

COMPLETE ZONING AMENDMENTS for BALLOT VOTE – MARCH 10, 2020

[NOTE: New language is shown as ***bold italic***; language to be deleted is shown as a ~~strike through~~.]

Are you in favor of the adoption of **Amendment #1** as proposed by the Planning Board for the Harrisville Zoning Ordinance to amend the definition of Dwelling in Article XXVI as follows?

DWELLING: ~~A building designed or used as the living quarters for one or more families,~~ ***A single unit providing complete independent living facilities, including provisions for living, sleeping, eating, cooking and sanitation.*** The terms "dwelling", "one-family dwelling", "multiple-family dwelling", "two-family dwelling" or "dwelling group" shall not be deemed to include automobile court, rooming house, tourist home or hotel. ***For the purposes of this ordinance, "cooking" means to have the ability to heat, cook, and refrigerate food, with a sink and water supply separate from a bathroom.***

Explanation: *The purpose of this amendment is to make the Town's definition consistent with the State Building Code definition; and to further clarify what constitutes "cooking" in order to provide better guidance for zoning administration and enforcement.*

Are you in favor of the adoption of **Amendment #2** as proposed by the Planning Board for the Harrisville Zoning Ordinance to amend the definitions of Structures in Article XXVI as follows?

STRUCTURE, ***PERMANENT***: Anything constructed or erected, ~~whether permanent or temporary,~~ with a fixed location on the ground, or attached to something having a fixed location on the ground, including television antennae, docks, and patios, but not including paving, fences, retaining walls, signs, flag poles or mailboxes.

STRUCTURE, ***TEMPORARY***: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased; ***this includes but is not limited to tents and portable garages.***

Explanation: *The purpose of this amendment is to better distinguish between permanent and temporary structures in order to provide clarity for those things that require a building permit and/or are subject to setbacks and impervious cover limitations, and those that are not.*

Are you in favor of the adoption of **Amendment #3** as proposed by the Planning Board for the Harrisville Zoning Ordinance to amend the definition of Signs in Article XXVI by deleting the exemption for civic, charitable, religious or patriotic organizations, as follows?

SIGN: Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency. ~~or of any civic, charitable, religious, patriotic or similar organization.~~

Explanation: *The purpose of this amendment is to make the definition consistent with the proposed changes in Article XVII – Signs.*

Are you in favor of the adoption of **Amendment #4** as proposed by the Planning Board for the Harrisville Zoning Ordinance to amend the definition of Impervious Cover in Article XXVI as follows?

IMPERVIOUS COVER: Any modified surface that cannot effectively absorb or infiltrate water. Examples of impervious surfaces include, but are not limited to ***permanent or temporary structures,*** roofs, decks, patios, and paved, gravel or crushed stone driveways, parking areas, and walkways. ~~unless designed to effectively absorb or filter water.~~

Explanation: *The purpose of this amendment is to align the definition of Impervious Cover with the proposed changes in Section 4.1.14 for allowable impervious cover on a lot.*

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Are you in favor of the adoption of **Amendment #5** as proposed by the Planning Board for the Harrisville Zoning Ordinance to amend Section 4.1.14, Impervious Cover as follows?

4.1.14. In no case shall any parcel or lot have an impervious cover of more than ~~twenty (20)~~ **thirty (30)** per cent of the lot area. The total shall include the structural footprint, impervious roadway or any other impervious cover.

Explanation: The purpose of this amendment is to increase the allowable amount of impervious cover on a lot, consistent with state regulations.

Are you in favor of the adoption of **Amendment #6** as proposed by the Planning Board for the Harrisville Zoning Ordinance to delete section 20.1.3 regarding special exception approval for wireless communication facilities, in order to be consistent with the new Article XIX?

~~20.1.3. Special exception criteria for wireless communication facilities. In addition to all other applicable special exception criteria as well as other provisions of this ordinance, an application shall include information stipulating the criteria of need for a tower to adequately service the area. In addition the Board of Adjustment shall consider the following criteria:~~

~~20.1.3.1. The site for the proposed Wireless Communication Facility shall be at least two times the tower height in diameter, and still meet lot line set back requirements.~~

~~20.1.3.1.1. The applicant shall demonstrate, to the satisfaction of the Board of Adjustment, that all precautions have been taken to eliminate any threat from the tower structure to nearby buildings, structures, and pedestrians.~~

~~20.1.3.2. The applicant shall demonstrate to the satisfaction of the Board of Adjustment that there will be no impact on the telecommunications systems of neighboring properties.~~

~~20.1.3.3. Lighting impacts from the site shall be minimal to neighbors and to those whose view is impacted by the facility.~~

Explanation: Article XIX was completely rewritten and adopted at 2019 Town Meeting, making this section no longer necessary or applicable.

Are you in favor of the adoption of **Amendment #7** as proposed by the Planning Board for the Harrisville Zoning Ordinance to remove all references in Article XXIX – Accessory Dwelling Units - to revise the Purpose Statement, as follows and to delete all references to “existing” single-family homes, in order to be consistent with state law?

