

TOWN OF EXETER

ZONING ORDINANCE 2004



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AS AMENDED THROUGH MARCH 2004

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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"; and the word "shall" is mandatory and not optional.

2.2 DEFINITIONS

- 2.2.1 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 a municipality of a local land use hearing board, in case of an abutting property being 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.
- 2.2.2 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.
- 2.2.3 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.
- 2.2.4 Amateur Radio Communications Tower:** A free-standing, guy supported or building-mounted structure, including appurtenances and antenna intended for two-way Amateur

Radio Communications.

- 2.2.5 Bed and Breakfast:** 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 an area of dining capable of accommodating the number of registered guests.
- 2.2.6 Board of Adjustment:** The Zoning Board of Adjustment of the Town of Exeter.
- 2.2.7 Building Coverage:** That percentage of the plot or land area covered by the principal and accessory building area.
- 2.2.8 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.
- 2.2.9 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.
- 2.2.10 Bulk Storage:** 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.
- 2.2.11 Business Office:** Offices for activities related to the sale or provision of goods and services to others, including non-profit or other community services and governmental agencies.
- 2.2.12 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. The replacement of any non-conforming use or building by a

conforming use or building shall be considered to be discontinued.

- 2.2.13 Dwelling:** Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.
- 2.2.14 Dwelling Unit:** One (1) or more rooms, including cooking facilities, and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one (1) family for living and sleeping purposes.
- 2.2.15 Elderly:** For the purpose of this ordinance, elderly shall be defined as persons fifty-five (55) years of age or older.
- 2.2.16 Elderly Congregate Health Care Facilities:** A multi-dwelling residential facility 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.
- 2.2.17 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.
- 2.2.18 Farm:** 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.
- 2.2.19 Floor Area:** For the purposes of determining requirements for off-street parking and off-street loading, 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.

- 2.2.20 Gasoline and/or Automotive Service Station:** 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.
- 2.2.21 Home Occupation:** 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.
- 2.2.22 Junk Yard:** An area of land, with or without buildings, primarily used for the storage outside of a completely enclosed building, or 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 for scrap and where it is intended to burn material that are parts of a motor vehicle or cut up the parts thereof.
- 2.2.23 Light Industry:** 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.

- 2.2.24 Lot:** 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. Lot Corner:** 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. Lot Depth:** The mean horizontal distance between the front and rear lot lines.
- C. Lot Lines:** 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. Lot Width:** The distance between the two side lot lines measured at the required set back line, or along the lot line at the street, private way or right-of-way.
- 2.2.25 Lot Coverage:** All impervious 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. For the Exeter Shoreland Protection District, lot coverage shall be defined to include lawns or other manicured groundcovers.
- 2.2.26 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.

- 2.2.27 Lot of Record:** Any lot a deed to which has been recorded in the office of the Rockingham County Registry of Deeds.
- 2.2.28 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.
- 2.2.29 Manufactured Housing Park:** A parcel of land under single ownership which has been planned for the placement of manufactured housing, appurtenant structures or additions.
- 2.2.30 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.
- 2.2.31 Mixed Use:** Any building or structure containing two or more uses. Residential uses allowed on any level with the exception of street level. Street level, the level most accessible to any street, is to be reserved for retail/commercial/office uses.
- 2.2.32 Multi-Family; Multi-Family dwellings:** Any building or structure containing more than two (2) dwelling units.
- 2.2.33 Municipality:** To mean the Town of Exeter.
- 2.2.34 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.
- 2.2.35 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. A variance shall be considered as a legal non-conforming use.

- 2.2.36 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 include wetlands, stream systems or other bodies of water.
- 2.2.37 Open Space Development:** 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.
- 2.2.38 Planning Board:** The Planning Board of the Town of Exeter.
- 2.2.39 Professional Offices:** A building containing 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 doctor, dentist, lawyer, financial service provider, architect, engineer and related laboratories, insurance agent, real estate agent or other similar professional services; but excluding barbershops, beauty salons or similar services.
- 2.2.40 Prototype Production:** 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.
- 2.2.41 Research and Development Laboratories:** A use devoted to technological experimentation or the development of new products and processes.
- 2.2.42 Residential Conversion:** The conversion of existing residential buildings 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. That the structure was in existence prior to 1972;
- 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.

2.2.43 Retail Services: 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 or establishments primarily engaged in providing services involving the care of a person or his or her apparel (such as barbershops and beauty salons) as well as banks.

2.2.44 Retirement Planned Community: 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.

2.2.45 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.

2.2.46 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.

- 2.2.47 Sign:** See Article 5.7.2.A: Sign Regulations – Definitions.
- 2.2.48 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.
- 2.2.49 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.
- 2.2.50 Transfer:** Referring to the transportation activity of collection, temporary storage and re-shipment of material.
- 2.2.51 Variance:** A legal permit to depart from the requirements of the Zoning Ordinance. Variances are granted by the Board of Adjustment.
- 2.2.52 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.
- 2.2.53 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.

2.2.54 Zoning Officer: The administrative officer charged with the duty of enforcing the provisions of this ordinance.

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
- PP Professional/Technology Park

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 stands in connection with a farm operation, for the purpose of display and sale of farm products raised by the owner on the premises. Private garages and parking areas. Off-street parking and loading. Any other accessory building or use customarily incidental to the principal use.	Accessory dwelling units (see Note 2 at the end of this article). Bed and Breakfast. Child day care, four or more. Churches and similar places of worship. Community buildings, social halls, clubs, lodges and fraternal organizations. Conversions (see Note 1 at the end of this article). Essential services. Expansion of non-conforming uses. Extraction of gravel sand, and topsoil. Golf courses and public swimming pools. Libraries, museums. Private schools.
R-1 LOW DENSITY RESIDENTIAL	One-family detached dwellings, manufactured housing subdivisions. Public elementary and high schools. Public parks and playgrounds. Farms, farm uses, and customary farm occupations, except piggeries. Open space development.	Home occupations. Private garages. Other accessory uses customarily incidental to the principal use.	Multi-family Open Space Development (see Article 7.6 Multi-family Open Space Development). Accessory dwelling units (see Note 2 at the end of this article). Bed and Breakfast. Campgrounds, golf courses, private recreation uses, community buildings, social halls, clubs, lodges and fraternal organizations. Child day care, four or more. Churches and similar places of worship. Conversions (see Note 1 at the end of this article). Elderly congregate health care facilities (see Article 6.1 Elderly Congregate Health Care Facilities - Standards). Essential services. Expansion of non-conforming uses. Libraries, museums. Private schools. Residential health care facilities.

