

TOWN OF NEW BOSTON
New Boston Planning Board

Proposed Amendments
to the
Town of New Boston Zoning Ordinance
for Consideration
at the
Ballot Vote of March 8, 2011

**THE FOLLOWING ARE THE CHANGES AND
ADDITIONS TO THE PROPOSED AMENDMENTS
TO THE ZONING ORDINANCE AS EFFECTED AT
THE FIRST PUBLIC HEARING ON 12/28/10.
ADDITIONS ARE IN *BOLD ITALIC TYPE*.
DELETIONS ARE IN STRIKETHROUGH TYPE.**

AMENDMENTS TO THE ZONING ORDINANCE

~~Proposed Amendment #1.~~

~~ARTICLE II ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS~~

~~Section 204.4 "R-A" Residential & Agricultural~~

~~Add a new sentence to the end of the Objective and Characteristics paragraph, so that the paragraph reads as follows (proposed text in bold underlined italics):~~

~~"Objective and Characteristics~~

~~This district provides for low density, rural living for permanent residents and an opportunity for seasonal residents to have a second home in the country. Types of factors limiting development are the remoteness from the town center, poor town roads often difficult to travel on during the spring, and large areas not suitable for on-site sewage disposal. Therefore in support of the overall goal of preserving the rural character of New Boston, there shall be one principal building and one principal use of the land and building in this district, with accessory and subordinate uses as is customarily related to the principal use of the land and building. *Provided, however, that commercial agricultural uses that are not part of a farm may be conducted on land in the Residential and Agricultural district, upon which a one or two family dwelling exists provided they get a Special Exception from the Zoning Board of Adjustment in*~~

accordance with Section 206 below, and, if granted, a site plan review by the Planning Board."

Proposed Amendment #2 1.

ARTICLE II: ESTABLISHMENT OF DISTRICTS AND DISTRICT REGULATIONS

Section 204.4 "R-A" Residential & Agricultural

Add a new #14 "Accessory Dwelling Unit" to the list of Permitted Uses in the Table and delete #9 "Accessory Dwelling Unit" from the list of Special Exception uses.

Proposed Amendment #3 2.

ARTICLE III GENERAL PROVISIONS

Section 314 Off-Street Parking

Delete the existing Off-Street Parking section and replace it with the following language:

Section 314 Off-Street Parking

Off-street parking shall be provided on the same lot as the use and/or building it is to serve in accordance with the standards of the Non-Residential Site Plan Review Regulations of the Town of New Boston whenever any new use and/or building is established or any existing use and/or building is enlarged or expanded. All parking areas shall be prohibited within the entire required minimum front yard area and within the first 50% of the required minimum side and rear yard areas for any district, with the exception of one or two-family dwellings that do not have non-residential uses occurring therein.

Each residential use shall have a minimum of two parking spaces per dwelling unit.

Except as otherwise provided within this Ordinance, the Planning Board is authorized, through the Non-Residential Site Plan Review Regulations of the Town of New Boston, to adopt and administer regulations regarding parking standards for all uses of land.

Proposed Amendment #4 3.

ARTICLE III GENERAL PROVISIONS

Section 318 Signs

Delete existing Section 318 in its entirety and replace with the following Section 318:

Section 318 Signs

Section 318.1 Purpose

The Town of New Boston recognizes that signs must serve many purposes: they promote safety by providing directional information; they allow business owners to advertise their products or services; they publicize community events; they identify locations; they may be temporary, seasonal or permanent. Careless design and siting of signs can create confusion and distraction for drivers and pedestrians and produce visual clutter that detracts from the appearance of the community.

This ordinance is intended to provide uniform regulations for the installation and use of signs in the Town of New Boston, while protecting the health, safety and welfare of the public, providing adequate business identification and advertising, and, maintaining and enhancing the appearance, aesthetics and traditional character of New Boston while preserving and maintaining a rural quality of life.

Section 318.2 Definitions

Normal grade: Normal grade shall be used as reference for sign height. Normal grade shall mean the grade prior to construction or the established grade after construction exclusive of filling, mounding or excavation solely for the purpose of locating the sign.

Permanent sign: A sign displayed permanently for those purposes listed in Section 318.1 above.

Seasonal sign: A sign displayed only during the typical selling season of the item or service provided.

Sign: Any device having a display surface on one or both sides designed to inform or attract the attention of persons not on the premises on which the sign is located.

The following shall not be included in the application of the regulation herein:

- A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises.
- B. Flags and insignia of any government except when displayed in connection with commercial promotion.

- C. Legal notices, identification, informational or directional signs erected as required by governmental bodies.
- D. Signs directing and guiding traffic and parking on private property, but bearing no advertising, warning signs such as "No Hunting", and "No Trespassing".
- E. Historic reference signs not exceeding six square feet indicating only the date and name of the building.

Temporary sign: A sign that is used for a specific circumstance, situation or event intended or expected to take place or be completed within a short or definite period of time and which will be up for not more than thirty (30) days of fulfilling its function.

