

## **ADD ARTICLE V, SECTION R**

### **Accessory Dwelling Unit**

Section 1. Definitions: As used in this section, the following term shall have the meaning indicated: Accessory Dwelling Unit. An "accessory dwelling unit" (or "ADU") is 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.

Section 2. Provisions. An attached accessory dwelling unit shall be permitted by Special Exception in all zoning districts that permit single family dwellings, subject to the following:

- A. Only one (1) ADU shall be permitted for each single-family dwelling.
- B. The ADU must provide independent living facilities for one or more persons containing the four elements of sleeping, eating, cooking, and sanitation.
- C. The ADU shall have an independent means of ingress and egress, or shall have ingress and egress through a common space such as a shared hallway to an exterior door.
- D. 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.
- E. Either the ADU or the principal dwelling unit shall be the principal residence and legal domicile of the owner of the property.
- F. The ADU shall not exceed 800 square feet in habitable floor area.
- G. The ADU shall have no more than two (2) bedrooms.
- H. An ADU shall be provided a minimum of two (2) off-street parking spaces, in addition to primary dwelling unit parking requirements.
- I. An 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.

Section 3. Minimum Lot Dimension Requirements: An attached ADU shall not be required to meet additional lot area requirements other than already provided for the principal dwelling unit. An ADU shall comply with all lot setback requirements.

## **ADD TO ARTICLE IV, IN ALL ZONING DISTRICTS EXCEPT BUSINESS INDUSTRIAL - AGRI-TOURISM BY SPECIAL EXCEPTION**

1. Add a row in each of the zoning districts District Property Uses Table of Uses that reads as follow:

Use Column: Agritourism Activities

Permitted Column:

Conditional Use Column:

Special Exception Column: X

2. Include the following in Special Exception section in the following Zone Districts:

Agritourism activity must not adversely affect adjacent properties, public roads, public sidewalks or have a negative impact on public safety. There must be adequate parking and other facilities to support the public traffic. There must not be negative affect on soil or water resources.

Districts:

General Residential - Item viii

Mixed Use – Item viii

Business Commercial (BC-2) – Item viii

Business Commercial (BC-3) – Item viii

Flood Hazard District – Item iii , f.

3. Include the following in the Village District

Under Special Exceptions add:

Item vii. Agritourism

Under Special Exception Uses ... following conditions have been met: add

Item viii - Agritourism activity must not adversely affect adjacent properties, public roads, public sidewalks or have a negative impact on public safety. There must be adequate parking and other facilities to support the public traffic. They must not negatively affect soil or water resources.

#### **ADD TO ARTICLE XIV DEFINITIONS**

4. Include in Article XIV Definitions the following:

Agritourism : The marketing or selling at wholesale or retail of any products from the farm, on-site and off-site where not prohibited by local regulations.

Marketing includes agritourism, which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation. The purpose of agritourism is to contribute to the economic viability and long-term sustainability of the primary agricultural activities of New Hampshire. Agritourism is the direct sale of agricultural products, offering educational experiences, B and B accommodations, and providing entertainment to the public. Some examples are Educational Experiences are farm tours, garden/nursery tours, historic exhibits, hands-on experience with farm activities, lectures/presentations. B and B accommodations as defined in Zoning Ordinances. Entertainment could be hay ride, mazes, petting zoo, or pick your own produce.

NEW HAMPTON ZONING ORDINANCE AMENDMENTS:

**DELETE** Accessory Apartment and **ADD** Accessory Dwelling Unit (ADU) by Special Exception to the General Residential, Agricultural and Rural District (GRA), Village District (V), Mixed Use District (MU), Business Commercial 2 District (BC2) and the Business Commercial District 3 (BC3).

**DELETE** Accessory Apartment and **ADD TO DEFINITIONS:** Accessory Dwelling Unit (ADU) – 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.

**AMEND** THE SPECIAL EXCEPTION CRITERIA – Correct the % of lot coverage to be consistent with each District.

Criteria:

5. *Special Exception:*

*Special Exception Uses listed above may be permitted by the Board of Adjustment, provided the following conditions have been met:*

- i. *The specific site is an appropriate location for such use.*
- ii. *There is adequate area for safe and sanitary sewage disposal.*
- iii. *The use will not adversely affect the adjacent area.*
- iv. *There will be no nuisance or hazard created.*
- v. *Adequate and appropriate facilities will be provided for the proper operation of the proposed use.*
- vi. *The use will not impair the aesthetic values exhibited by the surrounding neighborhood.*
- vii. *The building, parking and/or driveway shall not exceed 50% of the lot.*

*General Residential, Agricultural and Rural District 20%*

*Business Industrial District(BI) – 50%*

*Mixed Use District – 50%*

*Business Commercial District 2 – 40%*

*Business Commercial District 3 – 30%*

## NEW HAMPTON ZONING ORDINANCE

### ARTICLE V GENERAL PROVISIONS, SECTION D – ADD #1

Excerpt from the Zoning Ordinance 2016 – *Page 33*

#### D. Sewage Disposal

For all new dwellings, manufactured homes and other buildings requiring sanitary systems, such systems shall be constructed and maintained in accordance with the standards set and enforced by the N.H. Water Supply and Pollution Control Commission (WSPCC). An approval from the WSPCC for the planned subsurface sewage disposal system must be submitted with the application for the building permit. The system shall not be located within 20 feet of any property line.