DISTRICT	PERMITTED PRINCIPAL	PERMITTED ACCESSORY	SPECIAL EXCEPTIONS
<p>R-2 SINGLE FAMILY RESIDENTIAL</p>	<p>One-family detached dwellings. Public elementary and high schools. Public parks and playgrounds. Open space development...</p>	<p>Home occupations. Private garages. Other accessory uses customarily incidental to the principal use.</p>	<p>Two-family homes. Accessory dwelling units (see Note 2 at the end of this article). Bed and Breakfast. Child day care, four or more. Churches and similar places of worship. Conversions (see Note 1 at the end of this article). Elderly congregate health care facilities (see Article 6.1 Elderly Congregate Healthcare Facilities - Standards). Essential services. Expansion of non-conforming uses. Libraries, museums. Multi-family Open Space Development (see Article 7.6 Multi-family Open Space Development). Private schools. Residential health care facilities.</p>
<p>R-3 SINGLE FAMILY RESIDENTIAL</p>	<p>One-family detached dwellings. Public elementary and high schools. Public parks and playgrounds. Open space development.</p>	<p>Home occupations. Private garages. Other accessory uses customarily incidental to the principal use.</p>	<p>Accessory dwelling units (see Note 2 at the end of this article). Child day care, four or more. Churches and similar places of worship. Conversions (see Note 1 at the end of this article). Essential services. Expansion of non-conforming uses. Libraries, museums. Multi-family Open Space Development (see Article 7.6 Multi-family Open Space Development).</p>
<p>R-4 MULTI-FAMILY RESIDENTIAL</p>	<p>One-family detached dwellings. Public elementary and high schools. Public parks and playgrounds. Open space development. Multi-family uses.</p>	<p>Home occupations. Private garages. Other accessory uses customarily incidental to the principal use.</p>	<p>Child day care, four or more. Churches and similar places of worship. Community buildings, social halls, clubs, lodges and fraternal organizations. Conversions (see Note 1 at the end of this article). Elderly congregate health care facilities (see Article 6.1 Elderly Congregate Healthcare Facilities - Standards). Essential services. Expansion of non-conforming uses. Libraries, museums. Multi-family Open Space Development (see Article 7.6 Multi-family Open Space Development). Private schools. Residential health care facilities.</p>

DISTRICT	PERMITTED PRINCIPAL	PERMITTED ACCESSORY	SPECIAL EXCEPTIONS
R-5 MULTI-FAMILY DISTRICT	Multi-family attached dwellings, low and moderate income elderly residential dwellings, attached clusters or multi-story existing residences.	Home occupations. Private garages. Other accessory uses customarily incidental to the principal use.	Child day care, four or more. Churches and similar places of worship. Community buildings. Conversions (see Note 1 at the end of this article). Essential services. Expansion of non-conforming uses. Libraries, museums. Private schools.
R-6 RETIREMENT PLANNED COMMUNITY	Single unit building(s) and multi-unit building(s). Municipal water and sewer and underground utilities required.	Home occupations. Private garages. Other accessory uses customarily incidental to the principal use. Community buildings and recreational facilities.	Nursing home or healthcare facilities. Essential services.
M- MANUFACTURED HOUSING	Manufactured housing is only permitted within this district and only in manufactured housing parks.	Public parks and playgrounds. Private garages. Home occupations. Other accessory uses customarily incidental to the principal use.	Conversions (see Note 1 at the end of this article). Essential services. Expansion of non-conforming uses.
MS- MANUFACTURED HOUSING SUBDIVISION	Manufactured housing is permitted in subdivisions created for the placement of manufactured housing on individually deeded lots.	Private garages. Home occupations. Other accessory uses customarily incidental to the principal use.	Child day care, four or more. Essential services. Expansion of non-conforming uses.
C-1 CENTRAL AREA COMMERCIAL DISTRICT	Retail services, business offices, professional offices, hotels. 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 mixed use.	Off-street parking. Other accessory uses customarily incidental to the principal use. Home occupations (in dwelling units only).	Rooming and boarding houses by conversion only. Residential uses. Expansion of non-conforming uses.

DISTRICT	PERMITTED PRINCIPAL	PERMITTED ACCESSORY	SPECIAL EXCEPTIONS
C-2 HIGHWAY COMMERCIAL	Retail services, business offices, professional offices, hotels. 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. Automobile repair shops and washing establishments. New and used car dealers. Outdoor amusement areas. Wholesale establishments. Landscape nurseries. Garden supplies. Animal hospitals, kennels, pounds. Boat sales. Motels. Access to Healthcare District.	Off-street parking. Other accessory uses customarily incidental to the principal use. Home occupations (in dwelling units only).	Gasoline and/or services stations. Expansion of non-conforming uses. Rooming and boarding houses by conversion only.
C-3 EPPING ROAD HIGHWAY COMMERCIAL	Retail services, business offices, professional offices, hotels. 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. Automobile repair shops and washing establishments. New and used car dealers. Outdoor amusement areas. Wholesale establishments. Landscape nurseries. Garden supplies. Animal hospitals, kennels, pounds. Boat sales. Motels. Access to Healthcare District.	Off-street parking. Other accessory uses customarily incidental to the principal use. Home occupations (in dwelling units only).	Gasoline and/or services stations. Expansion of non-conforming uses. Sexually oriented business use. Light industry. Assisted living healthcare facilities and elderly congregate healthcare facilities.
NP- NEIGHBORHOOD PROFESSIONAL	Professional offices. Child day care.	Accessory uses customarily incidental to a permitted principal use.	Business offices, nursing homes, healthcare facilities, elderly congregate healthcare facilities. Essential services. Expansion of non-conforming uses.
WC- WATERFRONT COMMERCIAL	Retail services, business offices, professional offices, hotels. Bed and Breakfast. Churches and similar places of worship. Community buildings, social halls, clubs, lodges and fraternal organizations. Essential services. Libraries, museums. Mixed use.	Off-street parking. Other accessory uses customarily incidental to the principal use. Home occupations (in dwelling units only).	Marinas, docks, piers, boat sales and services (see Article 6.12 Marinas, Docks and Piers and 5.2 Special Exceptions). Expansion of non-conforming uses. Residential uses.

