Town of Exeter, N. H.

Zoning Ordinance

As amended through March 2020

Table of Contents

Article 1. Authority and Purpose 1-1
1.1 Short Title 1-1
1.2 Purposes 1-1

Article 2. Definitions 2-1
2.1 Interpretations 2-1
2.2 Definitions 2-1

Article 3. Establishment and Designation of Districts 3-1
3.1 Establishment of Districts 3-1
3.2 Zoning Map 3-2
3.3 Interpretation of Boundaries 3-2

Article 4. District Regulations 4-1
4.1 Schedule of Regulations 4-1
4.2 Schedule I: Permitted Uses 4-1
4.3 Schedule II: Density and Dimensional Regulations – Residential 4-9
4.4 Schedule III: Density and Dimensional Regulations - Non-Residential 4-10
4.5 Application of Regulations 4-14

Article 5. General Regulations 5-1
5.1 Non-Conforming Uses 5-1
5.2 Special Exceptions 5-2
5.3 Existing Lot Regulations 5-3
5.4 Height Regulations 5-9
5.5 Yard Regulations 5-10
5.6 Off-Street Parking 5-11
5.7 Sign Regulations 5-16
5.8 General Landscaping Regulations 5-30
5.9 Performance Standards 5-30

Article 6. Supplementary use Regulations 6-1
6.1 Elderly Congregate Health Care Facilities – Standards 6-1
6.2 Junkyards 6-2
6.3 Junk Cars 6-3
6.4 Amusement Centers 6-4
6.5 Sexually Oriented Business Uses 6-4
6.6 Essential Services 6-5
6.7 Retail Uses 6-5
6.8 Epping Road Strip Management Ordinance, C-3 District 6-6
6.9 Manufactured Housing Parks 6-7
6.10 Home Occupations – Inside and Outside Residential Districts 6-9
6.11 Gasoline and/or Automotive Service Stations 6-10
6.12 Marinas, Docks and Piers 6-11

6.13 Excavation of Earth Material 6-12
6.14 Industrial and Manufacturing Uses 6-12
6.15 Helicopter and Airport Ordinance 6-12
6.16 Healthcare District: 6-15
6.17 Wind Energy Systems. 6-16
6.18 Cemetery Regulations 6-18
6.19 Mixed Use Neighborhood Development 6-19

Article 7. Open Space Development 7-1
7.1 Purpose 7-1
7.2 Objectives 7-1
7.3 Definitions 7-1
7.4 Procedure 7-2
7.5 Single Family Open Space Development 7-2
7.6 Multi-Family Open Space Development 7-3
7.7 General Regulations Governing Open Space Development 7-6

Article 8. Historic District 8-1
8.1 General Administrative 8-1
8.2 Purpose and Intent 8-1
8.3 Scope of Review 8-2
8.4 Authority to Adopt Regulations 8-4
8.5 Appeals 8-5
8.6 Administration, Enforcement and Limitation 8-5
8.7 Districts 8-5
8.8 Standards and Extent 8-7
8.9 General Policy 8-9

Article 9. Natural Resource Protection 9-1
9.1 Wetlands Conservation District 9-1
9.2 Aquifer Protection District Ordinance 9-10
9.3 Exeter Shoreland Protection District Ordinance 9-18
9.4 Floodplain Development Ordinance 9-29

Article 10. Growth Management Ordinance 10-1
10.1 Preamble 10-1
10.2 Phasing Subdivision Development: 10-1

Article 11. Public Capital Facilities Impact Fee 11-1
11.1 Authority and Applicability 11-1
11.2 Purpose 11-2
11.3 Findings 11-2
11.4 Definitions 11-3
11.5 Computation of Impact Fee 11-4
11.6 Assessment & Payment of Impact Fee 11-4
11.7 Waivers 11-5
11.8 Appeals 11-6

11.9 Administration of Funds Collected 11-6
11.10 Custody and Maintenance of Fund Accounts 11-6
11.11 Use of Funds 11-7
11.12 Refund of Fees Paid 11-7
11.13 Additional Assessments 11-7
11.14 Premature and Scattered Development 11-8
11.15 Review 11-8

Article 12. Board of Adjustment 12-1
12.1 Board of Adjustment 12-1
12.2 Administrative Fees 12-1
12.3 Equitable Waivers of Dimensional Requirements 12-1
12.4 Limits of Approval 12-1

Article 13. Administration and Enforcement 13-1
13.1 Administration 13-1
13.2 Building Codes 13-1
13.3 Enforcement 13-1

Article 14. Validity 14-1
14.1 Saving Clause 14-1
14.2 Amendments 14-1
14.3 Conflicting Provisions 14-1
14.4 Effective Date 14-1

Appendix A

- Record of Amendments
- Single Family Open Space Developments – Internal Setback Requirements

Article 1. AUTHORITY AND PURPOSE

1.1 SHORT TITLE

This ordinance may be referred to as the Exeter Zoning Ordinance.

1.2 PURPOSES

The purposes of the Exeter Zoning Ordinance are to lessen congestion in the streets; to secure safety from fires, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

Article 2. DEFINITIONS

2.1 INTERPRETATIONS

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

2.2 DEFINITIONS

2.2.1 Abandonment: To stop the use of property or activity without the intent to resume. When the use of a property has ceased for a period of 12 consecutive months, intent to abandon will be presumed unless the owner can show that a diligent effort has been made to sell, rent, or use the property for that use. Signs that are not in use for greater than one year will be deemed to be abandoned regardless of the intention of the owner

2.2.2 Abutter: As defined in NH RSA §672:3, "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by the municipality of a local land use board hearing, where an abutting property is under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in NH RSA §356-B:3, XXIII.

2.2.3 Accessory Dwelling Unit: A dwelling unit subordinate to a detached one-family dwelling, located either in the principal dwelling or its accessory structure and as delineated in Article 4, Section 4.2 Schedule I: Permitted Uses, Note #2.

2.2.4 Accessory Use or Structure: A use or structure subordinate to the principal use of a building on the same lot and serving a

purpose customarily incidental to the use of the principal building.

2.2.5 <u>Active Adult Community</u>: A community or living facility designed specifically for the interests of seniors age 55 and older, which may include recreational amenities and support services for maintenance-free living for older adults who are healthy, active, and capable of living independently.

2.2.6 <u>Affordable Housing</u>: See Articles 6.1.4 and 7.7.1.B.

2.2.7 <u>Amateur Radio Communications Tower</u>: A free-standing, guy supported or building-mounted structure, including appurtenances and antenna intended for two-way Amateur Radio Communications.

2.2.8 <u>Amusement Center</u>: A structure or structures and/or outdoor areas engaged in providing private amusements, sports and recreation activities and/or entertainment including such activities as dance halls or studios; theaters; cinemas, bowling alleys; billiard halls; video arcades, and similar types of uses for a fee or admission charge for profit. (See Article 6.4)

2.2.9 <u>Animal Hospital</u>: An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be incidental only to such hospital use.

2.2.10 <u>Animal Boarding/Kennel</u>: Any structure, land or combination thereof used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl, horses, or other domestic animals for profit, but exclusive of animals used for agricultural purposes.

2.2.11 <u>Assisted Living Facility</u>: Housing primarily for elderly persons, who require some support services for their daily living activities including basic medical assistance. Assisted Living Facilities typically require residents to be mobile and capable of performing most routine tasks.

2.2.12 <u>Bed and Breakfast</u>: The primary dwelling of an owner-operator that provides exclusively for the lodging of transient guests and whose posted rates shall include breakfast. A Bed and Breakfast shall not be used for any other hospitality or business related uses. A Bed and Breakfast shall have not more than

four (4) rentable rooms and a dining area capable of accommodating the number of registered guests.

2.2.13 Board of Adjustment: The Zoning Board of Adjustment of the Town of Exeter.

2.2.14 Building Coverage: That percentage of the plot or land area covered by the principal and accessory building area.

2.2.15 Building Height: The vertical distance measured from the main level of the ground surrounding the building to the highest point of the building, but not including chimneys, spires, towers, silos, tanks, and similar projections.

2.2.16 Building, Principal: A structure in which is conducted the principal use of the site on which it is situated. In any residential district any dwelling shall be deemed to be a principal building on the lot on which the same is located.

2.2.17 Business Office: A building occupied by one or more offices for activities related to the sale or provision of goods and services to others, including; financial service provider, real estate agents, nonprofit or other community services and governmental agencies.

2.2.18 Child Day Care: Any person or organization, either established for profit or otherwise, which regularly receives for child day care four or more children, unrelated to the operator or staff of the agency.

2.2.19 Code Enforcement Officer: The administrative officer charged with the duty of enforcing the provisions of this ordinance.

2.2.20 Community Buildings: A building or structure or group of buildings or structures, owned and operated by the Town of Exeter, or by a nonprofit organization, the primary purpose of which is to provide social and recreational services to the citizens of the community, focused on promoting their health and general welfare.

2.2.21 Discontinuance: The visible or otherwise apparent intention of an owner to discontinue the use of a building or premises or the removal of a characteristic equipment or furnishings used in the performance of any non-conforming use without its replacement by similar equipment or furnishings. Any non-

conforming use or building replaced by a conforming use or building shall be considered to be discontinued.

2.2.22 Duplex: (See Two-Family)

2.2.23 Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.

2.2.24 Dwelling Unit: One (1) or more rooms, including cooking facilities, and sanitary facilities in a dwelling structure, designed as a unit for living and sleeping purposes.

2.2.25 Elderly/Senior: For the purpose of this ordinance, elderly or senior shall be defined as persons fifty-five (55) years of age or older.

2.2.26 Elderly Congregate Health Care Facilities (ECHCF): A multi-dwelling residential facility providing various housing options to meet the spectrum of needs and interests from active adults through skilled nursing facilities. ECHCF's primary feature is the provision of "lifetime" supportive services at each stage of a senior's later life. The facility is generally intended for persons fifty-five (55) years of age or older which provides on-site nursing home facilities as licensed by the State of New Hampshire.

2.2.27 Essential Services: The erection, construction, alteration or maintenance by public utilities and telecommunication providers or Town or other governmental agencies of underground or overhead gas, electrical, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or Town or other governmental agencies or for the public health or safety or general welfare, but not including buildings. (See Article 6.6)

2.2.28 Farm/Farm Uses: A parcel of land used principally for the raising, keeping or production of agricultural products or animals, including the necessary or usual dwellings, buildings and facilities related to such activity.

2.2.29 <u>Farm, Roadside Stands</u>: Structure in connection with a farm operation, for the purpose of display and sale of farm products raised by the owner on the premises.

2.2.30 <u>Fertilizer:</u> (deleted 3/12/19 – added to Section 9.2 Aquifer and 9.3 Shoreland Districts)

2.2.31 <u>Floor Area</u>: For the purposes of determining requirements for off-street parking and off-street loading, it shall mean the gross sum of the area of the several floors of a building or portion thereof, including the basement, if any, as measured from the interior faces of the exterior wall of such buildings.

2.2.32 <u>Frontage</u>: The horizontal distance measured along a lot line dividing a lot from a street. Such measurement shall refer to a continuous line except where otherwise specified."

2.2.33 <u>Garden Supply Establishment</u>: An establishment where retail and wholesale garden products and produce are sold to the consumer. The establishment imports most of the items sold, but may include a nursery and/or greenhouses, and may include plants, nursery products and stock, potting soil, hardware, other garden and farm variety tools and outdoor furniture.

2.2.34 <u>Gasoline and/or Automotive Service Station</u>: A building or other structure or tract of land used principally for the storage and sale of gasoline or motor fuels, lubricants, automotive parts or supplies, and for the working, servicing, washing and repair of motor vehicles.

2.2.35 <u>Hazardous Storage</u>: Facilities intended for the storage of flammable, explosive or toxic chemicals, liquids or gases for the primary purpose of transmission or distribution off-site by pipeline, tank vessel, tank car, tank vehicle, portable tank or container, etc. (See Article 6.14)

2.2.36 <u>Heliports</u>: (See Article 6.15)

2.2.37 <u>Home Occupation</u>: An occupation conducted on the premises of a dwelling unit which is principally operated by an occupant and which is clearly incidental and secondary to the use of the principal structure as a dwelling unit and does not change the residential character thereof. (See Article 6.10)

2.2.38 <u>Hotel/Motel</u>: A building in which living/sleeping accommodations are provided for transient occupancy. A hotel may also be combined with uses related to the needs of short-term visitors such as restaurant, gift store, or conference rooms. These uses may be incorporated within the same building or within the hotel complex.

2.2.39 <u>Impervious surface</u>: A modified surface, that cannot effectively absorb or infiltrate water including roofs, decks, patios, paved gravel or crushed stone driveways and parking areas and walkways unless designed to absorb or infiltrate water**.**

2.2.40 <u>Independent Living Facilities</u>: Similar to the Active Adult Community but provides some support services such as cleaning, laundry, food, transportation, and other services. Group facilities may be provided on premises for recreation and social interaction.

2.2.41 <u>Junkyard</u>: An area of land, with or without buildings, primarily used for the storage outside of a completely enclosed building, of used and discarded materials, including but not limited to waste paper, rags, metal, building materials, house furnishings, machinery, vehicles or parts thereof, with or without the dismantling, processing, salvage, sale or other use of disposition of the same. Junkyard also means any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicle or old iron, metal, glass, paper, cordage, or other waste or discarded or secondhand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts shall be equal in bulk to two or more motor vehicles. Junkyards shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal. (See Article 6.2)

2.2.42 <u>Laboratories</u>: A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

2.2.43 <u>Landscape Services</u>: An establishment for the sale and service of landscape materials. The establishment stocks and delivers most of the items sold. Stock may include paving materials, fencing, plants, nursery products and stock, potting soil, mulch, hardware, power equipment and machinery, garden and farm variety tools and utensils and outdoor furniture.

2.2.44 <u>Light Industry</u>: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging incidental storage, sales and distribution of such products; but excluding basic industrial processing such as casting and forging.

2.2.45 <u>Lot</u>: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory or incidental to the operation thereof, together with such open spaces as required by the ordinance, and having frontage on a public street, private way or right-of-way.

A. <u>Lot, Corner:</u> A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135o) degrees. The point of intersection of the street lot lines is the "corner".

B. <u>Lot Depth:</u> The mean horizontal distance between the front and rear lot lines.

C. <u>Lot Lines:</u> The property lines bounding the lot.

1. Lot Line, Front: The lot line separating the lot from a street, private way or right-of-way.

2. Lot Line, Rear: The lot line opposite and most distant from the front lot line.

3. Lot Line, Side: Any lot line other than a front or rear lot line. A side lot line separating a lot from a street, private way or right-of-way is called a side street lot line.

D. <u>Lot Width:</u> The distance between the two side lot lines measured at the minimum front yard setback line required in the district.

2.2.46 Lot Coverage: All impervious and pervious paved surfaces on a given lot including: paved, bricked or gravel areas, buildings or other structures, decks and patios, and recreational facilities such as tennis courts, in-ground pools or similar amenities.

2.2.47 Lot Coverage, Shoreland Protection District: All impervious and pervious paved surfaces on a given lot including: paved, bricked or gravel areas, buildings or other structures, decks and patios, and recreational facilities such as tennis courts, in-ground pools or similar amenities, lawns or other manicured groundcovers.

2.2.48 Lot, Non-Conforming: Any lot, which does not conform with the minimum width, depth, area or required setback dimensions specified for the district(s) in which it is located.

2.2.49 Lot of Record: Any lot a deed to which has been recorded in the office of the Rockingham County Registry of Deeds.

2.2.50 Manufacturing: Manufacturing, storing, assembling, packing or treating of articles or merchandise from previously prepared materials.

2.2.51 Manufactured Housing: Any structure transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein.

2.2.52 Manufactured Housing Park: A parcel of land under single ownership which has been planned for the placement of manufactured housing, appurtenant structures or additions.

2.2.53 Manufactured Housing Subdivision: A subdivision designated by the applicant for the exclusive use of manufactured housing on individually deeded lots and consisting of a minimum of four (4) lots, each lot conforming to the density and dimensional regulations of the R-1 zoning district.

2.2.54 Medical Offices: A structure or group of structures occupied by one or more medical or health-care practitioners for the purpose of providing health services to people on an outpatient

basis including doctors, dentists, physical therapists, massage therapist and chiropractors.

2.2.55 Medical Rehabilitation Facility: A building or group of buildings devoted to extended medical treatment and/or physical rehabilitative care.

2.2.56 Mini-Storage Buildings: A building or group of buildings containing store rooms or containers which are leased to customers for storage of personal household goods or products outside of their home or place of business.

2.2.57 Multi-Use: A single building containing one or more uses permitted within the zoning district in which it is located. In addition to the permitted uses allowed, residential uses (one or more dwelling units) are allowed on any level except the street level.

2.2.58 Multi-Family; Multi-Family dwellings: Any building or structure containing more than two (2) dwelling units.

2.2.59 Municipality: To mean the Town of Exeter.

2.2.60 Museum: An organized and permanent nonprofit institution, essentially educational or aesthetic in purpose, with professional staff, which owns and utilizes tangible objects, cares for them and exhibits them to the public on some regular basis.

2.2.61 Non-Conforming Use: Any use of land, building or premise lawfully existing at the time of adoption of this Zoning Ordinance or any subsequent amendment thereto which does not conform to one or more provisions of this ordinance.

2.2.62 Nursing Home: A long-term care facility licensed by the state that offers 24-hour room and board and health care services, including basic and skilled nursing care, rehabilitation, and may also offer a full range of other therapies, treatments, and programs. Nursing homes may or may not cater exclusively to seniors.

2.2.63 Open Space: Is defined as land area vertically open to the sky, free of all impervious surfaces as described under 2.2.39 and 2.2.40. Open Space may include wetlands, stream systems or other bodies of water.

2.2.64 <u>Open Space Development</u>: A residential development consisting of either single family and /or multi-family dwelling units, located on one or more parcels, which is subject to the overall density requirements for the zone in which the development is located, but which may be located, grouped or dispersed in any fashion, subject to the requirements of Article 7 - Open Space Development of this ordinance.

2.2.65 <u>Planning Board</u>: The Planning Board of the Town of Exeter.

2.2.66 <u>Professional Offices</u>: A building occupied by one or more offices in which there is no display of unrelated stock or wares in trade commodity sold, nor any commercial use conducted other than the professional offices of a lawyer, architect, engineer, insurance agent or other similar professional services.

2.2.67 <u>Prototype Production</u>: A use limited to the fabrication of new or experimental products produced in quantities not exceeding those necessary for research and development or testing of the product within the corporation and not intended for sale.

2.2.68 <u>Recreation Facility</u>: A structure or structures and/or outdoor areas engaged in providing public, non-profit amusements or entertainment, including parks, swimming pools and playgrounds.

2.2.69 <u>Research and Development Uses</u>: A use devoted to technological experimentation or the development of new products and processes, research and development laboratories and related facilities for research, development and testing.

2.2.70 <u>Residential Conversion</u>: The conversion of existing residential buildings (principal residential structure as well as accessory structures) into not more than four (4) dwelling units . See Article 4.2 Schedule I, Notes. (Remove subset A. through D. in the definition as they are included in 4.2 Schedule I Notes)

2.2.71 <u>Residential Uses</u>: single family, two-family or multi-family; a combination thereof or separate uses.

2.2.72 <u>Retail Services</u>: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including retail stores, restaurants and banks.

Also establishments primarily engaged in providing services involving the care of a person or his or her apparel (such as barbershops and beauty salons, spas, tailors and dry cleaners).

2.2.73 Rooming and Boarding Houses: A dwelling or part there-of, other than a hotel or motel, where lodging is provided for compensation without individual cooking facilities.

2.2.74 Sexually Oriented Business Use: A principal use or substantial accessory use where goods and/or services are marketed, advertised or displayed of a sexually oriented or sexually explicit nature which meets the definition of either "harmful to minors" or "sexual conduct" as set forth in NH RSA §571-B:1. Such goods include, but are not limited to, sexually explicit books, videos, movies, devices, computer software, and marital aids. Examples of sexually oriented business uses include, but are not limited to, theaters or mini-motion picture displays where sexually explicit films or videos are shown, nude modeling studios, massage parlors, escort agencies or sexual encounter centers.

2.2.75 Sign: See Article 5.7.2: Sign Regulations – Definitions.

2.2.76 Special Exception: A use permitted within a District only after a determination by the Board of Adjustment that certain conditions specified in the Zoning Ordinance have been met. (See Article 5.2)

2.2.77 Street: A thoroughfare or roadway which is either (a) formally accepted by the Town, or (b) shown on a subdivision plan approved by the Planning Board and constructed to Town specifications and for which surety has been posted to guarantee construction of all improvements required by the Planning Board.

2.2.78 Street level: The floor level of a structure most accessible to any street.

2.2.79 Structure: Anything constructed, the use of which requires permanent location on or in the ground, or attachment to something having permanent location on or in the ground, including stationary and portable carports and swimming pools.

A. Structure Setback: The mean horizontal distance from the front lot line and the structure frontage.

B. Structure Frontage: The length of the structure facing a street, private way or right-of-way.

2.2.80 Transfer: Referring to the transportation activity of collection, temporary storage and re-shipment of material.

2.2.81 Two-Family: Two-family home (Duplex): A building designed for residential purposes and containing two principal dwelling units separated by a common interior wall (including ceiling/floor), and supported with a common foundation.

2.2.82 Variance: The zoning board of adjustment shall have the power to:

A. Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of any zoning ordinance adopted pursuant to RSA 674:16; and

B. Authorize, upon appeal in specific cases, a variance from the terms of the zoning ordinance if:

1. The variance will not be contrary to the public interest:

2. The spirit of the ordinance is observed;

3. Substantial justice is done;

4. The values of surrounding properties are not diminished; and

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

a. For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and

ii. The proposed use is a reasonable one.

b. If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

The definition of "unnecessary hardship" set forth in subparagraph (5) shall apply whether the provision of the ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the ordinance.

2.2.83 Veterinarian: An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel or overnight services are prohibited.

2.2.84 Warehousing: A use engaged in storage of manufactured products, supplies and equipment; bulk storage.

2.2.85 Wetlands: Those areas of land identified and delineated as consisting of poorly and very poorly drained soils as defined by the Soil Conservation Service/National Cooperative Soil Survey, or those poorly and very poorly drained soils as identified by a high intensity soil survey prepared by a certified soil scientist, as defined in Article 9.1.3 Wetlands Conservation District – Area of Jurisdiction.

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

2.2.87 Yard: Any open space that lies between the principal buildings or group of buildings and the nearest lot line and is unoccupied and unobstructed from the ground upward by any structure except as herein permitted.

A. Yard, Front: An open space that lies between the principal building or group of buildings and the front lot line unoccupied and unobstructed from the ground upward by any structure.

B. Yard, Rear: An open space extending the full width of the lot between the principal building or accessory structure and the rear lot line unoccupied and unobstructed from the ground upward by any structure.

C. Yard, Side: An open space extending from the front yard to the rear yard between the principal building or accessory structure and the nearest side lot line unoccupied and unobstructed from the ground upward by any structure.

Article 3. ESTABLISHMENT AND DESIGNATION OF DISTRICTS

3.1 ESTABLISHMENT OF DISTRICTS

For the purposes of promoting the public health, safety, and general welfare of the Town of Exeter, the Town is hereby divided into the following types of Zoning Districts:

RESIDENTIAL

RU	Rural
R-1	Low Density Residential
R-2	Single-Family Residential
R-3	Single-Family Residential
R-4	Multi-Family Residential
R-5	Multi-Family
R-6	Retirement Planned Community
M	Manufactured Housing
MS	Manufactured Housing Subdivision

COMMERCIAL

C-1	Central Area Commercial
C-2	Highway Commercial
C-3	Epping Road Highway Commercial
NP	Neighborhood Professional
WC	Waterfront Commercial

CORPORATE/TECHNOLOGY

CT	Corporate/Technology Park
CT-1	Corporate/Technology Park-1

INDUSTRIAL

I	Industrial

HEALTHCARE

H	Healthcare

OVERLAYS

HD	Historic District
A	Aquifer Protection
ESP	Exeter Shoreland Protection
F	Flood Hazard
W	Wetland Conservation

3.2 ZONING MAP

Said districts are bounded as shown on the map entitled, "Zoning Map of the Town of Exeter," adopted March 6, 1973, as amended, and certified by the Town Clerk which accompanies and which, with all explanatory matter thereon, is hereby made a part of this ordinance. The Flood Hazard Area and Regulatory Floodway, as delineated on the Flood Insurance Rate Maps and Floodway Maps for Exeter, New Hampshire, dated May 17, 1982, as prepared by the Federal Emergency Management Agency-Federal Insurance Administration, and as amended, shall become a part of the Zoning Map as previously described. When a property is located in a Flood Hazard Area, all new construction and substantial improvements shall conform to the requirements herein and of the Subdivision Regulations, Site Plan Review Regulations, as well as those for the underlying zone. (See Record of Amendments for summary of map revisions.)

3.3 INTERPRETATION OF BOUNDARIES

3.3.1 Designation of District Boundaries: The district boundary lines are intended generally to follow the centerlines of streets, the centerlines of railroad right-of-way, existing lot lines at the time of the adoption of this ordinance, mean level of streams and other waterways, or Town boundary lines, all as shown on the Zoning Map.

3.3.2 Determination of Locations of Boundaries: In case of uncertainty as to the true location of a district boundary line in a particular instance, the Planning Board shall request the Board of Selectmen to render its determination with respect thereto.

Article 4. DISTRICT REGULATIONS

4.1 SCHEDULE OF REGULATIONS

The restrictions and controls intended to regulate development in each district are set forth in Schedules I, II, and III, which are supplemented by other articles of this ordinance.

4.2 SCHEDULE I: PERMITTED USES

DISTRICT	PERMITTED PRINCIPAL	PERMITTED ACCESSORY	SPECIAL EXCEPTIONS
RU- RURAL	One-family detached dwellings, excluding manufactured housing. Farms, farm uses, and customary farm occupations, except piggeries. Open space development.	Home occupations. Customary farm buildings for the storage of products or equipment. Roadside farm stands Private garages, parking and loading areas as associated with residential and farm uses. Any other accessory building or use customarily incidental to the principal use.	Residential conversions and accessory dwelling units (See Notes 1 and 2 at the end of this article). Bed and Breakfast. Child day care. Churches and similar places of worship. Community buildings, social halls, clubs, lodges and fraternal organizations. Essential services. Excavation of earth material (See Art. 6.13). Campgrounds, golf courses, Recreation Facilities. Libraries, museums. Private schools. Landscape Nurseries. Heliports
R-1 LOW DENSITY RESIDENTIAL	One-family detached dwellings, manufactured housing subdivisions. Public elementary and high schools. Recreation facilities. Farms, farm uses, and customary farm occupations, except piggeries. Open space development.	Home occupations. Private garages and parking. Roadside farm stands Other accessory uses customarily incidental to the principal use.	Multi-family Open Space Development (See Article 7.6). Residential conversions and accessory dwelling units (See Notes 1 and 2 at the end of this article). Bed and Breakfast. Campgrounds, golf courses, community buildings, social halls, clubs, lodges and fraternal organizations. Child day care. Churches and similar places of worship. Elderly congregate health care facilities (See Article 6.1). Essential services. Libraries, museums. Private schools.

DISTRICT	PERMITTED PRINCIPAL	PERMITTED ACCESSORY	SPECIAL EXCEPTIONS
R-2 SINGLE FAMILY RESIDENTIAL	One-family detached dwellings. Public elementary and high schools. Recreation facilities. Open space development.	Home occupations. Private garages and parking. Other accessory uses customarily incidental to the principal use.	Two-family homes. Residential conversions and accessory dwelling units (See Notes 1 and 2 at the end of this article). Bed and Breakfast. Child day care. Churches and similar places of worship. Elderly congregate health care facilities (See Article 6.). Essential services. Libraries, museums. Multi- family Open Space Development (See Article 7.6). Private schools. Community buildings.
R-3 SINGLE FAMILY RESIDENTIAL	One-family detached dwellings. Public elementary and high schools. Recreation facilities. Open space development.	Home occupations. Private garages and parking. Other accessory uses customarily incidental to the principal use.	Residential conversions and accessory dwelling units (See Notes 1 and 2 at the end of this article). Child day care. Churches and similar places of worship. Essential services. Libraries, museums. Multi-family Open Space Development (See Article 7.6). Community Buildings.
R-4 MULTI-FAMILY RESIDENTIAL	One-family detached dwellings and two-family homes. Public elementary and high schools. Recreation facilities. Open space development. Multi-family. Active Adult Community, Independent Living Facilities, Assisted Living Facility.	Home occupations. Private garages and parking. Other accessory uses customarily incidental to the principal use.	Accessory dwelling units (See Notes 1 and 2 at the end of this article). Child day care. Churches and similar places of worship. Community buildings, social halls, clubs, lodges and fraternal organizations. Elderly congregate health care facilities (See Article 6.1). Essential services. Libraries, museums. Multi-family Open Space Development (See Article 7.6). Private schools.
R-5 MULTI-FAMILY DISTRICT	Multi-family and Community buildings. Active Adult Community, Independent Living Facilities, Assisted Living Facility.	Private garages and parking. Other accessory uses customarily incidental to the principal use.	Essential services. Recreation facilities. Home occupations.
R-6 RETIREMENT PLANNED COMMUNITY	Residential Uses. Municipal water and sewer and underground utilities required. Active Adult Community, Independent Living Facilities, Assisted Living Facility.	Private garages and parking. Other accessory uses customarily incidental to the principal use. Community buildings and recreation facilities, swimming pools.	Nursing home. Essential services. Home occupations.

DISTRICT	PERMITTED PRINCIPAL	PERMITTED ACCESSORY	SPECIAL EXCEPTIONS
M-MANUFACTURED HOUSING PARK	Manufactured housing.	Recreation facilities Private garages and parking. Home occupations. Other accessory uses customarily incidental to the principal use.	Essential services. Community Buildings.
MS-MANUFACTURED HOUSING SUBDIVISION	Manufactured housing.	Private garages and parking. Home occupations. Other accessory uses customarily incidental to the principal use.	Child day care. Essential services. Recreation facilities. Community Buildings.
C-1 CENTRAL AREA COMMERCIAL DISTRICT	Retail services, business offices, professional offices, medical offices. Hotels/motels. Bed and Breakfast. Child day care. Churches and similar places of worship. Community buildings, social halls, clubs, lodges and fraternal organizations. Essential services. Libraries, museums. Multi-family residential and multi- use. Mixed Use Neighborhood Development. Amusement Centers. Veterinarians and garden supply establishments.	Off-street parking. Other accessory uses customarily incidental to the principal use. Home occupations	Residential conversions. Rooming and boarding houses by conversion only. Residential uses.
C-2 HIGHWAY COMMERCIAL	Retail services, business offices, professional offices and medical offices. Hotels/motels. Bed and Breakfast. Child day care. Community buildings, social halls, clubs, lodges and fraternal organizations. Essential services. Automobile repair shops and washing establishments. New and used car dealers. Amusement Centers. Wholesale establishments. Landscape services and garden supply establishments. Animal hospitals and veterinarians, animal boarding/ kennels. Boat sales and services. Access to Healthcare District. Access to the R-4 multi-family district.	Off-street parking. Other accessory uses customarily incidental to the principal use. Home occupations.	Gasoline and/or services stations. Residential conversions, Rooming and boarding houses by conversion only. Heliports. Multi-use.

DISTRICT	PERMITTED PRINCIPAL	PERMITTED ACCESSORY	SPECIAL EXCEPTIONS
C-3 EPPING ROAD HIGHWAY COMMERCIAL	Retail services, business offices, professional offices and medical offices, hotels/motels. Bed and Breakfast. Child day care. Essential services. Automobile repair shops and washing establishments. New and used car dealers. Amusement Centers. Wholesale establishments, distribution plants and warehouses. Landscape services and garden supply establishments. Animal hospitals and veterinarians, animal boarding/kennels. Boat sales and services.	Off-street parking. Other accessory uses customarily incidental to the principal use. Home occupations	Gasoline and/or services stations. Sexually oriented business use. Light industry. Medical Rehabilitation Facilities and elderly congregate healthcare facilities. Churches and similar places of worship. Community buildings, social halls, clubs, lodges and fraternal organizations. Heliports.
NP-NEIGHBORHOOD PROFESSIONAL	Professional and medical offices. Child day care. Multi-Use. Garden supply establishments. Assisted Living Facility.	Off-street parking. Accessory uses customarily incidental to a permitted principal use. 10% of the gross floor area may be used for retail services. (See Article 6.7.3)	Business offices, nursing homes, healthcare facilities, elderly congregate healthcare facilities. Essential services. Residential uses. Medical Rehabilitation Facility. Residential conversions. Community Buildings and recreation facilities.
WC-WATERFRONT COMMERCIAL	Retail services, business offices, professional and medical offices. Hotels/motels. Bed and Breakfast. Churches and similar places of worship. Community buildings, social halls, clubs, lodges and fraternal organizations. Essential services. Libraries, museums. Mixed Use Neighborhood Development. Multi-use.	Off-street parking. Other accessory uses customarily incidental to the principal use. Home occupations	Marinas, docks, piers, (See Article 6.12 Marinas, Docks and Piers). Amusement Centers.
CT-CORPORATE/ TECHNOLOGY PARK	Business, professional, and medical offices. Child day care. Light industry, laboratory, research and development uses. Hotels/motels	Accessory uses customarily incidental to a permitted principal use. 20% of the gross floor area may be used for retail services. (See Article 6.7.3)	Essential services. Heliports. Amusement Centers. Medical Rehabilitation Facilities

DISTRICT	PERMITTED PRINCIPAL	PERMITTED ACCESSORY	SPECIAL EXCEPTIONS
CT-1 CORPORATE/ TECHNOLOGY PARK-1	Amusement Centers. Business, professional, and medical offices. Manufacturing, light industry, laboratories, research and development uses. Hotels/motels. Warehouse, distribution plants, wholesale establishments. Landscape services, garden supply establishments. Animal hospitals and veterinarians, animal boarding/ kennels.	Child day care. Off-street parking. Accessory uses customarily incidental to a permitted principal use. 20% of the gross floor area may be used for retail services. (See Article 6.7.3)	Retail services. Social halls, clubs, lodges and fraternal organizations. Essential services. Boat sales and services. Medical Rehabilitation Facilities. Heliports
I-INDUSTRIAL	Manufacturing, light industry. Laboratory, research and development uses. Warehousing, distribution plants, truck terminals, wholesale establishments. Mini-storage buildings. Business, medical and professional offices. Hotels/motels. Medical Rehabilitation Facilities	Child day care. Accessory uses customarily incidental to a permitted principal use.	Hazardous storage. Essential services. Retail services. Automobile repair shops and washing establishments. New and used car dealers. Amusement Centers. Landscape services and garden supply establishment. Animal hospitals and veterinarians, animal boarding/kennels. Boat sales and services. Heliports. Junkyards.
H- HEALTHCARE	Hospitals, nursing homes, elderly housing with available healthcare facilities or services, medical rehabilitation facilities, other healthcare facilities, medical offices, and healthcare administration offices. Child day care.	Off-street parking and other accessory uses customarily incidental to the principal use.	Essential services. Heliports.
HD- HISTORIC DISTRICT	See Article 8 Historic District Ordinance		
A- AQUIFER PROTECTION	See Article 9.2 Aquifer Protection District Ordinance		
ESP- EXETER SHORELAND PROTECTION	See Article 9.3 Exeter Shoreland Protection District Ordinance		

DISTRICT	PERMITTED PRINCIPAL	PERMITTED ACCESSORY	SPECIAL EXCEPTIONS
F- FLOOD HAZARD	Such uses as the underlying zone may permit, excepting that within the designated "floodway", manufactured housing is prohibited, except in existing manufactured housing parks. Encroachments in the "floodway" including fill, new construction, and substantial improvements to existing development are prohibited unless certification by a structural and other registered professional engineer is provided by the applicant demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the 100-year flood (See Article 9.4 Floodplain Development Ordinance for additional restrictions).		
W- WETLANDS CONSERVATION	See Article 9.1 Wetlands Conservation District Ordinance.		

Schedule I Notes:

1. In addition to the criteria set forth in Article 5, Section 5.2 Special Exception, the following criteria must also be met:

   Conversions – The conversion of existing residential buildings (principal residential structure as well as accessory structures) into not more than four (4) dwelling units provided that;

   (a) The number of spaces for off-street parking shall comply with Article 5.6 Off-Street Parking;

   (b) The minimum lot size required shall be such that each dwelling unit is provided with thirty percent (30%) of the minimum lot size (per unit) required for the district;

   (c) The structure has been a residence for a minimum of ten (10) years;

   (d) The lot must meet a minimum of twenty percent (20%) open space unless otherwise stated in Articles 4.3 and 4.4 Schedules II and III.

   (e) For conversions intended to become rental units, one of the dwelling units shall remain owner-occupied.

   (f) The Board of Adjustment may require the Planning Board to review the proposed site plan. All conversions consisting of three or more units must be reviewed by the Planning Board.

   (g) The Board of Adjustment may allow expansion to an existing structure for the purpose of providing additional area for the units, provided all other requirements are met. Any expansion greater than 400 sq. ft. (foot print) shall require Planning Board review of the proposed site plan.

   (h) Prior to any renovations or building, the owner shall provide evidence to the Town Building Inspector that septic facilities are adequate for both units according to the standards of the Town and the New Hampshire Department of Environmental Services (Water Division). If deemed necessary by the Building Inspector, such evidence shall be in the form of certification by a State of New Hampshire licensed septic systems designer. Also the owner shall provide evidence that there is adequate potable water according to the standards of the State of New Hampshire.

2. **Accessory Dwelling Units** – Accessory Dwelling Units must meet the following conditions, in addition to the terms of Article 5.2 Special Exceptions.

   (a) The property and proposed use must conform to the dimensional requirements of a one-family lot.

   (b) No more than one accessory dwelling unit will be allowed in a detached one-family dwelling or its accessory structure.

(c) The accessory dwelling unit shall be designed so that the appearance of the building remains essentially that of a one-family dwelling. The Board of Adjustment may require that new entrances be located on the side or in the rear of the building.

(d) Accessory dwelling units shall not be allowed in manufactured housing.

(e) For accessory dwelling units within the principal structure, the accessory dwelling unit shall be limited to a maximum of 900 square feet or one-third of the finished floor area of the principal structure, whichever is less but in no case shall the accessory dwelling unit be restricted to less than 750 square feet in accordance with NHRSA 674:71 to :73, or as the same may be subsequently amended. For accessory dwelling units located in a detached accessory structure, the dwelling unit shall be limited to a maximum of 750 square feet.

