIAL EXCEPTIONS:** In granting a Special Exception under, or an appeal for a variance from, any provision of this ordinance, the Board of Adjustment may impose on such Special Exception or variance any condition or conditions (including, without limitation, a requirement that the use or the construction of the structure or structural addition allowed thereby be substantially commenced within a certain period of time) as the Board, in its judgment, may deem reasonable and desirable or appropriate, given the nature of such use, structure or structural addition in the circumstances.
- G. PENALTY:** Any person, firm, or corporation violating any of the provisions of this ordinance may be fined an amount up to the maximum amount allowed under New Hampshire law upon conviction for each day such violation may exist.
- H. PLANNING BOARD:** The Village District Planning Board shall consist of at least five, up to a maximum of seven, members, all of whom shall be appointed by the Village District Commissioners for terms ranging from one to three years. The Commissioners shall fill vacancies on the Planning Board as they occur by reason of term expirations or resignations. The members of the Planning Board shall serve without compensation and shall elect from among their members a Chairman, a Secretary and such other officers as they deem necessary to conduct its business. At least one member of the Planning Board may be a Village District Commissioner. The Planning Board shall also include such alternate members as the Commissioners may from time to time appoint. The Planning Board shall be responsible for the periodic revision of the Village District's Master Plan; for the adoption and amendment of zoning ordinance provisions; for hearing and acting on subdivision applications; and for such other functions assigned to village district planning boards by New Hampshire law which are not reserved or assigned thereunder or under the Little Boar's Head Zoning Ordinance to the Village District Commissioners, the Zoning Board of Adjustment or the Village District Zoning Compliance Officers.
- I. HERITAGE COMMISSION:** The Little Boar's Head Heritage Commission shall be composed of from five to seven members, who shall be appointed by the Village District Commissioners to serve without compensation. One such member shall be appointed for a term of one year, one for a term of two years, one for a term of three years, two for a term of four years, and each of any one or two more members for a term of five years. Within thirty days after the adoption of this provision, the Village District Commissioners shall make appointments to the Little Boar's Head Heritage Commission in the number and for the respective terms

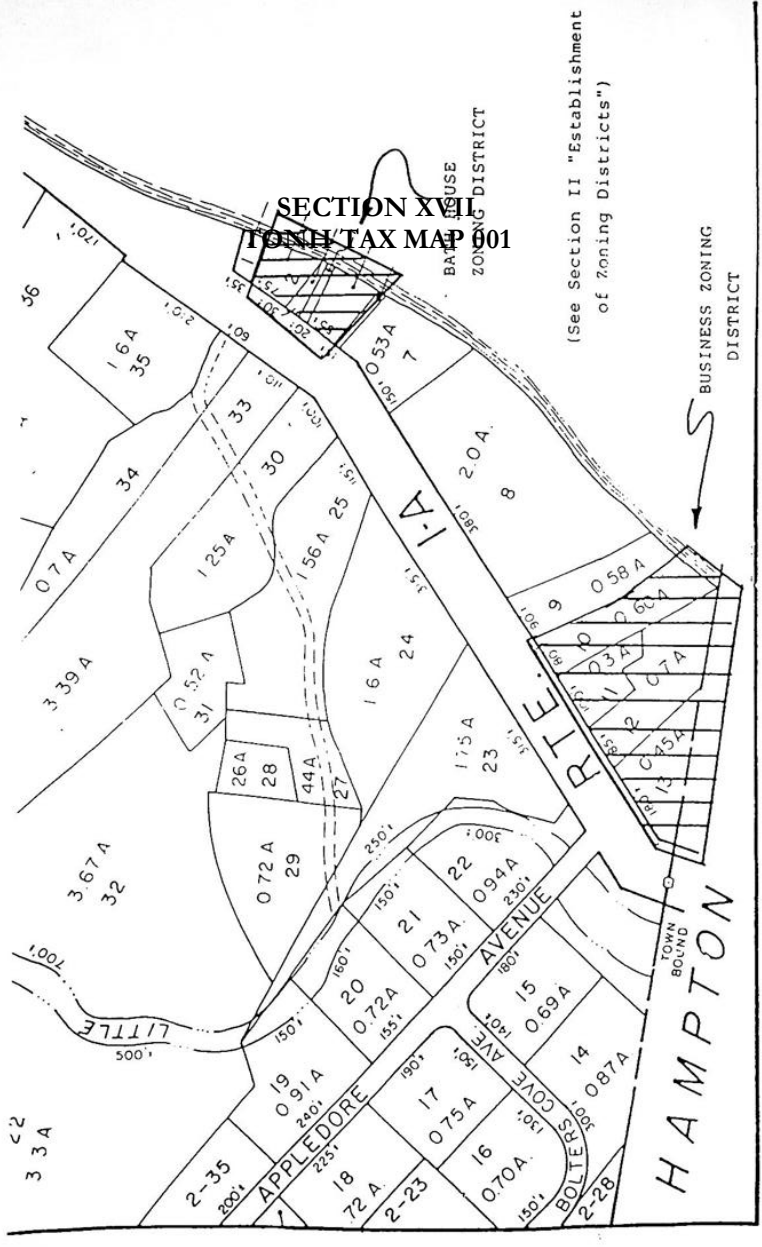
specified in the foregoing sentence. In each year thereafter, the Village District Commissioners shall appoint (or reappoint) a member or members to the Heritage Commission with respect to, and for the same number of years as, any expiring term. The Village District Commissioners shall also fill vacancies on the Heritage Commission as they occur.

**SECTION XVII
AMENDMENTS**

This ordinance may be amended in the manner prescribed New Hampshire Statute Annotated, §674, Section 16, and any other pertinent sections of Revised Statutes Annotated, as amended from time to time.

**SECTION XVI
SAVING CLAUSE**

- A. INVALIDITY OF ANY PROVISION:** The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision hereof.
- B. WHEN EFFECTIVE:** This ordinance shall take effect upon its passage.



Town of North Hampton Tax Map 001

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