DISTRICT	PERMITTED PRINCIPAL	PERMITTED ACCESSORY	SPECIAL EXCEPTIONS
CT-CORPORATE/TECHNOLOGY PARK	Business, professional, and corporate offices. Child day care. Light industry and research and development uses. Hotels and heliports.	Accessory uses customarily incidental to a permitted principal use.	Expansion of non-conforming uses. Essential services.
CT-1 CORPORATE/TECHNOLOGY PARK-1	Business, professional, and corporate offices. Child day care. Light industry and research and development uses. Hotels and heliports. Warehouse for enclosed storage of goods and materials, distribution plants, wholesale business and educational institutions	Accessory uses customarily incidental to a permitted principal use.	Any retail or personal establishment, professional offices, hotels. Bed and Breakfast. Churches and similar places of worship. Community buildings, social halls, clubs, lodges and fraternal organizations. Essential services. Libraries, museums. Automobile repair shops and washing establishments. New and used car dealers. Outdoor amusement areas. Wholesale establishments. Landscape nurseries. Garden supplies. Animal hospitals, kennels, pounds. Boat sales. Motels. Access to Healthcare District. Off-street parking. Other accessory uses customarily incidental to the principal use. Home occupations (in dwelling units only). Gasoline and/or services stations. Expansion of non-conforming uses. Nursing homes, healthcare facilities, elderly congregate healthcare facilities.
PP-PROFESSIONAL/TECHNOLOGY PARK	Business and professional offices. Data processing facilities. Child day care.	Customer services as a part of banking offices. Customary accessory uses incidental to permitted principal uses, including maintenance, recreation and concession facilities.	Research and development laboratories and related facilities for research, development and testing, including prototype production but excluding biological, radiological or chemical laboratories. Chemical, biological or radiological processes may be permitted as an accessory use at a research and development laboratory and related facility. Essential services. Expansion of non-conforming uses.

DISTRICT	PERMITTED PRINCIPAL	PERMITTED ACCESSORY	SPECIAL EXCEPTIONS
I-INDUSTRIAL	Any manufacturing, assembly or other industrial or research and development operation meeting the requirements of the performance standards of this ordinance. Warehouse for enclosed storage of goods and materials, distribution plants, truck terminals, wholesale business. Manufacturing, storing, assembling, packing or treating of articles or merchandise from previously prepared materials. Mini-storage buildings. Corporate or business offices. Child day care.	Accessory uses customarily incidental to a permitted principal use.	Bulk storage facilities for explosive or flammable products, which facilities are a minimum of 1,000 feet from any place of public assembly having a capacity of ten persons or more, or any habitable dwelling or manufactured housing. Essential services. Expansion of non-conforming uses. Any retail or personal establishment, professional offices, hotels. Bed and Breakfast. Community buildings, social halls, clubs, lodges and fraternal organizations. Essential services. Libraries, museums. Automobile repair shops and washing establishments. New and used car dealers. Outdoor amusement areas. Wholesale establishments. Landscape nurseries. Garden supplies. Animal hospitals, kennels, pounds. Boat sales. Motels. Access to Healthcare District.
H- HEALTHC ARE	Hospitals, nursing homes, elderly housing with available healthcare facilities or services, other healthcare facilities, medical professional offices, and healthcare administration offices. Child day care.	Off-street parking and other accessory uses customarily incidental to the principal use.	Essential services.
HD- HISTORIC DISTRICT	See Article 8 Historic District		
A- AQUIFER PROTECTION	See Article 9.2 Aquifer Protection District Ordinance		
ESP- EXETER SHORELAND PROTECTION	See Article 9.3 Exeter Shoreland Protection District Ordinance		Expansion of non-conforming uses.

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, substantial improvements to existing development are prohibited unless certification by a structures 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.		Same

Schedule I Notes:

1. Conversions – The conversion of existing residential buildings 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) That the structure was in existence prior to 1972;
 - (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.
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. Any new entrances shall be located on the side or in the rear of the building.
 - (d) Accessory dwelling units shall not be allowed in manufactured housing.
 - (e) The accessory dwelling unit shall be a maximum of 720 square feet.
 - (f) One of the dwelling units shall remain owner-occupied.

- (g) An accessory dwelling unit is limited to one bedroom.
- (h) Off-street paved or gravel parking shall be provided for at least four (4) vehicles. Garage and “piggy-back” parking is encouraged.
- (i) 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.
- (j) 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 Water Supply and Pollution Control 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.
- (k) Once any renovations 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.
- (l) A purchaser of a home that had a special exception granted for an accessory dwelling unit who wants to continue renting the accessory unit 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	
	No Municipal Water & Sewer (8)	Municipal Water & Sewer (8)	Dwelling Unit (Sq. Ft.) (3) (10)	Width (Feet) (1) (8)	Depth (Feet) (8)	Feet	Stories	Front (Feet)	Side (Feet)		Rear (Feet)	Building Coverage (%) (4)	Open Space (%) (16)
									one	both			
DISTRICT RESIDENTIAL													
RU- Rural	2 acres	2 acres	2 acres	200	200	50 (18)	3	50	30	60	50	10	85/75 (17)
R-1 Low Density	2 acres (15)	40,000	40,000	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	35	3	25	15	30	25	25	60/40 (17)
R-3 Single Family		12,000	12,000	100	100	25	2	25	15	30	25	25	40
R-4 Multi-Family													
Detached Single Family		12,000	12,000	100	100	35	3	25	15	30	25	25	30
Two Family		15,000	7,500	100	100	35	3	25	15	30	25	25	30
Three or more		21,000 (2)	7,000	100	200	40	3	25	(6)		40	30	30
R-5 Multi-Family		12,000	3,630	100	100	40 (9)	4	25	25		25	30_60 (7)	20
R-6 Retirement Planned Community	Not Permitted	8,000 (11)		80	80	35 (12)		20 (13)	10 (14)		20 (14)	30	40
M- Mobile Home		10,000 (2)	10,000	100	100	15	1	25	15	30	25	25	50
MS- Mobile Home Subdivision		10,000 (2)	10,000	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. Lots with municipal water only – minimum lot width 175 feet.
2. Must have municipal water and sewer.
3. Includes recreation area per dwelling unit and parking area per dwelling unit; but excludes roadways.
4. See definition 2.2.7 Building Coverage.

