

2017 Zoning Amendment #1

Changes are in **BOLD** or ~~Struck out~~

SECTION 302 DEFINITIONS

1. ~~Accessory Apartment~~ **Accessory Dwelling Unit:** One dwelling unit, located within a single-family **principal** dwelling that is clearly subordinate to the principal dwelling and meets the conditions set forth in Section 513. **An Accessory Dwelling Unit shall provide independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation.**

SECTION 405 PERMITTED USE, SPECIAL EXCEPTIONS AND PROHIBITED USES FOR ALL DISTRICTS

Accessory Apartment removed from Special Exceptions list and added to Conditional Use Permit list in uses table and renamed Accessory Dwelling Unit.

SECTION 513 ~~ACCESSORY APARTMENT~~ **ACCESSORY DWELLING UNIT**

~~Accessory apartments~~ **Accessory Dwelling Units** shall be permitted as ~~a special exception with a Conditional Use Permit~~, granted by the ~~Zoning Board of Adjustment~~ **Planning Board**, provided that it ~~they comply~~ **comply** with the conditions set forth below.

513.1 Accessory Dwelling Units are allowed in all zoning districts, and ~~The the~~ property must conform to the dimensional requirements of a single-family lot.

513.2 Only single-family principal dwellings are eligible for Accessory Dwelling Units.

513.3 Only one Accessory Dwelling Unit is allowed per single-family principal residence.

~~513.2 The existing dwelling must have existed prior to the adoption of this ordinance.~~

~~513.3~~ **4** The apartment must be contained within **or attached to a single-family** ~~the existing single-family principal dwelling and contain at least one interior door between it and the principal dwelling unit.~~

~~513.4~~ **5** The **owner of the principal** dwelling to which an ~~accessory apartment~~ **Accessory Dwelling Unit** is added ~~must be owner-occupied~~ **occupy one of the dwelling units.** ~~and a minimum of 2,000 square feet in total floor area.~~

~~513.5~~ **6** The size of the ~~apartment~~ **Accessory Dwelling Unit** shall be ~~between 400 and~~ **no larger than** 800 square feet.

~~513.6~~ **7** No more than two bedrooms are permitted in the ~~accessory apartment~~ **Accessory Dwelling Unit.**

~~513.7~~ **8** The owner shall provide evidence to the Building Inspector that **water supply and** septic facilities are adequate for both units according to the standards of the Town and the N.H. Department of Environmental Services (NHDES). If deemed necessary by the Building Inspector, such evidence shall be in the form of certification by a State of N.H. licensed septic system designer. The Building Inspector shall indicate his approval in writing to the ~~Zoning Board of Adjustment~~ **Planning Board.**

~~513.8~~ **9** The ~~apartment~~ **Accessory Dwelling Unit** shall be designed so that the appearance of the building remains that of a single-family dwelling. ~~Any~~ **The** new entrance shall be located on the side or rear of the building.

Replace current Section 506 in its entirety with the following language

SECTION 506 SIGNS

506.1 Purpose: Signs perform important functions essential for public safety and general welfare, including communicating messages, providing information about goods and services, and orienting and directing people. Because of potential detrimental impacts, the time, place and manner of signage must be regulated to:

- a. Prevent hazards to vehicular and pedestrian traffic,
- b. Enhance the visual quality and aesthetics of the Route 1 corridor as stated in the first principle in the Vision Statement of the town's Master Plan, which was developed from the results of multiple resident surveys;
- c. Protect and enhance the historic, scenic character of the Town of North Hampton as stated in the town's Master Plan,
- d. Provide easy recognition and legibility of permitted signs and uses and promote visual order and clarity on streets, and
- e. Protect property values and private/public investments in property and support businesses with effective, efficient opportunities for communication by reducing competing demands for visual attention.

506.2 Definitions

a. Sign. An object, including a structure, movable object, wall or image displaying any message visible to the public. Letters individually painted on or attached to a face of a building that identify only the address of the occupant are not considered a Sign.

b. Abandoned Sign. Any Sign that:

1. Does not display a well-maintained message for 120 consecutive days,
2. The owner of which cannot be located after reasonable efforts are made,
3. No longer is fully supported for 120 consecutive days by the structure designed to support the sign, or
4. No longer advertises a bona fide business.

c. Conditional Use. A use that, because of special needs or characteristics, may be allowed only after the Planning Board reviews and approves an application for a Conditional Use permit for that sign.

d. Electronic Message Board. A Sign with a display/message composed of a series of lights that may be changed through electronic means.

e. Feather Flag. A lightweight portable Sign that resembles a sail or a feather, mounted on a single pole.

f. Ground Sign. A Sign supported by one or more uprights, poles, pylons or foundation elements in or upon the ground and not attached to a building.

g. Inflatable Advertising Device. An air- or helium-filled structure intended to draw attention to a particular business.

h. Internally Lit Sign. Any sign illuminated from within.

i. Materially Altered. Any change in structure, location, lighting, dimensions, shape, proportions or construction materials for the supporting structure.

j. Monument Sign. A freestanding Sign supported primarily by an internal structure or integrated into landscaping or other solid structural features other than supporting poles.

k. Movable Sign. Any Sign (1) on any vehicle or object that moves on wheels or any other device or (2) that can be moved by picking it up and carrying it to another location.

l. Pole or Pylon Sign. A type of Ground Sign that is supported by or suspended from free-standing column(s). Such Signs shall meet all standards for Ground Signs.

m. Sandwich Board Sign. An A-frame style Sign, temporary and portable, having two sides and no more than six square feet in total surface area per side.

n. Temporary Sign. Any Sign not permanently affixed to the ground or a structure. If the Sign display area is permanent but the message displayed is subject to periodic manual changes, that Sign shall not be regarded as a Temporary Sign.

o. Wall Sign. A Sign attached to, painted upon, placed against, or supported by the exterior surface of any building.

p. Window Sign. A Sign affixed to the interior or exterior of a window or placed immediately behind a windowpane so as to attract attention from outside the building.