(f) One of the dwelling units shall remain owner-occupied.

(g) Off-street paved or gravel parking shall be provided for at least four (4) vehicles. Garage and "piggy-back" parking is encouraged.

(h) The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing one-family dwelling. An accessory dwelling unit use shall be recorded by deed addendum at the Registry of Deeds, indicating all the terms of the approval granted.

(i) Prior to any renovations or building, the owner shall provide evidence to the Town Building Inspector that septic facilities are adequate for both units according to the standards of the Town and the New Hampshire Department of Environmental Services (Water Division). If deemed necessary by the Building Inspector, such evidence shall be in the form of certification by a State of New Hampshire licensed septic systems designer. Also the owner shall provide evidence that there is adequate potable water according to the standards of the State of New Hampshire.

(j) Once any renovation or construction is completed, or the owner is ready to have a unit occupied, a request must be made to the Building Inspector for an occupancy permit. There will be no occupancy of the accessory unit until the Building Inspector has issued a certificate of occupancy.

(k) A purchaser of a home that had a special exception granted for an accessory dwelling unit who wants to continue renting any one of the accessory units must comply with all conditions of the permit previously granted. Any change to the prior conditions will require a new application.

4.3 SCHEDULE II: DENSITY AND DIMENSIONAL REGULATIONS – RESIDENTIAL

See Notes**(#)**	**Minimum Lot Area**			**Minimum Lot**			**Maximum Height (5)**		**Minimum Yard Set Backs (8)**				**Maximum**	**Minimum**
DISTRICT RESIDENTIAL	No Municipal Water & Sewer **(8)**	Municipal Water & Sewer **(8)**	Dwelling Unit (Sq. Ft.) **(3) (10)**	Width (Feet) **(1) (8)**	Depth (Feet) **(8)**	Frontage (Feet) **(1) (8)**	Feet	Stories	Front (Feet)	Side (Feet) one	Side (Feet) both	Rear (Feet)	Building Coverage (%) **(4)**	Open Space (%) **(16)**
RU- Rural	2 acres **(19)**	2 acres **(19)**	2 acres **(19)**	200	200	200	35 **(18)**	3	50	30	60	50	10	85/75 **(17)**
R-1 Low Density	2 acres **(15, 19)**	40,000 **(19)**	40,000 **(19)**	150	150	150	35	3	25	15	30	25	15	80/70 **(17)**
R-2 Single Family	1 acres **(15)**	15,000	15,000	100	100	100	35	3	25	15	30	25	25	60/40 **(17)**
R-2 Two Family		24,000	12,000	100	100	100	35	3	25	15	30	25	25	60/40 **(17)**
R-3 Single Family		12,000	12,000	100	100	100	25	2	25	15	30	25	25	40
R-4 Multi-Family		**(20)**												
Detached Single Family		12,000	12,000	100	100	100	35	3	25	15	30	25	25	30
Two Family		15,000	7,500	100	100	100	35	3	25	15	30	25	25	30
Three or more		21,000 **(2)**	7,000	100	200	100	40	3	25	**(6)**		40	30	30
R-5 Multi-Family		12,000 **(20)**	3,630	100	100	100	40 **(9)**	4	25	25		25	30_60 **(7)**	20
R-6 Retirement Planned Community	Not Permitted	8,000 **(11, 20)**		80	80	80	35 **(12)**		20 **(13)**	10 **(14)**		20 **(14)**	30	40
M- Manufactured Housing		10,000 **(2)**	10,000	100	100	100	15	1	25	15	30	25	25	50
MS- Manufactured Housing Subdivision		10,000 **(2)**	10,000	100	100	100	15	1	25	15	30	25	25	50

SCHEDULE II NOTES:

1. Lots with no municipal water and sewer – minimum lot width 200 feet; minimum lot frontage 200 feet. Lots with municipal water only – minimum lot width 175 feet; minimum lot frontage 175 feet.
2. Must have municipal water and sewer.
3. Includes parking area per dwelling unit; but excludes public or private rights-of way (ROW) and all roads designed to access proposed units.
4. See definition 2.2.14 Building Coverage.
5. See Article 5.4.2 Height Regulations – Special Exception to Height Regulations – Board of Adjustment.
6. 10 feet + 1 foot per dwelling unit for each side.
7. 30% if three (3) or more stories; 60% if two (2) stories or less.
8. For yard dimensions for Open Space Development, See Article 7.
9. Except that existing non-historic buildings, south of Chestnut Street may be replaced by new construction to a height of 50 feet within the footprint of the existing building.
10. Elderly Congregate Health Care facilities, permitted in the R-1, R-2, and R-4 districts, shall be subject to the following density:

    R-1: 3 dwelling units/acre

    R-2 8 dwelling units/acre

    R-4 12 dwelling units/acre
11. Municipal water and sewer and underground utilities are required. Maximum density of 8 units per acre with multi-family buildings limited to a maximum of 32 units.
12. Multi-unit buildings may have a maximum height of 50 feet.
13. Structures 35 feet or less in height shall require a 100 foot setback from an existing public way. Structures exceeding 35 feet in height shall require a 200 foot setback from an existing public way.
14. Structures 35 feet or less in height shall require a 50 foot setback from external abutting property lines. Structures exceeding 35 feet in height shall require a 200 foot setback from external abutting properties zoned/residential and a 100 foot setback from properties zone non-residential.

15. Minimum Lot Area for those properties located within the Aquifer Protection Overlay District shall be three (3) acres.
16. Overlay districts in which more stringent requirements apply supersede those as required under Schedule II and III.
17. For lots using septic systems, the open space requirement would be the greater percentage required in that district.
18. Buildings may have a maximum height of 50 feet if a special exception is granted by the Board of Adjustment.
19. For proposed subdivisions of an existing lot of record having a total combined area of 20 or greater acres, open space development pursuant to Article 7 is required unless waived by the Exeter Planning Board.
20. None of the area within the 100 year flood plain and 50% of the areas defined as jurisdictional wetlands may be used to satisfy minimum lot area requirements for multi-family uses. Regulations regarding perimeter buffers (See Site Plan Review and Subdivision Regulation 9.6.1.2) shall apply.

4.4 SCHEDULE III: DENSITY AND DIMENSIONAL REGULATIONS – NON-RESIDENTIAL

See Notes(#)	**Minimum Lot Area**				**Minimum Lot**		**Maximum**	**Minimum Yard Set Backs**				**Maximum**	**Minimum**
DISTRICT	No Municipal Water & Sewer	Municipal Water & Sewer	Square Feet	Dwelling Unit (Sq. Ft.) (19)	Width (Ft.) **(1)**	Depth (Feet)	Height (Feet) **(5)**	Front (Feet)	Side (Feet) one	Side (Feet) both	Rear (Feet)	Building Coverage (%) **(4)**	Open Space (%) **(17)**
C-1 Central Area			5,000	3,500	50	100	35	10 **(2)**	**(3)**		20	75	5 **(18)**
C-2 Highway			20,000	(20)	150	100	35 **(12)**	50	20	40	50 **(13)**	30	15
C-3 Epping Rd. Highway			40,000	Not Permitted	175	225	50	50	30	60	25	40	20
NP Neighborhood Professional			20,000	(20)	150	100	35	50	20		50	30	25
WC Waterfront			5,000	750	50	100	35 **(6)**	10 **(2)**	**(3)**		25 **(7)**	75	5 **(18)**
CT Corp./Tech. Park	Not Permitted		4 Acres		400	400	50 **(15)**	75	50		50	20 **(8)**	35
CT-1 Corp./Tech. Park – 1			2 Acres	Not Permitted	250	250	50 **(15)**	75	30		50	40	30
I Industrial			40,000	Not Permitted	150	200	50	50	20	40	50	40	25
H Healthcare		2 Acres **(16)**	2 Acres **(16)**	1750/ 2550 **(10)**	200 **(16)**	200 **(16)**	86	75 **(9)(16)**	30 **(16)**	60 **(16)**	50 **(16)**	40 **(8)**	35

SCHEDULE III NOTES:

1. Lots with no municipal water and no sewers – minimum lot width 200 feet. Lots with municipal water only – minimum lot width 175 feet.
2. Or the average of the block, whichever is less.
3. Equal to the side yard of the abutting property or 10 feet, whichever is less. Each side yard setback shall be determined separately.
4. See definition 2.2.11 Building Coverage.
5. See Article 5.4.2 Height Regulations – Special Exception to Height Regulations – Board of Adjustment.
6. On Water Street side: 50 feet on river side.
7. Any development on existing rear yard must be in conformity with the Master Plan.
8. A minimum of 35% of the lot shall be maintained for open space and landscaped areas. In the Healthcare District, these requirements shall apply to all lots owned by a single entity and its affiliates collectively and not to each such lot individually. (For the purpose of this provision "Affiliate" shall mean an entity owned by, or under common ownership with another entity.).
9. With not less than 25 feet landscaped or wooded area where the zone abuts an "R" zone.
10. 1,750 if three (3) or more stories; 2,550 if two (2) stories or less.
11. *(Previous note deleted in March 2008)*
12. Maximum height of fifty 50 feet permitted by special exception.
13. Minimum rear yard setback of 20 feet permitted by special exception.
14. (*previous note deleted 3/16/17 in conjunction with amendment to Article 6.8-Epping Road Strip Management, C-3 Ordinance)*
15. Except that a building height of 60 feet is allowed if a minimum 200 foot setback is maintained from a residential zoning district or existing residential use.
16. See Article 6.16 Healthcare District
17. Overlay districts in which more stringent requirements apply supersede those as required under Schedule II and III.

18. For lots using septic systems, the open space requirement would be the greater percentage required in that district.
19. Includes parking area per dwelling unit; but excludes public or private rights-of way (ROW) and all roads designed to access proposed units.
20. Residential density for 'multi-use' buildings is 5,000 sq. ft. of lot area per unit.

4.5 APPLICATION OF REGULATIONS

Except as hereinafter otherwise provided:

A. No building shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as permitted in the district in which such building or land is located.

B. No building shall be erected, reconstructed or structurally altered to exceed in height the limit designated for the district in which such building is located.

C. No building shall be erected, no existing building enlarged, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area and building location regulations hereinafter designated for the district in which such building or open space is located.

D. No yard or other open space provided around any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

Article 5. GENERAL REGULATIONS

5.1 NON-CONFORMING USES

5.1.1 Reconstruction of: In the event of the damage, destruction or demolition of any building not conforming to the regulations of this ordinance, said building may be rebuilt or refurbished for its former non-conforming use in the same manner and extent, provided such construction is started within one year of its damage or destruction and is completed within two years. The provisions of the Town of Exeter Building Code, as amended, shall apply to any reconstruction.

5.1.2 Expansion of: Expansion of a non-conforming use is prohibited except by variance.

A. The non-conforming use may not be physically extended, reconstructed, enlarged or structurally altered so as to create changes in said use except in conformity with this Ordinance.

B. Any change in the purpose, manner, or extent of a non-conforming use is permitted only by variance.

5.1.3 Discontinuance of: In the event, a non-conforming use is discontinued for a period of more than one year, it shall not be permitted to recommence: thereafter the property shall only be used in conformity with this ordinance. The marketing of a building or premises for the continuation of an existing non-conforming use shall be deemed as evidence of intent to continue the use.

5.1.4 Continuance of:

A. A non-conforming use shall be allowed to continue as long as its purpose, manner or extent does not change.

5.1.5 Temporary Manufactured Housing: In the event of damage or destruction of a single family dwelling unit such that it cannot be safely occupied the Building Inspector, if requested in writing by the lot owner, is authorized to grant a temporary occupancy permit for a manufactured housing unit to be placed on the lot for a six (6) month period. The Building Inspector may authorize the renewal of the temporary occupancy permit for one additional six (6) month period. Once a certificate of occupancy has been issued for the rebuilt single-family dwelling unit, the

temporary manufactured housing unit must be removed within fifteen (15) days.

5.2 SPECIAL EXCEPTIONS

Special exceptions, as enumerated in Article 4.2, Schedule I, shall be permitted only upon authorization by the Board of Adjustment. Such exceptions shall be found by the Board of Adjustment to comply with the following requirements and other applicable requirements as set forth in this ordinance:

A. That the use is a permitted special exception as set forth in Article 4.2, Schedule I hereof.

B. That the use is so designed, located and proposed to be operated that the public health, safety, welfare and convenience will be protected.

C. That the proposed use will be compatible with the zone district and adjoining post 1972 development where it is to be located. Adjoining principal uses in existence prior to 1972 (generally referred to as grand-fathered uses), that are not permitted uses as listed in 4.2 Schedule 1: Permitted Use, shall not be considered in determining the compatibility of an applicant's proposed use.

D. That adequate landscaping and screening are provided as required herein.

E. That adequate off-street parking and loading are provided and ingress and egress are so designed as to cause minimum interference with traffic on abutting streets.

F. That the use conforms with all applicable regulations governing the district where located, except as may otherwise be determined for large-scale developments.

G. As a condition of special exception approval, the Applicant may be required to obtain Town Planner review and /or Planning Board approval of the site plan. Additionally, the Board of Adjustment may require the applicant to obtain Planning Board approval of the site plan prior to rendering a decision on an application for Special Exception.

H. That the use shall not adversely affect abutting or nearby property values.

I. That if the application is for a Special Exception for the hazardous storage of a material which is, in the opinion of the Planning Board, potentially explosive, then as per Article 5.2.D, landscaping shall be required to include blast containment, blast dampening or blast channeling features.

J. That if the application is for a use on any of the following Tax Map Parcels: #70-101, #70-102, #70-103, #70-104, #69-2, #69-3 and/or #69-4 (previously zoned as PP-Professional/Tech Park – zoning district deleted; and rezoned to CT-Corporate Technology), such exception will not:

1. Affect the water quality of Water Works Pond or other water supplies;

2. Constitute a health and safety hazard to the community;

3. Permit temporary structures;

4. Permit the recycling, disposal or transfer of materials defined as hazardous waste and set forth in Article 5.10.5 of this ordinance.

   The applicant shall demonstrate that handling, storage and containment of any chemicals or substances defined as "hazardous" will be handled in strict accordance with the regulations and recommendations of the EPA and/or any other governmental body charged with enforcing compliance with any laws or statutes regulating hazardous substances.

5.3 EXISTING LOT REGULATIONS

5.3.1 Existing Non-Conforming Lots of Record:

A. A single-family structure may be constructed on any lot in any R-District if said lot is less than the minimum area required or does not meet one or more of the minimum dimensional requirements of Article 4.3, Schedule II, providing the following conditions exist or are met:

1. Availability of Adjacent Vacant Land: No structure shall be erected on any non-conforming lot if the owner of said lot owns any adjacent vacant land which would create a conforming lot if said vacant land were

combined with the lot deficient in area. Said combination of lots shall not result in a new non-conforming lot.

2. Side Yards: No structure shall be constructed on a non-conforming lot unless it shall have a minimum side yard of ten feet (10') on either side.

3. Front and Rear Yards: No structure shall be constructed on a non-conforming lot unless it shall have front and rear yards conforming to the minimum required for the R-District in which said lot is located or at such front yard setback distance as shall conform to the line of existing buildings on adjacent property.

4. Access: Access to an existing non-conforming lot shall comply with the provisions of NH RSA §674:41, Erection of Buildings on Streets; Appeals.

B. Owner: For the purposes of this provision, "Owner" is defined as any person, corporation, partnership, trust, association or other entity holding, as of December 1, 1980, record title to, or pursuant to contract or other agreement having an expectancy of same in, or in any other manner directly or indirectly holding any right, title, or in interest in, either the "non-conforming lot" or "adjoining vacant land" as terms are herein used.

5.3.2 Corner Lot Visual Clearance: At all street intersections, no obstructions to vision (other than an existing building post, column, or tree) exceeding thirty inches (30") in height above the established grade of the street at the property line shall be erected or maintained on any lot within the triangle formed by the street lot lines of such lot and a line drawn between the points along such lot lines thirty feet (30') distance from their point of intersection.

5.3.3 Lots Not Served By Municipal Sewer System:

A. No subdivision of land will be approved where it creates a lot that will not meet the minimum standards imposed by the State of New Hampshire Water Supply & Pollution Control Commission and requirements of "Rules and Regulations Governing the Subdivision of Land in Exeter, New Hampshire" for lots not served by municipal sewer system.

B. No building permit will be issued for a lot of record not served by municipal sewer systems unless meeting the requirements of "Rules and Regulations Governing the Subdivision of Land in Exeter, New Hampshire" for lots not served by municipal sewer system.

5.3.4 Removal of Damaged Structures: No owner or occupant of land within the Town of Exeter shall permit fire ruins or other ruins to be left on their property, but shall within three (3) months remove and refill the same to clear ground level. The Building Inspectors/Code Enforcement Officer upon request for reasonable cause that he/she may deem adequate may authorize an extension of up to sixty (60) days.

5.3.5 Demolition Review

A. <u>Definitions</u>

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.

1. **<u>Building:</u>** 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."

2. **<u>Demolition Review Committee:</u>** A subcommittee of the Exeter Heritage Commission comprised of three (3) members of the commission and two (2) alternates appointed by the chair of the commission.

3. **<u>Demolition:</u>** 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 demolition which does not alter the exterior appearance of the building or structure.

4. **<u>Code Administrator:</u>** For the purposes on this article, means the code enforcement officer who is authorized to interpret and administer the building and/or zoning codes.

5. **<u>Appurtenances:</u>** Any element or feature of local historical or cultural significance.

B. Criteria

Any building or part of a building in the Town of Exeter will fall under the terms of this article where:

1. The building or appurtenances was constructed more than fifty (50) years before the date of application for the building permit; or is listed or is eligible for listing in the National Register of Historic Places, or is located in an established historic district.

2. Manufactured homes are exempt from the provisions of this article.

C. 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 Code Administrator for a determination under this article, the Code Administrator will determine if the building, or section of the building, meets the above criteria. If it does, the Code Administrator shall:

1. Forward a copy of the application to the demolition review committee chair.

2. Within seven business days of its receipt of a copy of the application, the committee shall issue a preliminary recommendation regarding the granting of a demolition permit. If the committee issues a recommendation in favor of granting of such a permit, a demolition permit shall be issued. If the committee issues a recommendation in opposition to the granting of 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 code administrator. Investigation and recommendation shall be completed within 30 business days of the committee's determination of significance.

3. During the maximum 30 business day-period, the committee shall meet with the property owner and conduct such public hearings and investigations as it may determine to be necessary in the formulation of its

written recommendation regarding the granting of such permit.

4. The committee shall consider the following criteria in its deliberation:

   a. The building or structure is of such interest or quality that it would meet national, state or local criteria for designation as a historic, cultural, or architectural landmark.

   b. The building or structure is of such unusual or uncommon design, texture, or materials that it could not be reproduced or could be reproduced only with great difficulty and expense.

   c. The building or structure is of such architectural or historic interest that its removal would be to the detriment of the public interest.

   d. Retention of the building or structure would help preserve and protect a historic place or area of historic interest in the town.

D. Demolition Review Committee Responsibilities

It is the responsibility of the Demolition Review Committee to:

1. Make a decision within seven (7) business days of receipt of the demolition application as to whether the building might be of historical or architectural significance.

2. Notify the Code Administrator in writing by the end of the seven (7) day decision period that if the building is not considered significant, demolition may proceed.

3. Establish a date and location for a public hearing to occur within twelve (12) days of determination of potential significance. A notice of public hearing shall be submitted to local newspaper within two (2) days of decision.

4. Hold the public hearing 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 hearing to hear the

concerns or alternatives that are proposed by members of the public.

5. Notify the applicant and Code Administrator within two (2) business days following the public hearing that demolition can proceed if the building is found to be not significant.

6. Hold a meeting between the Demolition Review Committee and the applicant (or applicant's representative) within the remaining thirty (30) business days to discuss alternatives to demolition if the committee determines the building is significant and its loss potentially detrimental to the community.

E. Demolition

1. If no alternatives to demolition have been identified and agreed to by the applicant, after the meeting provided for in the preceding section,, the applicant is free to proceed with demolition provided a permit is issued. Prior to demolition, and if the applicant is in agreement, the Demolition Review Committee shall photographically document the building. The committee shall also encourage the applicant to salvage significant architectural features.

2. Nothing in this article shall be construed to prevent immediate demolition where public safety is at stake and the building has been determined by the Code Administrator to be a public hazard and demolition is the only viable recourse.

5.4 HEIGHT REGULATIONS

5.4.1 General Application: No building or structure shall have a greater number of stories, nor have an aggregate height of a greater number of feet than is permitted in the District in which such building is located, except as noted elsewhere in this ordinance.

5.4.2 Special Exception to Height Regulations – Board of Adjustment:

A. Chimneys, cooling towers, elevators, bulkheads, fire towers, ornamental towers or spires, or necessary mechanical appurtenances may be erected as to their structural design in accordance with existing, or hereafter adopted ordinances, of the Town of Exeter, providing they do not exceed height regulations by more than forty percent (40%) and structural specifications comply with BOCA National Building Codes.

B. Church spires or towers of public buildings may exceed the height regulations by more than forty percent (40%) providing structural specifications comply with BOCA National Building Codes.

C. No tower shall be used as a place of habitation or for tenant purposes.

D. No sign, nameplate, display or advertising device of any kind whatsoever shall be inscribed upon or attached to any chimney, tower, tank or other structure that extends above the height limitations.

E. Clocks and/or bells shall be permitted.

F. Communication towers may exceed the height regulations by more than forty percent (40%) providing the Zoning Board of Adjustment grants special exception approval and finds that:

1. The proposed site and tower promote co-location opportunities.

2. The applicant has exhausted all other reasonable alternatives to a new tower that would minimize the adverse visual impacts.

3. The applicant has made every reasonable effort to locate the tower in a non-residential zoning district.

5.4.3 Amateur Radio Communication Tower Exception to Height Regulation: Amateur radio communications tower may be erected as to their structural design in accordance with existing, or hereafter adopted ordinances, of the Town of Exeter providing they do not exceed a height of eighty feet (80').

5.5 YARD REGULATIONS

Every part of a required yard must be open to the sky unobstructed except for the ordinary projection of open porches, balconies, steps, sills, belt courses and cornices. Fences, wells, flagpoles, signs, lighting structures, covered or enclosed walkways, and pumps shall be exempt from the requirements of Article 4.3, Schedule II – Density and Dimensional Regulations – Residential, 'Yard Dimensions' and Article 5.5.5, 'Accessory Structures in Other Than R-Districts.

5.5.1 Side Yards: Side Yard of Corner Lot: The side street setback of any corner lot of record at the time of the adoption of this ordinance shall have a width equal to not less than one-half the required minimum front yard setback of any adjoining lot fronting on the side street. Any corner lot delineated by subdivision after the adoption of this ordinance shall have a side street setback equal in width to the minimum front yard setback of any adjoining lot fronting on the side street.

5.5.2 Transition Yard Requirements:

A. Where a residence district abuts a non-residence district on a street line, there shall be provided in the non-residence district for a distance of fifty feet (50') from the district boundary line, a front yard, not to be used for parking, at least equal in depth to that required in the residence district.

B. Where the side or rear yard in a residence district abuts a side or rear yard in a non-residence district, there shall be provided in the non-residence district along such abutting line or lines, a side or rear yard, not to be used for parking for a distance of twenty feet (20') from the district boundary line(s).

5.5.3 Permissible Structures: Only one principal building shall be allowed on a lot in a residential or manufactured housing district unless otherwise herein provided, except for "Residential

Conversions" and in R-5 Multi-family, in which more than one principal building shall be allowed on a lot subject to Article 4.3, Schedule II: Density and Dimensional Regulations – Residential.

5.5.4 Accessory Structures in R-Districts: Accessory structures, which are not attached to a principal structure, may be erected in accordance with the following requirements:

A. An accessory building not greater than the height permitted for principal buildings in the district.

B. Accessory structures shall comply with front, side and rear yard requirements: except one (1) accessory structure of 120 square feet or less is permitted within the yard setback areas with exception to the front yard setback and is limited to a height of twelve feet (12 ft.).

5.5.5 Accessory Structures in Other than R-Districts:

A. Accessory structures shall comply with front, side and rear yard requirements for the principal structure to which they are accessory.

B. One (1) accessory structure of 120 square feet or less is permitted within yard setback areas for parcels that have received Planning Board site plan approval.

C. Any storage container used on a lot shall be considered an accessory structure regardless of its foundation or lack thereof. It shall adhere to front, side and rear yard requirements in accordance with the district it is in. Additionally, storage containers shall be screened from abutting properties.

5.6 OFF-STREET PARKING

5.6.1 In all districts, in connection with every manufacturing business, institutional, recreational, residential or any other use, there shall be provided, at the time any new building or structure is erected, off-street parking spaces for automobiles in accordance with the requirements set forth herein.

5.6.2 Any change of use of the premises, or expansion of building size, to non-residential use and/or multi-family use, or to another substantially different non-residential use, or any expansion of

the number of such multi-family or non-residential uses, shall provide off-street parking as required herein.

5.6.3 Off-Street Parking:

A. Size and Access: Each off-street parking space shall be rectangular, nine feet by nineteen feet exclusive of access drives or aisles, and shall be of usable shape and condition. The Planning Board may grant a reduction in the size of the space if circumstances on the site, such a perimeter parking which allows overhang, can be provided.

B. Number of Parking Spaces Required: The number of off-street parking spaces, to the extent of floor area devoted to each specific use, shall be as set forth in the Off-Street Parking Schedule 5.6.6. For sites with multi-uses, the parking requirements must be calculated proportionately for each use.

1) Alternative Parking Calculation: If the proposed use is not represented or if the applicant believes the required number of spaces are not necessary for the specific proposed use as shown in Table 5.6.6 (Off-Street Parking Schedule), the applicant may utilize the most recent data available from the Institute of Transportation Engineers' (ITE) Parking Generation Guide, and/or actual field data collected from a comparable trip/parking generator (i.e., comparable in size, location and setting) to determine the number of required parking spaces. This data will be presented in a summary table such that assumptions on trip generation and parking calculations arrived at by the engineer are fully understandable and approved by the Planning Board.

2) Phased Parking Option: If approved by the Planning Board, the Applicant may utilize a phasing option in which the parking is indicated on the plan but not all initially constructed. The applicant must provide statistics on trip generation and parking rates to prove the reduction is reasonable. The plan must show how parking space construction is to be phased, depicting the parking to be built at the onset of the project and what may be built if needed at a later date.

C. Off-Street Parking: Off-street parking areas shall be screened from adjoining residential uses or districts. See Article 5.8.1 General Landscaping Regulations – Unenclosed Uses.

5.6.4 Shared Parking: Shared Parking: Shared parking is parking on a single site utilized by two or more uses in a 24 hour period. It is an allowance to fulfill their individual parking requirements as their prime operational hours may not overlap and their parking demands may vary from specified standards due to the scale of the project. Shared parking recognizes complimentary parking characteristics that may be unique for each case and for the specific users of the site.

5.6.5 The Planning Board may grant reductions in the number and size of required off-street parking spaces in conjunction with its site plan review. The applicant must first submit with the proposal, a parking plan that adheres to 5.6.3 A and B, also with it a proposal for shared parking. The intent of this provision is to grant discretional review authority to the Planning Board in order to promote:

1. Better utilization of parking areas, including shared parking, or
2. A reduction in impervious surface, and
3. Conservation of open space lands and buffers.

In its discretion, the planning board shall require specific information detailing user parking needs and schedules. The Board may also require parking lot buffers and /or landscaping.

5.6.6 Off-Street Parking Schedule:

USE	REQUIRED PARKING SPACES
Accessory Use	Additional spaces required based on accessory use
Active Adult Community	1 space for each 1 bedroom unit, 2 for each 2+ bedroom unit, plus 1 for every 4 units for guest parking
Amusement Center	1 space per 200 square feet of gross floor area plus 1 space per 200 square feet of ground area devoted to such use. Bike racks should also be provided.
Animal Hospital	1 space per 200 square feet of gross floor area
Animal Kennel	1 space per employee plus one per 1000 sq. ft. of gross floor area
Assisted Living Facility	1 space for every 5 units, 1 space for every 6 units for guest parking, plus one per employee on maximum shift
Bed and Breakfast	2 spaces for dwelling unit plus 1 space for each rented room
Boarding and Rooming Houses	1 for each sleeping room
Business Office	1 space per 250 square feet of gross floor area
Child Day Care	1 space per employee at the maximum shift plus 1 space for every 3 students based upon the facility's capacity
Churches	1 for each 3.5 permanent seats
Community Buildings Social Halls	1 for each 200 square feet of floor area
Conference Center	1 space per 3 seats based on the facility's capacity
Dwelling Units	2 for each single family dwelling unit. 2 for each multi-family unit of 2+ bedrooms. 1 for each multi-family unit of 1 bedroom/studio. Guest parking for multi-family based on total number of units. One (1) additional space for guest parking for each four (4) multi-family dwelling units.
Elderly Congregate Healthcare	1 space for each 1 bedroom dwelling unit, 2 for each 2+ bedroom dwelling unit, 1 per 4 beds, 1 per 6 units for guest parking, plus 1 per employee on the maximum shift
Garden Supply Landscaping Services	1 space per 200 square feet of indoor retail area plus 1 space per 2000 square feet of exterior nursery sales and greenhouse production area.
Gasoline or Automotive	1 space per 300 square feet of gross retail area
Healthcare District	2.8 spaces per bed for hospital. 4 spaces for each 1,000 square feet of out- patient facilities (excluding storage, utility and maintenance areas). 5 spaces per 1,000 square feet of gross floor area for medical offices (excluding storage, maintenance and utility areas) 0.8 spaces for each nursing home bed. 3 spaces for each 2 living units for elderly housing with available healthcare facilities or services.

Home Occupations	1 for each 200 square feet, or part of floor area used for home occupation
Independent Living Facilities	1 space for unit, plus one space per employee on maximum shift, plus 1 for every 5 units for guest parking
Manufacturing, Research and Development Laboratories, Light Industry, Prototype Production	1 for each employee on the maximum working shift
Medical Offices	1 space per 200 square feet of gross floor area
Medical Rehabilitation Nursing Home	1 space per employee at the maximum shift plus 1 space per 10 beds.
Mini Storage	1 space per 1000 square feet of gross floor area including all storage areas
Motels/ Hotels	1 space for each unit plus 1 space for each employee on the maximum shift, for hotels or motels with restaurants or conference centers, add the required parking for the additional uses.
Museum	1 space per employee on the maximum shift plus 1 space per 1000 square feet of gross floor area
Professional Offices	1 space per 300 square feet of gross floor area
Recreation Facility	1 space for each 300 square feet. of gross floor area (excluding storage, maintenance, and mechanical utility areas)
Restaurants, Bars , Night Clubs	1 for each three seats
Retail Stores, Store Groups Shops other than offices, etc	1 space for each 300 square feet of gross floor area for buildings less than 30,000 square feet, 1 space for each 500 sq. ft. of gross floor area for buildings over 30,000 square feet
Schools - Elementary and Junior High	1 for each 15 classroom seats
Schools - Senior High	1 for each 5 classroom seats
Schools - Private Dormitories	1 for each 4 beds
Sexually Oriented Business	1 space per 300 square feet of gross floor area
Theater	1 for each 3.5 seats
Wholesale Establishments Warehouses	1 for each employee in the maximum shift; the total parking area shall not be less than 25 percent of the building floor area

5.6.7 Off-Street Loading: In any district, in connection with every building, or building group or part thereof thereafter erected and having a gross floor area of over 4,000 square feet or more, which is to be occupied by manufacturing, or commercial uses or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, off-street loading berths or unloading berths. The required number of

loading/unloading berths shall be determined in accordance with the applicable terms of the 'Site Plan Review Regulations'.

5.7 SIGN REGULATIONS

5.7.1 Purpose: The sign regulation article is designed to provide standards for the installation of signs so as to promote the general welfare of the community. This is accomplished by encouraging the creation of an aesthetic appearance along street frontages through the use of attractive signing. The sign regulations, as set forth in this article, are designed to be logical and equitable for the various uses and identification needs. These sign standards and regulations help to effectuate an aesthetic and safe street environment. Restrictions on type, location, and size of signs protect the public from hazardous and distracting devices.

5.7.2 Definitions:

A. **Sign/Sign Copy**: Any device providing identification, advertising or directional information for a specific business, service, product, person, organization, place or building. Included in this definition are graphic devices such as logos, attention-attracting media such as banners, pennants, flags or logo sculpture, and obtrusive colored fascia or architectural elements. The individual letters and/or graphics that make up the sign are known as the sign copy.

B. **Advertising Sign**: A sign which includes any copy and/or graphics relating to any service, product, person, business, place, activity or organization in addition to simple identification, excluding directional information.

C. **Awning:** A covering supported by a framework attached to the building and used for the purpose of providing shelter or screening.

D. **Banner Sign:** A temporary sign made of flexible material for the purposes of advertising a single event.

E. **Directional Sign**: A sign that does not contain either identification or advertising copy, but includes pertinent information including assisting in the flow of traffic.

F. **Directory Sign**: A sign listing the names and/or uses, and/or locations of various businesses or activities within a

building, or a multi-tenant development, not for the purpose of advertising products, goods or services to the attention of vehicular traffic.

G. **Fascia Sign**: A sign that is permanently affixed to the horizontal piece covering the joint between the top of a wall and the projecting eaves of the roof.

H. **Free-standing Sign**: An identification sign which is erected or mounted on its own self-supporting permanent structure, detached from the supporting elements of the main building which it identifies.

I. **Identification Sign/ or Nameplate**: A sign that includes, as copy, only the name of the business, place, organization, building or person it identifies.

J. **Illuminated Sign**: A sign whose surface is lighted internally or externally and which identifies, advertises, or attracts attention to a use or activity on the premises.

1. Internally illuminated sign - illuminated by a light source contained within the sign.

2. Externally illuminated sign - illuminated by a steady, stationary, shielded external light source directed solely at the sign.

K. **Mansard and Parapet Signs**: A sign permanently affixed to a wall or surface designed to protect the edge of a roof, constructed no more than twenty degrees from vertical.

L. **Marquee:** A large signboard depicting the name of a business projecting over the entrance to a building, most commonly a theater and typically containing an area for advertising changing information.

M. **Menu Board**: A permanently mounted sign displaying the bill of fare of a drive-in or drive-through restaurant.

N. **Price Sign**: A permanently mounted sign displaying the retailing cost of fuel on the premises of a service station.

O. **Projecting Sign:** A permanent sign mounted perpendicular to the building facade to advertise the business or service.

P. **Portable Billboard Signs**: A sign ordinarily with replaceable letters used to convey a special message advertising products or services available on the premises. A sign not permanently attached to the ground or designed for permanent installation.

Q. **Primary Sign**: The main identification sign of a business.

R. **Secondary Sign**: A supplementary identification sign, smaller or less prominent that the Primary Sign.

S. **Temporary Signs**: A sign, made of flexible materials and held in place along one or more sides or two or more corners by staples, tape, wires, ropes, or straps, that are not fixed or rigid, whose purpose is to support or oppose political candidates; local, national, or international issues; advertise coming events; or other circumstances of a temporary nature.

T. **Wall-mounted Signs**: An identification or advertising sign that is fastened to any vertical portion of the main building which it identifies, or advertises.

U. **Window Signs**: A sign using internal or external window space for advertisement or business identification.

5.7.3 General Regulations

A. Sign Area Measurements:

1. Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy:

   a. Sign area is measured as that area contained within the outside dimensions of the background panel or surface.

2. Sign copy mounted as individual letters and/or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy:

   a. Sign area is measured as the area enclosed by the smallest single rectangle that will enclose all sign copy.

3. Sign copy mounted or painted on an illuminated sign or illuminated architectural element of a building:

    a. The entire illuminated surface or illuminated architectural element which contains sign copy, will be counted as sign area.

4. Number of Sign Faces:

    a. One – area of the single face only;

    b. Two – if the interior angle between the two sign faces is 45 degrees or less, the area will be the area of one face only; if the angle between the two signs is greater than 45 degrees the sign area will be the sum of the areas of the two faces.

    c. Three or more – the sign area will be the sum of the areas of the three or more faces.

    d. Spherical, Free Form, Sculptural, Other Non-Planar Signs – sign area will be the sum of the areas of the four vertical sides of the smallest polyhedron that will encompass the sign structure.

5. For a sign having more than one component (e.g., a service station identification/price sign combination mounted on the same surface) the sign area will be the area of the smallest rectangle that will encompass the several components of the sign.

B. <u>Sign Height Measurements:</u>

1. Free-standing Sign: Height shall be the distance from the top of the sign structure to the top of the curb or crown of roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.

2. Wall or Fascia Mounted Signs: Height shall be the distance from the top of the sign structure to the top of the curb or crown of road where no curb exists.

C. <u>Prohibited Sign Types</u>:

1. Signs not specifically authorized are prohibited.

2. Portable billboard sign except as allowed for temporary use (See Sign Tables under Article 5.7.4 and 5.7.5);

3. Signs mounted, attached or painted on trailers, boats, or motor vehicles when used as additional advertising signs on or near the premises;

4. Roof-mounted signs, or signs that project above the highest point of the roofline, parapet, or fascia of the building;

5. Any sign emitting sound;

6. Any sign with intermittent or flashing illumination, animated, moving, or electronic reader board signs;

7. Any off-site identification sign or advertising sign unless otherwise herein provided.

D. Right-of-Way Limitations:

1. No sign shall be erected or placed within a public street, sidewalk, bicycle path or any Town right-of-way except as provided in Section 502.2 of the Town Ordinance.

2. No sign, which by reason of location, size, color, or designs, shall interfere with public traffic or be confused with or obstruct the view or effectiveness of any official traffic signal or traffic marking.

E. Non-Conforming Signs: Non-conforming free-standing signs, sign structures, poles and other related equipment that have been abandoned for more than one year shall be removed.

F. Maintenance: All signs and sign structures shall be properly maintained, so as not to become a public hazard or to become a detriment to the street environment. The Code Enforcement Officer has the right to request reasonable maintenance to be carried out within the calendar year of the request. Light sources shall be maintained to minimize glare for motorists, pedestrians and neighboring premises.

G. Illumination: The source of a sign's illumination shall not be visible from any adjacent residential areas or streets.

H. Window Sign (Outside Designated Historic Districts): When a window sign or signs are placed so as to attract the attention of persons outside the building where such signs are displayed, the total area of all such window signs shall not exceed twenty five percent (25%) of the total area of the window in which such sign is placed. Window signs do not require a sign permit. For window signs within a historic district, see Article 5.7.7.