5. See Article 5.4.2 Height Regulations – Special Exception to Height Regulations – Board of Adjustment.
6. 10 + 1 per dwelling unit/20 + 2 per dwelling unit.
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 supercede 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. Multi-unit buildings may have a maximum height of 50 feet if a special exception is granted by the ZBA.

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

See Notes(#)	Minimum Lot Area				Minimum Lot		Maximum	Minimum Yard Set Backs			Maximum	Minimum	
	No Municipal Water & Sewer	Municipal Water & Sewer	Square Feet	Dwelling Unit (Sq. Ft.)	Width (Ft.) (1)	Depth (Feet)	Height (Feet) (5)	Front (Feet)	Side (Feet)		Rear (Feet)	Building Coverage (%) (4)	Open Space (%) (17)
DISTRICT									one	both			
C-1 Central Area			5,000	3,500	50	100	35	10 (2)	(3)		20	75	5 (18)
C-2 Highway			20,000	Not Permitted	150	100	35 (12)	50	20	40	50 (13)	30	15
C-3 Epping Rd. Highway			40,000	Not Permitted	175	225	50	50 (14)	30	60	25	40	20
NP Neighborhood Professional			20,000	Not Permitted	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	(11)	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
PP Professional Technology Park	Not Permitted	2 Acres	2 Acres	Not Permitted	200	200	50 (15)	75	30	60	50	20 (8)	35
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 2.2.7 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. Hotel related dwelling units (i.e. suites or condominiums) are permitted in addition to standard hotel rooms.
12. Maximum height of fifty 50 feet permitted by special exception.
13. Minimum rear yard setback of 20 feet permitted by special exception.
14. 85 feet from Epping Road. See Article 6.8, Epping Road Strip Management Ordinance, C-3 District.
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 6.15 Healthcare District
17. Overlay districts in which more stringent requirements apply supercede 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.

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 non-conforming uses is prohibited except by Special Exception.

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 substantially change. The type of non-conformity shall remain the same and not be substituted for a different unrelated non-conforming use. If a change in a non-conforming use is proposed, it shall be within the discretion of the Town's Code Enforcement Officer, upon written application, to determine whether the proposed change involves a substantially different purpose, manner, or extent of use. In exercising his discretion, the Code Enforcement Officer shall consider:

1. The nature of the prior non-conforming use.
2. The nature of the proposed non-conforming use.

3. Impact on traffic, parking and the site.
 4. Impact on abutting properties.
 5. Other criteria applicable to the particular uses involved.
- B.** A substantial change in the purposed, manner, or extent of a non-conforming use is permitted only by special exception.
- C.** Any action taken by the Code Enforcement Officer under this provision shall be in writing and shall include detailed findings as to the above factors.

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 is provided and ingress and egress is 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.** That the applicant for a Special Exception agrees as a condition of the Special Exception to obtain Planning Board approval of the site plan prior to applying for a building permit. The Board of Adjustment may require the applicant to obtain Planning Board approval of the site plan prior to scheduling a hearing on application for Special Exception.
- H.** That if the application for Special Exception is for the expansion of a non-conforming use the granting of such exception will not adversely affect abutting or nearby property values, and that the non-conforming use is not hazardous by its nature.
- I.** That if the application is for a Special Exception for the bulk storage of a material which is, in the opinion of the Planning Board, potentially explosive, than landscaping, per Article 5.20, shall be deemed to include such blast containment, blast dampening or blast channeling features as the Board may require.
- J.** That if the application is for a use in the "Professional/Tech Park District," such exception will not:
 - 1.** Affect the water quality of Water Works Pond or other water supplies;

2. Constitute a health 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 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. Notwithstanding that it may be a lot of record at the Rockingham County Registry of Deeds, as of December 1, 1980, any undeveloped non-conforming lot of an owner which abuts another non-conforming lot or lots of that owner shall, by operation of law, be merged with said non-conforming lot or lots so as to form a conforming or nearly conforming lot. Except where both non-conforming lots have been developed for use as a principal residence, no non-conforming lot abutting a non-conforming lot or lots of the same owner shall be conveyed or otherwise transferred without complying with the merger requirements of this paragraph, by submission of an appropriate plan to the Exeter Planning Board, prior to recording at the Rockingham County Registry of Deeds.

C. **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 Lot Width: The minimum lot width of any lot shall be measured along the minimum building setback line as required for the district in which it is located or along the lot frontage at the street line. All lots in a single subdivision shall be measured in accordance with one of the following standards: either the required set back line, or along the lot line at the street, private way, or right-of-way.

5.3.3 Corner Lots: 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.

5.3.4 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.

5.3.5 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 removed 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.

5.4 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 current adopted 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 current adopted 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, at least equal in depth to that required in the residence district. In no case, however, shall the abutting side yard or rear yard be less than twenty feet (20').

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 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 there of. 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 a 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 Except that the Planning Board may grant reductions in required off-street parking spaces in conjunction with its site plan review if the applicant submits proposals for shared parking spaces or increases parking lot screening. The intent of this provision is to grant discretionary 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.

- 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.
- 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 5.6.4.
- C. Off-Street Parking:** Off-street parking areas shall be screened from adjoining residential properties in accordance with Article 5.9.1 General Landscaping Regulations – Unenclosed Uses.