506.3 General Provisions: Signs shall be permitted as designated below or in other portions of the ordinance but all Signs shall be subject to the following regulations:

a. No Sign shall be placed in a manner that will endanger traffic by obscuring sightlines, by confusion with safety and directional signs, by glare, or in the state or town right of way.

b. No Sign with flashing electric lights or movement shall be permitted.

c. Illuminated Signs shall be lit by steady, white light through the use of full cutoff fixtures and top-down lighting that complies with the International Dark Sky Association's dark sky standard.

d. No Internally Lit Sign shall be permitted in any district. Signs shall not be illuminated from within. Signs may be illuminated only by external light pursuant to Section 506.3.c above.

e. Unless used to identify public safety facilities, illuminated Signs shall be turned off when the business or facility is closed.

f. No Sign using an electronic message board shall be permitted.

g. No Sign that does not comply with Section 515 Outdoor Lighting, which, among other things, requires compliance with the International Dark Sky Association's dark sky standard, shall be permitted.

h. No excessively bright, distracting colors that could be safety hazards shall be permitted.

i. Businesses shall be permitted to post Signs only on the lot upon which they operate.

j. Feather Flags of any design are not permitted. American flags and other official flags are permitted, but a Feather Flag in the design of any such flag or in an array of any such flags, shall not be permitted.

k. Movable Signs such as those on wheels or vehicles shall not be permitted. Signs on a vehicle or trailer located for the purpose of advertising the business on site shall not be permitted. The only Movable Signs permitted are those in Section 506.5(c).

l. Signs erected, constructed or maintained upon or which project above the roofline shall not be permitted.

m. Inflatable Advertising Devices of any kind shall not be permitted. Individual balloons or a group of balloons are allowed if when inflated they have a dimension no greater than two feet collectively and are placed at a height no greater than 12 feet above ground level so long as said balloons do not become a safety hazard by obstructing the view of motorists. Such balloons may not be displayed longer than seven days.

n. All Signs authorized and/or regulated by federal, state or local law shall be exempt from this ordinance.

o. Warning Signs and traffic control Signs intended to protect the public health and safety are exempt from this ordinance so long as the number and placement are reasonable.

p. No trespassing Signs may be posted pursuant to RSA 635:4 and shall not exceed 144 square inches in size.

q. A Sign designed to display the address of the parcel is not considered a Sign within the definition in this ordinance.

r. Mixed-use lots shall be entitled to signage based on the zone in which the conforming frontage lies.

s Lots that cross zoning districts shall be entitled to signage applicable to each district in which conforming street frontage lies, and these lots shall be restricted to residential use signage only on conforming residential frontage and to commercial signage only on conforming commercial frontage.

506.4 Permits Required

All permanent Signs regulated by this ordinance, whether on residential or commercial lots, shall require a Sign permit issued by the Code Enforcement Officer. Applications for a permit are available at the Town Offices, 233 Atlantic Avenue, Second Floor. The Code Enforcement Officer shall promptly process the permit application and approve or reject it and notify the applicant of the approval or the deficiencies in the application. Any application that complies with all provisions of this ordinance shall be approved.

506.5 Residential Lots in All Districts: Each parcel shall be entitled to one permanent Sign not to exceed four square feet to be (1) placed on the front of any building or structure, (2) attached to a post not to exceed four feet in height, or (3) placed on the ground. No permit is required for temporary signs on residential lots.

506.6 Commercial Lots in the Industrial-Business/Residential ("I-B/R") District:

Each business shall be entitled to:

- a. **One Wall Sign** per storefront not to exceed 24 square feet,
- b. **Window signage** not to exceed 50% of total window area in aggregate.
- c. **Two Movable Signs:** One sandwich board, not to exceed six square feet, and/or one flag (except a Feather Flag, which is not permitted), not to exceed nine square feet. Movable Signs must be taken in when the business is closed.
- d. **One Temporary Sign**, for example, a banner, not to exceed 30 square feet, to be displayed for a maximum of 30 days. These Signs are limited to one per year.
- e. **One additional Temporary Sign** not to exceed six square feet (or two additional temporary signs not to exceed three square feet each) is allowed for any property that is for sale or rent or under construction. These signs are permitted for 180 days.
- f. **One Ground Sign** per lot which may be either:
 - i. A Pole or a Pylon Sign, not to exceed 32 square feet, which shall be no greater than 12 feet nor less than six feet in height as measured from the top of the Sign, or
 - ii. A Monument Sign, not to exceed 60 square feet, which shall be no greater than 10 feet in height as measured from the top of the Sign, including the base, and shall be located at least 10 feet back from the property line. The maximum Sign size of 60 square feet does not include the structural support. The structural support may not be larger than 50% of the Sign. The width of the Sign shall not be greater than the width of the base. The base shall be on the ground, and the top of the base shall be no more than 12 inches above the adjacent grade.
 - iii. If the commercial lot is a multitenant facility, it shall be entitled to only one multitenant Sign (as defined in (i) and (ii) above) for the entire parcel. This Sign shall be either a Pole or a Pylon Sign not to exceed 32 square feet, or a Monument Sign, not to exceed 60 square feet, for a listing of all the businesses on that lot.

