

# Public Hearing Notice

## Proposed 2017 Zoning Amendments

On Monday December 12, 2015 at 6:30 PM, the Town of Newington Planning Board will conduct a public hearing on proposed 2017 amendments to the Town of Newington Zoning Ordinance. Proposed 2017 zoning amendments include:

- Accessory Dwelling Unit to comply with the new state requirement
- Article IX Signs in response to Reed v Gilbert, 2015
- Add a definition of Light Manufacturing
- Remove Hotel from a principal use permitted in the Office District (O), Article III, Section 2.

You can provide comments and testimony in person or submit a written statement to Mr. Denis Hebert, Chair, Newington Planning Board, Town of Newington, 205 Nimble Hill Road, Portsmouth, NH 03801 by December 22, 2016. A complete copy of the proposed zoning amendments is available on the Town website and at the Town Office.

If required, the Newington Planning Board will conduct a second public hearing on Monday January 9, 2017 at 6:30 PM at the Newington Town Office.

**3<sup>rd</sup> DRAFT --- ACCESSORY DWELLING UNITS (ADUs)**

**Authority.**

**NH RSA 674:71-73, Accessory Dwelling Units**

**Purpose.**

In accordance with NH RSA 674:71 – 73 this provision allows for the creation of an Accessory Dwelling Unit (ADU) as an accessory use to existing single-family detached dwellings.

**Definitions.**

Accessory dwelling unit (ADU) is a subordinate dwelling unit that is within or attached to a single-family dwelling and provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking and sanitation on the same parcel of land as the principal dwelling unit it accompanies. Every accessory dwelling unit shall be deemed a unit of workforce housing for purposes of satisfying the municipality's obligation under RSA 674:59.

**Designation.**

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

- A. A legal lot of record;
- B. Contains one existing single-family detached dwelling which is a conforming use;
- C. Contains no other accessory dwelling residence(s).

**Procedure.**

Each accessory dwelling unit shall require a building permit and an occupancy permit and meet the standards contained in the section below.

**Standards.**

A. New construction for an accessory dwelling unit shall comply with all the development standards for a single-family detached dwelling including, but not limited to, setbacks, height limits and shall not increase any nonconforming aspect of any existing structure.

B. The following standards shall also apply:

1. The maximum size of an ADU shall not exceed 1,000 sq. ft. area.
2. Both the ADU and the primary residence shall comply with the state Building Code and Fire Code regulations for construction, minimum living space, fire exits and smoke alarms.
3. An accessory dwelling shall not be considered to be an additional dwelling unit for the purposes of determining minimum lot size or development density of the property.

4. The main exterior entrances may not be on the same side of the building.
5. An interior door shall be provided between the principal dwelling unit and accessory dwelling unit. There is no requirement for said interior door to remain unlocked.
6. The architecture of the ADU shall match that of the primary residence.
7. One off-street parking space shall be provided in addition to those required for the primary residence for a minimum total of three.
8. There shall be no exterior stairway leading to the ADU on the front of the house.
9. There shall be no more than two bedrooms in an ADU.
10. The applicant shall make adequate provisions for water supply and sewage disposal in accordance with NH RSA 485-A: 38; however, separate utility connections are not required by the Town.
11. The owner of a property containing an accessory dwelling shall reside in either the principal or the accessory dwelling.
12. The structure and lot shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the principal single-family dwelling.
13. No more than four persons shall occupy an ADU.

Add the following definition of Manufacturing, Heavy and  
Manufacturing, Light to the Newington Zoning Ordinance (NZO)  
Article II Definitions Section 2 List of Definitions

Manufacturing, Heavy

Manufacturing, heavy refers to an activity that involves one or more characteristics such as large and heavy products; large and heavy equipment and facilities (such as heavy equipment, large machine tools, and huge buildings); or complex of numerous processes. Because of those factors, manufacturing heavy involves higher capital intensity than manufacturing, light does, and it is also often more heavily cyclical in investment and employment. Examples of heavy manufacturing include the manufacturing of automobile, mining, petroleum, and steel industries which require very large capital investment in weighty machinery and huge plants.

Light Manufacturing

Manufacturing, light refers to an activity that uses moderate amounts of partially processed materials to produce items of relatively high value per unit weight. Examples of light industries include the manufacturing of clothes, shoes, furniture, consumer electronics and home appliances. Conversely, industries such as shipbuilding would fall under heavy industry.