I. Directional Signs: Directional signs not exceeding two (2) square feet per sign shall be allowed in all zoning districts without requiring a sign permit. Such signs would include street addresses, safety signs (e.g. "No Smoking"), and signs assisting in the flow of traffic.

J. Projecting Signs: Where wall-mounted signs are allowed, projecting signs are permitted up to ten square feet (10 sq. ft.) in area and must have a minimum height of eight feet (8') to the bottom of the sign and a maximum height of fifteen feet (15') to the top of the sign. Signs may not project more than five feet (5 feet) from a wall surface.

K. Permitting:

1. A building permit shall be required in addition to a sign permit, if the cost of the sign and installation together exceeds Fifteen Hundred Dollars ($1,500). The Board of Selectmen may, from time to time establish a new dollar figure by resolution.

2. It shall be unlawful for any person to erect, install, and/or replace any sign that requires a sign permit within the Town without first applying for and obtaining a sign permit from the Planning Department.

3. Failure to conform to the conditions of a sign permit, including any conditions and/or stipulations attached thereto by the Planning Board, Zoning Board of Adjustment, and/or Board of Selectmen shall render such permit void.

4. Fees for sign permits shall be required and payable in such sums as the Board of Selectmen may from time to time establish by resolution. Fees shall not be required to replace an existing sign.

5. A sign permit does not include electrical work; however, this exemption shall not be deemed to grant authorization for any work to be done in violation of the provisions of any other laws or ordinances.

5.7.4 Dimensional Sign Regulations for Residential Districts:

Permitted signs in the following zoning districts; RU, R-1, R-2, R-3, R-4, R-5, R-6, M, MS.							
Type of Use	Maximum Aggregate Area (Sq. Ft.) (Note A)	Wall-Mounted Signs Maximum Area (Sq. Ft.)	One, Free-Standing Identification Sign Maximum Area/Height	Illuminated Sign	Sign Permit Required	Off-Site Signs (Sq. Ft.) Temp | Perm.	
One and Two Family Dwelling Identification	4	4	4/5	No	No	No	No
Multi-Family Dwellings Apartment & Condominium Identification	24	24	24/10	External	Yes	No	No
Subdivision Identification (each entrance)	24	N/A	24/10	External	Yes	No	No
Mobile Home Parks (each entrance)	24	N/A	24/10	External	Yes	No	No
Civic Organization Group Displays (Note E)	40	N/A	40/10	No	Yes	24	4
Churches, Museums & Schools (per building) (Note E)	24	24	24/10	Yes	Yes	24	4
Health Care Facilities & Libraries (per building) (Note E)	24	24	24/10	Yes	Yes	No	No
Home Occupation	4	4	4/5	No	Yes	No	No
Farm Uses& Garden Supply (Note E)	24	24	4/5	No	Yes	No	No
Legal Non-Conforming Use (Note E)	24	24	24/10	External	Yes	No	No
Permanent Reader board (Note E)	12	12	12/10	Yes	Yes	No	No
Temporary Contractor	12	12	12/5	No	No	No	No

5.7.4 Dimensional Sign Regulations for Residential Districts Continued:

Temporary Real Estate Signs

Permitted signs in the following zoning districts; RU, R-1, R-2, R-3, R-4, R-5, R-6, M, MS.							
Type of Use	Maximum Aggregate Area (Sq. Ft.) (Note A)	Wall-Mounted Signs Maximum Area (Sq. Ft.)	One Free-Standing Identification Sign Maximum Area/Height	Illuminated Sign	Sign Permit Required	Off-Site Signs (Sq. Ft.) Temp	Off-Site Signs (Sq. Ft.) Perm.
Temporary Real Estate Signs							
Sale, Lease or Rent	6	6	6/5	No	No	No	No
Open House/ Model Home Directional sign (Note B)	24	N/A	6/5	No	No	Yes (B)	No
Parcels greater than 5 acres (Note C)	24	24	24/10	No	Yes	No	No
Subdivision Advertising (Notes C, D)	48	N/A	24/10	No	Yes	No	No
Future Development	24	24	24/10	No	Yes	No	No

Explanatory Notes:

A. Maximum aggregate sign area is the sum of all identification and advertising signs that require a sign permit.

B. Four off-site signs may be used only when a sales person is on duty at the home for sale and in no event may be left overnight even if the homeowner is selling the house himself. The off-site signs must be placed in such a manner as to not create a public hazard.

C. Oversized Sale, Lease, or Rent signs shall be located at least 100' from adjacent residential structures.

D. One off-site sign allowed for subdivisions of six (6) or more lots.

E. A permanent reader-board or non-electronic changeable letter advertising is permitted. The maximum aggregate area is 12 sq. ft. and the maximum mounted height is 10 ft. The sign may be attached to a permanent freestanding identification sign structure. A permit is required and it may be illuminated.

5.7.5 Dimensional Sign Regulations for Non-Residential Districts:

For signs located along Epping Road, see Article 6.8 in addition to the following regulations.

Type of Use	Maximum Aggregate Area (Sq. Ft.) (A)	Wall-Mounted Signs Maximum Area (Sq. Ft.)	One Freestanding Identification Sign Maximum Area/Height (F)	Illuminated Sign	Sign Permit Required
Single Business	50 (B)	50 (B)	24/10 24/25(C-2, C-3)	Yes	Yes
Multi-Business (E)	40(C)	40(C)	(D)/10 (D)/25(C-2, C-3)	Yes	Yes
Temporary Real Estate Sign	24	24	24/10	No	Yes
Future Development	24	24	24/10	No	Yes
Service Station Price Sign	12	12	12/10	Yes	Yes
Menu Board	12	12	12/10	Yes	Yes
Permanent Reader board (G)	12	12	12/10	Yes	Yes

Explanatory Notes:

A. Maximum aggregate sign area is the sum of all identification and advertising signs that require a sign permit.

B. One (1) additional square foot of sign area is allowed for each additional linear foot of principal building frontage in excess of fifty linear feet (50') to a maximum of one hundred (100) square feet.

C. One (1) additional square foot of sign area is allowed for each additional linear foot of principal building frontage occupied by each business in excess of forty linear feet (40') to a maximum of eighty (80) square feet of sign area per business.

D. One (1) freestanding identification sign per street frontage is allowed for the multi-business building or center. The maximum sign area allowed shall be twenty-four (24) square feet plus an additional four (4) square feet for each business to a maximum of forty-eight (48) square feet, except thirty-two (32) square feet in a C-1 and WC zones. The free-standing sign may either be a directory sign or identify the building or center only.

E. All wall fascia-mounted signs for individual businesses shall be uniform in terms of colors, shapes, and maximum vertical dimension with all other such signs in the center. A proposal for signing for the entire center shall be submitted and approved prior to issuance of any sign permit.

F. The location, size, and height of free-standing identification signs must not obstruct views for safety reasons or obscure other adjacent signs. The precise locations of the proposed sign shall be noted on the sign permit application.

G. A non-electronic changeable letter advertising sign may be attached to a permanent free-standing identification sign structure.

5.7.6 Regulations for Signs in the Historic District: In addition to the preceding regulations, signs on properties within the boundaries of the Historic Districts, as defined on the official zoning map for the Town of Exeter, must comply with the following instructions and receive approval from the Historic District Commission.

A. Goals and Standards: The goals and standards of the Exeter Historic District Commission in reviewing and approving applications, as well as considering requests for exceptions in special cases shall be:

1. To ensure that the visual impact of all signs shall be consistent with the historical and architectural qualities of the Historic District.

2. To ensure all signs are consistent with the goals and standards of the Historic District in design, size, color, material and visual impact.

3. To preserve, to the extent practicable, the period architectural details of facades of the buildings in the Historic District.

4. To promote the general visual attractiveness of the Historic District.

5. To be consistent with the goals of NH RSA 674:45.

B. General Guidelines:

1. Application: A sign erected within the Historic District shall require an approved application from the Historic District Commission. Applications must be presented by the building owner or his/her agent. Applicants are urged to consult the Preservation Guidelines for the Exeter Historic District for definitions of terms and helpful suggestions.

2. Sign Area: Only one face of a two-sided sign shall be used in computing sign area.

3. Exempt Signs: Signs required by Federal and/or State law and Historical Markers will not be considered as part of total signage area.

4. Material: Materials appropriate to the Historic District, such as wood, brass, glass, or wrought iron, will be permitted. Other materials may be permitted on a case by case basis.

5. Special Cases: Request for exceptions to any of the requirements listed in the following articles for the Commercial and Residential Historic Districts will be reviewed by the Historic District Commission.

6. Size and Scale: Signs in the Historic Districts should be appropriate in size and scale and, therefore, not dominate the structure with which they are associated. (See Historic District – Table A- Allowable Sign Area-Commercial)

7. Placement: Signs should be placed in locations on or near the structure traditionally used for signage and should not obscure significant architectural features.

8. Trademarks and Product Names: Such signs shall be discouraged in favor of names of proprietors, business owners or business names. If trademarks and product names are desired, the Historic District Commission shall review them carefully to insure that said signs in design, size, colors, materials and visual impact are consistent with the goals and standards of the Historic District.

9. Illumination: Signs shall be illuminated only by steady, stationary, shielded light sources directed solely on the sign without causing glare for motorists, pedestrians, or neighboring premises. Only externally illuminated signs will be permitted in the historic districts.

10. Lettering: Lettering should be appropriate to the type of business and historic nature of the property to which it is associated.

11. Maintenance: The Historic District Commission has the right to request reasonable maintenance in the Historic District, to be carried out within the calendar year of the request. Light sources shall be

maintained to minimize glare for motorists, pedestrians and neighboring premises.

5.7.7 Sign Ordinance for the Historic District – Non-Residential Zoning Districts:

A. Size and Sign Type: Total signage shall be limited to 40 square feet and as specified below by sign type.

Historic District – Table A- Allowable Sign Area (Commercial)

Type of Sign	Size	Notes
Awning	Text is only permitted on front hanging edge of canopy. The awning may not extend over two-thirds of the sidewalk or 6 feet from the building face, whichever is the lesser.	Front edge must be flexible or free hanging. Color and style must be appropriate to the building and lettering will be considered part of the total allowable sign area.
Directory Sign	10 square feet.	
Directional Sign	2 square feet.	Excluded from total allowable sign area.
Free Standing Sign	Maximum height is 10 feet. Single Business - Maximum size allowed is 12 square feet. Multiple Business - Maximum size allowed is 24 square feet.	Permitted where property layout allows sign to be at least 5 feet from the sidewalk.
Marquee	80 square feet.	Only permitted on a case by case basis with documented historical precedence.
Nameplate or Plaque	2 square feet.	Used to distinguish primary entrance where multiple businesses are present.
Projecting or Hanging Sign	10 square feet.	Signs with an "open" design in excess of 10 square feet will be evaluated on a case-by-case basis.
Wall-Mounted Flat Sign	25 square feet maximum in size and projecting no more than 6" from the surface of the wall.	
Window Sign	Permanent - Text may cover 10 % of the total window area in which they appear. Temporary - Text may cover 25% of the total window area in which they appear.	Temporary signs may be displayed for a period of 30 days or less.

B. Number of Signs/Business:

1. Each business shall be permitted one primary and one secondary sign per street façade.

2. In case of multiple occupancies, the owner of the building is responsible for an overall signage plan. Directory signs shall be designed and constructed with provision to allow for changes of occupancy without reconstruction of the entire sign.

   a. If occupants have separate entrances, each occupant will be allowed one nameplate or plaque to mark their primary entrance. This counts as the business secondary sign.

   b. Where a building façade is limited to a single door leading to multiple occupancies, only one of the following is permitted: wall-mounted directory sign; projecting/hanging sign; or window sign. If a wall- mounted or projecting sign is used, the door shall have the building name and/or street number only.

C. Location:

1. A parallel sign can project no more than six inches (6") from the building surface.

5.7.8 Sign Ordinance for the Historic District – Residential Zoning Districts:

A. Location:

1. A parallel sign can project no more than six inches (6") from the building surface.

2. No sign may project from the building face for more than three feet (3') or be more than four square feet in size.

3. One free-standing or one wall mounted sign is allowed with a maximum sign area 6 sq. ft. Historic markers are excluded from this provision. Lettering and illumination shall comply with table 5.7.4.

5.8 GENERAL LANDSCAPING REGULATIONS

5.8.1 Unenclosed Uses: Any unenclosed special exception which may be authorized by the Board of Adjustment shall be landscaped according to this article and shall be required to provide a fence, screen, planted berm or landscaping sufficient to obscure such uses from view from abutting residential uses, properties lying in R-District or from a public right-of-way.

5.8.2 Maintenance: Any fencing or landscaping installed in accordance with this article shall be maintained in good order to achieve the objectives of this article. Failure to maintain fencing or to replace dead or diseased landscaping shall be considered a violation of this ordinance.

5.9 PERFORMANCE STANDARDS

All uses shall comply with the following:

5.9.1 Sound: The volume of sound inherently and recurrently generated shall be controlled so as not to become a nuisance to adjacent uses.

5.9.2 Vibration: An operation that creates intense earthshaking vibration, e.g., heavy drop forges, heavy hydraulic surges, shall not be discernible beyond the property lines of the industry.

5.9.3 Radioactivity: No operation shall be permitted which causes radioactivity in violation of Title 10, Chapter 1, Part 20, Code of Federal Regulations, "Standards for Protection Against Radiation," dated June 16, 1957, or any subsequent revision or amendments.

5.9.4 Odor: No emission of odorous gas or other odorous matter in such quantity as to be readily detectable at any point along lot lines without use of instruments shall be permitted.

5.9.5 Hazardous Waste:

A. Hazardous waste shall be those substances as defined by the Environmental Protection Agency in its proposed Regulations under Section 3001, 3002 of the Solid Waste Disposal Act of 1976, and as said proposed Regulations (including definitions) are more fully set forth in the Federal Register, Monday, December 18, 1978, Part IV, and as said proposed regulations (including definitions) may from time to time be amended and finally adopted. Hazardous Waste shall also

be further defined as provided for in "An Act Establishing a Hazardous Waste Management Program," NH RSA §147-A:2, effective July 1, 1979, hereinafter referred to as the "Act", and as same may be amended or enlarged upon by the Rules and Regulations of the Bureau of Solid Waste Management, as is more specifically provided for in the Act.

B. The disposal, treatment, bulking or handling (hereinafter collectively called treatment) of hazardous waste within the corporate limits of the Town of Exeter shall be permitted only when such waste is generated within the Town of Exeter and such treatment shall be prohibited except by an operation of facility owned or operated and controlled by the Town of Exeter, its agents or its designees, in which event such treatment shall not be conducted by the Town or delegated to any third party until two prerequisites have been satisfied, namely:

1. The Town shall have adopted by vote at an annual town meeting or a special town meeting called for such purpose, a comprehensive plan for the treatment of hazardous waste, such plan to be consistent with and in conformity with all State and Federal statutes and regulations governing the same.

2. Approval of the operation or facility proposed shall be in each instance, by vote of the Town at an annual town meeting or special town meeting, called for such purposes by the Town.

C. The temporary storage of hazardous waste other than for treatment is permitted only when it is used, manufactured or generated as a waste as part of an industrial, manufacturing or laboratory process that takes place within the Town of Exeter, and in such event, the same shall be inventoried and stored inside a building with an impermeable floor and otherwise handled in strict conformance with all applicable Federal and State regulations governing same. The records pertaining to such inventory and storage shall be open to the Board of Selectmen and/or the Exeter Fire Department upon reasonable request.

5.9.6 Glare: No direct or reflected glare shall be detectable from any R-District boundaries.

5.9.7 Heat: No direct or reflected heat shall be detectable from any R or C-District boundaries.

5.9.8 Dust and Fly Ash: No solid or liquid particles shall be emitted in such quantity as to be readily detectable at any point along lot lines or as to produce a public nuisance or hazard beyond lot lines.

5.9.9 Smoke: No smoke shall be emitted in such quantity as to become a nuisance.

Article 6. SUPPLEMENTARY USE REGULATIONS

6.1 ELDERLY CONGREGATE HEALTH CARE FACILITIES – STANDARDS

6.1.1 Purpose: The regulations in this article have been established for the purpose of encouraging the construction of dwelling units suitable for occupancy by elderly persons, while ensuring compliance with local planning standards, land use policies, good building design and other requirements consistent with promoting the public health, safety and general welfare of the inhabitants of Exeter.

6.1.2 General Standards: All Elderly Congregate Health Care Facilities shall conform to the following standards:

A. Dwelling units shall be on municipal sewer and water.

B. The occupancy of dwelling units within the development shall be limited generally to persons fifty-five (55) years of age or older.

C. The minimum tract area shall be three (3) acres.

D. A landscaped buffer area having a minimum depth of one hundred feet (100') shall be provided between any proposed structure and the perimeter of the property in order to provide an adequate division or transition from abutting land uses. Whenever possible, the natural vegetation shall be retained, or if required, vegetation shall be planted of sufficient size to shield the development from abutting properties. Buffer areas may include fences or berms, as well as shrubs or trees.

No dwelling, accessory structure, collector or service roads or parking areas shall be permitted within the designated buffer area. However, access roads are permitted to cross this buffer area.

6.1.3 Procedure and Criteria: The procedure and criteria for reviewing applications for elderly congregate health care facilities shall be as set forth in the "Site Plan Review/Subdivision Regulations".

6.1.4 Density Bonus: A density bonus of 15% above the number of units permitted in the appropriate zoning district will be granted for developments that will guarantee:

A. 20% of the total number of units proposed within the development shall be affordable, see sections (B) and (C). Affordability shall be defined as housing that can be purchased under a conventional mortgage whereby the combined annual expenses for principal, interest and property taxes will not exceed 30% of household income.

B. 15% or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 120% of the median family income for the New Hampshire portion of the Portsmouth-Rochester NH-ME PMSA, as published by US Department of Housing and Urban Development;

C. 5% or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 80% of the median family income for the New Hampshire portion of the Portsmouth-Rochester NH-ME PMSA, as published by US Department of Housing and Urban Development;

D. Units will be sold with deed restrictions and a recorded housing agreement that limit, for a period of 30 years renewable upon sale or transfer, the resale value of the unit to not more than the purchase price plus two times the accumulated consumer price index.

E. The units shall be on-site.

6.2 JUNKYARDS

6.2.1 New junkyards may be permitted only within an I District, subject to the granting of a special exception found to comply with the requirements herein set forth.

6.2.2 Without the granting of a special exception, no junkyard existing as a non-conforming use shall be allowed to:

A. Expand in area;

B. Install salvage-processing equipment or facilities that would create noise or vibration detectable beyond the property lines;

C. Extend the hours of operation;

D. Increase the height of materials stored.

6.2.3 The Board of Adjustment, in considering an application for special exception, shall find that the proposal complies with the following criteria:

A. The terms of Article 5.2 Special Exceptions herein are complied with.

B. To the greatest extent practical the objectives and purposes of NH RSA §236:111 shall be promoted.

C. All materials and equipment shall be stored within the enclosed area, unless an accessory use is specifically authorized.

D. A landscaped buffer (per Section 9.7 of the Site Plan Review/Subdivision Regulations) exterior to minimum eight foot (8') high fence shall be provided to effectively screen from view, year-round, all materials and equipment from adjacent rights-of-way and property lines.

6.3 JUNK CARS

Even if an unregistered motor vehicle or a registered motor vehicle which does not have a valid state motor vehicle inspection sticker is intended to be repaired or is in condition for legal use on the public highways, no more than one (1) such motor vehicle may be stored outside of a building on a lot for a period not to exceed one year, except for a state licensed new or used motor vehicle dealer or a state licensed junk motor vehicle dealer (See NH RSA §236:124).

6.4 AMUSEMENT CENTERS

6.4.1 General Regulations:

A. Such uses, when not conducted entirely within an enclosed structure, may be required to be enclosed by appropriate fencing or landscaping.

B. Off-street parking areas shall be screened from adjoining residential properties in accordance with Article 5.9 General Landscaping Regulations and Section 9.7 of the Site Plan Review/Subdivision Regulations.

C. No amusement center shall be maintained or operated within 300 feet of an entrance or exit of a public or private school..

D. Illuminated signs and other lights shall be directed away, or shielded from adjoining residential properties and streets in such a way as not to disturb the occupants thereof.

E. No public address system shall be permitted except where such system is inaudible at any property line.

6.5 SEXUALLY ORIENTED BUSINESS USES

6.5.1 Purpose and Intent: The purpose of this article is to establish reasonable and uniform regulations to limit the location and prevent the concentration of sexually oriented business uses within the Town of Exeter. The intent of this article is to promote health, safety and general welfare of the citizens of the Town of Exeter by preventing problems of blight and deterioration which accompany and are brought about by the concentration of sexually oriented business uses.

6.5.2 Permitted Locations: Sexually oriented business uses shall only be permitted in the C-3, Epping Road Highway Commercial Zoning District by special exception provided all regulations, requirements and restrictions pertaining to that zoning district are met and the sexually oriented business use shall not be permitted within 1,000 feet of a church or place of worship, funeral home, a public or private school, an approved day care center, another sexually oriented business use, or 500

feet from a residence or residential district, a recreation park or Town of Exeter building.

6.5.3 Measure of Distance: The measure of distance between any sexually oriented business use and other named point of reference shall be measured in a straight line from the structure containing the sexually oriented business use to the nearest property line of the named point of reference.

6.5.4 Limiting Clause: Nothing in this article or in the zoning ordinance as a whole authorizes any use that violates any Town of Exeter ordinance or State of New Hampshire statute regarding public nuisances, sexual conduct, lewdness, or obscene or harmful material or the exhibition or public display thereof.

6.6 ESSENTIAL SERVICES

6.6.1 Enclosed or Permanent Structures: Such uses when in R-District shall be subject to the following regulations:

A. Such facility shall not be located on or under a residential street (unless no other site is available) and shall be so located as to draw a minimum of vehicular traffic to and through such streets.

B. The location, design and operation of such facility shall not adversely affect the character of the surrounding residential area.

6.6.2 Open: Where applicable, the landscaping regulations of Article 5.9 General Landscaping Regulations shall apply.

6.7 RETAIL USES

6.7.1 Drive-In Commercial Uses: Such businesses, where persons are served in automobiles, shall be not closer than 300 feet to an R-District and shall provide ingress and egress so as to minimize traffic congestion. The number and location of curb cuts shall be subject to the review and approval of the Planning Board.

6.7.2 Retail Trade Size Limitations: For all districts except the C-3 District: Any single or grouped retail business use (i.e. a contiguous strip center, mall) shall not exceed a total of 85,000 square feet of building footprint area.

6.7.3 Retail services allowed as accessory uses in the NP, CT, CT-1 and PP districts are limited to the following floor areas shown below to a maximum of 1000 sq. ft. per lot:

A. NP: 10% of the gross floor area of the principal building,

B. CT and CT-1: 20% of the gross floor area of the principal building,

C. PP: 15% of the gross floor area of the principal building.

Proposed retail areas shall be physically linked to the principle use. Specifically, in cases where there are existing structures, the retail area shall be located in an existing building. For new proposals, the retail area shall be located in the same structure as the principal use.

Drive-thru facilities are not allowed as part of this provision.

6.8 EPPING ROAD STRIP MANAGEMENT ORDINANCE, C-3 DISTRICT

6.8.1 Purpose: To lessen congestion upon arterial streets and provide for the safe and orderly flow of traffic within a developing commercial area. These regulations intend to prescribe design standards for traffic access, curb cuts, landscaping, lighting, signing and internal traffic circulation within the C-3 Districts.

A. Insofar as possible, access points shall be located directly opposite each other across Epping Road.

B. Each parcel shall have but one point of access to Epping Road unless it has more than 1,200 feet of frontage, in which case one point of access is permitted for each 600 feet of frontage.

C. Abutters shall consolidate access points at common property lines or, as may be agreed, elsewhere so as to reduce the number of such points.

6.8.2 Minimum Front Yard, Use Thereof: The first twenty-five feet (25') of front yard shall be kept clear of obstructions to sight and shall not be used for display of goods or signs; the next twenty-five feet (25') of front yard shall be planted and landscaped and shall permit signage with a minimum setback requirement of thirty-five feet (35').

6.9 MANUFACTURED HOUSING PARKS

6.9.1 Area Requirements: Individual manufactured housing lots located in a manufactured housing park shall contain at least 10,000 square feet of lot area and shall not be less than seventy-five feet (75') wide exclusive of easements.

6.9.2 Setback Requirements: No structure located on any lot in any manufactured housing park shall be closer to any front lot line than twenty-five feet (25'); to any side lot line than fifteen feet (15'); nor to any rear lot line than twenty-five feet (25').

6.9.3 Lot Requirements: All lots in any manufactured housing home park shall be well drained and graded to a point where manufactured housing may be parked so that the parking of the same shall result in safety to all concerned. In all instances as much natural growth as is reasonably possible shall be preserved by any manufactured housing park developer. A paved parking apron shall extend at least one foot beyond the outside dimensions of any manufactured house parked thereon.

6.9.4 Utility Improvements: All manufactured housing parks shall provide to each manufactured housing lot line both a continuing supply of safe and potable water as approved by the New Hampshire Department of Health, and a connection to public sanitary sewerage disposal facilities of the municipality or to facilities provided by the developer which shall be in accordance with, and as approved by, the New Hampshire State Department of Health.

6.9.5 Other Site Improvements: There shall be provided in each manufactured housing park such other improvements as shall be required whereby such requirements shall at all times be in the best interests of the public's health, safety and general welfare and shall include garbage and trash collection and disposal facilities as approved by the New Hampshire Department of Health, and an adequate park lighting system.

6.9.6 Individual tenants at the manufactured housing park may construct attached enclosures to individual manufactured housing, provided that such enclosures do not exceed 100 percent (100%) of the floor area of the manufactured housing.

6.9.7 All manufactured housing parks shall have paved access roads to and from all sites and in no instance shall such sites and roads be in conflict with any other ordinance of the municipality.

6.9.8 Minimum improvements for all manufactured housing parks shall include the following:

A. Streets: All streets within any manufactured housing parks shall conform to the design standards set forth in the "Subdivision Regulations".

B. Open Space: All manufactured housing parks shall provide not less than ten percent (10%) of the total land area for public open space purposes and such lands shall be improved whereby the same will be accessible to all families residing within said tract and whereby such open space may be used for recreational purposes.

6.9.9 Roadway or area lighting shall be reflected away from adjoining properties.

6.9.10 All manufactured housing parks shall be located on well-drained lands and shall have not less than a total land area of ten (10) acres.

6.9.11 The commercial sale of manufactured housing from a manufactured housing park shall be prohibited.

6.9.12 All proposed manufactured housing developments shall be subject to the approval of the Planning Board and must conform to subdivision rules and regulations.

6.10 HOME OCCUPATIONS – INSIDE AND OUTSIDE RESIDENTIAL DISTRICTS

Permitted home occupations may be operated in any dwelling unit only if they comply with all of the following conditions:

6.10.1 Where Permitted: Within a dwelling unit, or in a building or other structure accessory to a dwelling unit and only by the person or persons maintaining a dwelling therein. No more than two additional non-residents shall be employed in the home occupation.

6.10.2 Evidence of Use: Does not display outside the building or create beyond the lot lines of the premises, any evidence of the home occupation, except a permitted sign and off-street parking, in addition to not more than one commercial vehicle parked at the dwelling overnight and with no detrimental impact on existing traffic safety on abutting streets.

6.10.3 Extent of Use: Does not utilize more than twenty-five percent (25%) of the combined gross floor area of the dwelling unit and accessory structures located on the premise, except foster family care. Where an existing residential building, in existence prior to April 1, 1972, is converted, no more than three (3) dwelling units shall be permitted if a home occupation exists within the principal building or other structure accessory to the principal building (including basement and accessory structures).

6.10.4 Permitted Uses: Includes the following uses provided that such uses are clearly incidental and secondary to the use of the dwelling unit for residential purposes and that provisions are made for off-street parking as required herein (See Article 5.6.4 Off-Street Parking Schedule):

A. Medical offices;

B. Other professional offices, including lawyer, engineer, architect, etc.;

C. Custom dressing making, seamstress, milliner;

D. Artist or Musician

E. Foster family care (for not more than four children simultaneously);

F. Real estate and insurance offices;

G. Farm stands and garden supply stands for produce grown or raised on the premises;

H. Beauticians and barbers;

I. Art, craft, hobby and antique shops;

J. Consultants;

K. Contractors;

L. Child Day Care (not more than 3)**;

M. Catering;

N. Similar occupations as determined by the Code Enforcement Officer.

** Four (4) children or more see Article 4.2, Schedule I: Permitted Uses.

6.10.5 Permitted Procedure: A home occupation use permit shall be issued by the Code Enforcement Officer if the requirements of Article 6.10.1-6.10.4 are met.

6.10.6 Special Exception: Foster family care for more than four children, child day care for more than three children, and otherwise permitted uses which exceed the standards of Article 6.10.2 Home Occupations – Evidence of Use, as determined by the Code Enforcement Officer, may be permitted by special exception issued under Article 5.2 Special Exceptions of this ordinance.

6.10.7 Also, any home occupation that may have an impact on abutting properties, as determined by the Code Enforcement Officer shall be required to obtain a special exception.

6.11 GASOLINE AND/OR AUTOMOTIVE SERVICE STATIONS

6.11.1 Location: No gasoline and/or service station shall be erected or extended except in the Highway Commercial District. The service station location must be abutted on both sides by property zoned Highway Commercial.

6.11.2 Authorization: No lot or plot shall be used for the sale or storage of gasoline, oil or other fuels until the owner has made application for and received a Special Exception permit therefore from the Board of Adjustment, after a public hearing held for that purpose.

6.11.3 Quantity: No more than one gasoline and/or service station facility shall be allowed per each 500 vehicle registrations existing in the Town at the time of application. The number of registrations shall be determined from the Town Clerk's office.

6.11.4 Additional Requirements: All gasoline and/or automotive services stations that abut residential properties shall be screened as regulated in Article 5.9 General Landscaping Regulations of this ordinance.

6.11.5 Location of Pumps: All pump islands shall be set back at least twenty-five feet (25') from the front property line.

6.11.6 Service Work: All service work with the exception of the pumping of gasoline shall be performed within the building.

6.11.7 Unregistered Vehicles: No unregistered vehicles are to remain on the site for more than one week unless enclosed in a building or screened from view of adjacent property. Vehicles shall not be sold upon the premises.

6.12 MARINAS, DOCKS AND PIERS

6.12.1 Marinas, boatyards, yacht clubs, docks, wharves, floats, waterfront walkways and related development projects may be permitted by Special Exceptions which shall be granted only upon authorization by the Board of Adjustment upon compliance with the following requirements:

A. Marinas shall be designed so as to result in the least amount of alteration of water area.

B. Supporting marinas facilities, such as outside winter storage yards, shall be located inland, not in the Waterfront Commercial District.

C. Pilings or cribbing are to be used to elevate marina structures rather than solid fill.

D. Pump-out facilities for boat sewage must be provided and connected to the municipal sewer, should any services be offered other than tie-ups.

E. Marinas, supporting facilities and structures shall be designed and located to enhance and promote the Waterfront Master Plan.

6.12.2 No dock, wharf, float, pier, waterfront walkway or any related waterborne structure shall be permitted within 400 feet of the String Bridge downstream abutments.

6.13 EXCAVATION OF EARTH MATERIAL

6.13.1 Excavation operations may be permitted only upon authorization by the Board of Adjustment by Special Exception provided the following requirements are met in addition to Article 5.2 Special Exceptions:

A. Excavation operations shall not take place closer than 300 feet to adjacent property.

B. Planning Board approval of the excavation and reclamation plans.

C. Planning Board approval of the performance bond.

6.14 INDUSTRIAL AND MANUFACTURING USES

6.14.1 Hazardous Storage: facilities must be a minimum of 1,000 feet from any place of public assembly having a capacity of ten persons or more, or any habitable dwelling. All storage facilities must be meet all state and federal regulations.

6.15 HELICOPTER AND AIRPORT ORDINANCE

6.15.1 Purpose: In order to promote the orderly and safe development of helicopter and airport services within the Town of Exeter, it has been deemed appropriate to adopt a special ordinance in order to insure public safety as well as commercial or recreational convenience.

6.15.2 Definitions:

A. **Heliport**: An area used, or to be used, for landing or take-off of helicopters and includes any and all of the area and buildings which are appropriate to accomplish these functions.

B. **Helicopter**: An aircraft propelled and sustained by horizontal propellers, rotary wings, or other aircraft capable of hovering.

C. **Airport**: An area used, or to be used, for the landing or take-off of fixed wing aircraft.

6.15.3 Regulation of Heliport and Airports:

A. Heliports and airports shall only be permitted in the RU, C-2, C-3, H, PP, CT, CT-1 and I zones provided landing area site approval and registration is completed by the State Division of Aeronautics in accordance with NH RSA §424.

B. Heliports and airports may be permitted only upon authorization by the Board of Adjustment by Special Exception provided the following requirements are met:

1. The heliport and/or airport must clearly be shown to be incidental to the principal use of the property;

2. The proposed use will not adversely affect the adjoining land uses and the growth and development of the area in which it is proposed to be located;

3. The traffic generated by the proposed use will not impose an undue burden upon the streets and highways designed to carry the traffic in the area;

4. The use will not be detrimental to the public health, safety, welfare and convenience of the citizens of Exeter;

5. Due consideration has been given to the selection of the site and flight paths which are near or adjacent to large open areas or bodies of water so as to minimize public safety concerns;

6. That the applicant agrees as a condition of the Special Exception to obtain Planning Board approval of the site plan in addition to State Division of Aeronautics site approval and registration prior to applying for a building permit. The Board of Adjustment may require the applicant to obtain Planning Board approval of the site prior to scheduling a hearing on an application for a Special Exception.

C. Permits for establishing and maintaining heliports and/or airports shall be issued to the owner or lessee of the heliport and/or airport by the Code Enforcement Officer after being granted a Special Exception by the Board of Adjustment. All requests shall be considered as non-residential and as such will be subject to the normal application and site plan review process.

6.15.4 General Regulations:

A. It shall be unlawful to take-off or land a helicopter anywhere within the Town of Exeter except at a heliport and/or airport for which a permit has been issued by the Town of Exeter unless such take-off or landing is performed in conjunction with one of the following:

1. Special events such as an athletic contest, holiday celebration, parade or similar activity after reasonable advance notice has been given to the Exeter Police and Fire Departments and approval has been issued by the Board of Selectmen of their designated agent;

2. When necessary for law enforcement or other public safety purposes;

3. When necessary for aircraft or medical emergencies;

4. When required by the officer in charge of the Exeter Fire Department in conjunction with Fire Department operations;

5. Occasional landing to pick up or discharge passengers at a location where regular use is

neither permitted nor anticipated. Such occasional landing shall not exceed more than one per year.

6.16 HEALTHCARE DISTRICT:

6.16.1 Dimensional Regulations: Except for setbacks (i.e. minimum yards) from lot lines which are also lines separating the Healthcare District from any adjacent District, the dimensional requirements under "Municipal Water & Sewer", "Min. Lot Area", "Min. Lot Depth", "Min. Lot Width", "Min. Frontage", "Min. Front Yard", "Min. Side Yard", and "Min. Rear Yard" shall not apply to any lot now existing or hereafter created in the Healthcare District so long as the lot at issue and all adjoining lots in the Healthcare District are owned by the same entity or its affiliates. "Affiliate" shall mean an entity owned by, or under common ownership with another entity.

The Planning Board, in connection with site plan review, may require reasonable separations between buildings.

6.16.2 Perimeter Setback: Wherever the Healthcare District adjoins a residential district, the building set back shall be not less than fifty feet from the residential district line, and wherever the Healthcare District adjoins a non-residential district, the building set back shall be not less than thirty feet from the non-residential district line.

6.16.3 Parking Setbacks: No additional, or enlarged, parking areas shall be installed in the Healthcare District within fifty feet (50) of where the Healthcare District adjoins any residential district or residential uses.

6.16.4 Landscape Buffer: In addition to the building and parking setbacks in 6.16.2 and .3, the Planning Board, in its consideration of site plan review applications for site development or redevelopment within the Healthcare District, shall require landscaping and screening within the fifty (50) foot perimeter setback from any adjacent residential district or residential uses.

6.16.5 Height: The portion of any building constructed within seventy five (75) feet of the boundary of the Healthcare District with any residential zone shall not exceed the height allowed in the

adjoining residential zone. The Planning Board, when considering site plan review applications for construction of a portion of any building located more than seventy give (75) feet from said boundary which will have a height greater than that allowed in the adjoining residential zone, shall require the applicant to submit shadow studies evaluating the impact of the proposed construction on adjoining residentially zoned property.

6.17 WIND ENERGY SYSTEMS.

6.17.1 Purpose

This wind energy systems ordinance is enacted in accordance with RSA 674:62-66, and the purposes outlined in RSA672:1-III-a. The purpose of this ordinance is to accommodate wind energy systems in appropriate locations, while protecting the public's health, safety and welfare. In addition, this ordinance provides a permitting process for wind energy systems to ensure compliance with the provisions of the requirements and standards established herein.

6.17.2 Location Allowances:

A. Small wind energy systems shall be allowed by special exception in all districts in accordance with the following requirements and restrictions.

B. Large wind energy systems shall be allowed by special exception in Industrial (I) and Corporate Technology – 1Park (CT-1) districts in accordance with the following requirements and restrictions.

6.17.3 Definitions:

A. Small wind energy system consists of a wind turbine, a free-standing tower, and associated control or conversion electronics, which has a rated capacity of 60 kilowatts or less and the generated energy will be used for onsite consumption.

B. Large wind energy system consists of a wind turbine, a free-standing tower, and associated control or

conversion electronics and will allow for a rated capacity of over 60 kilowatts and the generated energy would not be restricted to onsite consumption. (Note: the intent is not to allow for a wind farm).

6.17.4 General Regulations:

A. The small or large wind energy system footprint is considered as the tower's base pole or poles including any other supporting cables or appurtenances used in mounting the tower and its blade. The system is considered a permanent structure and therefore would require a building permit.

B. The small or large wind energy system height will be measured at the tower height and not include the blades.

C. Height restrictions:

1. A small or large wind energy system that is equal or less than the allowed height restriction for structures within the district shall meet the building setbacks as specified within that district.

2. A small or large wind energy system that has a tower height that exceeds the allowable height in the zoning district in which it is proposed shall be set back a distance equal to 115% of the total height from any public road, sidewalk or trail, overhead utility lines and property lines, as measured from the center of the tower base.