506.7 Businesses outside the I-B/R District shall comply with the provisions of Section 506.5.

506.8 Change of Tenant

A proposed Ground, Monument, Pole, Pylon or Wall Sign that is a material alteration of an existing Sign shall require either approval of (1) the Building Inspector if the proposed Sign fully conforms to the provisions of this ordinance or (2) the Planning Board if the proposed Sign requires a waiver from any section of this ordinance. A new tenant's re-use of the same supporting structure and replacement with a new Sign of the same dimensions, construction materials, location, lighting or form shall not be considered materially altered.

506.9 Conditional Use Permit, Waivers and Appeals

The Building Inspector may approve permits for all Sign applications that fully comply with this ordinance.

a. Applications for a Sign permit shall include dimensions, lighting and a photograph or to-scale rendering of the proposed Sign. Records of approved permits with the application documents shall be submitted monthly to the Planning Board.

b. Any proposed Sign that does not fully comply with this ordinance shall require the issuance of a Conditional Use permit by the Planning Board as authorized in RSA 674:21.

i. As part of the Conditional Use permitting process, applicants shall submit waiver requests for noncompliant Sign characteristics they believe are necessary to satisfy their needs.

ii. No waiver shall be approved unless a majority of Planning Board members present and voting shall find that all of the following apply:

(1) It will not be detrimental to the public safety, health or welfare or injurious to other property nor contrary to the public interest.

(2) Approving the waiver will substantially secure the objectives, standards and requirements of this sign ordinance.

(3) A particular and identifiable hardship exists with respect to the applicant's premises or property that indicates the waiver should be approved.

iii. The Planning Board reserves the right to approve applications for waivers as presented or with conditions the Board deems necessary.

c. Any person aggrieved by a Planning Board decision on a Conditional Use permit may appeal to the Superior Court as provided in RSA 677:15. These decisions cannot be appealed to the Zoning Board of Adjustment (RSA 676:5.III).

506.10 Inspection, Compliance, Notice

The Code Enforcement Officer shall enforce compliance with this ordinance. Anyone violating any provision of the zoning ordinance shall be subject to a fine as authorized by RSA 676:17 and may also be subject to other enforcement procedures as authorized by RSA 676.

506.11 Nonconforming sign. All legally existing Signs that did not conform to the provisions of this ordinance on March 7, 2017 shall be considered nonconforming.

506.12 Conflict. When the regulations of this ordinance differ from those prescribed by statute, ordinance or other regulation, that provision that imposes the greater restriction or the higher standard shall govern.

506.13 Invalidity. The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision thereof.

506.14 Message Substitution. The message on any allowed sign may be substituted for any other message per Section 506.

Sign Regulations for R1 & R2 Districts				
Internally illuminated signs are prohibited in all districts.				
Sign Type	Maximum Number	Maximum Size per Sign	Duration	Other Restrictions
Permanent Sign*	One per lot	Four square feet	No limit	Placed on the front of a building or structure, on a post not to exceed four feet in height, or on the ground.
* A permit is required.				
Sign Regulations for the I-B/R District				
Internally illuminated signs are prohibited in all districts.				
Sign Type	Maximum Number	Maximum Size per Sign	Duration	Other Restrictions
Wall Sign*	One per storefront	24 square feet	No limit	
Window Signage*	No limit	Not to exceed 50% of total window area in aggregate	No limit	
Movable Signs	Two per storefront (sandwich board and/or flag)	Sandwich board - six square feet	Movable signs must be taken in when the business is closed.	"Flag" does not include "Feather Flag."
		Flag - nine square feet		
Temporary Signs	One per storefront	30 square feet	30 days	No more than one sign per year, per storefront.
	On a lot for sale or with property for rent or which is under construction, EITHER	One sign not to exceed six square feet, OR	180 days	
		Two signs not to exceed three square feet each		
Ground Signs*	Either one Pole Sign* or one Monument Sign* per lot	Pole Sign - 32 square feet & six-12 feet in height	No limit	The total area of structural support may not exceed 50% of the area of the sign. Width of the sign shall not exceed the width of the base. The base of the sign shall be on the ground, and its top shall be no more than 12 inches above the adjacent grade.
		Monument Sign - 60 square feet & no greater than 10 feet in height	No limit	
* A permit is required.				

SECTION 302 DEFINITIONS

Changes in **BOLD** or ~~Struck-out~~

a. Remove

~~**39. Seasonal Sign:** A sign used each year at a particular period and removed for the balance of the year such as but not limited to "Ice Cream" or "Snow Blowers." *3/4/1975~~

b. Replace

~~**40. Sign:** The word "sign" shall mean and include every sign, billboard, ground sign, wall sign, illuminated sign, projecting sign, sandwich board, temporary sign and include any announcement, demonstration, display or any device used in advertising out of doors in view of the general public. *3/6/1973~~

With the following

39. Sign: An object, including a structure, movable object, wall or image displaying any message visible to the public. Letters individually painted on or attached to a face of a building that identify only the address of the occupant are not considered a Sign.

c. Replace

~~**43. Temporary Sign:** A sign constructed for a short period and when once removed will not be replaced, such as but not limited to a construction site sign. *3/4/1975~~

With the following

43. Temporary Sign: Any Sign not permanently affixed to the ground or a structure. If the Sign display area is permanent but the message displayed is subject to periodic manual changes, that Sign shall not be regarded as a Temporary Sign.