1. A Special Exception may be granted by the Zoning Board of Adjustment for substandard size lots for a setback no less than 10 feet from the property line, unless the State of NH Department of Environmental Services (NHDES) grants a waiver to reduce the setback further, in which case the Zoning Board of Adjustment may consider reducing the setback to be consistent with NHDES allowable setback.

NEW HAMPTON ZONING ORDINANCE  
Article V GENERAL PROVISIONS

Excerpt from the Zoning Ordinance 2016 – *Pages 33-36*

E. Signs (For permit requirements, see Art. VIII, Section D)

All signs erected in the Town of New Hampton shall require a Sign Permit with the exception of those listed under Sections E-10 and as noted in E-9 below and Article VIII, Section D, of this Ordinance. A Sign Permit may be issued by the Board of Selectmen or their designated agent upon evidence that all applicable conditions of the Zoning Ordinance are met.

If any proposed sign is located on a tract or parcel of land that is or has been before the Planning Board pursuant to the Site Plan Review Regulations, then a Sign Permit will be issued only in accordance with the approved Site Plan.

1. Prohibition of Off-Premise Signs: With the exception of temporary signs as allowed under Section 9, off-premise signs are prohibited within the Town of New Hampton.
2. Signs shall not be erected in wetlands.
3. Illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be focused upon or from within the sign itself.
4. Signs which are animated, flashing or with intermittent illumination are prohibited.
5. Damaged or Discontinued Signs:
  - i. Any sign which becomes in disrepair shall be removed by its owner if it is not properly refurbished or repaired within sixty (60) days following written notice from the Selectmen or their agent.
  - ii. Signs which advertise a use that has been discontinued shall be removed by the owner within sixty (60) days. If the Selectmen or their agent determine a use has been discontinued, notice shall be sent ordering removal of the signs within sixty (60) days.
6. Signage in Districts:
  - i. General Residential, Agricultural & Rural District: One (1) on-premise sign shall be permitted and shall not exceed 9 square feet.

- ii. General Business and Commercial Districts:  
Each lot shall be permitted a free standing sign with a maximum size of 64 square feet per side and additional building signage of up to 5% of the building face including windows.
- iii. Village District:
  - a. One on premise sign shall be permitted and shall not exceed a total of 9 square feet per side. A Special Exception from the Zoning Board of Adjustment for up to 16 square feet per side may be considered.
  - b. No sign shall exceed ten (10) feet in height from the road grade at the edge of the public road.
  - c. Pemigewasset Overlay District: Refer Article IV, Section H.

7. General Provisions:

- i. Tenants and/or condominium unit owners ~~of a property of a Commercial or Business & Industry property, and or~~ an off-street shopping plaza or mall in the General Business, and Commercial, Business Industrial and Mixed Use Districts shall be treated together as one property owner and may have one kiosk. Each business within the structure may have a sign within the kiosk. They shall all be equal in size and shape.
  - a. In the General Residential, Agricultural, & Rural District: Each sign shall not exceed three (3) square feet in size and the total kiosk size shall not exceed 16 square feet.
  - b. In the General Business & Commercial Districts:
    - 1) Each sign shall not exceed six (6) square feet in size. The total kiosk size may not exceed: Fifty (50) square feet for five (5) or fewer businesses; Seventy-five (75) square feet for six (6) to ten (10) businesses; One Hundred (100) square feet for more than ten (10) businesses.
    - 2) Each business in the complex may have a sign are not to exceed 24 square feet, no one building shall exceed in total signage 5% of the building face.
- ii. If, upon Site Plan Review, unique physical conditions prove them necessary, the Planning Board may give conditional approval for up to three (3) signs,

subject to the granting of a Special Exception by the Zoning Board of Adjustment. For example, a [business-property](#) may be located on a corner [or](#) ~~or a shopping center~~ may require a sign that is visible for each entrance/exit.

- iii. Height - The top of a free-standing sign shall be no greater than 20 feet from the road grade at the edge of the public road. (For Village Precinct see Article V, Section E(6)iii.)
- iv. No privately owned sign shall project over a public or private road, be placed within the limits of a public highway ~~layout~~, or be located in such a position as to endanger street traffic by obscuring a clear view or by confusion with official street signs and signals. No sign shall be closer than fifteen (15) feet from the side and rear property lines. A sign may be at the front property line but the other provisions of this Article shall be followed. The required setback of a sign may be increased when, in the opinion of the Selectmen, the sign will interfere with the sight vision from driveways, intersections, or along streets.