Section 318.3 General Requirements for Signs

A. Permit Required

A permit shall be required for all signs except those listed in Section 318.6, Regulated Signs not Requiring a Permit.

B. Permit Procedure

1. An application form, provided by the Building Department, and completed and signed by the owner and/or applicant, shall be submitted to the Building Department, along with the following information and any such other information pertaining to the proposed sign(s) as the Building Inspector/ Code Enforcement Officer may reasonably require:
 - a. the fee as specified by the Building Department in its published list of permit fees.
 - b. a plan/sketch of the proposed sign(s) and building, as applicable, drawn to scale, that includes:
 - i) the total square footage of the proposed sign(s);
 - ii) the proposed support structure of the proposed sign(s);
 - iii) the height, setback and location on the property of the proposed sign(s);
 - iv) the relationship of the proposed sign(s) to other signs on the property, if any;
 - v) photographs of any existing signs;
 - vi) the proposed materials of the sign(s);
 - vii) any other design information, including, but not limited to, proposed illumination.
2. Approval. The Building Inspector/Code Enforcement Officer shall notify the owner/applicant, in writing, within 30 (thirty) working days after the receipt of all required

information of the approval or disapproval of the application. The sign authorized under a sign permit must be erected within 12 (twelve) months from the date of approval or the permit shall be null and void, unless the permit is renewed. The owner/applicant shall notify the Building Inspector/Code Enforcement Officer once the sign is installed for an inspection to verify conformity to the application.

C. Permanent Signs

All permanent signs shall be constructed of durable materials and shall be maintained in good condition and repair at all times.

D. Prohibited Signs

The following signs are prohibited:

Internally illuminated signs;

Signs which are animated, flashing, or with intermittent illumination;

Signs with more than two (2) faces;

Roof signs; and,

Signs that are attached to or are an intrinsic part of an awning.

E. Externally Illuminated Signs

Externally illuminated signs are permitted in all districts.

Externally illuminated signs shall be shielded in such a way as to produce no glare, undue distraction, confusion or hazard to the surrounding area or to vehicular traffic. Illumination shall be focused upon the sign itself.

F. Sign Calculations

The area of a sign shall be determined by the shape of the surface upon which lettering, numbers, designs, pictures and/or borders are applied or displayed. The mathematical formula for area will be used that represents the closest geometrical shape of the sign surface.

Exception: Street/address numbers may be displayed and shall not be included in the calculation of sign area, when displayed outside the primary sign area.

G. Building Code Compliance

Structural aspects of signs shall comply with the adopted International Building Code.

Electrical connections, wiring and related equipment shall comply with the adopted National Electrical Code.

The Building Inspector may require review by a design professional of any permanent sign for structural stability.

H. Real Estate Development Signs

Real Estate Development Signs may be placed on a lot to advertise building lots or real estate units for sale or lease. The sign may be no larger than 12 square feet per face, shall be constructed of durable materials and shall be maintained in good condition and repair at all times. Signs are to meet the property line setbacks and height restrictions for the zoning district within which the development is located. The sign shall be removed within 30 days of meeting its purpose.

I. Special Events

Special Events signs are those intended to advertise an event that is not a normally scheduled function of the business or other location at which the event will take place. This may include, but not be limited to, open houses, pig roasts, tent sales, and so on.

Understanding the need for attracting attention to the event, there is no limit on the size of such a sign. However, it is the intent of this section that the sign size be reasonable and the Building Inspector/Code Enforcement Official shall make the final determination as to the size allowed. The sign shall not be displayed for more than 30 days.

Special Events for bona fide non profit organizations are discussed in Section 318.6.

J. Maintenance

Any sign which becomes in disrepair shall be removed upon order of the Building Inspector/Code Enforcement Official if not repaired after 30 days notice.

K. Property of Others

No sign shall be placed upon private property of others, or property of the Town of New Boston or State of NH or within State or Town rights-of-way without written permission. (See Section 318.7, for further details regarding signs on Town owned property.)

L. Preexisting/Permitted Signs

Any legally established and permitted sign, as of the date of adoption of this ordinance (March 8, 2011), may remain in use until such time the sign is moved or altered. For purposes of this section, altered shall mean a change to any part of the sign regulated by this ordinance, including, but not limited to, size, height and location.

A sign permit runs with the land and is not specific to the landowner.

Section 318.4 Signs in Residential Districts

- A. In any residential district, a sign is permitted up to six square feet per face which announces the name, address, phone number and/or website, or professional or home business of the occupant of the premises on which said sign is located. One off-site sign is allowed with the written permission from the landowner and the Board of Selectmen.
- B. Signs shall not be greater than 8 feet high measured from the base of the sign at normal grade to the top of the highest attached component of the sign.
- C. The closest portion of the sign to any side and rear property line shall be no closer than 15 feet. The closest portion of a sign may be placed no closer to the road than the Town's right-of-way. In addition to the specified setback, signs shall also meet the State's setback requirements on State roads.
- D. No sign shall obstruct visibility of other signs, driveways or intersections.