SECTION 416.5 SEXUALLY ORIENTED BUSINESSES - SIGNAGE

Changes in **BOLD** or ~~Struck-out~~

Replace

~~**B.** No sign, whether primary or secondary, shall contain photographs, silhouettes, drawings, images or pictorial representations in any manner depicting or making linguistic reference to nudity, specified anatomical areas, specified sexual activity, or any device or paraphernalia designed for use in connection with specified sexual activity and may contain only the name of the enterprise.~~

With the following

B. No sign containing obscene material shall be permitted. Material is "obscene" if, considered as a whole, to the average person:

1. When applying the contemporary standards of the county within which the obscenity offense was committed, the predominant appeal is to the prurient interest in sex, that is, an interest in lewdness or lascivious thoughts,

2. It depicts or describes sexual conduct in a manner so explicit as to be patently offensive, and

3. It lacks serious literary, artistic, political or scientific value.

SECTION 508.5.E.5 AGRICULTURE – FARM STAND SIGNAGE

Changes in **BOLD** or ~~Struck out~~

Replace

~~5. Farm Stand Signage shall comply with North Hampton Zoning Ordinance 506.6 M (Seasonal signs) but is exempt from the one month time frame limitation. Signs that advertise harvested products or agricultural events or activities may be displayed as long as the products are available for purchase or the events or activities are in current occurrence.~~

With the following

5. Agricultural signage shall comply with North Hampton Zoning Ordinance Section 506.5 if displayed on residential lots or Section 506.6 if displayed on commercial lots.

Changes are in **BOLD** or ~~Struck-out~~

SECTION 302 DEFINITIONS

HOME OCCUPATION: ~~A An~~ **business or concern** ~~occupation~~ carried on in a dwelling unit which is clearly incidental and secondary to the use of the building for dwelling purposes, and which does not change the character thereof. **'Home Occupation' does not include those business activities carried out fully within the dwelling unit by occupants of that dwelling.**

SECTION 507 HOME OCCUPATION

The purpose of this ordinance is to ensure that home occupations are carried out in a manner which does not change the character of and is not detrimental to the neighborhood. Any home occupation otherwise allowed as either a Permitted Use or Special Exception under the terms of this Ordinance shall be permitted as a special exception if it complies with **all** ~~the~~ requirements of this section. *3/9/1999, 3/8/2005

507.1 The home occupation shall be carried on by a member of the family residing in the dwelling unit with not more than two employees who are not part of the family residing in the dwelling. *3/08/2005

507.2 The home occupation shall be carried on wholly within the principal or accessory structures.

507.3 Exterior displays or signs other than those permitted under Section 506, exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal or **accessory** structures shall not be permitted.

507.4 Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.

507.5 Articles not produced on the premises shall not be sold on the premises. *3/12/1968

507.6 The home occupation shall result in no detriment to property values in the vicinity or result in a change in the essential characteristics of any area or neighborhood on account of the location or scale of buildings, other structures, parking areas, access ways, or the storage **or operation of associated equipment or** vehicles. The home occupation shall not create a traffic safety hazard or result in a substantial increase in the level of traffic congestion in the vicinity. *3/08/2005

2017 Zoning Amendment #4

Add the following language

SECTION 302 DEFINITIONS

Adult and Senior Facilities or Services:

a. ASSISTED LIVING FACILITY: A State licensed facility which combines apartment living (including studio apartments) with a variety of support services including meals, assistance with personal care, housekeeping, laundry, social and recreational programs, oversight of residents medication, 24 hour security, on-site staff to respond to emergencies. These facilities may also offer specialized care for persons with dementia or Alzheimer's Disease. See RSA 151-E:2.I.

b. NURSING FACILITY: A State licensed facility which is primarily engaged in providing 24-hour care for residents needing: (a) skilled nursing care, medical monitoring, and related services; (b) rehabilitation services for the rehabilitation of injured, chronically disabled, or sick; (c) medication administration or instruction and supervision; or (d) on a regular basis, health-related care and services (above the level of room and board) which can be made available to them only through facilities which provide 24-hour care. See RSA 151-E:2, V.

c. SENIOR (ELDER) DAY CARE FACILITY or SENIOR (ELDER) DAY CARE CENTER: non-residential facility that operates during day time hours which supports one or more of the following services including but not limited to: health, nutritional, part time living needs of adults 55 years of age and older in professionally staffed group settings, and may also provide for the social needs for these adults.

SECTION 405 PERMITTED USES

Add Adult and Senior Facilities or Services as a permitted use only within the I-B/R zoning district.

SECTION 518 - SOLAR ARRAYS

518.1 Purpose

The Town of North Hampton encourages the development of Alternative Energy Systems as defined by RSA: 672:1, III-a and permitted per RSA 362-A:9. The purpose of this ordinance is to establish permitting regulation for the installation of Solar Panels and Solar Arrays within all zoning districts of the Town of North Hampton.