5.6.4 Off-Street Parking Schedule:

USE	REQUIRED PARKING SPACES
Boarding and Rooming Houses	1 for each sleeping room
Churches	1 for each 3.5 permanent seats
Community Buildings and Social Halls	1 for each 200 square feet of floor area
Dwelling Units	2 for each dwelling unit plus one (1) additional space for guest parking for each two (2) multi-family dwelling units.
Elderly Housing	1 for each dwelling unit
Healthcare District	2.8 spaces per bed for hospital. 4 spaces for each

USE	REQUIRED PARKING SPACES
	1,000 sq. ft of out patient facilities (excluding storage, utility and maintenance areas). 5 spaces per 1,000 sq. ft 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 space used for home occupation
Manufacturing Plants, Research or Testing Laboratories	1 for each employee in the maximum working shift
Motels, Hotels	3 for each 2 units
Office	1 space for each 250 square feet of floor space
Professional/Tech Park	3 for each 1,000 sq. ft. of gross floor area
Restaurants, Bars and Night Clubs	1 for each three seats
Retail Stores, Store Groups, Shops, other than offices, etc.	1 space for each 200 square feet of floor space
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
Theater	1 for each 3.5 seats
Wholesale Establishments or 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

5.6.5 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**: 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.
- 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. **Directional Sign**: A sign that does not contain either identification or advertising copy, but includes pertinent information including assisting in the flow of traffic.
- D. **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.
- E. **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.
- F. **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. Such signs shall have a maximum height of ten feet (10') and a maximum area of twenty-four square feet (24'), or as hereinafter provided.

- G. Identification Sign:** A sign that includes, as copy, only the name of the business, place, organization, building or person it identifies.
- H. 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.
- I. 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.
- J. Menu Board:** A permanently mounted sign displaying the bill of fare of a drive-in or drive-through restaurant.
- K. Price Sign:** A permanently mounted sign displaying the retailing cost of gasoline on the premises of a service station.
- L. 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.
- M. Wall-mounted Signs:** An identification or advertising sign that is fastened to any vertical portion of the main building which it identifies, or advertises.
- N. 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.

O. Sign Height Measurements:

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.

5.7.3 General Regulations:

- A. Signs not specifically authorized are prohibited, included but not limited to the following:
 1. Portable billboard sign except as allowed for temporary use (see Sign Tables under Article 5.7.4 and 5.7.5);
 2. Signs mounted, attached or painted on trailers, boats, or motor vehicles when used as additional advertising signs on or near the premises;
 3. Roof-mounted signs, or signs that project above the highest point of the roofline, parapet, or fascia of the building;
 4. Any sign emitting sound;
 5. Any sign with intermittent or flashing illumination, animated, moving, or electronic reader board signs;
 6. Any off-site identification sign or advertising sign unless otherwise herein provided.
- B. No sign shall be erected or placed within any traffic median or any public sidewalk or bicycle path.
- C. 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.
- D. Non-conforming free-standing signs, sign structures, poles and other related equipment that have been abandoned for more than two (2) years shall be removed.

- E.** 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.
- F.** The source of a sign’s illumination shall not be visible from any adjacent residential areas or streets.
- G.** 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.
- H.** 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.
- I.** Projecting signs may be used where wall-mounted signs are allowed up to six square feet (6 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 and may not project more than three feet (3') from a wall surface.
- J.** 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.
- K.** 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.
- L.** 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.

- M. 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.
- N. 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	40	N/A	40/10	No	Yes	24	4
Churches, Museums & Schools (per building)	24	24	24/10	Yes	Yes	24	4
Health Care Facilities & Libraries (per building)	24	24	24/10	Yes	Yes	No	No
Home Occupation	4	4	4/5	No	Yes	No	No
Farm & Nursery	24	24	4/5	No	Yes	No	No

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.	
Stands							
Temporary Contractor	12	12	12/5	No	No	No	No
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
Legal Non-Conforming Use	24	24	24/10	Yes	Yes	No	No
Permanent Readerboard (Note E)	12	12	12/10	Yes	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 non-electronic changeable letter advertising sign may be attached to a permanent freestanding identification sign structure.

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.

<i>Type of Use</i>	<i>Maximum Aggregate Area (Sq. Ft.) (A)</i>	<i>Wall-Mounted Signs Maximum Area (Sq. Ft.)</i>	<i>One Freestanding Identification Sign Maximum Area/Height (F)</i>	<i>Illuminated Sign</i>	<i>Sign Permit Required</i>
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 Readerboard (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 for 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, 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 regulations and receive approval from the HISTORIC DISTRICT COMMISSION.

5.7.7 Exeter Historic Districts Sign Ordinance – Commercial District:

- A. 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 insure that the visual impact of all signs shall be consistent with the historical and architectural qualities of the Historic District.
 2. To preserve to the extent practicable, the period architectural details of the facades of the buildings in the Historic District.
 3. To promote the general visual attractiveness of the Historic District.
 4. All other goals and standards consistent with NH RSA §674:45-50.
- B. **Sign Application Procedures:**
1. All signs 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 agent. Applicants are urged to consult the Historic District Commission guidelines booklet for definitions of terms and helpful suggestions.
 2. (Only one face of a two-sided sign shall be used in computing sign area).

C. Size:

1. Total signage shall be limited proportionate to the length of street frontage (per Article 5.7.9).
2. Signs required by Federal and/or State law and Historical Markers will not be considered as part of the total signage.

D. 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.
3. Placement of a Directory Sign may be:
 - a. Within a hallway;
 - b. In case of recessed doorways, directories may be located on a wall of the recess;
 - c. A projecting sign may be hung over the entrance, but it is not to exceed sixteen (16) square feet per face.

E. 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.**F. Location:**

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

2. No projecting sign may overhang beyond a line five feet (5') from the building face. The height of such signs shall be according to the individual building, but no less than eight feet (8') for safety.
3. Free-standing signs on permanent posts are not allowed in the Commercial Historic District.
4. An awning or canopy may not extend over two-thirds of the sidewalk or six feet (6') from the building face, whichever is the lesser. It shall not extend beyond the street light or trees. It is subject to review by the Historic District Commission. Color and style must be appropriate to the building and lettering will be considered part of the total signage.
5. Roof signs are prohibited.
6. Animated and moving signs are prohibited
7. Permanent window signs may not take up more than ten percent (10%) of the window area.
8. Doors leading to multiple occupancies shall have the building name and street number only.
9. Each below-street level establishment may have an appropriate sign at its primary entrance.
10. Commercial establishments located at above-street levels will be permitted window signs only.