29.2. PURPOSE: In accordance with NH RSA 674:21, to expand the mix of affordable housing opportunities throughout the Town by permitting the creation of a secondary dwelling residence as an accessory use to ~~existing~~ a single-family detached dwelling. Primary reasons for the permitting of ADU’s within the town are *spelled out in the Master Plan and include, but are not limited to: discouraging sprawl; creating housing opportunities to meet the needs of a diverse population; and facilitating the social and economic benefits that derive from a housing stock that meets the needs of all its residents.*

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ADU's. To remove all references in Article XXIX to "existing" single-family homes, in order to be consistent with state law; and to revise the Purpose Statement.

29.2. PURPOSE: In accordance with NH RSA 674:21, to expand the mix of affordable housing opportunities throughout the Town by permitting the creation of a secondary dwelling residence as an accessory use to ~~existing~~ a single-family detached dwelling. Primary reasons for the permitting of ADU's within the town are ***spelled out in the Master Plan and include, but are not limited to: discouraging sprawl; creating housing opportunities to meet the needs of a diverse population; and facilitating the social and economic benefits that derive from a housing stock that meets the needs of all its residents.***

29.3 GENERAL PROVISIONS:

29.3.1 An Accessory dwelling unit (ADU's) that is attached to a ~~existing~~ single family residence is allowed by right in all districts that permit single-family dwellings, except a conditional use permit from the Planning Board shall be required in high-density areas, i.e., village and lakeside districts.

29.4 DESIGNATION: One accessory dwelling unit shall be permitted only on parcels which meet the following conditions:

29.4.2 Contains one ~~existing~~ single-family detached dwelling which is a conforming use.

EXISTING LANGUAGE

29.2. PURPOSE: In accordance with NH RSA 674:21, to expand the mix of affordable housing opportunities throughout the Town by permitting the creation of secondary dwelling residences as an accessory use to existing single-family detached dwellings. Primary reasons for the permitting of ADU's within the town are:

29.2.1. The Harrisville 2014 Master Plan specifically calls for improving the housing situation through measures that discourage further sprawl, increase housing density, and upgrade the existing housing stock.

29.2.2. There is a growing need for more diverse affordable housing opportunities.

29.2.3. Demographic trends are producing more households where adult children wish to give care and support to parents in a semi-independent living arrangement.

29.2.4. Elderly and disabled citizens are in need of independent living space for caregivers.

29.2.5. There are many important societal benefits associated with the creation of accessory dwelling residences, including:

29.2.5.1. Increasing the supply of affordable housing without the need of more infrastructure or further land development.

29.2.5.2. Benefits for aging homeowners, single parents, caregivers, disabled persons, and recent college graduates who are saddled with significant student loan debt.

29.2.5.3. Integrating affordable housing into the community with minimal negative impact.

29.2.5.4. Providing elderly citizens with the opportunity to live in a supportive family environment with both independence and dignity.

Explanation: The purpose statement has been summarized by making reference to the Master Plan, with the intention of making this ordinance easier for the Planning Board to interpret. In addition, allowing ADU's only on existing homes is in conflict with state law.

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Are you in favor of the adoption of **Amendment #8** as proposed by the Planning Board for the Harrisville Zoning Ordinance to amend Article 17 – Signs, by adding a Purpose Statement, making a number of changes to the section, renumbering the sections accordingly, and deleting all references to “advertising” related to signs elsewhere in the Zoning Ordinance?

NEW LANGUAGE:

17.1. Purpose. The purpose of this section is to protect public safety and aesthetics while ensuring that residents, businesses and organizations have adequate signage. Establishments need identification and the public needs direction, therefore this section aims to provide for reasonable uniformity in the size, treatment and presentation of signs while at the same time ensuring that they are readable and clear, non-distracting and are maintained in good condition.

17.2 Specifications.

17.2.1 Gas-filled, flashing or animated internally-illuminated signs are prohibited.

17.2.2 Other internally-illuminated or externally illuminated signs may be allowed by Special Exception.

17.2.2 A sign shall not be closer than ten (10) feet from the edge of the traveled section of the public right-of-way and no closer than twenty (20) feet to any side property line.

17.2.3 No sign shall be placed in such a position as to endanger traffic by obscuring a clear view or by confusion with official signs or signals.

17.2.4 Except in the Commercial and Industrial Districts, signs shall not exceed a total area of six (6) square feet.

17.2.5 In the Commercial and Industrial Districts building or wall-mounted signs shall not exceed twenty-four (24) square feet.

17.2.5.1 A freestanding sign at one location shall not exceed twelve (12) square feet each and the combined area of multiple freestanding signs shall not exceed thirty (30) square feet. No freestanding sign shall extend more than fifteen (15) feet above the ground.

17.2.6 When a sign is posted on town property, written permission from the Select Board or its designee is required. Permits shall be issued for a three (3) month period. This time limit may be extended at the Select Board’s option.

17.2.7 No off-premise sign shall be posted on any property in Town without the prior, written permission of the owner of that property.