518.2 Definitions

- A. ALTERNATIVE ENERGY SYSTEMS:** Structures, equipment, devices or construction techniques for the production of heat or electricity or other forms of energy on-site and may be attached to or separate from the principal structure.
- B. BUILDING-INTEGRATED PHOTOVOLTAIC SOLAR SYSTEMS:** A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.
- C. ESSENTIALLY INVISIBLE:** “Essentially Invisible” means that all aspects of a Ground-Mounted Solar Energy Array are compatible with their environs with the result that a reasonable observer either will not notice the Array under normal conditions or, in noticing the facility, will not consider it an abnormal and obtrusive feature in its surroundings.
- D. FLUSH-MOUNTED SOLAR PANEL:** Photovoltaic panels that are installed flush to the surface of a roof and which cannot be angled or raised.
- E. GROUND-MOUNTED SOLAR ARRAY:** Solar energy structures, equipment, devices directly installed in the ground and not attached or affixed to an existing building.
- F. NET-METERING:** A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.
- G. GROUP NET-METERING (also COMMUNITY NET-METERING):** A customer-generator may elect to become a group host for the purpose of reducing or otherwise controlling the energy costs of a group of customers who are not customer-generators. The group of customers shall be default service customers of the same electric distribution utility as the host. The host shall provide a list of the group members to the Public Utilities Commission (PUC) and the electric distribution utility and shall certify that all members of the group have executed an agreement with the host regarding the utilization of kilowatt hours produced by the eligible facility and that the total historic annual load of the group members together with the host exceeds the projected annual output of the host's facility. The PUC shall verify that these group requirements have been met, shall review the executed agreements for compliance with this section, and shall register the group host. The PUC shall establish the process for registering hosts, including periodic re-registration, and the process by which changes in membership are allowed and administered. Net metering tariffs under this section shall not be made available to a customer-generator group host until such host is registered by the PUC.
- H. PHOTOVOLTAIC SYSTEMS:** A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.
- I. ROOFTOP MOUNTED SOLAR PANEL:** Solar panel(s) mounted in a stationary position on a roof as modules fixed to frames which can be tilted toward the south at an optimal angle.
- J. SOLAR PANEL:** A device for the direct conversion of solar energy into electricity.

518.3 Building Integrated Photovoltaic Solar systems are permitted in all zoning districts within the Town of North Hampton.

518.4 Rooftop Mounted Solar Panels are permitted in all zoning districts within the Town of North Hampton as long as the installation of Rooftop Panels does not result in building heights, including the solar panels, in excess of 35', as per Section 407 of these regulations.

518.5 Building Permits shall be required for the installation of Rooftop and Flush-Mounted Solar Panels as well as Building-Integrated Photovoltaic Systems.

518.6 Group Net-Metering is permitted in all zoning districts if and only if feasible with Rooftop Mounted Solar Panels or a Building-Integrated Photovoltaic Solar System, except as provided in Section 518.7.E below.

518.7 Ground-Mounted Solar Arrays are permitted by conditional use permit subject to the following conditions:

- A. The location of the Ground-Mounted Solar Array meets all applicable setback requirements for structures in the zoning district in which it is located.
- B. The Ground-Mounted Solar Array should be sized to meet the annual average electrical utility requirements of the approved and permitted structures on the site for which the array will be erected, but may not exceed 110% of the average annual electrical utility requirements of the approved and permitted structures on the lot on which the array will be erected.
- C. The height of the solar collector and any mounts shall not exceed 15 feet when oriented at maximum tilt.
- D. Ground-Mounted Solar Arrays shall be Essentially Invisible, as defined in Section 518.2. At the time of installation, all aspects of the Array shall be compatible with their environs with the result that a reasonable observer will not notice the Array under normal conditions or, in noticing the Array, will not consider it an abnormal or obtrusive feature in its surroundings.
- E. Group Net-Metering is allowed for ground mounted solar arrays only when the group members all are located on one lot and all of the facilities included in the Group Net-Metering agreement are under common ownership.

518.8 Solar Storage

If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure when in use and when no longer used shall be disposed of in accordance with applicable state and federal laws and regulations.

518.9 Removal

If a Ground-Mounted Solar Array ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment after the end of the 12 month period.

SECTION 302 DEFINITIONS

Add the following language to the definition for Essential Services:

- c. Group Net-Metering as defined in Section 518.2.G is not considered an essential service.

2017 Zoning Amendment #6

Add the following language

SECTION 302 DEFINITIONS

a. New definitions – (Changes are in **BOLD** or ~~Struck out~~)

DARK SKY STANDARD: The standard and/or best practice by which outdoor lighting is regulated to minimize the adverse effect of artificial outdoor light at night on the natural nighttime environment, while permitting reasonable uses of that light to enable safety utility, security, productivity, enjoyment and commerce. A standard includes but is not limited to provisions that reduce the impacts of glare, light trespass and sky glow.

GRADE PLANE: A reference plane which represents the average of finished ground level adjoining the building at exterior walls. Where finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet (1829 mm) from the building, between the building and a point 6 feet (1829 mm) from the building.

HEIGHT, BUILDING: The vertical distance from grade plane to the maximum height of the highest roof surface.

b. Revised definition – (Changes are in **BOLD** or ~~Struck out~~)

LOT: ~~A parcel of land intended for occupancy by a main building, together with its accessory buildings.~~
A certain contiguous tract or parcel of land for which there is a deed recorded at the Rockingham County Registry of Deeds.