G. Temporary Signs:

1. Window Signs: These are allowable only as they advertise sales or events for a period of not more than thirty days. They may cover no more than twenty-five percent (25%) of the area of the window in which they appear.

- H. Material:** Materials appropriate to the Historic District, such as wood, brass, glass or wrought iron, will be permitted.

- I. **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.
- J. **Lettering**: Lettering should be appropriate to the definitions in the guidelines.
- K. **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.
- L. **Special Cases**: Request for exceptions for any of the above will be reviewed by the Historic District Commission.

5.7.8 Exeter Historic Districts Sign Ordinance – Residential:

- A. 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 under Article 5.7.7.L Exeter Historic Districts Sign Ordinance – Commercial District – Special Cases.
 - 1. To insure that the visual impact of all signs shall be consistent with the historical and architectural qualities of the Historic District as a whole.
 - 2. To preserve, to the extent practicable, the period architectural details of the facades of the buildings in the Historic District.
 - 3. To promote the general visual attractiveness of the Historic District.
 - 4. All other goals and standards consistent with NH RSA §674:45 – 50.
- B. **Sign Application Procedures**:
 - 1. All signs 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 agent.

2. Signs required by Federal and/or State law and Historical Markers will not be considered a part of the total signage.

C. 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. Free-standing signs on permanent posts are not encouraged but are allowed on private land so long as requirements for size, location, materials, lettering and illumination are met, as stated in Sign Ordinance – Commercial District, and Town of Exeter Zoning Ordinance of 1973.

D. Historic District – Table A – Allowable Sign Area

To use this Chart:		Determine Linear Frontage of Establishment (top line of chart). Decide on Proposed Sign Type (column at left). The intersection of the 2 columns shows maximum allowable sign size in square feet.											
Sign Type	Sign Location	Linear Frontage (Feet)											
		8	12	16	20	24	28	32	36	40	44	48	52
Wall Sign Independent	Primary	11.5	14	16	18	19.5	21	22.5	24	25	26.5	28	29
	Secondary	7	8.5	10	11	12	13	14	15	16	16.5	17	18
Wall Sign Direct Applied	Primary	7	8.5	10	11	12	13	14	15	16	16.5	17	18
	Secondary	4	5	6	6.5	7.5	8	8.5	9	9.5	10	10.5	11
Hanging Sign	Primary	7	8.5	10	11	12	13	14	15	16	16.5	17	18
	Secondary	4	5	6	6.5	7.5	8	8.5	9	9.5	10	10.5	11
Banner Wall Sign	Primary	11.5	14	16	18	19.5	21	22.5	24	25	26.5	28	30
	Secondary	7	8.5	10	11	12	13	14	15	16	16.5	17	18
Banner Hanging	Primary	7	8.5	10	11	12	13	14	15	16	16.5	17	18
	Secondary	4	5	6	6.5	7.5	8	8.5	9	9.5	10	10.5	11
		1. Area Bases on formula – sign area $4x\sqrt{\text{Linear Frontage}}$ 2. Area Bases on formula – sign area $2.5x\sqrt{\text{Linear Frontage}}$ 3. Area Bases on formula – sign area $1.5x\sqrt{\text{Linear Frontage}}$											

Allowable area figures shown in square feet

5.8 FEE SCHEDULE

The application fees for sign permits are based on the type of use the sign will be associated with. The prices listed are for each sign, not each use:

Use	Application Fee per Sign
Residential	\$10.00
Home Occupation	\$10.00
Use	Application Fee per Sign
Home, Religious, Non-Profit, etc.	\$10.00
Commercial	\$25.00
Industrial	\$25.00

5.9 GENERAL LANDSCAPING REGULATIONS

5.9.1 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, or landscaping sufficient to obscure such uses from view from abutting properties lying in R-District or from a public right-of-way.

5.9.2 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.

5.10 PERFORMANCE STANDARDS

All uses shall comply with the following:

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

5.10.2 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.

5.10.3 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.

5.10.4 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.

5.10.5 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.

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

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

5.10.8 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.

5.10.9 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 as defined below, see sections (B) and (C).
 - 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.

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.

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 USES

6.4.1 Amusement Center, Bowling Alley and Similar Places of Amusement:

- 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. A new principal structure shall not be less than fifty feet (50') from any property line.
- D. No bowling alley or commercial skating rink or similar use shall be maintained or operated within 300 feet of an entrance or exit of a public or private school, public library, church, hospital, children's or old people's home or other similar public or semi-public institutions.
- E. 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.
- F. 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 COMMUNITY FACILITIES

6.6.1 Essential Services, 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 Essential Services, 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.

6.8 EPPING ROAD STRIP MANAGEMENT ORDINANCE, C-3 DISTRICTS

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').

6.8.3 Setback Requirements from Right-of-Way:

- A. The minimum building setback shall be eighty-five feet (85') from the Epping Road right-of-way.
- B. The minimum access road setback shall be fifty feet (50') and the parking area setback shall be seventy-five feet (75').

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 gross floor area of the dwelling unit, 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 and Dental 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 and nursery 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) or more by Special Exception, refer to 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.

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.

6.13 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 HELICOPTER AND AIRPORT ORDINANCE

6.14.1 **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.

6.14.2 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.

6.14.3 Regulation of Heliport and Airports:

- A. Heliports and airports shall only be permitted in the RU, C-2, C-3, H, PP, and I zones provided landing area site approval and registration is completed by the State Division of Aeronautics in accordance with NH RSA §422:20.
- 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.

6.14.4 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.

6.15 HEALTHCARE DISTRICT:

6.15.1 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. 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.

6.15.2 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.

6.15.3 Parking Setbacks: No additional parking areas shall be installed in the Healthcare District within fifty feet of where the Healthcare District adjoins any residential district.

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.

7.3 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.

7.4 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 ten (10) 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 Setback Requirements:

- A. Minimum internal right-of-way 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. **Side & Rear Yard Setback**: No structure shall be closer than twenty feet (20') to a side and/or rear property line.
- D. **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.
- 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. (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 by limited to a maximum of fifteen (15) dwelling units.
- 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. 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.