# Article XI - Signs

**SECTION 1 - Purpose & Intent:** The purpose of this article is to permit and regulate signs in a manner that protects the public and maximizes traffic safety; and enhances the aesthetic and visual environment of the Town; and protects the economic advantages enjoyed by Newington property owners, including property values advantages which rest to a great extent on the quality of the town's appearance. These purposes are consistent with the objectives of the Town's Master Plan.

**SECTION 2 - Sign Permit Required:** No sign, except those that are specifically exempted by the terms of this article, shall be erected without a *Sign Permit* issued by the Town Planner.

**SECTION 3 – Exempt Signs:** Signs that are erected, maintained or otherwise posted, owned or leased by the federal government, the State of New Hampshire or the Town of Newington or installed per the order of the Newington Selectmen or their agents are exempt from the requirements of this ordinance.

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**SECTION 43 - Dimensional Limits:** All signs, except those addressed in Section 5A and 5B of this article, shall adhere to the dimensional requirements set forth in Table XI-43. In determining the surface area of a free standing sign, *one* side of the sign shall be measured.

Table XI-43 - Dimensional Limits

		Commercial Zone	Office, Airport & All Industrial Zones	All Other Zones
<i>Free Standing Signs</i>	Maximum # of signs per lot	1	1	1
	Maximum sign area, per side	100 sf*	50sf*	2sf
	Maximum aggregate sign area, all sides	200sf	100sf	4sf
	Maximum height above grade	35'	20'	6'
<i>Attached Signs</i>	Maximum aggregate area			
	On building front	**	150sf	4sf
	On building sides & rear (each side)	75sf	25sf	4sf

\* 1.5 square feet of sign area allowed for every linear foot of building frontage, up to the maximum specified.

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\*\* 1 square foot of sign area allowed for every linear foot of building frontage of each individual business.

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**SECTION 5 - Other Permitted Signs:** In addition to the signs that are permitted by Section 43 of this article, each lot shall be allowed the Other and Temporary signs permitted by Tables XI-5A and 5B:

*Table XI-5A — Other Permitted Signs*

	Maximum # per lot	Maximum Area per Sign Face	Maximum Duration	Sign Permit Required
Entrance & Exit signs, no higher than 3' above grade	2 per driveway	4sf	no limit	yes
Directional Signs	no limit	4sf	no limit	yes
<del>Signs offering the premises for sale, rent or lease</del>	<del>1*</del>	<del>16sf</del>	<del>no limit</del>	<del>no</del>
<del>Contractor's sign</del>	<del>no limit</del>	<del>32sf</del>	<del>6 months**</del>	<del>no</del>
<del>Temporary sign</del>	<del>1*</del>	<del>32sf</del>	<del>2 months</del>	<del>yes</del>
<del>Yard Sale sign</del>	<del>1*</del>	<del>8sf</del>	<del>1 week</del>	<del>no</del>
<del>Signs endorsing candidates for political office</del>	<del>no limit</del>	<del>16sf</del>	<del>2 months</del>	<del>no</del>
<del>Signs for agricultural products grown or produced on the premises</del>	<del>no limit</del>	<del>16sf</del>	<del>no limit</del>	<del>no</del>
Special Event displays	1*	100sf	Discretion of Selectmen	yes
Signs installed per order of Selectmen for a public purpose	no limit	no limit	no limit	no

*Table XI-5B – Temporary Signs*

	Maximum # per lot	Maximum Area per Sign Face	Maximum Duration	Sign Permit Required
<del>Signs when offering the premises for sale, rent or lease or notice of open house</del>	<del>1*</del>	<del>16sf</del>	<del>6 months, subject to renewal</del>	<del>no</del>
<del>Signs when building or property has ongoing construction or renovation</del>	<del>no limit</del>	<del>32sf</del>	<del>6 months**</del>	<del>no</del>
<del>Sign when yard sale is planned</del>	<del>1*</del>	<del>8sf</del>	<del>1 week</del>	<del>no</del>
<del>Signs when an election is upcoming***</del>	<del>no limit</del>	<del>16sf</del>	<del>2 months</del>	<del>no</del>
<del>Signs when agricultural products grown or produced on the premises</del>	<del>no limit</del>	<del>16sf</del>	<del>no limit</del>	<del>no</del>
Special Event displays when signs are proposed	1*	100sf	Discretion of Selectmen	yes

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\* 2 signs shall be permitted on corner lots, but no more than 1 shall be permitted along each street frontage.