3. The tower height shall not exceed 150 feet.

4. The applicant shall provide evidence that the proposed tower height does not exceed the height recommended by the manufacturer of the wind turbine.

D. Noise restriction: The small wind or large energy system shall not exceed 60 decibel (dbA) sound level as measured at the property line, except during short-term events such as severe wind storms and utility outages.

E. Approved Wind Turbines: The manufacturer and model of the wind turbine to be used in the proposed small wind energy system must have been approved by the California

Energy Commission or the New York State Energy Research and Development Authority or a similar list approved by the State of New Hampshire, if available.

F. Clearing: It is recommended that clearing of natural vegetation be limited to a minimum which is necessary for the construction, operation and maintenance of the small wind energy system.

G. Safety/Access: The tower shall be designed and installed so that any step bolts or a ladders readily accessible to the public are at a minimum height of 8 ft. above the ground.

H. Code Compliance: The small wind energy system shall comply with all applicable sections of the New Hampshire State Building Code.

I. Wind turbine energy systems may be combined with other uses such as cell tower use, radio or other antenna radio devices provided they meet all applicable manufacturing and building codes.

J. Regional Notification shall be adhered to as outlined in applicable NH State RSA (36:57).

6.18 CEMETERY REGULATIONS

6.18.1 Purpose: Under RSA 289:3 (III) the State of New Hampshire has established certain statutory setbacks from burial sites, burial grounds and cemeteries in the absence of local zoning regulations. This section is intended to serve as said local regulations.

6.18.2 Definitions: The terms "cemetery", "burial site", and "burial ground" shall all have the definitions, which are provided in RSA 289:1.

6.18.3 Structure Setback: No building or structure shall be constructed within 25 feet of a known burial site or within 25 feet of the boundaries of an established burial ground or cemetery. Underlying zoning may require a greater setback for structures, in which case the greater setback will apply.

6.18.4 Access Way and Utilities: No driveways and utility services (either above ground or underground) may be placed within 25

feet of a known burial site or 25 feet of the boundaries of an established burial ground or cemetery.

6.18.5 Special Exception: Where the foregoing restrictions present practical difficulties to the use and enjoyment of adjoining properties, the Zoning Board of Adjustment may grant special exceptions from these provisions provided that all requirements for a special exception under 5.2 are met as well as the following:

A. The proposed use must have approval of both the Board of Selectmen and Cemetery Trustees.

B. Such proposal does not impair the integrity of the cemetery walls, facilities, drainage, or other physical attributes.

C. The proposed use does not diminish the general solemnity and solitude of the cemetery setting. In this regard, the Board may require appropriate buffering or screening from such proposed use.

D. The proposed use does not pose a public safety hazard to the cemetery or patrons thereof.

E. There are no practical alternatives to the proposed use.

6.19 MIXED USE NEIGHBORHOOD DEVELOPMENT

6.19.1 Eligibility for Conditional Use Permit

An applicant may petition the Planning Board for a Conditional Use Permit, in conjunction with Site Plan Review, to develop a Mixed Used Neighborhood Development (MUND) in accordance with the following criteria:

A. Allowed as a Use: MUND must be identified as an allowable use for the zoning district in which the MUND would be developed, per Section 4.2 of the Zoning Ordinance.

B. Collection of Uses: The development would result in a mix of residential and non-residential uses on site. The collection of proposed uses may include only those enumerated in Schedule I for the zoning district in which the MUND would be developed, except that multi-family residential uses will be deemed a permitted use when included as part of a MUND application.

Therefore, any multi-family residential units contained within the MUND do not require a Special Exception.

C. Required Outcome: Where the site on an application contains non-residential use, and an applicant proposes infill residential development to complement the non-residential use, or vice versa, the application may be reviewed as a MUND project. A mix of newly developed uses is not required as part of a MUND application so long as the resulting development will include a mix of uses on site.

D. Expansions or Alterations to Previous MUND Projects: Expansions or alternations to projects previously approved as MUND projects may be reviewed under this section of the Zoning Ordinance.

E. Design and Inclusionary Housing: Compliance with the terms of 6.19.4 (Inclusionary Housing) and 6.19.5 (MUND Design Standards) is required unless some ability for relief is specifically identified in those sections.

6.19.2 Parking Requirements

A. Minimum Parking Space Requirements

1. For residential use, the minimum number of parking spaces shall be one space per unit regardless of the number of bedrooms.
2. For non-residential use, the minimum requirements listed in Section 5.6.6 of the Zoning Ordinance shall be reduced by 50%.

B. Alternatives to Strict Compliance with Minimum Parking Requirements

The Planning Board may allow the applicant to provide up to 100% of the minimum parking requirements off-site. The applicant must demonstrate, through the use of maps and/or site plans, that the number of spaces is adequate and access will be safe and convenient.

6.19.3 Dimensional Requirements

The dimensional requirements provided in the zoning district in which the MUND would be developed shall govern with the following exceptions. These standards are unique to MUND applications.

A. <u>The C-1 District</u>

1. Minimum front yard setback shall be zero feet.
2. Maximum setback for newly constructed frontage building shall be twenty-five (25) feet. The design of frontage area shall comply with Section 6.19.5.D.

3. For the C-1 District located in Exeter's Downtown—bordered generally by Water Street, Maple Street and Spring Street—this C-1 District shall have a maximum building height of fifty (50) feet or four stories.
4. For the C-1 District located along Portsmouth Avenue, this C-1 District shall have a maximum building height of fifty (50) feet or four stories.
5. For the C-1 District that contains portions of Lincoln Street, Garfield Street, and Rockingham Street, this C-1 District shall have a maximum building height of thirty-five (35) feet.
6. The area per dwelling unit requirement shall not apply to MUND applications.

B. <u>The WC District</u>

1. Minimum front yard setback shall be zero feet.
2. Maximum setback for newly constructed frontage building shall be twenty-five (25) feet. The design of frontage area shall comply with Section 6.19.5.E.
3. Maximum building height shall be fifty (50) feet.
4. The area per dwelling unit requirement shall not apply to MUND applications.

6.19.4 Inclusionary Housing

A. Purpose and Authority

1. Pursuant to the Exeter Master Plan, the Town wishes to expand housing diversity in mixed use districts in order to increase the vibrancy of these districts, stimulate the local economy, and provide access to rental and homeownership options that are not possible in other districts.
2. Pursuant to RSA 647:21, IV(a), MUND (and the associated inclusionary zoning requirement) is one of many allowable uses in the zoning districts where it is offered and is therefore voluntarily pursued by an applicant. Further, consistent with the aforementioned statute, the MUND uses inclusionary zoning in response to a series of incentives, including:

    a. Maximum multi-family density in the C-1 District is one unit per 3,500 SF. Maximum multi-family density in the WC District is one unit per 750 SF. MUND removes these density caps and allows for parking requirements, maximum building height, and site constraints to dictate the number of allowable residential units.
    b. Allowable building height is increased in two of the three C-1 Zoning Districts where an applicant pursues MUND.
    c. Parking requirements for MUND applications are significantly reduced.

B. Restrictions on Sales and Rental Price

1. A minimum of 10% of all units proposed will be sold or rented at the prices specified herein for rental or home ownership. For the inclusionary units, the applicant may propose exclusively rental, exclusively home ownership, or some combination of the two. Units shall be calculated as whole numbers and rounded up. For example, if 22 units of housing are proposed, three units are needed to meet a minimum of 10%.
2. For home ownership, the initial sales price shall be affordable for a household with an income not more than 80% of the HUD area median income for a family of four as most recently reported by New Hampshire Housing.
3. For rental property, rental rates shall be affordable to a household with an income not more than 60% of the HUD median area income for a family of three as most recently reported by New Hampshire Housing.
4. The inclusionary housing units shall be on-site and shall be designed and constructed in a manner that makes them fully consistent in form, materials, architectural details, and internal systems with market rate units in the same development.
5. Inclusionary housing units will be sold or rented at the required level of affordability in perpetuity using a deed restriction that includes a housing agreement. The deed restriction and housing agreement the owner proposes to use shall be submitted to the Planning Board as part of the development application process. Applicants are encouraged to contact the Planning Department for guidance on the development of an acceptable housing agreement.
6. No certificate of occupancy shall be issued for an inclusionary housing unit without written confirmation of the income eligibility of the tenant or buyer of the inclusionary housing unit and confirmation of the rent or price of the inclusionary housing unit as documented by an executed lease or purchase and sale agreement.
7. On-going responsibility for monitoring the compliance with resale and rental restrictions on inclusionary housing units shall be the responsibility of the Planning Board or its designee.
8. For rental inclusionary units, the owner or his/her designee shall prepare an annual report, due on January 31, certifying that the gross rents of affordable units, the sale and resale price, and the household income of renters/buyers are in compliance with this ordinance. Such reports shall be submitted to the Planning Board or its designee. Failure to submit the annual report, or an annual report that shows non-compliance, will be treated as violations of the Zoning Ordinance.
9. Where monitoring of income levels in rental inclusionary units shows the tenant no longer qualifies based on increases in income, the next available

rental unit in the development shall be rented and restricted to the income level specified in subsection B.3 (above).

10. Inclusionary units offered for sale and approved by the Planning Board as part of a MUND and subject to RSA 674:58-61 shall require a restrictive covenant and lien granted to the Town of Exeter. The initial value of the lien shall be equal to the difference between the fair market value of the unit and its reduced affordable sale price, which is indexed according to the qualifying income standards. The Town's lien is indexed over time at a rate equal to a consumer price index identified in the restrictive covenant and lien document. Future maximum resale limits shall be calculated as the fair market value minus the adjusted lien value and a transaction administrative fee. Subsequent sales prices are not limited based on income targets, but on the housing unit's fair market value, minus the adjusted lien value.

6.19.5 MUND Design Standards

A. Purpose

Pursuant to the Exeter Master Plan, the Town provides design standards herein to ensure the districts where MUND can occur will continue to develop in a manner that creates active, safe, and walkable neighborhoods. Development approved as part of MUND applications will follow core principles of good urban design by locating buildings, parking areas, sidewalks, and walkways in a manner that facilitates comfortable pedestrian travel. Further, the architectural style of new buildings will incorporate important principles of traditional New England architecture to ensure new construction is consistent with Exeter's architectural heritage. The Town also recognizes that these areas are heavily developed, and it may not be possible to redevelop properties or develop infill projects while strictly adhering to these principles of urban design and traditional architecture. These standards therefore include opportunities to deviate from strict compliance where it is in the best interest of the Town.

B. Applicability of Design Standards

The following design standards apply to MUND applications. These standards are in addition to other building and development standards found in these regulations and supersede other standards where a conflict may exist. As part of the Conditional Permit application, the applicant may propose, and the Planning Board may allow, deviation from any of the design standards below where an applicant can demonstrate one of the following conditions:

1. The proposed deviation represents a need that goes beyond convenience for the applicant or is requested primarily as a cost-saving measure.
2. The scope of site disturbance and construction improvements will not include any work related to a particular site design standard. For example, if a pre-existing parking area will be retained and remain undisturbed through the redevelopment process, the Planning Board may deem that site design standards for parking will not apply and the parking lot may remain in its pre-existing form. The Planning Board shall review these requests on a case-by-case basis and may condition the approval of an application on future improvements to the site creating greater compliance with these design standards.
3. The scope of development and construction improvements will not include any work related to a particular building standard. For example, if a pre-existing building will be retained and unimproved, building standards will not apply and the building may remain in its pre-existing form. The Town may still require conformance with standards related to signage, lighting, and similar features where practicable.
4. The location of pre-existing buildings, utilities, accessways, or other built features creates a situation where it is not practicable to achieve compliance with the design standards.
5. Site topography, the condition of underlying soils, or pre-existing contamination create a situation where it is not practicable to achieve compliance with the design standards.
6. Landscaping requirements would make it impossible to provide parking spaces that would otherwise enable the development of housing.
7. Deviation from site design standards would facilitate better stormwater management or site circulation.

C. Application Contents

The applicant shall provide the materials called for in the Site Plan Review and Subdivision Regulations for the Town of Exeter. It is the responsibility of the applicant to depict site design, architectural elevations, and street level renderings in a manner that allows the Planning Board to clearly determine compliance with these design standards.

D. Circulation

The design of individual properties or groups of properties shall reinforce the purposes of MUND by encouraging pedestrian and bicycle circulation. Pedestrian and bicycle infrastructure shall be provided using the following site design techniques:

1. Pedestrian connections between sidewalks and buildings and between buildings separated by a parking lot shall be designed to be safe, broad, and easily identifiable.
2. Pedestrian connections that cross parking lots must be designed to clearly show that the space is primarily dedicated to pedestrian traffic using raised or alternative surfaces, signage or raised landscaped islands that serve as a safe resting area for pedestrians between automobile travel lanes.
3. Where sidewalks or other pedestrian or bikeways intersect with automobile driveways or lanes, raised surfaces and/or durable, decorative alternatives to conventional pavement must be used to connect sidewalks or bikeways across the automobile lane. On its own, striping across the asphalt used for an automobile lane to connect sidewalks or walkways is not adequate to achieve this goal.

E. Property Frontage (see Figure 6.19.5.1)

Buildings located along the property frontage (frontage buildings) shall be located and oriented to engage pedestrians that may pass along the frontage of the property.

1. Frontage buildings, whether newly constructed or re-used, shall be connected to the right-of-way in a manner that facilitates pedestrian and/or bicycle activity. The areas between the front façade of frontage buildings and the right-of-way shall accommodate pedestrian/bicyclist space and associated amenities.
2. Travel lanes for automobiles shall not be located in the frontage area except where access driveways into the site are needed.
3. Frontage sidewalks should be reinforced concrete and have a minimum width of eight (8) feet. The Planning Board may approve varied finishes for the reinforced concrete or alternative materials that are consistent with the purposes of MUND. Standard asphalt coverage is not appropriate for sidewalk areas. Where the distance between the edge of pavement in the street and the building façade allows, sidewalks may be greater than eight (8) feet wide. The remainder of this area may include benches, lighting, landscaping, street trees, trash receptacles, and other amenities. Where space in the frontage is adequate, site plans shall identify which amenities the applicant is committed to providing.

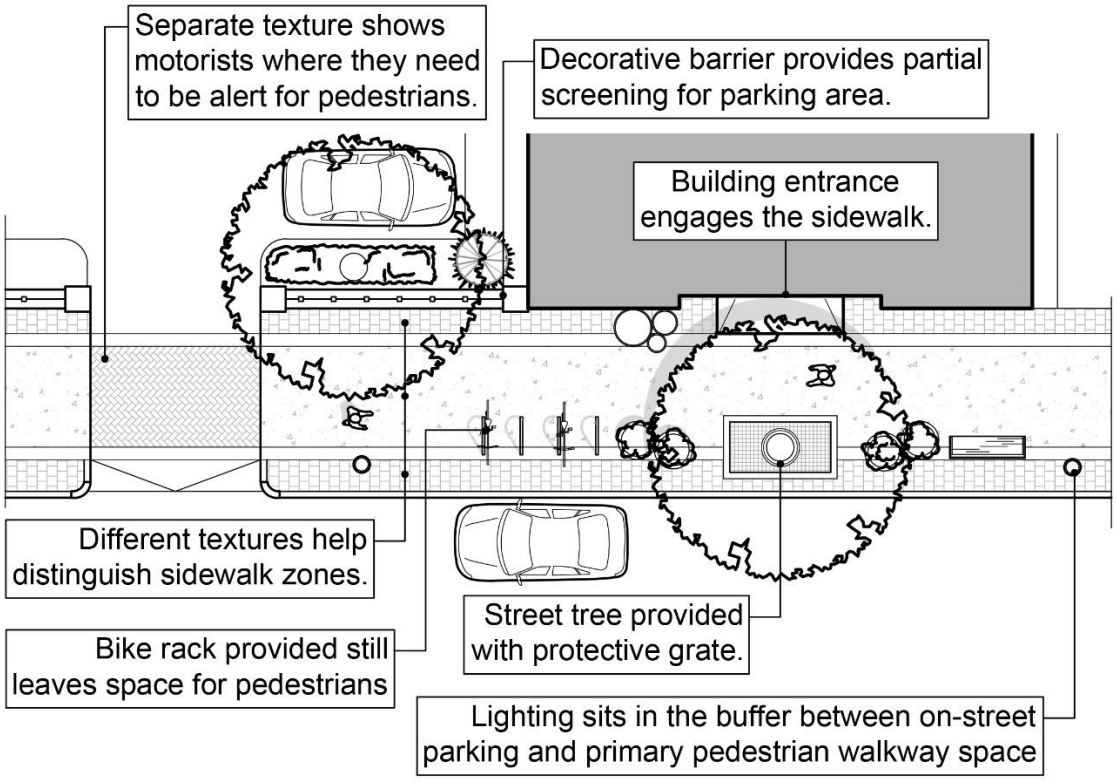

Figure 6.19.5.1

F. Landscaping

1. Street trees must be spaced along the sidewalk at an average frequency of one tree every 40 feet.
2. All areas of a site that are not rendered impervious through the development of structures, parking features, circulation features, or other hardscape features should be landscaped with vegetation.
3. Native species should be used wherever possible in landscaped areas. No tree, shrub, or any other plant shall be installed that has been included on the most recently published list of prohibited plants by the New Hampshire Department of Agriculture, Markets and Food.
4. Landscaping, trees, and plants must be planted in a growing condition according to accepted horticultural best practices and shall be maintained in a healthy growing condition. Where applicable, ANSI A300 Standards for Tree Care Operations, as revised, shall apply. All landscaping shown on plans shall be maintained and any dead or dying vegetation shall be replaced, no later than the following growing season, as long as the site plan remains valid. This condition is not intended to circumvent the revocation procedures set forth in State statutes.

a. All-Season: Landscaped areas should be designed to remain functional and attractive during all seasons through a thoughtful selection of deciduous, evergreen, berrying, and flowering plant varieties.
b. Turf: Turf is discouraged and, where it is used, must not be planted in strips less than five (5) feet wide. Turf seed mixes should be drought resistant. To achieve a high level of drought tolerance, turf seed mixes may include, but shall not be limited to, a predominance of fine fescues.
c. Plant Hardiness: Plant varieties should be selected for cold-hardiness as well as resistance to drought, moisture, salt, urban conditions, or insects and other pests depending on the location of landscaping and the specific stressors anticipated for different areas of the site.
d. Minimal Care: Plants should be selected so that landscaping can be maintained with minimal care and the need for irrigation, pesticides, or fertilizers can be minimized or eliminated.

G. Surface Parking

1. For surface parking areas associated with newly developed sites, parking areas shall be located behind or to the side of frontage buildings on the property.
2. Where a pre-existing surface parking area is adjacent to a sidewalk, internal walkway, or other pedestrian space, the parking area may remain in use so long as the applicant provides a landscaped buffer between the parking area and the pedestrian space as follows:

    a. At a minimum, the landscaped buffer shall include a decorative barrier, which may be designed as brick or stone finish walls, decorative fencing, or a combination of these treatments.
    b. In addition to and inclusive of a decorative barrier, to the extent practicable, the landscaped buffer should include planted areas designed to provide separation between the surface parking area and the pedestrian space while allowing pedestrians to maintain visual awareness between the two areas. The parking area shall not be fully screened from the pedestrian way. (see Figure 6.19.5.2)

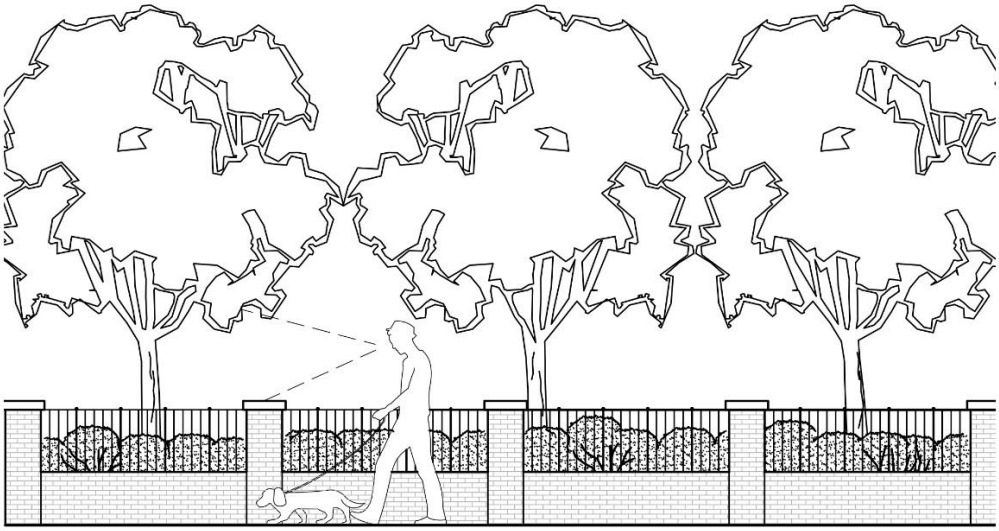

Figure 6.19.5.2

3. For developments with proposed surface parking areas of ten (10) spaces or more, a minimum of ten percent (10%) of the designated parking area shall be landscaped. This calculation may include any landscaped borders surrounding the parking lot where the landscaped borders are predominantly ornamental vegetation and/or are specifically designed to provide stormwater treatment. Borders that are predominantly stone, turf, fencing, or screening shall not be counted toward this requirement.
4. The ends of parking aisles in surface lots that are more than fifteen (15) spaces in length must incorporate landscape islands at either end of the row. Each island shall include at least one tree that is two (2) inches in caliper at the time of planting. Where the length of a parking aisle exceeds twenty-five (25) spaces, additional landscaped islands must be installed at regular intervals. This interval must not be more than every thirteen (13) spaces.
5. Parking areas for five (5) or more cars or any travel lane that lie along a side or rear lot line shall be separated from adjacent properties by a landscaped buffer at least five (5) feet in width. This standard does not apply where the travel lane or parking area is intentionally designed to cross the property line to facilitate better circulation and/or shared parking.

H. Fencing and Screening

1. All solid waste enclosures, service areas, mechanical equipment, and utilities must be screened from view through the use of fencing and/or landscaping that is effectively opaque.
2. Chain link fencing is prohibited in front and side yards within MUND proposals unless it is necessary for security standards unique to the

individual use, is vinyl coated, and is screened using evergreen trees (minimum six (6) feet in height) and/or shrubs.

I. Lighting (see Figure 6.19.5.3)

1. Lighting for parking areas and public/gathering spaces shall be decorative in shape, scale, and finish, with detailed, articulated treatments for the base, post, fixture, and crown. Where decorative street lighting is already installed, the design of proposed lighting standards and fixtures must be consistent with or complementary to said lighting.
2. Light poles and fixtures must not exceed twenty (20) feet in height.
3. Height is measured from finished grade to the highest point of the structure. Structural features used to anchor light standards (e.g., concrete pilings) must not protrude more than six (6) inches from the ground.

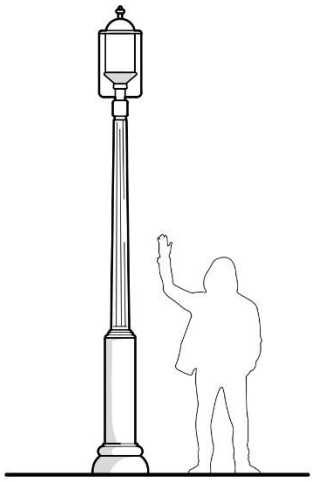

Figure 6.19.5.3

This illustration shows the proper scale and attention to aesthetic detail.

J. Building Form (see Figures 6.19.5.6 and 6.19.5.7)

1. Multi-story buildings must clearly articulate the base, middle (where applicable), and top of the building using cornices, borders of distinct material, or other articulating features on every visible surface of the building.
2. In new non-residential or mixed-use construction, ground floors in a MUND application shall be a minimum of eleven (11) feet from floor to ceiling to enhance the pedestrian streetscape, regardless of the overall building height.
3. All buildings with façades longer than forty (40) feet must articulate the façade with varied rooflines, distinct signage for multiple tenants, awnings, arcades, pilasters, columns, recessed spaces and/or entrances, and any other features that serve to add texture to these longer façades.
4. The front façade of any new frontage building shall be designed to appear as the front of the building and shall have a primary entrance.

K. Building Entranceways (see Figures 6.19.5.6 and 6.19.5.7)

1. All buildings must have a principal façade and entry (with operable doors) facing a street or other area dedicated to pedestrian circulation. Buildings may have more than one principal façade and/or entry. Primary entrances

not facing a street must open onto sidewalks or other designated pedestrian areas that are at least ten (10) feet in width. The street façade must be designed to appear to be a principal point of entry for the building.

2. Main entrances must incorporate architectural features that draw attention to the entrance. These features may include covered porches, distinct sidewalk surfacing, porticos, recessed doorways, and awnings.

L. Roofline Form (see Figures 6.19.5.6 and 6.19.5.7)

1. The roof design for new buildings shall provide a variety of building heights and varied roofline articulation. Local models reflecting traditional New England architecture shall provide context for the selection of roof forms. These models include gables, gambrels, flat roofs, mansards and any jointed configuration of these styles. Decorative spires or towers may also be used to articulate rooflines and to provide focal points within a complex of principal buildings.
2. For new buildings or replacement roofing, industrial style metal materials visible from the street shall not be permitted. Metal roofing materials that use decorative finishes and textures for visual accent may be allowed. Visible metal materials necessary for structural integrity, fastening, sealing or other essential purpose are also allowed.
3. Where flat roof lines are proposed, flat roofs shall have decorative cornices or parapets that shield all views of any mechanical systems located on the roof from the street or from windows at a lower elevation in adjacent buildings.
4. Downspouts shall match or be complementary to gutters in material and finish.
5. Utilities and protuberances through or on the front facing roofs are highly discouraged and should generally be shielded from view.

M. Dormers (see Figure 6.19.5.4)

1. On pitched rooflines, dormers shall be used to break up roof surfaces and shall be provided at a minimum frequency of one per thirty (30) horizontal feet or fraction thereof.
2. Dormer styles may include doghouse, eyebrow, or shed dormers.

Figure 6.19.5.4

The dormer on the left shows the proper scale and form of a dormer window. The dormer on the right provides a window that is too small and shows no aesthetic detail.

3. Windows shall fill the face wall of the dormer to the maximum extent practicable and match the windows in the rest of the building.

N. Fenestration (see Figure 6.19.5.5)

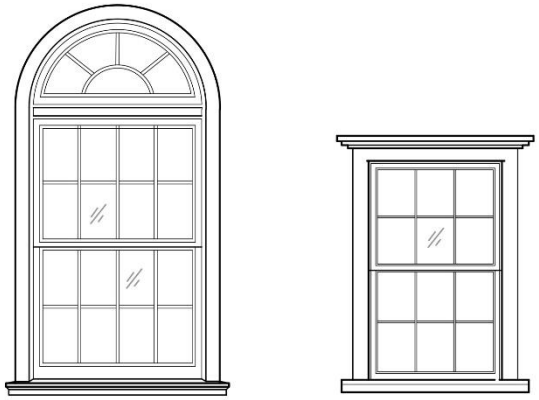

Figure 6.19.5.5
These windows show how different treatments still comply with the basic design standards.

1. Window bays in façades above the first floor (above street level) shall have a minimum width-to-height ratio of 1:2. Multiple bays may be placed immediately adjacent to one another in order to create larger window areas. This does not apply to dormers (see subsection L)
2. Mullion pattern and thickness shall reflect traditional New England design with broad decorative surfaces between windows. Mullion finishes that would be highly reflective or industrial in nature are not allowed.
3. Windows on the ground floor shall begin no lower than two (2) feet above street level and shall extend at a minimum height of seven (7) feet from street level.
4. Clear, non-reflective glass with minimal tinting shall be used at street level to allow maximum visual interaction between pedestrians and the interior of the building.
5. Street level façades shall have a transparency of at least fifty (50) percent.

O. Building Materials

1. Materials and building treatments shall be used that reduce the visibility of buildings from distant vantage points and shall be consistent and compatible with traditional New England design and construction.
2. Where more than one material is used for siding, traditionally heavier materials (stone, brick, concrete with stucco, etc.) shall be located below lighter materials (wood, fiber cement board, siding, etc.). The change in material shall occur along a horizontal line, preferably at the floor level.
3. For finished siding and foundations, natural materials such as brick, stone, wood/concrete clapboards and shingles, and slate are allowed. Asphalt shingles or similar materials for roofing are allowed. High-quality cement-fiber siding designed to preserve the traditional aesthetic character of the district is also allowed.
4. Finish colors should be used to differentiate between important features

(e.g., foundations, entranceways, windows, decorative borders, etc.) and can be used to differentiate between building stories. Generally, it is preferable to use two or three colors inclusive of masonry. The main color(s) on a building should generally be nature blending, earth tone, neutral, or pastel in character. Bright colors should be limited to accent features and/or entranceways. High intensity colors, metallic colors, or fluorescent colors should not be used.

Figure 6.19.5.6

This image is designed to illustrate several of the MUND Design Standards.

Roofline Form: The image shows the interplay between dormers and jointed roofs. In this case, a jointed gable configuration along the "doghouse" dormers reflects typical New England architecture.

Ground Floor Design: The ground floor is slightly taller than floors above it and incorporates a high level of transparency to visually connect people on the sidewalk with what is available inside the building.

Entrances: The entranceways to the building are made more prominent through the use of signage and different materials.

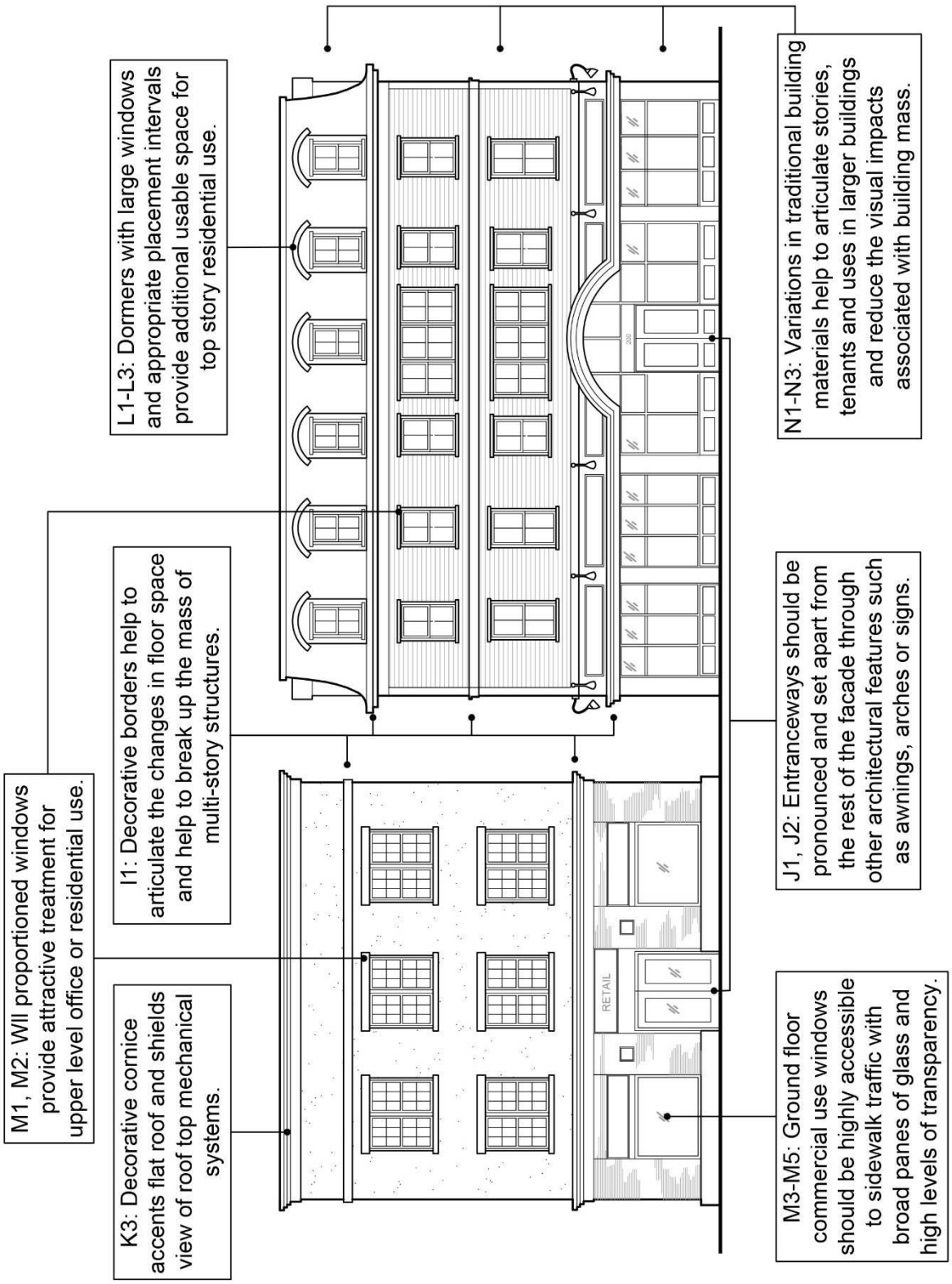

Figure 6.19.5.7

Article 7. OPEN SPACE DEVELOPMENT

7.1 PURPOSE

The purpose of this Open Space Development article is to encourage flexibility in design and development of land in order to promote the conservation of open space and the efficient use of land in harmony with its natural features.

7.2 OBJECTIVES

7.2.1 To stimulate imaginative and economical approaches to land use and community development.

7.2.2 To facilitate the adequate and economical provision of streets, utilities and public spaces.

7.2.3 To preserve the natural and scenic qualities of open areas.

7.2.4 To establish living areas that provide a diversity of housing opportunities while ensuring adequate standards for public health, safety, welfare and convenience.

7.2.5 To encourage the conveyance of land and easements for use by the general public for recreational and or conservation purposes, in accordance with the terms of Article 7.7.1.A General Regulations Governing Open Space Development – Density – Bonus.

7.2.6 To preserve those areas of the site that have the highest ecological value, for example, wildlife habitat including rare and exemplary species and habitats, water resources, wetlands, streams and rivers.

7.2.7 To create a contiguous network of open spaces or "greenways" by linking the common open spaces within the subdivision and to open space on adjoining lands wherever possible.

7.3 DEFINITIONS

7.3.1 **Vegetated Buffer Strip:** A natural vegetated strip of land required to lessen the impact of development on neighboring communities, wetlands or other features. This land can be considered as part of the common area owned by the homeowners association or donated to the Town for access to conservation land.

7.3.2 **Common Area/Common Open Space:** Any parcel or area of land and/or water set aside as a result of an Open Space Development Plan. The common area is designed for the benefit and enjoyment of the residences within the development. These areas may contain utility services to be used by the owners of the common area and may where appropriate contain accessory structures and improvements necessary for educational, recreational, cultural, societal or other non-commercial, non-industrial and non-residential uses.

7.3.3 **Net Tract Area:** The area of a parcel defined as ninety percent (90%) of the total area of the parcel less all non-buildable land, including all very poorly drained soils, and seventy-five percent (75%) of any poorly drained soils as identified and regulated in the Wetland Conservation District Ordinance.

7.3.4 **Greenways:** A contiguous network of open space providing connectivity and movement between larger tracts of protected land.

7.4 PROCEDURE

An application under this article shall follow the procedures and standards of the Site Plan Review/Subdivision Regulations and applicable terms of the Zoning Ordinance.

7.5 SINGLE FAMILY OPEN SPACE DEVELOPMENT

7.5.1 The minimum area for a Single-family Open Space Development shall not be less than five (5) acres of contiguous land where single family open space is permitted.

7.5.2 Single-family Open Space Development permits the planned grouping of single-family dwelling units, subject to the requirements set forth in this article.

7.5.3 A Single-family Open Space Development is permissible in the RU, R-1, R-2, R-3, and R-4 Districts.

7.5.4 Single-family Open Space Development on individual lots shall be processed under the applicable terms of the "Site Plan Review/Subdivision Regulations". Single-family Open Space Development on a single lot shall be processed under the

applicable terms of the "Site Plan Review/Subdivision Regulations".

7.5.5 External Boundaries:

A. Front: No building or parking area shall be within one hundred feet (100') of an existing public way.

B. Side & Rear yard: Setbacks and vegetated buffer strips shall be in accordance with the Town of Exeter's Subdivision and Site Plan Review Regulations.

7.5.6 Internal Dimensional Requirements:

A. Minimum internal right-of-way lot width/frontage shall be fifty feet (50').

B. Front Yard Setback: No structure shall be closer than twenty-five feet (25') from the right-of-way of a proposed street or parking area.

C. Detached single family units on one parcel shall be set apart from each other a minimum of twenty-five (25) feet.

D. Structures shall be a minimum of fifteen (15) feet from side yard property lines and twenty (20) feet from rear yard property lines.

E. Minimum Lot Size: No lot shall be less than 25,000 square feet in the RU District, 15,000 square feet in the R-1 Districts, and 10,000 square feet in all other residential districts.

F. Existing Open Space Development: Internal setbacks effective as of the date of the approval of any existing open space development shall be applied to future construction within the same existing open space development. (See Appendix A. for table regarding internal setbacks.)

7.6 MULTI-FAMILY OPEN SPACE DEVELOPMENT

7.6.1 Small Scale Multi-Family Open Space Development:

A. The minimum area for a small scale Multi-family Open Space Development shall not be less than five (5) acres of

contiguous land and not more than 24.9 acres of contiguous land.

B. Density calculations for small-scale multi-family open space development shall be in accordance with Article 7.7.1 Density and Section 7.13 Yield Plan of the Site Plan Review and Subdivision Regulations. Small scale Multi-family Open Space Development permits the planned grouping of up to five (5) attached* dwelling units per structure. On parcels proposed for development that are less than ten (10) acres in size, no more than three (3) attached dwelling units per structure are allowed. The planning board may allow additional dwelling units per structure for the purpose of conserving additional open space. Regulations regarding perimeter buffers (See Site Plan Review and Subdivision Regulation 9.6.1.2) shall apply.

C. A small scale Multi-family Open Space Development is permissible in the RU, R-1, R-2, R-3, and R-4 Districts.

D. Small scale Multi-Family Open Space Development shall be processed under the applicable terms of the "Site Plan Review/Subdivision Regulations".

E. External Boundaries:

1. Front: No building, lot line or parking area shall be within one hundred feet (100') of an existing public way.

2. Side & Rear: No building, lot line or parking area shall be within fifty feet (50') of abutting property line.

F. Internal Setback Requirements:

1. Front Yard Setback: No structure shall be closer than twenty-five feet (25') from the right-of-way of a proposed street or parking area.