Replace current Section 409 in its entirety with the following language

SECTION 409 WETLAND CONSERVATION DISTRICT

409.1 Purpose: In the interest of public health, convenience, safety and welfare, the regulations of this district are intended to guide the use of areas of wetlands with extended periods of high water tables, a buffer zone around wetlands and to accomplish the following purposes:

- A.** To control the development of structures and land uses on naturally occurring wetlands, which would contribute to pollution of surface and groundwater by any means.
- B.** To prevent the destruction of natural wetlands, which provide flood protection, recharge the groundwater supply, and the augmentation of stream flow during dry periods.
- C.** To prevent unnecessary or excessive expense to the Town related to the provision and maintenance of essential services and utilities, which arise because of unwise use of wetlands.
- D.** To encourage those uses that can appropriately and safely be located in wetland areas.
- E.** To preserve wetlands for ecological reasons including, but not limited to, those cited in RSA 482-A.
- F.** To preserve and enhance those aesthetic values associated with the Wetlands of this Town.
- G.** To provide a single and consistent approach for identifying and delineating wetlands based on the most advanced professional standards and scientific analysis.

409.2 Definition of District: The Wetlands Conservation District comprises all of the following areas within the Town of North Hampton:

- A.** Tidal Lands as defined in section 302, paragraph 45 herein. *3/08/2005
- B.** Wetlands as defined in section 302, paragraph 46 herein. *3/08/2005
- C.** Isolated, Non-Bordering Wetlands as defined in Section 302, paragraph 21 herein.
- D.** All buffer zones and setback requirements around all such wetlands as described in this section (Section 409.2) *3/10/2015

409.3 Wetlands Map: The Wetlands map of North Hampton prepared by Normandeau Associates in 1986 as part of the New Hampshire Coastal Wetlands Mapping Program shall be used as a baseline and initial delineation of jurisdictional wetlands under this ordinance. The boundaries of the Wetlands Conservation District shall be identified by this North Hampton Wetlands Map and applicable buffer zones as revised from time to time.

- A.** In the event that a wetland area is alleged to be incorrectly designated on the Wetlands Map, the person aggrieved by such designation may request a field inspection by the Building Inspector and a wetland scientist approved by the Planning Board. If a determination is made by a field inspection, the wetland scientist shall report this in writing to the Planning Board. The Planning Board will review the report and if appropriate, will arrange to update the Wetlands map accordingly. All fees and expenses incurred by the field inspection shall be paid by the party requesting the field inspection.
- B.** If, after the field inspection, the Wetlands delineation is determined to be correct, the person aggrieved by such designation may, by written petition, appeal the designation to the Planning Board for the Board's review.
- C.** Any resident of North Hampton may, by written petition, propose to the Planning Board that additional areas be included within the Wetlands Conservation District. After informing the owners of the property

proposed for inclusion in the Wetlands Conservation District and the owners of abutting property, the Planning Board shall place the proposal on the agenda of its next regularly scheduled public meeting. Before additional areas can be included within the Wetlands Conservation District, the North Hampton resident proposing such inclusion shall provide evidence, satisfactory to the Planning Board, that the subject land meets the mandatory technical criteria for Wetlands delineation identified in Section 302, paragraphs 21, 45 and 46 herein.

D. Any wetland delineations on Subdivision or Site Plans approved by the Planning Board, after March 10, 2015, will constitute an update to the wetlands map. *3/10/2015

409.4 Appeal of Wetlands Boundaries: In the event of a petition pursuant to section 409.3.B or 409.3.C, the North Hampton Planning Board may call upon the services of an independent qualified wetlands scientist to examine said area and report findings to the Planning Board for their determination of the boundary. Qualified wetland scientist shall mean a person who is qualified in soil classification and wetlands delineation and who is recommended or approved by the State of New Hampshire. The costs to the Town of such appeal shall be borne by the petitioner.

409.5 Buffer Zone Requirements: The Wetlands Conservation District also includes a buffer zone of upland area adjacent to the wetlands. The buffer zone requirement from Tidal Lands, Wetlands and Isolated, Non-Bordering Wetlands is 100 feet. Additionally, contained within the buffer zone is a 25-foot vegetative buffer located closest to the wetland boundary. For the purposes of this section 409.5, Isolated, Non-Bordering Wetlands shall not include a vegetated swale, roadside ditch, or other drainage way; a sedimentation/detention basin or an agricultural/irrigation pond. *3/11/2003, 3/08/2005, 3/14/2017

A. Vegetative Buffer Requirements *3/14/2017

1. Purpose: The purpose of the vegetative buffer requirement is to provide additional protection to the integrity and functionality of wetlands and surface waters for purposes such as water quality protection, wildlife habitat, and flood storage capacity.
2. Definition: A vegetative buffer is defined as an area of upland that is measured perpendicularly from the outermost boundary of Tidal Lands, Wetlands, and Isolated, Non-Bordering Wetlands (as defined in Section 302) and surface waters, retained in its natural state (no disturbance to land surface or vegetation) or replanted with native non-invasive vegetation.
3. The Vegetative Buffer is required for all undeveloped lots of record existing as of March 14, 2017 and for any lot created subsequently.
4. Owners of developed lots of record existing prior to March 14, 2017 are encouraged to maintain or establish Vegetative Buffers, but are not required to do so except as provided in 409.5.C.3.e.