\*\* or the duration of the project, whichever is less.

\*\*\*Such signs shall comply with RSA 664:17.

**SECTION 65 - Setbacks:** All signs except *entrance & exit signs, directional signs, and yard sale signs* shall adhere to the minimum setbacks from property lines required by this ordinance of principal buildings, except that permitted signs for legal home businesses in the Residential Zone may be situated as close as twenty feet to the roadway pavement.

**SECTION 76 - Prohibited Signs & Devices, All Zoning Districts:** The following are prohibited:

**A** - Signs that are **animated, moving, flashing,** or signs that emit **noise**.

**B** - Rotating **beacons**.

**C** - **Off-Premise** signs.

**D** - Signs **painted on** or **attached to a vehicle or trailer** parked for the purpose of advertising or directing people to a business or activity.

**E** - Signs that, in the judgment of the Selectmen, **impede the view** of traffic, traffic safety signs, or traffic signals.

**F** - Signs that contain **pornographic** words or pictures.

**G** - Signs made of highly **combustible** materials.

**H** - Free standing signs that are **not permanently anchored** to the ground.

**I** - Attached signs which extend above the building's **parapet** or **eaves**.

**J** - Any sign or any sign location that is **not specifically permitted** by this article.

**SECTION 7 - Shielding:** Light directed toward signs shall be shielded in such a way that the source of said light is not visible three feet above grade at the lot line.

**SECTION 8 - Neon Lighting & Signs:** The secondary voltage of the transformer(s) shall not exceed 7,500 volts. All exterior mounted electric-discharge tubing shall be protected from the weather.

**SECTION 9 - Sign Maintenance:** Every sign shall be maintained in good structural condition at all times. The Selectmen or their designee shall have the authority to order the painting, repair, alteration or removal of any sign. Upon failure to comply with an order to repair or remove said sign within 30 days, the Selectmen are hereby authorized to cause the removal of said sign. All expenses associated with any such repair or removal shall be borne by the owner of the land upon which said sign is situated.

**SECTION 10 - Signs on Public Property:** The Selectmen shall immediately remove

from public property any unauthorized sign which does not comply with the terms of this ordinance.

**SECTION 11 - Abandoned Signs:** Abandoned signs are prohibited, and shall be removed by the land owner immediately. The advertisement of any subsequent business, product or service shall be restricted to signs which comply with the terms of this article.

**SECTION 12 - Non-Conforming Signs:** Signs legally in existence at the time of installation installed prior to January 1, 1993 and that do not conform to the standards set forth in this ordinance shall not be altered, enlarged, moved, or replaced, except in a manner that would bring the sign into conformance with the terms of this article, provided, however, nothing herein shall prevent any change in the message portion of any non-conforming sign.

**SECTION 13 - Sign Permit Expiration:** If the work authorized under a sign permit has not been completed within six months after the date of issuance, said permit shall become null and void.

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## **NZO Article III, Section 2 Office (O) District**

Remove hotel as a Use permitted in the Office Zone

### **SECTION 2 - Office District "O"**

**A - Purpose:** The *Office District* is a zone in which the principal use of the land is office buildings, research & development facilities, and light manufacturing. It is the intent of the ordinance to encourage the provision of safe and convenient pedestrian access between the district's office buildings and nearby restaurants. The intent is also to encourage the development of facilities which:

- 1) provide high wage job opportunities,
- 2) demand relatively few municipal services,
- 3) provide reasonable economic returns for property owners,
- 4) maximize the size of Newington's tax base,
- 5) present an attractive, cohesive, and well landscaped appearance, thus enhancing the economic potential of the district,
- 6) are well suited for mass transit and other alternatives to single occupancy motor vehicles, so as to not unduly exacerbate Newington's air pollution, traffic congestion, and traffic safety problems.

#### **B - Principal Uses Permitted:**

- (1) offices, research & development facilities, biotech facilities, light manufacturing, warehouses, medical clinics, veterinary hospitals, ~~and hotels of 3 stories or higher.~~
- (2) light manufacturing, providing that it does not cause excessive noise, vibrations, smoke, gas, fumes, odor, dust fire hazard, pollution, or conditions detrimental to the health, safety, or welfare of the community.

#### **C - Accessory Uses Permitted:**

- (1) Daycare facilities
- (2) Non-public dining facilities that occupy no more than 10% of the floor area of the building in which they are situated.