2. Side & Rear Yard Setback: No structure shall be closer than forty feet (40') from an abutting structure.

7.6.2 Large Scale Multi-Family Open Space Development:

A. The minimum area for a large scale Multi-family Open Space Development shall not be less than twenty-five (25) acres of contiguous land.

B. A large scale Multi-family Open Space Development shall be subject to the granting of a special exception by the Zoning Board of Adjustment, per Article 5.2 Special Exceptions of this Zoning Ordinance.

C. Density calculations for large-scale multi-family open space development shall be in accordance with Article 7.7.1. Density and Section 7.13 Yield Plan of the Site Plan Review and Subdivision Regulations. A large scale Multi-family Open Space Development permits the planned grouping of a minimum of six (6) multi-family dwelling units per structure and a maximum of twelve (12) multi-family dwelling units per structure. The planning board may allow additional dwelling units per structure for the purpose of conserving additional open space. Regulations regarding perimeter buffers (See Site Plan Review and Subdivision Regulation 9.6.1.2) shall apply.

D. A large scale Multi-family Open Space Development is permissible in the R-1, R-2, R-3, and R-4 Districts.

E. A large scale Multi-family Open Space Development shall be served by municipal water and sewer service.

F. Large scale Multi-family Open Space Development shall be processed under the applicable terms of the "Site Plan Review/Subdivision Regulations".

G. External Boundaries:

1. Front Yard Setback: No building, lot line or parking area shall be within one hundred feet (100') of an existing public way.

2. Side & Rear Yard Setback: No building, lot line or parking area shall be within two hundred feet (200') of an abutting property line.

H. Internal Setback Requirements:

1. Front Yard Setback: No structure shall be closer than forty feet (40') from the right-of-way of a proposed street or parking area.

2. Side & Rear Yard Setback: No structure shall be closer than fifty feet (50') from an abutting structure.

* For the purposes of this ordinance, attached "dwelling units" are defined as units separated by party walls in which no portion of a dwelling unit extends over a portion of another.

7.7 GENERAL REGULATIONS GOVERNING OPEN SPACE DEVELOPMENT

7.7.1 Density: Each lot shall be of a size and shape to provide a building site that shall be in harmony with the natural terrain and other features of the land. The dwelling unit density shall be determined using a "Yield Plan" which shall be provided by the applicant and reviewed and accepted by the Planning Board prior to proposing an Open Space Development Plan. The Yield Plan is used to determine the density that is reasonably achievable under a conventional subdivision following the requirements of the Zoning Ordinance and Subdivision and Site Plan Review regulations of the Town. The dwelling unit density shall be no greater than that allowed by the Yield Plan unless the density bonus can be applied. The Planning Board shall adopt regulations that provide for the generation of a yield plan in accordance with this article.

A. Bonus: A density bonus of ten-percent (10%) of the total allowable number of dwelling units may be granted by the Planning Board to an applicant if fifty-percent (50%) or more of the non-buildable, undeveloped, or common open space land is permanently conveyed to the Town or Conservation Commission for the benefit of the general public for recreational and/or conservation purposes. The density bonus will only be granted upon written notice by the Town or Conservation Commission of their intent to accept a deed or easement conveying an interest in fifty-percent (50%) or more of said non-buildable, undeveloped, or common open space land to the Town of Exeter or Conservation Commission.

B. Density-Bonus (Affordable Housing Sales): Density bonus of 15% above that indicated by the yield plan will be allowed for developments that will guarantee:

1. 20% of the total number of units proposed within the development (including all units allowed by density bonuses) shall be affordable as defined below*, see sections (2) and (3);

2. 15% or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 120% of the median family income for the New Hampshire portion of the Portsmouth-Rochester NH-ME PMSA, as published by US Department of Housing and Urban Development;

3. 5% or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 80% of the median family income for the New Hampshire portion of the Portsmouth-Rochester NH-ME PMSA, as published by US Department of Housing and Urban Development;

4. Units will be sold with deed restrictions and a recorded housing agreement that limit, for a period of 30 years renewable upon sale or transfer**,** the resale value of the unit to not more than the purchase price plus two times the accumulated consumer price index.

5. The unit shall be on-site.

**Affordability shall be defined as housing that can be purchased under a conventional mortgage whereby the combined annual expenses for principal, interest, property taxes, homeowner's insurance and condominium fees (if applicable) will not exceed 30% of household income.*

C. Density-Bonus (Affordable Housing Rentals): Density bonus of 15% above that indicated by the yield plan will be allowed for developments that will guarantee:

1. Private Sector Funding – Rent to Buy Program:

    a. 20% of the total number of units proposed within the development (including all units allowed by density bonuses) shall be affordable as defined below*, see sections (2) and (3);

    b. 15% or more of the units constructed will be rented for a price that can be afforded by a household with an income not more than 120% of the median family income for the New Hampshire portion of the Portsmouth-Rochester NH-ME PMSA, as published by US Department of Housing and Urban Development;

    c. 5% or more of the units constructed will be rented for a price that can be afforded by a household with an income not more than 80% of the median family income for the New Hampshire portion of the Portsmouth-Rochester NH-ME PMSA, as published by US Department of Housing and Urban Development;

    d. Units will be rented with deed restrictions and a recorded housing agreement that limit, for a period of 30 years renewable upon each rental and in the event of sale, (Paragraph B. Density-Bonus (Affordable Housing Sales) shall govern.

    e. The unit shall be on-site.

2. Private Sector Funding – Rental Program

    a. 20% of the total number of units proposed within the development (including all units allowed by density bonuses) shall be affordable as defined below*, see sections (2) and (3);

b. 15% or more of the units constructed will be rented for a price that can be afforded by a household with an income not more than 100% of the median family income for the New Hampshire portion of the Portsmouth-Rochester NH-ME PMSA, as published by US Department of Housing and Urban Development;

c. 5% or more of the units constructed will be rented for a price that can be afforded by a household with an income not more than 60% of the median family income for the New Hampshire portion of the Portsmouth-Rochester NH-ME PMSA, as published by US Department of Housing and Urban Development;

d. Units will be rented with deed restrictions and a recorded housing agreement that limit, for a period of 30 years renewable upon each rental.

e. The unit shall be on-site.

3. Public Sector Funding

a. Terms and conditions of the project to be dictated by The Low Income Housing Tax Credit (LIHTC) program (HFA:109.02) selected by the developer/builder, or

b. Term and conditions of the project to be dictated by Community Development Finance Authority (RSA 162.L) programs selected by the developer.

D. *Affordability shall be defined as housing that can be rented whereby the combined annual rental and utility expenses will not exceed 30% of household income.

E. Administration of Worker Housing Units (Sales or Rentals)

1. In the event of a unit sale or transfer the Buyer will be certified for eligibility by an agency with expertise

acceptable to the Town prior to sale or transfer. A copy of said certification will be provided to the seller.

2. In the event of a unit rental or renewal, the Renter will be certified by an agency with expertise acceptable to the Town prior to the rental or renewal. A copy of said certification will be provided to the landlord. Rental units cannot be sub-let by the current renter of record to a third party.
3. In the event rental units are sold Article 7.7.1. B.1.-5. Density, Bonus & Density-Bonus (Affordable Housing Sales) will govern.
4. A certification fee will be charged for each sale, transfer or rental term for a unit. The fee to be paid by the purchaser or renter of the unit as designated by the Town of Exeter.
5. The foregoing bonuses are not cumulative and no project shall receive more than a 15% overall density bonus for affordability.

The Planning Board may adopt regulations to effectuate and aid the administration of this section.

7.7.2 Non-Residential Uses:

A. Non-residential uses may be permitted in projects of fifty (50) acres or greater, provided the Board of Adjustment grants a Special Exception finding such non-residential use complies with Article 5.2 Special Exceptions of this Zoning Ordinance as well as the following:

1. The total space allocated to commercial establishments shall not exceed five percent (5%) of the net tract area of the open space development.

2. No building intended to be used in part or in whole for commercial purposes shall be constructed prior to the completion of sixty percent (60%) of the dwelling units proposed.

3. Convenience commercial uses designed to serve the development and nearby neighborhoods shall be limited to the following shops and stores: Bakery (outlet only), bank, barber/beauty shop,

food and convenience store, ice cream/sandwich shop, flower shop, laundromat, dry cleaning (pick-up only), professional office or similar uses by Special Exception. None of the above non-residential uses shall contain more than 2,000 square feet of floor area.

4. Non-residential uses shall have access from an interior road with adequate screening and landscaping.

5. Setback Requirements:

   a. Front: No structure or parking area shall be closer than thirty feet (30') from the internal roadway.

   b. Side & Rear: No structure or parking area shall be closer than one hundred feet (100') from residential structures.

   c. External: Boundaries the setback requirements of Article 7.6.1 A-F shall apply to the separation of non-residential uses from external uses.

6. Once a certificate of completion has been issued for the commercial area, any change in use shall require approval as a Special Exception by the Zoning Board of Adjustment and a Site Plan Review/Subdivision Regulations by the Planning Board; any physical expansion of the facilities shall require approval by Special Exception from the Zoning Board of Adjustment and Site Plan Review/Subdivision Regulations by the Planning Board.

7. All non-residential uses shall be architecturally compatible with adjacent residential structures within the development.

8. Non-residential uses shall have only one indirectly lighted sign, not to exceed four (4) square feet in area. No sign shall be illuminated after 9:00 p.m.

9. Non-residential uses shall not constitute or contribute to strip development.

7.7.3 Open Space and Common Areas:

A. A minimum of thirty percent (30%) of the land identified as "Net Tract Area" shall be set aside as common open space intended for the use and enjoyment of the residents of the development. Reasonable efforts must be made to locate common open space adjacent to protected open space in adjoining property or properties to the satisfaction of the Planning Board. This common open space shall be permanently restricted for recreation, open space and conservation uses and protected by a homeowners or condominium association. Except that upon mutual agreement of the Town, the development and/or the homeowners or condominium association, a portion of the common open space may be permanently protected by a public body which shall maintain the land for the benefit of the general public.

B. Any non-buildable or undeveloped land not identified as part of the common open space may be protected in any of the following manners or combinations prescribed by the Planning Board:

1. A private non-profit corporation, association or other legal entity established by the applicant for the benefit and enjoyment of the residents such as a homeowners or condominium association.

2. A public body that shall maintain the land as open space for the benefit of the general public – for example, the Town.

3. A private non-profit organization which has as its purpose the preservation* of open space through ownership and control, provided, however, that the residents of the development shall have access to the common open space for appropriate recreational uses – for example, the Society for the Protection of New Hampshire Forests.

C. The Town and the property owners within the development shall be assured of enforceable rights with respect to such preservation.

D. Such common open space shall not be re-subdivided further but may contain accessory structures and improvements appropriate for educational, recreational or social uses.

E. In the event an open space development proposes, wholly or partially, the development of prime agricultural land, the Planning Board may waiver the requirements of this article to provide for the protection of these lands, whereby the common open space area for the use of the residents of the development may be reduced in favor of setting aside and permanently restricting the development of these prime agricultural areas. This land may be sold, leased or protected in a fashion described in Article 7.7.3B 1-3 and permanently restricted for agricultural uses, subject to the approval of the Planning Board.

F. The developer shall submit, prior to final approval, such legal instruments as the Planning Board may require to prescribe the manner of ownership, maintenance and obligations of the developer and future residents, including the articles of incorporation and charter in a form and manner approved by the Board necessary to insure the intent and purpose of this article.

G. In the event the party entrusted with ownership of the open space within the development shall fail to maintain such open space in a reasonable order and condition, the Town may, through court action, be authorized to assess the costs incurred by the municipality to maintain this open space against the owners as a lien on their properties.

H. Should the organization managing said open space dissolve, all assets shall be turned over to the public or a non-profit organization dedicated to the preservation of open space. Any such transfer shall be approved by the Planning Board.

* Preservation defined in the general sense, which includes the word, "conservation".

7.7.4 Diversity and Mix: A diversity of housing types (i.e. single family and multi-family) is permitted and encouraged. For developments involving both single family and multi-family dwelling units, the standards of Articles 7.5 Single Family Open Space Development and 7.6 Multi-Family Open Space Development must be adhered to for each type of development.

7.7.5 Utilities: All electrical, telephone and other utilities shall be located underground.

7.7.6 Allowance for Lots Separated by a Municipal Trail: Parcels separated by a municipal trail right-of-way may be considered contiguous land. All applicable setbacks from public rights-of-way (ROW) shall still apply.

Article 8. HISTORIC DISTRICT

8.1 GENERAL ADMINISTRATIVE

The Town, by the authority granted under NH RSA §674:46, established a Historic District Commission on June 8, 1970.

8.1.1 Membership: The Commission shall consist of seven members appointed by the Selectmen. One of the seven members shall be a Selectman and one shall be a member or an alternate member of the Planning Board, each appointed for a one-year term. Remaining members will be appointed for three year terms: the initial terms of such members shall be staggered so that no more than three appointments occur annually, except when required to fill vacancies. Selectmen shall appoint four alternate members to serve terms of three years: the initial terms of alternate members shall be staggered so that no more than two appointments occur annually, except when required to fill vacancies.

8.2 PURPOSE AND INTENT

8.2.1 The purposes of the Historic District Commission of Exeter are:

A. To safeguard the heritage of the Town as it is represented in structures of historical and architectural value located, or which may be located, in an historic district;

B. To preserve and reflect elements of the community's architectural, cultural, social, economic and political history;

C. To conserve property values;

D. To foster civic pride; and

E. To promote use of an historic district for the education, pleasure and welfare of the citizens of Exeter.

8.2.2 The intent of the Downtown Historic District is to preserve the scale and unique character of Exeter's downtown, while permitted new construction of a size, scale and design that will be in harmony with the old. It is intended that the Water Street commercial area retain and enhance its commercial character, and that residential portions of the districts retain their residential qualities.

8.3 SCOPE OF REVIEW

8.3.1 Activities Requiring Review: It shall be unlawful for any person to construct, alter, modify, repair, move or demolish any building, structure or improvement which lies within a Historic District without first obtaining a Certificate of Approval from the Historic District Commission, or in the case of a project of minimal impact, the Code Enforcement Officer and the Deputy Code Enforcement Officer, in the manner prescribed in this section.

8.3.2 Exempt Activities: The following activities are not subject to review under this section:

A. Ordinary maintenance, repair and/or replacement of any architectural feature which does not involve a change in design, materials or outer appearance.

8.3.3 Projects of Minimal Impact: For the purpose of this section, the following activities shall be considered to be projects of minimal impact and shall be reviewed and approved, conditionally approved or disapproved by the Code Enforcement Officer and the Deputy Code Enforcement Officer prior to the issuance of any building or demolition permit:

A. Erection, construction or repair of a fence or shed provided the following criteria are met:

1. The exterior design, arrangement, texture and materials are compatible with the existing building or structure or if new construction, the surrounding area;

2. The scale and general size of the building or structure is compatible with the existing surroundings; and,

3. All proposed chain link fencing (except in-kind replacement) shall be considered a Major Impact and require Historic District Commission approval;

4. Sheds shall be placed fully behind the principal structure and be 200 square feet or less to be considered as a minimal impact;

5. Alteration, including landscaping, grading, excavating, and/or paving of a site, provided that the following criteria are met:

Parking areas, wherever possible, should be placed to the rear of buildings. Parking areas, wherever visible from the street, shall be screened by planting beds or hedges. Fences and low stone walls are also acceptable as long as they have plantings in front of them. All hardscape features shall be considered a major impact and be reviewed by the Historic District Commission. Hardscape includes landscaping details such as stone or concrete walkways, decks, retaining walls, patios, and other landscaping designs that use stone, wood, pebbles, brick, metal, and other similar materials.

Where appropriate and at the discretion of the Code Enforcement Officer, alterations of a site may be reviewed by the Chair of the Historic District Commission or his/her designee.

B. Erection, alteration, or replacement of a sign(s), provided the proposed signage adheres to the following criteria:

1. Signs shall fit within existing features of the facade. On most buildings, lintels or bands of decorative moldings create natural frames for signs.

2. Projecting signs shall align with some horizontal element on the facade (i.e., top of sign aligns with top of window; bottom of sign aligns with bottom of window; bottom of sign aligns with top of lintel). Where possible, signs shall be aligned with other signs on adjacent buildings.

Projecting signs shall be supported by black iron attachments to the building unless already existing and not being altered.

3. Guy wires shall not be permitted as a principle sign support member. No support for the projecting sign shall extend above the cornice to which it is attached.

4. Internally lighted signs shall be prohibited. Only shielded, indirectly lighted signs shall be permitted.

5. Materials, such as wood, glass, bronze, MDO plywood, high density urethane or iron shall be used. Plastic (visible), aluminum, and vinyl (except lettering) shall be considered a Major Impact and are prohibited unless it can be

demonstrated the Historic District Commission that their use is historically consistent with the architecture of the building.

Signs within the historic district shall comply with the provisions of Articles 5.7.7 and 5.7.8 of this ordinance, its successors or amendment ordinance.

C. Essential outdoor mechanical equipment (ducts, fans, solar panels, etc.) provided they are installed in locations which create the least disturbance to the historical appearance of the building and which involve the minimum alteration to its structural integrity. Any outdoor mechanical equipment that will be visible from a public right-of-way shall be considered a Major Impact and be reviewed by the Historic District Commission.

At the discretion of the Code Enforcement Officer, any application for a project of minimal impact that is not in clear conformance with the above-outlined guidelines shall be referred to the Historic District Commission for review and action.

The Code Enforcement Officer and the Deputy Code Enforcement Officer shall have the final authority to approve, conditionally approve or disapprove applications for projects of minimal impact. However, if the Code Enforcement Officer and the Deputy Code Enforcement Officer are not in full agreement about the disposition of the application, the application shall be forwarded to the Historic District Commission for full review and action. Furthermore, the decision of the Code Enforcement Officer and the Deputy Code Enforcement Officer may be appealed to the Historic District Commission provided that notice of the appeal is filed within thirty (30) work days of the staff's decision.

8.3.4 Projects of Major Impact. Development activity not specifically listed as an exempt activity or as a project of minimal impact shall be considered a project of major impact and shall go through the review process of the Historic District Commission as outlined in the subsections below.

8.4 AUTHORITY TO ADOPT REGULATIONS

The Historic District Commission, after notice and public hearing, may adopt such regulations regarding its procedures in hearing and processing applications and

statements of policy as required by NH RSA §31:89-e as it shall deem fit and shall compile such regulations in printed form to be available to applicants and citizens of the Town.

8.5 APPEALS

Any person or persons jointly or severally aggrieved by a decision of the Historic District Commission shall have the right to appeal that decision to the Zoning Board of Adjustment within thirty (30) days of the decision being rendered. Any person or persons jointly or severally aggrieved by a decision of the Code Enforcement Officer and the Deputy Code Enforcement Officer shall have the right to appeal that decision to the Historic District Commission within thirty (30) days of the decision being rendered.

8.6 ADMINISTRATION, ENFORCEMENT AND LIMITATION

8.6.1 These articles shall be administered by the Commission, the Code Enforcement Officer and the Deputy Code Enforcement Officer and such other lawfully empowered officers of the Town.

8.6.2 In addition to all others lawfully entitled to enforce these articles, the Historic District Commission is empowered to enforce them in accordance with NH RSA §674:46.

8.6.3 Nothing in these articles shall be construed to prevent ordinary maintenance or repair of any structure or place within any historic district, nor to prevent the construction, alteration, repair, moving or demolition of any structure under a permit issued by the Building Inspector or other duly delegated authority prior to the establishment of any such district.

8.7 DISTRICTS

8.7.1 Front Street Historic District: On June 10, 1971, the Town voted to establish the Front Street Historic District that is bound as follows:
At a point beginning at the centerline of Spring Street at the junction of Front Street, thence running northerly along said Spring Street to a point at the centerline of Water Street at the junction of Spring and Water Streets, thence turning and running in a southeasterly direction along said Water Street to a point at the junction of Water and Front Streets, thence turning and running southerly to a point at the junction at Lincoln and Front Street. This district shall include all properties on both sides of Front Street to the property line or 200 feet from the curb line, whichever

comes first. Also included in this district is Gale Park and the Moses Kent House. The Historic District shall include all lands within the bounds as set forth by these boundaries.

8.7.2 Downtown Historic District: The Downtown Historic District is bounded as follows (boundaries identical to those voted by the Town on March 20, 1978):

An area beginning at the centerline of Water Street where it intersects with Main Street, then runs easterly along the centerline of Water Street and High Street to the intersection with Portsmouth Avenue, and includes all portions of all properties with frontage on these portions of Water Street and High Street not already included in the so-called "Front Street" Historic District established on June 10, 1971, to a depth of 200 feet from the curb line or the rear property line, whichever comes first; and the district includes all land between Water Street and the banks of the Exeter and Squamscott Rivers, and the Exeter and Squamscott Rivers from a line connecting Jady Hill Avenue to a point on the Swasey Parkway 200 feet from its intersection with Water Street, to a line 200 feet southeasterly of the High Street bridge, including Kimball's Island; the district includes an area beginning at the intersection of Pleasant Street with High Street and running northerly along Pleasant Street and Chestnut Street to its intersection with Chestnut Hill Avenue, then proceeding southwesterly along Chestnut Hill Avenue to its intersection with Water Street and including all properties with frontage on the above portions of Pleasant Street and Chestnut Street to a depth of 200 feet from the curb line or the rear property line, whichever comes first, and all property that fronts on Chestnut Hill Avenue between Chestnut Street and the easterly bank of the river to a depth of 50 feet and all properties lying between said portion of Pleasant and Chestnut Streets and the Exeter/Squamscott Rivers. The District is intended to specifically include the properties from 1 – 35 High Street, and 2 – 30 High Street, and the properties fronting on Gilman Lane within 200 feet of High Street, and properties at No. 1 and No. 2 – 24 Franklin Street, and the properties at 11 – 13 Chestnut Street. The District is also described on an excerpt from the Exeter Tax Map entitled "Downtown Historic District," dated January 30, 1978.

8.7.3 High Street Historic District: The High Street Historic District is bounded as follows (boundaries identical to those voted by the Town on March 14th, 2006):

An area beginning at the centerline of High Street where it intersects with Portsmouth Avenue, thence running easterly along the centerline of High Street to the intersection of Ridgewood Terrace, and includes all portions

of all properties with frontage on these portions of High Street to a depth of 200 feet from the curb line or the rear property line, whichever comes first; and the district includes an area beginning at the intersection of High Street and Rocky Hill Road and running northerly along Rocky Hill Road to the end of Rocky Hill Road, and includes all portions of all properties with frontage on these portions of Rocky Hill Road to a depth of 200 feet from the curb line or the rear property line, whichever comes first. The District is intended to specifically include the properties from 46 – 176 High Street and 39 – 175 High Street, and the properties from 3 – 5 Rocky Hill Road and 2 Rocky Hill Road.

8.7.4 Additional Historic Districts: This article shall be applicable to such additional historic districts as may be established by vote of the Town.

8.8 STANDARDS AND EXTENT

8.8.1 Jurisdiction of these articles extends to all structures not owned by the Town of Exeter, the State of New Hampshire, or the United States government and located in whole or in part within the boundaries of the District. Other subjects covered by the ordinance include, but are not limited to: signs, landscape features, fences, street furniture, and other factors affecting the character of the streetscape.

8.8.2 Changes or additions to structures and appurtenances, including those described in this paragraph, in the historic districts shall be permitted by written approval of the Historic District Commission after review of the following criteria.

A. New Building and Structures: New construction shall be evaluated on the basis of its compatibility with existing structures and overall effect on the historic character of the district.

B. Existing Buildings: The exterior of existing buildings (front, sides and rear visible within the Historic District) may be maintained as is. If there are to be changes, it shall be to maintain or reestablish their basic appearance as of the time of construction, or to another period when the façade attained architectural significance. No significant architectural details may be removed or changed without a Certificate of Approval from the Historic District Commission. Synthetic siding materials shall not be used to cover or replace existing architectural features, unless approved by the Historic District Commission. Contemporary design treatment may be deemed appropriate where

previous modifications have removed significant architectural features and on the rear of structures along the Squamscott River. Exterior maintenance and repairs (including but not limited to, painting and staining) are not within the jurisdiction of the Historic District Commission providing surface preparation and repairs do not alter, damage or deface existing architectural elements. Parties interested in promoting the spirit and intent of the District are encourage to come before the Commission for informal guidance in the selection of historically appropriate colors or details.

C. Specific Design Considerations:

All applications shall be judged on the following criteria:

1. Proportions of facades (scale, massing of elements).
2. Proportions of openings within the façade.
3. Rhythm of solids to voids within the façade.
4. Rhythm of spacing of buildings on street or along roads or pathways.
5. Percent of lot coverage and setback relative to adjacent structures.
6. Size and rhythm of projections.
7. Relationship of materials to existing adjacent structures.
8. Relationship of texture.
9. Relationship of color of pre-finished or natural materials.
10. Relationship of architectural details.
11. Relationship of roof configurations and slopes.
12. Relationship of landscaping.
13. Such other criteria as the Commission may promulgate by regulation proximal to the authority granted in Article 8.3 Scope.

D. Scale: Story heights of new construction or additions to existing buildings shall not be ten percent (10%) over, or under, the average height of adjacent buildings (within a 250 foot radius of the center of the parcel).

E. Marina Facilities: Those marina facilities constructed on or over the water shall be of predominantly wooden construction; however, modern engineering methods and treated materials may be used.

F. Demolition, Removal or Relocation: No structure or portion of any structure shall be demolished, removed, or relocated within the district without the approval of the Commission.

G. Signs: Signs within the historic district shall comply with the provisions of Articles 5.7.7 and 5.7.8 of this ordinance, its successors or amendment ordinance.

8.9 GENERAL POLICY

The Historic District Commission in making decisions shall apply the above paragraphs and consider the Downtown Master Plan, and the Secretary of the Interior's Guidelines for Rehabilitation of Historic Structures.

Article 9. NATURAL RESOURCE PROTECTION

9.1 WETLANDS CONSERVATION DISTRICT

9.1.1 Purpose and Intent: The purpose of the Wetlands Conservation District is to protect the public health, safety and general welfare of the community by promoting the most appropriate use of land and the protection of wetland ecosystems and water quality in accordance with the goals and objectives of the most recent Exeter Master Plan. It is intended that this article shall:

A. Prevent the development of structures and land uses on wetlands and wetland areas of very poorly drained soils and poorly drained soils and/or their buffers which will contribute to pollution of surface and groundwater by sewage or toxic substances, excess nutrients or sedimentation;

B. Prevent the destruction of, or significant changes to, those wetland areas, related water bodies, and adjoining land which provide flood protection;

C. Protect wetland systems that provide filtration of water flowing into ponds and streams, augment stream flow during dry periods and which connect to the ground or surface water supply;

D. Protect wildlife habitats, maintain ecological function and support other public purposes such as those cited in NH RSA §482-A:1 and as amended from time to time;

E. Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas;

F. Prevent unnecessary or excessive expense to the Town for the purpose of providing and/or maintaining essential services and utilities which might be required as a result of development in wetlands; and

G. Prevent damage to structures and properties caused by inappropriate development in wetlands.

9.1.2 Applicability: All proposed development, removal of vegetation, and alteration/disturbance of the land including but not limited

to drainage, wastewater disposal system, wells and other utilities within the wetlands conservation overlay district is subject to this ordinance.

9.1.3 Boundaries and Setbacks: The Wetlands Conservation Overlay District includes:

A. Surface waters of the State.

B. Wetlands of any size including but not limited to swamps, bogs, marshes, ponds, lakes, and vernal pools.

C. Inland streams shown on USGS 7.5 minute 1:24,000-scale topographic maps, including intermittent streams. Note: Additional restrictions and setbacks apply if within Exeter Shoreland Protection District, Article 9.3.

D. Man-made drainage structures including but not limited to detention ponds, retention ponds, and drainage swales shall not be considered part of the Wetlands Protection Overlay District.

E. A wetland buffer area comprised of all land parallel to and measured from the edge of the wetland boundary on a horizontal plane to a width defined below:

	Projects Not Requiring Site Plan or Subdivision Application		**Projects Requiring Site Plan or Subdivision Application**		
Wetland Category	**Limited Use Buffer including Parking and Structures**	**Wastewater System Setback**	**Limited Use Buffer**	**Parking and Structure Buffer**	**Wastewater System Setback**
Prime Wetland *As identified in the 2005 Prime Wetland Report*	100'	125′	100'	125′	125′
Vernal Pool	75'	100′	75'	100′	100′

Exemplary Wetlands **As designated by the NH Heritage Bureau*	50'	75′	50'	75′	75′
Wetlands with Very Poorly Drained (VPD) Soils	50'	75′	50'	75′	75′
Wetlands with Poorly Drained	40'	75′	40'	75′	75′
Inland Streams (incl. intermittent)	25'	75′	25'	75′	75′

F. Boundary Appeals: In the event that the Building Inspector, the Planning Board, or the Conservation Commission questions the validity of the boundaries of a wetland area on a specific parcel of land, or upon written petition of the owner or any abutter of the said property to the Planning Board, the Board may call upon the services of a scientist qualified to delineate wetlands in accordance with the standards and criteria specified in 9.1.4.J Wetlands Delineation in order to examine said area and report the findings to the Planning Board for their determination of the boundary. Expenses incurred in retaining these services shall be paid by the landowner.

9.1.4 Definitions:

A. Buffer: The protected upland areas adjacent to all systems described within the Wetlands Conservation Overlay District. This area acts as essential maintenance and protection of wetland value and function.

B. Certified Wetlands Scientist: A person qualified to delineate wetland boundaries and prepare wetland maps who is certified by the State of New Hampshire Board of Natural Scientists, as defined by RSA 310-A:76, II-A and as amended from time to time.

C. Development: Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading excavation or drilling activities.

D. Exemplary Wetlands: The NH Natural Heritage Bureau tracks "exemplary" natural communities including wetlands. To qualify as exemplary, the wetland in a given place must be of a rare type, or must be a very old occurrence of a common community in good condition.

E. Limited Use Buffer: Uses within this buffer area are restricted to permitted or conditionally permitted uses through these regulations. Any modification not specifically identified as permitted or conditionally permitted, is considered prohibited.

F. Prime Wetlands: Those areas designated Prime Wetlands in accordance with RSA 482-A:15, and the NH Code of Administrative Rules Env-Wt 700, and as amended from time to time.

G. Setback: Distance from the wetland boundary, within which a use is prohibited. Any zoning board action to authorize a use within a setback is still subject to a conditional use permit from the Planning Board.

H. Surface Waters of the State: Pursuant to RSA 485-A:2.XIV and as amended from time to time, perennial and seasonal streams, lakes, ponds, and tidal waters within the jurisdiction of the state, including all streams, lakes, or ponds bordering on state, marshes, water courses, and other bodies of water, natural or artificial.

I. Vernal Pool: A body of water, typically seasonal, that provides essential breeding habitat for certain amphibians and invertebrates, does not support viable fish population, and meets the criteria established by the New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program, *Identification and Documentation of Vernal Pools in New Hampshire*, rev 2004 and as defined in accordance with the NH Code of Administrative Rules Env Wt-100 as subsequently amended.

J. Wetland: Pursuant to RSA 482-A:2.X and as amended from time to time, an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. They include, but are not limited to, swamps, bogs, marshes, ponds, lakes, and all such areas as included in the jurisdictional definition of the New Hampshire Wetlands Board Administrative Rules, Chapter Wt 100 as subsequently amended.

K. Wetland Delineation: Wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology, delineated in accordance with Env-Wt 301.01 and as amended from time to time, and whether any wetlands are designated as prime wetlands in accordance with RSA 482-A:15 and as amended from time to time.

9.1.5 Permitted Uses: The following uses, to the extent permitted in the underlying zoning district, shall be permitted in the Wetlands Conservation Overlay District as specified, provided that the proposed use will not cause increases in surface or groundwater contamination, contribute to soil erosion, or cause a degradation of the wetland**.**

A. Agriculture, including grazing, hay production, truck gardening and silage production provided the activity does not impact a prime wetland's 100' buffer.

B. Forestry and tree farming to include the construction of access roads for said purpose provided that the activity does not impact a prime wetland's 100-foot buffer.

C. Wildlife habitat development and management.

D. Recreational uses consistent with the purpose and intent of this article.

E. Conservation area and nature trails.

F. The construction of well water supplies.

G. Elevated, uncovered decks attached to an existing structure, free-standing gazebo or garden-type structures,

and storage sheds not exceeding 120 s.f. in size when elevated on blocks, sonatubes or similar footing provided they maintain a minimum ten foot (10') setback from the edge of wetland.

H. Native, non-invasive plantings such as trees and shrubs.

I. Projects that reduce impervious surfaces while ensuring the protection of the wetland buffer through erosion and sediment control best management practices as reviewed and approved by the Planning Department.

J. Projects that re-vegetate or re-vitalize in some way an already disturbed buffer zone as reviewed and approved by the Planning Department.

9.1.6 Conditional Uses:

A. Conditional Use Permit: Under the enabling authority granted by NH RSA §674:21 II and as amended from time to time, the following uses are only permitted in the Wetlands Conservation Overlay District pursuant to the issuance of a conditional use permit by the Planning Board. Before the Planning Board undertakes a conditional use review, the applicant shall make application, on forms provided in the Planning Department, to the Conservation Commission for review and comment. The application shall document the degree of permanent and temporary impact and detail how the conditions listed in article 9.1.6.B below are met. The Planning Board shall consider the comments or recommendations from the Conservation Commission prior to acting upon a Conditional Use Permit.

1. Site development such as but not limited to construction of roads and other access ways, parking areas, utilities, structures, drainage systems, water impoundment and other site improvements that impact the Wetlands Conservation Overlay District.

2. Agricultural activities within the 100' prime wetland buffer including grazing, hay production, truck gardening and silage production in accordance with best management practices.

3. Forestry and tree farming within the 100' prime wetland buffer when conducted consistent with the best management practices as published by the NH Department of Natural and Cultural Resources and NH Cooperative Extension.

B. Conditions: Prior to issuance of a conditional use permit, the Planning Board shall conclude and make a part of the record, compliance with the following criteria:

1. That the proposed use is permitted in the underlying zoning district;

2. No alternative design which does not impact a wetland or wetland buffer or which has less detrimental impact on the wetland or wetland buffer is feasible;

3. A wetland scientist has provided an impact evaluation that includes the "functions and values" of the wetland(s), an assessment of the potential project-related impacts and concluded to the extent feasible, the proposed impact is not detrimental to the value and function of the wetland(s) or the greater hydrologic system.

4. That the design, construction and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the wetland or wetland buffer;

5. That the proposed use will not create a hazard to individual or public health, safety and welfare due to the loss of wetland, the contamination of groundwater, or other reasons;

6. The applicant may propose an increase in wetland buffers elsewhere on the site that surround a wetland of equal or greater size, and of equal or greater functional value than the impacted wetland.

7. In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use, the applicant has included a restoration proposal revegetating any disturbed

area within the buffer with the goal to restore the site as nearly as possible to its original grade and condition following construction.

8. That all required permits shall be obtained from the New Hampshire Department of Environmental Services Water Supply and Pollution Control Division under NH RSA §485-A: 17, the New Hampshire Wetlands Board under NH RSA §483-A, and the United States Army Corps of Engineers under Section 404 of the Clean Water Act.;

9.1.7 Prohibited Uses: In reviewing an application for a variance from the provisions of this subsection, the Zoning Board of Adjustment may request that the Conservation Commission and/or the Planning Board review the application and provide written comment as to the potential impacts the proposed use may have on wetlands and wetland buffers. The following uses are not permitted in the Wetlands Conservation Overlay District, notwithstanding that they may be permitted in the underlying zoning district:

A. Salt storage

B. Automobile junkyards

C. Solid or hazardous waste facilities

D. Use of fertilizer on lawns, except lime or wood ash

E. Bulk storage or handling of chemicals, petroleum products, underground tanks, hazardous materials, or toxic substances as defined under NH RSA 147-A2, VII and as amended from time to time.

F. Snow storage, unless in accordance with NH Department of Environmental Services Snow Disposal Guidelines (Document WMB-3, 2007)

G. Sand and gravel excavations

H. Processing of excavated material

I. Any use not specifically listed as a permitted or conditional use.

9.1.8 Lot Size Determination:

A. Areas defined as jurisdictional wetlands in this article may be used to satisfy up to twenty-five percent (25%) of the minimum lot size required by the zoning ordinance, provided that the remaining lot area is sufficient in size and configuration to accommodate adequately all required utilities such as sewage disposal and water supply, and will accommodate permitted structures and lot access.

B. No open bodies of water may be used to satisfy minimum lot sizes.

C. The twenty-five percent (25 %) limitation of this article may be increased up to fifty percent (50%) for minimum sized lots in the RU or R-1 districts that are served by municipal water and sewer, provided all setbacks are adhered to.

9.1.9 Wetland Boundary Markers: The Planning Board or Conservation Commission may require wetland boundaries or the WCOD, to be marked with an identifiable permanent marking system when adjacent to proposed developed areas.

9.1.10 Non-Local Permits: Notwithstanding the provisions of this article or local approval of proposed uses, any permits required by the New Hampshire Department of Environmental Services Water Supply and Pollution Control Division under NH RSA §485-A:17, the New Hampshire Wetlands Board under NH RSA §482-A, or the United States Army Corps of Engineers under Section 404 of the Clean Water Act shall be obtained prior to the use or alteration of wetlands. Separate local approval of regulated uses in wetlands shall be required irrespective of obtaining non-local permits.

9.1.11 Enforcement: Any wetlands altered in violation of this article shall be restored at the expense of the violator(s) as provided by NH RSA §482-A. The Code Enforcement Officer shall be responsible for the enforcement of the provisions of this ordinance.

9.2 AQUIFER PROTECTION DISTRICT ORDINANCE

9.2.1 Administration: The provisions of the Aquifer Protection District shall be administered by the Planning Board. All development proposals, other than single-family residential construction not involving the subdivision of land, shall be subject to subdivision and/or site plan review and approval in accordance with Planning Board rules and regulations. Such review and approval shall precede the issuance of any building permit by the Town.

9.2.2 Purpose: The Aquifer Protection Overlay District (A) is designed to protect, preserve and maintain potential ground water supplies and related ground water recharge areas within a known aquifer identified by the Town. The objectives of the district are:

A. To protect the public health and general welfare;

B. To promote future growth and development, in accordance with the Master Plan, by ensuring the future availability of public and private water supplies;

C. To encourage uses that can appropriately and safely be located in the aquifer recharge areas;

D. To control development and land-use practices that may detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants;

E. To ensure that any proposed use will not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer;

F. To ensure against discharge of wastewater on site other than that typically discharged by domestic wastewater disposal systems, and against on-site storage or disposal of toxic or hazardous wastes as herein defined.

