

## 2015 (Draft) Zoning Ordinance Amendments

1. Article 5.6. Off-Street Parking: *(Add the following two sections 5.6.3.B (1) and (2), and correct the parking schedule notation in 5.6.3. B.*

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 5.6.46. 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.

2. Article 6. Supplementary Use Regulations, *add the following new section.*

### **6.19 Portsmouth Avenue Flexible Zoning Overlay District**

6.19.1 **Purpose and Intent**: The purpose of the Portsmouth Avenue Flexible Zoning Overlay District is to allow an alternative permitting process that results in a more efficient and effective design review process, to inspire more flexibility in site, building, landscape, and lighting design, and to create incentives for improvements within the district boundaries.

6.19.2 **District Boundaries**: The Portsmouth Avenue Flexible Zoning Overlay District includes all properties within the C1 and C2 districts from the intersection of High Street and Portsmouth Avenue north along Portsmouth Avenue to the Exeter Town Line.

6.19.3 **Authority and Applicability**: Under the enabling authority granted by NH RSA 674:21, the Planning Board may grant a Conditional Use Permit (CUP) to an applicant who wishes to build outside of the required limitations set forth in Zoning Ordinance Article 4.4 Schedule III Density and Dimensional Regulations, specifically the maximum height and minimum yard setbacks. Note: all other regulatory requirements as outlined

in Article 4.4 Schedule III Density and Dimensional Regulations apply unless the applicant is granted a variance by the ZBA.

6.19.4 Process: The Applicant who wishes to request a CUP, shall be provided with the "Portsmouth Avenue Flexible Zoning Guidelines, Point System and Evaluation" as set forth in the then applicable Site Plan Review and Subdivision Regulations. These documents will provide guidance to the Applicant in outlining design elements that range from least preferred to most desired in multiple aspects of design. Aspects of design not covered in these documents are covered in existing zoning and site plan review and subdivision regulations. Applicants will still go through Exeter's technical review process. The Planning Board shall provide a point system evaluation which will guide an effort by both Planning Board and applicant to approach a mutually desired outcome.

6.19.5 Conditional Use Permit: The Planning Board may grant a Conditional Use Permit to the Applicant who has met the conditions as detailed in the Portsmouth Avenue Flexible Zoning Guidelines, Point System and Evaluation and reached an acceptable total point score as determined by the Planning Board.

3. Article 9.1.5 Permitted Uses: *(Add the following two uses within Wetlands Conservation Overlay District.)*

- 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.**

4. Article 9.1.6. Conditional Uses: *(Make the following correction as wastewater disposal systems is listed in the "Prohibited Uses" section.)* (Planning Board supported.)

9.1.6.A.1 Construction of roads and other access ways, parking areas, utilities, structures, drainage systems, wells ~~and wastewater disposal systems~~ and other site improvements that impact the Wetlands Conservation Overlay District, provided that the proposed construction is essential to the productive use of land not within the Wetlands Conservation Overlay District.

5. Article 9.1.6.B Conditional Permit Conditions (Add the following condition and renumber.)

- 3. **The proposed impact has been evaluated in the context of the relative "value" of the wetland, including its ecological sensitivity, as well as its function within the greater hydrologic system.** To the extent feasible, the proposed impact is not detrimental to the value and function of the wetland(s).

6. Article 9.1.6 Conditional Uses: *(Add the following section to ensure redundancies in the process for Site and Subdivision Applications are eliminated.)*

## B. Alternate Procedure for Subdivision and Site Plan Applications

In those cases where the proposed disturbance, activity, or development is associated with a project requiring Planning Board Subdivision or Site Plan approval, the CUP process as outlined in Zoning Ordinance Article 9.1.6.A and the waiver process as outlined in Section 9.9 of Exeter's Site Plan Review and Subdivision Regulations are duplicative. To ensure an efficient and effective review, the Applicant shall follow Section 9.9 of the Site Plan Review and Subdivision Regulations and request a waiver(s) from wetland regulations and may obtain a waiver from Article 9.1.6.A CUP process. -

7. Article 9.4 Floodplain Revisions (*Make the following revisions in the following specific Articles as recommended by the NH Office of Energy and Planning.*)

### 9.4 FLOODPLAIN DEVELOPMENT ORDINANCE (Planning Board supported.)

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, and Flood Boundary & Floodway Maps of the Town 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. 100-Year Flood:** See "Base Flood"

**AB. 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.

**BC. 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.

**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 communities Flood Insurance Rate Map are referenced.

**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**.

**CC. Violation:** The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required under ~~Section VI, Section IX(2)(b), or Section VIII(3)(4)~~ of this ordinance is presumed to be in violation until such time as that documentation is provided.

**DD. Water Surface Elevation:** 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.

**9.4.6 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 ~~NGVD~~ **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 ~~NGVD~~ **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:**

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.

#### **9.4.8 100-Year Base Flood Elevation:**

A. In special flood hazard areas the Building Inspector shall determine the ~~100-year 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 **100 year 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 100-year 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 100-year 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 100-year base flood level elevation; or together with attendant utility and sanitary facilities, shall
  - a. Be flood-proofed so that below the 100-year base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;
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 level 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;

8. Article 9.1.3 Wetland Conservation District Boundaries: (Add the following including table):

G. Epping Road Development Buffer Width Determination:

The linear extent of the wetland buffers in the CT-1, C-3 and I Zoning Districts shall be determined by the Epping Road Development Wetland Buffer Width Determination Table on the basis of the functional values for the subject wetland as determined by a certified wetland scientist. Narrow, finger-like, wetlands that are less than thirty feet (30') in width, extending into upland areas, and not associated with perennial or intermittent streams, shall be evaluated as separate functional units, even though they are contiguous to a larger and wider wetland area.

Epping Road Development Wetland Buffer Width Determination Table										
Points	1	2	3	4	5	6	7	8	9	10
Buffer Width (ft)	0	10	15	20	25	30	35	40	45	75
	Function/Value					Points				
	FA, GW					1				
	NR, PE, SR, WH					1				
	SS, FH					3				
	ESH, VP					Maximum Buffer				
<b>Key</b>										
FA =	Floodflow Alteration									
GW =	Groundwater Recharge/Discharge									
NR =	Nutrient Removal									
PE =	Product Export									
SR =	Sediment/Toxicant Retention									
WH =	Wildlife Habitat									
SS =	Shoreline/Sediment Stabilization									
FH =	Fish/Shellfish Habitat									
ESH =	Endangered Species Habitat									
VP =	Vernal Pool									

9. Zoning Amendment as per Citizen’s Petition: On the petition of Christopher Gilroy, 25 Hampton Road #A3, Exeter and other registered voters of the Town of Exeter, to see if the town will vote to Amend Article 4.2 Schedule I: Permitted Uses by deleting the present “Community Buildings” as a use permitted by Special Exception in the R-1, R-2, R-3, & R-4 districts.