Section 318.5 Signs in the Commercial and Industrial Districts

In any commercial or industrial district, a business sign shall be permitted in connection with any legal business or industry located on the same premises and meeting the following requirements:

- A. Each lot shall have a maximum of 100 square feet of signage; all visible sign faces included.

1. One free standing sign shall be permitted to be a maximum of 70 square feet. The 70 square feet includes both faces.
 2. A maximum of 30 square feet may be used for all wall signs and/or portable "A" frame signs.
 3. Lots with three or more legally established businesses thereon may utilize an additional 30 square feet for wall signs.
 4. Buildings on corner lots may have wall signs on both walls facing the street, however, the size of the wall signs shall remain within the allowable maximum square footage for signage for the lot.
- B. Signs shall not be greater than 15 feet high measured from the base of the sign at normal grade to the top of the highest attached component of the sign.
- C. Setbacks from property lines will be 15 feet from side and rear. The front setback will be determined with regards to safety, road maintenance and other applicable easements by the Building Inspector/Code Enforcement Official. In addition to the specified setbacks, signs shall also meet the State's setback requirements on State roads.
- D. Signs shall not project over public rights-of-way or property lines except that in commercial districts signs may project over the sidewalks up to a vertical line from a point one foot from the curb providing the signs are at least 10 feet above the sidewalk.
- E. Interior Window Signs
- Internally illuminated signs displayed from the interior of a window are prohibited.
- Exception: An "OPEN" sign not greater than 425 square inches may be displayed from the interior of a window.
- F. Manual Changeable Readerboard Signs
- Any manual changeable readerboard sign area shall be included in the calculation of the total square footage of allowable sign area for the lot.
- "A" Frame signs may be displayed during business hours only.

- G. No sign shall obstruct visibility of other signs, driveways or intersections.

Section 318.6 Regulated Signs not Requiring a Permit

A. Bulletin Boards

A bulletin board not exceeding 24 square feet per face is allowed in connection with any church, school, or similar public structure.

B. Political Signs

Political signs shall be allowed in accordance with state legislation, RSA 664:17.

C. Temporary Signs

A temporary agricultural products or construction sign is allowed that shall not exceed 12 square feet per face. Such a sign shall be removed within 30 days of fulfilling its function.

D. Real Estate Signs

Real estate signs are permitted on the property being sold, leased or developed. Such sign shall be removed within 30 days of fulfilling its function and shall not exceed 12 square feet per face. (This does not apply to real estate development related signs as described in Section 318.3,H.)

E. Special Event Signs for Non-Profit Organizations

Signs for special events such as fund raising events for bona fide non-profit organizations (Example: IRS Code 501(c)(3)) shall be displayed for no more than 30 days. Off-site signs are allowed with the written permission from the landowner and the Board of Selectmen.

Understanding the need for attracting attention to the event, there is no limit on the size of such a sign. However, it is the intent of this section that the sign size be reasonable and the Building Inspector/Code Enforcement Official shall make the final determination as to the size allowed.

F. Seasonal Signs

Seasonal signs are those that are displayed for sales or functions that are limited by a season of the year such as the

sale of agricultural products. Such signs may be displayed for a maximum of 90 days and shall not exceed 12 square feet per face.

Section 318.7 Signs on Town Owned Property

The Board of Selectmen regulates signs on Town of New Boston owned property and has adopted a ordinance for that purpose, "Temporary Signs on Town Owned Property", Approved July 11, 2005, and as amended.

Proposed Amendment #5 4.

ARTICLE VI DEFINITIONS

Section 602 Term Definitions

~~Amend the definition of Sign by adding the words: ", warning signs such as "No Hunting" and "No Trespassing"." to the end of subsection D. and adding a new subsection E. so that the definition reads as follows:~~

~~"Sign: Any device having a display surface on one or both sides designed to inform or attract the attention of persons not on the premises on which the sign is located.~~

~~The following shall not be included in the application of the regulation herein:~~

- ~~A. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants of premises, or other identification of premises.~~
- ~~B. Flags and insignia of any government except when displayed in connection with commercial promotion.~~
- ~~C. Legal notices, identification, informational or directional signs erected as required by governmental bodies.~~
- ~~D. Signs directing and guiding traffic and parking on private property, but bearing no advertising, warning signs such as "No Hunting", and "No Trespassing".~~
- ~~E. Historic reference signs not exceeding six square feet indicating only the date and name of the building."~~

Amend the definition of Sign by deleting the current definition and replacing it with the following:

"Sign: Signs shall be defined as in Section 318 of this Ordinance."

Amend the definition of Structure by adding the words: "signs as described in Section 318 of this Ordinance," to the third sentence of the definition so the definition reads as follows: "Structure: Anything constructed or erected which requires a location on the ground, or an attachment to something having a location on the ground. Structure includes, but is not limited to a building, swimming pool and associated barrier/fence, manufactured home, billboard, or poster panel. It shall not include a minor installation such as a fence six feet or less in height, signs as described in Section 318 of this Ordinance, mail box, flagpole or accessory building of 100 square feet or less."

This proposed amendment shall be contingent upon successful passage of the proposed amendment to Section 318, Signs.

12/29/10

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