17.2.8 Signs on a public right of way must be self-supported.

EXISTING LANGUAGE

17.1. Specifications.

17.1.1. Internally illuminated, gas filled tubular or flashing electric advertising signs are prohibited.

17.1.2. Externally illuminated signs are permitted by special exception.

17.1.3. A sign shall not be closer than ten (10) feet from the edge of the traveled section of the public right-of-way and no closer than fifty (50) feet to any side property line.

17.1.4. No freestanding sign shall extend more than fifteen (15) feet above the ground.

17.1.5. No sign shall be placed in such a position as to endanger traffic by obscuring a clear view or by confusion with official signs or signals.

17.1.6. Advertising billboards are prohibited.

17.1.7. An advertising sign in the residential and agricultural districts shall not exceed a total area of six (6) square feet.

17.1.8. Advertising signs in the commercial and industrial districts are not to exceed twenty-four (24) square feet. Freestanding signs at one location shall not exceed twelve (12) square feet each and their combined areas shall not exceed thirty (30) square feet.

17.1.9. A sign pertaining to the lease or sale of a lot or building shall not exceed a total area of six (6) square feet.

17.1.10. When a sign is posted on town property, written permission from the selectmen is required. Permits shall be issued for a three (3) month period. This time limit may be extended at the selectmen's option.

17.1.11. When a sign is posted off premise, permission from the owner of the property is required.

17.1.12. Signs on a public right of way must be self-supported.

Explanation: *The purpose of this amendment is to bring the article into compliance with case law on signs, better distinguish between lit signs, and reorganize some sections without changing the content.*

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Are you in favor of the adoption of **Amendment #9** as proposed by the Planning Board for the Harrisville Zoning Ordinance to add a new section addressing solar energy systems?

NEW Article XXX Solar Energy Systems

- 30.1 **PURPOSE:** The purpose of this section is to encourage energy-efficient patterns of development and to decrease dependence on fossil fuels by accommodating solar energy systems in appropriate locations while protecting the public health, safety and welfare. Consideration of the town’s scenic views, historic properties, and rural character will be taken into consideration to minimize potential impacts.
- 30.2 **DEFINITIONS:** In addition to all relevant definitions contained in other Harrisville ordinances and regulations, the following definitions apply specifically to this section.
- 30.2.1 **Solar Collection System.** All equipment required to harvest solar energy, such as storage devices, transfer equipment and all other necessary parts.
- 30.2.2 **Roof-Mounted Solar Energy System.** A system that is affixed to the roof of a building or other structure.
- 30.2.3 **Ground-Mounted Solar Energy System.** A system and associated mounting hardware that is affixed to or placed upon the ground.
- 30.2.4 **Accessory Solar System.** Any ground- or roof-mounted system intended primarily for residential, non-residential or agricultural on-site power generation. A ground-mounted system may not cover more than 1000 square feet of ground except by special exception. These systems are not to be used for the sale of electricity to other users; however, this is not intended to prohibit the return of excess power generated from time to time to the local utility company.
- 30.2.5 **Commercial Solar System.** Any solar collection system that is intended for sale of the generated power to a utility.
- 30.3 **APPLICABILITY.** Solar Collection Systems are permitted according to the following Table of Permitted Uses.
- 30.3.1. Any system proposed for the Historic District also requires approval from the Historic District Commission prior to obtaining any other approvals.

Table Of Permitted Uses						
ZONING DISTRICT						
System Type	Residential Agricultural	Commercial	Industrial	Lakeside Residential	Village Residential	Historic
Accessory Solar:	P	P	P	P	P	P/HDC
• Roof-Mounted	P	P	P	P	P	P/HDC
• Ground-Mounted <15 feet	P	P	P	SE	SE	SE/HDC
• Ground-Mounted >15 feet	SE	SE	SE	SE	SE	SE/HDC
Commercial Solar	SE/SPR	SE/SPR	SE/SPR	SE/SPR	SE/SPR	SE/SPR/HDC
LEGEND:	P = Permitted SE = Permitted by Special Exception from the ZBA SPR = Site Plan Review Approval from the Planning Board HDC = Approval from the Historic District Commission					

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30.4 GENERAL STANDARDS

- 30.4.1 All installations, regardless of type and location, require a building permit and an electrical inspection.
- 30.4.2 Ground-mounted systems may not be located closer than ten (10) feet from any property line. These systems are subject to applicable district height limitations, but not subject to lot coverage limitations.
- 30.4.3 All ground-mounted systems shall be reasonably screened from abutting properties and roadways.
- 30.4.4 The panels of a ground-mounted system are exempt from the impervious lot coverage calculation, although foundations to support them are not exempt.
- 30.4.5 Roof-mounted systems are exempt from setback requirements. Allowable height above the roof shall be governed by NFPA 70 (National Electrical Code).
- 30.4.6 For any commercial system, a performance guarantee may be required to cover any costs associated with dismantling an abandoned system.

Explanation: *The purpose of this amendment is to encourage energy-efficient patterns of development and to decrease dependence on fossil fuels by accommodating solar energy systems in appropriate locations while protecting the public health, safety and welfare. Consideration of the town's scenic views, historic properties, and rural character will be taken into consideration to minimize potential impacts.*