B. Undeveloped lots of record

1. No structure or impermeable surface shall be permitted within 100 feet of Tidal Lands, Wetlands and Isolated, Non-Bordering Wetlands on any lot of record existing as of March 11, 2003 or on any lot created subsequently. *3/11/2003, 3/08/2005, 3/14/2017
2. Undeveloped lots of record existing prior to March 11, 2003: If the imposition of 100 foot Tidal Lands, Wetlands and Isolated, Non-Bordering Wetlands buffer setbacks causes the buildable upland acreage (this is, land that is not in the Wetlands Conservation Areas) to be less than 16,000 square feet, the prior wetlands buffer zone setback requirements of 50 feet for Wetlands and Isolated, Non-Bordering Wetlands and 75 feet for Tidal Wetlands shall apply. A 25-foot vegetative buffer is required. *3/11/2003, 3/08/2005, 3/14/2107

C. Developed lots of record:

1. No structure or impermeable surface shall be permitted within 100 feet of Tidal Lands or within 100 feet of Wetlands on any developed lot of record existing as of March 11, 2003 or on any lot created subsequently. *3/08/2005

2. Developed residential lots of record existing prior to March 11, 2003: If the imposition of 100 foot Tidal Lands and/or inland wetland buffer setbacks causes the buildable upland acreage (that is, land that is not in the buffer zone) to be less than 16,000 square feet, the prior buffer zone setback requirements of 50 feet for Wetlands and Isolated, Non-Bordering Wetlands and 75 feet for Tidal Lands shall apply. *3/11/2003, 3/08/2005, 3/14/2017

3. Notwithstanding other provisions of this section 409.5 of the Zoning Ordinance, the construction of additions to and/or extensions of existing buildings or structures shall be permitted within the 100 foot wetlands buffer zone provided that:

a. The dwelling or structure to be expanded existed lawfully prior to the effective date of this section 409.9 of the Zoning Ordinance (March 11, 2003) and was constructed subject to a validly issued building permit.

b. The proposed construction conforms to all other applicable ordinances and regulations of the Town of North Hampton.

c. The footprint of any proposed new construction within the buffer does not exceed the greater of 1200 square feet or 25% of the area of the footprint of the existing heated structure within the buffer which existed prior to the effective date of this Ordinance.

d. Any proposed new construction of an addition or extension shall not intrude further into the wetland buffer setback than the current principal heated structure of which it is a part.

e. No new structures are permitted within 25 feet of a Tidal Lands, Wetlands or Isolated, Non-Bordering Wetlands boundary. *3/14/2017

409.6 Prohibited Uses in the Wetlands Conservation District:

A. The following uses are prohibited within the Tidal Lands, Wetlands and Isolated, Non-Bordering Wetlands or within 75 feet of their boundaries:

Septic systems, leach fields or on site disposal systems.

B. The following uses are prohibited within the Tidal Lands, Wetlands and Isolated, Non-Bordering Wetlands or within 100 feet of their boundaries:

Storage of gasoline, fuel oil, pesticides, hazardous agricultural and other hazardous materials or road-salt stockpiles. *3/10/2015

409.7 Additional Permitted and Prohibited Uses in the Wetlands Conservation District:

The table below defines additional permitted and prohibited uses within the various areas (wetlands, vegetative buffer and upland) of the Wetlands Conservation District.

Wetlands Conservation District Area(s)	Permitted Uses – Unless otherwise permitted or restricted in the following sections of this table	Prohibited Uses - Unless otherwise permitted or restricted in the following sections of this table
All regions of the Wetland Conservation District	<p>1A. Any use otherwise permitted by the Zoning Ordinance that does not include erection of a structure and does not alter the surface configuration of the land by the addition of fill or by dredging.</p> <p>1B. Any agriculture that will not cause soil erosion or groundwater contamination by pesticides or other hazardous materials.</p> <p>1C. Wildlife refuge and habitat management.</p> <p>1D. Parks and passive, non-motorized recreation uses as are consistent with the purpose and intentions of this section.</p> <p>1E. Conservation areas and nature trails.</p>	<p>See Section 409.6</p> <p>2A. Manure storage is not permitted within the Wetland Conservation District.</p>
<p>Additional Permitted, Restricted and Prohibited uses in the: Tidal Lands As defined by 302.45</p> <p>and Wetlands and Isolated, Non-boarding Wetlands As defined by 302.21 and 46</p>	<p>Permitted uses are activities that do not impact, alter or change the nature of wetlands, wetland functions or the animal life or plant life within the wetlands.</p> <p>These activities include, but are not limited to:</p> <p>3A. Agricultural activities which involve the harvesting of product and not listed in the prohibited use section(s).</p> <p>3B. Cutting of live trees with a diameter of six inches or greater, measured 4 1/2 feet above the ground, provided that such partial cutting is limited to 30% of their total pre-harvest basal area. Not more than fifty (50) percent of the basal area of trees, nor more than fifty (50) percent of the total number of saplings shall be removed in any twenty (20) year period. Selection of trees for such partial cutting shall be done with the approval of the Planning Board. Partial cutting shall be done in such a way that a well distributed stand of healthy growing trees remains.</p> <p>3C. Dead, dying, diseased, or damaged trees, saplings, or ground covers may be removed. The stumps and root systems of</p>	<p>Prohibited uses are activities that do impact, alter or change the nature of wetlands, wetland functions or the animal life or plant life within the wetlands.</p> <p>These activities include but are not limited to:</p> <p>4A. Agricultural activities which involve permanently (60 days or longer) disturbing wetlands soils, water flow or other beneficial features of the wetlands.</p> <p>4B. Existing vegetation under three (3) feet in height including ground cover shall not be removed except to provide for a single point of access to the shoreline and in case of disease.</p> <p>4C. Stumps and their root systems shall be left intact. The removal of stumps and roots in conjunction with beaches or docks may be permitted with the approval of the New Hampshire Department of Environmental Services Wetlands Bureau based upon a determination that the removal in combination with mitigation activities will not increase the potential for erosion.</p>