- 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 and a maximum of twelve (12) multi-family dwelling units.

- 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):** 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 and property taxes will not exceed 30% of household income.

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. 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 waive 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

The Historic District Commission, herein called the Commission, will accept applications for Certificates of Approval to alter, improve, restore, construct or move structures, into, out of or within an historic district. It shall review, hold public hearings, approve or disapprove applications and issue Certificates of Approval, appending thereto such conditions on performance of the work as it may deem appropriate or necessary.

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.

8.6 ADMINISTRATION, ENFORCEMENT AND LIMITATION

8.6.1 These articles shall be administered by the Commission, the Building Inspector, the Town Planning Director 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 17, 1979):

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 southeasterly 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 of 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 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 8.8.2 A – C 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 controlling and guiding the use of land areas defined as Wetlands. It is intended that this article shall:

- A.** Prevent the development of structures and land uses on wetlands which will contribute to pollution of surface and groundwater by sewage or toxic substances or sedimentation;
- B.** Prevent the destruction of, or significant changes to, wetlands which provide flood protection; provide filtration of water flowing into ponds and streams, augment stream flow during dry periods and are connected to the ground or surface water supply;
- C.** Protect wildlife habitats, maintain ecological values and support other public purposes such as those cited in NH RSA §482-A: 1;
- D.** Protect potential water supplies and existing aquifers (water bearing stratum) and aquifer recharge areas;
- E.** 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;
- F.** Prevent damage to structures and properties caused by inappropriate development in wetlands.

9.1.2 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.

9.1.3 Area of Jurisdiction:

- A. Definition of Wetlands:** Wetlands are areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal conditions do 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.
- B. Delineation of Wetlands:** Wetlands shall be delineated on the basis of hydrophytic vegetation, hydric soils, and wetlands hydrology, in accordance with the techniques outlined in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (January 10, 1989).
- C. 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 sub-article B. above in order to examine said area and report the findings to the Planning Board for their determination of the boundary. Testing procedures that are necessary to resolve boundary appeals shall be conducted at the expense of the landowner.

9.1.4 Permitted Uses: In all cases where the Exeter Wetlands Conservation District is superimposed over another zoning

district in the Town of Exeter, that district whose regulations are more restrictive shall apply. The following uses shall be permitted as specified provided that the proposed use will not cause a degradation of the wetland(s) in question.

- A. Construction of roads and other access ways, parking areas, structures and other site improvements that impact less than 3,000 square feet of wetlands, provided that a New Hampshire Wetlands Permit has been granted for the proposed use and the project does not impact designated prime wetlands.
- B. Agriculture, including grazing, hay production, truck gardening and silage production provided that such use is shown not to cause significant increases in surface or groundwater contamination by pesticides or other toxic or hazardous substance and that such use will not cause or contribute to soil erosion.
- C. Forestry and tree farming to include the construction of access roads for said purpose.
- D. Wildlife habitat development and management.
- E. Recreational uses consistent with the purpose and intent of this article.
- F. Conservation area and nature trails.
- G. Water impoundment and the construction of well water supplies.
- H. Drainage ways to include streams, creeks or other paths of normal runoff water and common agricultural land drainage.

9.1.5 Conditional Uses:

- A. **Conditional Use Permit:** Under the enabling authority granted by NH RSA §674:21 II, a conditional use permit may be granted by the Planning Board for the following uses or alteration in wetlands, provided that all of the

conditions listed in article 9.1.5.B below are met.

1. Construction of roads and other access ways, parking areas, structures and other site improvements that impact 3,000 square feet or more of wetlands, or any amount of designated prime wetlands, provided that the proposed construction is essential to the productive use of land not within the Wetlands Conservation District.

B. Conditions:

1. That the use for which the permit is sought cannot feasibly be carried out on a portion or portions of the lot which are outside the Wetlands Conservation District;
2. That the design, construction and maintenance of the proposed use will, to the extent feasible, minimize detrimental impact on the wetland and that no alternative design which does not impact a wetland or which has less detrimental impact on the wetland is feasible;
3. In cases where the proposed use is temporary or where construction activity disturbs areas adjacent to the immediate use, that the landowner agrees to restore the site as nearly as possible to its original grade and condition following construction;
4. 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;
5. 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.

9.1.6 Environmental Impact Assessment: The Planning Board

may require the applicant to submit an environmental impact assessment when necessary to evaluate the effects of proposed development on existing wetland natural resources. The cost of this assessment shall be borne by the applicant. The Planning Board may also assess the applicant reasonable fees to cover the costs of the review of technical studies required under this article.

9.1.7 Lot Size Determination:

- A.** Areas defined as jurisdictional wetlands in this article may be used to satisfy 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.** If remaining soils impose only slight limitations to the construction of leach field sites and buildings with basements, and all setbacks are adhered to, then the twenty-five percent (25 %) limitation of this article may be increased to fifty percent (50%) for minimum sized lots in the RU or R-1 districts. Limitations include slopes 20% or greater, shallow depth to bedrock (less than 18 inches), wetlands, and open bodies of water. Note this exception is not allowed in cluster/open space developments.

9.1.8 Buffer Areas:

- A.** No subsurface wastewater disposal system shall be constructed within seventy-five feet (75') of the edge of any Type A Hydric Soil (very poorly drained) or fifty feet (50') of any Type B Hydric Soil (poorly drained).
- B.** The Planning Board shall require the designation of buffer areas adjacent to wetlands to protect such wetlands from adverse impacts due to proposed site development in accordance with Site Plan Review and Subdivision

Regulations, Section 9.9.2 Wetland Setbacks. All construction, forestry and agricultural activities within one hundred feet (100') feet of any wetlands shall be undertaken with special care to avoid soil erosion and siltation of wetlands.

- C. The area extending one hundred feet (100') from the boundary lines of Exeter's prime wetlands as registered with the NH Wetlands Bureau shall be a no-cut, no-disturbance buffer. (See 'Prime' Wetlands A Report, January 1983) If the prime wetlands is also a wetland contiguous to a protected river, stream, or brook, the required setback shall be that which yields the greatest protection. The permitted use as described in Article 9.3.4.1.2 is allowed within the wetland "no-cut, no-disturbance" buffer area.