9.2.3 General Regulations:

A. <u>District Boundaries</u>:

1. The Aquifer Protection overlay district is defined as the area(s) delineated and labeled "Aquifer Protection Overlay District" (A) on the official zoning map of the Town of Exeter. Source document: Geologic and Groundwater Quality Data for Stratified Drift Aquifers in the Exeter, Lamprey and Oyster River Basins, Southeastern New Hampshire, published by the U.S. Geological Survey.

2. For the purposes of this ordinance, the primary recharge area for an identified aquifer is considered to occupy the same area as the aquifer.

3. Appeals: Where the bounds of the identified aquifer or recharge area, as delineated, are in doubt or in dispute, any landowner aggrieved by such delineation may appeal the boundary location to the Planning Board. Upon receipt of such appeal, the Planning Board shall suspend further action on development plans related to the area under appeal and shall engage, at said landowner's expense, a qualified hydrogeologist to prepare a report determining the proper location and extent of the aquifer and recharge area relative to the property in question. The aquifer delineation shall be modified by such determination subject to review and approval by the Planning Board.

B. Design and Operation Guidelines: Where applicable, the following design and operation guidelines shall be observed within the Aquifer Protection District:

1. Safeguards: Provision shall be made to protect against toxic or hazardous materials discharge or loss resulting from corrosion, accidental damage, spillage, or vandalism through measures such as, but not limited to: spill control provisions in the vicinity of chemicals or fuel delivery points; secured storage areas for toxic or hazardous materials; and indoor storage provisions for corrodible or dissolvable materials. All fuel storage shall comply with NH Administrative Rule W.S. 411, notwithstanding exemptions provided therein. For operations that allow the evaporation of toxic or

hazardous materials into the interiors of any structure, a closed vapor recover system shall be provided for each such structure to prevent discharge of condensate into the groundwater.

2. Location: Where the premises are partially outside of the Aquifer Protection Overlay Zone, potential pollution sources such as on-site waste disposal systems shall be located outside the Zone to the extent feasible.

3. Drainage: All runoff from impervious surfaces shall be recharged on the site, and diverted toward areas covered with vegetation for surface infiltration to the extent possible. Dry wells shall be used only where other methods are not feasible, and shall be preceded by oil, grease, and sediment traps to facilitate removal of contaminants.

C. Use Regulations:

1. Minimum Lot Size: The minimum lot size within the Aquifer Protection District for each dwelling unit if a residential use, or each principal building if a non-residential use, shall be three (3) acres or 130,680 square feet. This shall not apply for lots served by municipal sewer system.

2. Hydrogeologic Study:

   a. Site Plan: For multi-family, commercial, or industrial development proposals within, or partially within, the Aquifer Protection District (A), a hydrogeologic study shall be performed be a registered hydrogeologist. This study shall evaluate the development's impacts on groundwater within both the parcel to be developed and the surrounding land. The groundwater quality beyond the property lines of said site shall not be degraded by polluting substances such as nitrates, phosphates, bacteria, etc. Larger lots may be required based on findings of said study.

b. Subdivision: For single-family subdivision proposals of four (4) lots or greater, within the Aquifer Protection District (A), a hydrogeologic study shall be performed by a registered hydrogeologist.

c. For subdivisions of three (3) lots or less, the Planning Board will determine, on a case-to-case basis, the need for a hydrogeologic study. Particularly sensitive sites may include areas that have septic systems in close proximity to wells, or may contain excessively drained soils or steep slopes.

3. Maximum Lot Coverage: Within the Aquifer Protection District (A), no more than ten percent (10%) of a single lot, may be rendered impervious to groundwater infiltration.

4. Septic System Design and Installation: In addition to meeting all local and state septic systems siting requirements, all new on-lot wastewater disposal systems installed in the (A) district shall be designed by a Sanitary Engineer Licensed in New Hampshire. These systems shall be installed under the supervision of said engineer who shall perform a basal area inspection, in person, as part of said supervision.

D. A designated agent of the Town shall inspect the installation of each new system prior to covering, and shall certify that the system has been installed as designed.

E. Septic systems are to be constructed in accordance with the most recent edition of the "Guide for the Design, Operation and Maintenance of Small Sewage Disposal Systems" as published by the New Hampshire Water Supply and Pollution Control Division.

F. However, the following more stringent requirements shall apply to all septic systems construction:

1. At least twenty-four inches (24") (rather than six inches) of natural permeable soil above the seasonal high water table.

2. Four feet (4') (rather than three feet) of natural soil above bedrock.

3. Standards for fill material: Fill materials consisting of organic soils or other organic materials such as tree stumps, sawdust, wood chips and bark, even with a soil matrix, should not be used.

G. The in-place fill should have less than fifteen percent (15%) organic soil by volume.

H. The in-place fill should not contain more than twenty-five percent (25%) by volume of cobbles (six inch diameter).

I. The in-place fill should not have more than fifteen percent (15%) by weight of clay size particles (0.002m and smaller).

J. The fill should be essentially homogeneous. If bedding planes and other discontinuities are present, detailed analysis is necessary.

K. Prohibited Uses: The following uses are prohibited in the Aquifer Protection Zone:

1. Disposal of solid waste.

2. Storage and disposal of hazardous waste.

3. Disposal of liquid or leachable wastes except that from one or two-family residential subsurface disposal systems, or as otherwise permitted as a conditional use.

4. Industrial uses that discharge contact type process waters on-site. Non-contact cooling water is permitted.

5. Outdoor unenclosed storage or use of road salt or other de-icing chemicals, except by duly authorized municipal employees on municipally maintained roads in the performance of their duties.

6. Dumping of snow containing de-icing chemicals brought from outside the district.

7. Animal feedlots

8. Automotive services and repair shops, junk and salvage yards.

9. All on-site handling, disposal, storage, processing or recycling of hazardous or toxic materials.

10. Sand and gravel excavation and other mining within eight (8) vertical feet of the seasonal high water table.

11. Any use or activity that, in the opinion of the Zoning Board of Adjustment or its agent, is detrimental or more so than the above uses.

12. The use of fertilizer is restricted to the following conditions:

    a. Application follows best management practices, limiting the potential for nutrient runoff or groundwater infiltration.

    b. Fertilizer use is restricted to a minimum of 50% slow release nitrogen.

    c. Fertilizer must be phosphorus-free unless a recent (within 12 months) soil test indicates a deficiency. In those situations, fertilizer is limited to ≤2% phosphorus.

    d. Application rates may not exceed 0.5 lb. total nitrogen/1,000 ft^2, with an annual maximum application of 1.5 lb. of nitrogen/1,000 ft^2.

    e. Fertilizer restrictions may be waived by the Planning Board or their designee for circumstances indicated, provided the following conditions are met:

        i. <u>Heavy-Use Turf (i.e. athletic fields or high priority areas of golf courses such as greens</u>): Upon submission of a turf management plan adhering to all other criteria above, the Board

or their designee may increase application rate limits established in 12.b.iv to a maximum rate of 1 lb. total nitrogen/1,000 ft^2, with an annual maximum application of 3.0 lb. of nitrogen/1,000 ft^2. Waivers granted shall provide for temporary allowance, not to exceed 3 years.

ii. Restoration or Establishment of New Landscaping: With the exception of 12.b.i., above restrictions 12.a. and 12.b. above may be waived by the Board or their designee upon submission of written justification addressing the need and the specific location(s) within the property where the request applies and their relationship to the district boundary. Waivers granted will provide for temporary allowance, not to exceed one year.

9.2.4 Definitions:

A. **Animal Feedlot**: Any animal feedlot shall be considered one on which more than five (5) animals, other than house pets, are raised simultaneously.

B. **Aquifer**: For the purpose of this Ordinance, aquifer means a geologic formation, group of formations, or part of a formation that is capable of yielding quantities of groundwater useable for municipal or private water supplies.

C. **Fertilizer**: Any substance containing one or more recognized plant nutrients which are designed for use in promoting plant growth such as nitrogen, phosphorus or potassium. Fertilizer as defined shall not include nitrogen-free soil-building products such as molasses, humic acid, kelp, soil biological stimulants, secondary macronutrients, micronutrients, and biological inoculums.

D. **Groundwater**: All the water below the land surface in the zone of saturation or in rock fractures capable of yielding water to a well.

E. **Groundwater Recharge**: The infiltration of precipitation through surface soil materials into groundwater. Recharge may also occur from surface waters, including lakes, streams and wetlands.

F. **Leachable Waste**: Waste materials, including solid wastes, sludge, and agricultural wastes that are capable of releasing contaminants to the surrounding environment.

G. **Mining of Land**: The removal of geologic materials such as topsoil, sand, and gravel, metallic ores, or bedrock to be brushed or used as building stone.

H. **Recharge Area**: The land surface area from which groundwater recharge occurs.

I. **Solid Waste**: Any discarded or abandoned materials including refuse, putrescible materials, septage, or sludge, as defined by New Hampshire Solid Waste Rules He-P 1901.03. Solid waste includes solid, liquid, semi-solid, or contain gaseous waste materials resulting from residential industrial commercial, mining, and agricultural operations and from community activities.

J. **Toxic or Hazardous Materials**: Any substance or mixture of such physical, chemical, or infectious characteristics as to pose a significant, actual or potential hazard to water supplies, or other hazard to human health, if such substance or mixture were discharged to land or waters of this Town. Toxic or hazardous materials include, without limitation, volatile organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, and include products such as pesticides, herbicides, solvents and thinners, and such other substances as defined in New Hampshire Water Supply and Pollution Control Rules, Section Ws 410.04 (1), in the New Hampshire Solid Rules He-P 1901.03 (v) and in the Code of Federal Regulations 40 CFR 261, as examples. Waste generated by commercial activities such as, but not limited to, the following, are presumed to be toxic or hazardous, unless and except to the extent that anyone engaging in

such an activity can demonstrate the contrary to the satisfaction of the Planning Board:

- Airplane, boat and motor vehicle service and repair;
- Chemical and bacteriological laboratory operation;
- Dry cleaning;
- Electronic circuit manufacturing;
- Metal plating, finishing and polishing;
- Motor and machinery service and assembly;
- Painting, wood preserving and furniture stripping;
- Pesticide and herbicide application;
- Photographic processing;
- Printing

9.2.5 Additional Information and Site Plan Review/Subdivision Regulations:

A. Landscaping, walls & screening (Article 5.9 and Section 9.7 of the Site Plan Review/Subdivision Regulations).

B. Off-Street Parking (Article 5.6 and Sections 9.12 & 9.13 of the Site Plan Review/Subdivision Regulations).

C. Signs (Article 5.7).

D. All underlying zoning district classifications (Article 3).

9.3 EXETER SHORELAND PROTECTION DISTRICT ORDINANCE

9.3.1 Authority and Purpose: Pursuant to NH RSA §674:16-21 the Town of Exeter hereby adopts the Exeter Shoreland Protection District and accompanying regulations in order to protect and promote public health, resource conservation and the general welfare and to:

A. Protect, maintain and enhance the water quality of the Exeter River, its tributaries and the Water Works Pond in the Town of Exeter, and to ensure the continued availability of a safe public water supply;

B. Protect, maintain and enhance the water quality of the Squamscott River and its tributaries in the Town of Exeter.

C. Protect, maintain and enhance the water quality of the Fresh River and its tributaries in the Town of Exeter.

D. Conserve and protect aquatic and terrestrial habitat associated with river areas as well as intertidal and riparian areas;

E. Preserve and enhance those recreational and aesthetic values associated with the natural shoreline and river environment, both fresh and salt;

F. Encourage those uses that can be appropriately located adjacent to shorelines.

9.3.2 Definitions:

A. **Bulk Storage**: Storage of materials intended for wholesale distribution or used in a manufacturing facility.

B. **Contiguous Wetland**: A wetland which extends landward from its adjacent waterbody to a point where a natural or manmade discontinuity exists. Contiguous wetlands include bordering wetlands as well as wetlands that are situated immediately above the ordinary highwater mark and above the normal hydrologic influence of their adjacent waterbody. The lateral extent of a contiguous wetland depends upon the existence of a discontinuity. Man-made discontinuities include dikes and barriers such as roads, etc. Natural discontinuities may be river berms, beach dunes, abrupt slope changes or abrupt changes in the soil material.

C. **Fertilizer**: Any substance containing one or more recognized plant nutrients which are designed for use in promoting plant growth such as nitrogen, phosphorus or potassium. Fertilizer as defined shall not include nitrogen-free soil-building products such as molasses, humic acid, kelp, soil biological stimulants, secondary macronutrients, micronutrients, and biological inoculums.

D. **Hazardous and Toxic Materials**: Includes but is not limited to volatile organic chemicals, petroleum products, heavy metals, radioactive or infectious wastes, acids and alkalies, pesticides, herbicides, solvents, and thinners, and such other substances as defined in NH Ware Supply and Pollution Control Rules, Section Ws 410.04 (1), in NH Solid Waste Rules He-P 1901.03 (v), and in code of Federal Regulations 40 CFR 261.

E. **Mean High Water (salt)**: As determined according to the published tables and standards of the National Ocean Survey, adjusted to the locality from such tables.

F. **Perennial Brooks, Streams, and Creeks**: Brooks, streams and creeks that appear on U.S. Geological Survey quadrangle maps revised (7.5", scale 1": 24,000") covering the Town of Exeter.

G. **Residential Accessory Structure**: A subordinate structure located on the same lot as the principal building, the use of which is incidental to the principal building, and discharges no sewage or other wastes.

H. **Seasonal High Water Level (fresh)**: The average annual high water elevation of a stream, brook, or river, including contiguous wetlands and floodplains.

I. **Shoreline (fresh)**: The water's edge at seasonal high water level.

J. **Shoreline (salt)**: The water's edge at mean high water.

9.3.3 District Boundaries: The Exeter Shoreland Protection District is defined to include the following:

A. Exeter River (fresh):

1. The area of land within 300 feet horizontal distance of the seasonal high water level of the Exeter River and its major tributaries. Major tributaries of the Exeter River within the Town of Exeter are defined to be the following: water flowing north from Great Meadows, water flowing westerly from the Cove and from wetlands between Hampton and Hampton Falls Roads, Little River, Dudley Brook and Bloody Brook.

2. In addition, the area of land within 150 feet horizontal distance of the seasonal high water level of all perennial brooks and streams within the Exeter River Watershed and all other perennial brooks and streams.

B. Fresh River (fresh):

1. The area of land within 300 feet horizontal distance of the seasonal high water level of the Fresh River and its major tributaries.

2. In addition, the area of land within 150 feet horizontal distance of the season high water level of all perennial brooks and streams within the Fresh River Watershed.

C. Squamscott River (salt):

1. The area of land within 300 feet horizontal distance of the shoreline of the salt water Squamscott River, and the seasonal high water level of its fresh water major tributaries. Major tributaries of the Squamscott River within the Town of Exeter are defined to be the following: Norris Brook to its confluence with Watson Brook, Wheelwright Creek, Parkman Brook, and Rocky Hill Brook, and Dearborn Brook and Water Works Pond, due to their importance to the public water supply.

2. In addition, the area of land within 150 feet horizontal distance of the mean high water level of all perennial brooks, streams and creeks within the Squamscott River watershed.

3. The area of land within 150 feet horizontal distance of the upland extent of any tidal marsh adjacent to the Squamscott River

9.3.4 Use Regulations:

A. Minimum Lot Size: The minimum lot size within the Shoreland Protection District shall be the same as required in the underlying Zoning District and by applicable subdivision regulations for the Town.

B. Maximum Lot Coverage: Impervious surfaces, shall not cover more than ten percent (10%) of any lot or portion thereof within the Shoreland Protection District as defined in 9.3.3. unless a Conditional Use Permit is granted by the Planning Board under the terms of Article 9.3.4.G.2 Exeter Shoreland Protection District Ordinance – Conditional Use.

C. Building Setbacks: No building (except a structure permitted as a Conditional Use, under Article 9.3.4.G. Exeter Shoreland Protection District Ordinance – Conditional Use or a permitted use under Article9.3.4.I Permitted Uses) septic system or septic system leaching field, (except a repair or reconstruction) shall be constructed on or moved to a site within 300 feet from the shoreline of the Squamscott River, Dearborn Brook, Waterworks Pond, and Fresh River; within 150 feet from the shoreline of the Exeter River or the major tributaries of the Squamscott River and Exeter River as herein defined, or within 100 feet of the shoreline of perennial brooks and streams located within the Exeter Shoreland Protection District. A building setback of 150 feet upland from tidal marshes adjacent to the Squamscott River shall also be maintained.

1. Exemptions: Prior to the date on which this amendment was posted, the following uses are exempt from the provisions of Article 9.3.4-C.

    a. Septic Systems: septic systems or septic systems leaching field designs applied for with the State Water Supply and Pollution Control Boards as well as principal buildings associated with such uses.

    b. Applications Submitted: applications submitted for consideration by the Planning Board.

D. Surface Alterations: Alteration of the surface configuration of land by the addition of fill or by dredging shall be permitted within 150 feet of the shoreline of the Exeter River, Squamscott River or their major tributaries only to the extent necessitated by a permitted or conditionally permitted use.

E. Vegetative Buffer: Alteration of natural vegetation or managed woodland within 75 feet of the shoreline of the Exeter River, Squamscott River or their major tributaries shall be permitted only to the extent necessitated by a permitted or conditionally permitted use.

F. Prohibited Uses: The following uses shall not be permitted within the Exeter Shoreland Protection District:

1. Disposal of solid waste (as defined by the NH RSA §149-M) other than brush.

2. On site handling, disposal, bulk storage, processing or recycling of hazardous or toxic materials.

3. Disposal of liquid or leachable wastes, except from residential subsurface disposal systems, and approved commercial or industrial systems that are otherwise permitted by this article.

4. Buried storage of petroleum fuel and other refined petroleum products except as regulated by the NH Water Supply and Pollution Control Commission (Ws 411 Control of Non-residential Underground Storage and Handling of Oil and Petroleum Liquids). Storage tanks for petroleum products, if contained within basements, are permitted.

5. Outdoor unenclosed or uncovered storage of road salt and other de-icing chemicals.

6. Dumping of snow containing road salt or other de-icing chemicals.

7. Commercial animal feedlots.

8. Automotive service and repair shops; junk and salvage yards.

9. Dry cleaning establishments.

10. Laundry and car wash establishments not served by a central municipal sewer systems.

11. Earth excavation as defined by NH RSA §155:E, within 150 feet of the Exeter River, Squamscott River or their major tributaries. It is prohibited to conduct said excavation within four feet of the Seasonal High Water Table.

12. The use of fertilizer is restricted to the following conditions:

a. Fertilizer may not be applied within 100 feet of the shoreline of all regulated waterbodies in the Shoreland Protection District.

b. Between 100 feet from the shoreline of all regulated waterbodies to the extent of the District, fertilizer application must meet the following criteria:

   i. Application follows best management practices limiting the potential fir nutrient runoff or groundwater infiltration.

   ii. Fertilizer must contain a minimum of 50% slow release nitrogen.

   iii. Fertilizer must be phosphorus-free unless a recent (within 12 months) soil test indicates a deficiency. In those situations, fertilizer is limited to ≤ 2% phosphorus.

   iv. Application rates may not exceed 0.5 lb. total nitrogen/1,000 ft^2, with an annual maximum application of 1.5 lb. of nitrogen/1,000 ft^2.

c. Fertilizer restrictions may be waived by the Planning Board of their designee for circumstances indicated, provided the following conditions are met:

   i. <u>Heavy-Use Turf (i.e. athletic fields or high priority areas of golf courses such as greens</u>): Upon submission of a turf management plan adhering to all other criteria above, the Board or their designee may increase application rate limits established in 12.b.iv to a maximum rate of 1 lb. total nitrogen/1,000 ft^2, with an annual maximum application of 3.0 lb. of nitrogen/1,000 ft^2. Waivers granted

shall provide for temporary allowance, not to exceed 3 years.

ii. Restoration or Establishment of New Landscaping: With the exception of 12.b.i., above restrictions 12.a. and 12.b. above may be waived by the Board or their designee upon submission of written justification addressing the need and the specific location(s) within the property where the request applies and their relationship to the district boundary. Waivers granted will provide for temporary allowance, not to exceed one year.

G. Conditional Uses:

1. The following uses, if allowed in the underlying zoning district, are permitted only after a Conditional Use Permit is granted by the Planning Board.

   a. Industrial and commercial uses not otherwise prohibited in Article 9.3.4.F Exeter Shoreland Protection District Ordinance – Use Regulations of these regulations.

   b. Multi-family residential development.

   c. Transmission lines, access ways, including driveways and parking lots or roadways, paved or unpaved, within 150 feet of the Exeter River, Squamscott River or their major tributaries, or within 100 feet of perennial brooks, streams and creeks located within the Exeter Shoreland Protection District.

   d. Detention ponds, treatment swales, and other drainage structures as required by State or local regulations.

2. The Planning Board may grant a Conditional Use Permit for those uses listed above only after written findings of fact are made which have been reviewed by technical experts from the

Rockingham Conservation District, if required by the Planning Board, at the cost of the developer, provided that all of the following are true:

a. The proposed use will not detrimentally affect the surface water quality of the adjacent river or tributary, or otherwise result in unhealthful conditions.

b. The proposed use will discharge no waste water on site other than that normally discharged by domestic waste water disposal systems and will not involve on-site storage or disposal of hazardous or toxic wastes as herein defined.

c. The proposed use will nor result in undue damage to spawning grounds and other wildlife habitat.

d. The proposed use complies with the use regulations identified in Article 9.3.4 Exeter Shoreland Protection District Ordinance – Use Regulations and all other applicable sections of this article.

e. The design and construction of the proposed use will be consistent with the intent of the purposes set forth in Article 9.3.1 Exeter Shoreland Protection District Ordinance – Authority and Purpose.

H. Lots of Record: (See I.5 within this article.)

I. Permitted Uses: The following uses are permitted within the Exeter Shoreland Protection District provided they are conducted in accordance with the purpose and intent of this Ordinance.

1. Agriculture, including grazing, hay production, Christmas tree growing and harvesting, aquiculture, truck gardening and silage production, provided that such use will not cause increases in surface or groundwater contamination by pesticides, fertilizers, or other hazardous or toxic substances and that such use will not cause or

contribute to substantial soil erosion and stream sedimentation. However, no clearing of natural vegetation within the vegetated buffer (as defined in this Article under 9.3.4.E) shall be permitted for the purpose of establishing new tilled and cultivated farmland without a conditional use permit. All pesticide applications shall be conducted in strict accordance with the requirements set forth in NH RSA §430:28 et seq.

2. Forest Management, including the construction of access ways for said purpose and all harvests of woody vegetation for conversion of land to non-forest management or agricultural purposes. Partial cutting of trees is limited to thirty percent (30%) of the pre-harvest basal area for all live trees measuring six inches (6") diameter, breast height (4 ½ feet above ground level), or greater. Partial cutting shall be done in such a way that a well distributed stand of healthy growing trees remains. Clear cuts to develop improved wildlife habitat and promote forest regeneration are restricted to one-quarter (¼) acre openings dispersed throughout the Shoreland Protection District. Harvesting of trees in the Shoreland Protection District is limited to one cut per ten years. Salvage necessitated by acts of God shall exempt property owners from the conditions set forth in this paragraph.

3. Residential accessory structures, of less than 400 square feet in first floor area, within 150 feet of the Exeter River, Squamscott River or their major tributaries, or within 100 feet of perennial brooks, streams and creeks located within the Exeter Shoreland Protection District, providing that the Building Inspector has determined that the conditions set forth above have been met.

4. The clearing of natural vegetation for the creation of new agricultural land not closer than twenty feet from a shoreline, provided that any agricultural activities are carried out according to best management practices as prescribed by the

Rockingham County Conservation District as determined by the Code Enforcement Officer.

5. The erection of a single family residence or permitted duplex on an official lot of record, as recorded at the Rockingham county Registry of Deeds, prior to the date on which this amendment was posted and published in the Town, provided the Building Inspector determines the following to be true.

    a. The use for which the exception is sought cannot feasibly be carried out on a portion or portions of the lot that are outside the Exeter Shoreland Protection District.

    b. The design and construction of the proposed use will, to the extent practical, be consistent with the purpose and intent of this article.

6. Uses permitted in the underlying district of the Zoning Ordinance, except for those listed as conditional uses in this Article under G, Conditional Uses and those prohibited in F, Use Regulations.

J. Non applicability to the C-1 (downtown) and WC District: The following provisions within this Article shall not apply to the C-1 (downtown portion only) and WC Districts: 9.3.4: B, C, D, E, and F (8-11).

K. Validity: The invalidity of any provisions of this ordinance shall not affect the validity of any other provisions.

9.3.5 Administration:

A. General: The provisions of the Exeter Shoreland Protection District Ordinance shall be administered by the following:

1. Building Inspector for building permits;

2. Planning Board for subdivision, site plan review, and conditional use approval; and

3. Zoning Board of Adjustment for special exception approval of existing lots.

B. Enforcement: The Code Enforcement Officer shall be responsible for the enforcement of the provisions and conditions of the Exeter Shoreland Protection District Ordinance.

9.3.6 Effective Date: This Article shall become effective upon the date of passage. (Adopted March 1989)

9.4 FLOODPLAIN DEVELOPMENT ORDINANCE

9.4.1 This ordinance, adopted pursuant to the authority of NH RSA §674:16, shall be known as the Town of Exeter Floodplain Development Ordinance. The regulations in this ordinance shall overlay and supplement the regulations in the Town of Exeter Zoning Ordinance, and shall be considered part of the Zoning Ordinance for purposes of administration and appeals under state law. If any provision of the Zoning 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.

9.4.2 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 for the county of Rockingham, NH" dated May 17, 2005, 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.

9.4.3 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 Town of Exeter.

A. **Area of Special Flood Hazard**: Land in the floodplain within the Town of Exeter subject to a one-percent or greater possibility of flooding in any given year. The area is designated on the FIRM as zone A and AE.

B. **Base Flood**: The flood having a one-percent possibility of being equaled or exceeded in any given year.

C. **Base Flood Elevation:** The water surface elevation having a one percent possibility of being equaled or exceeded in any given year.

D. **Basement**: Any area of a building having its floor sub-grade on all sides.

E. **Building**: see "Structure"

F. **Development**: Any man-made change to improve or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operation, or storage of equipment or materials..

G. **FEMA**: Federal Emergency Management Agency

H. **Flood or Flooding**: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

I. **Flood Insurance Rate Map**: (FIRM) An 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 Town of Exeter.

J. **Flood Insurance Study**: An examination, evaluation, and determination of flood hazards and if appropriate, corresponding water surface elevation, or an examination and determination of mud slide or flood-related erosion hazards.

K. **Floodplain or Flood-prone area**: Any land area susceptible to being inundated by water from any source (See definition of "Flooding").

L. **Flood Proofing**: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures and their contents.

M. **Floodway**: see "Regulatory Floodway"

N. **Functionally Dependent Use**: A use which 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.

O. **Highest Adjacent Grade**: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

P. **Historic Structure**: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. 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;

3. 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

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    a. By an approved state program as determined by the Secretary of the Interior, or

    b. Directly by the Secretary of the Interior in states without approved programs.

Q. **Lowest Floor**: 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.

R. **Manufactured Home**: 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 days. This includes manufactured homes located in a manufactured home park or subdivision.

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

T. **Mean Sea Level**: 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 Flood Insurance Rate Map are referenced.

U. **New Construction:** 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 flood plain management regulation adopted by a community and includes any subsequent improvements to such structures.

V. **Recreational Vehicle**: A vehicle which is:

1. Built on single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

W. **Regulatory Floodway**: 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 increasing the water surface elevation more than a designated height.

X. **Special Flood Hazard Area**: See "Area of Special Flood Hazard".

Y. **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 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, footing, 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.

Z. **Structure**: For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tanks, that is principally above ground, as well as a manufactured home.

AA. **Substantial Damage**: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

BB. <u>Substantial Improvement</u>: The combination of repairs, reconstruction, alteration, or improvements to a structure in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should equal:

1. The appraised value prior to the start of the initial repair or improvement, or

2. 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 which 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".

CC. <u>Violation</u>: The failure of a structure or other development to by 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.

DD. <u>Water Surface Elevation</u>: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains.

9.4.4 Permits: The Building 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.

A. **Building Permit Requirement**: All proposed development in any special flood hazard areas shall require a building permit.

B. **Building Permit Review**: The Building Inspector shall review all building permit applications for new construction or substantial improvements to determine whether the 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:

1. 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;

2. Be constructed with materials resistant to flood damage;

3. Be constructed by methods and practices that minimize flood damages;

4. 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.

9.4.5 New or Replacement Water and Sewer Systems: 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 Building Inspector with assurance that 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 on-site waste disposal systems will be located to avoid impairment to them or contamination from them during periods of flooding.

9.4.6 New Structure Requirements: For all new or substantially improved structures located in Zones A and AE, the applicant shall furnish the following information to the Building Inspector:

A. The as-built elevation (in relation to mean sea level) of the lowest floor (including basement) and include whether or not such structures contain a basement.

B. If the structure has been flood-proofed, the as-built elevation (in relation to mean sea level) to which the structure was flood-proofed.

C. Any certification of flood-proofing.

The Building Inspector shall maintain for public inspection, and shall furnish such information upon request.

9.4.7 Development Along Watercourses:

A. 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 Building Inspector, in addition to the copies required by NH RSA §482-A:3. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector, including notice of all scheduled hearings before the Wetlands Bureau.

B. The applicant shall submit to the Building 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.

C. Along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.

D. 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.

E. In zone A, the building Inspector shall obtain review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that development meet the following floodway requirement:

> "No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge."

9.4.8 Base Flood Elevation:

A. In special flood hazard areas the Building Inspector shall determine the base flood elevation in the following order of precedence according to the data available:

1. In zone AE refer to the base flood elevation data provided in the community's Flood Insurance Study and accompanying FIRM.

2. In Zone A the Building Inspector shall obtain, review, and reasonably utilize any base flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).

3. In Zone A where the base flood elevation is not available, the base flood elevation shall be at least two feet above the highest adjacent grade.

B. The Building Inspector's base flood elevation, determination will be used as criteria for requiring in zones A and AE that:

1. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated at least one foot above the base flood elevation;

2. That all new construction or substantial improvement 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

   a. Be flood-proofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and

   c. 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 article;

3. Recreational vehicles placed on site within Zones A and AE shall either:

   a. Be on the site for fewer than 180 consecutive days;

   b. Be fully licensed and ready for highway use, or;

   c. Meet all standards of Section 9.4.8.(B)(4) of this ordinance.

4. All manufactured homes to be placed or substantially improved within special flood hazard areas 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;

5. For all new construction and substantial improvements, 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, useable solely for the parking of vehicles, building access or storage;

    b. The area is not a basement;

    c. Shall be designated 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: 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry or exit of floodwater.

9.4.9 Variances and Appeals:

A. Any order, requirement, decision, or determination of the Building Inspector made under this ordinance may be appealed to the Zoning Board of Adjustment as set forth in NH RSA §676:5.

B. If the applicant, upon appeal, requests a variance as authorized by NH RSA §674:33, I (b), the applicant shall have the burden of showing in addition to the usual variance standards under state law:

1. That the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense.

2. That if the requested variance is for activity within a designated regulatory floodway, no increase in flood levels during the base flood discharge will result.

3. That the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. The Zoning Board of Adjustment shall notify the applicant in writing that:

1. The issuance of a variance to construct below the base level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars ($25) for one hundred dollars ($100) of insurance coverage, and

2. Such construction below the base flood level increases risks to life and property.

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

D. The community shall:

1. Maintain a record of all variance actions, including their justification for their issuance, and

2. Report such variances issued in its annual or biennial report submitted to FEMA's Federal Insurance Administrator.

Article 10. GROWTH MANAGEMENT ORDINANCE

10.1 PREAMBLE

10.1.1 The Town of Exeter deems it desirable to control its growth, size and nature to achieve the following objectives:

A. To promote the development of an economically sound and environmentally stable "small town" residential community;

B. To preserve the scenic beauty and present aesthetic values of the Town;

C. To prevent scattered or premature development of the land;

D. To protect the health, safety, convenience, property and general welfare of its inhabitants;

E. To insure that the rate of growth of the Town does not unreasonably interfere with the Town's capacity for planned, orderly and sensible expansion of its services to accommodate such growth;

F. To promote development harmonious with land capabilities within the Town;

G. To prevent too rapid a pace of growth that tends to thwart the planning process and escalate too rapidly the growth and costs of municipal services, especially of schools;

H. To allow the shared goals, plans and objectives of the Town, its planning officials and its citizens to be realized in a comprehensive fashion as set forth in the Exeter Master Plan.

10.2 PHASING SUBDIVISION DEVELOPMENT:

10.2.1 Authority: Pursuant to the provisions of the New Hampshire Revised Statutes Annotated R.S.A. 674:21, the Town of Exeter adopts the following regulation to be administered by the Planning Board in conjunction with the Subdivision Regulation of the Town of Exeter.

10.2.2 Purpose:

A. To guide the implementation of major subdivisions in the Town of Exeter so that residents of the Town can be adequately served by community facilities, as those services are expanded.

B. To provide for the current and future housing needs of existing residents.

C. To insure fairness in the allocation of building permits.

D. To insure that construction costs to builders are not unduly increased by preventing them from erecting or creating several dwelling units as part of one project.

E. To phase in or control the implementation and development of tracts of land and future subdivisions thereon, at a rate which will be compatible with the orderly and gradual expansion of community services, including but not limited to education, fire protection, road maintenance, waste disposal, police protection and recreation.

10.2.3 Applicability: This article shall apply to all subdivision applications filed with the Planning Department that request approval of ten (10) or more building lots.

10.2.4 Procedure: The Planning Board may, in its discretion, establish a phasing schedule of any subdivision subject to the provision of this article specifying the number of dwelling units per year that can be constructed and the total numbers of years involved.

In establishing the phasing schedule pursuant to this article, the Planning Board shall take the following factors into consideration:

A. The area of the tracts usable and suitable for residential construction.

B. The general character of the neighborhood in which the tract lies, the effect of the plan on the area and the effect of the plan on the rural character of the Town.

C. The relation of the plan to the long-range plans of the Town as contained in the Town of Exeter Master Plan, as amended.

D. The natural terrain of the tract.

E. The impact of the proposed subdivision upon the ability of the Town to provide or expand municipal or community services if it is not phased.

10.2.5 Limitations: In establishing the phasing schedule, the Planning Board shall not restrict the number of dwelling units permitted annually to less than ten percent (10%) of the total number of dwelling units permitted in the approved subdivision plan.

Article 11. PUBLIC CAPITAL FACILITIES IMPACT FEE

11.1 AUTHORITY AND APPLICABILITY

11.1.1 This Article is authorized by New Hampshire RSA 674:21 as an innovative land use control. The administration of this article shall be the responsibility of the Planning Board. This Article, as well as regulations and studies adopted by the Planning Board consistent with and in furtherance of this Article, shall govern the assessment of impact fees imposed upon new development in order to meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the Town of Exeter, the Exeter School District, or the Exeter Region Cooperative School District.

11.1.2 The public facilities for which impact fees may be assessed in Exeter may include water treatment and distribution facilities; waste water treatment and disposal facilities; sanitary sewer; storm-water, drainage and flood control facilities; public road systems and right-of way; municipal office facilities; public school facilities including a proportional share of capital facilities of the Exeter Region Cooperative School District ; public safety facilities; public library facilities; and public recreation facilities not including public open space.

11.1.3 Prior to assessing an impact fee with exception of off-site improvements required by the Planning Board for one or more of the public capital facilities enumerated above, the Planning Board shall adopt such studies or methodologies and related fee schedules that provide for a process or method of calculating the proportionate share of capital improvement costs that are attributable to new development. Such calculations shall reasonably reflect the capital cost associated with the increased demand placed on capital facility capacity by new development.

11.1.4 The following regulations shall govern the assessment of impact fees for public capital facilities in order to accommodate increased demand on the capacity of these facilities due to new development.

11.2 PURPOSE

11.2.1 Assist in the implementation of the Town of Exeter Master Plan;

11.2.2 Provide for the planning and provision of public capital facilities necessitated by the growth of the Town of Exeter;

11.2.3 Provide adequate school system capacity to accommodate growth in public school enrollment generated by new development.

11.2.4 Assess an equitable proportion of growth-related costs of new and expanded public capital facilities to new development, in proportion to the facility demands created by that development.

11.3 FINDINGS

The Town of Exeter hereby finds that:

11.3.1 The Town of Exeter is responsible for and committed to the provision of public capital facilities and services at standards determined by the Town to be necessary to support development in a manner which protects and promotes the public health, safety and welfare;

11.3.2 An impact fee ordinance for public capital facilities is consistent with the goals and objectives of the Master Plan and the Capital Improvements Program of the Town of Exeter;

11.3.3 New development in Exeter will create the need for the construction, equipment, or expansion of public facilities in order to provide adequate public capital facilities for its residents and businesses.

11.3.4 Impact fees may be used to assess an equitable share of the growth-related cost of the capacity of public capital facilities resulting from the new development in proportion to the facility demands created by that development;

11.3.5 Impact fees assessed pursuant to this Ordinance will not exceed the cost of:

A. Providing additional expanded public capital facilities necessitated by new development in Exeter; and/or

B. Compensating the Town of Exeter, the Exeter School District, or the Exeter Region Cooperative School District for public capital facility capacity that it provided in anticipation of new development in Exeter.

11.4 DEFINITIONS

The following terms are defined for purposes of this article.

11.4.1 Fee Payer: The applicant for a permit that would create new development as defined in this ordinance.

11.4.2 Public Capital Facilities: Facilities and equipment owned, maintained or operated by the Town of Exeter, the Exeter School District, or the Exeter Region Cooperative School District. Facilities which are eligible for impact fee assessment under this Ordinance may include any or all of the facilities which are specifically delineated under NHRSA § 674:21 (V).

11.4.3 Gross Floor Area: The sum of the areas of all floors of main and accessory buildings on the lot as measured to the outside surface of the exterior walls. The gross floor area shall include basement, lobbies, and stair openings, elevator shafts and storage. The gross floor area shall exclude open wells, (atriums), mechanical rooms, crawl spaces and attics without floors, attics used only for mechanical services, porches, balconies and open-sided roofed-over areas.