	<p>the removed trees shall not be disturbed and shall remain in place. If such removal results in the creation of cleared openings, these openings shall be replanted with native species unless existing new growth is present. Dead, dying, diseased, or damaged trees and living trees that provide dens and nesting places for wildlife are encouraged to be preserved.</p> <p>3D. Invasive species may be removed but must be replaced with native, non-invasive species.</p> <p>3E. The erection of fences, footbridges, catwalks and wharves provided such structures are built on posts or pilings and permit the unobstructed flow of the tide and preserve the natural contour of the marshes.</p> <p>3F. Drainage ways, streams, creeks, or other paths of normal runoff water.</p> <p>3G. Open space permitted by the subdivision regulations and other sections of the ordinance.</p>	<p>4D. The application of pesticides, herbicides, and fertilizers within the buffer is prohibited except in conjunction with allowed agricultural activities by state or federal regulations.</p> <p>4E. Any other permitted activities must not have a permanent or long term (greater than 60 days) impact on the wetlands</p>
<p>Additional Permitted, Restricted and Prohibited uses in the: Vegetative Buffer Zone As defined by 409.5.A</p>	<p>5A. All uses permitted in the Tidal Lands, Wetlands and Isolated, Non-Bordering Wetlands.</p> <p>5B. Uses, activities or improvements specifically allowed in the Vegetative Buffer in other sections of this ordinance, Section 409.</p>	<p>6A. All uses prohibited in the Tidal Lands, Wetlands and Isolated, Non-Bordering Wetlands.</p> <p>6B. No structures or impermeable surfaces that were not in existence prior to March 14, 2017 are permitted within the Vegetative Buffer.</p> <p>6C. No mowing or other activities that impact the integrity and functionality of the Vegetative Buffer and the wetlands and surface waters unless specifically permitted for purposes such as water quality protection, wildlife habitat, and flood storage capacity.</p>
<p>Additional Permitted, Restricted and Prohibited uses in the: Wetlands Buffer Zone As defined by 409.5</p>	<p>7A. Uses, activities or improvements specifically allowed in the Buffer Zone in other sections of this ordinance, Section 409.</p> <p>7B. Activities or improvements which do not degrade the function and intent of the Wetland Conservation District buffer zone.</p> <p>7C. Permitted uses are at the discretion of building inspector and wetland scientist with the intent to satisfy the purpose of the Wetland Conservation District.</p>	

409.8 Conditional Use Permit for Fill in Excess of 3000 Square Feet: A conditional use permit may be granted by the Planning Board for fill in excess of 3000 square feet of surface area, for the construction of roads and other access ways, pipelines, power lines, and other transmission lines within the district or the buffer zone, provided that all of the following conditions are found to exist:

- A. The proposed construction is essential to the productive use of land not within the wetlands;
- B. Design and construction methods will be such as to minimize detrimental impact upon the wetland site and will include restoration of the site as nearly as possible to its original grade and condition;
- C. No alternative, which does not cross a wetland or has less detrimental impact on the wetland is feasible;
- D. All other necessary permits have been obtained.

409.9 Conditional Use Permit for Erecting a New Structure or Expanding an Existing Structure: Upon application to the Planning Board, a Conditional Use Permit may be granted to permit the erection of a new structure or the expansion of an existing structure located within the Wetlands Conservation District, or any buffer zones, provided that all of the following conditions are found to exist:

- A. The new structure or expansion is not otherwise prohibited under the zoning ordinance.
- B. The new structure or expansion will cause no diminution of property values in the neighborhood.
*3/10/2015
- C. The use for which the Conditional Use Permit is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District or the buffer zone.
- D. Due to the provisions of the Wetlands Conservation District, no reasonable and economically viable use of the lot can be made without the Conditional Use Permit.
- E. The design and construction of the proposed use will, to the extent practicable, be undertaken in such a manner as to be consistent with the purposes and spirit of this ordinance and shall not diminish the natural resource values of affected wetlands in any appreciable way. *March 10, 2009
- F. Literal enforcement of the provisions of the wetlands ordinances would result in an unnecessary hardship, meaning special conditions of the property distinguish it from other properties in the area.
*3/10/2015

409.10 Conditional Use Permit for Overburden Ground Water Pumping: A conditional use permit may be granted by the Planning Board for overburden ground water pumping at a rate in excess of 20,000 gallons per day, provided that all of the following conditions are found to exist:

- A. Such pumping is conducted in such manner as to assure no net loss of Tidal Lands, Wetlands and Isolated, Non-Bordering Wetlands within any adjacent Wetlands Conservation District.

409.11 Other Permits:

Nothing in the above ordinance shall preclude the need to obtain any other necessary local, state or federal government permits.