9.1.9 Remedy for Violations: 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.

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. District Boundaries:

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 preformed 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.

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. **Groundwater**: All the water below the land surface in the zone of saturation or in rock fractures capable of yielding water to a well.
- D. **Groundwater Recharge**: The infiltration of precipitation through surface soil materials into groundwater. Recharge may also occur from surface waters, including lakes, streams and wetlands.
- E. **Leachable Waste**: Waste materials, including solid wastes, sludge, and agricultural wastes that are capable of releasing contaminants to the surrounding environment.
- F. **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.
- G. **Recharge Area**: The land surface area from which groundwater recharge occurs.
- H. **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.
- I. **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. **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.
- D. **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.
- E. **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.
- F. **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.
- G. **Seasonal High Water Level (fresh)**: The average annual high water elevation of a stream, brook, or river, including contiguous wetlands and floodplains.
- H. **Shoreline (fresh)**: The water's edge at seasonal high water level.
- I. **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 south of Route 101.
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 adjacent to the shoreline of the Exeter River, Squamscott River, Dearborn Brook, Water Works Pond, and Fresh River, 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.2 Exeter Shoreland Protection District Ordinance – Conditional Use) 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.

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 know 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 Town of Exeter, NH” together with the associated Flood Insurance Rate Maps, and Flood Boundary & Floodway Maps of the Town dated May 17, 1982 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”
- B. **Area of Shallow Flooding**: A designated AO, AH, or VO zone on the Flood Insurance Rate Map (FIRM) with a one-percent or greater annual possibility of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where a path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet-flow.
- C. **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 as zone A on the Flood Hazard Boundary Map (FHBM) and is designated on the FIRM as zone A, A2, A5.
- D. **Base Flood**: The flood having a one-percent possibility of being equaled or exceeded in any given year.
- E. **Basement**: Any area of a building having its floor sub-grade on all sides.
- F. **Breakaway Wall**: A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation.
- G. **Building**: see “Structure”
- H. **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, or drilling operation.
- I. **FEMA**: Federal Emergency Management Agency
- J. **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.
- K. Flood Boundary and Floodway Map:** An official map of the Town of Exeter, on which FEMA has delineated the "Regulatory Floodway". This map should not be used to determine the correct flood hazard zone or base flood elevation, the Flood Insurance Rate Map (FIRM) will be used to make determinations of flood hazard zones and base flood elevations.
- L. Flood Elevation 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.
- M. 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.
- N. Flood Insurance Study:** see "Flood Elevation Study"
- O.** Floodplain or Flood-prone area: Any land area susceptible to being inundated by water from any source (see definition of "Flooding").
- P. 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.
- Q. Floodway:** see "Regulatory Floodway"
- R. 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.

- S. Highest Adjacent Grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- T. 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.
- U. 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.

- V. **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.
- W. **Mean Sea Level**: The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a communities Flood Insurance Rate Map are referenced.
- X. **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.
- Y. **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. These areas are designated as floodways on the Flood Boundary and Floodway Map.
- Z. **Special Flood Hazard Area**: An area having flood, mud slide, and/or flood-related erosion hazards, and shown on an FHBM or FIRM as zone A, AO, A1-30, AE, A99, AH, VO, V1-30, VE, V, M, or E. (see “Area of Special Flood Hazard”).

- AA. 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.
- BB. 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.
- CC. 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.
- DD. Substantial Improvement:** 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”.

EE. Water Surface Elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (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 improves structures located in Zones A, A1-30, AE, AO, or AH, the applicant shall furnish the following information to the Building Inspector:

- A. The as-built elevation (in relation to NGVD) 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) 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 Board of the New Hampshire Environmental Services Department 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 Board.
- 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 community during the base flood discharge. 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 floodway requirements of this article.
- 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 zones A1-30 and 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.

9.4.8 100 Year Flood:

- A. In special flood hazard areas the Building Inspector shall determine the 100 year flood elevation in the following order of precedence according to the data available:

1. In zones A1-30, AH, AE, V1-30, and VE refer to the elevation data provided in the community's Flood Insurance Study and accompanying FIRM and FHBM.
 2. In unnumbered A zones the Building Inspector shall obtain, review, and reasonably utilize any 100 year 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 AO the flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or if no depth number is specified on the FIRM at least two feet.
- B.** The Building Inspector's 100 year flood elevation, determination will be used as criteria for requiring in zones A, A1-30, AE, AH, AO, and that:
1. All new construction or substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the 100 year 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 flood level; or together with attendant utility and sanitary facilities, shall
 - a. Be flood-proofed so that below the 100 year 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 A1-30, AH 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 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” in Paragraph (c) (6) of Section 60.3.

- 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; 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 designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must

meet or exceed the following minimum criteria: 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:
- 10.1.2 To promote the development of an economically sound and environmentally stable “small town” residential community;
- 10.1.3 To preserve the scenic beauty and present aesthetic values of the Town;
- 10.1.4 To prevent scattered or premature development of the land;
- 10.1.5 To protect the health, safety, convenience, property and general welfare of its inhabitants;
- 10.1.6 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;
- 10.1.7 To promote development harmonious with land capabilities within the Town;
- 10.1.8 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;
- 10.1.9 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 only be valid for a period of three (3) 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 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.

Article 15. 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 or 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 of 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 phrase “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 discretionary 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 phrase '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 6.15.1 Dimensional 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.

- 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. ”
- 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 9.3.4.1.2 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.
- 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.

- 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. See attached map.

March 2003

- 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.”

Article 16. APPENDIX A: SINGLE FAMILY OPEN SPACE DEVELOPMENTS – INTERNAL SETBACK REQUIREMENTS

TOWN OF EXETER: SINGLE FAMILY OPEN SPACE DEVELOPMENTS – 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 Louis Drive	Front: 20' From R.O.W. or Parking Area. Side & Rear: 30' From an Abutting Structure.
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.

TOWN OF EXETER: SINGLE FAMILY OPEN SPACE DEVELOPMENTS – INTERNAL SETBACK REQUIREMENTS			
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	Windermere 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.