11.4.4 New Development: An activity, which results in:

A. The creation of a new dwelling or dwelling units (as defined by Article 2.2 "Definition" contained in this Zoning Ordinance); or

B. The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of residential units; or

C. Construction of a new non-residential building or, a net increase in the gross floor area of any non-residential building; or

D. The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that are the subject of impact fee

assessment methodologies adopted by the Planning Board; or

E. A new or modified service connection to the public water system or the public wastewater disposal system of the Town of Exeter that would result in a net increase in demand on the capacity of these facilities.

New Development shall not include the replacement of an existing mobile home, or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in its size, intensification of, or type of use, and where there is no net increase in demand on public capital facilities.

11.5 COMPUTATION OF IMPACT FEE

11.5.1 The amount of each impact fee shall be assessed in accordance with subdivision and site plan regulations adopted by the Planning Board, or with written procedures or methodologies adopted and amended by the Planning Board and accepted by the Board of Selectmen for the purpose of public capital facility impact fee assessment in Exeter. The computation of an impact fee shall be based on formulas or methods that include documentation of the procedures used to establish the amount of the impact fee. The amount of any impact fee shall be computed based on the municipal public capital improvement cost of providing adequate public capital facility capacity to serve new development. Such documentation shall be available for public inspection in the Planning Department of the Exeter Town Office.

11.5.2 In the case of new development created by the conversion or modification of an existing use, the impact fee assessed shall be computed based upon the net increase in the impact fee assessment for the new use as compared to the highest impact that was, or would have been, assessed for the previous use in existence on or after the effective date of this Ordinance.

11.6 ASSESSMENT & PAYMENT OF IMPACT FEE

11.6.1 Impact fees may be assessed by the Code Enforcement Officer, prior to or as a condition to issuance of a building permit on new development to compensate the Town of Exeter for the

proportional share of the public capital facility costs generated by the development. The Code Enforcement Officer may accept impact fee payment at the time the building permit is being issued.

11.6.2 Impact fees shall normally be collected as a condition for the issuance of a certificate of occupancy. In the case of impact fees for off-site capital improvements that are to be constructed simultaneously with new development, and where sufficient non-impact fee funds have been appropriated to create the capital improvements, the fee may be collected at the time a building permit is issued. The Town of Exeter and the fee payer may establish an alternate, mutually acceptable schedule of payment.

11.6.3 Any person who seeks a permit for new development, may be required to pay the public capital facility impact fees established by the Town of Exeter authorized under this Ordinance, except where all or part of the fees are waived in accordance with the criteria for waivers established in this Ordinance.

11.7 WAIVERS

The Planning Board may grant a full or partial waiver of impact fees where the Board finds that one or more of the following criteria are met with respect to the particular capital facilities for which impact fees are normally assessed.

11.7.1 A person may request a full or partial waiver of school facility impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 62 or over. The Planning Board may waive school impact fee assessments on age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy for a period of at least 20-years.

11.7.2 The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. Full or partial waivers may not be based on the value of exactions for on-site or off-

site improvements required by the Planning Board as a result of subdivision or site plan review, and which would be required of the developer regardless of the impact fee assessment authorized by this Article.

11.7.3 The Planning Board may waive an impact fee assessment for a particular capital facility where it finds that the subject property has previously been assessed for its proportionate share of public capital facility impacts, or has contributed payments or constructed capital facility improvements equivalent in value to the dollar amount of the fee(s) waived.

11.7.4 A person may request a full or partial waiver of impact fees, other than those that expressly protect public health standards, for construction within a plat or site plan approved by the Planning Board prior to the effective date of this Article (November 20th, 2001). Prior to granting such a waiver, the Board must find that the proposed construction is entitled to the four year exemption provided by RSA 674:39, pursuant to that statute.

11.8 APPEALS

11.8.1 A party aggrieved by a decision under this Article may appeal such decision to the Superior Court as provided by RSA 676:5, III and RSA 677:15 as amended.

11.9 ADMINISTRATION OF FUNDS COLLECTED

Any impact fee collected shall be properly identified by and promptly transferred for deposit in an appropriate Public Capital Facilities Impact Fee Account and used solely for the purposes for which it was collected. Impact fee accounts shall be special revenue fund accounts and under no circumstance will impact fee revenue accrue to the general fund.

11.10 CUSTODY AND MAINTENANCE OF FUND ACCOUNTS

11.10.1 A separate Public Capital Facilities Impact Fee account shall be established for each type of capital facility for which an impact fee is assessed

11.10.2 At the end of each fiscal year, the Finance Director shall make a report giving a particular account of all impact fee transactions during the year.

11.11 USE OF FUNDS

11.11.1 Funds withdrawn from any public facilities impact fee account shall be used solely for the purpose of acquiring, constructing, facility equipment, or making improvements to the particular public capital facilities for which the account is designated.

11.11.2 In the event that bonds or similar debt instruments have been issued for public capital facilities which were constructed in anticipation of current growth, or are issued for advance provision of capital facilities for which public capital facilities impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments.

11.12 REFUND OF FEES PAID

The owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest where:

11.12.1 The impact fee has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from that date of the final payment of the fee; or

11.12.2 The Town has failed, within the period of six (6) years from the date of the final payment of such fee, to appropriate the non-impact fee (town) share to related capital improvements costs.

11.13 ADDITIONAL ASSESSMENTS

Payment of a public capital facilities impact fee does not restrict the Town or the Planning Board in requiring other payments from the fee payer, including, but not limited to, water and sewer hook-up fees and other fees related to the cost for extensions of water and sewer mains, including road improvements or other infrastructure and facility needs specifically benefiting the development not otherwise included in the public capital facilities impact fee.

11.14 PREMATURE AND SCATTERED DEVELOPMENT

Nothing in this Ordinance shall be construed so as to limit the existing authority of the Exeter Planning Board to provide against development, which is scattered or premature, requires an excessive expenditure of public funds, or is otherwise contrary to the Town of Exeter Zoning Ordinance or Site Plan Review and Subdivision Regulations.

11.15 REVIEW

Procedures and methodologies that are adopted for the purpose of calculating the amount of an impact fee shall be reviewed by the Board of Selectmen and Planning Board at a minimum of five-year intervals, and may be amended periodically after public hearing.

Article 12. BOARD OF ADJUSTMENT

12.1 BOARD OF ADJUSTMENT

12.1.1 Within thirty days after the adoption of this ordinance and thereafter as terms expire, or vacancies occur, the Board of Selectmen shall make appointments to a Board of Adjustments of five members conforming in duties to the provisions of NH RSA §673:3, or as amended. Thereafter, as terms expire, or vacancies occur, the appointing authority shall be responsible for filling vacancies and maintaining full membership on the Board of Adjustment.

12.1.2 The Board of Adjustment shall conform in membership and terms of office to the provisions of NH RSA §673:3, §673:5, and §673:6, or as amended.

12.2 ADMINISTRATIVE FEES

There shall be a fee for applications to the Board of Adjustment for special exceptions, variances and appeals. This fee shall be set by the Planning Board and shall cover the administrative costs associated with processing such applications.

12.3 EQUITABLE WAIVERS OF DIMENSIONAL REQUIREMENTS

The Board of Adjustment is authorized to grant Equitable Waivers of Dimensional Requirements in accordance with the provisions of NH RSA §674:33-a, or as amended.

12.4 LIMITS OF APPROVAL

All approvals granted by the Board of Adjustment shall be valid for a period of three years from the date such approval was granted. The ZBA may grant one year extensions provided there have been no changes in the zoning ordinance or other applicable laws or regulations that would affect the approval. Once substantial completion of the improvements, modifications, alterations or changes in the property or use contemplated by the applicant's petition have occurred in compliance with the terms of the approval, the rights of the owner or of the owner's successor in interest shall vest and the three year limitation of validity of the approval shall not apply.

Article 13. ADMINISTRATION AND ENFORCEMENT

13.1 ADMINISTRATION

Administration of the provisions of this Ordinance shall be the responsibility of the Board of Selectmen, who may appoint a Zoning Officer to advise and assist them in such manner as they may direct.

13.2 BUILDING CODES

The following regulations are hereby made part of this ordinance. In the event of contradictions between regulations, the regulation imposing the higher standard shall apply. The following codes may be revised according to the provisions of NH RSA §674:52, Part VI.

13.2.1 State:

A. NH Barrier Free Design Code

B. NH Energy Code

13.2.2 National:

A. International Building Code 2000, as amended

B. International Residential Code 2000, as amended

C. International Plumbing Code 2000

D. International Mechanical Code 2000

E. New Hampshire State Fire Code, as amended.

F. National Electrical Code 2002, as amended

G. Life Safety Code N.F.P.A. 101 2000, as amended

*Note: Per Section R105.5, Expiration; any permit issued shall become invalid if the authorized work is not commenced within one (1) year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one (1) year after the time of commencing the work.

*The Exeter Building Inspector is authorized to deny building permits for proposed fences that he/she determines to be a threat to public safety.

13.3 ENFORCEMENT

Enforcement procedures shall be in accordance with NH RSA §676:17.

Article 14. VALIDITY

14.1 SAVING CLAUSE

The invalidity of any provisions of this ordinance shall not affect the validity of any other provisions.

14.2 AMENDMENTS

This ordinance may be amended by a majority vote of any legal Town Meeting after such amendments have been proposed in accordance with NH RSA §675.

14.3 CONFLICTING PROVISIONS

Where any article of this ordinance conflicts with another, or with any other local regulation or ordinance, the requirement imposing the greater restriction or higher standard shall apply. In addition, the fact that a requirement under this ordinance is less restrictive than federal or state regulation or statute does not relieve an applicant from compliance with the terms of such regulation or statute, unless specifically authorized by said regulation or statute.

14.4 EFFECTIVE DATE

This ordinance shall take effect upon its passage.

Record of Amendments

March, 1987

3.10 H – Healthcare District
4.20 H – Healthcare District
4.20 R-5 Multi-family
4.20 Land Conservation Zone
4.30 Healthcare District
4.41.2 Junkyards
4.50.5 Performance Standards
5.33 Permissible Structures
6.10.1 Multiple Dwellings
6.10.2.b Supplemental Controls
6.51 Off-Street Parking
6.71 Historic Districts: General Administrative
6.71-6.2 Historic Districts: Administrative, Enforcement and Limitation
6.83.c.4 Exeter Historic District Sign Ordinance
6.85.e Open Space Development
6.87.b Wetland Conservation District
6.88 Growth Management Ordinance
6.88.c Growth Management Ordinance
Zoning Map – C-3 District

March, 1988

3.20 Zoning Map district lines redraw to property lines
4.20 Conservation Overlay District
6.83 Signs
6.91 Aquifer Protection District
7.20 Building Codes
Zoning Map –
I District
C-2 District
I-3 District
R-1 District
R-2 District
R-5 District

March, 1989

2.20 Definitions: Add: abutter, business, floor area, home occupation and museum.
3.20 Zoning Map, C-2 District
4.20 Child Day Care
4.20 Mini-storage buildings
4.20 Residential Uses, C-1 District
4.42 Junk Cars
6.51 Off-Street Parking
6.82 Home Occupations
6.83 Signs
6.87.b Deleted
6.89 Helicopter Ordinance
6.90 Exeter Shoreland Protection District

March, 1990

Articles 1 –12 Reorganization and Recodification (See text for record of changes)
2.20 Definitions
Added for bulk storage, and elderly.
Definitions amended for abandonment, conversion, coverage, farm, gasoline and/or service station, junk yard, lot, non-conforming, multiple family, non-conforming use sign, sign, advertising, sign portable billboard, wetlands.
4.20 Child Day Care
4.20 Schedule I: Permitted Uses – Elderly Congregate Health Care Facilities
4.30 Schedule II: Density and Dimensional Regulations – Residential (Note 16)
4.30 Schedule II: Density and Dimensional Regulations – Residential – Maximum Height, R-4 District (three or more)
5.10 Non-conforming Uses
5.14 Required Area of Space (deleted)
5.40 Maximum Coverage (deleted)
5.61 Off-Street Parking
5.62 Off-Street Loading
6.15 Elderly Congregate Health Care Facilities - Standards
6.80 Excavation Of Earth Material
8.10 Historic District Commission - Membership
8.30 Historic District Commission - Scope
8.50 Historic District Commission - Appeals
9.40 Floodplain Development Ordinance
11.20 Administrative Fees
12.20 B.O.C.A. Code – Section 112.2, Suspension of Permits

September, 1990

2.20 Definition for Accessory Dwelling Unit added
4.20 Note2, Accessory Dwelling Units criteria added
4.20 Accessory professional office deleted
4.20 Schedule I, Conservation Overlay District (title) deleted
4.30 Schedule II and III, RU, C-2, and I District side yard requirements changed to 30/60, 20/40, and 20/40, from 25/60, 15/40 and 15/40.
4.30 Schedule III, Minimum lot area/dwelling unit changed from 7,000 Square feet to 3,500 square feet for C-1 District.
5.31 Existing Lots of Record, language added to clarify grandfathered rights.
5.54 (2) Accessory structures, under 120 square feet permitted within yard setbacks.
6.01 Multiple Dwellings – Site Plan Specification deleted.
6.02 Industrial District – Site Plan Specification deleted.
10.20(1) Growth Management Ordinance – Regulations. Health Care facilities exempted from the provisions of this ordinance.

March, 1991

4.30 Schedule III, Density and Dimensional Regulations – Non – Residential, amend reference note #3.
4.30 Schedule III, Density and Dimensional Regulations – Non – Residential, increase maximum lot coverage for the C-3, Epping Road Highway Commercial District from 20% to 40%.
5.31 Amended Existing Lots of Record by adding subsection 'd. Access.'
5.50 Amended Yard Regulations
5.62 Amended text for Off-Street Loading, 'Wholesale and Manufacturing'
5.73 Amended General Regulations by adding (f) to subsection 1.
5.74 Added regulations for Off-Site Signs (permanent and temporary)
6.60 Amended subsection d. – Additional Requirements. Delete subsection h. - Intersection

7.20 Amended to include text referencing conveyance of land in accordance with Section 7.60.1.a Bonus
7.60 Amended Section 7.60.1 by adding subsection 'a. Bonus'
9.12 Amended (*) footnote for interpretation of 'certified soils scientist'.
9.34 amended text of subsection 9.34.9.e
9.47 Amended NH RSA reference in Section 9.47.1.
12.20 Revision of Building Codes according to provisions of NH RSA §674:52
13.20 Added 'Conflicting Provision' Text

Zoning Map Rezone property along the east side of Epping Road from Industrial Drive to Route 101/51 to C-3, Epping Road Highway Commercial; increase the depth of this district from 400' to 500'; and amend all applicable sections of the Zoning Ordinance.
Zoning Map Delete I-3, Epping Road District and replace with I, Industrial District, and amend all applicable sections of the Zoning Ordinance.

August, 1991

In accordance with the provisions of NH RSA §674:52, the Planning Board, at its August 22, 1991 meeting, voted unanimously to adopt the updated versions of the codes referenced in Article 12, Section 12.20, Building Codes.

March, 1992

2.20 Definition of 'Mobile Home' deleted and replaced by State definition for 'Manufactured Housing'.
2.20 Definition for 'Manufactured Housing Subdivision' added.
2.20 Definition of 'Wetlands' was amended to add reference to 'high intensity soil survey'.
4.20 Schedule I: Permitted Uses amended by adding 'manufactured housing subdivisions' as a permitted principal use in the R-1 zoning district.
4.20 Schedule I: Permitted Uses amended by adding 'expansion of non-conforming uses' as a use permitted by special exception in the Waterfront Commercial (WC) District.
4.20 Schedule I: Permitted Uses amended by adding 'expansion of non-conforming uses' as a use permitted by special exception in the Exeter Shoreland Protection (ESP) District.
4.30 Schedule II: Density and Dimensional Regulations – Residential amended by deleting the 'Minimum Lot Area' column and heading; first two column headings amended.
5.51a Side Yard of Corner Lot text amended.
5.62 Off-Street Loading text amended.
9.11 Wetland Conservation District, District Boundaries, text amended.
9.15 Buffer Areas – text replaced.
9.34.2 Shoreland Protection District Use Regulations, Maximum Lot Coverage amended.
9.34.7(b) – (4) and (5) amended references to 'Section D' and 'Section A' to 'Section 9.34' and 'Section 9.31', respectively.

March 9, 1993

2.20 Definition for 'Light Industry' added.
2.20 Definitions for 'Open Space Development' added.
4.20 Schedule I: Permitted Uses amended to add 'Corporate/Technology Park (CT)1' as a new district.
4.21 4.20 Schedule I: Permitted Uses amended to add Corporate Technology Park-1 (CT-1)' as a new district.
4.20 Schedule I: Permitted Uses amended to add 'Neighborhood Professional (NP) as a new district.

4.20 Schedule I: Permitted Uses amended to add 'Campgrounds, golf courses, private recreation uses, community buildings, social halls, clubs, lodges and fraternal organizations' as a permitted use by special exception in the R-1 District.
4.30 Schedule III amended by adding new density and dimensional regulations for the CT – Corporate/Technology Park District.
4.30 Schedule III amended by adding new density and dimensional regulations for the CT-1 Corporate/Technology Park-1 District.
4.30 Schedule III amended by adding new density and dimensional regulations for the NP – Neighborhood Professional District.
5.10 Amended to add a new section '5.15 Temporary Manufactured Housing'.
5.74 & 5.75 Amended to add 'Permanent Readerboard' as a permitted type of sign for a legal non-conforming use in residential districts and as a permitted use in non-residential districts.
7.40 Text of section addressing 'Single Family Open Space Development amended for the purpose of clarity.
7.50 Text of section addressing 'Multi-Family Open Space Development' amended to differentiate between small and large scale developments and for clarity purpose
7.60 "General Regulations Governing Open Space Development" amended for the purpose of clarity.
Zoning Map By rezoning the area between Portsmouth Avenue and Spur Road from I (Industrial) to a new zoning district called "Corporate/Technology Park" (CT).
Zoning Map Rezone Tax Map Parcels 008-001-018, 008-001-001 and 005-003-008 (off Epping Road) to 'Corporate/Technology Park-1' (CT-1).
Zoning Map Rezone area from the County Courthouse along Hampton Road to Guinea Road from R-1 to 'Neighborhood Professional' (NP).
Zoning Map Rezone the area from Wayside Drive to the Town line between Route 101 and Hampton Road and from Hampton Road to Hampton Falls Road along Ashbrook Road from R-1, Low Density Residential to R-2, Single Family Residential.

June, 1993

In accordance with the provisions of NH RSA §674:52, the Planning Board, at its June 22, 1993 meeting, voted unanimously to adopt the update 1993 versions of the following codes referenced in Article 12, Section 12.20, Building Codes:

A. BOCA National Building Code (Section 421.0, Swimming Pools - adopted at the July 8, 1993 meeting)
B. BOCA National Plumbing Code
C. BOCA National Mechanical Code
D. BOCA National Fire Prevention Code
E. National Electrical Code

March 8, 1994

2.20 Definitions for 'Amateur Radio Communications Tower' added.
4.10 'Multi-Family uses' added as a permitted principal use in the R-4, Multi-Family Residential zoning district. (Schedule I)
4.20 Schedule I: Permitted Uses amended by adding 'Other accessory uses customarily incidental to the permitted principal use.' Under the Permitted Accessory use column for 'Neighborhood Professional" (NP) and 'Corporate/Technology Park' (CT) district.
4.30 Schedule III amended by adding Note 11 to the References section as follows: 'Hotel related dwelling units (i.e. suites or condominiums) are permitted in addition to standard hotel rooms.'
4.30 Schedule III amended by deleting the limitation on the maximum number of stories allowed; the overall maximum height limit was retained.
5.14 Text of 'Continuance of Non-conforming Uses' amended
5.40 Amended to add a new section '5.43 Amateur Radio Communication Tower Exception to Height Regulation'.
5.80 Amended to delete Section 5.82, Review by the Planning Board.

9.23 Amended to add a new section 3. (a)(1) Special Exception.
9.41 Amended to add definition for "Recreational Vehicle".
9.42 Amended to add a new section 2.c. describing criteria for placement of recreational vehicle.
Zoning Map Rezone area along Kingston Road (Route 111) from 'Industrial' (I) to 'Neighborhood Professional' (NP).

March 14, 1995

2.20 Definitions
By adding a new definition as follows: "Sexually Oriented Business Use" A principal use or substantial accessory use where goods and/or services are marketed, advertised or displayed of a sexually oriented or sexually explicit nature which meets the definition of either "harmful to minors" or "sexual conduct" as set forth in NH RSA §571 – B:1. Such goods include, but are not limited to, sexually explicit books, videos, movies, devices, computer software, and marital aids. Examples of sexually oriented business uses include, but are not limited to, theaters or mini-motion picture displays where sexually explicit films or videos are shown, nude modeling studios, massage parlors, escort agencies or sexual encounter centers.

2.20 Definitions
By adding a new definition for "Bed and Breakfast" as follows: The primary dwelling of an owner-operator which provides exclusively for the lodging of transient guests and whose posted rates shall include breakfast. A Bed and Breakfast shall not be used for any other hospitality or business related uses. A Bed and Breakfast shall have not more than four (4) rentable rooms and an area of dining capable of accommodating the number of registered guests.

4.20 Schedule I: Permitted Uses
By adding "Expansion of non-conforming uses" as a permitted special exception for the CT, Corporate Technology District."

4.20 Schedule I: Permitted Uses
By adding the following to the "Permitted Accessory" use column for the "M, Manufactured Housing" (aka "mobile homes") District: Private garages. Home Occupations. Other accessory uses customarily incidental to the principal use."

4.20 Schedule I: Permitted Uses
By adding "Home Occupations (in dwelling units only)" to the "Permitted Accessory" use column for the "C-1, Central Area Commercial District."

4.20 Schedule I: Permitted Uses
By adding "Sexually Oriented Business Use" to the list of uses permitted by Special Exception in the C-3, Epping Road Highway Commercial Zoning District."

4.20 Schedule I: Permitted Uses
By deleting "Rooming and boarding houses by conversion only" form the list of uses permitted by Special Exception in the RU, R-1, R-2, R-3, R-4 and C-3 Districts and add "except Rooming and boarding houses" to the "Special Exception" column for the C-3 district."

4.20 Schedule I: Permitted Uses
By adding "Bed and Breakfast" as a permitted principal use in the C-1 and C-2 Zoning District; and as a use permitted by Special Exception in the RU, R-1, R-2 Zoning Districts."

5.61 Off-Street Parking Schedule
By increasing the number of guest spaces for multi-family dwelling units from one (1) space for every five (5) multi-family units to one (1) space for every two (2) multi-family units."

6 Supplementary Use Regulations
By adding a section 6.15 entitled "Sexually Oriented Business Uses" as posted in the Town Warrant. This section will limit the location of "Sexually Oriented Business Uses" to the C-3 Epping Road District (along Epping Road from Industrial Drive to Route 101), by Special

Exception only, to be granted by the Zoning Board of Adjustment. Within the C-3 District, "Sexually Oriented Business Uses" will not be permitted within 1,000 feet of a church or place of worship, funeral home, a public or private school, an approved day care center, another sexually oriented business use, or 500 feet from a residence or residential district, a recreation park or Town of Exeter building. Under the terms of this section no use will be permitted which violates any Town of Exeter ordinance or State of New Hampshire statute regarding public nuisances, sexual conduct, lewdness, or obscene or harmful material or the exhibition or public display thereof.

6.40 Manufactured Housing Parks
Subsection h. (1) by revising the first sentence to read as follows: "All streets within any manufactured housing park shall conform to the design standards set forth in the "Subdivision Regulations"."

9.10 Wetland Conservation District
By deleting the existing text in its entirety and replacing with new text as set forth in the posted Town Warrant.'

March 12, 1996

4.20 Schedule I: Permitted Uses
By adding the words "residential" to modify the health care facilities permitted by special exception in the R-1, R-2, and R-4 Zoning District.

4.30 Schedule II: Density and Dimensional Regulations – Residential
By replacing references to 2 ½ stories in the maximum height column for the RU, R-1, R-3, and R-4 Zoning District with 3 stories and replace the 3 ½ story reference for the R-5 Zoning District with 4 stories.

4.30 And all other relevant sections.
By replacing references to "public" water and sewer systems with the term "municipal" water and sewer.

5.54(2) Accessory Structures in R-District
By replacing the existing text with the following: "Accessory structures shall comply with side, front and rear yard requirements; except one (1) accessory structure of 120 square feet of less is permitted within yard setback areas.

9.23(1)(a) Aquifer Protection District General Regulations- District Boundaries - By adding a reference to the source document published by the US Geologic and Groundwater Quality Data for Stratified Drift Aquifers in the Exeter, Lamprey and Oyster River Basins, Southeastern New Hampshire.

9.34(3) Exeter Shoreland Protection District – Building Setbacks
By adding the additional building setback of 150 feet upland from tidal marshes adjacent to the Squamscott River.

April 8, 1997

2.20 Definitions:
By inserting the words "and telecommunication provider" after the words "public utilities" in the definition of the term "Essential Services."

2.20 Definitions:
By inserting the words "and unobstructed from the ground upward" after the word "unoccupied" for the definition of the word "Yard."

4.20 Schedule I: Permitted Uses
By adding 'Light Industry.' to the list of uses allowed by special exception in the C-3 Zoning District.

4.20 Schedule I: Permitted Uses
By adding the permitted principal, permitted accessory and special exception uses allowed in the C-3 Zoning District, excluding 'sexually oriented business use', to the list of those uses allowed by special exception in the CT-1 Zoning District.

4.20 Schedule I: Permitted Uses

By deleting "Churches and similar places of worship." and "Libraries and museums." as permitted principal uses in the R-1, R-2, R-3 and R-4 zoning districts.
By adding "Churches and similar places of worship." and "Libraries and museums." as uses permitted by special exception in the R-1, R-2, R-3 R-4 and R-5 Zoning Districts.

4.20 Schedule I: Permitted Uses
By adding "Churches and similar places of worship." and "Libraries and museums." as permitted principal uses in the C-1 Zoning District.

4.30 Schedule III: Density and Dimensional Regulations Non-Residential
By reducing the permitted maximum height in the C-2 Zoning District from fifty (50) feet to thirty-five (35) feet with a reference footnote "12. Maximum height of fifty (50) feet permitted by special exception."

4.30 Schedule III: Density and Dimensional Regulations Non-Residential
By allowing the reduction of the minimum required rear yard setback in the C-2 zoning district by special exception. Amend References by adding the following footnote: "13. Minimum rear yard setback of twenty (20) feet permitted by special exception.

5.41 Special Exception to Height Regulations – Board of Adjustment
By deleting the words "communications, radio or television towers" from sub-section a. and adding a new sub-section f. as follows: Communication towers may exceed the height regulations by more than forty (40%) percent providing the Zoning Board of Adjustment grants special exception approval and finds that: (1) The proposed site and tower promote co-location opportunities. (2)The applicant has exhausted all other reasonable alternatives to a new tower that would minimize the adverse visual impacts. (3) The applicant has made every reasonable effort to locate in a non-residential zoning district."

5.55 Accessory Structures in Other Than R-District
By deleting the existing text and replacing with the following: "Accessory structures shall comply with side, front and rear yard requirements except one (1) accessory structure of 120 square feet or less is permitted within yard setback areas that have received Planning Board site plan review approval."

11 Board of Adjustment
By adding a new section entitled, "11.30 Equitable Waivers of Dimensional Requirements" with the following text: "The Board of Adjustment is authorized to grant Equitable Waivers of Dimensional Requirements in accordance with the provisions of NH RSA §674:33-a, as amended."

March 10, 1998

2.20 Definitions
By adding a definition for "Retirement Planned Community", as follows: "Any development of three (3) or more detached buildings or multi-unit building(s) which is planned generally as a retirement community for elderly persons and which include legal covenants and restrictions which are designed to promote the use and occupancy of such building(s) principally by persons fifty-five (55) years of age or older.

3.10 Establishment of Districts
By adding a new zoning district, R-6; Retirement Planned Community, to the list if districts classified as "RESIDENTIAL"

3.20 Zoning Map
By rezoning Tax Map Parcel numbers 68-6 (LaBonte property) and 88-2 (Maher property) located to the north of 101/51 to a new zoning district called "Retirement Planned Community" (R-6).

4.20 Schedule 1: Permitted Uses
To add "Hotels" to the list of permitted principal uses in the CT-1, Corporate Technology Park –1 zone.

4.20 Schedule 1: Permitted Uses
To add "Nursing homes, healthcare facilities and elderly congregate healthcare facilities." as a use permitted by Special Exception in the CT-1, Corporate Technology Park –1 zone.

4.20 Schedule 1: Permitted Uses

By adding the R-6, Retirement Planned Community district with the following uses: Permitted Principal Uses – Single unit building(s) and multi-unit building(s). Town water and sewer and underground utilities required. Permitted Accessory Uses – Any accessory use permitted in the R-1 zone. Community building and recreational facilities. Special Exception Uses – Nursing home or healthcare facility.

4.30 Schedule II: Density and Dimensional Regulations – Residential
By adding new density and dimensional regulations for the R-6 District.

5.74 Sign Regulations – Dimensional Regulations for Residential Districts
By adding the R-6 zoning district.

5.81 General Landscaping Regulations – Unenclosed Uses
By replacing the phase "may be required" with "shall be required to provide a fence, screen or landscaping."

6.32 B Minimum Front Yard, Use Thereof
By deleting the reference to a "frontage road", and merging the first two sentences of this section to read as follows: "The first twenty-five (25) feet of front yard shall be kept clear of obstructions to sight and shall not be used for display of goods or signs; the next twenty-five (25) feet of front yard shall be planted and landscaped and shall permit signage with a minimum setback requirement of thirty-five (35) feet.

7.40 F. Single Family Open Space Development – Internal Setback
By deleting the existing language which defines Side & Rear and replace with the following: "No structure shall be closer than ten (10) feet to a side and/or rear property line."

11.40 Board of Adjustment
By adding a new section entitled 11.40 Limits of Approval to read as follows: "All approvals granted by the Board of Adjustment shall only be valid for a period of six years from the date such approval was granted; provided, however, that once substantial completion of the improvements, modifications, alterations or changes in the property or use contemplated by the applicant's petition have occurred in compliance with the terms of the approval, the rights of the owner or of the owner's successor in interest shall vest and the year limitation of the validity of the approval shall not apply.

March 9, 1999

3.20 Zoning Map
By rezoning Tax Map Parcel #51-12 (adjacent to McFarland Ford and the Stratham Town line) to be included in the C-2 Zoning District rather than the CT Zoning District.

4.20 Schedule I – Permitted Uses
By adding 'Any permitted principal use in the C-3 District.' to list of uses permitted by special exception in the Industrial Zoning District.

4.20 Schedule I – Permitted Uses
By adding 'Essential Services' to the list of uses permitted by special exception in all non-residential zoning districts and the MS, R-4, R-5, and R-6 Zoning Districts.

4.20 Schedule I – Permitted Uses
By adding 'assisted living healthcare facilities and elderly congregate healthcare facilities' to the list of uses allowed by special exception in the C-3 Zoning District.

4.30 Schedule III: Density and Dimensional Regulations – Non-Residential
By reducing the front yard setback from '85' to '50' in the C-3 Zoning District but still require an '85' setback from Epping Road.

4.30 Schedule III: Density and Dimensional Regulations – Non-Residential
By adding 'References: 15. Except that a building height of 60 feet is allowed if a minimum 200 foot setback is maintained from a residential zoning district or existing residential use' for the PP, CT, and CT-1 Zoning Districts.

5.50 Yard Regulations

By adding 'covered or enclosed walkways' after 'lighting structures' to the list of structures exempt from the setback requirements of Section 4.30

5.60 Off-Street Parking
By adding the following 'Except that the Planning Board may grant reductions in required off-street parking spaces in conjunction with its site plan review in the applicant submits proposals for shared parking spaces or increased parking lot screening. The intent of this provision is to grant discretional review authority to the Planning Board in order to promote the conservation of open space lands and increase parking lot buffers without increasing the use of on-street parking.'

5.61 Off-Street Parking Schedule
By deleting the reference to 'Professional Office' and inserting the reference 'Office – 1 space for each 250 square feet of floor space.

6.32 Epping Road Strip Management Ordinance, C-3
By reducing the front yard setback from '85' to '50' in the C-3 Zoning District but still require an '85' setback from Epping Road.

6.90 Helicopter Ordinance
By adding 'Airport' to all helicopter references

6.91 Helicopter Ordinance Definitions
By adding the definition for 'Airport.' 'An area used, or to be used, for the landing or take-off of fixed wing aircraft.'

7.40.E Single Family Open Space Development External Boundaries
By deleting the reference to 'lot line'

8.71 Front Street Historic District
By replacing the reference to the 'Richard Kent House' with the Moses Kent House' and include the entire parcel (Tax Map Parcel #73-3 in the Front Street Historic District.

9.34 Exeter Shoreland Protection District Use Regulations
Building Setbacks by increasing the building and septic system setback to 300 feet from the shoreline of the Squamscott River, Dearborn Brook, Water Works Pond, and Fresh River from '150' and '100' feet. Also amend maximum lot coverage from '20%' to '10%' for the shoreland district land for the above surface waters subject to possible conditional use permit increases.

12.20 Building Codes
By adding the note 'The Exeter Building Inspector is authorized to deny building permits for proposed fences that he/she determines to be a threat to public safety.'

March, 2000

3.20 Zoning Map
Amended by rezoning Tax Map 72, Parcel 207, 206, 215 to be included in the C-1 District, rather than the R-2 District.

4.20 Schedule I: Permitted Uses
Remove "Accessory dwelling units from Special Exceptions of R-4, R-5, M, and MS Districts.

5.31 Existing Lots of Records
Replace the phase 'the effective date of this paragraph with December 1, 1980' the remainder of paragraph remains the same.

5.32 Lot Width
By adding text to clarify lot width 'shall be measured at either the required set back line, or along the lot line at the street, private way or right-of-way.'

5.55 Accessory Structures in Other Than R-Districts
By clarifying existing text, numbering sub-sections and adding text specifying storage containers as accessory structures.

7.25 Definitions
By adding a definition section for Open Space Development to include 'Vegetated Buffer Strip', 'Common Area/Common Open Space', and 'Net Tract Area' descriptions.

7.40.1 Single Family Open Space Development

By increasing minimum acreage from 5 to 20 acres of contiguous land in RU & R1 and from 5 to 10 acres in other residential districts.

7.40.5 Single Family Open Space Development
By revising External Boundaries for side and rear setbacks to include the use of a vegetated buffer strip in accordance with the Town's Subdivision and Site Plan Review Regulations and revising Internal Setback Requirements by adding a minimum internal frontage of 50 feet, increasing the front yard structural setback from 20 feet to 25 feet, increasing the side and rear structural setback from 10 feet to 20 feet, and adding a minimum lot size of 25,000 square feet in RU districts, 15,000 square feet in R-1 district, and 10,000 square feet in other residential districts.

7.51.5 Small Scale Multi-Family Open Space Development, Internal Setback Requirements
By increasing front yard structural setbacks from 20 feet to 25 feet, increasing the side and rear structural setbacks from 30 feet to 40 feet.

7.52.7 Large Scale Multi-Family Open Space Development, Internal Setback Requirements
By increasing front yard structural setbacks from 30 feet to 40 feet, increasing the side and rear structural setbacks from 40 feet to 50 feet.

7.60.1 General Regulations Governing Open Space Development, Density
By deleting 'net tract area' methodology to calculate density; replacing the first two paragraphs of our density calculations with the Yield Plan methodology following in part the Rockingham Planning Commission's Model Open Space Ordinance. Note: Adoption of this proposed amendment would also necessitate slight revision to Section 7.60.2. High Intensity Soil Mapping, due to the different calculation method used to determine lot density.

9.18.2 Buffer Areas
By revising sub-section 2, substituting 'shall' for 'may', and adding sub-section 3 to provide a 100 foot no cut-no disturbance setback for prime wetlands as recorded with the NH Wetlands Bureau.

9.31 Authority and Purpose
By adding Fresh River and its tributaries to the protected Rivers, plus renumbering set.

9.32 Definitions
By adding contiguous wetland definition.

9.33 District Boundaries
By adding 'Fresh River' to the protected Rivers; clarifying Squamscott River, and renumbering set.

9.34.2 Use Regulation – Maximum Lot Coverage
By substituting 'Impervious surface' for Structures, including pavement,' at the beginning of the paragraph.

NOTE: September 2000 reprinting of Zoning Ordinance; format restructuring in conjunction with incorporation of all amendments from March 1996 – March 2000

March 2001

2.2 Definitions:
Delete definition for Coverage,
Add definitions for Building Coverage, Lot Coverage, and Mixed Use.
Revise definition for Rooming and Boarding Houses
Renumber Article 2.2 accordingly.

3.2 Zoning Map: Rezoning 32,930 sq. ft of Tax Map Parcel 52-112 from the CT district to the C-2 district. Also expand the Healthcare District boundary line to include Tax Map Parcel #65-132.

4.3 Schedule II
Revise column title "Lot Coverage" to read "Building Coverage".
Amend Note 4 by deleting the existing language and replacing it with: "See definition 2.2.# "Building Coverage".

4.4 Schedule III,
Revise column title "Lot Coverage" to read "Building Coverage".
Amend Note 4 by deleting the existing language and replacing it with: "See definition 2.2.# "Building Coverage".

Revise Note #8 to read as follows: "A minimum of 35% of the lot shall be maintained for open space and landscaped areas. In the Healthcare District, these requirements shall apply to all lots owned by a single entity and its affiliates collectively and not to each such lot individually. (For the purpose of this provision "Affiliate" shall mean an entity owned by, or under common ownership with another entity.)
Add Note #16 to read as follows: (within the following columns for the Healthcare District: "Municipal Water & Sewer", "Min. Lot Area", "Min. Lot Depth", "Min. Lot Width", "Min. Front Yard", "Min. Side Yard", and "Min. Rear Yard") Note 16 to read: See Article 6.15 Healthcare District

4.2 Schedule I: Permitted Uses:
Delete "Churches and similar places of worship" from the list of uses permitted by Special Exception in the Industrial Zoning Districts.
Add "Multi-Family Residential Use" and "Mixed Use" as a Permitted Principal Use in the C-1 District
Add "Mixed Use" as a Permitted Principal Use in the WC district.