8. Signs located on Scenic Roads shall be in accordance with RSA 231:157-158.

9. Temporary Signs are allowed in all districts, however, such signage shall not exceed 6 square feet in any of the districts. Temporary signage is permitted on-premise or off-premise up to four (4) times each year, but in any event not to exceed eight weeks in total. No more than two (2) temporary signs shall be on the same parcel at any time. Temporary signs shall not interfere with the sight vision from driveway intersections or along streets. [Notice of a temporary sign use shall be submitted to the Selectmen prior to display of the sign, and shall state facts to demonstrate compliance with this paragraph.](#)

10. [Signs less than 2 square feet are exempt from these regulations in all zoning districts. Each lot may have 2 signs, unless otherwise required by law.](#)

11. All signs erected by or posted by an agency of a government with territorial jurisdiction, [warning signs marking hazards on private property, and street numbers associated with private residences](#) are exempt.

12. [The owner of any sign which is otherwise allowed under this Article may substitute non-commercial message in lieu of commercial message without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over non-commercial speech. This provision shall not change the restrictions on off-premise signage as otherwise stated herein.](#)



1413. Sign Check List - Site plans for signs shall be drawn to scale and contain the following:

- i. Three (3) copies of a plan shall be submitted on standard white or graph paper, 8 1/2" x 11" or larger.
- ii. Boundaries of the parcel of land involved, linear footage on road(s), and names of road(s).
- iii. Locations and dimensions of buildings on property and accesses to buildings.
- iv. Location of sign(s).
- v. On separate but similar paper show sketch of sign, including height and width, also distance from ground at base of sign to top of sign.
- vi. Specify type of lighting to be used. Also show placement of lights and areas which will be illuminated.
- vii. Names of property owner(s), address, telephone number, tax map number, zoning district, name of the business or activity being advertised and the date of application.

14. Severability: If a provision or certain language of this sign ordinance becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision or language of this sign ordinance.

## ARTICLE VIII ADMINISTRATION AND ENFORCEMENT

*Page 72*

### D. Signs

A permit shall be required for all signs ~~covered under~~ pursuant to Article V, Section E General Provisions, ~~except:~~

~~1. On-Site directional and informational signs.~~

~~2. Signs and notices, such as "For Sale, Rent, No Hunting or Trespassing", and political signs as defined in RSA 236:70 XII, RSA 236:73 V, RSA 664:17.~~

## ARTICLE XIV DEFINITIONS

### *Page 79*

Abandoned Signs - signs shall be considered abandoned if:

- The use of the property being advertised has been discontinued for one year.
- One year has passed following notification of disrepair by the Selectmen without replacement or refurbishment of the sign by the owner.

### *Page 82*

Off-Premise Sign - A sign that displays a message related to an activity, business, commodity, service, entertainment or attraction sold, offered or existing elsewhere than upon the same lot where the sign is located. For the purpose of this ordinance, “off-site sign” shall have the same meaning.

On-Premise Sign - A sign that displays a message related to an activity, business, commodity, service, entertainment or attraction sold, offered or existing upon the same lot where the sign is located. For the purpose of this ordinance, “on-site sign” shall have the same meaning.

### *Page 83*

Sign - Any structure, device or representation that is designed or used to advertise, display or call attention to anything, person, business, activity, idea or place, whether for commercial or noncommercial purposes. The size of the area of a sign shall be the surface area, and shall be considered to include all lettering or elements of a sign, accompanying designs and symbols, together with background, whether open or closed, on which they are displayed, but not including any supporting framework or bracing that is incidental to the sign and not designed to attract attention. Where the sign consists of letters, symbols, or devices affixed to the surface of a building, the area shall be measured by the smallest quadrangle which encloses the extreme limits of all the letters, symbols or devices. The area of one (1) side of the double faced sign shall be regarded as the total area of the sign. “Sign” includes the term “attention getting device” which includes, but is not limited to, any ~~flag~~, streamer, banner, spinner, pennant, costumed character, light, balloon, continuous string of pennants, ~~flags~~, or fringe, or similar device or ornamentation used primarily for the purpose of attracting attention for promotion or advertising a business or commercial activity which is visible by the general public from any public right-of-way or public area. “Sign” does not include the flag, pennant, colors or insignia of any nation, state or Town which is not part of the sign, or a flag or pennant which indicates the premises are open for business.

Temporary Signs - Signage, that is portable by design or not permanently affixed to the structure. Temporary signs shall include, but are not limited to, signs that are readily moved from place to place by hand, or are mounted on wheels or a trailer.

DRAFT 12-21-16

## 2017 ZONING AMENDMENT

**Add to Article V as Section F General Provisions: (re-letter remaining sections G-R) & add to Article XIV Definitions (first sentence only)**

**FLAGS:** A piece of cloth or similar material, typically oblong or square, attachable by one edge to a pole and/or rope. Flags are permitted on a lot in all zoning districts. The total area of the flags are not to exceed 40 square feet and not more than two flags on a lot in the Mixed Use District, Business Commercial Districts 2 & 3 and the Business Industrial District. No flag shall obstruct the line of sight for public safety.

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