5.5.4 Accessory Structures in R-Districts: Revise subsection B. to read as follows: "Accessory structures shall comply with front, side and rear yard requirements: except one (1) accessory structure of 120 square feet or less is permitted within the yard setback areas with exception to the front yard setback and is limited to a height of twelve feet (12 ft)

6.7 Retail Uses: Add Article 6.7.2.A Retail Trade Size Limitations: For all districts except the C-3 District: Any single or grouped retail business use (i.e. a contiguous strip center, mall) shall not exceed a total of 85,000 square feet of building footprint area.

6 Add Article 6.15 entitled Healthcare District: to include 6.15.1Dimensional Regulations: an entity under common ownership such as Exeter Healthcare would not be restricted to many of the interior yard dimensional setbacks, 6.15.2 Perimeter Setbacks: 50 ft. adjoining residential district and 30 feet adjoining any non-residential district, and 6.15.3 Parking Setback: 50 ft. abutting residential zone

7.5.6 Open Space Development – Internal Setback Requirements: add a new subsection as follows: "E. Existing Open Space Development: Internal setbacks effective as of the date of the approval of any existing open space development shall be applied to future construction within the same existing open space development."

9.1.7. Delete and replace subsection "C" with language clarifying the meaning of limitations and limiting the allowance for standard subdivisions only.

9.3.4. Revise subsection "B" Maximum Lot Coverage by adding "Exeter River" in the list of water bodies identified in this section.

10 Growth Ordinance:
Remove Sub-Articles 10.1.10, 10.1.11, 10.1.12 of the Preamble and Articles 10.2 Regulations, 10.3 Merit System and 10.4 Special Exception to Merit System of the Growth Management Ordinance.
Remove and replace Article 10.2 with "Phasing Subdivision Development" including subsections: Authority, Purpose, Applicability, Procedure, and Limitations.

12.2 Building Codes: replace subsection "D" with "New Hampshire State Fire Code, as amended"

March 2002

4.2 Schedule 1 Notes – Delete in its entirety and replace the existing "conversion" note with the following:

1. Conversions – The conversion of existing residential buildings into not more than four (4) dwelling units or as otherwise consistent with the zone provided that:
   a. The number of spaces for off-street parking shall comply with Article 5.6 Off-Street Parking;
   b. The minimum lot size required shall be such that each dwelling unit is provided with thirty percent (30%) of the minimum lot size required for the district;
   c. That the structure was in existence prior to 1972.
   d. The lot must meet a minimum of 20% open space unless otherwise stated in Articles 4.3 and 4.4, Schedules II and III.

2.2.38 Residential Conversion by deleting the existing language and replacing with the same language as above.

2.2. (Add and renumber definitions) Open space is defined as land area vertically open to the sky, free of all impervious surfaces as described under 2.2.25 Lot Coverage. Open space may be landscaped with lawn, trees, shrubs, or other planting. Open space may include wetlands, stream systems or other bodies of water.

3.2 Zoning Map by adjusting the zone district line to include Tax Map Parcels #70-99 and #70-100 in the R-2, Single Family Residential zoning district.

4.3 Schedule II: Density and Dimensional Regulations – Residential: See attached table, last column "Minimum Open Space". Also add notes to Schedule II Notes: 17. Overlay districts in which more stringent requirements apply supercede those as required under Schedule II and III. Note 18. For lots using septic systems, the open space requirement would be the greater percentage required in that district. See attached chart.

4.4 Schedule III: Density and Dimensional Regulations – Non Residential: See attached table, last column "Minimum Open Space". Notes: 17. Overlay districts in which more stringent requirements apply supercede those as required under Schedule II and III. Also add note to Schedule III Notes: 18. For lot redevelopment, minimum open space requirements may be substituted if additional landscape planting is proposed for on or off-site as deemed appropriate by the Code Enforcement Officer. See attached chart.

5.2 Special Exceptions; Revise C as follows: "That the proposed use will be compatible with the zone district and adjoining post 1972 development where it is to be located. Adjoining principal uses in existence prior to 1972 (generally referred to as grand-fathered uses), that are not permitted uses as listed in 4.2 Schedule 1: Permitted Use, shall not be considered in determining the compatibility of an applicant's proposed use. "

5.3 Existing Regulations by adding a new sub-section entitled "5.3.5 Removal of Damaged Structures" and to read as follows: "No owner or occupant of land within the Town of Exeter shall permit fire ruins or other ruins to be left on their property, but shall within three (3) months remove and refill the same to clear ground level. The Building Inspector/Code Enforcement Officer upon request for reasonable cause that he/she may deem adequate may authorize an extension of up to sixty (60) days.

7.7.1. General Regulations Governing Open Space Development – Density - Bonus: Add the following bonus and renumber.

B. Density bonus of 15% above that indicated by the yield plan will be provided for developments that will guarantee:

1. 20% or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 120% of the median family income for Rockingham County, as published by US Department of Housing and Urban Development;
2. 10% or more of the units constructed will be sold at initial sale for a price that can be afforded by a household with an income not more than 80% of the median family income for Rockingham County, as published by US Department of Housing and Urban Development;
3. Units will be sold with deed restrictions and a recorded housing agreement that limit, for a period of 5 years, the resale value of the unit to not more than the purchase price plus two times the accumulated consumer price index.
4. The units shall be on-site.

Affordability shall be defined as housing that can be purchased under a conventional mortgage whereby the combined annual expenses for principal, interest and property taxes will not exceed 30% of household income.

9.1.8 Buffer Areas: C. Add the following sentence, "The permitted use as described in Article 9.3.4.I.2 is allowed within the wetland "no-cut, no-disturbance" buffer area."

9.2 Aquifer Protection District Ordinance by removing Article 9.2.3.C.1.a: the special exception to aquifer protection district.

Create a new Article 11. Impact Fee Ordinance and renumber existing Articles 11, 12, and 13 to 12, 13, and 14. The Impact Fee Ordinance will include the following sections: Authority and Applicability, Purpose, Findings, Definitions, Imposition of Public Capital Facilities Impact Fee, Computation of the Amount of Capital Facilities Impact Fee, Payment of Fee, Waivers, Appeals, Administration of Funds Collected, Custody and Maintenance of Fund Accounts, Refund or Fees Paid, Additional Assessments, Premature and Scattered Development, Review.

March 2003

2.2.2 Accessory Dwelling Unit: Add to existing definition phrase "and as delineated in Article 4, Section 4.2 Schedule I: Permitted Uses, Note #2".

3.2 Rezone the existing industrial zoning district located west of Epping Road and south of the Conner Farm to a RU-rural zoning district. Also rezone the adjoining R-1, Single Family Residential district south of Epping Road to Brentwood road to a RU-rural zoning district.

4.2 Schedule 1 Notes under Conversion – delete the phrase "or as otherwise consistent with the zone".

6.1 Elderly Congregate Health Care Facilities – add 6.1.4 Density Bonus for affordable housing; subsections "a" through "e" to define bonus conditions.

7.7 Regulations Governing Open Space - replace density bonus for affordable housing with language clarifying requirements.

7.7.6 Allowance for Lots Separated by a Municipal Trail – new section under Open Space Development Regulations.

11 Public Capital Facilities Impact Fee – multiple revisions throughout the entire article based on suggestions from consultant.

12.4 Board of Adjustment, Limits of Approval Section, reduce time period for the validity of approvals granted by ZBA from 6 years to 3 years.

March 2004

2.2 Add and revise definitions: Add "professional offices", "retail service" and "business office" and delete "business".

3.2 Zoning Map District Alteration: Portsmouth Ave district line change from CT to C-2, to reflect proposed subdivision of tax map parcel #52-112 (Osram Sylvania property).

4.2 Schedule I: Permitted Uses. Replace phrase "any retail or personal establishment" with "retail services" and "business office" as permitted uses in zones C-1, C-2, C-3 and WC; delete "banking office" from all zones; and move "business office" from a permitted use to a use permitted by special exception in the NP zone only.

4.3 Schedule II: change maximum height allowed in the R-3 district from 35' to 25' and maximum number of stories from 3 to 2. Also add Note #18 to RU max height limit: "Multi-unit buildings may have a maximum height of 50 feet if a special exception is granted by the ZBA."

6.1.2 Elderly Congregate Health Care Facilities: revise General Standards subsection D. minimum buffer area from 50' to 100'.

6.1.4 Revise Density Bonus subsections b and c, by replacing the phrase "Rockingham County" with "the New Hampshire portion of the Portsmouth-Rochester NH-ME PMSA" and in subsection d by replacing the limit of "5 years" with "30 years renewable upon sale or transfer".

6.10.6 Home Occupations Ordinance, Special Exception: Add phrase "Also, any home occupation that may have an impact of abutting properties, as determined by the Code Enforcement Officer shall be required to obtain a special exception."

7.5 Single Family Open Space Development, section 1: replace 20 acres with 10 acres.

7.6.1 Small-scale multi-family Open Space Development, section A: Add phrase "and be limited to a maximum of fifteen (15) dwelling units". Also Revise Section B: add phrase "Density calculations for small-scale multi-family open space development shall be in accordance with Article 7.7.1 Density and Section 7.13 Yield Plan of the Site Plan Review and Subdivision Regulations."

7.6.2 Large-scale Multi-Family Open Space, section C: add phrase "Density calculations for large-scale multi-family open space development shall be in accordance with Article 7.7.1 Density and Section 7.13 Yield Plan of the Site Plan Review and Subdivision Regulations."

7.7.1B General Regulations Governing Open Space Development: Revise Density Bonus subsections b and c, by replacing the phrase "Rockingham County" with "the New Hampshire portion of the Portsmouth-Rochester NH-ME PMSA" and in subsection d by replacing the limit of "5 years" with "30 years renewable upon sale or transfer".

9.1.8 Wetland Conservation District, subsection B. Buffer Areas: add phrase "in accordance with Site Plan Review and Subdivision Regulations, Section 9.9.2 Wetland Setbacks."

March 2005

3.2 Zoning Map: Expand the current R-4 zoning district on Epping Road and rezone the back or rear portions of the following parcels from C-2 Highway Commercial to R-4 Multi-family: Tax Map parcels: #63 -101, 63 -100, 55 -75, 55 -76, #55 – 3, 55-6; also rezone the rear portion of Tax Map parcel #54 –2 currently zoned Industrial to R-4 Multi-family. (See map included) Amend Article 4.2 – Permitted Uses, Schedule I by adding "Access to the R-4 multi-family district" as a permitted use in the C-2 (Highway Commercial) zoning district.

4.3 Schedule II: Density & Dimensional Regulations – Residential: Add Note #20 applicable to R-4, R-5 and R-6 zoning districts to read as follows: "None of the area within the 100 year flood plain and 50% of the areas defined as jurisdictional wetlands may be used to satisfy minimum lot area requirements for multi-family uses. Regulations regarding perimeter buffers (See Site Plan Review and Subdivision Regulation 9.6.1.2) shall apply." (Reference to this note shall be inserted under "Municipal Water & Sewer" within the "Minimum Lot Area" category.)

4.3 Schedule II: Density & Dimensional Regulations – Residential: Change the allowable height in the RU district from 50 feet to 35 feet and amend Note #18 by removing the phrase "Multi-unit" so that the note reads: "Buildings may have a maximum height of 50 feet if a special exception is granted by the ZBA."

4.3 Schedule II: Density & Dimensional Regulations – Residential: Add Note #19 in the minimum lot area columns for both the RU and R1 zoning districts. Note 19 shall state: "For proposed subdivisions of an existing lot(s) of record having a total combined area of 20 or greater acres, open space development pursuant to Article 7 is required unless waived by the Exeter Planning Board."

6.10.3 Home Occupations – "Extent of Use": Revise the first sentence of the existing section to read as follows: "Does not utilize more than twenty-five percent (25%) of the combined gross floor area of the dwelling unit and accessory structures located on the premise**,** except foster family care."

7.6.1 Small Scale Multi-Family Open Space Development: Revise sections A and B as follows:

A. The minimum area for a small scale multi-family open space development shall not be less than five (5) acres of contiguous land and not more than 24.9 acres of contiguous land.

B. Density calculations for small-scale multi-family open space development shall be in accordance with Article 7.7.1 Density and Section 7.13 Yield Plan of the Site Plan Review and Subdivision Regulations. Small scale multi-family open space development permits the planned grouping of up to five (5) attached* dwelling units per structure. On parcels proposed for development that are less than ten (10) acres in size, no more than three (3) attached dwelling units per structure are allowed. The planning board may allow additional dwelling units per structure for the purpose of conserving additional open space. Regulations regarding perimeter buffers (See Site Plan Review and Subdivision Regulation 9.6.1.2) shall apply.

7.6.2 Large Scale Multi-Family Open Space Development: Revise section C as follows:

C. Density calculations for large-scale multi-family open space development shall be in accordance with Article 7.7.1. Density and Section 7.13 Yield Plan of the Site Plan Review and Subdivision Regulations. A large scale multi-family open space development permits the planned grouping of a minimum of six (6) multi-family dwelling units per structure and a maximum of twelve (12) multi-family dwelling units per structure. The planning board may allow additional dwelling units per structure for the purpose of conserving additional open space. Regulations regarding perimeter buffers (See Site Plan Review and Subdivision Regulation 9.6.1.2) shall apply.

7.7.3 Open Space and Common Areas: Insert the following sentence after the first sentence in this section: "Reasonable efforts must be made to locate common open space adjacent to protected open space in adjoining property or properties to the satisfaction of the Planning Board."

9.4.2 Floodplain Development Ordinance: Update the reference to the FEMA maps and revising present language as follows: "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 for the County of Rockingham, NH" dated May 17, 2005, 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.

March 2006

2.2 Definitions by adding the definition for "Community buildings" as follows: A building or structure, or a group of buildings or structures, owned and operated by the Town of Exeter, or by a nonprofit organization, the primary purpose of which is to provide social and recreational services to the citizens of the community, focused on promoting their health and general welfare. (Renumber section accordingly)

4.2 Schedule I: Permitted Uses by adding "Community buildings" as a use permitted by Special Exception in the R-2 district.

4.2 Schedule 1: Permitted Uses by removing "conversions" under Special Exceptions in the RU, R-1, R-2, R-3, R-4, R-5 and M districts. Also, amend Article 4.2, Schedule I Notes by deleting Note 1. (a) – (d) in its entirety.

5.1.4 Continuance of Non-Conforming Uses by replacing existing text of subsection C. with the following: "Any determination by the Code Enforcement Officer under this provision shall be in writing and shall include detailed findings as to the above factors. The Code Enforcement Officer shall send a copy of such determination and findings to each abutter to the property where the change to the nonconforming use has been proposed, and such determination and findings shall not be effective until thirty days after such notice is mailed to abutters. Any abutter may file an appeal from such determination and findings to the Zoning Board of Adjustment and, during the pendency of such appeal, such determination and findings shall by stayed."

5.2 Special Exceptions subsection G. by replacing existing text with the following: "As a condition of special exception approval, the Applicant may be required to obtain Town Planner review and/or Planning Board approval of the site plan. Additionally, the Board of Adjustment may require the applicant to obtain Planning Board approval of the site plan prior to rendering a decision on an application for Special Exception."

5.6.3 Off-Street Parking by replacing existing text with following: "Except that the Planning Board may grant reductions in the number of required off-street parking spaces in conjunction with its site

plan review if the applicant submits proposals for shared parking. The intent of this provision is to grant discretional review authority to the Planning Board in order to promote:
(1) Better utilization of parking areas, including shared parking, or
(2) A reduction in impervious surface, and
(3) Conservation of open space lands and buffers
In its discretion, the Planning Board shall require specific information detailing user parking needs and schedules. The Board may also require parking lot buffers and/or landscaping."

5.6.4 Off-Street Parking Schedule by revising the following categories:

USE	REQUIRED PARKING SPACES
Dwelling Units	2 for each single family dwelling unit. 2 for each multi-family unit of 2 +bedroom 1 for each multi-family unit of 1 bedroom/studio. Guest parking for multi-family based on total number of units. One (1) additional space for guest parking for each four (4) multi-family dwelling units.
Elderly Housing	1 for each dwelling unit, 1 per employee on the maximum shift, 1 per 8 units for guest parking
Home Occupations	1 for each 200 square feet, or part of floor area used for home occupation
Gymnasium and Recreation Facility	1 space for each 300 sq. ft. of gross floor area (excluding storage, maintenance, and mechanical utility areas)
Motels, Hotels	1 space for each unit plus 1 space for each employee on the largest shift
Office	1 space for each 250 square feet of floor area
Retail Stores, Store Groups, Shops, other than offices, etc.	1 space for each 300 square feet of floor area for buildings less than 30,000 sq. ft., 1 space for each 500 sq. ft. of floor area for buildings over 30,000 sq. ft.

8.7 Historic Districts: to add the following new district including the described boundaries as follows:

High Street Historic District: The High Street Historic District is bounded as follows (boundaries identical to those voted by the Town on March 14th, 2006):

An area beginning at the centerline of High Street where it intersects with Portsmouth Avenue, thence running easterly along the centerline of High Street to the intersection of Ridgewood Terrace, and includes all portions of all properties with frontage on these portions of High Street to a depth of 200 feet from the curb line or the rear property line, whichever comes first; and the district includes an area beginning at the intersection of High Street and Rocky Hill Road and running northerly along Rocky Hill Road to the end of Rocky Hill Road, and includes all portions of all properties with frontage on these portions of Rocky Hill Road to a depth of 200 feet from the curb line or the rear property line, whichever comes first. The District is intended to specifically include the properties from 46 – 176 High Street and 39 – 175 High Street, and the properties from 3 – 5 Rocky Hill Road and 2 Rocky Hill Road." (renumber section accordingly)

9.4.8 100 Year Flood by revising the section as follows:
"B.1. All new construction or substantial improvements of residential structures have the lowest floor (including basement) elevated at least one foot above the 100 year flood elevation."

March 2007

3.2 Zoning Map: Rezoning tax map parcels #55-67 (Seacoast Credit Union site at 109 Epping Road) and Tax Map Parcel #55-69 (adjacent strip of property along Industrial Drive) from I-Industrial to C-2, Highway Commercial

9.1.8.C Update the article reference for the 'prime' wetlands report, to read as follows: "Nov. 2005 Exeter Prime Wetland Mapping Report."

March 2008

Comprehensive revisions of Article 2, Definitions; Article 4, District Regulations; Article 5, General Regulations; and Article 6, Supplementary Use Regulations.

Article 2, Definitions add a new definition, "*Residential Conversions",* (Note: the entire concept of residential conversions was deleted in its entirety in 2006. The language adopted in 2008 replaced what had been previously deleted.)

4.2 Schedule I: Permitted Uses add *residential conversions* to those uses allowed by "Special Exceptions" in the RU, R-1, R-2, R-3, C-1, C-2 and NP districts.

4.2 Schedule I Notes add criteria associated with such conversions, as follows:
"*1. In addition to the criteria set forth in Article 5, Section 5.2 Special Exception, the following criteria must also be met:*

Conversions – The conversion of existing residential buildings (principal residential structure as well as accessory structures) into not more than four (4) dwelling units provided that;

(a) The number of spaces for off-street parking shall comply with Article 5.6 Off-Street Parking;

(b) The minimum lot size required shall be such that each dwelling unit is provided with thirty percent (30%) of the minimum lot size required for the district;

(c) The structure has been a residence for a minimum of ten (10) years;

(d) The lot must meet a minimum of twenty percent (20%) open space unless otherwise stated in Articles 4.3 and 4.4 Schedules II and III.

(e) For conversions intended to become rental units, one of the dwelling units shall remain owner-occupied.

(f) The Board of Adjustment may require the Planning Board to review the proposed site plan. All conversions consisting of three or more units must be reviewed by the Planning Board.

(g) The Board of Adjustment may allow expansion to an existing structure for the purpose of providing additional area for the units provided all other requirements are met. Any expansion greater than 400 square foot (in footprint) shall require Planning Board review of the proposed site plan."

(h) Prior to any renovations or building, the owner shall provide evidence to the Town Building Inspector that septic facilities are adequate for both units according to the standards of the Town and the New Hampshire Department of Environmental Services (Water Division). If deemed necessary by the Building Inspector, such evidence shall be in the form of certification by a State of New Hampshire licensed septic systems designer. Also the owner shall provide evidence that there is adequate potable water according to the standards of the State of New Hampshire."

3.2 Zoning Map extend the C-3, Epping Road Highway Commercial zoning district within Tax Map Parcel #47-8 and #47-9, following Watson Brook to the east as depicted on the map.

3.2 Zoning Map rezone Tax Map #32-2, #32-3, and #32-4 from R-1, Single Family Residential to NP-Neighborhood Professional zoning district, as depicted on map.

6.12 add new subsection, to read as follows: *"6.12.2 No dock, wharf, float, pier, waterfront walkway or any related waterborne structure shall be permitted within 400 feet of the String Bridge downstream abutments."* (As depicted on the attached map.)

6.7 Retail Uses add new subsection limiting the floor area of retail services, as accessory uses, in the NP, CT, CT-1 and PP zoning districts. New subsection to read as follows:

> "*6.7.3 Retail services allowed as accessory uses in the NP, CT, CT-1 and PP districts are limited to the following floor areas shown below to a maximum of 1000 sq. ft. per lot.:*
>
> *NP: 10% of the gross floor area of the principal building,*
>
> *CT and CT-1: 20% of the gross floor area of the principal building,*
>
> *PP: 15% of the gross floor area of the principal building.*
>
> *Proposed retail areas shall be physically linked to the principle use. Specifically, in cases where there are existing structures, the retail area shall be located in an existing building. For new proposals, the retail area shall be located in the same structure as the principal use.*
>
> *Drive-thru facilities are not allowed as part of this provision."*

Amend Article 4.2 Schedule I: Permitted Uses by adding "*Retail Services*" as a permitted Accessory Use in the NP, CT, CT-1 and PP zoning districts as described above including references.

7.7.1 General Regulations Governing Open Space Development; Density, revise subsection 7.7.1 B. Density Bonus for Affordable Housing Sales, add section C. Density Bonus for Affordable Housing Rentals and D. Administration for Worker Housing Units (Sales or Rentals).

March 2009

2.2.6 Revise definition of Amusement Center to include sports and recreation activities, and athletic clubs within the definition.

5.6.3 Revise Off-Street Parking Regulations, Section reorganizing and clarifying the requirements for shared parking.

5.6.4 Revise Off-Street Parking Schedule by assigning required spaces for all allowed uses as described in Article 4, Section 4.2 Permitted Uses.

5.7 Revise Sign Regulations in its entirety by reformatting, adding and revising the entire to section, including allowable signage within residential, non-residential and historic districts.

5.8.1 Revise General Landscaping Regulations, Unenclosed Uses to planted berms and to add residential uses to the list of properties protected.

6.17 Add a new section to Article 6. Supplementary Use Regulations entitled Wind Energy Systems, to accommodate the use of wind energy systems in appropriate locations, while protecting the public's health, safety and welfare and to be consistent with new state regulations.

5.3.5 Add a new section to Article 5 General Regulations, entitled Demolition Review to provide a limited review period to identify any historic or culturally significant buildings prior to demolition.

March 2010

2.2.75 Replace existing Definition for "Variance" with the definition in accordance with revised NH RSA 674:33, I so that the town will be in compliance with state regulations.

4.2 Revise Schedule 1 Notes: #2 Accessory Dwelling Units: revise note to clarify unit size limitation.

5.1 Revise various aspects of "Non-Conforming Uses" including 5.1.2 "Expansion of" , 5.1.4 "Continuance Of:" and 5.2 H in order to regulate expansion of non-conforming uses by requiring

variance approval from the Zoning Board of Adjustment for such expansions, to clarify existing language, and to correct inconsistencies.

7.2 Add two objectives to Open Space Development to further define the objectives of the ordinance.

7.3 Add a definition for "Greenways" to Open Space Development in order to clarify meaning within the Article.

7.5.1 Revise the language within Single-Family Open Space Development by changing the minimum area requirement from 10 acres to 5 acres.

7.5.6 Amend Single Family Open Space Development – Internal Setback Requirements, changing the title of the section to Internal Dimensional Requirements and creating a minimum set-back between multiple units on a single lot and creating front and rear setbacks.

9.1 Amend Wetlands Conservation District in its entirety to define the wetland conservation overlay district, clarify the purpose and intent, define buffers and applicable setbacks, outline permitted, conditional and prohibited uses, and to provide general administrative guidance within the district.

3.2 Amend Zoning Map by expanding the Health Care District in order to encompass existing healthcare related uses.

6.16 Amend Healthcare District sections 6.13.3 Parking Setbacks, 6.16.4 Landscape Buffer, and 6.16.5 creating height restrictions within 75 ft of the district boundary to better define buffers, setbacks and other limitations within the district.

March 2011

3.2 Amend Zoning Map by rezoning Tax Map/Lot #88-4 and 88-5 from an R-1 , Single Family Residential zoning district to an I-Industrial Zoning District to better match the zoning district with the actual use.

2.2.50 Revise existing definition for Multi-Use to clarify existing description.

4.4 Revise Schedule III by adding density requirements for multi-use within the C-2 and NP districts.

5.3.1 Delete subsection B. (Lot Merger Clause) in its entirety in accordance with state legislation which no longer allows for mandatory merging of non-conforming lots.

5.7.7 Revise Section Title by "Zoning Districts" to the end of the title.

5.7.8 SAA (Results in the following: "Sign Ordinance for the Historic District – Commercial Zoning Districts" and "Sign Ord. for the HD – Residential Zoning Districts"

6.18 Add a new section entitled: "Cemetery Regulations" to be in accordance with state cemetery regulations.

9.1.5 Revise Section Permitted Uses (of the Wetlands Conservation Overlay District) by adding to the list of allowance: elevated, uncovered decks, storage sheds, gazebo or garden-type structures, and native plantings.

9.1 Revise Wetlands Conservation District sections to make corrections and clarifications within sections 9.1.1.A, 9.1.3.F, 9.1.5.B, and 9.1.6A.

9.3.4 Amend subsection C by correcting a reference

9.4 Amend Floodplain Development Ordinance by deleting existing ordinance and replacing in its entirety language tailored to the needs of Exeter as recommended and proposed by the NH Office of Energy and Planning in conjunction with the National Flood Insurance Program.

12.4 Amend Limits of Approval by allowing the ZBA to grant one-year extensions to previously granted approvals.

March 2012

2.0 Amend Definitions by adding a definition for "Abandonment".

5.7.3.D.1. Amend Right-of-Way Limitations regarding signs in the ROW to be consistent with Section 502.2 of the Town Ordinance.

5.7.7 Amend Sign Ordinance title for the Historic District to be consistent with the previous chapter section by referring to the commercial area as "non-residential".

March 2013

2.0 Amend Definitions by adding a definition for the following: "Two Family" home (or duplex), Veterinarian", "Active Adult Community", Independent Living Facilities, and Assisted Living Facility.
2.2.21 Revise definition for Elderly, by adding "Senior", as both terms are used interchangeably.
2.2.22 Amend definition for "Elderly Congregate Health Care Facilities" to clarify the type of facility.
2.2.55 Amend definition for Nursing Home to update as per more recent standards.
2.2.67 Amend definitions by deleting the definition for "Retirement Planned Community".
3.2 Amend zoning map by adjusting the district boundary line between the PP and CT districts to follow the common property line between tax map parcel #70-103 and #66-1 on Holland Way.
3.2 Amend zoning map by rezoning parcels fronting on Portsmouth Ave from High Street (35-41 High Street) to the intersections of Green Hill Road (48 Portsmouth Ave) and Highland Street (49 Portsmouth Ave) from their current zoning designation to C-1.
4.2 Schedule 1, Permitted Uses, by adding the following to R-4, R-5 and R-6: Active Adult Community, Independent Living Facilities, and Assisted Living Facility. Also add Assisted Living Facility to the NP and C-3 districts as permitted uses. Also add "veterinarians and garden supply establishments" to allowed principal uses in the C-1 district.
4.3 Schedule II Density and Dimensional Regulations – Residential, by revising the chart to reflect the density required for a two-family in the R-2 district as 12,000 sq.ft./unit
4.4 Schedule III Notes:20, by adding the phrase "of lot area" before "per unit".
5.6.6 Amend Off-Street Parking Schedule by adding the use "Active Adult Community" with a parking requirement of 1 space for each 1 bedroom unit, 2 for each 2+ bedroom unit, plus 1 for every 4 units for guest parking. Also add "Independent Living Facilities" with a parking requirement of 1 space per unit, plus one space per employee on the max. shift, plus 1 for every 5 units for guest parking. Also add "Assisted Living Facility" with parking requirements of 1 space for every 5 units, 1 space for every 6 units for guest parking and one space per employee on the max. shift. Revise the parking requirement for "Elderly Congregate Health Care" by adding additional requirements including, 2 spaces for each 2+ bedroom units, and 1 per 6 units for guest parking. Delete the reference to "Retirement Planned Community". Delete the reference to "elderly Housing" and its associated parking requirement.
5.3.5 Amend Demolition Review by revising portions of C. Procedure and D. Demolition Review Committee Responsibilities by extending various time lines and deadlines for review to seven (7) business days or thirty (30) business days.

March 2014

4.2 Schedule I Notes (b): add "(per unit)" to clarify lot size requirement.
5.6.3 Off-Street Parking: add allowance for the Planning Board to permit a reduction in required space size if the site area allows it.
5.6.4 Shared Parking: revise the definition to include scale of the project as reason for parking reduction as well as a recognition that each case is unique.
5.6.5 Add "size" to the reductions the Planning Board may allow.

March 2015

5.6.3 Off-Street Parking: make a correction to Table reference and add allowance for alternative parking calculation as well as phasing option.
9.1.5 Revise Wetlands Conservation District section 9.1.5 Permitted Uses to add projects that reduce impervious surface as well as projects that re-vegetate a disturbed buffer.
9.1.6.A Conditional Use Permit, under #1, remove wastewater disposal system from the list as it is listed as a prohibitive use.
9.1.6.B Conditional Uses: Permit Conditions, add requirement that the impact has been evaluated in the context of the relative "value" of the wetland, including its ecological sensitivity.
9.1.6 Conditional Uses: add new section C. Alternate Procedure for Subdivision and Site Plan Applications, which removes the duplicative process of having to request a waiver and a CUP for

work within the wetland buffer. If an Applicant requires a Site Plan or Subdivision review, they can request a waiver from the CUP process and request a waiver from buffer setbacks.

9.4 Floodplain Development Ordinance: Revise section as specified by recommendations from NHDES.

March 2016

2.2 Definitions, add definition 2.2.30 Fertilizer (and renumber accordingly)
9.2.3.K. Prohibited Uses, add subsection 12. addressing use of fertilizer (Aquifer)
9.3.4.F. Prohibited Uses, add subsection 12. addressing use of fertilizer (Shoreland)

March 2017

2.2 Definitions, add definition for "Frontage" (and renumber accordingly)
2.2 Definitions, add definition for "Street" (and renumber accordingly)
2.2 Definitions, delete and replace definition for "Lot Width" included under the definition for "Lot" (and renumber accordingly)
4.2 Schedule I: Permitted Uses by adding "Accessory Dwelling Units" in the R-4, Multi-Family Residential zoning district by Special Exception.
4.2 Schedule I Notes by deleting and replacing the language in subsection regarding the size limitation on accessory dwelling units.
4.3 Schedule II: Density & Dimensional Regulations-Residential by adding a new column to the dimensional table entitled "Minimum Lot Frontage"; and reference to "minimum lot frontage" in footnotes (1) and (8).
4.4 Schedule III Notes by deleting Note #14 (specific to Epping Road setbacks) and all references to Note #14 in the Density & Dimensional Regulations-Non-Residential table.
6.8 Epping Road Strip Management by deleting subsection 6.8.3 Setback Requirements from Right-of-Way in its entirety.

March 2018

8 Historic District – Amended to allow a Minimal Impact application that can be administratively approved by Town staff.

March 2019

2.2 Definitions by deleting the definition for "Fertilizer" and renumber accordingly. (Definition to be added to Article 9.2 Aquifer Protection and 9.3 Shoreland Protection ordinances).
3.1 Delete "Professional/Technology Park" from list of established districts.
3.2 Zoning Map: Change "PP-Professional/Technology Park" zoning district (off Holland Way/Hampton Road) to CT-Corporate Technology Park.
4.2 Schedule I: Permitted Uses by deleting the "PP-Professional/Technology Park" zoning designation and all uses permitted within the PP zoning district)
Schedule I:Permitted Uses by deleting "Assisted Living Facility" as a Permitted Use in the C-3, Epping Road Highway Commercial zoning district.
4.4 Schedule III: Density & Dimensional Regulations by deleting all dimensional requirements for the "PP-Professional/Technology Park"
9.2 Aquifer Protection District Ordinance, Section 9.2.4 by adding definition for "Fertilizer". Section 9.2.3.K.12. by deleting and replacing in its entirety.
9.3 Shoreland Protection District Ordinance, Section 9.3.2. by adding definition for "Fertilizer". Section 9.3.4.F.12. by deleting and replacing in its entirety.
9.3 Shoreland Protection District Ordinance, Section 9.3.4.B Use Regulations by deleting "adjacent to the shoreline of ….." and adding "as defined in 9.3.3".

March 2020

4.2 Schedule I: Permitted Uses to add "Mixed Use Neighborhood Development" as a Permitted Principal Use in the C-1, Central Area Commercial and WC-Waterfront Commercial zoning districts.

6.19 Add a new section entitled: "Mixed Use Neighborhood Development"

9.1 Modify Section 9.1 to consolidate wetland buffer impact regulations previously regulated by 9.1 in the Zoning Ordinance and 9.9 in Site Plan Review and Subdivision regulations into a single procedure under the Zoning Ordinances, bring clarity and legal robustness to the application process and submission requirements, and update any references to external regulations.

OPEN SPACE DEVELOPMENTS, SINGLE FAMILY INTERNAL SETBACK REQUIREMENTS .

YEAR OF APPROVAL	OPEN SPACE DEVELOPMENT	STREETS WITHIN SUBDIVISION	INTERNAL SETBACK REQUIREMENTS
PREDATED ZONING (EXTENSION OF S/D APPROVED IN MAY, 1974)	PICKPOCKET WOODS	INDIAN TRAIL RUNAWIT ROAD SPLIT ROCK ROAD PICKPOCKET ROAD	FRONT: 20' FROM R.O.W. OR PARKING AREA. SIDE & REAR: 30' FROM AN ABUTTING STRUCTURE.
MAY, 1984	HUNTER PLACE	HUNTER PLACE	FRONT: 20' FROM R.O.W. OR PARKING AREA. SIDE & REAR: 30' FROM AN ABUTTING STRUCTURE.
NOVEMBER, 1985	CRAGMERE HEIGHTS	CRAGMERE HEIGHTS	FRONT: 20' FROM R.O.W. OR PARKING AREA. SIDE & REAR: 30' FROM AN ABUTTING STRUCTURE.
SEPTEMBER, 1985	DEER RUN	DEER RUN	FRONT: 20' FROM R.O.W. OR PARKING AREA. SIDE & REAR: 30' FROM AN ABUTTING STRUCTURE.
NOVEMBER, 1987	FOLSOM ACRES	PRENTISS WAY	FRONT: 20' FROM R.O.W. OR PARKING AREA. SIDE & REAR: 30' FROM AN ABUTTING STRUCTURE.
NOVEMBER, 1989	EXETER HIGHLANDS	OAK HILL LANE EXETER HIGHLANDS DRIVE	FRONT: 20' FROM R.O.W. OR PARKING AREA. SIDE & REAR: 30' FROM AN ABUTTING STRUCTURE.
FEBRUARY, 1987	LOUISBURG CIRCLE	LOUISBURG CIRCLE	FRONT: 20' FROM R.O.W. OR PARKING AREA. SIDE & REAR: 30' FROM AN ABUTTING STRUCTURE.
NOVEMBER, 1987	CAPTAIN'S MEADOW	CAPTAIN'S WAY SENYAR FARM LANE HALF PENNY LANE MOORE LANE	FRONT: 20' FROM R.O.W. OR PARKING AREA. SIDE & REAR: 30' FROM AN ABUTTING STRUCTURE.
OCTOBER, 1988	ROCK CREEK PLACE	ANNA LOUISE DRIVE	FRONT: 20' FROM R.O.W. OR PARKING AREA. SIDE & REAR: 30' FROM AN ABUTTING STRUCTURE.

YEAR OF APPROVAL	OPEN SPACE DEVELOPMENT	STREETS WITHIN SUBDIVISION	INTERNAL SETBACK REQUIREMENTS
SEPTEMBER, 1996	**EXETER FARMS**	**EXETER FARMS ROAD WYNDBROOK CIRCLE**	**FRONT: 20' FROM R.O.W. OR PARKING AREA.** **SIDE & REAR: 30' FROM AN ABUTTING STRUCTURE.** **(EFFECTIVE 10/23/97 – 30' FROM BUILDING TO BUILDING AND MAINTAIN AT LEAST 10' FROM ABUTTING PROPERTY LINE) NOTE: PHASE II APPROVAL GRANTED 3/19/98.**
SEPTEMBER, 1996 JUNE, 1999	**MEADOWOOD AT EXETER** **PHASE I (LOTS: 1-15, 39-45) PHASE II (LOTS : 16-35)**	**MEADOWOOD DRIVE TWIN POND CIRCLE**	**PHASE I:** **FRONT: 20' FROM R.O.W. OR PARKING AREA.** **SIDE & REAR: 30' FROM AN ABUTTING STRUCTURE.** **PHASE II:** **FRONT: 20' FROM R.O.W. OR PARKING AREA.** **SIDE & REAR: 10' FROM PROPERTY LINE.**
OCTOBER, 1998	**CHAPMAN WOODS**	**CHAPMAN WAY**	**FRONT: 20' FROM R.O.W. OR PARKING AREA.** **SIDE & REAR: 10' FROM PROPERTY LINE.**
APRIL, 2000	**WINDEMERE AT EXETER**	**WINDEMERE LANE SQUAMSCOTT CIRCLE DEARBORN BROOK CIRCLE**	**FRONT: 20' FROM R.O.W. OR PARKING AREA.** **SIDE & REAR: 10' FROM PROPERTY LINE.**
JULY, 2000	**CHRISTINA ESTATES**	**DEERHAVEN DRIVE**	**FRONT: 25' FROM R.O.W. OR PARKING AREA.** **SIDE & REAR: 20' FROM PROPERTY LINE.**
OCTOBER, 2000	**BLACKFORD ESTATES**	**BLACKFORD DRIVE ENO DRIVE**	**FRONT: 25' FROM R.O.W. OR PARKING AREA.** **SIDE & REAR: 20' FROM PROPERTY LINE.**